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**THE EUROPEAN UNION AS A GLOBAL ACTOR**  
**ADDRESSING THE CHALLENGE OF**  
**CONTESTED STATES**

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## ABSTRACT

The respect of state sovereignty and the non-interference in domestic affairs of third countries is a guarantee of avoiding conflicts between neighboring countries. However, in the course of history, through wars, borders have dramatically changed, and new entities have emerged, some of which retained their independence while others were annexed to stronger states. Nowadays, there are 193 states recognized by the United Nations and 16 unrecognized states. A considerable number of entities with internationally contested sovereignty are located in the broader EU neighborhood and emerged from the breakup of Yugoslavia and the dissolution of the USSR. Krasner, who introduced the concept of problematic sovereignty, considers that the term sovereignty is linked to the existence of autonomous local government structures, the exercise of effective control on the national territory, the ability to control cross-border activities, and international legal recognition. When one or more features sovereignty is missing it is assumed that sovereignty is problematic. Therefore, the notion of contested statehood encompasses not only the lack of international recognition but also the capacity of the states to exercise authority and control over the whole or part of their territory. As a general rule, the international community confronts, the creation of new states, with distrust and caution, perceiving them as a potential challenge to the international order, especially in those cases with increased geopolitical interest

The research examines how much differentiated and efficient is the EU's approach to concerns the challenges of the contested statehood. The present dissertation examines the EU's policy towards Kosovo and Georgia in the period 1997-2017. Kosovo, which proclaimed itself an independent state in 2008, faces external contested sovereignty. While Georgia, which has been a member of the UN since 1991, faces internal contested sovereignty over its sovereignty due to the secession of Abkhazia and South Ossetia. The EU supports both countries in consolidating peace and in building a modern state with political and economic means. However, the EU has adapted its interventions to the realities and conditions prevailing in each country. Kosovo has the prospect of becoming a member of the EU. Georgia is a country of Eastern European neighbors without the prospect of joining the EU. As a general appreciation, the EU has helped not only in the reform of both countries but has also helped with its diplomatic activities to mitigate tension, to avoid warfare, and to engage in dialogue among the opposing parties. In conclusion and despite the limitations imposed by geopolitics, the EU has succeeded in strengthening its credibility as a significant global player by constructively intervening in conflict resolution and restoration of peace.

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## LIST OF ABBREVIATIONS

<b>AA</b>	Accession Agreement
<b>AP</b>	Accession Partnership
<b>BEURO</b>	Billion EURO
<b>CEC</b>	Commission of the European Communities
<b>CEE</b>	Central and East European
<b>CEFTA</b>	Central Europe Free Trade Agreement
<b>CFSP</b>	Common Foreign and Security Policy
<b>CIS</b>	Commonwealth of Independent States
<b>CSDP</b>	Common Security and Defense Policy
<b>CSFP</b>	Common Foreign and Security Policy
<b>CoE</b>	Council of Europe
<b>COMECON</b>	Council for Mutual Economic of Assistance
<b>COREPER</b>	Committee of Permanent Representatives
<b>CSP</b>	Country Strategy Paper
<b>DCP</b>	Draft Common Position
<b>DG</b>	Directorate General
<b>EA</b>	Europe Agreement
<b>EAR</b>	European Agency for Reconstruction
<b>EBRD</b>	European Bank for Reconstruction and Development
<b>EC</b>	European Commission
<b>ECOFIN</b>	Council of Economics and Finance Ministers
<b>ECOSOC</b>	Economic and Social Committee of the European Union
<b>ECHO</b>	European Commission Humanitarian Office

<b>EIDHR</b>	European Initiative for Democracy Human Rights
<b>EDA</b>	European Defense Agency
<b>EEAS</b>	European External Action Service
<b>EFTA</b>	European Free Trade Area
<b>EMU</b>	Economic and Monetary Union
<b>ENP</b>	European Neighborhood Policy
<b>ENPI</b>	European Neighborhood and Partnership Instrument
<b>ESDP</b>	European Security and Defense Policy
<b>EPC</b>	European Political Committee
<b>EU</b>	European Union
<b>EULEX</b>	European Union Rule of Law in Kosovo
<b>EUMC</b>	European Union Military Committee
<b>EUMM</b>	European Union Monitoring Mission
<b>EUMS</b>	European Union Military Staff
<b>EUPT</b>	European Union Planning Team
<b>EUSR</b>	European Union Special Representative
<b>EUISS</b>	European Union Institute for Security Studies
<b>FDI</b>	Foreign Direct Investment
<b>FMP</b>	Free Movement of Persons
<b>FRY</b>	Former Republic of Yugoslavia
<b>GID</b>	Geneva International Discussions
<b>GOF</b>	Global Opportunities Fund of the UK Foreign and Commonwealth Office
<b>GDP</b>	Gross Domestic Product
<b>HQ</b>	Headquarters
<b>HR</b>	EU High Representative for Foreign & Security Affairs

<b>ICTY</b>	International Criminal Tribunal of Yugoslavia
<b>IFI</b>	International Financial Institution
<b>IGC</b>	Intergovernmental conference
<b>IMF</b>	International Monetary Fund
<b>IPA</b>	Instrument for Pre-accession Assistance
<b>IR</b>	International Relations
<b>ISP</b>	Indicative Strategy Paper
<b>JHA</b>	Justice and Home Affairs
<b>JPKF</b>	Joint Peace Keeping Forces
<b>IPRM</b>	Incident Prevention and Response Mechanism
<b>INOGATE</b>	Nongovernmental organization
<b>KFOR</b>	Kosovo Protection Force
<b>KLA</b>	Kosovo Liberation Army
<b>KVM</b>	Kosovo Verification Mission
<b>MEURO</b>	Million EURO
<b>MFA</b>	Ministry of Foreign Affairs
<b>MS</b>	Member States
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Non-Governmental Organization
<b>NIF</b>	Neighborhood Investment Facility
<b>NPAA</b>	National Program for Adoption of the Acquis

<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>PSC</b>	Political and Security Committee
<b>SAA</b>	Stabilization and Accession Agreement
<b>SAP</b>	Stabilization and Accession Process
<b>SBI</b>	Stabilization Building Intervention
<b>SFRY</b>	Social Federal Republic of Yugoslavia
<b>STM</b>	Stabilization Tracking Mechanism
<b>TACIS</b>	Technical Assistance to the Commonwealth of Independent States
<b>TEU</b>	Treaty of the European Union
<b>UCK (KLA)</b>	Kosovo Liberation Army
<b>UN</b>	United Nations
<b>UNMIK</b>	United Nations Interim Administration Mission in Kosovo
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNOMIG</b>	United Nations Observer Mission to Georgia



## INTRODUCTION

The European Union is a regional union of states with particular characteristics. As concerns EU external relations and foreign policy, despite the great effort made to ensure the establishment of an authentic foreign policy, the member states have virtually failed to do so, due to their divergent interests and national preferences. It is worth mentioning that, although the Council must vote unanimously on issues that the Member States consider sensitive, such as the common foreign and security policy, the opinion of the stronger states usually is prevalent, and *realpolitik* is leading the way.

The EU is a powerful economic global actor and seems to assemble and combine with a unique way the characteristics of civilian, normative, military, and political power. As a civilian power, the EU adopts the identity of peace-maker. As a normative power, the EU attempts to project its own “normalness,” as expressed in rules and standards “in order to influence political processes in its border regions and beyond” (Lucarelli and Manners, 2006, cited in Visoka and Doyle, 2016, p.865). As a military power, the EU is self-limited in defense and protection, as well as in conflict management and resolution in its neighborhood. In the continuous geopolitical power and influence exercise, the EU appears as a moderate force, using dialogue and cooperation on conflict resolution and crisis management. In this context, as a political power, the EU undertakes mediation and provides economical & technical assistance

The EU opts for preventive action. Therefore, the EU involvement in foreign affairs pertains to a mix of policies and instruments aimed at peace-building, crisis management, conflict prevention, and development aid; they create prerequisites for closer cooperation and possible integration into EU, subject to conditions (European Commission, 2003, p. 1). The EU involved in conflicts through humanitarian concerns, geopolitics, commitment to the alliance, and external pressings and expectations for action. However, the EU avoids undertaking military action in its neighborhood, although some EU member states participate in military campaigns around the world.

The EU's very nature offers a marked potential to contribute to conflict resolution, yet it also implies the actual conduct of the EU in this field (Tocci, 2007, p.176). Hence, “the EU peace support agenda primarily focuses on the importance of remaking security structures, building state institutions, liberalizing the economy, promoting civil society and the rule of law” (Blockmans et al., 2010 cited in Visoka & Doyle, 2016, p.864). The Lisbon Treaty has produced new dynamics of interaction among crisis management actors in the framework of the EU institutions, in particular within the European External Action Service (EEAS).

The EU disposes of better than any other mechanism and the requisite political skills to address the challenges in its neighborhood.

The EU intervention in conflict resolution varies and is full of contradictions, sometimes giving the impression that coherence and strategic vision are missing. Although the EU has declared a clear determination to contribute to conflict resolution in its neighborhood, in some conflicts, the EU chooses to intervene and in others, keeps distance. Even when the EU intervenes, in some cases, it takes a leading role and in other cases, holds a moderate attitude. A reasonable explanation could have been that the EU aims to avoid confrontation with big global players such as Russia and the US when they intervene to influence the conflict dynamics through first mediation and by giving support to their “protégé” party. Nevertheless, the EU’s relative inability to participate in the balance of power logic could be considered as a “comparative advantage” (Tocci, 2007, p.177), since the EU mediation, finally, is thought to be more unbiased and welcomed.

## **1. Research Question**

The member states of the European Union, acting upon its founding principles, have never contested each other’s boundaries. Notwithstanding, conflicts over territorial sovereignty and international recognition broke out in the EU close neighborhood and near abroad, in the early ’90s. Boundaries have dramatically changed, and de facto states emerged after bloody ethnic confrontations (Western Balkans and South Caucasus). Nowadays, some of these countries, such as Kosovo remain not universally recognized by the international community. The notion of contested statehood has a broader significance, encompassing not only the lack of international recognition for new states created after secession but also their capacity to exercise authority and effective control over the whole or part of its territory. Unrecognized states are considered, not unreasonably, to be sources of constant tension and threaten the balance of the international system, especially when the geopolitical interest is pronounced. Unrecognized states are often described as havens for warlords, mercenaries, smugglers, and profiteers; as environments conducive to violence and crime (Caspersen and Stansfield, 2011, p.75). Lack of recognition and uncertainty over status reinforces the tendency to define the country in ethnic terms and undercuts the proclaimed adherence to liberal democracy (Caspersen and Stansfield, 2011, p.75). Therefore, their security, stability, and prosperity could affect in principle neighboring states. In this context, mainly due to its geographical proximity, the EU, in cooperation with other actors of the international community, was challenged to undertake the onerous task to help these new entities in securing their integrity and stability.

The present thesis aims to address the question if the EU, as a global power, has mechanisms and appropriate political skills to face up the challenges presented in countries with contested statehood. This general research objective is compounded by several specific research questions as follows:

How effective has been the EU's intervention in countries with contested statehood? Have the EU's policies been adequate and successful? Have the subsequent events in these states vindicated the European Union's interventions? Does the role of peacemaker and state-builder fit well to the EU? To what extent are the interventions of the EU affected by historical facts, the socio-economic and political conditions within the country concerned, as well as the geopolitical interests of individual EU member states?

Since the impact of EU's integrated intervention on contested states remains still a research concern, the aim of the present research is to focus on two specific cases (Kosovo and Georgia) and to examine how supportive and effective has been the EU's presence and contribution as a global actor in countries with contested statehood, focusing mostly on the period following the entry into force of the Amsterdam Treaty.

What particularities did these countries have? Has the EU's approach been differentiated and in which aspect? Was the toolkit (institutions and programs) used by EU adequate and effective? Was there any problem of coordination between actions of the EU and actions undertaken by the other states members of the international community?

## **2. Theoretical Premises**

Due to the complexity of the EU polity, Karen Smith argues that no single theory can explain the EU foreign policy-making (2004.p.12) Holland points out that in order to respond to different theoretical questions as well as to explain different empirical facts, different appropriate approaches are needed (cited in Smith, 2004, p. 12). The overwhelming majority of the existing bibliography on EU foreign policy provide empirical and factual accounts on what EU foreign policy is and how it operates rather than try to theorize the EU foreign policy' comprehensively (White, 2000; Nuttal, 2000; Smith, K. 2003; Smith, M. 2003; Knodt and Princen, 2004; Mahncke, 2004; Cameron, 2006; Casarini et al, 2007; Ginsberg, 2007; Popescu, 2009, p. 49).

Moreover, the institutional separation between supranational and intergovernmental areas of EU foreign policy decision-making further complicates the EU's foreign policy theory. EU foreign policy is a

rather new policy and has been less theorized than EU integration. However, greater integration required greater cooperation even in areas where states wanted to preserve their right of initiative, such as foreign policy. Ensuring the values and principles of the EU in a changing world and addressing the challenges and new threats have led to the establishment and institutionalization of the common foreign and security policy and the common security policy. As regards the secessionist conflicts in its neighborhood, EU prefers to intervene through a low policy to resolve peace by helping to build state and giving a perspective for future EU membership or closer cooperation.

For the present dissertation, we elicit elements from the mainstream European integration theories to explain the EU role as a global actor and the way the EU intervenes in conflict resolution and peacebuilding. The theories of European integration grew out of the International Relations school of thought, and later as integration progressed new theories have developed to try and explain the governance of the EU (Pollack, 2001, p. 221). Nevertheless, the process of European integration remains a puzzle for integration theorists because it is still ongoing, and the integration of this nature has never occurred before (Puchala, 1999, p.317).

A detailed bibliographic study was carried out, on the scientific work of representatives of different IR Schools (Waltz,1979; Nye,2011; Keohane, 2011; Krasner (ed), 2001; and Strange,1996) and we mainly dealt with the work of contemporary scholars of international relations who have focused their study on the international role of the European Union (Dûchene,1973; Manners,2002, Tocci (ed), 2008; Stansfield,2011; Maull, 2005; Moravcsik,2009; Lavenex,2004; Lavenex & Schimmelfennig,2009, Smith-Windsor,2000; Hill,2003; Björkdahl, 2002; Laidi,2008; Sjursen,2005; Wilson,2008; Whitman, Ojanen,2006; Blockmans,2007& 2017 Simon,2013; Visoka & Doyle,2016, Nutcheva,2009 and Zielonka,2008). As concerns, the existing literature on conflict resolution is predominantly empirical. Although some academics resort to middle-range theories to conceptualize the EU role in conflict resolution,<sup>1</sup> (Hill,2002; Tocci, Barbé and Kienzle, Papadimitriou et al., Hughes,2012; Hameiri,2010; Lucarelli & Fioramonti,2010; Malešević,2012; Gross,2009; Kyris,2014; Keukeleire,2009) these studies do not provide a theoretical framework for understanding the EU involvement in conflicts more generally (Popescu,2009,p.21).

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<sup>1</sup> “Middle range theories are those which are located between significant, but necessary working hypotheses made during everyday research and the most general, consequent attempts developing homogenous theory, thanks to which it is possible to explain rules noticeable in behaviors, organizations and social change”(Merton,1982,p.66,cited by Sielski,2007,p.176))

Under which conditions, the EU decides to get involved and act in conflicts? For this assessment, we will use the lens of leading schools of thought for EU integration: Neofunctionalism, Liberal Intergovernmentalism, and New Institutionalism.

According to neo-functionalism, integration is achieved through “spillover” Spillover occurs when integration into an area is a precondition for integration into an interrelated policy area. Spillover can take different forms: functional, political, and cultivated Functional spillover is based on economics, where the sectors of the economy are so interrelated that it is impossible to deal with them individually. Political spillover occurs when those with political responsibility in the Member States are convinced that they can transfer their political activities to a new center at a supranational level that can fulfill their expectations for solving their domestic problems (Haas 1968 on Rosamond, 2000, p.67). The cultivated diffusion is defined by the role played by the supranational institutions in providing "integrated initiatives" to increase the pace and the integration sectors (Chrisochou, Tsinisazelis, Stavridis, Iphantis, 2003, p.22).

Liberal Intergovernmentalism seeks to decode the process of European integration by explaining it as “the converging national interests of states.” Moravcsik & Schimmelfennig ( 2009,p 71 & p.84) argue that the Liberal Intergovernmentalism not only treats the EU as a unique activity but is also open to dialogue and synthesis of rationalist theories and shares elements of traditional intergovernmental and neo-functional thinking on the EU. Liberal Intergovernmentalism is based on two assumptions about politics, first is that states are actors, and second is that states are “rational.” Therefore, any co-operation agreement between states arises, through intergovernmental negotiation, as a result of a combination of interdependent rational choices that satisfy all sides (Moravcsik & Schimmelfennig,2009, p.68).

Liberal Intergovernmentalism acknowledges that the EU member states are “masters of the treaty and continue to pre-empt decisions on making power and political legitimacy” (Popescu, 2009, p.24). As a general rule, big member states have a more significant influence on the determination of any EU involvement and can impose their view of the action. There are also states that vigorously defend their interests and insist on their positions, going contrary to the overwhelming majority. Since EU foreign policy decision-making is intergovernmental, the reluctant EU member states (irrespective their size) have considerable bargaining power and can reduce the EU engagement to the lowest common denominator. As concerns EU institutions, they cannot in practice play an independent role in this process, because member states keep institutions under surveillance, through their embassies in the countries affected by the conflict and their permanent representatives in Brussels (Popescu,2009, p.24). Therefore, the EU institutions, usually, cannot go beyond the lowest denominator.

Institutional Theory has a different approach. "Its basic assumptions are defined as follows: 1) Reality is socially constructed, 2) Organizations are the materialization of institutions, and 3) organizations have similar structures and practices because they seek legitimacy" (Carvalho, 2017, p.251). In particular, New institutionalism is not a single theory, but rather a set of approaches, each of which looks at institutions differently. Bell (2011, p.883) argues that for all versions of institutionalism, the "institutions matter because they shape the choices, behavior and even the interests and identities of agents." Because the three established approaches of the New Institutionalism (Historical Institutionalism, Political institutionalism, and Sociological Institutionalism) have adopted a rather "deterministic view" about the extent to which institutions shape agents, they have been criticized that their institutional environment constrains them and they are unable to explain the institutional change (Bell, 2011, p.883).

Since 2000, a new approach, the Constructivist Institutionalism was presented by some authors as a more dynamic approach to explaining the institutional change adequately. Historical Institutionalists focus on the way that member states' decisions both within and about institutions create conditions that can constrain their future behavior. Critical concepts in Historical Institutionalism are path dependency and unintended consequences. Path dependency refers to the restrictions set by previous decisions. The unintended consequences are the results of developments not predicted (Pierson and Skocpol 2002, cited in Amenta & Ramsey, 2010, p.15). Sociological Institutionalists introduced the notion of logic appropriateness, which posits that individuals in specific situations have specific behaviors because they believe that any other behavior is unthinkable (Scott, 2001, p.57). Political institutionalism has a similar approach to study as the historical institutionalism, but precedes it and is the central theoretical element within it. Political Institutionalism was a response to previously dominant treatments of politics that provided one-dimensional views of states and other organizations (Amenta & Ramsey, 2010, p.16). In contrast to sociological institutions; political institutionalism does not focus on policy convergence between countries but a long-term basis institutional differences between countries.

The fundamental similarity in all institutional theoretical requirements is that something specified at a higher level is used to explain the processes and results at a lower level of analysis (Amenta & Ramsey, 2010, p.15). Institutions usually have problems in the interpretation of social and political changes, especially in their institutions, and often use of allegations of extraordinary and unforeseen crises or the actions of various actors (Amenta & Ramsey, 2010, p.15). While institutionalist theories recognize the importance of EU Member States in shaping EU foreign policy, the EU institutions have different autonomy and can play an independent role in the process. In general, the EU institutions are seeking to

expand their capacities, relevance and activities The EU institutions also use external incentives or crises to strengthen their requirements vis-à-vis the EU Member States for policy action at the EU level .

All these previously mentioned theoretical approaches could elucidate specific aspects of EU intervention into post-Cold War conflicts. Taking into account that the EU foreign policy analysis is based on real facts, the dissertation aims to identify which is the determinant factor in decision-making on conflict resolution and how effective the EU interventions are in countries with contested statehood. For this purpose, we will analyze the cases of EU involvement in Kosovo and Georgia.

### **3. Argument**

The EU is not alone when it comes to resolving crises affecting its neighborhood. In the Balkans and more openly in the Caucasus, a geopolitical game between the US and Russia is evolving to increase their influence. Moreover, the different interests of the Member States and their relations with Russia lead the EU to a policy of cautious political maneuver to provide solutions without creating tensions.

In order to circumvent the reactions of member states, the European institutions seek extensive stakeholder consultation before the implementation of political decisions. It is particularly important to engage in mediation, which allows for direct discussion of the issues that are the subject of conflict, with the involvement of all parties involved in the negotiation process and through them the consolidation of the ownership of the agreements that will arise. In this context, the EU focuses on the elaboration and implementation of conflict-sensitive solutions as concerns the development cooperation and pursues to address the root causes of the crises (Pirozzi, 2013, p.35).

The EU has endorsed the comprehensive approach, a concept covering in all its dimensions the needs and rights of people living in conflict zones. These people should not only feel safe but also have the capacity to make a normal life. (Mack. A., p.48 cited in Pirozzi, N.,2013, p.5). Instead of imposing solutions, the EU makes proposals that respond to the specificities of the problem and, after consultation with the Member States and the parties concerned, proceeds with small, steady steps leaving the conditions for convergence and consensus to emerge in the right time.

The *Agenda of Change* adopted by the European Commission in October 2011, recognizes the importance of meeting specific needs of countries in fragile and crises and of keeping state-building as a central element of support strategies (Communication from the European Commission, 2011, p.4). The EU prefers to intervene in contested areas with integrated actions seeking substantial reforms and consolidating peace. While the effectiveness of EU action in conflict resolution is considered rather timid

and sometimes circumstantial, its added value cannot be challenged. Based on what has been achieved so far, and despite the limitations of geopolitics, no one could deny that the EU interventions are much more useful than authoritarian actions imposed without dialogue. After the adoption of the Lisbon Treaty, the EU's foreign policy has been upgraded and the role of the EU as an international player. However, for the EU's foreign policy, the rationale of appropriateness and moral justification prevails, which strengthens the credibility of the EU.

Finally, the basic argument of the dissertation is that, in the context of the international competition to increase influence in countries with contested statehood, the European Union has developed the mechanisms and the appropriate political skills to face up the challenges that are presented to conflict areas in its neighborhood and near abroad

#### **4 Case Study Research Design**

We tried to analyze and compare what has happened in two seemingly non-related cases in Kosovo and Georgia. Kosovo, located in the Western Balkans, a formerly autonomous region of Serbia, in the Yugoslav Federation, was placed under the administration of UNMIK, after the war in 1999. Kosovo has declared its independence in 2008 and has been recognized by 113 UN countries. Although Kosovo is not a UN full member and its recognition is contested by 2 UNSC permanent members and 5 EU member states, it has been given the perspective to become an EU member state. Kosovo also suffers from contested internal sovereignty in North Kosovo and weak state apparatus in non-contested areas. The international community and the EU supported Kosovo in all possible ways to be able to create the appropriate structures and act as a modern state. However, the progress made is not what was expected. The continuing tension between Kosovo and Serbia does not allow to bear fruit the political dialogue that the EU has somehow imposed as a framework for consolidating the peaceful coexistence of Albanians and Serbs. The new ethnic identity of Kosovar, for the Albanian-origin population representing at least 90 percent of the current Kosovo population, is rather welcome because it could be perceived as a sub-identity of the Albanian ethnicity ( Salova, 2015, p.93). The remark of Tocci (2007, p.178) confirms that “the political dialogue on sensitive identity and security issues is notoriously ineffective at inducing a change in conflict contexts.” Georgia, located in South Caucasus, a former Soviet Republic, has gained UN membership in 1992. Georgia suffers from contested internal sovereignty due to the secession of Abkhazia and South Ossetia, which represent 20% of its geographical area. Abkhazia and South Ossetia declared their independence, and Russia recognizes them. Georgia, after a period of hesitation, trying to appreciate who could



help it most, the US or the EU, participate energetically in ENP and looks forward to becoming a closer EU partner or a full member.

We examine the EU policies toward these two cases, comparatively. However, we also make a short reference to the historical background and try to explain the origins of these conflicts. According to the peace and conflict researchers, knowing the causes of conflict helps tackle problems at their roots (Zupancić & Pejić, 2018, p. 18). So, there is a word about the analysis of the past because the understanding of the past helps to interpret what is happening in the present and to anticipate future developments. EU policies are continually evolving and tend to adapt to the new reality at the level of the economy, society, and international relations. However, EU policies have continuity and practices that have been successfully implemented in one case, are transferred with the necessary changes and prerequisites to another case.

The degree of response and the implementation of the reforms needed for the European course of the countries differ in Kosovo and Georgia. In the case of Kosovo, reforms are progressing slowly even though the EU has significantly supported this effort. In the case of Georgia, reforms are progressing with more significant effort on the part of the country having results that were not expected from the beginning: A comparison table included in Chapter 5 illustrates the arguments developed in Chapters 3 & 4, respectively, for the case of Kosovo and the case of Georgia.

In both conflicts, there is involvement by external actors. Russia is the only great power that shares the same neighborhood with the European Union and is worried about the expansion of the EU and NATO. For Russia, the Eastern Neighborhood is considered to be a part of its vital space, and any probable expansion can affect its strategic depth and exit to the Mediterranean Sea.

## **5. Methodology**

The action of the European Union as a global player stems from its sui generis character and makes it have a different approach than the other international players. In order to assess the EU's foreign policy engagement in addressing political and security issues in countries with contested statehood, we have decided to apply a case study for Kosovo and Georgia, based on the method of structured and focused comparison. According to this method, questions are asked about the subject of the research and are answered on a case-by-case basis in such a way that the data collection can be standardized, and the

findings can be compared (George & Bennet,2005). This method is considered appropriate for the study of important foreign policy problems because it enables us to draw useful conclusions through the experience that has emerged from the analysis of historical events. The dissertation treats the research subject qualitatively; however, we present some tables with processed data coming from official EU sources.

Concerning data collection, we made use of secondary sources (academic literature and news sources) and primary sources, including official documents of the European Union (treaties, regulations, decisions, resolutions, declarations, reports, white books, working papers), as well as government documents. We also had interviews with highly ranked diplomats and experts working at the Greek Ministry of Foreign Affairs and the Permanent Representation of Greece to the EU, as well as experts working in the European Institutions. Most interviews were conducted face-to-face, some of them structured or semi-structured, and the rest discussions without precise agenda. These interviews helped us very much to have access to background information and elucidate some grey zones of the research.

## **6. Chapter Outline**

The dissertation is structured in six chapters. The Introduction outlines the dissertation's research question, theoretical premise, argument, methodology, and the justification of the case studies. In the first chapter, we refer to the evolution of the CFSP and also to the theoretical debate concerning the role of the European Union as a global actor. In the first sub-chapter, we briefly outline the evolution of the EU's foreign policy and the gradual upgrading of the EU's role as an international player. We consider it appropriate to refer to the conditions and difficulties faced by the Member States in their efforts to create policies to deal collectively with foreign affairs and security issues. Following the establishment of the third pillar on the Common Foreign and Security Policy in the EU Treaty (Maastricht 1994) and the adoption of the Common Security Strategy (European Council, December 2003), the Treaty of Lisbon (2009) established the institutional framework for the EU diplomacy. The crises that emerged in the European Neighborhood following the collapse of the Soviet bloc and the break-up of Yugoslavia have made a decisive contribution to the adoption of policy and policy tools for crisis management and support for the new countries seeking an autonomous course. Our research, as discussed in the second chapter, focuses on those new countries with contested statehood.

The second sub-chapter presents the theoretical dialogue on the role of the EU as an international player. The key arguments for the role of the EU as soft power, as civilian power, as normative power and military power are highlighted, and we are attempting to compare the EU with other international players.

The second chapter refers to EU policies for states with contested statehood. The first sub-chapter explains in detail the reasons leading to the creation of countries with contested statehood and presents the EU's approach to this issue as a whole. Subsequently, the following sub-chapter details policies and policy instruments developed and made available by the EU to help consolidate peace and the creation of modern state structures.

In chapters three and four, we proceed in a structured and focused analysis of our research's findings case by case. The fields we have chosen to investigate and ultimately compare are the historical background, the formation of the contested sovereignty entities, the nature of the political problem, the geopolitical dimension, the EU policies and interventions, the EU economic support, the perspectives for the conflict resolution, finally the assessment of gains and losses for EU and the contested states under examination. The third chapter refers to the case of Kosovo and examines the EU's engagement in Kosovo, distinguishing four periods, 1999-2004, 2004-2008-2008, 2008-2012 & 2013-2017. The fourth chapter refers to Georgia and examines the EU's engagement in Kosovo distinguishing three periods, 1991- 1999, 1999-2008 & 2008-2017. The determination of investigating periods has been made, taking into account the general conditions and how the EU intervened in these periods as a global factor.

Chapter five includes a cross-case comparison of the findings, identifying and comparing the role European Union has played in stabilization and normalization of states with contested statehood as well as its effort to influence both international politics and the internal politics of these states.

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## **CHAPTER I**

### **THE EU AS GLOBAL ACTOR IN THE INTERNATIONAL SYSTEM**

Successive reforms of the EU Treaties, such as the adoption of the Common Foreign and Security Policy, the adoption of the Common Security and Defense Policy, the EU High Representative and Vice-President's institution, and the creation of the European External Action Service have substantially upgraded the role of the EU as an international player. This chapter also presents an overview of the theoretical dialogue evolving on the role of the EU as an international player

Against this background, the EU has launched new policies and has taken significant initiatives to resolve crises in areas of geopolitical interest, especially in its neighborhood.

## **1. Building up the Common Foreign and Security Policy**

### **1.1. The origins and the evolution of the Common Foreign and Security Policy**

The EU foreign and security policy, which developed step by step over many years, aims to enable the EU to intervene as a global actor in world affairs. Indeed, there is a compelling historical narrative that reveals the difficulties encountered and the various events that have positively or negatively affected the development of the Common Foreign and Security Policy. After the Second World War, the unity of Europe was thought to bring the pacification. The economic and commercial collaboration, which could promote the economic reconstruction and the political stability, was also intended to face the exterior threat of the Soviet Union, as well as to stabilize and anchor Western Germany in the western economic and political order of things. The creation of Atlantic Alliance (1949) envisaged creating the conditions and the climate of safety for the economic growth and unification of Europe, but also the same moment would also constitute a kind of barrier in the extension of European Unification in the sector of Defense and Safety. In this context, the six founding European Countries (Belgium, Netherlands, Italy, Luxembourg, West Germany, and France) signed the Treaty of Paris in 1951, which established first the Coal and Steel Community and launched the process of European integration. In 1957 the European Atomic Energy Community and the European Economic Community were created by the Treaties of Rome. The three European Communities aimed at creating a common market and through economic cooperation in the consolidation of enduring peace in Europe.

After the collapse of the Pleven Plan<sup>2</sup> (1950) for the establishment of a new European Defence Community (EDC), an alternative to NATO membership for European countries, in the year 1954, the six founding European countries plus the United Kingdom (the United Kingdom became member in 1973), established the Western European Union (WEU). WEU was established to provide a solid basis for Europe's recovery, to provide mutual assistance to resist any aggression policy, promote unity, and encourage progressive integration of Europe. In the sixties, while the European Community tried to establish its identity and find the stride, all efforts calling for closer political cooperation and common foreign and defense policy failed basically for two reasons: first, the looming Franco British antagonism for the European leadership and second the prevalence struggle between the Community method and intergovernmental method in making decisions.

The foundations of the European Foreign Policy were set in 1970 with the creation of the European Political Cooperation and its later institutionalization in the Single European Act of 1987 (Navidad Fernandez Sola, 2013, p3). The political will to strengthen the role of united Europe in the international arena was already clearly expressed in the Stuttgart "Solemn Declaration on European Union"<sup>3</sup> (19 June 1983), where, the heads of governments declared their resolution:

“2.2.3 to promote the objective of a Europe speaking with a single voice and acting in common in the field of foreign policy, the Governments will make a constant effort to increase the effectiveness of political cooperation and will set, in particular, to facilitate the decision-making process in order to reach common positions more rapidly”.

(Solemn Declaration on European Union, 1983)

With the Maastricht Treaty (1993) the European Community has changed to European Union and upgraded its goals, seeking the opportunity to assert its identity of an international player. The Common Foreign and Security Policy (CFSP) replaced the European Political Committee (EPC). The introduction of the CFSP as a separate intergovernmental pillar in the community structure responded not only to the desire to enhance its political role but also to the need to be better equipped for meeting the new

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<sup>2</sup> The Pleven Plan drafted mainly by Jean Monnet, was proposed by the French Prime Minister René Pleven in October of 1950

<sup>3</sup> Following the submission by the German and Italian Governments of a draft European Act in November 1981, the European Council of the 26&27 November 1981 asked from the Foreign Ministers to present a progress report to the European Council of Stuttgart in June of 1983 .Based on this report the then 10 member states of the EC signed the Solemn Declaration on European Union, a very important declaration paving the way for the adoption on the European Act in 1987 .The text available at the [www.cvce.eu](http://www.cvce.eu) by University of Luxembourg

challenges and dangers at the international level. In this context, the Union could now have the necessary means of taking action in areas of foreign relations other than the traditional Community ones (mainly trade policy and development cooperation).



**TABLE 1: Milestones for the development of Common Foreign and Security Policy & Common Security and Defense Policy**

YEAR	INSTITUTIONAL FRAMEWORK	REFORMS
1954	Establishment of the Western European Union (WEU)	Creation of a European and Defense identity within the NATO structure.
1970	Establishment of the European Political Cooperation (EPC)	Launched a Hybrid EC foreign policy coordination
1992	WEU	WEU was empowered to undertake Petersberg Tasks (military tasks of a humanitarian, disarming, crisis management, peacekeeping, and peacemaking nature).
1994	Maastricht Treaty	Creation of a three-pillar system in the EU. The third pillar on Common Foreign and Security Policy.
1996	Establishment of the Western European Armaments Organization (WEA).	WEA was created to support services in defense research and technology. These agencies were taken over by the European Defense Agency.
1997	Amsterdam Treaty	It was decided the Incorporation of the Petersberg Tasks to the CFSP. A new foreign policy instrument to the existing ones (joint action and common position), namely common strategies
1998	Declaration of Saint-Malo	In the context of the UK-France summit in Saint Malo was discussed the issue of autonomous EU military action, when needed and its support by appropriate means.
1999	Adoption of the European Security and Defense Policy	Adopted at the Helsinki Summit (December 1999). In this context was decided: a) the incorporation of the role of the WEU within the EU, b) the creation of the political & Security Committee, c) the post of the High Representative for Common Foreign and Security Policy to help progress both the CFSP and the ESDP and d) the Headline Goal 2003(military capacity target).
2003	Berlin Plus Agreement	A comprehensive package of agreements on crucial cooperation issues between NATO and EU based on conclusions of the 1999 Washington Summit, the European Council in Nice in December 2000 and the EU-NATO joint declaration of 16 December 2002. These agreements allowed the EU to draw on some of NATO's assets in its peacekeeping operations.
2003	Adoption of the European Security Strategy	The European Security Strategy (ESS), endorsed by the European Council on 12 and 13 December 2003, completed the Common Security and Defense Policy which makes part of the Common Foreign and Security Policy (CFSP)
2009	Lisbon Treaty	It was decided to set up the European External Action Service for the diplomatic representation and management of the EU's external relations

Source: European Commission (data processed by the author )

The Amsterdam Treaty has incorporated the Petersberg Tasks and added new foreign policy instruments to the existing ones (joint action and common position), namely common strategies. The inclusion of the Petersberg Tasks was deemed necessary at a time when conflicts broke out, especially in the EU neighborhood (for example, former Yugoslavia) consisting of a real menace for European security despite their local character. Hauser (2006, p. 43) argues that the incorporation of Petersberg's tasks represents a very appropriate response from the Union, and expresses the shared determination of the Member States to preserve European security through actions such as humanitarian and peacekeeping missions.

The Amsterdam Treaty called the European Council to define the principles and general guidelines of the CFSP, as well as to define, by consensus, common strategies in areas of common interest for the member states. The common strategies should set out the objectives, duration, and means to be made available by the EU and the Member States for their implementation (Amsterdam Treaty, Part One, Title V, Article J.3)

The Treaty of Nice impacted decisively in the process of unification of the states of the Old Continent. The pioneering of the Treaty of Nice lay in the extrapolation of several cases from the status of a unanimous vote and their transfer to that of a qualified majority. This restriction of unanimity in favor of qualified majority reduced the risk of blocking any decision by individual member countries and reinforced the federal-supranational character of the European Union. The Treaty of Nice has upgraded the role of the European Parliament. The European Parliament has become the principal legislator (together with the Council) of the EU since 70% of the Union's decisions have been included in the co-decision and assent procedure. One of the most important steps taken by the Treaty of Nice in the field of the CFSP was the possibility of having recourse to enhanced cooperation. Enhanced cooperation is a process first institutionalized by the Treaty of Amsterdam, which allows for the establishment of advanced integration or cooperation in a sector within the EU structures of several member states (at least 8), without the involvement of the others. Although the CFSP region was initially excluded, the Treaty of Nice (Article 43 (C) extended the possibility of enhanced cooperation in this area. The logic of this process is to overcome the deadlock when an individual country blocks a proposal, or a small group of countries does not want to take part in the initiative. In the area of CFSP enhanced cooperation aims to preserve the values and serve the interests of the Union as a whole, respecting, in particular, the principles, objectives, broad guidelines and cohesion of the CFSP, the competences of the European Communities and the coherence between all the Union's policies and its external action. Enhanced cooperation of this type only concerns

the implementation of joint action or a common position. Issues with military or defense implications are excluded (Treaty of Lisbon, Article 15.b, p.28).

## **1.2. The Institutional Framework of the Common Foreign and Security Policy under the Lisbon Treaty**

The Treaty of Lisbon has put an end to the previous complex structure. The EU replaced by the European Community (Treaty of Lisbon, General Provisions, 2 (b)), and the EU acquired the legal personality previously committed to the old Community. EU is, therefore, in a position to conclude treaties in the areas falling within its remit (Treaty of Lisbon, p. 96).

As concerns the Union's external action, the EU is responsible for all foreign policy issues connected with the Common Foreign and Security Policy with perspective to cover later also common defense issues (Treaty of Lisbon, Article 10c, TEU Consolidated texts, 2016, Article 24). The President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy, whose roles and status have been recognized by the Treaty of Lisbon, respectively, ensure the external representation of the Union and conduct the Common Foreign and Security Policy and the Common Defense and Security Policy (Treaty of Lisbon, Article 9A, para 6, Article 9E, para 2). However, decisions relating to the common foreign and security policy are adopted only unanimously by the European Council (Treaty of Lisbon, Article 10, para. 1). Therefore, the EU may not adopt legislative acts on foreign policy and security issues (Treaty of Lisbon, Article 15 b) and the Court of Justice of the European Union has no jurisdiction concerning provisions on the common foreign and security policy, nor on the acts adopted based on these provisions (Treaty of Lisbon, Article 240a).

Article 12 (Treaty of Lisbon, p. 26) provides that under the Common Foreign and Security Policy, the EU sets out general guidelines, adopts decisions, and undertakes actions to implement them. The EU also reinforces systematic cooperation between the Member States in the conduct of policy. The new procedures for foreign policy coordination contained in the Lisbon Treaty enhanced the EU's presence significantly around the world, primarily with the creation of EU diplomatic services and new institutions. However, the treaty is still not designed to enable strategic action unless all member states sign up unequivocally to a common objective.

Notwithstanding that the unanimous vote in favor of the CFSP's decisions remains the general rule, the Lisbon Treaty provides for 'constructive abstention', i.e., an abstention giving the possibility of no vote, if a state does not want to commit itself, without blocking the adoption of the decision. After having declared

the reasons for its abstention, the abstaining member state has no obligation to apply the decision; but, in a spirit of solidarity, must abstain from any action that might conflict with the Union's action under that decision (Treaty of Lisbon, Article 201a, p. 105). Furthermore, abstention by a member in person or represented could not prevent the adoption of acts of the European Union, which require a unanimous vote (Lisbon Treaty, Article 309, p. 134). Nevertheless, a decision could not be adopted if the members of the Council are abstaining represent at least one-third of the Member States and comprise at least one-third of the population of the Union (Treaty of Lisbon, Article 15b, p. 30). Although there is supposed to be an impartial vote for decision-making, there is often an evolving power play in the backstage where the leadership countries cooperate as well as with their country's followers to support and enforce decisions of their interests after all

The 2009 Lisbon Treaty significantly strengthened the Common Foreign and Security Policy and further upgraded its role as an international player by creating an institutional framework for EU Diplomacy. It is worth to mention that, since European countries have colonized, after 15 century AC, considerable parts in all continents, the EU has the advantage to maintain strong relations with many developing countries around the globe. Moreover, the EU is the world's largest donor of development finance, and it is, therefore, uniquely well placed for cooperation with developing countries. On the other hand, the EU, as a normative power but also as an economic power, has a strong presence in the international arena.

### **1.3 The creation of an institutional framework for EU Diplomacy**

Although the new institutional structure is considered rather complex and sophisticated, undoubtedly, the negotiators of the Lisbon Treaty and the intergovernmental approach managed to enrich the institutional machinery of the European Foreign Policy (Smith, 2013, p. 1300). The main innovations include the creation of a permanent President of the European Council<sup>4</sup> (consolidated text of the Treaty on European Union and the Treaty on the Functioning of the European Union, Article 13, p. 33) and the adoption of a dual role for the High Representative for Foreign Affairs and Security Policy, who will also be Vice-president of the European Commission. The High Representative for Foreign Affairs and Security Policy /Vice -president of the European Commission and the President of the EU will represent the EU on foreign policy and security issues. A new service, the European External Action Service was established to support the European Commission on Foreign Policy and Security issues.

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<sup>4</sup> Consolidated Texts of the Treaty of the European Union and the Treaty on the Functioning of the European Union. Official Journal of the European Union.C202/ 2016,Vol.59.

The creation of these high-level positions aims to ensure a consistent leadership structure (Pirozzi, 2013, p.8). Indeed, the Treaty of Lisbon marked the beginning of a new period for the European Union. The European Union, which already had 27 Member States in 2009 and had the prospect of further enlargement, should have acquired better governance. Moreover, the US financial crisis, which hit the EU between 2008 and 2010, confirmed the need for strong leadership and effective coordination of the action of the European Institutions. The new EU leadership team was formed by the five Presidents, the President of the EU, the President of the European Commission, the President of the European Parliament, the President of the European Central Bank and the President of Eurogroup. The office of President of the European Union, elected by the European Council for a term of 2.5 years, ensures the continuity of EU policies. Without prejudice to the rotation of prime ministers of the Member States in the presidency of the European Council every six months, the EU President has overall supervision for the work of the European Council. Specifically:

### **The President of the European Council**

The Lisbon Treaty formalized the role of the President of the European Council. Namely, the six-month rotation of the prime ministers of the countries holding the presidency of the European Union was abandoned. Henceforth the President of the European Council would be elected by the members of the European Council for a two-and-a-half-year term that can be renewed once more. In his/her duties, the President of the European Council represents the EU to ensure the representation of the Union abroad in matters relating to its common foreign and security policy (Consolidated versions of the Treaty on European Union and the Functioning of the Union, 2012, article 15, para 6, p 23).

### **The High Representative**

The post of High Representative, established under the Treaty of Amsterdam in 1997, was considerably upgraded in 2009 by the Lisbon Treaty. The High Representative became ex officio a Vice-President of the European Commission, president of the Foreign Affairs Council. The High Representative represents the EU in international fora and coordinates the Common Foreign and Security Policy as well as the Common Defense and Security Policy.

Since 2009, the High Representative's role seems to be importantly expanded by undertaking on behalf of the International Community the coordination of international mediations for the settlement of

disputes and resolution of conflicts. However, the way power is exercised, and the impact of its influence depends on the dynamism and authority of the person who holds the office.<sup>5</sup>

### **The European External Action Service (EEAS)**

The EEAS created an entirely new bureaucracy for the conduct of the European Foreign Policy and has provoked a high degree of confusion and conflict within the EU Institutions and among the foreign ministers of the EU member states. The significant change was about the organization and the role of the EEAS. In particular, the process of organizing the EEAS has involved more 'top-down' political interference rather than the more 'bottom-up' approach of existing procedures that typically takes place in the reform of the EU foreign policy. This new approach has created reactions and conflicts at various levels. Specifically, there was, first, a clash of intergovernmental politics over the structure and the staffing of the EEAS, second a clash of bureaucratic politics among the major institutions involved in European Foreign Policy and third, a clash of priorities between two significant EU foreign policy goals development and security policy (Smith, 2013, p.1301).

Indeed, the Council Decision establishing the EEAS <sup>6</sup> gave it a broader scope of functions and identified EEAS not only as a policymaker but also as a guarantor of the consistency of external action. In this sense, in the Article 2, para 2 of that Council Decision, it is provided that the EEAS not only assists the High Representative in fulfilling its mandate but also assists the President of the European Union and the European Commission to exercise their respective functions in the area of the external relations (Sola, 2013, p.19).

The creation of the EEAS landmarked the setup of the EU diplomatic network around the world. The European External Action Service is active in foreign and defense affairs and represents the EU around the world through a network of 139 EU delegations and offices. Agreeing with Sola (2013, pp.9-10). We recognize that the structure of the EEAS was conceived to respond, as far as possible, effectively to the needs of the different policies of the Union, the security and defense policy included and opted to be "an instrument for the Member States providing a united and robust representation of the EU in the world. However, the Lisbon Treaty has not achieved to satisfactorily reorganize the broad framework of the EU's foreign policy giving high-level scope to the EEAS. The EEAS was established as a new unit and not as

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<sup>5</sup> Interview with Greek diplomat, Athens, 10/2/2016

<sup>6</sup> Council Decision 26/7/2010 establishing the organization and functioning of the European External Action Service ,2010/427/EU, Official Journal of the European Union L 201/30/3/8/2010.

a formal EU institution, and this not only leaves room for disputed responsibilities and conflicts with other units but also reduces the prestige of EEAS and its political weight.

As a general rule, the EU's external action is shaped by taking into account the international ambitions of the Member States and trying to balance between complementarity and competition. However, even though the EU is pursuing dialogue with all big countries (United States, Japan, Canada, Russia, India, and China) and is actively involved in coordination relating to issues of global interest, for the time being, at the UNSC and G7 only EU Member States participate. Despite this interdependence, it is primarily the larger Member States which have the power to set the priorities of the EU's Common Foreign and Security Policy (CFSP) agenda, while smaller member states are likely to see the EEAS as a more integral as additional part of their foreign policy and generally restrict their focus to a smaller number of issues. Although for some states it is considered unfortunate that foreign policy and defense matters lack the unified decision-making power in Brussels, for some other states the ability to be represented and defend their positions, in particular as concerns the issue of national defense, remains at the heart of what it means to be an independent state(n. d)

Among competing interests, EEAS can work through compromise rather than with accurate chain management. However, the EEAS would be able to increase its powers without necessarily replacing the Member States for their foreign policy responsibilities. EEAS, operating as a bridge between national and international organizations, can produce results and at least support the continuation of the dialogue when it is not immediately possible to find a satisfactory solution. Finally, EEAS, by encouraging MS to undertake joint actions, is a critical tool to help Europe remain a key player in the world (Sola, 2013, p.15).

#### **1.4. The Common Security and Defense Policy as the military dimension of the Common Foreign and Security Policy**

The military dimension of security came to the fore when the EU had to deal with various crises that broke out after the end of the Cold War and did not have the appropriate means. In the meantime, there was a shift from the idea of the territorial defense towards “the new transnational idea of peacekeeping and humanitarian intervention” (Rifkin, 2004, cited in Krohn, 2009, p.9).

When the third Pillar of the Common Foreign and Security Policy was created in the Treaty on European Union, the negotiators adopted a broad wording that encompassed all areas of foreign and security policy. The Amsterdam Treaty of 1997 made stronger the relationship between the EU and WEU

(Keukeleire,2010,p.55 ) since the EU gained access to WEU's operational capability for humanitarian and rescue tasks, and tasks of combat forces in crisis management, including peacekeeping ("The Petersberg tasks"). The transfer of some essential WEU capabilities to the EU heralded the WEU phasing out and paved the way for the European Security and Defense Policy, as it was initially named the later known as Common Security and Defense Policy (CSDP). As Missiroli noted, "the European Security and Defense Policy (ESDP) was primarily identified with crisis management as enshrined in Art.17.2 and Art 25 of the TEU, in order to avoid the semantic trap and political misunderstanding that the "Common European Defense "as derived from the WEU tended to create" (Missiroli, 2005 p. 58).

However, the political basis for the establishment of ESDP is the Saint-Malo's Declaration of December 1998, signed by President Jacques Chirac of France and Prime Minister Tony Blair of the United Kingdom. "The Franco-British declaration was less a meeting of vision than a compromise between two opposing views on European security. The agreement between Britain and France was indeed the prerequisite for the startups of the ESDP,, (Keukeleire, 2009, p.56). The Saint Malo's Joint Declaration (1998) signaled the turning point because the basic requirement it was to ensure that the Union should be capable for autonomous military action supported by credible military forces and means when there is need to do so (Saint Malo's Joint Declaration, 1998, para 2).

On the 13th of November 2000, at the WEU Ministers Meeting in Marseille, it was agreed to begin the transferring of WEU capabilities to the under development Common Security and Defense Policy (WEU, Declaration of Marseille, 2000).

As Grevi (2009, p. 21) argues the evolution of CSDP structures and procedures is related to the broader institutional reforms launched in 2002 under the Convention on the Future of Europe, as well as to the European Security Strategy debate and the operational experience gained by the CSDP military missions launched in 2003. What happened was that in a few years, the military dimension has stopped being considered as a "taboo" for European Integration and has changed to a 'spearhead of EU foreign policy (Keukeleire (2009, p.55). This change was possible because the member states managed to overwhelm two "areas of tension that had paralyzed EU foreign policy: the cleavages between European integration and Atlantic solidarity and between civilian and military power" (Keukeleire, 2009, p.51). It is interesting to mention that progressively military crisis management tools were complemented with civilian crisis management tools (Keukeleire, 2009, p.55).



According to the TEU, EU Member States take the final decisions in this policy area, based rather hopefully on the unanimity rule. The unanimity rule, although it limits the flexibility, speed, and even the quality of the decision, however, maintains, even ostensibly, a balance in favor of the weaker countries, protecting them from making decisions that are contrary to their national interests.

However, the decision making remains a complex process that usually requires extensive institutions-based management interactions — the difficulties in making decisions not only due to procedural reasons. A critical difficulty is to find common grounds and to have a balanced agreement between the more prominent and more active EU member states, which foreshadow developments and influence the smaller countries' followers. A major difficulty arises from the fact that in the European Union, there is a labyrinthine bureaucracy with a crowd of administrative units and organizations with overlapping responsibilities.

The CSDP was supposed to enable the EU to carry out the full range of Petersberg tasks as defined in the Treaty without involving the establishment of a European army. These tasks correspond to the objectives of the UN peacekeeping. Nevertheless, the UN undertook a significant reform of its peacekeeping while shifting from traditional approaches (monitoring peace arrangements) to multidimensional and integrated peace missions with an increased number of peacebuilding tasks.

The Common Security and Defense Policy is acknowledged as “an integral part of the EU Common Foreign and Security Policy” (see Article 17 TEU, amended with article 28A, 2007/C306/01, p.34). Notwithstanding broad overlapping between the institutional frameworks of CFSP and CSDP, because of its operational nature, the CSDP has created and is supported by machinery specialized in crisis management. Keukeleire (2009, p .68) argues that “the CSDP qualitatively changed the nature of CFSP and allowed the CFSP to move from a declaratory foreign policy focused on diplomacy to a more action-oriented foreign policy focused on proactive crisis management.” Since the start of the CSDP, Member States have tried to create structures and tools to improve their co-operation on CSDP issues while retaining ultimate decision-making power

. However, the essential pooling of defense resources among member states is still in its infancy (Krohn,2009, p.11). Furthermore, the unity within the EU concerning the scope, purpose, and mission of the military appears rather small compared to the overall EU budget. While the power to veto remains at the national level, the ability to take action is shifting to the European level.

As Keukeleire (2009, p.61) pointed out, in contrast to what the name might indicate, the CSDP is not about the national defense of the EU member states. Therefore, the development of the military capability of the CSDP is not about creating a permanent European military force or army, but concerns countries outside the EU and is based on voluntary and temporary contributions from the Member States. The ad hoc status of willingness can hamper the effectiveness of operations and makes the EU unable to react quickly to violent conflicts (Keukeleire, 2010, 61). Mérand highlighted that a shift in policy-making beyond nation-states characterizes the evolution of the CSDP. Mérand correctly stated that CSDP “was not a national defense but political integration” (Mérand 2008, pp. 45). The CSDP thus became a tool of foreign policy rather than national defense. Realizing the need to be in position, as an international player to decide and implement possible missions in the future, the EU has swiftly advanced at the establishment of a new politico-military structure in the field of command and control has been established under the umbrella of CFSP. This structure consists of:

### **Political and Security Committee (PSC)**

The Political and Security Committee (PSC) was established to monitor the international situation in the areas covered by the CFSP and report to the Council. In this sense, PSC exercises “political control and strategic direction” of EU crisis management operations (Bainbridge, 2003, p. 420). The PSC is composed of the Permanent Representatives to the EU of all the member states. The creation of PSC was first provided in the Amsterdam Treaty, and it was agreed in Helsinki European Council (1999). However, the formal decision for the establishment of PSC was taken in January 2001 by the Council, after the European Council of Nice (200) has agreed to make a permanent committee. The PSC is supported by the European Military Committee (EUMC), which consists mainly of military generals.

### **European Military Committee (EUMC).**

The European Council of Nice (7&8 Dec 2000) agreed on the establishment of the European Military Committee as a department of highly ranked military officials under the High Representative and the PSC. Its role is to give military advice and to oversee the European Union Military Staff (EUMS) (Bainbridge, 2003).

### **European Union Military Staff (EUMS)**

The EUMS, established in 2001 (Council Decision 2001/80/CFSP), is a department of the EU responsible for supervision operations in the frame of the CSDP. The EUMS's role is to perform early warning, situation assessment & strategic planning, for missions and tasks referred in Articles 42 & 43 of the Lisbon Treaty, including those identified in the European Security Strategy, namely communications and information systems, concept development, training & education, and support of partnerships. The EUMS is under the direct authority of the High Representative, and does not directly control the EU military missions.

### **European Union Institute for Security Studies (EUISS)**

The European Union Institute for Security Studies (EUISS) was set up in January 2002 as an agency under the Common Foreign and Security Policy. Its mission is to contribute to the development of the CFSP and CSDP, including conflict prevention and peacebuilding and other external actions of the Union (Council Joint Action 2001/554, now regulated by Council Decision 2014/75/ CFSP, Article 2). The EUISS runs policy-oriented analyses on international issues and promotes networking between European experts and decision-makers at all levels.

### **European Defense Agency (EDA)**

In June 2004,<sup>7</sup> the Council of Ministers decided to set up a new agency to upgrade European Security and Defense Policy and improve the EU's operational capacity in the field of crisis management. The EDA promotes collaborations, launches new initiatives, and introduces solutions to improve defense capabilities, without prejudice to competences of member states in defense matters. The EDA is the principal facilitator in the development of the capacities needed to support the European Union's Common Security and Defense Policy

### **EU Battlegroups**

In the aftermath of the war of Kosovo, a discussion has started concerning the pressing need to create a small EU military force designed to deal in principle with the Petersberg tasks. In this scope, the

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<sup>7</sup> Council, Joint Action 2004/551 CFSP, Official Journal of the European Union, L245/17-7-2004

<sup>7</sup> The need for an EU military instrument was initially discussed in the frame of the French-British Meeting at Saint-Malo (1998)

European Council of Helsinki (December 1999) adopted the Headline Goal 2003. The Headline Goal 2003 addressed the need for a rapid response capability that member states should provide in small forces at high readiness. The proposal was reiterated at a French British summit on 4 February 2003<sup>8</sup>, which highlighted as a priority the need to improve the EU rapid response capabilities to deploy in the land, sea, and air, an autonomous operation within 15 days (Declaration of the French-British Summit at Tourquet (November 2003). Germany also endorsed this proposal in February 2004(European Parliament,2006).

This military force was first deployed in 2003 (Operation Artemis), proving the possibility of an EU reaction) in a short time scale. Operation Artemis was a short-term European Union-led UN authorized a military mission to the Democratic Republic of the Congo during the Ituri conflict. In Europe, the EU launched using UN assets its first military operation in the Former Yugoslav of Macedonia (Operation Concordia,2003),

On 10 February 2004, a paper released by France, Germany, and the United Kingdom, the "Battlegroup concept," outlined the "Battlegroup concept. "This paper proposed the formation of a military instrument for early and rapid responses when necessary. This military instrument should have the operational capability to bridge operations and prepare the field before the intervention of the UN forces or regional peacekeepers under the UN mandate. This plan was approved in 2004 and reached full operability in 2007. Since that date, the EU can undertake as stand-alone or as a participant of a more extensive operation two rapid-response deployments of limited duration if so, decided by the Council. Two battlegroups, consisting of 1500-2000 soldiers, can be deployed immediately, while two are in standby mode. The stay of the teams in the field is short of 30 days, with the possibility of extending up to 120 days (Krohn, 2009, p. .10). The development of battlegroups serves the fulfillment of the objective of rapid response against external threats included in the EU's tasks under the European Security Strategy (2003 ), as well as in the EU Global Strategy <sup>9</sup>(2016), which replaced the latter. Military forces far less than those highlighted in 1999 are a milestone for the EU with the development of military forces at "hot spots" in the short notice (Missiroli, 2015, p. 52) (<sup>10</sup>.

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<sup>9</sup> European Union, 2016.Shared Vision, Common Action: A stronger Europe. A global strategy for the European Union's Foreign And Security Policies,

<sup>10</sup> Interview with expert working in EEAS

The operability of these complicated mechanisms has been demonstrated in the past by several missions. However, there are no European broad common security interests that all European Union member states share, and this inhibits decision-making for action. States, in principle, those by the Atlantic Ocean, see it in their interests to have the favor of the United States and look forward to being a reliable ally of the undisputed superpower of today. Most Eastern European states keep seeing Russia as a possible security threat and, as such, also look forward to coming closer to the United States. As concerns the Mediterranean states, as southern gates of Europe, they are exposed to other types of challenges such as the influx of refugees and economic migrants from conflict regions in Asia and Africa.

### **1.5 The institutionalization of the EU's conflict management strategy**

The EU's capability for conflict management has developed immensely over the last decades. In the last 20 years, the EU has been transformed into an important security actor that seeks to influence contexts beyond its borders (Gross and Juncos, 2011, p. 3). Although transformation usually requires incremental change over generations, the end of the Cold War, the Iron's Curtain collapse, and especially the disintegration of Yugoslavia created a challenging environment. The pressing need to address salient problems linked to the conflict management and peacebuilding pushed the things in the direction to find swiftly stabilizing solutions. Therefore, the notion of peacebuilding has been broadened to encompass not only the post-conflict arrangements but also the appropriate institutional, economic, and social activities, helping to stabilize society in crisis (Gross and Juncos, p.2011 cited in Zupančić and Pejić,2018, p.10).

Moreover, it was understood that the EU's role could be effective only if it worked with reality and addressed the new challenges. However, there is one significant paradox in EU conflict management. Individually, in many cases analyzed, the EU attempts to combine policies that are not always compatible: containing and moving beyond conflict while advancing the process of accession for the countries involved (Hughes, 2012, p.7). This contradictory attitude may hide precisely the EU's inability to come out with one voice and impose its political will to resolve disputes. So, it seems to be choosing to move through the side road and push the states to move in the direction which would also serve its interests.

In 2003, a comprehensive approach to crisis management had been introduced, which evolved over the period 2006-2008, focusing on the need to strengthen the structure and capabilities of crisis management of the CSDP. Since mid-2008, the Common Security Development Policy has been underway in a broader political context and combining its actions with the Common Foreign and Security Policy, based on the shared strategic vision and using instruments and tools the Commission.

The need for civilian post-conflict management is justified by the fact that military efficiency in interventions is often followed by civilian chaos, which needs civilian post-conflict management approaches. Segregation is an essential foundation of security and peacebuilding in divided societies not by design but by default because it meets the needs and demands, often democratically expressed, of rival communities already living in parallel and mistrust and fear of the 'other' (Grevi,2009, p.27).

With conflict proliferation and escalating, a proactive rather than reactive EU policy must combine early warning crisis management and peacebuilding in a coherent whole (Missiroli, Ed, 2014, p.149). The EU's conflict management strategy was founded on a linkage between security and development (Hannay 2013, p. 173). At the UN, the EU remains the most significant contributor to the UN general and peacekeeping budget. However, the EU also wanted to be perceived as something more than just a "lobby group" a funding organization" or a "monetary weight" (Hughes et al., 2012, p.27). Novosseloff (2012, p. 1) also states that the EU had the intention of becoming a credible actor with new capabilities in crisis management.

The role of regional organizations, especially the EU, was seen as crucial in the Peacebuilding. Once the idea of a Peacebuilding Commission was presented, the EU advocated and warmly welcomed the intention to establish it. The objective of coordinating various actors in peacebuilding both the UN agencies and contributing countries became the very task of the Peacebuilding Commission.

The EU's support for and involvement in the evolution of peacebuilding at the UN reveals best the EU's position to an understanding of peacebuilding. The EU's decisions and actions in the field of peace and security reflected the reform process of peacekeeping at the UN. On the one hand, the evolution of peacebuilding at the UN was influenced by the EU's positions and interests. On the other hand, the process of the development of the UN peacebuilding influenced the conceptualization and formation of the EU's approaches to peacebuilding, especially in the construction of the CSDP of the EU.

Hannay noted that the EU welcomed Boutros-Ghali's idea of peacebuilding, whereas the US was more hesitant about his ideas of peacebuilding (Hannay, 2008, pp.77-78). The consensus between the UN and the EU on the need for peacebuilding as well as the EU's support for peacebuilding as a framework in post-conflict reconstruction became apparent with the evolution of the CSDP. As Ojanen mentioned, the

EU has recognized that its emergence as an international player requires international acceptance, whose only institutional source is the UN (Ojanen, 2006, FIIA, p.6).

This cooperation was also driven by the need of the UN to create effective exit strategies in post-conflict situations, for which the EU was given a credible actor offering a way of leaving sustainably (Novosseloff, 2012, p.2). Tardy (2005) also observed that EU-UN cooperation in the field of peace and security was accompanied by the simultaneous reform processes of the two institutions, which mostly brought one closer to each other. The EU recognized the need to tackle the increasing cases of the relapses of conflicts, and the European Council welcomed measures to strengthen the UN system's engagement in conflict prevention and peacebuilding.

In the case of the EU engagement in the Yugoslav conflicts, Hannay claimed that "the Europeans were clinging on desperately to the doctrine of impartiality and to their unwillingness to be drawn into the fighting as a protagonist while all the time being compelled to increase their presence on the ground even to half carry out the not very satisfactory mandate they had" (Hannay, 2008, 157). According to Gowan (2007), the EU has adopted creative approaches to the UN Commission in providing resources and capacities. It was believed that the UN could turn to regional organizations that possess the needed (United Nations, 2005). The conflicts in Yugoslavia were especially crucial for the future evolution of peacekeeping and post-conflict engagement of both the UN and the EU. According to Hannay, the failure to prevent the mismanagement of the conflicts in Yugoslavia that led to mass killing was also caused by the divide between the UN and the EU system. In its statement on the preparation of the 2005 World Summit, the EU Presidency highlighted 'the EU's role as a peacebuilder through actions throughout the world ranging through peacekeeping, reconstruction, institution-building, and support for fledgling democracies' (The EU and the UN Summit 2005).

The EU followed the recommendations of the Brahimi report (UN, 2000) closely. In this sense, the planning and conduct of police missions followed the ideas of the reform of peacekeeping and the adoption of comprehensive and integrated peacebuilding approaches, as proposed by the Brahimi report. These developments correspond to the evolution of the EU's own civilian and military capabilities within the CSDP. The EU moved to include and stressed the importance of civilian aspects of crisis management to CSDP. While analyzing the reports of the Goteborg Council, Tardy noted the "civilian aspects of crisis management became the most significant area of the EU-UN rapprochement " (Tardy, 2005, p.49)

Although the original objective of the CSDP was to perform the full range of the Petersberg tasks, the effects of the Brahimi report (UN, 2000) and the emphasis on peacebuilding approaches have had a fundamental impact on the conceptualization of the CSDP. In this sense, Solana, in the report "A Secure Europe in a Better World," presented at Thessaloniki (20/6/2003), argued that "peacebuilding and conflict prevention lies in the heart of the European Union's external action" (Missiroli(ed), 2015, p.16). In the ISS Report 2008, Missiroli states that peacebuilding is "the term that resounds more favorably with European citizens" (Missiroli, (ed), 2015, p.52). The EU's engagement in conflict and post-conflict environments came to be seen by the EU as the most important and doable contribution to the UN efforts in peacekeeping and peacebuilding. CSDP was not seen as an alternative to the UN peacekeeping and peacebuilding but as complementary to the UN efforts. Solana emphasized the need to develop a new paradigm, encompassing more creative strategies for conflict prevention, crisis management, good governance, trade promotion, and human rights protection. Solana saw crisis management to be directly intertwined with the ESS. He referred to the EU's role in peacekeeping and post-conflict management, especially but not inclusively in the Balkans, while understanding it from a broader perspective. Solana stated that "Europe can and must take more initiatives in developing new rules and institutions for a more complex and unstable world" (Solana, 2008, p 6 cited in Kmec,2013, p.9).

It is often said informally that "the EU's main function is to act as paymaster in conflicts-often bank-rolling the costs of reconstruction and development without being given a significant stake in setting the strategy for peace and reconciliation" (Hughes,2012, p.27). Nevertheless, the legal and conceptual consensus between the EU and the UN resulted in a strong partnership and cooperation at the policymaking and operational level, which had consequences for the formulation of peacebuilding policies and frameworks (Hughes, 2012, p.22). This cooperation between the EU and the UN, as well as the EU's commitment to UN peacekeeping, are best recognizable through the EU's financial contributions to the UN's general budget and peacekeeping budget. The EU member states together make the most substantial financial contribution to the UN's peacekeeping budget. From this perspective, the EU and the UN can be seen as close partners in promoting peace around the world.

Nonetheless, the EU's support and commitment to UN peacekeeping and peacebuilding, as set up in the 2003 ESS, has not always been reliable. With the establishment of the CSDP, the EU member states which were previously active in UN peacekeeping seem to have shifted their attention and resources to the EU structures that deal with conflict prevention and crisis management. According to some



researchers, resource competition and conflicting political interests have been seen as significant reasons for the EU shifting its support from the UN peacekeeping to the EU peacekeeping structures (Juergenliemk et al., 2012, pp. 20-21).

Tardy (2005, p.51) observed that also the UN has become concerned that the CSDP would develop to the detriment of the UN inclusive approach and UN peacekeeping needs. Moreover, the EU has started demonstrating its readiness to engage in autonomous operations instead of support within the UN missions. Ojanen (2006, p.58) claimed that the development of the CSDP had increased the independence of the EU. The EU has attempted to raise its real influence in the UN to a level that corresponds with its economic and political importance, i.e., its share in the UN budget (Ojanen, 2006, p. 58). Ojanen claimed that EU countries seem to prefer to participate in UN-mandated operations rather than in the UN-led operations. The same could be observed about civilian resources. More and more, the EU uses for its operations the same resources that would previously have been allocated to the UN (Ojanen. 2006, p.58). For some scholars, the reluctance to support UN operations is a consequence of the EU policymakers trying 'to find a politically delicate inter-organizational balance between NATO, the EU, and the United Nations rather than seeking out the most efficient and effective response' (Juergenliemk et al., 2012, p.21).

## **2. Theorizing and conceptualizing the EU's role as a global actor in the international system**

The EU has a continuous presence in international affairs as a force that promotes dialogue and cooperation and discourages war and conflict. We will try to analyze, as far as possible, theoretically and understand the role of the EU through its various forms.

### **2.1. An overview of the EU's profile and conduct as a global actor**

It is impressive that in more than sixty years, the EC/EU has evolved significantly from a group of 6 member states to a regional union with 28 member states. The initial European project for the pooling of coal and steel production, developed to a single market of almost 500 million people, enclosed the freedom of movement of people, goods, services, and capital, established an economic and financial union and introduced EURO as common currency in the Eurozone. Notwithstanding its essential presence in all international affairs (political, economic, environmental, humanitarian, conflicts issues), the EU cannot be considered a superpower in the classical sense.

The Treaty of the European Union defines the fundamental values of the EU and defines its role as an international player<sup>11</sup>. Maull argues that the EU, unlike every other international actor, is limited by its sui generis nature (Maull, 2005, p.791, cited by Krohn, 2009, p.16.). Ginsberg points that the uniqueness of the EU is that it is “neither a state nor a non-state actor, and neither a conventional international organization nor an international regime” (Ginsberg, 1999, p. 432 cited in Krohn,2009, p.3). Weiler (1991, p. 2407), in his classic presentation, stated that the relations between the member states of the Community have gradually been transformed from a system defined by general principles of public international law to a detailed interstate governmental structure defined by a constitutional charter and constitutional principles. In mid-1990, a new approach emerged, the approach “from top to bottom” or “top-down”<sup>12</sup> according to which the European level organizations and procedures should no longer be treated solely as a dependent variable. However, what united disparate literature for decades was the “bottom-up” approach which explained that the development of supranational European legal-institutional structures more as an independent variable, they could shape their bodies, rules, and policies (Börzel,2000, p.2). A new research generation began to emerge, the “top out,” which attempts to describe, explain and evaluate the impact of European policies on domestic structures, norms, and behavior of countries that are not members (Börzel, 2000, p.2).

The uniqueness of the EU form of governance is reflected in its international identity and roles (Mikovic, 2005, p.10). “The EU is conceived as a ‘post-modern’ actor, which, unlike the modern state, does not base its foreign policy on balance of power and zero-sum logic.” (Tocci, 2008, p.2). Moreover, the EU’s institutional setting consisting of multiple layers of EU authority (member state governments, parliaments, courts, EU institutions, and citizens) contributes to filtering and shaping the output of EU external policies

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<sup>11</sup>In the Common Provisions of the EU Treaty is laid down that:“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens .It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the Principles of the United Nations Charter“ (Cosolidated Version of the Treaty on European Union and the Functioning of the European Union,2006,C(202),Vol.59,Article 3, para.5)

<sup>12</sup> The terms "top down & bottom up" were used by Tanja Börzel & Thomas Risse (2004) to describe trends in European integration. “Bottom-up” trend expresses the influence of the member states on the EU and “Top bottom or Top-down” the influence of EU on the member states.

in normative forms (Manners, 2002,2006 cited in Tocci,2008,p.2).In this context, the EU is shown to be able to formulate and implement a “consistent policy based on internal consensus underpinned by common interests and values”(Mikovic, 2005: p. 5). However, in military issues, where an even “more clear and coherent policy is needed in influencing international arena” (Mikovic, 2005, p.5), the EU lacks efficiency, because the consensus is not a given and the EU does not have the necessary military means. Indeed, Europe can be asserted as a reliable and competitive international power when acting like a “soft power,” using different means “for political ends, e.g., exporting norms and values through economic cooperation with the third countries” (Petiteville, 2003, p. 134 cited in Mikovic, 2005, p.5). Tocci (2008, p.3) remarks that the EU is aware that cooperation and strengthening of relations with third countries is the best way to achieve your goals and to promote your interests.

“cooperating with and strengthening third countries is the best means to pursue EU interests.” The external relations established by the European Community and taken over by the European Union, tied in as they are with the common commercial policy and the EU's development aid policy, give a foretaste of a common foreign policy and an indication of the scope which it will eventually assume.

The EU's external policies are modeled on the principles and standards that apply within the EU. In essence, the EU is trying to transpose its internal system of rules and laws by using the contractual relations the Union establishes and develops with third countries (Tocci, 2008, p. 1). Does the EU only pursue normative goals enclosing values, such as ‘democracy,’ ‘peace,’ ‘justice’ or ‘order’ excluding the pursuit of strategic objectives? Does the existence of strategic goals contradict normativity? It is not easy to set the limit of normativity and make a clear distinction between normative and un-normative. According to Lieven and Hulsman (2006, cited in Tocci,2007, p.4), goals having real normative content, such as ‘stability,’ ‘prudence,’ ‘the search for compromise and accommodation’ may underlie strategic objectives.

Lavenex & Schimmelfennig (2009, p. 791) point that “the development of the European Union towards a political system sui generis has gone along with an increasing international presence.” Widely the last decade’s academic researchers have dealt with the effects of “Europeanization,” a process of domestic and regional change brought about by the EU in non-member states. The expansion of EU rules beyond its borders, the so-called external governance, also represents a step in the direction to elaborate methods of “integration into the European system of rules that remain below the thresh hold of membership” (Lavenex& Schimmelfennig, 2009, p. 792). In other words, the EU external governance aims to facilitate cooperation and eventually bring closer to the EU third countries without engagement for enlargement (Lavenex & Schimmelfennig,2009, p. 793). The further expansion of external governance became an

absolute necessity since there were several significant developments such as first, “the historic enlargement of the EU’s territory to nearly twice in 2004 and 2007 and second, the need to address interdependence with neighboring countries and external effects of integration as such”(ibid). The external modes of governance applied in third countries extend from the introduction of structural reforms to make them reach and adapt to the *acquis communautaire* (in several cases by the use of conditionality) as well as more horizontal forms of network governance to give stimulus for participation and cooperation with other countries. Conditionality remains a critical tool at the disposal of the EU to encourage and ensure compliance in conditions (Waklin, 2013, p.1).

Lavenex & Schimmelfennig (2009, p.792) claim that the EU external governance varies across countries, regions, and policy fields. The external governance can take different forms of more or less enhanced cooperation, based on economic, political, and geopolitical criteria. Thus, the external governance could be part of a foreign policy initiative, such as the European Neighborhood policy, or it could be based on bilateral cooperation agreements such as the agreements with other European countries, non-EU member states, or it could be based on multilateral agreements in the context of cooperation networks with countries of other continents. Lavenex & Schimmelfennig (2009, p.792) consider that we should explore three sets of factors: institutions, power, and domestic structure in order to examine why the modes of governance differ across policies and third countries. As concerns, the institutional explanation, which is considered by Lavenex & Schimmelfennig (2009, p.792), the more relevant, the external governance is based on the internal rules of EU governance. In enlargement, it is acknowledged that the normative foundations of the relationship are provided only by the EU. However, in the relations with the eastern and southern neighbors of the Union, the approximation is somewhat flexible and often draws on international or jointly negotiated rules (Barbé et al., 2009; Dimitrova and Dragneva, 2009 cited in Lavenex & Schimmelfennig, 2009, p.807). As regards the power-based explanation, the determinant factor for the profile of the external governance is the kind and the significance of the relations with third countries and the other big powers, especially the USA and Russia. Finally, the modes of external governance and their effectiveness are related to the internal structures of the third countries.

The experience of enlargement illustrates both the allure of the European integration and the transformative power of its norms in candidate countries. Although years the enlargement process lost its momentum, the EU keeps striving to enhance policy strategies and arrangements beyond enlargement. However, Lavenex & Schimmelfennig (2009,p.808) claim that the institutional order that the EU can

establish to its neighborhood without enlargement, differs substantially from the institutional order and Europeanization that enlargement brings about. Moreover, Youngs (2009, cited in Lavenex & Schimmelfenning, 2009, p.808) argues that “limited EU bargaining power in its relations with neighboring countries militates against hierarchical democracy promotion and favors network governance.” In this perspective, network governance goes along with the “soft” strategy of familiarizing “third countries to democratic and human rights norms without endangering the stability of political systems” (Lavenex & Schimmelfenning, 2009, p.809). While it seems that the EU can successfully export its norms in third countries and convince them to incorporate the community rules in the domestic legislation, the results from their implementation are not those expected. Therefore, Lavenex & Schimmelfenning (2009, p.809) argue that possibly “the next step in the development of the external governance approach will focus less on what EU does in promoting its norms than, on the domestic conditions for effective policy implementation in third countries.”

Although the Common Foreign and Security Policy (CFSP) is evolving and the role of the EU as a global actor is upgraded, the democratic control over foreign policy can only be partly performed at EU level, since the member states’ views and interests on international developments usually diverge. An indication of the limitation of the EU’s power due to the diverging views of its members on foreign policy and defense policy issues is that the EU had not got until 2011 the seat of a member at the United Nations Security Council. From 1974 up to February 2011, the EU was represented to the UNSC only by the United Kingdom and France. After the entry into force of the Lisbon Treaty and following negotiations, the EU was given almost all the rights of a full-fledged member of the UNSC except the right of vote. Actually, in the UNSC sessions, the EU President and for specific issues by the High Representative for Foreign & Security Affairs and Vice President of the European Commission has the right to speak and explain EU positions. Although the EU representation in UNSC is still “characterized by the innate ambiguity enshrined in the process of European integration” (Marechi, 2008, p.7), the institutionalization of the European Foreign Policy in the TEU has significantly upgraded the EU role in the UNSC. In this direction, Article 19 of the TEU calls the EU member states to coordinate their actions in international organizations and conferences and uphold common positions.

The EU can be perceived as an actor encompassing the concepts of civilian, soft, and normative power, and Tocci remarked that these three terms used to describe the EU’s unique international identity are interlinked (2007, p.1). Andrew Moravcsik characterized Europe, and this is what we think is mainly

about the EU as a “Quiet Superpower” because “Europe possesses a range of civilian instruments for international influence unmatched by any other countries” (2009, page 418).

Actually, what the EU is has been considered as the principal explanation for what it does beyond its borders” (Manners, 2002, Whitman, 1998 cited in Tocci, 2007, p. 2). As a civilian power, the EU “aims to domesticate relations between states by drawing international problems within the sphere of contractual structures and relations” (Dûchene, 1973, p.19 cited in Tocci,2008, p.4). The EU, as soft power, is “related to forms of foreign policy influence which relied on cooptation, multilateral cooperation, institution building, integration and the power of attraction” (Nye,2004, p. 5). Manners (2002) introduced the idea of normative power, “which intends on shaping, instilling, diffusing and normalizing rules and values in international affairs through noncoercive means.” The aforementioned theoretical approaches do not substantially differ. On the contrary, one could argue that in various shades describe the EU as a power that has excluded coercion and violence.

## **2.2. The EU as an International Economic Power**

Economic power has always been an instrument of political power (Nye, 2011, p. 51). When after the end of the Cold War, “geo-economics” prevailed in “geopolitics,” the economic power became the main component of global politics. Since the EU is a wealthy and integrated economic block, Moravcsik predicates that “the EU is well-positioned to exercise the appropriate leverage it needs to meet its foreign policy goals through the use of its economic power” (Moravcsik, 2010, p. cited in Bender,2016, p.2)

Based on statistical data coming from the World bank (Table 2), we assess plausibly that the EU is the second-largest economy and the most significant trading power in the world. The EU covers 2,9% of the global area and is inhabited by 6.9% of the world population. The 67, 6% of the EU’s population lives in the EURO Area, covering 63.0% of the total area of the European Union. The EU’s GDP is 22% of the world GDP, and the GNI per capita (revenue) is 3 three times higher than the average GNI per capita worldwide (Worldbank, Open data, 2016).

The EU has a large domestic market, alongside a dominant position in economic standards-setting, and regulatory design has established an economic advantage and can influence the behavior of third states. Niblett (2011) remarks that “the EU’s trade policy, although contradictory and focused on the short term at times, has contributed to market opening and wealth creation across the world.”However, the EU also has significant structural problems, including energy dependency, aging societies, shrinking

workforces, the difficulty to integrate adequately large numbers of immigrants coming mainly from Asia and Africa, as well as entrenched but increasingly burdensome social welfare systems. Indeed, “harnessing economic power in international goals may present formidable obstacles, such as bureaucratic pluralism and inertia, or the conflicting pulls of alliance diplomacy, but it also provides an invaluable hedge for the future” (Bender, 2016, p.2). The EU actively participates or represented by its Member States in all international organizations. This way has quite successfully managed to influence important decisions and agreements related to a wide range of economic and political international issues

“If EU member states can stabilize their economies and achieve a period of sustained growth, they will be in a position to use the magnetic force of the EU’s enormous domestic market 500million of the world’s wealthiest savers and consumers to try to engineer change beyond Europe’s borders” (Niblett, 2011). In an interdependent world where economic clout will likely offer necessary forms of external influence, it is rather sure that the EU will retain its potential and remain one of the determining powers on the world stage in the twenty-first century. The 2008-2009 global financial and economic crisis has affected the EU economy as a whole and especially the economies of some of the member states with structural problems and high debt, such as Greece, Italy, Ireland, and Portugal.

GDP growth has been negative, unemployment has ejected, public debt has increased, but since 2012, the EU has started slowly to recover with more progress made in the more developed countries like Germany. Factors of fundamental significance affecting the EU endurance are the common currency and the effective functioning of the EU area, policies of preventing and macroeconomic imbalances, as well as counterbalancing external conditions and asymmetric shocks. Moreover, the 2008 crisis has contributed decisively to the maturing of the EU, which has stepped forward by strengthening its economic governance.

Notwithstanding the increasing polarization of economic powers and the low GDP growth, factors favoring the EU, are the lower public debt and debt servicing costs. In comparison to its competitors (USA, Japan), these factors can stimulate better growth prospects and strengthen the EU’s position as a global economic power (Mucha-Leszko, B, B. & Twaroqska, K. 2016,p.42).

## **2.2 The EU as soft power**

a. There are several ways one can achieve this: using threats, financial rewards, or attracting and making them want what you want. “This soft power – getting others to want the outcomes you want – co-opts people rather than coerces them” (Nye, 2011, p.85). However, the necessary resources of soft power

(such as culture, ideology, and institutions) are, in principle, intangible, beyond government control, and their effects are heavily dependent on the acceptance by the recipients. Therefore, soft power resources often work indirectly by shaping the environment for policy, sometimes take years to produce the desired outcomes. On the contrary, hard power manifests itself with “military intervention, coercive diplomacy and economic sanctions (Wilson, 2008, p.114) and relies on tangible power resources such as armed forces or economic means (Gallarotti, 2011, p.29)”.

Indeed, some scholars and policymakers attribute moral content to the soft power, arguing that it could be presented as the antipode to raw power politics. Notwithstanding, the soft power is rather a descriptive rather than a normative concept; it can be wielded, like any form of power, for good and bad purposes. Nye makes reference to Hitler, Stalin, and Mao, whom all possessed a great deal of soft power in the eyes of their acolytes, but that did not make it good (Nye, 2011, p. 81). Three main elements strongly support the soft power of a country: its culture (when there are valuable cultural assets that make the country attractive), political values (when they characterize life at home and abroad) and its foreign policies (when they have moral recognition and legitimacy) (Nye, 2011, p. 84).

The effectiveness of hard power depends on the accessibility to power resources. Large states such as the USA dispose of the financial means to maintain large armed forces and to put other states under pressure if they want to intervene. For smaller countries, these traditional tools of hard power are more challenging to obtain. Nevertheless, the accessibility of hard power resources depends much less on the size of a state. It is characteristic that some small states for their protection are investing primarily in military power (Israel, NorthKorea).

The concepts of hard and soft power may be viewed as a “continuum with several instruments of different degrees of coercion or persuasion. These instruments are punishment, compulsion, inducement, agenda-setting, persuasion, and attraction” (Smith–Windsor, 2000, p. 52). Furthermore, Smith–Windsor (2000, p. 52) considers that the border between soft power and hard power is rather subtle and brings as an example that armed forces can also be “called to participate in humanitarian and interposition peacekeeping operations.”

Hard power involves a coercive element; it is expressed through military threats and economic incentives and is based on tangible means such as the military or economic power. On the contrary, soft power relies on the creation of one that comes from attraction and simulation and is based on intangible resources such as culture (Smith–Windsor, 2000, p. 52. In real-world situations, since economic resources



**TABLE 2: COMPARING THE EU ECONOMIC PROFILE TO OTHER GLOBAL POWERS.**

<b>2016</b>	<b>EU</b>	<b>EURO AREA</b>	<b>WORLD</b>	<b>USA</b>	<b>G7</b>
<b>Surface</b>	4,38 million km <sup>2</sup>	2,76 million km <sup>2</sup>	134,33 million km <sup>2</sup>	9,15million km <sup>2</sup>	19,52 million km <sup>2</sup>
<b>Population</b>	503 million inhabitants	340 million inhabitants	7.400 million inhabitants	321,22 million inhabitants	750,47 million inhabitants
<b>Gross Domestic Product (GDP%) in market prices</b>	16,49 trillion\$	11,93 trillion \$	75,87trillion\$	18,62 trillion \$	35,56 trillion \$
<b>Agriculture value added (GDP %)</b>	1,8%	1,6%	3,86%	1,1%	1,37%
<b>Industry value added (GDP %)</b>	25%	24,7%	29,3%	20,0%	23,8%
<b>Services value added (GDP %)</b>	73,2%	73,7 %	66,1 %	78,9 %	74,83%
<b>Inflation</b>	0,2 %	0,8%	2,1%	1,3%	2%
<b>Taxes/GDP</b>	20,2 %	18,8%	15,0%	10,9 %	12%
<b>Exports of goods &amp; services (GDP%)</b>	43,2%	44.1%	28,6%	11.9%	....
<b>Imports of goods &amp; services (GDP %)</b>	39,81%	40,3%	27,9%	14,7%	....
<b>GNI per capita</b>	33.330,68 \$	36.132,95\$	10.321,01 \$	56.850,00 \$	45.478,50 \$

Source/: Worldbank, Open Data, 2016.

can be used “to attract as well as to coerce,” it is rather difficult to distinguish what part of an economic relationship is composed of hard power and what is made up of soft power (Nye, 2011, p. 85). Nye (2011, p.85) explains the desire of other countries to accede to the European Union as a sign of Europe’s soft power. It is striking that former communist countries in Central & Eastern Europe oriented their expectations and revised their laws to comply with the *acquis communautaire*. Actually, after decades of a horrible war, the creation of the European Union has “transformed Europe into a stable, prosperous and peaceful part of the world” (Krohn,2009,p.4).

### **2.3.2 The EU as a civilian power**

Duchêne's characterization of the European Community is interesting. Specifically, he argues (1973, p. 19) that the European Community, as a group of countries with significant economic power but limited military power, aims as much as possible to normalize relations between its Member States and between its Member States with States outside its borders. Actually, “often the use of military forces for peacekeeping missions is regarded as” legitimate because the focus lies to pursue civilian ends, even though with non-civilian means” (Krohn, 2009, p.4). What makes EU different and eventually the best example in the use of civilian means is the way it tackles foreign policy issues, i.e., non-use of violence and military means, exposure to democratic control, and the predisposition to enter into dialogue and cooperate with the other side (Krohn, 2009, p.4). Smith argues that the political way is not the military way and presupposes the use of finance, diplomatic, and cultural-political means (2004, p. 1). In the same line, Christopher Hill (2002, p. 9), one of the basic supporters of the significance of the European Union as a political actor, claims that the EU, with its attitude in the international subjects, gives accent in the use of diplomacy and no the coercion. Hill (*ibid*) considers mediation as the primary means for the resolution of conflicts, points out the importance given to economic solutions in political problems, and supports the need of domestic populations to be in the position to determine their fate.

However, defining a civilian power, solely because it is pursuing civilian ends seems to be insufficient. Hannes Maull introduced two other aspects: assertiveness of cooperation and supranationality. Maull defined as civilian power, the power which is characterized by “the acceptance of the necessity of cooperation with others in pursuit of international objectives and the willingness to address critical issues of international management “(Maull,1990, p 92 cited in Krohn, 2009,p.4).

Another important aspect is added by Stavridis, who talks about “civilian power by design” and argues that there is need for democratic control over foreign-policy making and implementation (Stavridis, 2001, p.17) In line with this, Stavridis supports that the militarizing of the EU is rather strengthening than undermining the civilian power concept of the European Union.

Furthermore, the EU, giving seemingly to its external relations a moral content, “developed slowly into a global advocator of human rights and the rule of law”(Krohn,2009,p.5). Therefore, it could be said that the EU has tried to present itself as a moral example for the world (Roy, 2006, p.147; Eleftheriadis, 2011). Its policies and activities confirm the civilian aspect of the EU foreign policy. Notably, the EU, as an economic power, is the largest donor of financial assistance to developing countries and the tenacious supporter of the WTO Doha Development Agenda. The EU as a civilian power has led the struggle to abolish the death penalty, has been one of the supporting forces the Kyoto and Paris Treaties for the Protection of the Environment, has contributed decisively to the creation of the International Criminal Court and the adoption of several agreements restricting the use of weapons and mines against human life (Krohn,2009,p.5). It is no coincidence that the EU has started playing an important role and influences more and more international developments. The unprecedented combination of economic power and sensitivity for social issues and human rights makes the EU an exemplary civilian actor. Krohn claims that “probably, the most powerful instrument at the EU’s disposal is the perspective of EU membership for other countries” (Krohn, 2009, p.7).

Notwithstanding its strong civilian character, on many occasions, the EU was confronted with severe dilemmas, realizing its impotence to sway developments as a global actor on the international scene. In response to new challenges, the Amsterdam Treaty seems to have differentiated the civilian character of the EU by including the so-called Petersberg Task. Therefore, the responsibilities assigned to the EU encompassed humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management (Foster, 2005, p. 96). The Cologne European Council further underlined this ambitious attitude in 1999, that declared <sup>13</sup>: the necessity for EU autonomous action, supported by appropriate military means.

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<sup>13</sup> “The EU must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO” (Conclusions of the Cologne European Council, 1999, Declaration of the European Council and Presidency Report on strengthening the European common policies on security and defense. Annex III, point 1).

Although the acquisition of military capabilities challenges the EU as a real civilian power, many scholars are convinced that the EU will not stop pursuing political goals, notwithstanding its military means. Will the EU continue to pursue political goals even if it faces a severe threat? Can the EU finally go beyond its role as civilian power?

## **2.4 The EU as a normative power**

Manners (2002, p. 253) states that the ability to define what is normal and “set the rules in world politics is ultimately the greatest power of all.” The question that follows is who sets the rules and whose norms prevail in international relations. Is the “norm entrepreneur” the power that introduces innovative ideas and solves problems in international politics, as Björkdahl claims (2002, p. 459) or only the more powerful actor who sets the limits of choices? Indeed, Western powers have made a decisive contribution to the establishment, dissemination, and codification of rules on the rights and freedoms of individuals across the political, economic, social, and other sectors. However, theoretical underpinnings are necessary in order to identify “normative powers.”

Manners believes that “the EU is a normative power because its historical context binds it to the compliance to universal norms” (Manners, 2002, p.240-241). The EU's fundamental principles relating to the protection of freedom and democracy, respect for human rights, and the rule of law, demonstrate the EU's predisposition (TEU, Article 6). Lucarelli and Manners (2006 cited in Visoka and Doyle, 2016, p.865) shed light to another aspect arguing that the projection of the EU “normalness” in the realm of norms, institutions, and practices helps in mirroring its internal rules and influence political processes in its border regions and beyond. From this perspective. Manners (2002, p.240) predicates that plausibly, “the normative power cannot be anything else than the endeavor of the EU to promote its norms similarly to historical empires and contemporary global powers.” As concerns, the EU's hybrid character, Forsberg (2011, p.1192 cited in Zupančić and Pejić, 2008, p.26) has an impressive view that the EU's hybrid character has emerged from the application of the “Westphalian brake” that makes states resist transnational structures, rather than as a symbol of postmodern ideas internalized in the EU's peace project.

The EU normativity is expressed by the degree to which foreign policy pursues and attains successfully normative goals (Tocci, ed, 2008, p. 300). In this regard, “normativity involves promoting a more widely accepted or universalisable foreign policy” (Tocci, ed. 2008, p. 300). Manners (2002, pp.244-245) claims that the EU redefined the concepts of normal in the international arena by establishing and diffusing norms reflective of its internal experience. Manners (2002, p.244-245) explains that the following six factors, drawn from Whitehead (1996), Whitman (1998), Manners and Whitman (1998), and Kendall (1995), determine the diffusion of the EU norms:

- “
1. Contagion - unintentional diffusion of ideas by the EU to other political actors
  2. Informational – diffusion of strategic and declaratory communications by the EU
  3. Procedural –diffusion of EU norms and standards using institutionalization.
  4. Transference -exchange of benefits (trade, aid, technical assistance) between the EU and third countries
  5. Overt diffusion- the physical presence of EU in third states and organizations
  6. Cultural Filter - cultural diffusion and political learning in third states and organizations.”

(Manners, 2002, (a), p.35)

***What would enable us to consider normative behavior as “rational choice”?***

Eriksen and Weigård (1997, p. 228, cited in Sjørnsen, 2005, p.11) predicate that according to the theory of communicative actions “actors are seen as rational when they are able to justify and explain their actions, and not only when they seek to maximize their interests “(Sjørnsen,2004,p.64). However, Sjørnsen doubts if it is possible to come to a rational agreement on universally acceptable norms (Sjørnsen, 2006, p.247), just because the actors seek to maximize first their interests, which are reasonably different and sometimes contradictory. If “acting in a normative way” cannot be de facto considered a good thing, Sjørnsen (2005, p. 11) wonders why it is self-evident that a polity like the EU will not follow a foreign policy that is contrary to international principles and will discriminate between different types of rules and their legitimacy.

Does the EU behave solely as a normative power and promote universal norms in an example for the other states’ way? Laidi points (2008, p.6) that the EU, behaving like a “normative empire,” is not confined to the adoption of simple political or economic rules, but extends itself to laying down rules relating to other areas such as the environment, sustainable development, competition, and consumer protection as

well as criminal justice. Tocci and Manners remark that “normativity is not a black and white concept but comes in shades of grey, explaining the different normative interpretations by different actors standing at different points in time and space. Substantive normative interpretations differ across different actors, and each norm can claim a strong basis in international law and ethics” (Tocci and Manners., 2008, p. 302). As regards how other countries view each other, assessments are somewhat biased towards normativity. There is a propensity to consider the friends normative and the enemies non-normative.

For foreign policy issues, weight is being placed on the role of European norms, values, and interests. Since the world became multipolar, ascending powers have started introducing “new norms, in other domains and particularly relational norms concerning mutual respect and solidarity” (Tocci and Manners, 2008, p. 326). In order to promote and ensure the implementation of its norms, the EU started introducing the so-called conditionality clauses. From then on, the protection of human rights, the endorsement of democratic principles, and the establishment of the rule of law became essential elements of EU aid and political agreements with third countries. The creation of the International Criminal Court (ICC) was also hailed as an example of promoting norms on justice at a global scale by the EU. The EU insisted on the creation of a strong independent court that would be autonomous from any state or the UN and could have clear justification over the mentioned crimes.

The EU was also acknowledged as a “force of good” by developing an energetic role and taking the lead as concerns the promotion of environmental and social issues. EU seems to value universal norms (protection of the environment, peace, human rights, and social progress) higher than its interest (economic competitiveness). Hence, the EU has signed the Kyoto and Paris Climate Agreements and has vigorously promoted the abolishment of the death penalty (Council of the European Union, 2012. *EU Strategic Framework and Action Plan on Human Rights and Democracy*, N° 11855/12, p.3).

### ***Is the EU a “force for the good”?***

Manners believes that the basic element that makes the EU differ as normative power is that it was created to be different to pre-existing political forms (Manners,2002, p.242), and this particularity predisposes it to act in a normative way in world affairs (Manners 2002, p.242). What principally characterizes a normative power is that “it acts in order to transform the parameters of power politics through a focus on strengthening the international legal system” (Sjursen, 2005, p. 1). Since international actors usually act to protect their interests, no matter if it can hurt someone else, adopting rules puts red

lines and discourages abuse. Acting in a normative way means that the action is following “legal principles” (Sjursen, 2005, p. 1).

Since multilateralism is, to a large extent, dependent on the goodwill of the most powerful states within the system, multilateralism does not ensure either the same commitment of all parties to adhere to overarching laws nor equality of all states before the law (Sjursen, 2005, p.15). In this sense, the EU is considered as “one of the most formidable machines for managing differences peacefully ever invented”(Sjursen,2005,p.3). Menon acknowledges the EU as a pioneer in long term interstate peacebuilding by experimenting and designing options for peaceful governance (Menon et al.,2004, cited in Sjursen, 2005, p.12).

As regards the relation between the normative power argument and the EU identity issue, it is difficult to conclude that a normative power “could not be anything other but a force of good, in the sense of an enterprise that is bound to impose particularistic conceptions on others” (Diez, 2004 cited in Sjursen, p. 17). Moreover, “if the EU defines itself, and thinks as itself, as a ‘force for the good’ then, that risks to be a subjective definition linked to a particular European understanding and defined in a particular European cultural context “(Sjursen, 2005 p. 17).

Since the Europeans are ready to recognize as their own, the same principles and values, it is argued, that this constitutes the common identity of the European and makes him feel like a participant of a political group (Cerutti, 2003, p. 27 and Lucarelli & Fioramonti, 2010, p. 4). According to this view, culture, history, policies, and institutions are the frameworks in which the interpretation of values takes place, thereby giving meaning to political identity. Another critical factor, frequently neglected, is the relationship with external others. Others are seen as relevant to the self-identification process in four respects: recognition, distinctiveness, labeling, and bordering (Lucarelli and Fioramonti, 2010, p.4). Manners and Whitman predicate that attempting to design a single, categorical & meaningful international identity for the EU could act as a “difference engine.” However, they point out that in this case the methodology of the “difference engine” is not used to emphasize how much the EU differs from the world, but on the contrary to display a European element that has emerged from the composition of many different national identities (Manners, 2006, p. 178, Manners and Whitman, 2003, p. 397). However, there are German, French, and British views that question the identity of the EU (Diez, 2005, referring to Manners, 2006, p.178). Since EU international identity is disputed (Manners and Whitman, 2011, p. 397), the EU cannot be seen as a

"difference engine" by multiplying a separate, single, substantial, categorical, supranational EU self" (Manners, 2006, p. 178).

Normative power is considered "one that breaks with the traditional foreign policy practice of great powers and seeks to overcome power politics — through a strengthening of not only international but cosmopolitan law, emphasizing the rights of individuals and not only the rights of states to sovereign equality. Manners argues that "the EU represents a normative power, more than most other actors in world politics" (Manners, 2006, p.179) and he briefly states that "it is a normative claim with a normative aim, made in the relative absence of normative approaches to the EU" (Manners, 2006, p.179). Nevertheless, "the potential tension in the EU's external policy, between its emphasis on multilateralism and human rights as core principles in its foreign policy orientation, allows contemplating how much uncomplicated is to conclude that the EU is a normative power" (Sjursen, 2005, p.20).

After the end of the Cold-War, the unfreezing of both the international order and the intellectual order has encouraged fundamentally different ways of conceiving and understanding the EU in world politics (Manners, 2006, p.179). Manners continues pointing that in principle, structural changes at national and EU level are needed to harmonize and control the actions in the field of foreign policy. Of course, a normative power is not bounded to maintaining the existing situation by intervening only when there are problems to solve. In terms of Political Sciences, Manners argues that a normative power should address more profound questions concerning the existence of the EU and its evolution process (Manners 2006, p.180). Indeed, the European Union not only has stretched the traditional concepts of European identity and security, but it also continues to develop its capacity to realize these new models in very concrete ways. Although some criticize the EU's incremental approach towards new challenges, it has made real headway. "The foundational principles of the EU have made it an enviable alternative not only for each new and potential new member states but also for the region and the region's neighbors to the south and" the east overall (Schweiss, C, and Jebb, C.,2006, p.101)

## **2.5 The EU as a military power**

The EU has, despite its civilian instruments, slowly developed a military dimension. However, European states are, on average small and allocate limited resources to the military (Raitasalo,2015). The



combined European wide defense spending of the 28 states is about 30% of the amount that the United States allocates to its armed forces( Raitasalo,2015).

The catalyst for the maturing<sup>14</sup> of the CSDP has been the Yugoslav crisis. Since 1991, the EU has realized that Europe needs “to beef up” its military capability and establish an army in order to be “taken entirely seriously” or to “stay relevant” in contemporary international politics (Raitasalo, 2014, p. 19). Notwithstanding that the European states have accomplished to cooperate in the political and economic domains, the security matters and the military affairs remain domains where the cooperation is problematic. If the case of Bosnia Herzegovina convinced Europeans that more should be done at least in the political field, the case of Kosovo forced them to do more in the military field. Moreover, NATO had already clearly pronounced that Europe should do more in terms of the management of regional conflicts and crises. Typically, the General Secretary of NATO Lord Robertson has said: “It is not about the EU somehow going it alone; it is about Europe doing more” (Kaskarelis, 2017, p. 113). The so-called Helsinki goals adopted by the European Council in 1999 set a military capability target for the EU and provided the creation of the European Rapid Action Force, which should be deployable within 60 days and sustainable for a year in support of the Petersberg Tasks (Council of the European Union 1999).

Because of the “many contradictory and diverging national security interests in Europe, all security-related decisions are ‘meager’ compromises at best” (Raitasalo, 2014, p. 20). Problems associated with the non-use of the EU battlegroups since 2007 as well as “problems of forming a relevant and coherent policy towards Russia concerning the ongoing Ukrainian crisis are examples that illustrate the “defense policy by committee”<sup>15</sup> approach in Europe” (Raitasalo, 2014, p. 20).

Only a few countries can participate with their armies in military operations. Only France and the United Kingdom can do military operations. In the post-Cold War era, multinational military operations were executed only out of the European area. In almost all of these military operations, European states have had rather negligible national security interests at stake. Therefore their willingness to commit any significant military capabilities to these operations has been low in Europe (Raitasalo, 2014, p.21).

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<sup>14</sup> Interview, Former Under Secretary of State for Foreign Affairs, Athens, 2/6/2016

<sup>15</sup>A phrase used by Raitasalo to denote that EU tends to avoid recourse to military means and prioritizes the diplomacy.

When Russia ceased to be considered as a threat, European states have been in a position to take the post-Cold War era “peace dividend” (Raitasalo, 2014, p.373)<sup>16</sup>. European states have reduced their defense spending, and financial resources have been channeled to other more pressing needs. Moreover, in doing so, they have abolished conscription for military service and moved to professional forces. These changes have meant that mainly small countries have not been able to take military action on their own.

Because of the differences between the EU member states, and their conflicting views of threats and military priorities, there could not be any comparison to the military capability of the United States. That is normal because first, the EU is not actually a federation or has not yet become a federation, and second, it has taken for the USA at least 150 years to mature as a federation and have a single voice on foreign policy and security issues.

However, Raitasalo (2014, p.19) concludes that with the adoption of the Common Security and Defense Policy (CSDP), the establishment of the EU civilian-military structure and the deployment of military missions, EU Member States show that they are preparing to pave the way for the creation of a new military dimension of the post-Cold War era in the EU policy.

## **2.6. The difference between the EU and other powers**

Any international player can act in different ways in different policy situations. However, what matters is to know where is the center of gravity in the foreign policy of each international player. Manners (2002, p.241) states that: “The constitution of the EU as a political entity has largely occurred as an elite-driven, treaty-based, legal order. For this reason, its constitutional norms represent crucial constitutive factors determining its international identity”.

Tocci & Manners (2008, p.328) argue that “in a multipolar world virtuous normative interaction may take place between different international players, whereby a healthy ‘competition of norms’ may engender an increased multi-lateralization and regularization of the international system.” Indeed, during the Cold War and after, in fear of the nuclear threat, the emphasis was placed on the creation of multilateral relations between countries with political and non-military orientation. The Normative Power (NP)

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<sup>16</sup> Peace dividend is a political slogan frequently used at the end of the Cold War when many Western nations significantly cut military expenditure. This term sought to describe the overall economic benefit from the cut of military spending.

approach was developed “as part of an argument for moving away from the Cold War (and neocolonial) approaches to the EU” (Manners, 2006, p.177).

Diez compares the EU to the USA and claims that normative power is “hardly novel and unique” to the EU. Therefore, the EU is merely trying to promote its own rules in the world legal order, in a way similar to what empires have done in the past and the great players do today (Manners, 2006, p. 170). Diez also considers that other factors determining normative power are how power is put forward, and whether the exercise of power exceeds or strengthens what is “status quo” in the world politics as concerns injustice and the administration of justice (Diez, 2005, cited in Manners, 2006, pp.170-171).

However, the EU is differentiated from other global powers by making its external relations dependent on a set of rules that are akin to those of the European Convention on Human Rights (Manners, 2002, p.241 & Manners, 2006, p. 170). In this sense,” the Europeans have a very different idea in mind of what ought to constitute a superpower in a globalized society” (Rifkin, 2004, cited in Krohn, 2009, p.16).

### ***Does the European Union act as a peacemaker from conviction or predisposition?***

“The EU, after all, is arguably the most successful peace project in world history, having put an end to the scepter of war between its member states, who have between them started two world wars and countless lesser ones” (Tuomioja, 2009, p. 1). The commitment to peace is adequately embedded in the Treaty on European Union (article 6, p: 13), and the EU’s official texts explicitly refer to the Union’s role in world politics.

“The EU’s approach to constructing peace is different to that of other international actors, mainly due to the contextual factors regarding how it has transformed internally, how its complex institutional and multilayered governance works and what capacities, norms and practices it invokes in dealing with external situations” (White, 2004, p. 15, cited in Visoka & Doyle, 2016, p. 864). The choice of peace instead of war is a type of value option for the EU.

### ***Is the EU by conception an authentic antiwar power?***

“The EU peace support agenda is dominated by liberal peacebuilding framework, which focuses on the importance of remaking security structure, building state institutions, liberalizing the economy, promoting civil society and the rule of law” (Blockmans et al., 2010 cited in Visoka & Doyle, p. 864). However, the EU policy agenda should not only be studied “through the lens of liberal peacebuilding but

should also be seen as a self-mirroring of its internal dynamics of neo-functional integration and consolidation” (Visoka& Doyle,2015, p.865).On the other hand, Ojanen (2006) argues that “ the domination of new alternative accounts, such as liberal inter-governmental<sup>17</sup> and trans-governmental<sup>18</sup>, The EU's common foreign and security policy, as well as the complex unfolding of EU enlargement, development, and peacebuilding policies, have overshadowed neo-functionalism's space in exploring developments in EU peacebuilding” Sjursen (Ojanen, 2006, cited in Visoka and Doyle,2015,p.866).

Sjursen raised the question if the lack of military means is the one that determines the EU as a regulatory force and thus differentiates itself from other world powers (Sjursen, 2005, p. 2).

Having at its disposal a panoply of civilian means, the EU has a comparative advantage over NATO since it has the ability not only to act preventively but also to manage the aftermath of conflict (Sjursen,2005, p. 3). By operating at a deeper structural level, EU policy instruments can potentially complement other external actions by influencing the domestic root causes of conflict (Tocci, 2007, p.177). However, given that the EU has gradually developed military capabilities, is it possible in the future, the EU, to change the role and make credible threats? In principle, it could not be supported that the ability to use military power or even the threat for the use of military power could jeopardize the normative power (Sjursen, 2005, p.5) Moreover, as shown by its historical path, even with military capabilities at its disposal, the EU tends to favor civilian instruments (ibid). However, some doubt about the firm, voluntary commitment of the EU to its role as a normative power. For example, Sjursen is concerned that the development of military instruments can “haunt the putative ideological background of the EU's normative power” (Sjursen, 2005, p. 5).

In the same spirit of questioning and doubt, Kagan (2003, cited in Sjursen, p.4) argues that perspective Kantian Europe is only “Kantian” by necessity, not by choice. Therefore, one would expect the EU to pursue a different approach if it were to obtain military capabilities.

### 3. Conclusions

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<sup>17</sup> Liberal Intergovernmentalism is an application of “rationalist institutionalism”, a general approach used to study interstate cooperation in world politics.

<sup>18</sup> Transgovernmentalism refers to the” intensive and continuous consultations process” by which subunits national governments form international coalitions across national boundaries (Keohane, R and Nye, J.1977.*Power and Interdependence: World Politics in Transition* .Boston, Addison Wesley.p.25 cited in Cutler, R., 2006.The OSCE's Parliamentary Diplomacy in Central Asia and South Caucasus in Comparative Perspective. *Studia Diplomatica*.Vol.LIX.N<sup>o</sup>2., pp.79-80.

The EU is a powerful economic global actor and seems to assemble and combine with a unique way the characteristics of soft, normative, and political power. Notwithstanding its very considerable economic power, the EU cannot be called superpower; it remains so far a union of states. The European states have accomplished instead of cooperating in the economic and political domains. However, security matters and military affairs remain domains where the cooperation remains problematic because there are no European wide common security interests. The reason why the political union of the MS has not progressed, not only due to rivalries among the most potent MS but also to the fact that the EU has transformed relatively slowly from a union in key areas for industry and energy, in a union of states with common policies and guidelines.

Although the members of the European Community created the European Political Community (EPC) to coordinate their foreign policies since 1970, EPC was not qualified as European foreign policy. Following the creation of the Pillar on Common Foreign and Security Policy in the Treaty on European Union (1993), only in 1999 with the appointment of the EU High Representative for Foreign Affairs and Security Policy and later in 2009 with the creation of European Union External Action Service EEAS the EU has acquired the necessary institutional structure to be able to support its foreign policy

Although transformation usually requires incremental change over generations, the end of the Cold War, the Iron's Curtain collapse, and especially the disintegration of Yugoslavia created a challenging environment and acted as a catalyst in maturing the CFSP. The EU has introduced some legislative changes in order to help restore peace and assist in the transition to democratic regimes of the states that emerged from the disintegration of Yugoslavia, .and the Post-Soviet conflicts. The pressing need to address salient problems linked to the conflict management and peacebuilding pushed the things in the direction to find swiftly stabilizing solutions. Moreover, it was understood that the EU's role could be useful only if it worked with reality. Some factors affect the resolution of disputes; the right solutions are not forever. Alternatively, solutions that seem ideal today can be considered unfair tomorrow

The depth of interdependence and the intensity of EU relations with its neighborhood have prompted the EU to develop strategies and arrangements beyond enlargement. The external governance defined as the expansion of EU rules beyond EU borders is particularly intensive with close neighbors, who have committed themselves to the adoption of significant parts of the *acquis communautaire*, but it is also intensifying with the countries of ENP. Since the integration to the European Union was believed as the

best way to overcome conflicts and maintain peace and stability, neighbors, associates, and potential members have invested a lot in the European course.

The EU has created such a "panoply" of political institutions, which enables it to contribute both to prevent the outbreak of a conflict and to manage the consequences of the conflict. The EU is challenged to create convergences and bridge differences, as well as to provide as many capabilities to protect its interests and citizens. However, the development of military force for defense and protection does not appear to threaten or degrade the constitutional character of the EU as the power that defends the fundamental principles of democracy, state of right, social justice, and respect of human rights. It can also be supported that even with the military faculties at its disposal, the EU tends to favor the political institutions, dialogue, and cooperation.

Although the EU conflict resolution policy is conditioned by the EU member interests and preferences as concerns their relations with NATO and Russia, the comprehensive but not military intervention of the EU is shown to be more welcomed by the conflicting parts and more efficient in peacebuilding, than any other intervention. Moreover, the EU role as mediator for the settlement of conflicts has been upgraded since the adoption of the Lisbon Treaty.

## **CHAPTER II**

### **THE EU POLICIES TOWARDS CONTESTED STATES**

While the role of the EU as an international player began to be upgraded and, alongside the effort to coordinate its external action through the adoption of a common foreign and security policy (CFSP), the EU has developed a wide range of actions which extended from “the traditional field of external trade to democracy promotion and cooperation in various policy areas falling under its legislative competence” (Lavenex & Schimmelfenning, 2009, p.791). After the end of the Cold –War, the European Union was called to address the challenges arising from the emergence of post-conflict states, a considerable number of which in its neighborhood. In order to address the post-conflict transition and socioeconomic rehabilitation of these fragile states with contested sovereignty, peacebuilding and state-building interventions were considered to be necessary. In this chapter, we will try to analyze the contribution of the European Union as a global actor in stabilizing and restoring the regularity of states with contested sovereignty.

### **1. The emergence of contested states in the challenging political environment of the post-Cold War era**

After the end of the colonial era and especially during the Cold War, Western bilateral assistance to the newly established independent states was mostly linked to geostrategic checks. Often, corrupt and brutal dictatorships were directly supported to secure a possible ally in the Cold War (Helman and Ratner, 1992, p. 4, cited in Hameiri, 2010, p. 74). However, Hameiri argues that after the Second World War and especially after the collapse of the Communist bloc, western interventions were much inspired by the progressive liberal perceptions of radical humanism and the protection of human rights (2010, p.66). Due to the dramatic increase of the intrastate conflicts after the end of the Cold War (Wallenstein and Sollenberg, 2001, p.632), the interventions aimed primarily to enforce and secure the peace. The UN peacekeeping reform had a decisive impact on the EU’s engagement in post-conflict situations (Grevi, 2009, p. 19); particular emphasis was given to the state-building interventions. However, peace-building involves major economic and political reforms. In this sense, peacebuilding is a particular kind of social engineering, based on a specific set of assumptions about the best way to create a durable internal peace (Grevi, p.56) Of course, a key EU incentive to support peace processes abroad is primarily linked to the



stabilization of surrounding areas and the mitigation of threats to internal security (European Commission, 2003, p.10).

Following the recent enlargements of the EU, the countries of eastern Europe and the southern Caucasus have become closer neighbors, and their security, stability, and prosperity are affecting the EU Member States. In this context, closer cooperation between the EU and its partners from Eastern Europe - Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine - has become a vital element of the EU's foreign policy. (Hameiri, 2010, p.86). Brinkerhoff (2005, p.12) underlines that intervening in the states "where the social and institutional fabric has been shredded, and violence has erupted, call for a combination of the general and the situation-specific." Brinkerhoff (2005,p.13) underlines that every state has different characteristics and fails for its reasons.

It is said that in order to avoid worst-case scenarios, effective states must be built (Fukuyama, 2005; Rotberg, 2004, cited in Hameiri,2010, pp.86-87). Therefore, besides to CSDP missions and other conventional peace-building measures (disarmament, demobilization, post-conflict monitoring), the EU approach emphasizes strategies practices and instruments mainly aimed at institution reconstruction and economic reforms to modernize the functioning of the state and improve the standard of living of citizens (EUNPACK 2016 cited in Zupančič and Pejić, 2018, p.13).

As Hameiri notes (2010), from the late 1990s on prevailed, the view that prerequisites to successful developments should be the efficient functioning of the governmental structures of the receiving State. (Hameiri, 2010, p.73). Since the inefficient use of international assistance was considered to be due to domestic poor domestic governance, the emphasis was put on the state-building. At the same time, a new logic of management policy has been developed, "the rule of expertise" According to the rule, decisions for proper management do not arise politically in the context of compromise between competing interests but are rather technically formulated on the basis of contributions from experts and consultants (Furedi, 2009, Hilgartner, 2000, pp.146, cited in Hameiri, 2010, p.80). Jayasuriya highlighted another dimension, pointing out that in order to have stability in a state, there must be commitment and compliance with policies that ensure the confidence of international markets (2005, pp 95-96, cited in Hameiri,2010, p.82)

While, the liberal democratic expansion characterized the first phase of the post-Cold War, during the second phase the interest of policymaking both internationally and domestically has focused on the management of risks, such as transnational terrorism, environmental degradation, refugee outflows, illegal drug trafficking and other so-called "debounded" risks (Hameiri, 2010, p.66).

Moreover, at both conceptual and political level, for the interpretation of the failure of a state, the link between security and development was sought (Duffield, 2003, cited in Hameiri, 2010, p. 77). What has changed was that development and security were after that addressed mostly as technical issues, against to what used to be the case in the past where technical assistance was provided on political grounds and was mainly aimed at financially supporting the friendly political leaders of third countries (Duffield, 2003, p.202, cited in Hameiri, 2010, p. 77). The very existence of a state is historically associated with recurrent social and political conflicts between powerful alliances of interest on access to power and resources (Hameiri 2010, p. 11). Indeed, the most crucial dimension of modern state-building programs is related to how they affect the relationship between governors and governed, as well as the formation of groups. State-building is, therefore, a highly challenging task in all unrecognized states, but for a number of these entities, the task is near impossible (Caspersen, p.75).

It should be noted that modern state-building programs are trying, if not always successfully, to transform the states that intervene "from within" and to reform their architecture of governance to create what Harrison (2014) called "governance states" and Mkandawire(1999) "choiceless democracies," where the political choices for domestic political leaders are restricted and predefined (Hameiri, 2010, p. 13). Robert Rotberg directly linked legitimacy to state performance. National states fail when the violence prevails in the country, and the people do not enjoy the goods of the democratic system. Thus, their governments lose their legitimacy, and more and more citizens do not trust the state (Rotberg, 2004, p. 1, Hameiri, 2010, p. 19).

Robert Rotberg (2004, p.304) claims that to rescue states from failure and collapse; there must be a stable political will and the necessary resources. Moreover, Zartman (2005, cited in Hameiri, 2010, p.21) predicates that what is missing for capacity building is an international will to intervene before states have reached a critical point. There is also a smaller group of authors who insist that interventions cannot, in and of themselves, build state capacity (Chandler, 2006. Pugh, 2005; Suhrke, 2007, cited in Hameiri, 2010, p.21). It is also argued that no other political organization is capable of defending so well the political power of the people as the genuinely sovereign state, because only the sovereign state can provide a framework for political accountability (Chandler, Bickerton, et al.,2007, p.12 cited in Hameiri, 2010, p. 29.)

The EU has not only enhanced its role in conflict management and peace-building but has also developed its approach. Visoka and Doyle (2016, p.862) point out that the EU is using "neo-functional peace" as an approach to resolving prolonged disputes by de-structuring the very political issues into technical significance for reaching mutually acceptable agreements. Very interesting is Hameiri's

observation (2010, p.86) that "technocracy" in the context of neo-functional peace does not "depoliticize" matters but at least temporarily helps to frame and render the concepts in a way that facilitates the mitigation of hostilities and creates the conditions for building co-operation. In practice, the neo-liberal peace has played a crucial role in normalizing political relations and reconciling some outstanding disputes between Kosovo and Serbia "(Visoka & Doyle, 2016 p. 863).

There is a prevailing view among policymakers and practitioners that interventions restore sovereignty to failed states. Those underline individual rights over traditional sovereignty and prefer popular forms of sovereignty. There are also those who link sovereignty to capacity and support the temporary suspension of independence and the establishment of international administrations to help develop local capabilities (e.g., Meierhenrich, 2004).

Contrary to the rule of sovereign equality that prevailed after the war, some prominent realists/rational school political scientists argued that sovereignty has always been dependent on the ability of governments to rule the state (Krasner, 2004, Keohane, 2003, cited in Hameiri, 2010, pp. 29-30). Chandler (2005, cited in Hameiri, 2010, p.22) and other scientists argue that state-building interventions cannot build real state capacity because they set limits to domestic politics. From this point of view, the state will become legitimate and deliver political goods such as security and development only when the assumed condition of natural power balance is reached,

However, the theoretical discussion continues how peacebuilding and state-building are linked and interact, what comes first and what is to follow, how to combine peacebuilding and state-building, and how the conditions prevailing in the economy and society domestically and internationally influence the EU approach. In this perspective, the Global EU Strategy launched in June 2016 by the current EU High Representative Federica Mogherini has adopted a more realistic approach to the strategy implemented by the former High Representative Baroness Catherine Ashton. Specifically, while the EU initially focused on strengthening the democratic institutions, fighting corruption and supporting civil society, the current approach focuses on stabilizing and building the state and gives less emphasis to the democratic aspects on the governance (EUNPACK 2016 (p.17 cited in Zupancić and Pejić, 2018, p.13).

## **1.2 The EU addressing the challenge of the Contested Statehood**

Statehood and sovereignty are currently a "hot topic" in the legal arena since the notion of the state is challenged in the globalized world (Taylor, 2014, p.745). Indeed, a multitude of characters fight for roles

on the world stage, and the nature of the roles to be played are currently evolving so quickly that observers can hardly follow the changes. However, there is a dominant dipole, those who believe that the concept of state and the border is overcome and those who believe that the concept of state cannot be abolished (Taylor, 2014, p.745).

Based on the traditional state-centric model of the international law, as in the Montevideo Convention on Rights and Duties of States (1993, article 1) “a state as a person of international law should have the following four qualifications: “(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.” Sovereignty is not included in the Montevideo Convention. However, it is not possible to discuss statehood without taking into account the notion of sovereignty (Geldenhuis, 2009, p.14).

Sovereignty is most often associated with the modern nation-state. “In political terms, sovereignty refers to the political structures projecting power within and beyond boundaries, while legalistically the state is the sovereign source of political authority, establishing internal and external prerogatives” (Adler Nissen and Gammeltoft Hansen, 2008:201, cited in Closson,2011 p.59) In practice, recognition of an entity as a sovereign state is essentially made based on political criteria. This view is confirmed by the fact that the criteria required for the recognition of a sovereign state have changed according to the historical context.

Given the changing context for recognition and its political nature, the credibility of the international system in assigning sovereignty to an entity is called in question. As Tozun Bahcheli et al., opine in some cases, recognition is granted or maintained despite the actual conditions within the state. In other cases, recognition is withheld even though the realities on the ground support the principle of territorial integrity (Bahcheli et al., 2004:12, cited in Closson, p.59).

In the current literature there is a variety of terms to describe the entities existing in the margin of the international system, such as “de facto” (Caspersen and Stansfield,2011),” unrecognized,” “contested”(Geldenhuis,2009), ”pseudo-states” (Kolossof,1998 and O’Loughlin,2006) or “quasi-states,” whose sovereignty suffers from incomplete international legitimacy (Papadimitriou and Petrov,2012,p.748). Geldenhuis (2009, p.26) argues that all of the above alternative terms refer to entities that should be called states because they are almost all characterized by state features and organization. This makes “contested states” as the most inclusive term, which emphasizes the contrast to recognized states. Differences, according to Geldenhuis (2009, p.27), express the extent to which recognition is

diversified in the international system. Mainly “unrecognized” are those states for which there is no recognition. The term “de facto state” used by the Pegg, Lynch & Bahcheli et al.<sup>19</sup> (cited in Geldenhuys, 2009, p.27, footnote 125) implies that for these states, there is de facto recognition but does not exist de jure. The term “quasi-state” refers mainly to states that lack legal statehood. “Pseudo states,” derogatory suggests that the polities concerned are all fake or unauthentic creations as opposed to “genuine states.” Moreover, the term “states-within-states” refers to national subunits that have no aspirations to sovereign statehood. Finally, there are defined as “nations without states,” those communities fighting for either autonomy or secession and statehood as an expression of self-determination.

Given that unrecognized states have emerged as a result of unlawful acts under international law such as aggression, occupation, and racial discrimination, they may not be admitted to the community of recognized states (Geldenhuys, 2009, p: 29). These entities assert independence and the right to self-determination. Some of them have achieved a level of independence, but “they lack all the attributes of a fully-fledged state” (Papadimitriou and Petrov, 2012, p. 748). As concerns, the level of recognition by the international community, the unrecognized or contested states are classified as follows (Caspersen and Stansfield, 2011, p.3):

- They have achieved de facto independence and managed to maintain territorial control for at least two years. The authorities of the unrecognized states or contested states control almost the entire area, they lay claim to, including the capital and key cities, but the extent of their control is likely to vary over time.
- They have not gained international recognition, although some states have recognized them.
- They have formally declared independence through the holding of a referendum or other actions showing their desire for separate existence.

There are, indeed, significant factors pulling in what produces the ambiguity and instability of unrecognized statehood. Most of these entities are very concerned with their international images, and the image of an ethically exclusive, militarized entity is not what they are hoping to convey (Caspersen and Stansfield, 2011, p.75).

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<sup>19</sup> Pegg,S and Bahcheli et al(eds);Lynch,D.,2004.*Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto States* United States Institute of peace Press, Washington DC..

In some ways, unrecognized states are, therefore, predisposed to fractionalization and collapse, but in other respects, they are actually in an excellent position to avoid dangerous infighting and succeed in state-building (Caspersen and Stansfield, 2011, p.75).

Unrecognized states tend to be small, their chance of international recognition is often remote, and the exogenous and endogenous pressures on them are intense. Lack of external sovereignty does not necessarily equate disorder; neither statehood nor identities are fixed, and in-between entities are trying to carve out a niche for themselves in an international system predicated on external sovereignty (Caspersen and Stansfield, 2011, p.6). “The ecology of unrecognized states in the international system is greatly influenced by variables of (1) strategic importance and (2) resource importance” (Harvey and Stansfield, 2011, p.23).

Indeed, the argument that most new states formed over the past thirty years have been the byproduct of fragmentation and broader processes of territorial revision in the international system rather than secession (Hechter, 1992, pp.279-280) remains persuasive, irrespective of the momentary that had built behind the states in “all but name” approach. The dynamic of dependence on an external patron (exhibited in many cases) strengthens the governments of unrecognized states and gives crucially essential support, which increases the survival chances of the de facto independent territory dramatically (Kolst , 2006, pp.73-34).

“Does this mean that we are witnessing a new form of statehood, or are these entities better understood as states –in waiting?” (Caspersen and Stansfield,2011, p.6). Their demand for separateness expresses the current reality and is not the chimera of some ethereal secessionists.

Stefan Krasner (1999) introduced in the debate on statehood the concept of “problematic sovereignty” and highlighted both external and internal sources of contestation. Krasner considers that the term sovereignty can be used to identify the following four different attributes: a) Westphalian sovereignty, which refers to the autonomy of domestic governing structures, b) internal sovereignty, which refers to the ability of the governing authority to exercise effective control over the territory, c) interdependence, which refers to the capacity of the government to control trans-border activities and d) international legal sovereignty, which refers to the international legal recognition. When some elements of these attributes are lacking or are limited alone or in combination with others, then the entities suffer problematic sovereignty (Krasner, 2001, pp.6-12 cited in Papadimitriou and Petrov, 2012, p.74)

What distinguished the unrecognized states of today from their historical forebears is that the recognized states of contemporary today system appear more reluctant than ever to admit new members (Anderson, p.183). The capacity for part recognition (recognition by one or more central governments) without international legal consensus on status, such as in the cases of Taiwan, Kosovo, the Turkish Republic of Northern Cyprus, South Ossetia and Abkhazia gives unrecognized states a self-installed geopolitical (and geo-economic) importance in the international system, which is reinforced through strategic location and the presence of resources.

Some states that fall short of virtually all performative based criteria of internal legitimacy retain their international recognition, or “judicial statehood” as equal sovereigns (external legitimacy). These “quasi-states” possess only “negative sovereignty” (Jackson 1987: 529). Jackson and Pegg (Chorev 2011, p.30) argued that both the quasi and the unrecognized state derive their existence from the outcome of the decolonization process. It seems that the same outcome as the decolonization process had the dramatic reshuffling of borders after the liberalization of the countries of Central and Eastern Europe and the disintegration of Yugoslavia (Table 3). Territories that on their surface lacked the essential attributes articulated by Montevideo were granted wholesale legitimacy and protection from foreign interference. Their legitimacy, in other words, was not derived from their ability to govern effectively, but instead from a perceived just outcome of a struggle against foreign domination.

“Conversely, many entities that could provide these basic requirements for statehood, but that were otherwise losers in the dramatic cartographic reshuffling of the post-colonial period, were deprived recognition as sovereign states because of the normative bias against further dismemberment of existing borders “(Chorev 2011, p.30). The emergence of countries with contested statehood is not only a result of secession. Several other violations of international law, such as foreign aggression and occupation, racial discrimination and denial of self-determination, have led to secessionist tendencies and the emergence of countries with contested statehood.<sup>20</sup>

Although the number of states has increased substantially in the last two centuries from 50 in 1900 to 193 today, international support for self-determination and establishment of new states has lessened (Rosecrance. et al., 2006, p.45 and Mulaj, p 41). The lack of self-sufficiency is a critical attribute that puts a brake on the creation of new states. As Milliken and Krause (2003, p.3) point out: “From the outset, the

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<sup>20</sup> Contested States In World Politics - Pdf Free Download. (n.d.). Retrieved from <https://epdf.tips/contested-states-in-world-politics.html>

modern state represented an *ideal* of sovereign territoriality to which rulers aspired, but which they seldom achieved.” However, the case of the recognition of Kosovo by more than 100 states, including most of the world’s major powers, provides strong evidence in Geldenhuy’s contention that recognition is an act of political discretion, not a legal or moral duty Anderson, 2011, p 198). Unrecognized states are bound to depend on the international system for support and recognition of any sort that may enable their survival and evolution of their states from non –state to state. The asymmetry hinted at above, therefore, has to do with the fact that the success or failure of unrecognized states does not necessarily depend on their effective actions but rather it depends on the international society – particularly actions or inactions of its member states, in selective or collective for (Mulaj, 2011, p.42). Despite theoretical challenges to the notion of sovereignty, recognition as a state by entities appears to reinforce sovereignty as the primary and political order. Bartelson (2006) argues, it makes normative problems intrinsically hard to settle, and it is the impasse, he predicts that will prove to be a significant challenge for legal and political theory in the future. As pointed out by Petrov and Papadimitriou (2012, p.749), the contested states can have one or more of the following characteristics:

- An internationally recognized state authority that suffers ineffective control over its territory (or parts of it) due to its complete disconnection with the local population or an ongoing conflict (for Georgia, Abkhazia & South Ossetia, and Serbia, Kosovo).
- Not universally recognized state authority which suffers ineffective control over a part of its territory (Kosovo-North Kosovo)
- The facto governing authority has self-declared independence, but it is recognized only by its patron state and quite a few other states. (Abkhazia and South Ossetia in Georgia)
- The state apparatus is fragile in the non-contested areas (Kosovo).”

Fabry (2008, cited in Owtram, 2011 p.131) argues that “it is a foreign acknowledgment that gives the community the standing of a sovereign state in international relations and law.” To this can be added, a quantitative aspect recognition by a Great Power in proximity counts more than the recognition by a less powerful distant state (Owtram, 2011, p.131).

Hill, in his book “The Changing Politics of Foreign Policy” (2003, p.3, cited in Owtram, 2011, p. 134), provides a broader definition of foreign policy and engages with the notion of foreign politics of unrecognized states. In particular, Hill points out that “where sovereignty is denied or the capacity to exercise it severely impeded, foreign policy becomes extremely difficult, but not impossible. “Ultimately,



foreign policy rests on the effectiveness of the state at home and abroad, which is a matter of political sociology than law” (Hill, 2003, p.31 cited in Owtram,2011, p.134). Hill (2003, cited in Owtram, 2011, p.133) realizes that although the notion of state is tightly linked to the notion of foreign policy, other actors generate activities resembling foreign policies. In the context of this broader approach, defining who represents whom in international relations, it could be understood that the unrecognized states are in a position to elaborate and conduct independent external strategies, even if the lack of standard representation or the dependence of external supports impede the implementation.

In search of a balanced approach, and not only for humanitarian reasons, it appears necessary for state-based actors to provide sufficient incentives to allow for engagement with unrecognized states. The establishment of a more comprehensive dialogue with the unrecognized states could contribute to mending and strengthening lost confidence and reduce antagonistic behavior.

## **2. The EU's external policies and policy tools**

A significant number of countries with contested statehood are found in the EU's near abroad. How the EU has addressed crises associated with contested statehood differentiates according to the nature of the conflict, the bilateral relations between the EU and the country involved” (Petrov and Papadimitriou, 2012, p.749) and the geopolitical interest. The EU toolkit includes measures of an economic and structural nature such as humanitarian aid, technical assistance, macro-financial assistance, diplomatic activities for conflict resolution or mediation, provision of aid through mainstream EU programs associated with major policy initiatives (Instrument of Pre-Accession, European Neighborhood Policy and Partnership Instrument). The EU also employs political means such as a promise or engagement for EU membership, the deployment of an ESDP civilian or military mission to address aspects of the civilian crisis management or “the direct exercise of executive powers by the EU in the contested territory as part of an international settlement for the conflict resolution” (Petrov & Papadimitriou, 2012,p.750).

What characterizes the EU is that alongside its actions as regards the governing authorities in Georgia and Kosovo, pursues contact and engagement with the separatist entities in Abkhazia and Ossetia, as well as with Serbia for North Kosovo. Apart from significant funding available to reforms and rehabilitation, the EU looks forward to creating enabling conditions for the resolution of conflicts (Wolff, p.150). In this context, the EU, the last twenty years, has preferred to open dialogue and engage with no

**TABLE 3: The Contested States in the EU's Neighborhood**

Contested state	Birth date	Origin	Patron State	Original (veto) state	Recognition
Abkhazia	1999	Secession	Russia	Georgia	Peer & patron
South Ossetia (Alania)	1992	Secession	Russia	Georgia	Peer & patron
Nagorno Karabakh (Republic of Artsakh)	1992	Self-proclaimed Independence	Armenia	Azerbaijan	Peer
Transdniestrian Pridnestrovian Moldavian Republic	1991	Secession	Russia	Moldova	Peer
Republika Srpska	1991	Secession	Serbia	Bosnia	Peer & patron
Tetovo Valley	1990	<sup>21</sup>	Albania	The former Yugoslavian Republic of Macedonia	Peer
Kosovo	1991	Self-proclaimed independence	Kosovo	Serbia	Partial
Palestine	1988	Self-proclaimed independence		Israel (veto)	Titular
Northern Cyprus	1983	Aggression, occupation & secession	Turkey	Republic of Cyprus	Patron

Source: Geldenhuys, 2009, p. 242, Petrov and Papadimitriou, 2012, p.750).

<sup>21</sup> Although the Ohrid Agreement which was signed in 2001 to preserve the integrity of Former Yugoslavian Republic of Macedonia the secessionist tendency is maintained.

recognized states, instead of ignoring and let them isolated (Herrberg, 2011, p.172). Thus, lack of recognition can be a powerful force for change, and some notable developments have been seen in the years of “no war, no peace.”

## **2.1 Policies**

Developments in Central and Eastern Europe have been an excellent opportunity to raise the role of the European Union as an international player. The Enlargement itself was considered beneficial because, through it, the EU could achieve key foreign policy objectives, including security, stability, promotion of democratization, and socio-economic development in transition countries. The EU's ability to develop a new foreign policy was based on two substantial factors, firstly the desire of European elites to repeat the success of enlargement methodologies and secondly to address the threat to European stability and prosperity, as already identified by the first European Security Strategy. However, the enormous work for the EU to absorb the countries of Central and Eastern Europe has logically been perceived as a dangerous mission without assured success. In practice, each round of enlargement has challenged the Member States to exert influence and elaborate mechanisms of influence, in principle, as conditions for the integration of itself and then as conditions for joining the internal market and the acquisition of the member state's status.

During 90's the EU not only provided a list of criteria for accession (the Copenhagen Criteria 1990s) and extended all the requirements of membership but also firmly and decisively drew target limits and established an enhanced and very penetrating system adoption assistance and compliance management. During this process, the EU was able to turn the effect of "passive" to "active" deliberately applying conditionality and socialization techniques, particularly with the launch of AGENDA 2000 (1997).

The effectiveness of the EU's influence mechanisms has been dealt with by some theorists. Taking into account policies and policy tools implemented by the EU and international organizations (enlargement, state-building, peacebuilding), two illustrative models have been developed. The models define the different logic with which the EU and international organizations are trying to transpose their own rules to third countries.

The model of external incentives created by Schimmelfennig & Sedelmeier refers to the dynamics created by the imposition of conditions (conditionality). In this model, based on bargaining power, the main determining factor of compliance is the cost-benefit calculation from the target country. Given that domestic decision-makers have 'reasonable consequences,' the balance of costs and benefits depends on (a) the size and speed at which the EU rewards; (b) the credibility of threats and promises; (c) the nature of the EU implementing rules and (d) the level of domestic expenditure needed to adopt the EU rules.

The alternative approach is the social learning (lesson drawing) model. Unlike the model of conditionality, the logic of the domestic decision-makers, meet the logic of appropriateness (March and Olsen, 1989 cited in Schimmelfennig & Sedelmeier, 2004, p.665) rather than material incentives (Schimmelfennig & Sedelmeier, 2004, p. 665). According to this logic, the actors choose the most appropriate or legitimate way of action based on the identities, values, and rules that they have been internalized.

The interaction of political and scientific communities, better information, the development of convincing arguments, and a narrative facilitated the processes of internalization. According to the model of familiarization with the rules by drawing a lesson, it is not necessary to give incentives to the non-member states in order to adopt EU rules. However, the most comprehensive proposal of the "lesson drawing" model is that a state adopts EU rules if it looks forward to resolving the domestic problem by these rules (Schimmelfennig & Sedelmeier, 2004. p.667-668). (Schimmelfennig & Sedelmeier, 2004, p.667-668).

In the decade 2000, however, European political elites reached the point of seeing enlargement not only a success story but also a proven effective instrument for implementing a foreign policy whose methodologies could be adapted and reused. However, along with the great success of enlargement, there was a fear that the EU absorption power had reached its break-even point and that the whole endeavor of European integration was at risk of dismantling. In other words, the EU risked being hit by its success and encountered an existential dilemma, could continue to expand, risk fragmentation and lose the internal market and efficiency, or leave the most successful foreign policy tool at risk instability at its borders. The attempt to resolve the dilemma by duplicating enlargement methodologies, but without engaging the prospect of joining new members, is the core of the incentives and the principle in which the European Neighborhood Policy was organized.

The European Neighborhood Policy, adopted in March 2003, presented the institutionalized EU response to the countries that would become the new borders after enlargement. The overall objective of the European Neighborhood Policy is to prevent the emergence of new dividing lines between the EU and its neighbors. To this end, it shares the benefits of enlargement with neighboring countries by strengthening stability, security and prosperity” (Communication from the Commission European Neighborhood Policy Strategy Paper, COM (2004)373 final).

The ENP provided a framework for the EU's relations with these countries without offering the prospect of accession. ENP was aimed at reducing poverty, creating conditions for deeper economic integration, developing cultural relations, strengthening cross-border as well as co-operation on conflict prevention. Popescu argues that “the ENP was neither foreign policy nor an enlargement policy. It was, in fact, a mix of domestic policy instruments, foreign policy, and enlargement practices” (2006, p.2). The main idea behind the Neighborhood Policy was to achieve the closest possible degree of economic integration between the EU and its neighbors. In this context, the EU promotes regulatory objectives such as the protection of human rights, democratization, and prosperity, and supports good governance in the neighborhood. In return for reforms, the EU offers the prospect of deeper economic integration and increased political dialogue. “The ENP was something of a philosophical quest for the EU in which it seeks to answer the question of how to support the transformation of its neighbors in line with EU standards, while not offering membership “(Popescu, 2006, p.2).

Neighborhood policy was not only aimed at achieving common interests, but above all, in building common values and, therefore, in creating a more integrated relationship with the European Union. Indeed, the neighborhood is the primary field for the promotion of “European values, mainly where a future membership is pursued. In order for agreements between the EU and neighbors to be credible, they must be adhered to by both parties. However, the implementation of the agreements highlights important difficulties that were not initially taken into account, and the EU quite often must come back with new commitments.

## **2.2 Policy Tools**

The EU intervenes with high and low policy tools. High-policy tools include issues related to diplomacy, political cooperation, contractual relations and agreements, public order and security, economic aid, justice, and the institutional framework. Low-policy tools include the development of trade relations,

economic development, regulatory factors in agricultural matters and industrial relations, culture, social welfare, education, and research.

### **2.2.1. Contractual Relations**

As part of its foreign policy, the EU concludes contractual agreements with various countries and associations. These agreements cover cooperation on a wide range of issues (such as trade, economy, energy, transport, human rights) and commit the Contracting Parties to the proper implementation and achievement of commonly agreed qualitative and quantitative objectives. The adoption of conditions and preconditions ensures the consistent application of the agreement. In this context, the EU, depending on the content of the agreements, requires compliance with economic and political conditions (the so-called conditionality).

The legal form and the content of the contracts concluded by the EU evolved from simple agreements that concerned a specific topic to framework agreements that support integrated interventions. Since there is a kind of osmosis between EU policies, it is common ground for successful practices to be transferred to other fields. Consequently, it is reasonable to find that the regional approach that emerged in the context of regional policy has been transplanted to the enlargement countries and has been further adapted to prepare candidates and potential candidates. Accordingly, the conditionality from a policy instrument used in the agreements with third countries has upgraded to the central pillar of EU enlargement governance and a successful tool for EU foreign policy (Steunenberg and Dimitrova, .2007, p.2). With a view to future enlargements and, in particular, with the prospect of the accession of “the countries of Central and Eastern Europe,”<sup>22</sup> there has been a general mobilization on the development of a strategy and policies for preparing the upcoming accession of new members. By setting criteria, the criteria for the suitability of a country to join the European Union, the European Council of Copenhagen (21& 22 June 1993) has established a new horizontally applied conditionality. Namely, the Copenhagen criteria dictate that a democratically elected government should govern a candidate country, respecting human rights, having a well-organized economy, and fully accepting the EU's obligations and objectives. Following a proposal of the French Prime Minister Edouard Balladur (June 1993), in the European Council of Brussels of 10&

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<sup>22</sup> Elite Transformation In Central And Eastern Europe ... (n.d.). Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/00323269508402348>

11 December 1993, was decided the initiation of a diplomatic effort which should result in the conclusion of a Pact for stability in Europe”<sup>23</sup>. It was a significant initiative moderated by the European Union in the spirit of “preventive diplomacy”<sup>24</sup> and was welcomed by countries former members of the Warsaw Pact, Russia included. The first conference on a Stability Pact focusing on the countries of Central & Eastern Europe took place held in Paris (May 1994) with the participation of all countries with “an interest in stabilizing Europe by their defense and countries having association agreements with the Union. The Stability Pact, consisting of a political declaration, agreements, and arrangements, was adopted by the last conference held in Paris on 20&21 March 1995. The Stability Pact reflected the common and continuous effort of the 52 signatories parties “to prevent and end the threats of tension and crisis and to create in a sustainable way an area of good neighborliness and cooperation in Europe”(Déclaration politique adoptée à issue de la conférence finale sure le Pacte de stabilité en Europe et liste des accords et arrangements de Bon voisinage et de coopération (Paris, 20 et 21 mars 1995, point 8)

The European Council of Cannes 26 & 27 June 1995 called on” all parties to implement the agreements and arrangements adopted in Paris while was entrusted to the Organization for Security and Cooperation in Europe (OSCE) and called on the countries concerned to work for practical improvement of good neighborly relations in Europe” (European Council Conclusions of Cannes 26&27/5/1995, p.3).

Friis & Murphy (1999, p.211), claim that the subsidiary course (path dependency) of the EU leadership led to model the contribution of the Stability Pact for Central & Eastern Europe. The Cologne European Council (3&4 June 1999) welcomed the preparation at the initiative of the European Union of the Stability Pact for South Eastern Europe intending to establish and reinforce peace and security. The creation was formally decided at the Ministerial Meeting in Cologne on the 10 June 1999

In 1999, the European Council of Cologne Stability Pact for Southeastern Europe introduced the Stabilization and Association Process (SAP). As the preaccession strategy, the Stabilization and Association Process established a formal framework for cooperation designed to gradually incorporating third countries into the European regional governance system using conditionality and socialization methodologies. The Stabilization and Association Process sought to establish by preexisting agreements rather than to start from scratch.

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<sup>23</sup> Conclusions of the European Council of Brussels, December 1993, SN 373/93

<sup>24</sup> The notion of preventive diplomacy as defined in the Boutros-Boutros Ghali’s seminal “An Agenda for Peace” (UN, 1992)

More broadly, as the Europe Agreements with the Countries Eastern Europe (CEE), the Stabilization and Association agreements based on Article 310 of the EU Treaty have been similar in many respects to the earlier Europe Agreements in both form and content. Similarity concerns the creation of committees for structured dialogue at the political and bureaucratic level and in terms of progressive legal alignment with the *acquis* areas. However, the Stabilization and Association Agreements vary about the Europe Agreements that emphasize stability through regional cooperation and respect international law, in particular as regards compliance with the International Criminal Tribunal of Yugoslavia. At the summit in Thessaloniki, SAP was further strengthened, taking over elements of the accession process, such as Stabilization and Association Agreements, autonomous trade measures, pre-accession assistance, regional cooperation, and good neighborly relations. With this sense, the EU moved in the direction of the model «hub and spoke» (Gligorov, 2004, pp.810).

### **2.2.2. Financing structural reforms and state-building in candidate and neighboring countries**

Over the past decades, the study of European governance has increasingly recognized the importance of institutional coordination (Antonopoulos and Bachtler, p.186). Sadurski (2003,p.9) reviewed the progress of EU influence mechanisms, indicating that these rules and policies designed with the aim of strengthening the EU to be able to influence the governance of neighboring non-member countries in accordance with the EU's values, on democracy, the rule of law, human rights and market economy. In particular, the European Commission emphasized the need to take a genuinely long term and integrated approach in order to address all aspects<sup>25</sup> of structural stability in countries at risk (European Commission, COM (2001)211 final, p.4).

In this context, the EU grants preaccession assistance to the candidate and potential candidate countries, as well as assistance to neighboring associated counties.

**The preaccession assistance** aims at adapting and upgrading the national administrations of the candidate and potential candidate countries in order to be able to implement the *acquis communautaire* ( Council Regulation (EU) 1085/2006, article 9). The Preaccession assistance has evolved in line with the needs and specificities of the candidate countries in each EU enlargement as well as with the level of the

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<sup>25</sup> Department Of Defense Directive - Esd.whs.mil, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/520047E.pdf> (accessed April 08, 2019).



Community budget and the general conditions prevailing in the European Institutions. Starting with the small programs for pre-accession assistance to the Mediterranean countries in the 1980s (Mediterranean integrated Programs, Horse Quota Programs Enlargement), we passed to the programs for the countries of Central and Eastern Europe. (PHARE, TACIS, ISPA, SAPARD, CARDS) Moreover, then from 2007, there is only one integrated program, the Instrument for Pre-accession Assistance (IPA), that assists the candidate and potential candidate countries. The IPA covers the candidate countries (Croatia, Macedonia, Turkey) and the potential candidate countries in the Western Balkans (Albania, Bosnia and Herzegovina, Montenegro, Serbia, including Kosovo) and has a political approach “sure measure” that imitates the policy approach applied by the EU to the Member States through the Structural Funds and the Cohesion Fund (Bache, 2010, reference to Duyulmus, 2014, p. 2). It is worth to mention that the EU can exceptionally finance programs and measures in neighboring or third countries non eligible for financing when this is necessary to strengthen inter-regional and transnational cooperation (Regulation (EU) 231/2014 of the European Parliament and the Council on establishing an Instrument for Pre-accession Assistance, Article 9, Regulation(EU)232/2014 of the European Parliament and the Council on the European Neighborhood Instrument, Article 16).

The candidate and potential countries should attend the European system before they became full members. Moreover, the application of Community rules by third countries not participating in the process for producing the institutional framework is unilateral alignment. The mechanisms by which social rules are displayed outside EU territorial limits and are transferred to the neighboring country systems remain a central issue in the negotiations for membership and a more comprehensive EU strategy on regional commitment. Even these large-scale processes, export laws, and their adoption started recently studied, and the literature has not developed satisfactorily. While the EU has extended its legal alignment policies, policy conditionality, and socialization processes in the Balkans and the wider European region, the Europeanization study mainly focused on the CEE countries and not in other candidates for full membership countries.

**The European Neighborhood and Partnership Instrument (ENPI)** was established with the EC 1638/2006 Regulation to support the strategic goals of the European Neighborhood Policy (ENP), notably the development of close relations with neighboring partner countries founded on the EU values. The ENP aimed to promote stability and prosperity within and beyond the EU borders by supporting the introduction

of structural reforms in neighbor countries. The European Neighborhood Instrument (ENI) replaced in 2013 by the European Neighbourhood and Partnership Instrument (ENPI).

By the structural reforms were included political, economic reforms, and social reforms. ENPI for the programming period 2007-2013 and ENI for the programming period 2014-2020 look forward both to familiarizing the neighboring partner countries with the community rules and standards and to strengthening regional cooperation with the partner countries through participation in Community programs. Although in 2008, the EU set up the Neighborhood Investment Facility (NIF) to finance significant infrastructure projects in the countries eligible for ENPI/ENI, the assistance packages to the countries were tiny about their needs. Since there is not available enough funding to deal with the multiple crises that have erupted in these countries, after the ENP review in 2015 the EU landed in reality and turned to issues of priority such as the conflict prevention, border protection, economic stabilization and safe mobility (Blockmans,2015).

### **2.2.3. Humanitarian Aid**

Article 1 of the Council Regulation 1257/1996 provided that the EU would provide at non-discriminatory basis humanitarian aid and protection to third-country nationals, in particular to the most vulnerable citizens of developing countries who have been the victims of natural disasters and human violence (wars, conflicts). Since 1992, humanitarian aid from the EU has been given to more than 140 countries. Although the Community budget provides less than EUR 1 billion a year for such actions, aid is distributed to more than 120 million people (European Commission, ECHO)<sup>26</sup>.

Humanitarian aid is channeled through over 200 partner organizations and agencies on the ground, including non-governmental organizations (NGOs), international organizations, Red Cross societies, and UN agencies. This emergency aid is offered, regardless of people's race, ethnic group, religion, gender, age, nationality, or political affiliation.

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<sup>26</sup> Humanitarian & Emergency Response - European External ... (n.d.). Retrieved from [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/2279/Humanitarian%2](https://eeas.europa.eu/headquarters/headquarters-homepage_en/2279/Humanitarian%2)

#### **2.2.4. Technical Assistance**

TAIEX (Technical Assistance and Information Exchange Instrument of the European Commission)<sup>27</sup> was created to support public administrations in approaching, implementing, and enforcing EU legislation as well as facilitating the exchange of EU best practices. TAIEX provides appropriate expertise to address issues diligently in three ways: seminars, expert missions, study visits.

The TAIEX mandate covers Turkey, the Former Yugoslav Republic of Macedonia; Montenegro, Serbia, Albania, Bosnia, and Herzegovina and Kosovo; Turkish Cypriot community in the northern part of Cyprus; Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia and Ukraine.<sup>28</sup>

#### **3.2.5. Macro-financial Assistance**

The EU offers macro-financial assistance (MFA) to member countries that have problems with their balance of payments and are geographically, economically, and politically close to the EU. In this context, macro-financial assistance is offered to a candidate and potential candidate countries, bordering on the EU and covered by the European Neighborhood Policy (ENP) and, under certain conditions, other third countries. MFA takes the form of medium / long-term loans or grants or a combination thereof and is only available in countries benefiting from a program of disbursements from the International Monetary Fund.

MFA is a purely emergency measure and does not provide regular financial support for economic and social development, as do other EU funding instruments (the Instrument for Pre-Accession Assistance, the European Neighborhood Instrument and the European Regional Development Fund). A prerequisite for granting MFA is respect for human rights and 'effective democratic mechanisms, including a multi-party parliamentary system and the rule of law.' MFA is also dependent on the satisfactory implementation of IMF program reforms. MFA programs are decided based on the EU's normal legislative process, which means that the European Commission must propose them and then approve both the European Parliament and the Council (COM (2017) 321 final, p.3).

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<sup>27</sup> Taiex-regio Multicountry Workshop On State Aid Map In ... (n.d.). Retrieved from <http://s3platform.jrc.ec.europa.eu/-/taiex-regio-multicountry-workshop-on-state->

<sup>28</sup> Taiex - European Neighbourhood Policy And Enlargement ... (n.d.). Retrieved from [https://ec.europa.eu/neighbourhood-enlargement/tenders/taiex\\_en](https://ec.europa.eu/neighbourhood-enlargement/tenders/taiex_en)

## 2.2.6 CSDP Missions

The CSDP was influenced by the conceptualization of the UN peacebuilding framework. At the same time, this partnership served as a doorway for the EU to contribute with its CSDP to UN peace efforts. The UN recognized the fundamental value of the EU contribution to international peace and security through its own CSDP. The synchronization of activities in post-conflict management was envisioned and proposed by some agreements at decision-making and policymaking levels. However, Gowan observed that the EU limits itself to small CSDP missions, while the UN is putting far greater numbers of personnel in conflicts. He also found that the EU's ambitions in peace operations "are limited by economic pressures and intervention fatigue" (Gowan, 2012).

The shifting focus of the EU to its CSDP missions and operations demonstrates that the synergy in the peacebuilding has not been fully achieved. The EU is involved in a limited number of peacebuilding activities, the core structure of which is repeated in different missions and operations. The limited focus suggests that the EU has been following its interests rather than commonly agreed objectives. Moreover, the shift from the UN envisioned approaches to peacebuilding to own interest-based politics reflects the EU's understanding of peacebuilding in CSDP. As an officer at the EEAS highlighted, in CSDP's terminology, the capacity building in post-conflict reconstruction involves security sector reform, training, mentoring, advising, economic development, social issues, and that what is meant with the general term comprehensive approach. This understanding of the role of the EU in peacebuilding in a very focused and limited capacity has been commonly accepted across the various units of the CSDP structure. Moreover, the development of the CSDP created a more autonomous sphere for the EU and its policymakers to engage in post-conflict situations.

The first CSDP missions were launched simultaneously with the adoption of the European Security Strategy in 2003. The European Security Strategy aspires to create a strategic EU culture for timely, rapid, and, where necessary, active intervention, but it is somewhat contradictory to find out which approaches are of the utmost importance to achieve this goal (James Hughes, p. 1). The majority of CSDP operations and missions are not peace enforcement operations or peacekeeping missions (except EU NAVFOR ATLANTA). Most CSDP missions and operations have been of a peacebuilding character, with some also carrying peacekeeping and peacekeeping tasks.

### 2.2.7. Diplomatic activities

Even before the establishment of the European External Affairs Service, the EU Institutions have sent Senior European diplomats as European Union Special Representatives (EUSR) or as Special Envoys in regions and countries where conflicts wherein progress. The EUSR was mandated to promote the EU's policies and interests in these "troubled regions and countries and play an active role in efforts to consolidate peace, stability, and the rule of law."<sup>29</sup> European Special Representatives are established in countries that have been appointed and run alongside ambassadors who exercise bilateral diplomacy without being involved in their work. Special Envoys usually have their headquarters in another country, and from there, they intervene on the issues they have entrusted. European Special Representatives and Envoys usually handle sensitive issues and are directly exposed to the reactions of the public opinion as well to those who oppose their mission.

Javier Solana was the first High Representative in 1999 and maintained this post for ten years (up to 2009). Solana, as former Chief of NATO Secretary-General, had successfully dealt with thorny issues such as the negotiations on the Dayton Agreement, the negotiations in Rambouillet, the Kosovo War, and Serbia bombings. Solana's experience and competence gave a new boost and content to the role of the High EU Representative. During Solana's term, the European Union gained prestige as a political power, and the USA recognized the EU as an equal part in the negotiations on issues of peace and the settlement of political issues in Europe and around the world. As Solana mentions in his political testimony (2009):

*In ten years, Europe has become a global player whose voice is heard on every continent. We have developed a foreign policy, with the crisis-management structures and tools to underpin it. The European Union is working hard across the world to make a difference in people's lives where its missions are deployed.*

Since 2009, the High Representative's role seems to have been importantly expanded by undertaking on behalf of the International Community the coordination of international mediations for the settlement of disputes and resolution of conflicts. However, the way power is exercised, and the impact of its influence depends on the dynamism and authority of the person who holds the office.

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<sup>29</sup> Eu Special Representatives - European External Action Service. (n.d.). Retrieved from [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/3606/EU%20Special%2](https://eeas.europa.eu/headquarters/headquarters-homepage_en/3606/EU%20Special%2)

Baroness Catherine Ashton, a member of Barroso's European Commission, was nominated as a successor of Javier Solana. It merits to mention her most successful intervention as a High EU Representative for the settlement of the crisis with Iran over its nuclear program. In this term, Mrs. Ashton, together with the Foreign Ministers and Political Directors of China, France, Germany, the Russian Federation, the United Kingdom, and the United States), met from 20 – 24 November 2013 in Geneva and reached a landmark agreement on a joint plan of action towards a long comprehensive solution (Joint Statement by the High Representative Catherine Ashton and the Iran Foreign Minister Zarif on the 24<sup>th</sup> of November 2013). In November 2014, Federica Mogherini was nominated as the new High Representative in Jean –Claude Juncker's new Commission. A diplomatic success during its term was the signature of the Brussels Agreement.

The Kosovo–Serbia dialogue represented an essential test for EU diplomacy and its capacities for regional conflict resolution (European External Action Service, 2014). In this regard, the EU's integration perspective for Kosovo has been the driving force for both Kosovo and Serbia to engage in dialogue (Visoka, p.868). From the very beginning of the discussions, it became clear that the EU was based exclusively on constructive dialogue and cooperation since the EU objective was to bring closer Pristina and Belgrade (EEAS, 2011). The organization of the dialogue on a step-by-step process and the transition from the more straightforward issues to more complicate allowed gaining trust from both sides and the impression that they can also check the outcome of the discussions. Actually, "the gradual process of negotiation on particular technical issues had a spillover effect to other, more sensitive political discussions" (Visoka, p.863). The balanced concessions on both sides agreed under the Brussels Agreement enabled the government of Serbia to justify to its people its engagement in the dialogue as a means of ensuring the collective rights of Serbs in Kosovo (Government of Serbia, 2015 cited in Visoka, p.868).

#### **4. Conclusions**

The construction of national political space and national politics is itself a historically specific and contested phenomenon. Nevertheless, the right of a national group to self-determination and autonomy cannot be challenged. The international community confronts, as a general rule, the creation of new states, with distrust and caution, perceiving them as a potential challenge to the international order, especially in those cases with increased geopolitical interest

How the EU pursues to address crises related to contested states has evolved over the years and varies significantly depending on the nature of the conflict, the bilateral relations, and the geopolitical context. The EU is not only a significant donor of humanitarian aid, but using diplomacy and specific financial tools supports the development effort and pursues the resolution of the conflict.

In search of a balanced approach ( not only for humanitarian reasons), it appears necessary for state-based actors to provide sufficient incentives to allow for engagement with unrecognized states. In this context, the EU, the last twenty years, has preferred to open dialogue and engage with non-recognized states instead of ignoring and let them isolated. Geopolitics and the power game set prerequisites and limitations. Nevertheless, the EU has acquired the reputation of the calm power that avoids aggression and seeks through mediation and the financial support it provides to bridge differences.

Particularly for countries with contested sovereignty, which strive to link with or join the EU, this would be an essential guarantee for their recognition by the international community and a way out to solve political problems. While the EU, as a normative power, defends its standards sets criteria and defines conditionalities, it does not pursue to impose its own rule. The EU is much more in favor of an empathetic approach in which it works closely with associated or candidate states authorities to trace an alternative path that eventually leads to social, economic, and political development.





## **CHAPTER III**

### **The conflict in Kosovo**



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**MAP 1: Political Map of Kosovo**

*Kosovo is a landlocked mountainous area with two plain regions (the Metohija Basin in the west, and the Plain of Kosovo in the east) at the heart of the Western Balkans. Kosovo has an area of 10,887 square km. The border of Kosovo (Map 1) is approximately 702 km (436 miles) long. It borders Albania to the southwest (112 km), the Former Yugoslav Republic of Macedonia to the southeast (159 km), Montenegro to the west (79 km), and Central Serbia to the north and east (352 km). According to CIA World Factbook estimated data from July 2009, Kosovo's population mounts to 1,804,838 persons, of which 88% are Albanians, 7%, Serbs, 5% other (Bosniak, Gorani, Roma, Turk, Ashkali, Egyptian, and Janjevci– Croats).*

## **1. Origin and evolution of the conflict**

### **1.1 The historical background**

When the Serbian Empire reached its zenith, in 1344 A.C, Kosovo was the political and spiritual center of the Serbian Kingdom. In the battle of Kosovo, Ottomans defeated the allied force of Serbs, Albanians, and Bosnians. The defeat of the Serbs in the Kosovo battle meant the dissolution of medieval Serbia and took legendary proportions in the attitude of Serbs during the Turkish occupation.

In the 19th century occurred nationalist tendencies in the Balkans. The Albanian nationalist movement focused on Kosovo and formed the League of Prizren, a political organization whose plan was to bring together all Albanians in the Ottoman Empire in a common struggle for autonomy and more cultural rights. The League dissolved in 1881, first helped to establish the national identity of Albanians and other ethnic Albanians brought face to face with the Serbs.

In the Kingdom of Serbia, set up at post-World War I (December 2018), only three ethnic groups were recognized, Serbs, Croats, and Slovenes. Albanians and other nationalities were considered minorities. Keridis (2015) argues that the failure of integration in Yugoslavia structures of the third-largest single non-Slavic-speaking ethnic group of the state, namely the Albanians, proved fatal to the union of "south Slavs very survival" (Bell-Fialkoff., 1993, p.121 cited in Keridis, 2015).

In Kosovo, gradually the pendulum has swung in favor of Albanians began to climb socially, while the Serbs turned into second-class citizens. Moreover, the Albanian population grew from 75% to 90%, while the Serbian origin population declined. "For a discussion on the various factors relating to the emigration of Slavs during that period, which concludes that in up to 85% percent of the cases the main motive for migration was discrimination rather than economic push/and pulled factors" (Blagojevich, M., p.p. 70-81, Vickers,1998, p 219).

In the context of decentralization decided by the President of Yugoslavia Tito, the new federal Yugoslav Constitution of 1974 established, in the current boundaries of Kosovo, the Autonomous Province of Kosovo and Metohija within the Yugoslav constituent republic of Serbia. The political goal was to contain tendencies for the secession of the Albanian origin population. Antagonism and ethnic hatred between Albanian and Serbs have led to continuous efforts on both sides to create "fait accompli" through ethnic

cleansing and intimidation. Nonetheless, the project “Greater Albania” was entertained at least by some Albanian political circles and is still considered a severe threat by at least some political circles in neighboring countries. However, the concept of Greater Albania is entirely denied by all of Albania’s allies – including the indispensable US and the EU. Europe does not invest in the logic of amalgamating nations.

## **1.2 Escalation leading to secession and war**

In 1989, Milošević, with a mix of intimidation and political maneuvering, revoked the autonomy of Kosovo and began to practice repression in the Albanian population. Albanians responded with a secessionist movement, using civil disobedience and the creation of parallel structures for education, health, and taxation, intending to achieve the independence of Kosovo.

On July 2, 1990, the self-declared Parliament of Kosovo announced the independence of Kosovo. In unofficial, parallel elections, Ibrahim Rugova, leader of the Democratic League of Kosovo, was elected as the first President of Kosovo. Rugova was persuaded that with passive resistance and self-organization,<sup>30</sup> he could get the international community with Kosovo’s side. Despite expectations that Dayton would address Kosovo’s independence, Milosevic rejected any discussion on Kosovo. The lack of any significant mention of Kosovo in the Dayton Agreement created anger and frustration to the Albanians. (Weller 2008, p.14). After Dayton, there was a pronounced trend throughout Kosovo and the large Kosovar diaspora to reject Rugova’s pacifist and inefficient approach (Vickers, 1998, p.250).

The Kosovo Liberation Army (KLA), a guerrilla army, announced its first campaign in 1996 when it admitted its participation in attacks against Serbs in Decani and Pec (Vickers,1998, p.292). After that, according to James Gow, the KLA adopted a strategy of “...armed... engagement... designed ...to provoke atrocities” (Gow, 2003, p.256 quoted in Hebir, 2009, p.91) and to attract that way the attention of the international community. In 1998, KLA attacks targeting the Yugoslav authorities in Kosovo increased in the presence of Serbian paramilitary and tactical powers, which then launched a retaliation campaign aimed at compatriots and political opponents of the KLA.

Consequently, the violence worsened dramatically, and the displacement of Albanians soared. Serbia was forced to accept the cease-fire and partial retreat offered by the Organization for Security and Co-operation in Europe (OSCE) and negotiated by Richard Holbrooke. In summer 1998, a delegation headed

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<sup>30</sup> It refers to the consolidation of “its parallel administration” to the official Serbian one (Vickers, 1998, p.253).

by US Ambassador to the Republic of Macedonia Christopher Hill started discussions between an Albanian delegation, led by Rugova, and the Yugoslav and Serbian authorities. The proposals of Hill's delegation foresaw for an enhanced autonomy of Kosovo, balanced by extensive provisions for self-administration of the ethnic Serb community in Kosovo and transfer of self-governance power to the local authorities (ibid, p.14). On 23 September 1998, after six months of escalation of the armed conflict between the Yugoslav and Serbian forces and the Kosovo Liberation Army (UCK), UN Resolution 1199 was passed to the UN Security Council. This resolution provided for an immediate ceasefire in Kosovo, international monitoring, the withdrawal of "security units used for political repression," and dialogue on the future of the province.

Moreover, the North Atlantic Council issued activation orders (ACTORDs) on 13 October 1998 for the execution of limited air strikes as well as a phased air campaign in Yugoslavia. Nevertheless, as an effort of last resort, on 16 October, an Agreement for a ceasefire was signed (Holbrooke Agreement of October). It is worth mentioning that in the October Treaty, which was signed in the absence of the leaders, both of the Kosovo Democratic League (LDK) Ibrahim Rugova or the Kosovo Liberation Army (UCK), reaffirmed both the territorial integrity as well as the sovereignty of the FRY. The October agreement stipulated for the establishment of negotiations by 2 November 1998 between the FRY and the Kosovar Albanians. Those negotiations would be based upon a comprehensive peace plan created by the US Envoy Dr. Christopher Hill. However, fighting resumed in December 1998 after both sides broke the ceasefire. By mid-January of the new year, it was becoming apparent that the October Agreement was failing. Even the OSCE verifiers themselves had become targets of Serbian violence. The Serbs committed the fatal error at Raçak (15/1/1999). Following the Raçak massacre, where 45 Kosovo Albanians were killed, NATO decided that the conflict could only be resolved by introducing a peacekeeping force to contain the two sides violently.

Then the members of the Contact Group<sup>31</sup> convened in London on 22 & 29 January to come up with a response to the massacre. Seeking the impossible, the Contact Group decided that the last effort should be made for a negotiated settlement. They convened a summit in which the Albanians of the Federal Republic of Yugoslavia and Kosovo were invited to Rambouillet and gave twenty-one days to accept the plan of the overall political solution taken by the Contact Group.

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<sup>31</sup> – The Contact Group was formed as a negotiating forum during the conflict in Bosnia and Herzegovina, and included the United States, Russia, United Kingdom, France, Germany and Italy.

On 18 March 1999, the Albanian of Kosovo, American, and British delegations signed the so-called Rambouillet Accords. The Yugoslav and Russian delegations refused to sign the Rambouillet Accords. Although the negotiations took place at the tower of Rambouillet in France, the European Union was officially absent represented only by France and the UK, who co-chaired the conference. At Rambouillet talks assisted as EU Special Envoy to Kosovo, the Ambassador Petritsch. Nevertheless, this time, the place for negotiations was not outside of Europe, as it happened with the Dayton Agreement. In essence, to resolve the Kosovo issue discussed and decided, the two superpowers defending the interests of their protégés and their own, of course. The Rambouillet accords, the US/NATO “peace plan” for Kosovo, was presented to Yugoslavia as a “take it or leave it” proposition.

The Serbian assembly finally accepted the principle of autonomy for Kosovo on 23 March, as well as the non-military part of the agreement, while rejecting a NATO troop presence. Nevertheless, *alea jacta est* and NATO was ready to launch raids against FYR immediately.

### 1.3 The peak of the Kosovo War

The European Council of Berlin (24 & 25 March 1999) adopted hastily the same day (24 March) two statements on Kosovo (European Council’s Conclusions, Part III). In the first statement, the European Council has pronounced fiercely against the continuation of a humanitarian catastrophe and invited Milošević to stop the military action immediately and sign the Rambouillet Accords. The second statement came out some hours later and announced the North Atlantic Alliance action (bombings) against military targets in the Federal Republic of Yugoslavia to put an end to the humanitarian catastrophe in Kosovo. An interviewed<sup>32</sup> diplomat assesses that the supposed pressure on the European Union Council to decide without delay on the intervention in the Federal Republic of Yugoslavia could be interpreted as an effort for a legitimization act since the Russian Federation opposed NATO’s intervention and took action for the urgent resumption of negotiations. While the UNSC could not give an affirmative vote for the NATO’s intervention on the 24 March, two days later could reject demand of 3 members (China, Namibia, and Russian Federation) “for the cessation of use of force against the Federal Republic of Yugoslavia and the urgent resumption of negotiations” (UNSC Press release SC/6659).

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<sup>32</sup> Interview with Greek Former Ambassador Athens, 7/1/ 2016

The proclaimed goal of the NATO operation was summed up as "Serbs out, peacekeepers in, refugees back."<sup>33</sup> After devastating bombings, on 3 June, Milosevic accepted the terms of an international agreement to end the bombing, with the national parliamentary on 10 June adopting the proposal at the time of vexed debate coming close to aggression. Martti Ahtisaari, an experienced diplomat, and mediator, while still serving as the President of Finland, he was mandated <sup>34</sup> by the Cologne European Council (3 & 4 June 1999) to join efforts with former Prime Minister of Russia Viktor Chernomyrdin and US Deputy Secretary of State, Strobe Talbott. Their mission was to facilitate the withdrawal of Yugoslav/Serbian military and security forces from Kosovo and the establishment thereof international security and civil presence.

#### **1.4 The geopolitical context**

It is characteristic that the international community from the very first moment that occurred separatism in 1990, did not encourage the change of borders. After the wars in Former Yugoslavia, Serbia remained the largest state in area, but no longer has any access to the sea and has borders with all the Balkan countries except Greece, the Balkan country which had long-lasting friendships. Unlike Croatia, the second-largest state has inherited an enormous sea border and secure land borders with Central European countries. Additionally, the high degree of homogeneity of the population in Croatia, Albania, and Kosovo consists of a guarantee for stability. On the opposite, the coexistence of different ethnic groups in countries such as Bosnia, the Former Yugoslavian Republic of Macedonia and Montenegro, may pose risks. Serbia still has a significant Albanian minority, but this cannot be considered a problem.

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<sup>33</sup> A statement by the Former NATO Secretary General, Mr. George Robertson during his speech given in January 2016 at Universum College and University of Pristina, where he was decorated by the President of Kosovo Jahjaga with a Golden Medal of Freedom (Balkaninsight).

<sup>34</sup> Conclusions of the Cologne European Council/ Annex V, Declaration for Kosovo





Source: Google maps

MAP 2: Kosovo in Western Balkans

The primary objective of the international community during the first post-communist period was the desire for strategic stability coupled with shortsighted low-cost assistance for a democratic transition. Four years after the intervention in Bosnia and the eve of the intervention in Kosovo, the European Union was forced to reconsider its initial refusal to be given the status of a potential candidate in states that were in turmoil<sup>35</sup>. The change is because the European Union did not want to create a permanent "black hole" in the middle of Southeast Europe and the border with Central Europe.

However, geopolitical returned not only to the classical version (Huliaras, 2004, cited in Keridis, p.95). The crisis of the modernizing model in the West crossed the dilemma of materialistic determinism of Marxism, which caused the fall of Soviet communism. Both reinforced the shift of social security for the understanding of social reality from the material level in the level of ideas, as an independent and robust modulator of this reality. At the same time, the wars in Yugoslavia formed the context for the rise of a new

<sup>35</sup> Interview, Former Permanent Representative of Greece to the EU, Athens, 15/1/2016

in the study of war, which was based on the theory of "new wars." This new model, according to the definition of Kuhn (Kuhn, 1962), provided an ultimate way of perceiving and thus address the wars in the post-Cold War era. All the reasoning of the "new wars" being means a call for humanitarian intervention and denunciation of Western inaction towards the global periphery drama. Finally, the "new wars basis" is economic globalization, which weakens the traditional states and allows the development of centrifugal forces in the international system.

The wars in the former Yugoslavia have worried and divided the international community and led to the taking of armed action by NATO for the first time in its history. The first operation was in Bosnia and Herzegovina in 1995 and then against Serbia Yugoslavia and Montenegro for Kosovo in 1999 (Keridis and Platzgraff, 2000). The European Union also intervened in Northern Macedonia (Macedonia) and imposed the Ohrid agreement in 2001 to stabilize the disunity between Macedonians and Albanians, country. However, the crisis in Kosovo threatened to destabilize the entire region and posed a serious threat to neighboring states.

Why Kosovo attracted the interest of the International Community and especially the big players? Kosovo, described as the most valuable piece of real estate in the Balkans, is of interest of all (www.independent.co.uk/news/gold-the-serbs-are-ready-to-kill-and-die-for/ Fisk, R.,21-6-1998). The incredible mineral wealth that is hiding in the hills of the land in the complex of Trepča (Northern Kosovo) justifies extreme claims. The Kosovo Albanian may wish for Kosovo's independence, but the International Community is rarely favoring the creation of an independent state (Caspersen & Stansfield, p. 22).

The Kosovo War of 1999, as a self-fulfilling prophecy, ended with the decisive and devastating military intervention of NATO in Europe. In Yugoslavia reaffirmed the leading role of the United States, even in Europe, the inability of Europeans to communicate with each other and share a common and robust voice to the outside but also the decline of Russia, which has failed to rescue Serbia from defeat (Tsyganov, 2001; Surovell, 2012). On the opposite, thanks to Yugoslavia, NATO was rescued from the dustbin of history, as in Bosnia for the first time, took over the establishment in 1949 military action (Keridis, 2015, p.116).

## **2. The EU's engagement in Kosovo as a civilian and normative power**

For the first time in Kosovo, the EU has been able to engage in solving UNMIK conflict in an integrated way as part of an international administration. In this context, it was led to develop actions that would cover a wide range of activities, responding gradually to the needs and problems presented.

As a movement of great symbolism and responsibility, in June 1999, the Cologne European Council has adopted the Stability Pact for the Western Balkans.<sup>36</sup> The Stability Pact was presented as a 'historic opportunity' on two grounds: first, the Stability Pact established the first-ever regional forum for political, economic and social dialogue and second, it was constructed as a contractual link that guides all Balkan states into the European mainstream, particularly the EU<sup>37</sup>.

The Stability Pact, which was primarily intended to cover the needs of reconstruction of Western Balkans and especially of Kosovo, was signed on 10 June 1999 and ratified in Sarajevo in July 1999, as an EU initiative under the aegis of the OSCE. The international community approached the Balkans with a regional logic and, for the first time, achieved such broad participation. Donors, international organizations, international financial institutions, international NGOs and initiatives in the region responded to the call by providing political support to the direction, mechanisms, and experience in undertaking and implementing programs and at the same time, they have strengthened the involvement of the private sector and civil society. The thematic priorities of the Pact included: cross-border cooperation and strengthening of local government, communication and media, energy and regional infrastructure, interregional trade and investment, combating organized crime and migration, asylum and refugees.

Undoubtedly, the Stability Pact was rushed out under the pressure of circumstances by thinking that something must be done immediately without having been fully processed but was enthusiastically

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<sup>36</sup> Since 2008, the regional cooperation mechanism, introduced with the Stability Pact for the Western Balkans, has been institutionally upgraded with the establishment of the Regional Cooperation Council Secretariat (RCC), which acts as a focal point for South-East European cooperation. The Regional Cooperation Council, or the RCC, is a regional cooperation framework for the countries of South-Eastern Europe aiming at the promotion of cooperation and European and Euro-Atlantic integration in South East Europe to inspire the development of the region to benefit of its people.

<sup>37</sup>.” In keeping with its leading role, the European Union will appoint, after consultation with the Chairman-in-Office of the Organization for Security and Cooperation in Europe and other participants, the Special Coordinator for the Stability Pact”. (Conclusions of the Cologne European Council, 1999, para.74).

welcomed by the countries of the Western Balkans. The Western Balkan countries saw the Stability Pact as a means to strengthen ties with the Western countries and to finance the very high costs they needed for the transition period. Many resembled the Stability Pact with the Marshall Plan that was given to rebuild the countries of Europe post-World War II. The European Commission had taken a leading role in terms of policies such as facilitating and liberalizing trade, developing infrastructure, energy, and social cohesion.

## **2.1 1999-2004: Reconstruction after the War**

### **2.1.1 The EU participation in UNMIK**

The UNSC 1244 Resolution (Annex I), adopted by the UN Security Council on 10 June 1999, sealed the end of the war. According to this Resolution, the Secretary-General was authorized to establish an international civil presence in Kosovo to provide an interim administration for Kosovo (UNSC 1244/99, point 10). So was created the first-ever United Nations Administration in a country, the United Nations Interim Administration in Kosovo (UNMIK).

According to the UNSC 1244 Resolution, UNMIK had ample authority, until the political issue was settled, to organize an autonomous and democratic administration in Kosovo. In this context, UNMIK had to support the reconstruction of key and economic infrastructures, the establishment of provisional administrative structures for the self-government, and the consolidation of local provisional institutions. UNMIK had to oversee these provisional administrative structures and gradually transfer them to the Kosovo authorities. The resolution also authorized UNMIK to undertake peace-building activities and facilitate the dialogue process for the future of Kosovo's status. Also, UNMIK was in charge of law enforcement and policing (UNSC 1244/99 Resolution, point 11)

The UNMIK had four pillars and was under the general direction of the Special Representative of the UN Secretary-General. UN Security Council Resolution 1244/99 (paragraph 17) welcomed close cooperation between the European Union and other international partners in order to achieve an integrated approach to the economic development and stabilization of the Kosovo crisis area. Furthermore, the implementation of the Stability Pact for South-Eastern Europe could ensure broad international participation in the promotion of democracy, economic prosperity, stability, and regional co-

operation. Within the framework of better organization responsibility was shared, the third pillar was placed under the control of OSCE, and the fourth pillar was placed under the control of the European Union (Figure 1)

**Pillar I:** headed by United Nations High Commissioner for Refugees (UNHCR), responsible for coordinating and overseeing humanitarian assistance;

**Pillar II:** chaired by the United Nations Department of Peacekeeping Operations (DPKO), mandated to provide the full plethora of public services;

**Pillar III:** managed by Organization for Security and Cooperation in Europe (OSCE), concentrating on institutional development and human rights; and

**Pillar IV:** under the control of the European Union (EU), dedicated to economic reconstruction and development.

(Sheye, 2008,p.177)

Within the framework of its mandate for economic reconstruction and development, the EU has taken over to build and transform economy institutions in a way conducive to maintain peace and stability and among other things, the modernization of customs, privatizations, and banking sector monitoring (Wittkowsky et al., 2009 cited in Tzifakis, 2013, p.44).

### **2.1.2 The EU participation in humanitarian & financial assistance to Kosovo**

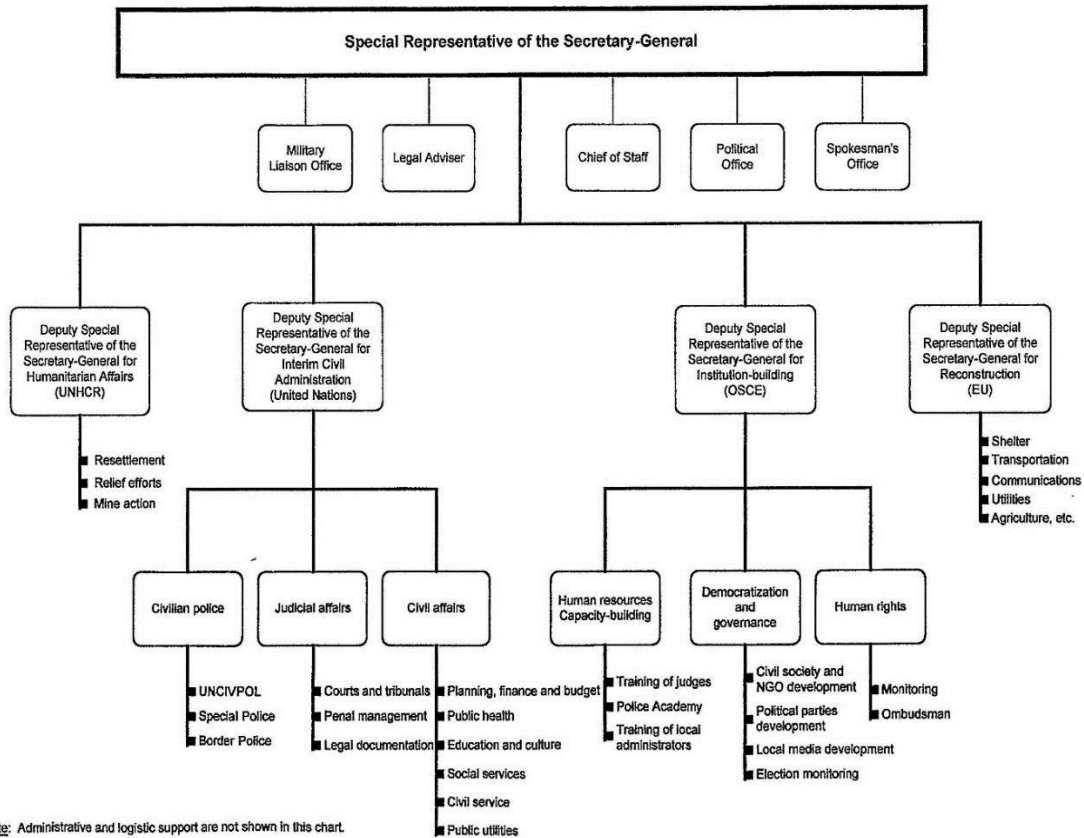
The situation just before and after the war was complicated and dangerous. Indicatively, before the NATO military intervention (24/3/1999), the number of forcibly displaced people had arrived at 400.000. According to data from the Organization for Security and Cooperation in Europe (OSCE)<sup>38</sup>, just three months later, in June 1999, the number of forcibly displaced people arrived at 1.45 million, i.e., 90% of the Albanian-Kosovar population (Kaskarelis, 2017, p. 44). After the end of the war, the picture remained disappointing, intense ethnic conflicts, separatist tendencies, and fragmented political forces everywhere. There was a dramatic increase in any crime, lack of police, judiciary, and administration. The economy was lacking, unemployment exceeded 50%, and among young people, 70% (Kaskarelis, 2017, p. 44).

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<sup>38</sup>Organization for Security and Cooperation of Europe, 2003. *As Seen as Told. An Analysis of the human rights findings of the OSCE Kosova Verification Mission October 1998 to June 1999.*PART III, Chapter 14)

Figure 1

United Nations Mission in Kosovo



Source: United Nations. 1999. Report of the Secretary-General, SG/1999/672, p.6

The first donor's conference on Kosovo was convened on 28 July 1999 with the participation of Representatives from over 100 donor countries and international organizations. The conference focused both on financing urgent humanitarian aid and covering urgent budgetary needs.

The urgent humanitarian needs for Kosovo concerned:

- assistance for displaced or conflict-affected people including preparation for the winter to ensure suitable accommodation and enough food for all Kosovars,
- education for children in early fall, and
- the delivery of essential health services.

Assessments made by the World Bank and the European Union estimated external financing needs for the reconstruction of Kosovo over four to five years at the US \$ 2,3 billion (CRS report, updated 2001). Reconstruction programs supported financial reforms almost in all vital sectors (economy, the rule of law, etc.). Indicative of the size of the mobilization of the international community, the pledges at the first two donors conferences (the second was convened in July 2001) added up to the US \$2.082 billion (ibid), including an amount of US \$ 1,5 billion for the reconstruction of Kosovo (ibid).

In this context, there has been good cooperation between the European Community Humanitarian Office (ECHO) and the UN Refugee Agency (UNCSR) in terms of needs assessment and action. The donors agreed to support the so-called "Consolidated Inter-Agency Appeal for the South East," underlining the need for a proper transition from humanitarian aid to aid for development and reconstruction, to avoid duplication (Year Book of the United Nations, 2002, p.904). Donors welcomed efforts by UNMIK with EU assistance to re-establish tax and customs collection at the border and to establish sound budgetary procedures. UNMIK and several significant donors highlighted the need to avoid distortions between salaries paid by the local administration and salaries paid by international organizations on the ground to local agents. The Donors welcomed the decision by the EU to establish an Agency for Reconstruction and the immediate setting up of the precursor Task Force in Pristina. It was also welcomed the plan of the UNMIK to develop a comprehensive development and reconstruction strategy in cooperation with the European Commission, the World Bank, and the IMF, in liaison with other financial institutions. An initial strategy was presented to donors in October 1999, covering priority needs in 2000 and beyond. Donors were satisfied that the European Commission was able to give at this early stage an assessment for damage to housing and local infrastructure, and they welcomed the proposed extension of this study to cover productive infrastructure. Donors emphasized the importance of close coordination with institutions that were willing to take a leading role (ibid).

The EU became undoubtedly the most significant donor by far assisting Kosovo and was at the forefront of the reconstruction and development effort. In the conclusions of the European Council of Helsinki (10&11 December 1999), the European Union welcomed the Reconstruction and Recovery Programme for Kosovo and the Union's pledge of 500 million euros starting from the year 2000 for reconstruction<sup>39</sup>. Nevertheless, the EU was given a secondary role in the UN-led political process and instead by its own choice has kept a low profile as concerns to the sensitive issue of Kosovo's final status.

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<sup>39</sup> Presidency Conclusions, Brussels European Council 15& 17 June 2005, 10255/1/05 REV1, ANNEX III, para.3)

### **2.1.3 The Community Assistance for Reconstruction, Development, and Stabilization (CARDS PROGRAM)**

In order to support the political objectives of the Stability Pact, the EU has decided to extend the development assistance, which was given since 1989 through OBNOVA and PHARE programs in some countries, to all the countries of the Western Balkans. A new Regulation of the Council (Council Regulation 2666/2000) has replaced these regulations, “the Community Assistance, Development, and Stabilization-CARDS.” The CARDS financial assistance covered Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Northern Macedonia, Kosovo, and Albania. This Regulation, which became operational in 2001, was opted to be the EU's main instrument to encourage the participation of the countries of South-Eastern Europe in the stabilization and association process. However, the assistance through the CARDS was given to the recipient countries on the condition that they would apply democratic principles, respect human rights and minority rights, and apply the International Law. In this context, CARDS provided for a series of measures to strengthen economic reconstruction, support for democratic institutions, and restore national reconciliation. Among these, there were actions to achieve sustainable economic growth, consolidate society of citizens and the protection of minorities, media independence, social development through the fight against poverty, education and training and environmental rehabilitation, and the development of closer relations between the beneficiary countries themselves and between them and the European Union (Article 2 of the CARDS Regulation).

The total allocation of CARDS assistance to Kosovo amounted finally to 575, 92 MEURO. During the implementation period of CARDS (2001-2006), Kosovo was under the interim administration of UNMIK and the EU financed projects “have therefore often been implemented in an unclear political-administrative environment, where most of the institutions relevant to the CARDS assistance did not exist or were under establishment” (COWI, 2009, p.10). CARDS in Kosovo was programmed centrally and managed by the European Agency for Reconstruction (EAR) until its closure in 2008.

In the beginning, the strategic framework did not reflect the needs of Kosovo, because the main strategic document was the Community Support Programme 2002-2006 for the Federal Republic of Yugoslavia and covered all the programming needs for Serbia, Montenegro, and Kosovo uniformly. From the period 2005-2006, the program of Kosovo differentiated and adapted to the specific needs of the country (EPRD, 2013, p.185). Due to the centralized implementation of the CARDS program, there was



little direct involvement in the programming by the final beneficiaries. Since programming and the preparation of the individual interventions were done by the EAR experts (international staff) in cooperation with the UNMIK personnel, the institution-building interventions themselves were, in principle, very-optimistic, and their objectives failed to reflect the fact that the Kosovar institutions were extraordinarily fragile and inexperienced. Moreover, the imposition of donor-defined assistance to weak or unwilling institutions resulted in proportionally low effectiveness and impact. As concerns the capacity –building components were reported as less effective since the beneficiaries did not have the technical capacity to absorb the assistance. Lack of experience and know-how resulted in high amounts being paid for expert fees and salaries, which has led to a negative criticism that virtually part of the aid returned to donors in this way (Montanaro, 2009 cited in Tzifakis, 2013, p.44).

Nevertheless, the retrospective evaluation of the CARDS programs done in 2009 on behalf of the DG Enlargement concluded that “the assistance under CARDS has largely delivered the outputs in a well-managed way, although exceptions and differences are seen in the performance between the sectors” (COWI, 2009, p.33). Investments into the energy sector, both the rehabilitation of thermal power stations and also the development of coal supply, ensured that stable power generation was put on place following the conflict. There is also evidence indicating that the CARDS municipal infrastructure scheme was sufficient, at least as regards the infrastructure that was financed. Municipalities across Kosovo received investments in critical areas such as sewage, drinking water, education, health, and transport.

“CARDS has overall performed better in more concrete and specific technical projects than in overall strategy and planning projects except for economic development “(COWI, 2009, p.32). CARDS assistance targeted in principle the establishment of key institutions in areas of relevance to EU accession. The generous CARDS funding has been used as a tonic injection for Kosovo’s economy and society.

#### **2.1.4 Establishment of contractual relations and motivation for a potential candidacy**

An impact of the Kosovo war was the enhancement of bilateral relations between the EU and the countries hoping to become members. After the start of the accession negotiations with Bulgaria and Romania at the Helsinki Summit (December 1999), the EU also decided to upgrade its policy regarding the Western Balkans. Due mainly to the lack of stability in Western Balkans, the EU replaced the Regional Approach by the Stabilization and Association Process. The Stabilization and Association Process aimed

at creating and deepening contractual relations with each country of the Western Balkans, applying where appropriate the principle of conditionality.

The Stabilization and Association Process (SAP) sought three objectives: stabilization and rapid transition to a market economy, the promotion of regional cooperation, and the prospect of EU membership, which included mainly the harmonization of their legislation with Community law. To this end, the EU helped the countries of Western Balkans to enhance their capacity to adopt and implement European standards, as well as to ensure compliance with the Copenhagen criteria from the perspective of accession. The EU also offered a framework for the reforms to be undertaken as well as a financial framework. The countries concerned should have to present, on their part, action plans with a timetable and specific means by which they intend to meet the demands for greater EU integration.

At the European Council of FEIRA (June 2000), all the Western Balkan countries were characterized as potential members, which strengthened their commitment and upgraded the EU influence. A fundamental differentiation of the new approach was that the European Commission was now treating all the Western Balkan countries in the same way and would not discriminate as in the past for Northern Macedonia and Croatia. Making a step further and showing their commitment to the Stabilization and Accession Process, at the Zagreb Summit (24 November 2000), all Western Balkan countries declared their firm commitment to democratic and economic reforms, which would bring them closer to the EU. In this context, the European Union has concluded partnerships with Albania, Bosnia, and Herzegovina, the Republic of Macedonia, Serbia and Montenegro, including Kosovo, as defined in resolution 1244 of the UN Security Council of 10 June 1999

While the Stabilization and Accession Process (SAP) is for nation-states only, the EU also launched a special mechanism for Kosovo in 2003, the Stabilization Tracking Mechanism (STM). STM was an association process specially devised to promote policy dialogue between the EU and the Kosovar authorities on EU approximation matters. The SAP Tracking Mechanism ("STM") for Kosovo, in the framework of the EU's Stabilization and Association Process, was a technical working group and was co-chaired by UNMIK, the Provisional institutions for Self-Government, and the European Commission. Its purpose was to support Kosovo, through policy advice and guidance, in its EU-compatible structural reforms.

The European Council of Thessaloniki (19& 20 June 2003) endorsed "The Thessaloniki Agenda for the Western Balkans: moving towards European integration.", annexed to the Conclusions of the Council of General Affairs (16 June 2003). In the Declaration of the EU -Western Balkans Summit of 21 June

2003, the participants welcomed and agreed on the Thessaloniki Agenda for the Western Balkans.<sup>40</sup> Through its enlargement experience, the Agenda sought to strengthen the privileged relations between the EU and the Western Balkans, including Serbia. The declaration predicated that “the Union’s thus enriched Stabilization and Association Process will remain the framework for the European course of the Western Balkan countries to their future accession.”<sup>41</sup> The Thessaloniki Agenda has not only reassured all the Western Balkan countries by offering support for the European perspective but has also endorsed for the first time a “package approach” as it had been with the countries of Central and Eastern Europe (interviewed diplomat<sup>42</sup>). Hence, the European Council, both, recognized Western Balkans as a natural part of the European Union and metaphorically “ring-fenced” these neighboring countries by expressing EU active interest and commitment (interviewed EC expert)<sup>43</sup>.

## **2.2 2004-2008: The new outbreak of violence and the start of negotiations on the final status**

The NATO intervention in 1999 ended the Serbian repression in Kosovo, but not the Serbian-Albanian long-standing conflict over status (Kostovicova, 2016, p.7). The fact that NATO has intervened on the side of secessionists has created expectations that Kosovo could gain independence as happened in the case of East Timor following the Australian led-intervention in September 1999 (Hébir,2009, p.93). However, the UNSCR 1244 recognized the territorial integrity of SFRY and appeared to foreclose independence for Kosovo (Hébir,2009, p.93). Under the international administration, there was a feeling that the issue of sovereignty would be asleep for as long as possible. However, to the eyes of Kosovo Albanians appeared to be endless. As the transitional period was prolonged without a solution being prescribed and new “obstacles” emerged (the standards to fulfill before resolving the status problem – “Standards before Status”), the Kosovo Albanian wrath could not be contained. Although the UNMIK has introduced some reforms and has supported the elections for the Provisional Institutions of Self-Government (PISG), there was no progress in the reconciliation between Albanians and Serbs, and this further prevented the situation in Kosovo from being normalized. A new effort was made on the part of UNMIK to better define compliance with European standards in the context of the stabilization and association process. In December 2003, the Security Council <sup>44</sup>agreed on eight standards that had to be respected for Kosovo to

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<sup>40</sup> Declaration of the Thessaloniki EU-Western Balkans Summit, C/03/ 163, point 2.

<sup>41</sup> Declaration of the Thessaloniki EU-Western Balkans Summit, C/03/ 163, point 4.

<sup>42</sup> Interview with Greek Diplomat, Athens,10/2/2016

<sup>43</sup> Interview with Greek Expert ,Ministry of Foreign Affairs ,Athens,11/2/2016

<sup>44</sup> Presidential statement S/PRST/2003/26

be able to develop into a multinational, democratically tolerant society with freedom of movement and equal access to justice regardless of its national context. The eight standards of the 10-pages standards document<sup>45</sup> are summarized as follows:

“(1) existence of effective, representative and functioning democratic institutions; (2) enforcement of the rule of law; (3) freedom of movement; (4) sustainable returns of refugees and displaced persons, and respect for the rights of communities; (5) creation of a sound basis for a market economy; (6) fair enforcement of property rights; (7) normalized dialogue with Belgrade; and (8) transformation of the Kosovo Protection Corps (KPC) in line with its mandate.”

(Ker-Lindsay & Economides, 2012, p.78)

However, the violent events of March 2004 gave new meaning to the negotiations on the final status of Kosovo. The international community finally recognized that the frustration of the prolonged crisis was a severe cause of instability. The unrest triggered a new discussion with the EU about Kosovo. Indeed, the determination of the final status of Kosovo is crucial for regional stability in Balkans (Toshev and Cheikhameguyaz, 2004, p.273). The planned initially evolutionary transition from the achievement of standards to the determination of status was re-evaluated in the light of the March violent riots. While the goal of achieving the standards was not abandoned, it was now perceived that another policy focusing specifically on Kosovo’s status had to be followed.

Moreover, the outbreak of violence in 2004 revealed the extent of political discontent. The majority of the citizens (Serb, Albanian, or other) placed responsibility for the March 2004 riots and crisis on UNMIK (Lemay-Hébert, 2009, p.71). Although UNMIK has successfully built institutions for an independent Kosovo, it has failed to link them with an ordinary meaning around an inclusive notion of Kosovar citizenship (Lemay-Hébert, 2009, p.73). In this context, the EU was called to upgrade its role and become the “key operational” of the international community in Kosovo (UN, S/2008/354, para.13). There were the belief and the expectation that the EU could develop the rule of law in Kosovo, as provided for in Security

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<sup>45</sup> Report under the “Standards before Status” policy designed for Kosovo (Serbia and Montenegro) and endorsed by the Council in application of its UNSC 1244 Resolution (December, 2003)

Council Resolution 1631/2005, and cumulatively with the work of the United Nations, to make better use of the available resources that are fewer than those they are needed (UN, S/2008/354, para.14).

The EU presence in Kosovo after UNMIK began to be discussed in February 2005 when the High Representative Javier Solana and the Enlargement Commissioner Olli Rehn were mandated to investigate, in the framework of UN Security Council Resolution 1244, the EU's contribution to the identification process of the final status of Kosovo. During the 2005-2007 period, four reports were presented with various options, which led to the general conclusion that the EU should play a leading role and in particular to focus on the Rule of Law (Council / Commission, 2005 Joint Report by Javier Solana & Olli Rehn, cited in Papadimitriou and Petrov, 2012, p.755). These reports, as well as a joint fact-finding mission that took place in February 2006, formed the basis for the launching of preparatory work in view of the EU next day in Kosovo (Papadimitriou and Petrov, 2012, p.755).

### **2.2.1 The EU's contribution to the final status of Kosovo negotiation**

The structure of the negotiations on Kosovo's final status was complex. The UN Secretary Council had established the framework for the negotiations by the recommendations of Ambassador Kai Eide and the UN Secretary-General. The European Council, with its declaration on Kosovo, annexed<sup>46</sup> to the conclusions of the Brussels European Council, also welcomed the appointment of Ambassador Kai Eide as Special Envoy of the United Nations Secretary-General. Ambassador Kai Eide reported<sup>47</sup> to the Secretary-General drawing severe the situation in Kosovo and proposed a new approach. Eide believed that the policy "Standards before Status" could not yield and that priority should instead be given to a policy focusing on the resolution of the status issue. In November 2005, the UN Secretary-General, acting on conclusions of the Security Council that the situation in Kosovo was no longer sustainable, asked Martti Ahtisaari one more time to intervene as a mediator and to lead the political process to determine Kosovo's future status.

The final status talks, chaired by the UN envoy Martti Ahtisaari began in Vienna in February 2006. The Albanians insisted on independence, the Serbs on substantial unspecified autonomy of Kosovo. Due to such opposing views, the talks focused on non-status measures, such as cultural heritage, community rights, and economic matters (Eide, 2005).

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<sup>46</sup> Presidency Conclusions Brussels European Council 15 & 17 June 2005, 10255/1/05 REV1, ANNEX III, para.3.

<sup>47</sup> Eide, 2005. A Comprehensive Review of the Situation in Kosovo. *UN Security Council Report S, N°635*, p.2

In terms of preparing for increased EU accountability and operability in crisis management, on 10 April 2006, the Council adopted the Joint Action 2006/304/CFSP of “on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in Kosovo in the field of the rule of law and possibly other areas in Kosovo.” The Head of the EUPT Kosovo should be responsible for managing and coordinating EUPT Kosovo activities under the guidance of SG/HR (CJA 2006/304/CFSP, article 5).

At the same time, United Nations Security Council Resolution 1674 on the Protection of Civilians in Armed Conflict, adopted unanimously on 28 April 2006, emphasized the importance of preventing armed conflicts and underlined the need for a comprehensive approach. So that through the promotion of economic development, the fight against poverty, national reconciliation, and good governance to protect the human rights of the affected populations.(UNSC Regulation 1674/2006,p.2).Subsequently, on 11 December 2006, the Council amended and extended Joint Action 2006/304/CFSP “to ensure a smooth transition to a possible EU crisis management operation in Kosovo” (Conclusions of the General Affairs Council, 11 December 2006 & Joint Action 2006/918/CFSP, L 349, article 1,p.57).

While there has been progressing on technical issues, the positions of both parties remained opposed to vital matters. On 2 February 2007, Ahtisaari and his team presented the “Comprehensive Proposal for the Kosovo Status Settlement.” The proposal covered a broad spectrum of issues and included provisions for the establishment of a multi-ethnic society, which governed itself democratically and with respect to the law. Some of the main components of the Ahtisaari plan included the formation of the International Steering Group to Kosovo, the International Representative for Kosovo and the European Special Representative appointed by the European Council. The Ahtisaari Proposal was wisely ambiguous as regards the powers and the duration of the EU mission that would oversee the settlement, ensuring that the international community would retain the final word in Kosovo through its formative years of statehood (International Crisis Report, 2007, p.i).

After 17 rounds of talks, concluded without agreement on 10 March Ahtisaari “stated unequivocally” that the potential for negotiations was “exhausted” and informed the President of the Security Council that “the only viable option for Kosovo is independence, to be supervised for an initial period by the international community” ( S/2007/168,2007, point 5,p.2, quoted in International Crisis Report, 2007, p.8). To better balance the plan and overcome the concerns of the Serbs, the creation of Serb-majority municipalities was proposed, as well as protective zones around Serbian Orthodox heritage. The Ahtisaari plan offered the best possibility of a multi-ethnic, democratic, and decentralized society, fitted within the

European Union's multi-ethnic project for the Western Balkans, which ultimately offers the prospect of accession. Kosovo's partition was considered not only to abolish the multiethnic society model supported by the EU but also to destabilize the neighboring countries (International Crisis Report, 2007, p.8).

However, was it possible to support the creation of a multiethnic state with equal rights and democratic processes if the population supremacy of the Albanian population was pronounced and the Serbian population remained enclaved along Ibar River? The international administration mainly failed to anchor a multi-ethnic model of society in Kosovo, because such a model never honestly took roots in Kosovo before the 1999 intervention (Kostovicova, 2004, cited in Lemay-Hébert, 2009, p.74). On the other hand, the emphasis on multi-ethnicity was interpreted, both by Albanian and Serbian populations as a "conditionality," not as a "carrot," and they reacted negatively (Jarstad, 2007, p.228 cited in Lemay-Hébert, 2009, p.74).

Both the international community and the EU have invested heavily in the multiethnic society model<sup>48</sup>. The model of multiethnic society seems to respect democracy and exudes humanism, but how can it eliminate the fear and insecurity of those who are not only a small minority but also have severe differences in cultural matters with the overwhelming majority (religion, traditions)? The model of a multinational society can serve political purposes, but technically imposing a leveling and homogenization, to defend the rights of the various ethnic groups and avoid conflicts, inherently oppresses diversity on the pretext that peaceful coexistence is ensured. How could Serbs be convinced that the proposed solution to the final status was fair? Based on the UNHCR<sup>49</sup> data (2007, p.10), eight years after the end of the war, 206.879 out of 300.000 displaced Serbs were from Kosovo. These displaced persons remained in southern Serbia in 2007 and were afraid to come back, while Albanian refugees have returned almost all the first year after the war. The report of the UNHCR informs that since 1999, only 15.859 non-displaced Albanian persons returned to Kosovo, of which 7050 were Serbs. The international community from then on would address Kosovo as a European problem for which the EU should find the right solution. Perhaps the only chance of success may lie at the main difference between the UNMIK and EU approach, which is that the EU did not try to impose the multiethnic character but encouraged it to grow by motivating Albanian origin and Serbian origin Kosovars to live together in Kosovo.

The adoption of the Ahtisaari Plan was blocked by Russia's opposition to a non-negotiated and imposed solution. At the end of 2007, a 'Troika' comprising the European Union, the United States of

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<sup>48</sup> Interview with Greek diplomat, Athens, 10/2/2016

<sup>49</sup> UNHCR, The UN Refugee Agency, 2007. Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia.

America, and Russia facilitated further intense negotiations between the parties (UN S/2008/354, point.3). The resumption of negotiations in a final attempt to give space to diplomacy confirmed the absolute deadlock. Finally, the compromise plan proposed by the Ahtisaari principle was not accepted by the Security Council because Russia vetoed. After all, it would not support any decision that was not mutually acceptable to Belgrade and Pristina.

After the failure in the negotiation, the Brussels European Council of 14 Dec 2007 repeated the EU commitment to assist economic and political development of Kosovo through a clear European perspective and underlined the EU readiness “to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status” (European Council Conclusions, ST 16616/1/07, REV1, para 68-70). However, the EU, alongside its clear commitment to the European perspective of Kosovo, had also sent a message to Serbia. In para 71 of its Conclusions, the Brussels European Council “encouraged Serbia to meet the necessary conditions to allow its Stabilization and Association Agreement rapidly to be signed and, in the light of Serbia's considerable institutional capacity and reiterated its confidence that progress on the road towards the EU, including candidate status, can be accelerated” In other words, the EU aimed, with this concealed conditionality, to engage Serbia to cooperate. Consequently, the acceleration of Serbia's European course depended on its agreement on Kosovo's supervised independence.

The failure of the negotiations paved the way for the alternative, backed by the United States and the majority of the EU, of a “coordinated “declaration of independence by Kosovo Albanians, which came on 17 February 2008. Although the Ahtisaari plan was formally withdrawn on 20 July 2007, its proposals were embedded in the new Kosovo Constitution, presented after the unilateral declaration of Independence on 17 February 2008 (Papadimitriou and Petrov, 2012, p.754).

### **2.2.2. A European Perspective for Kosovo**

As confirmed by the Thessaloniki European Council (19-20 /6/2003) and the EU-Western Balkans Summit (21/6/2003) organized by the Greek Presidency, Kosovo was given a “European perspective” and was firmly tied to the framework of the Stabilization and Association Process (Declaration of the EU-Western Balkans Summit/ “The Thessaloniki Agenda for the Western Balkans: Moving Towards Integration”)



In April 2005, the European Commission adopted the Communication "A European Future for Kosovo," which presented the actions the EU was committed to making to help the European perspective of Kosovo. In the meantime, the European Union reiterated that Kosovo was destined to join the European Union, and therefore, the European Union had an important role to play concerning the discussion on the final status of Kosovo<sup>50</sup>. Moreover, in late 2005, the UN, having the support of the United States and some leading members of the EU, announced talks that could lead to some form of statehood for Kosovo (Economides and Ker-Lindsay, 2015, p.10).

At a period characterized by political processes and economic stagnation, the EU tried not only to prepare itself to assume the responsibility of the post-status Kosovo civilian mission but continued to help with various financing tools, such as the Programme CARDS, Instrument of Pre-accession, Macro-financial Assistance (MFA) and the Stabilization Tracking Mechanism. In particular:

The European Partnership was presented as a means of implementing the European perspective of the Western Balkans in the context of the SAP. It is worth mentioning that the European Partnership for Serbia and Montenegro adopted by the Council on 30 January 2006, also included Kosovo as defined in UN Regulation 1244/99. However, the priorities for the plan of Kosovo were developed separately under the United Nations Interim Administration. Notably, Kosovo should:

- a) ensure respect for the rule of law and pursue a policy of zero-tolerance against corruption, b) ensure democratic governance of, and delivery of public services to all people of Kosovo, c) advance the reform of local-government taking into account the views, c) create a climate for interethnic tolerance, d) create the conditions for investment, trade, employment and economic growth for the benefit of all the communities, e) ensure full cooperation with UN Criminal Tribunal for the former Yugoslavia (ICTY) and f) intensify well-prepared dialogue with Belgrade, showing a constructive attitude".

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<sup>50</sup>Council Decision of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999 and repealing decision 2004/520/ EC (2006/56/EC).

**Table 4: IPA assistance to the Western Balkans and Turkey 2007-2013 (MEURO)<sup>51</sup>**

Country	2007	2008	2009	2010	2011	2012	2013	Total
Albania	61,0	70,7	81,2	94,1	94,4	94,5	98,1	594,0
Bosnia & Herzegovina	62,1	74,8	89,1	105,3	107,4	107,8	111,8	658,3
Croatia	141,2	146,0	151,2	153,5	156,5	156,1	95,4	999,9
Northern Macedonia	58,5	70,2	81,8	91,6	98,0	101,8	117,2	619,1
Kosovo	68,3	184,7	106,1	67,3	68,7	68,8	73,7	637,6
Montenegro	31,4	32,6	34,5	33,5	34,1	35,0	35,4	236,5
Serbia	189,7	190,9	194,8	197,9	201,8	202,0	214,7	1.391,8
Turkey	497,2	538,7	566,4	653,7	779,9	860,2	935,5	4.831,6
Multi-beneficiary	129,5	137,7	188,8	141,7	186,2	176,2	177,8	1.137,9
<b>TOTAL</b>	<b>1.238,9</b>	<b>1.446,3</b>	<b>1.493,9</b>	<b>1.538,6</b>	<b>1.727,0</b>	<b>1.802,4</b>	<b>1.859,6</b>	<b>11.106,7</b>

Source: European Commission (processed by the author)

In November 2006, the Council also decided to make available to Kosovo (MFA) in the form of budget support grants of up to EUR 50 million. MFA has been set up to aid countries geographically, economically, and politically close to the EU. It is intended strictly as a complement to the International Monetary Fund (IMF) funding. Its goal is to assist with a balance-of-payments difficulties. However, until

<sup>51</sup> There are two categories of IPA beneficiary countries:

- EU candidate countries (Turkey, Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia) are eligible for all five components of IPA;
- Potential candidate countries in the Western Balkans (Bosnia-Herzegovina, Kosovo under UN Security Council Resolution 1244/99) are eligible only for the first two components.

end-2009, the assistance was not disbursed as critical conditions, in particular, an understanding with the IMF, as well as the confirmation of budgetary financing needs, was not met.

Following the expiry of CARDS regulation, the Instrument of Pre-accession Assistance took over in Western Balkans. The IPA had the following five priorities: assistance for transition and institution building, cross-border cooperation (with the EU Member States and other countries eligible for IPA): regional development (transport, environment, regional and economic development), human resources (strengthening human capital and combating exclusion) & rural development (Table 4).

In 2007 all the countries of Western Balkans, including Kosovo under UNMIK, joined Central Europe Free Trade Agreement <sup>52</sup>. The accession to the CEFTA was one more step towards EU membership.

## **2.3 2008-2012 EU setting up the Arsenal of Democracy for Kosovo**

### **2.3.1 The aftermath of the unilateral declaration of independence of Kosovo**

Kosovo unilaterally declared its independence on 17 February 2008. By the end of 2008, 53 countries, including the United States, the United Kingdom, Germany, France, Albania, Afghanistan, Australia, etc. recognized Kosovo as an independent country. However, 5 EU member states (Cyprus, Greece, Romania, Slovakia, and Spain) opposed Kosovo's independence, each for its reasons. This disagreement between members prevented the EU from asking Serbia to recognize Kosovo as an independent state as a prerequisite for its membership (Economides and Ker-Lindsay, 2015, p.10).

After the declaration of independence, Kosovo had to function as a state with a constitution and laws. The Ahtisaari plan, although not approved, constituted the reservoir for creating the necessary institutional framework. In the aftermath of the declaration of independence, the acting authorities presented the

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<sup>52</sup> In 1993, the Visegrad countries created the Central European Free Trade Agreement (CEFTA) to liberalize trade between them. A prerequisite for joining CEFTA, along with WTO accession, was the conclusion of an association agreement with the EEC. Although initially the group of Visegrad countries was kept closed, it subsequently attracted the interest of other countries that gradually joined the group: Slovenia (1996), Romania (1997), Bulgaria (1999) and Croatia (2003). In December 2006, CEFTA was revised and all the Western Balkan countries joined Slovenia, Romania, Bulgaria and Croatia withdrew upon their accession to the EU.

Kosovo Constitution, the writing of which was helped in principle by EU experts. The Constitution of Kosovo, consisting of 162 Articles, was signed on 7 April 2008 in Pristina, ratified on 9 April, and came in effect on 15 June 2008. Although the writing of the Constitution was influenced by the Ahtisaari Plan and the United Security Council resolution 1244/99, it was not finally approved by the UN.

In a couple of weeks after the declaration of the unilateral independence, to counterbalance the reactions of Serbs and help the pro-European political party in the parliamentary elections held in Serbia, the EU signed a Stabilization and Association Agreement with Serbia. However, the entry in force of this Agreement was frozen “until Serbia was deemed to be fully cooperating with the ICTY.” In September 2008, an attempt to unfreeze SAA was blocked by the Netherlands, which required full cooperation with ICTY (EU Observer, 2008 cited in Economides & Ker-Lindsay, 2015, p.12). Nevertheless, the EU kept encouraging Serbian integration and agreed in December 2009 to lift visa restrictions on Serbian citizens traveling to the EU for less than 90 days (BBC News, 2009, cited in Economides-Ker-Lindsay, 2015, p.12).

Western support for Kosovo's declaration of independence had involved supervision by the International Steering Group and the International Civilian Office. The International Steering Group was made up of 20 European Union member states and five non-EU countries, including the United States. The European Special Representative was also appointed International Representative “The International Civilian Office (ICO) supported the European Special Representative “to help Kosovo create a stable, multi-ethnic state with an orientation toward the Western world” (DW/Top Stories, 10/9/2012).

On 18 February 2008, the High Representative of the Common Foreign and Security Policy of the European Union with a letter addressed to the General Secretary of the UN officially stated, that the EU was willing to play “an enhanced role” in Kosovo around the issue of the rule of law, within the framework provided by the Resolution 1244/1999. Since then, the European Union has reiterated “its readiness to deploy staff to Kosovo, in the functional areas of police, justice, and customs “(UN doc S/2008/354, para.8). Moreover, the EU has announced that it would stop funding the economic reconstruction pillar of UNMIK as of June 2008. In the interim, the Kosovo government passed legislation that came into force on 15 June that effectively sought to assume tasks and competencies carried out by pillar IV of the UNMIK. (UN S/2008/354, para 9).

Because of disputes in the United Nations Security Council, the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) and handover to the EULEX mission have encountered difficulties. Despite Russian and Serbian protests, the UN Secretary-General Ban Ki-Moon proceeded

with the reconfiguration plan (Table 6). In his report of 15 July 2008, Secretary-General Ban Ki-moon stated that, because the Security Council is unable to provide guidance, UNMIK should be restructured to adapt to the new reality (UNSC, 2008, Secretary-General's report UN Report on UNMIK, S / 2008/458, 29). Moreover, the Secretary-General mentioned that the United Nations would maintain a position of strict neutrality on the question of Kosovo's status (ibid, 30).

On 11 July 2008, the European Union called in Brussels a new Donor's Conference to give a boost in the economy and to meet the economic needs of 1, 4 BEURO for the period 2009-2011. The amounts pledged exceeded 1, 2 billion euro, with a total EU contribution (Commission 508 million+ EU member states 285 million) of almost 800 million euros. Kosovo faced significant challenges in the rule of law, the fight against corruption and organized crime, the strengthening of administrative capacity, and the protection of the Serb and other minorities.

In November 2008, the UN Security Council gave the green light "for the deployment of the European Union Rule of Law Mission in Kosovo" (EULEX) (State/INL,2008). EULEX's mission was to assist and support the Kosovo authorities in the field of the rule of law, particularly about the organization of the police, courts, and customs services (US / INL, 2011). It was also clear that EULEX would operate in accordance with United Nations Security Council Resolution 1244 (UNSCR 1244). Indeed, the EU was faced with a complex and challenging to manage situation; firstly, the UNSC did not recognize Kosovo's independence and maintained a neutral stance; secondly, five EU Member States were strongly opposed to Kosovo's independence; and thirdly, the US supported the independence of Kosovo without being bound by the EU decision. Moreover, the Ahtisaari Plan had the support of those countries which were in favor of independence, although it has not been internationally endorsed (Tzifakis, 2013, p .45).

Following successful lobbying at the United Nations General Assembly, Serbia addressed the International Court of Justice in October 2008 for an advisory opinion on the question of whether the unilateral declaration of independence by the Kosovo Provisional Institutions of Self-Government was in line with rules of international law. Although legal rulings could not negate the need to find a political solution, usually serious matters are referred to the courts to decide and pave the way for a political solution. The Kosovo issue was the first case before the Court of Justice for a unilateral declaration of independence, while the many EU Member States, including the United Kingdom and France, had already expressed their support for Kosovo's independence (Economides & Ker Lindsay, 2015, p.12). Thirty-seven countries (including the authors of the unilateral declaration of independence of Kosovo) filed written statements to the Court on the matter (Advisory Opinion of the International Court, para 6 & 7,p.9),

with roughly half supporting Kosovo's independence and the other half supporting Serbia's position that Kosovo's declaration was unlawful, and that final status talks must continue".

In the hearings held on 11 December 2008, thirty states, including Kosovo, appeared before the Court (Advisory Opinion of the International Court, para 13), and the Court delivered its advisory opinion on 22 July 2010; by a vote of 10 to 4. The general conclusion was of the Advisory Opinion of the ICJ was that "the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999) or the Constitutional Framework. Consequently, the adoption of that declaration did not violate any applicable rule of international law. (Advisory Opinion of the International Court, Justice of 22/7/2009, para 122). A significant remark is that the International Court itself, in its advisory opinion, "avoided a lengthy account of Kosovo's contemporary history, hewing closely to just those facts and law necessary to answer the narrow question before it" (Murphy, 2011, p.5).

There had been many reactions to the decision. The countries that recognized Kosovo hailed the decision, while many countries that did not recognize Kosovo claimed that the decision could be a precedent for secession in other regions. The case of Kosovo is a particular case since it is the only case in which the US intervened so vigorously, in order to impose the solution they considered appropriate. Kosovo may have been recognized by the majority of the countries of the international community, but it cannot be overlooked that those who did not agree could seek to impose similar solutions when they find their interests or strategic preferences in danger. However, the Serbian Government realized that if it insisted on a new round of debates, it would damage its European course. Thus Serbia accepted the EU's proposal for a joint decision that acknowledged the ICJ advisory opinion and welcomed the availability of the European Union to facilitate a process of dialogue to promote cooperation and improve the lives of people in the region (Economides & Ker-Lindsay, 2015, p.13). The resolution was adopted by the UN Assembly on 8 September 2010. Serbia's constructive stance was compensated with the acceptance of its official request pending since December 2009 to become an EU member (Council, October 2010).

In due time, the Commission proposed an amendment to the IPA Regulation to transfer Serbia from the potential candidate countries to the list of candidate countries. However, Kosovo's Government demanded has asked through the diplomatic channel that Serbia should not join Serbia before Kosovo, expressing concern that if Serbia were to be accepted first, it would be possible to ask for Kosovo not to be accepted as a member. As concerns the 5 EU member states that were opposed, there was no change, although there was a coordinated effort from the European Union Institutions to promote the recognition of Kosovo. In this context, the European Commission had swiftly welcomed reform efforts in Kosovo and

provided recommendations and assistance to achieve the objectives set by the Council in the European Partnership for Kosovo. Moreover, the European Parliament adopted a resolution on 8 July 2010, calling on all member states to recognize Kosovo. In October 2010, there was even a reflexion in the European Parliament that lack of recognition by some countries could not be an obstacle to Kosovo joining the Schengen<sup>53</sup> area countries visa-free regime. Finally, the European Council of December 2011 recalled the EU commitment (European Council December 2007) to help Kosovo's economic and political development "through a clear European perspective, in line with the European perspective of the region." (COM(2009)5343, SWD(2012)339 final.p.2.). However, "the absence of common EU position over the recognition of Kosovo has jeopardized the incentive of EU accession" (European Audit Court, 2012, para, 103). In January 2012, the Kosovo authorities announced their desire to stop the supervised independence by the end of the year, and it was then perceived that the conditions had matured and no further delay could be justified.

### **2.3.2 The appointment of European Special Representative in Kosovo**

Between 1998-2008, Wolfgang Petritsch, an Austrian diplomat of Slovenian ethnicity and Artii Ahtisaari, a Finnish diplomat served as European Representatives and European Union's Special Envoys for Kosovo. Petritsch participated as the European Union's Chief Negotiator at the Kosovo plan international talks at Rambouillet and Paris. Ahtisaari served twice in 1999 and 2005. During his second term, as UN Special Envoy Ahtisaari led the political process to determine Kosovo's final status.

Pieter Feith, a Dutch career diplomat, was the first European Special Representative in Kosovo appointed with the Council Joint Action (CJA) 2008/123/CFSP on 4/2/2008. Article 2 of this CJA provided that the EUSR should take on the EU's policy objectives in Kosovo and support the EU's leadership in strengthening stability in the region and implementing a political settlement that meets the objective of a stable, sustainable, peaceful, democratic and multi-ethnic Kosovo. Under its mandate, the EUSR should contribute to strengthening regional cooperation and the development of good neighborly relations. The EU's policy objectives to be pursued also include the rule of law and the protection of minorities and the cultural and religious heritage.

Pieter Feith was appointed to serve both as EU Special Representative (EUSR) and International Civilian Representative (ICR). The double role was contradictory because the EUSR should operate in

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<sup>53</sup> Interview with a Greek diplomat, Athens, 14/2/2017

the framework of the UNMIK having a neutral stance on the independence of Kosovo, while the ICR should head the International Steering Group of counties that supported the Unilateral Declaration of Kosovo (UDI). In April 2008, Pieter Feith, as EUSR, led a team of EU officials and approved the Constitution of the self-declared and partially recognized the Republic of Kosovo, giving the impression that the EU's attitude has changed. Although the option of the double hat for Feith has prevailed to facilitate the communication between ICR and EULEX, "it has created problems and blurred the lines" (Papadimitriou and Petrov, 2012, p.758). Since Pieter Feith, with this rather ambiguous attitude, created hostility, his life had been seriously threatened when a bomb exploded outside his office in Pristina (14/11/2008). In 2010 when Feith, in cooperation with Hashim Thaçi, announced the Strategy for Northern Kosovo, has not only irritated the Kosovo Serbs but also grasped the negative criticism both of UN and EU (Tzifakis, 2013, p.46). Especially the MS opposing Kosovo's independence was particularly annoyed by Peter Feith's initiatives and opposed the renewal of his mandate (Tzifakis, 2013, p.48). Feith was succeeded by Fernando Gentiloni, who only served a six-month term in office until the end of 2011.

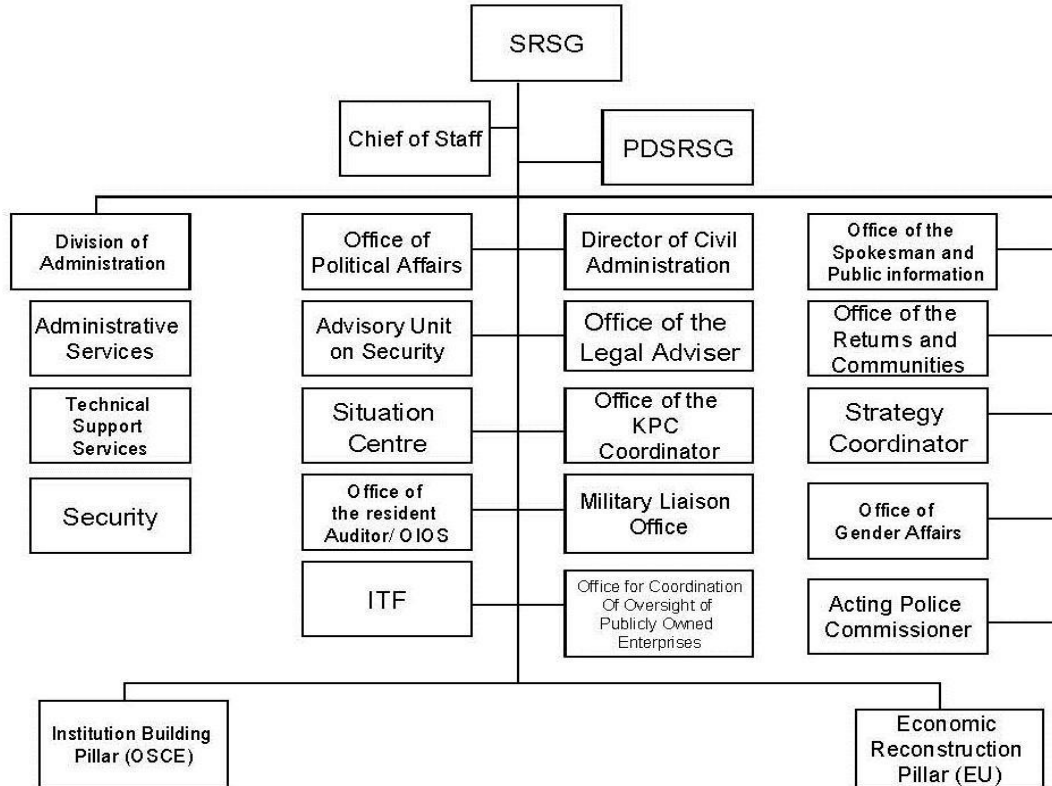
Samuel Žbogar, a distinguished Slovenian diplomat, was the next European Union Special Representative for Kosovo. He was appointed on 25 February 2012, and his mandate was extended up to 28/2/2017. Žbogar was appointed Ambassador to the United States from 2004 to 2008 and Minister of Foreign Affairs from 2008 to 2012. His mandate was to assist the implementation of the Brussel's Agreement and facilitate the dialogue between Belgrade and Pristina. During his term in office and mainly on his assistance, the Dialogue between Belgrade and Pristina started to work, and a Stabilization and Association Agreement between Kosovo and EU was signed. After having been appointed as EU Ambassador in Northern Macedonia, he was replaced by Natalya Apostolova, a Bulgarian senior civil servant who took over on the 1st of September 2016.



Figure 2

# A. Organigramme of UNMIK<sup>1</sup>

(as of 1 November 2006)



| Source: UN Department for Peacekeeping Operations

## 2.3.3 The European Union Rule of Law Mission in Kosovo (EULEX)

Indeed, the perspective of the UNMIK's departure from Kosovo has created the possibility for the EU to enhance its role as an influential & performant global actor. Between 2005 and 2007, Solana and Rehn examined various options and assessed that the EU was likely to play a leading role in Kosovo, whatever the outcome of the final status negotiations. Among the proposals of the Ahtisaari Plan was "the deployment of an EU civilian mission in the field of Rule of Law (EULEX) in order to enhance local abilities in the key sectors of policing, justice and customs." However, this proposal was not endorsed by the UN

Security Council due to the opposition from Russia, which was against the transfer of the UN facility to the EU mission.

After the collapse of the negotiations, the EULEX's mandate should be de facto disassociated from the Ahtisaari Plan's proposals for Kosovo's "supervised independence," also taken into account that there were divisions inside the EU over the Unilateral Declaration of Independence (Council/Commission, 2005, cited in Papadimitriou and Petrov, 2012, p.755). However, the European Council has shown remarkable resolve and in its session of December 2007, expressed unanimously its commitment to deploy a law commission and also appoint a EUSR. The Kosovo authorities in the declaration of independence and the writing of the Constitution had committed to the Ahtisaari Plan, although it was not endorsed by the UN (Spernbauer, 2010, p.13).

EULEX was created to help the Kosovo authorities develop and strengthen an independent multi-ethnic judicial system and a multi-ethnic police and customs service. Within this effort, Kosovo should comply with international standards and implement good practices. The legal basis for the EULEX's functioning has been set by the Council in the European Union Joint Action 2008/124/CFSP on 4 February 2008 to operate within the general framework of the UNSC 1244/99 Resolution. Following the Statement in Article 2 of the Joint Action:

"EULEX KOSOVO shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices."

(Article 2 of the Joint Action 2008/124/ CFSP)

Having obtained the legal basis and the framework for action of the EULEX and after the unilateral declaration of independence, the EU Planning Team for Kosovo (EUPTK) prepared, in close cooperation with the relevant decision-makers in Pristina the "famous package of 42 laws: setting up the implementation of the Kosovo Constitution. This package included the Law of Police and the Law of Jurisdiction, case selection, and case allocation of EULEX judges and prosecutors and other issues relating to the administration of justice in civil and criminal matters (Spernbauer, 2010, p.13).

The operational phase of EULEX started in December 2008, after the transfer of authority from UNMIK, and it reached full operational capacity in April 2009. Initially, the mission consisted of about 1800 civil

servants, but later, the personnel rose to 2,000 because of the growing instability in the region. Police officers, prosecutors, and judges are involved in the mission to address issues of the rule of law and the implementation of democratic standards. EULEX is under the political control and strategic direction of the Political and Security Committee and the authority of the EU High Representative for Foreign Affairs & Security Policy at the strategic level (Article 7 of the Joint Action. 2008/123/CFSP). The European Union Rule of Law Mission in Kosovo (EULEX) became” the largest civilian mission ever launched under the Common Security and Defense Policy (CSDP)” (US Department of State, State INL Kosovo Program, Fact Sheet,2011).

EULEX was a new type of mission heavily tasked with two different sets of responsibilities: first to monitor, mentor and advise and second to directly exercise judicial power (Grilj and Zupančić, 2016 cited in Zupančić &Pejić, 2016, p.82). EULEX had both to settle its internal problems and to accomplish the mandate given to it. The inherent contradiction was that, while EULEX should function as a status-neutral mission, it would, at the same time, strengthen the state structures of independent Kosovo (Tzifakis, 2013, p.48). Although the EULEX tried to emphasize its role as a technical mission, it was finally unable to persuade the local communities of its apolitical character. Therefore, the role of the EU was treated with suspicion & occasionally by hostility both by the Kosovo Albanians and by the Kosovo Serbs (Tzifakis, 2013, p.48). Although EULEX had not at that time access to Northern Kosovo., “there was the resentment towards the EU mission for exercising its powers over Kosovo while mediating between the state and Serbia” (Visoka & Doyle, 2011, p.112).

As an expression of the discontent against the EULEX's police cooperation with Serbia and its actions in Kosovo, violent protests were orchestrated by a political party of the opposition called “Vetëvendosje” (“Self-Determination”) on 25 August 2009. During the demonstrations, severe material damages (28 EULEX's vehicles), injuries (3 Kosovo police officers), and arrests (21) occurred.

Rightfully, instead of focusing on issues of law enforcement, EULEX has concentrated initially on civilian security issues and the strengthening of the Kosovo Police. EULEX followed a strategic approach towards the Police in the Programme Implementation Documents were set concrete strategic objectives and goals to ensure the efficiency of the program.” The key objectives of the program were the fight against crime, efficient patrolling, border security, and effective policing.” (Zupančić and Pejić, 2016, p.70).

As concerns the Kosovo Customs Service, EULEX supported structural changes, and this resulted in effective controls and increased revenue from the collection of taxes at the crossing points in the north of

Kosovo and especially at the Pristina airport customs. In June 2010, the Mission in Kosovo was extended for two years. Its main objectives remained the same.

Nevertheless, the European Court of Auditors in the Special Report 18/2012 (para 50) noted that overall, Commission's assistance and EULEX administrative "activities have not achieved the expected results, although they have contributed to some progress in the fight against corruption" (Special Report 18/2012, para.50). Besides, due to the particular circumstances of Kosovo: the low starting point of the independence of the rule of law and the low priority given by the new Kosovo authorities to the rule of law, the EU assistance did not have the equivalent performance (Special Report 18/2012, para 103).

The second extension of EULEX's mandate in 2012 was accompanied by a considerable downsizing of staff and restructuring of the Mission. The Mission was reconfigured on two significant fronts: an "Executive Division," which worked on the mission's executive mandate, and a "Strengthening Division," which concentrated on monitoring, mentoring and advising local counterparts. Another two objectives were also added in the mandate. The first complementary objective of the EULEX's mandate was the North Objective, i.e., the restoration of the rule of law in the areas north of the Ibar River, mostly populated by the Serbs. The second objective was about the implementation of the dialogue between Serbia and Kosovo.

## **2.4 2013-2017: EU paving the way to normalization of the relations and future accession of Kosovo**

### **2.4.1 The EU's Mediation to the Normalization of Relations between Kosovo and Serbia**

EULEX, in close co-operation with the EUSR in Kosovo, supported the Kosovo-Serbia dialogue to implement the other agreements on the rule of law and normalization of relations between Kosovo and Serbia. The dialogue between Kosovo and Serbia was presented by the European External Action Service (2014) as the first significant success of European foreign policy and as proof that the EU was a reliable UN partner. The process of EU-mediated dialogue between Kosovo and Serbia is an excellent example of this transformative EU soft power (Ulrike Lunacek, 2012, p. 150 cited in Visoka & Doyle, 2015, p. 868). The dialogue between Kosovo and Serbia started as a technical dialogue and evolved into a high-level political dialogue. Between March 2011 and October 2012, despite strong domestic opposition in Serbia, the agenda included discussions that had entered the necessary conditions for regional integration, such as regional cooperation, free movement and the rule of law (European External

Action Service, 2011 cited in Visoka & Doyle, 2015, p.868). However, tension has come back soon on the responsibility of two sides. Indicatively, Kosovo built barricades to block the access into the South, provoking some clashes between local Serbs and NATO peacekeepers (BBC News, 2011a cited in Economides & Ker-Lindsay, 2015, p.14). However, the negotiations restarted in September 2011, after the substantial intervention of Chancellor Merkel who traveled in August 2011 to Belgrade and clarified that if Serbia wished to become a member of the EU, first, there should be a constructive dialogue, second, the EULEX can work and third all duplicate structures are abolished (BBC News, 2011b cited in Economides & Ker Lindsay, 2015, p.14). However, Serbia was already severely affected by the financial crisis within EU member states, and the Serbian policymakers, driven by economic concerns, acknowledged that the EU membership was the best alternative.

In this context, the Serbian government has tried to meet all the conditions. In October 2011, following the arrest of the last indictees of the ICTY (Ratko Mladić and Goran Hadžić), the Commission recommended awarding candidate status to Serbia. However, the EU, continuing its pressure, was not disposed to award Serbia candidate status before there was evidence that the agreements were implemented. Finally, in March 2012, Serbia was awarded candidate status, after having agreed to a wording that allows the participation of Kosovo in regional organizations, without prejudice on status.

On 10 September 2012, the International Steering Group formally ended its supervision,” when the West judged that Kosovo had ‘substantially’ implemented the Ahtisaari Plan” (Capusella, 2015, p, 6). In October 2012, the dialogue increased to a high political level (prime ministers), and since then, both tracks have operated in parallel. In an attempt to overcome the deadlock and make progress in the negotiations, it was attempted to transfer the dialogue from the political to the technical level without, of course, losing the substance. Transforming the political dialogue into a discussion on the solution of technical issues, without losing the substance, was made possible by avoiding at the first stage the sensitive political issues so that the debate on the relevant technical issues is preceded (Cooper, 2015 cited in Visoka & Doyle, 2016, p.869). This technical dialogue brought about a number of significant agreements, including regional co-operation and representations, integrated border management, freedom of movement across the dividing line, regulation of customs steps, return of cadastral records and civil registry and mutual recognition of university diplomas (Economides & Ker-Lindsay, 2015.p.13, Visoka & Doyle, 2015, p.869).

To bring closer Pristina and Belgrade, the EU should also overcome substantial disagreements among its Member States on the status of Kosovo (Economides and Ker-Lindsay, 2010 cited in Visoka & Doyle, 2015,p.870). The EU had made it clear from the beginning of the discussions on both sides that a step-

by-step procedure would follow, starting from the easiest and leading to more complex issues. The dialogue process, which would not be without time limit, was aimed at the gradual normalization of the relations between the two sides, taking into account their reservations regarding both for the final status and progress on their European course (JOINT (2013), 8 final, p. 6 cited in Visoka & Doyle, 2015, p. 870).

The dialogue, however, was not just a formal exercise of trust-building. The structure and the process of the dialogue created an internal dynamic that favored the adoption of further technical reforms (Visoka & Doyle, 2016, p. 870). Moreover, the issues to negotiate were organized in building blocks and the final agreement was concluded as a package after having agreements on all the issues discussed. This procedure of negotiation strengthened the confidence of all participants for its impartiality and gave an impulse to make the appropriate compromises and achieve “win-win” agreements.

Detailed discussions on technical issues were held involving politicians and experts from Serbia and Kosovo as well as experts from the European Commission and EEAS. As usual, the EU has framed the whole process by guiding the definition of the issues for discussion and drafting the draft agreement reached by both sides (Visoka & Doyle, 2016, p. 870). The dialogue evolved gradually, passing from everyday technical problems to more complicated ones. However, it was not enough to continue with technical dialogue. Striving for the highest political level would ensure three outcomes: stronger political commitment, domestic legitimacy, and faster progress in implementation. However, it could be argued that the quasi-technical negotiation of the EU is far more efficient than high-level political negotiation for a critical reason because negotiations were lower, public expectations and pressures were lower, and practical sharing of sensitive issues were more feasible (Visoka & Doyle, 2016 p. 874).

The “Brussels Agreement” was the first significant achievement of the dialogue on the normalization of Kosovo-Serbia relations (Visoka & Doyle, 2015, p. 870). The Brussels Agreement, which was achieved on 19 April 2013, it was a well-balanced agreement, which first ensured the rights of Serbs and second lead to the normalization of the situation in Kosovo following the agreement on the elimination of parallel and illegal structures that were created in the North. The agreement has simple, precise wording and focuses on 15 points (Annex II). However, some thorny issues are settled, as follows: Paragraphs 1 to 6 concern the creation of the proposed Association /Community of Serb majority municipalities. Paragraphs 7 & 8 concern the integration of all the Serbian security structures in the Northern Kosovo to the Kosovo police framework. Paragraph 10 provides that all the judicial authorities will be integrated and operate within the Kosovo legal framework. Appropriate judges will be appointed to judge according to the nature of the cases. Paragraph 11 concerns the organization of elections. Paragraph 12 refers to the funding of

the implementation. Parag 13 invites intensification of discussions to reach agreement on Energy and Telecommunications. Paragraph 14 is significant because the two sides agreed that neither side would hamper the other side's European course. The last paragraph provides the establishment of an implementation committee with the facilitation of the EU. Although the agreement was written in technical language, "it had far-reaching political implications", such as the extension of Kosovo's authority in the north of Kosovo, the removal of Serb barricades across the northern border with Serbia and recognition of Kosovo's travel documents by Serbia and the exchange of liaison officers, which constitutes a step toward establishing direct diplomatic communication.

The Agreement aimed in principle at the elimination of Serb parallel police structures and courts in Kosovo, as well as to the recognition of Kosovo's unitary authority as the only legitimate authority of the country. However, some concessions were accepted to ensure the rights of Serbs, e.g., agreeing that the Serb community should appoint a regional police commander (Visoka & Doyle, 2011, p.871) or that the Appellate Court in Pristina would establish a majority of Kosovar/Serbs judges to deal with all Kosovo Serb majority municipalities. These balanced concessions on both sides have allowed the Serbian government to justify to its people that it has agreed to enter into dialogue to secure the rights of the Serbs in Kosovo. (Government of Serbia, 2015 cited in Visoka & Doyle, 2011, p.871). Furthermore, this policy of expanded autonomy has also enabled Serbia to continue to hold indirect influence over Kosovo and its political institutions, via a stronger representation of Serb political factions within local government and the Kosovo parliament (Janjić, 2015, cited in Visoka & Doyle, 2016, p.871). Indeed, it was a painful compromise that had to be done to make progress on the issue of sovereignty and international recognition of Kosovo. (Bassuener and Weber, 2013, cited in Visoka & Doyle, 2016, p.871).

Quite surprising is that the wording of the agreements allowed each party to give its interpretation (Visoka & Doyle, 2016, p. 871). For Kosovo, the agreements helped in strengthening sovereignty, for Serbia, the agreements helped in improving the rights of Serbs in Kosovo and enhancing Serbia's EU accession agenda (Economides and Ker-Lindsay, 2015, cited in Visoka & Doyle, p.871). "The technical dialogue has not been apolitical in substance; because both Kosovar and Serbian authorities have intentionally used the notion of technical dialogue to seek to minimize the perceived political significance of concessions that were needed in order to narrow differences between two parties" (SEESOX, 2014, p. 3–4 cited in Visoka & Doyle, 2016, p.871). While the negotiating authorities were trying to keep the debate at a level that could make some agreements, the opposition parties, both in Kosovo and Serbia, had a completely different view and believed that exaggerated and harmful retreats happened. For the

opposition groups in Serbia, the dialogue led to a gradual recognition of Kosovo independence, and for Kosovo, the dialogue has damaged the sovereignty of Kosovo and has created a national division of the country (Janjić, 2015; Crisis Group, 2013 cited in Visoka & Doyle,2016, p.871). However, the deconstruction of a very complicated discussion, in individual discussions on specific technical issues, allows getting more natural concessions on minor issues. This handling enables the dialogue to continue and gives the opportunity through the solution of technical issues to cultivate a climate of trust and to address, eventually in the distant future, the most acute issues in a more positive spirit.

Although efforts were made to allow both sides, Kosovo and Serbia, to present to national audiences that the agreements safeguard national interests, it seems that the balance favors Kosovo. Indicatively, without an apparent reference to the recognition of the sovereignty of Kosovo, Serbia has accepted the authority and legality of the Kosovo customs service. In essence, the wording of the agreement on the Integrated Border Management (IBM) is in favor of Kosovo, because the two sides accept the de facto demarcation of borders, the permanent passage between the two countries is defined, and the territorial sovereignty of Kosovo is not disputed (Visoka & Doyle,2011,p.872). Moreover, under the Arrangements for Regional Representation and Cooperation (agreed on 24/2/2012) Kosovo has already been granted access to regional initiatives and organizations but with an asterisk Kosovo stating that the denomination Kosovo does not prejudice the Security Council Resolution 1244 UN and the ICJ Advisory Opinion on Kosovo's Declaration of Independence (Arrangements of 24 February 2012 cited in Visoka & Doyle,2016, p.872).

In the context of the Kosovo-Serbia dialogue facilitated by the EU, it was also decided to set up the Development Fund for the municipalities of northern Kosovo. The Fund was established to provide financial support for socio-economic development in the four northern municipalities, Leposavic, North Mitrovica, Zupin Potok, and Zekhan. The Fund's essential funding was decided to come from revenue collected at the crossing points. The Governing Board of the Fund consists of the following three members: the EU Special Representative in Kosovo as its President, the Kosovo Minister of Finance for Kosovo authorities and a representative of the Serbian community from the four northern communities

The Fund favors public investment projects, which will have an impact on the socio-economic developments in the municipalities in the north of Kosovo. The projects can be related to the construction and maintenance of public infrastructure, including roads, hospitals, water supply, solid and liquid waste management, support to Small and Medium-Sized Enterprises (SMEs) rural development, promotion of human rights, education, access to healthcare and transportation. The Fund also co-finances projects



funded by the EU or other donors under co-operation agreements concluded by Kosovo. The projects are implemented by the four eligible municipalities, which are obliged to respect the public procurement procedures for the implementation of the projects by the applicable rules and procedures. For each project, the respective municipality submits to the board of directors a final report as well as an audit report. The entire design of the Fund's operation is aimed at building a partnership between Kosovo and the Serbian community, four northern municipalities.

From the EU's point of view, the very fact that both sides are talking to each other without the dialogue breaking down is considered a success. In this context, the EU has tried to award these efforts by promoting positive conditionality and delivering some benefits irrespective of the real implementation. In this respect, the 2014 EU progress report on Serbia justified the opening of accession talks with Serbia by 'its continued commitment to the normalization of its relations with Kosovo' (European Commission, 2014, p.1). Notwithstanding many achievements, the dialogue between Kosovo and Serbia was not without challenges. BIRN notes that the agreements have even slightly improved the lives of people (BIRN, 2015). However, there are critical uncertainties about how the process of normalizing relations will develop (Visoka & Doyle, 2016, p. 873).

Even though the EU supported the normalization of relations between Kosovo and Serbia through targeted actions and its strategy for the integration of the countries of the Western Balkans, uncertainty remains about where political processes will end and how tensions caused by ethnic conflicts and claims will eventually be extinguished. Irrespective of the final result, the EU approach to tackling the crisis between Serbia and Kosovo proved to be more effective than others used in the past (Visoka & Doyle, 2016, p. 874).

A package agreement was signed on 25 August 2015. This package addressed four topics: telecom/country code for Kosovo, energy-independent operation of Kosovo (KOSTT), removal of the barricade from the Mitrovica bridge and the Association of Serb majority municipalities in Kosovo (Report of the Republic of Kosovo/Ministry for Dialogue, Brussels Agreements, Implementation State of Play, 2016, p.3). Baroness Ashton, the EU High Representative, had been chairing talks for two years, followed by Federica Mogherini. The next rounds of negotiations took place in December 2015. Since the normalization of relations with neighboring states is a necessary prerequisite for states wishing to join the EU, the Brussels Agreement produced positive results for both Serbia and Kosovo, namely brought close Serbia to the accession talks with the EU and Kosovo to the signature of the Stabilization and Association Agreement (SAA).

Indeed, the Kosovo and Serbia approach, although subject to both needs and suitability, is the direct result of EU influence and mediation. Perhaps the most critical outcome could have been that two diametrically opposing sides finally found a compromise through EU-mediated sponsorship. It was believed that a balanced compromise solution on Kosovo's status would improve the quality of life for the Serbian and Albanian communities in Kosovo. However, as in most other similar cases of internationally-sponsored negotiations involving conflict resolution, disputed territories, and complicated power-sharing, each side claims to be in support of the agreement, blames the other for stalling, yet does little to ease the situation (Rossi, BORN,2018). Although the results so far are below expectations," Brussels Agreement remains Kosovo's and Serbia's Best Hope" (Balkaninsight, 2018).

#### **2.4.2 The signature and the implementation of the Stabilization and Association Agreement with the EU and its implementation**

Taking into account the findings of the feasibility study on the prospects for a Stabilization and Association Agreement with Kosovo, the European Commission presented on October 10, 2012, a Communication (COM ) 602 final). The Communication concluded that Kosovo has made considerable progress to its European course and has established a stable institutional and legal framework. Since, the EU can reach agreements with third countries (Article 218 of TFEU), without a general requirement that they are recognized or not, the use of this article as legal basis "does not constitute recognition of Kosovo by the Union as an independent state nor does it constitute recognition by the individual Member States.", there were no legal obstacles for the signature of a Stabilization and Association Agreement between Kosovo and the EU. Therefore, it was recommended that the negotiations could start as soon as Kosovo had made satisfactory progress in the four areas: The rule of law, Public administration, Protection of minorities, and Trade. On 15 October 2012, the Prime Minister of Kosovo, Hashim Thaçi, together with the Ministerial Council on European Integration, agreed and announced a list of engagements of the Kosovo Government to boost the start of negotiations on a Stabilization and Association Agreement. Specifically, there were engaged: to achieve concrete results in the fight against organized crime and corruption, to continue the close cooperation with EULEX and the Special Investigative Task Force, " to adopt new legislation on the confiscation of assets and to adapt to the *acquis* the law on the prevention of money laundering and financing of terrorism" (COM(2012)602,p.7), to fight against corruption in the Government and the Parliament, to finalize necessary secondary legislation on the Laws on the Civil

Service and Wages, to establish contact with religious communities for the promotion and the protection of cultural and religious heritage, to continue finalizing the restructuring of the Ministry of Trade and Industry and to establish functional coordinating structures for trade negotiations between Kosovo and EU.

On 27 October 2015, a Stabilization and Association Agreement (SAA) was signed between the European Union and Kosovo. “The SAA provides a comprehensive framework for closer political dialogue with Serbia and economic relations between EU and Kosovo”(SWD(2015)215 final,p.4). Notwithstanding the persistent polarization between government and opposition, some reforms have reached a level of preparation.

In this context, so far, Kosovo has shown its pronounced commitment to comply with the political criteria and economic standards set in the SAA. More cautious, the Serbs needed more time to react. After a year of blockade key agreements on energy, telecoms, the establishment of the Association Community of Serb majority municipalities(SWD(2015) 215 final,p.5), as well as the barricade on the bridge in Mitrovica, were finalized in 2016. There is also in progress a constructive dialogue to achieve further results in the fields of justice, civil protection integration, vehicle insurance, customs collection (SWD(2015) 215 final), and Integrated Boundary Management (IBM). However, Kosovo has a weak productive base and has no international competitiveness, so it should do much to align itself with European standards and to have a functioning market economy, including public procurement, statistics, and financial control. Besides, there is no good progress in improving the quality of education, which is a crucial driver for improvement, long-term growth, and competitiveness. Conclusively, Kosovo cannot cope with competitive pressures and market forces within the EU.

As regards the reconciliation and the stability in the region, the resolution of two serious humanitarian interest issues is recommended. First, “the pace of the return and reintegration of refugees and internally displaced persons (IDPs) is slow, and returns are decreasing year on year” (Kosovo Progress Report,2016, SWD(2016)0363 p.29). Second, the unresolved fate of missing persons from the 1990s conflict remains a humanitarian concern, the resolution of which is vital. A total of 10 593 persons were still missing, according to the International Committee of the Red Cross (ICRC). Of these, 1 665 relate to the 1999 conflict (Kosovo Progress Report, 2016, p.28).

As concerns the justice and punishment for crimes of war and atrocities against civilians, the situation is very complicated in Kosovo. Hashim Thaçi, the political leader of KLA, one of the key figures named as

a suspect in the 2011 Council of Europe report for a wide range of atrocities, including organ trafficking, became the first Prime Minister and Foreign Minister of Kosovo and assumed office on 12 December 2014. As was expected, he had a blind eye on the atrocities committed by the KLA members, and he denied to sign any agreement which could regulate the functioning of the court. However, after his election as President of Kosovo in February 2016, Taçi seems to have changed his attitude. Kosovo asked officially and signed a cooperation with the Dutch Government, adopted legislation for the specialist chambers, and asked the extension of the EULEX mandate. Therefore, Taçi, with increased confidence and perhaps some firm assurances, looks forward to overcoming obstacles and speed up the negotiations with the EU for adhesion.

A thorny issue, exhaustively discussed during negotiations with the EU, was the obligation to establish specific judicial institutions within the justice system of Kosovo to investigate, prosecute, and try “international crimes committed during and in the aftermath of the conflict in Kosovo” (SWD(2015) 215 final.p.4, Law N<sup>o</sup>05/L-053 on Specialist Chambers and Special Prosecutors Office, 2015, pp.1-2). The Specialist Chambers, whose creation was preceded by an amendment of the Kosovo constitution (Article 162 of the Kosovo Constitution), has jurisdiction over crimes against humanity and war crimes under international law, as well as crimes under Kosovo law.

In order to facilitate the work of justice, a Special Investigative Task Force (SITF), based in Brussels, was set up in 2011 with mandate to investigate up to 2016 individuals for war crimes committed in Kosovo and included in the Council of Europe (CoE) (Report of the Senator Marty titled “Inhuman treatment of people and illicit trafficking in human organs in Kosovo,” DOC 12462/17/1/2011).

#### **2.4.3. EULEX in a cautious and prolonged phasing out**

It was broadly recognized that the EU's presence and the EULEX mission played a vital role in achieving the normalization between Belgrade and Pristina, in combating organized crime and corruption, in prosecuting perpetrators of war crimes and in combating the impunity of the most severe crimes<sup>54</sup>. By giving a European perspective to both countries either through the start of accession negotiations in Serbia or through the negotiation of a Stabilization and Association Agreement with Kosovo, the EU has committed both countries to the adoption of reforms and the continuation of the dialogue on the future

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<sup>54</sup> United Nations, Security Council 7064 Meeting, 2013.S/PV7064

status of Kosovo. That is why it was considered necessary for EULEX to withdraw gradually, ensuring that it would not be lost that it has been so earnestly won.

In this respect, while the Kosovo-Serbia dialogue evolved, a third extension of the mandate of the mission was decided in June 2014. This new mandate brought significant changes. First, although EULEX has maintained its basic structure, the number of staff was further reduced. Second, it was decided the composition of the court panels would be majority Kosovar and minority international. Third, the mission would not take on new cases and would gradually transfer competencies to the Kosovo judicial system. However, in the northern part of Kosovo, EULEX would remain responsible for conducting court proceedings in the enlarged EU dialogue between Pristina and Belgrade. EULEX has been additionally tasked to assist in the implementation of the agreements reached within the Kosovo-Serbia dialogue and incorporated in the first international agreement on Principles Governing the Normalization of Relations between the Republic of Kosovo, and the Republic of Serbia<sup>55</sup> signed on 19 April 2014 (UNSC, S/PV 7064, S/2013/631).

In June 2016, following an exchange of letters between President Hashim Thaçi and EU High Representative Federica Mogherini, the Council decided to renew the mandate of the EU Rule of Law Mission in Kosovo until 14 June 2018<sup>56</sup>. The new mandate stipulated that EULEX Kosovo would cooperate with the Kosovo judiciary and law enforcement agencies in the interest of sustainability and accountability as well as for the further development and strengthening of independent multi-ethnic judicial system and multi-ethnic police and customs services (CJA 2008/124/CFSP, Article 2). The aim is to ensure that these institutions are not subject to political interventions and that they adhere to internationally recognized standards and best practices. Subsequently, the Kosovo Assembly, under Article 65 (1), adopted on 17 June 2016 Law No 5 / L-103 amending and supplementing the laws relating to the mandate of the European Union Rule of Law Mission in the Republic of Kosovo. The Articles 5 and 7 of the Law N°5/L-103 provides accordingly that, all cases in courts and prosecution will be transferred from EULEX to the local authorities, upon ending the current mandate of the EULEX Mission foreseen in the Law. EULEX supports the adjudication of constitutional and civil justice, as well as prosecution and adjudication of selected criminal cases. However, to develop Kosovo's capacity in these areas, the cases undertaken by

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<sup>55</sup> Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo S/2013/631.

<sup>56</sup> Council Decision (CFSP) 2016/947 of June 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo

EULEX will be continually assessed and requalified in order to be treated as common cases by the Kosovo judiciary.

Although a war crimes bureau department has been created within the Kosovo Special Prosecution Office, the department cannot afford the workload, which will further increase when more EULEX cases are handed over. Moreover, “the limited experience, and the lack of investigators with an ethnic Serb background, criminal intelligence analysis staff and language and translation capacity, has an impact on the work of the unit”(Kosovo Progress Report,2016,p.30). EULEX supports Kosovo in building up the capacity to effectively take over war crimes investigations and prosecution. Apart from the almost missing legal cooperation with Serbia in cases where the suspects are ethnic Serbs, there is an overall concern about capacity and willingness to handle war crimes cases involving former KLA members (Kosovo Progress Report, 2016, p.30).

Even though its role has been initially mistrusted, EULEX has contributed to the creation of the rule of law and creates conditions for the peaceful coexistence of all ethnicities in Kosovo. Kosovo’s Government seems to favor a smooth phasing out of EULEX, although the Opposition insists on its immediate withdrawal. The successive extensions of the EU mandate made in response to related requests from President Thaçi are open to various interpretations. Capusella (2015, p.117-119, cited in Zupancić and Pejić, 2018, p.92) claims that Thaçi can want to maintain the reputation of a good boy who “behaves well” and cooperates with the EU, and in return avoids prosecution for at least 8 cases involving him in corruption and organized crime. It can also be the simple acknowledgment that EULEX is a stabilizing factor and contributes to normalizing relations between Kosovo and Serbia. Finally, it should not be underestimated that Kosovo, like all the countries of the Western Balkans, pursues to become a member of the European Union the sooner possible.

#### **2.4.4 The pre-accession strategy 2014-2020 for Kosovo**

In the period 2014-2020, IPA total funding, as well as the individual shares of each country, remained almost in the same amounts as in the previous period (Table 5). The share of Croatia, which is no more eligible after becoming a full member of the EU in 2013, was allocated to the multi-beneficiary program.

Reducing Community budget resources as a set of commitments has also affected pre-accession aid expenditure.

At the same time, the new generation of pre-accession assistance programs aims to mobilize endogenous potential, direct it to innovative interventions, and leverage resources. Moreover, greater emphasis is placed on the cooperation and networking of communities or states to consolidate peace and create better conditions conducive to growth and prosperity.

The Indicative Strategy Paper for Kosovo (ISP) prioritizes EU 2014-2020 financial assistance and translates the political priorities defined in the enlargement policy into crucial areas where financial assistance supports Kosovo in fulfilling its European perspective. Kosovo does not currently have a comprehensive development strategy, “a holistic view on Kosovo’s medium and long-term development is still missing” (European Commission, 2014. *An instrument for Pre-Accession Assistance, Indicative Strategy Paper for Kosovo 2014-2020*, p.10). One of the aims of IPA II is to support Kosovo's institutions in developing comprehensive sector strategies, including the systematic use of strategic planning.

In this context, Kosovo has started developing multi-annual strategies in most sectors. In a few sectors, however, comprehensive and realistic sector strategies have been developed by the respective ministries, often assisted by donor partners. Good examples are the Agricultural and Rural Development Plan 2014-2020, the Energy Strategy 2009-2018, and the Kosovo Education Strategic Plan 2011-2016. The main weakness of these strategies lies in their cost estimates and strategic planning. Future financial aid will be available to develop strategies in sectors where strategies are missing or need upgrading.

Taking into account present and future needs related to the integration process, the pre-accession financial assistance for the 2014-2020 programming period focus on the following priorities: Democracy and governance, Rule of law and fundamental rights Agriculture and rural development and energy, Competitiveness and Innovation, Education, employment & social policies, Regional and territorial cooperation (European Commission, 2014. *An instrument for Pre-accession Assistance /IPA II*, pp.13-15). Table 6 shows the indicative allocation of IPA II funding per policy and sectors in Kosovo.

**Table 5: IPA II assistance to the Western Balkans and Turkey 2014-2020**

<b>Country</b>	<b>( MEURO)</b>
<b>Albania</b>	<b>649,4</b>
<b>Bosnia &amp; Herzegovina</b>	<b>165,8</b>
<b>Northern Macedonia</b>	<b>664,2</b>
<b>Kosovo</b>	<b>645,5</b>
<b>Montenegro</b>	<b>270,5</b>
<b>Serbia</b>	<b>1.500,0</b>
<b>Turkey</b>	<b>4.453,9</b>

Source: European Commission (elaborated data by the author from country reports)



**Table 6**ANNEX 1: INDICATIVE ALLOCATION (MILLION EUR)<sup>1</sup> per policy area and sectors

Kosovo	2014	2015	2016	2017	2018-2020	Total 2014-2020 (*)	Of which climate change relevant (%) (**)
<b>a. Reforms in preparation for EU approximation</b>	37.3	34.0	31.0	35.2	99.1	236.6	
Democracy and governance	64.4				46.0	110.4	
Rule of law and fundamental rights	73.1				53.1	126.2	
<b>b. Socio-economic and Regional development</b>	20.0	37.9	33.0	30.0	114.1	235.0	
Energy	46				54	100.0	80%
Competitiveness and innovation	74.9				60.1	135.0	
<b>c. Employment, social policies, education, promotion of gender equality, and human resources development</b>	14.5	7.0	10.0	16.7	46.0	94.2	
Employment, social policies, education, promotion of gender equality, and human resources development	48.2				46.0	94.2	
<b>d. Agriculture and rural development</b>	12.0	7.0	14.7	10.0	36.0	79.7	
Agriculture and rural development	43.7				36.0	79.7	20%
<b>TOTAL</b>	<b>83.8</b>	<b>85.9</b>	<b>88.7</b>	<b>91.9</b>	<b>295.3</b>	<b>645.5</b>	

<sup>1</sup> Any possible differences in figures displayed in policy areas and sectors compared to the annual totals are the effect of rounding to one decimal.

Source: European Commission, 2014. Instrument for Pre-accession Assistance, *Indicative Strategy Paper for Kosovo*, p.37.

#### 2.4.5. Kosovo participant in the Western Balkans Process

Although it refers to a broader context, we consider it essential to make a special mention of an initiative concerning the Western Balkans, which, of course, will have an impact on Kosovo. This initiative demonstrates how planning for the future and the next step for the European Union is organized through consultation. Moreover, the EU is interested in ensuring cooperation and stability in its neighborhood.

The Western Balkans Process, also known as the Berlin Process, is a joint initiative of the European Commission and 12 European countries. Chancellor Mrs. Angela Merkel, pursuing to keep alive the dialogue on the future integration of the Western Balkans into the EU, hosted the first conference in Berlin. High-level meetings between the six Western Balkan governments and several EU Member States were yearly convened between 2014 and 2017. Connectivity is an essential aspect of this process, with investment in infrastructure being seen as a means for creating jobs, business opportunities, and other

benefits. The conferences are attended by representatives of national science academies, distinguished and younger scientists, representatives of governments, representatives of the European Commission, and representatives of think tanks.

Although the six Western Balkan countries – Albania, Bosnia, and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia – still face divisions, both infrastructural and political, and are confronted, among other things, by a difficult economic situation and bilateral disputes and instability, the Berlin process aims to bring a new boost to the enlargement process.

However, a credible enlargement perspective requires credible efforts and reforms in the Western Balkans, “notably on the rule of law, competitiveness, and regional cooperation and reconciliation” (COM(2018 )65 final,p.3). In the context of the announced mobilization to speed up the next enlargement with the Western Balkans, all countries concerned and their neighboring countries are invited to resolve bilateral disputes and work together for a bigger and stronger European Union. As concerns Kosovo, there is an opportunity for sustainable progress through the implementation of the Stabilization and Association Agreement and to make progress on its European course when external circumstances allow.

The Western Balkans have once again been at the center of interest, since Russia, Turkey and, in particular, China, with significant investments, is seeking to secure access to the developing economy of the Western Balkans. Despite Germany's interest in accelerating EU membership in the countries of the Western Balkans and resolving disputes that have been pending for years, such as Kosovo's recognition, there is still a reaction from countries that are not in favor of this secession.

### **3. The overall EU economic support to Kosovo**

In Kosovo, the international community has invested heavily in peace-keeping, reconstruction, institution building, economic development, and the rule of law assistance to Kosovo. From 1999 to 2007, Kosovo received 3, 5 BEURO in aid. Two-thirds of that came from the European Commission and the EU Member States. A 2008 Donor Conference pledged an additional 1, 2 BEURO for the period 2009–11, including 508 MEURO from the Commission. Overall, Kosovo is “the biggest recipient per capita of EU assistance in the whole world.”

**Table 7: The EU Support to Kosovo in 1999-2007 (in MEURO)**

CARDS and IPA, I support	1.249
Support to UNMIK Pillar IV	136
Exceptional financial assistance (including budgetary support	117
Humanitarian assistance	443
<b>TOTAL</b>	<b>1.945</b>

Source: Commission Decision on a Multi-annual Indicative Planning Document (MIPD) 2008-2010 for Kosovo under UNCHR 1244/99, pp.6-7.

**Table 8**

**EU FUNDING TO KOSOVO 2007-2013 FROM IPA I & EIDHR (in thousand EURO)**

	Number of Projects	EU FUNDS
Projects & Programmes exclusively for Kosovo	56	125.890
Cross –Border Cooperation Programmes	7	7.620
Projects & Programmes for Northern Kosovo	3	7.550
Participation of Kosovo in Multi-beneficiary Programmes	58	174.680
<b>TOTAL</b>	<b>124</b>	<b>302.190</b>

Source: European Commission (data processed by the author)

From 2007 to 2013, IPA I and the EIDHR financed 124 projects and programs in Kosovo. EU funds amounted to 309.740.908 EURO (Annex III), of which 7.550.000 concerned Northern Kosovo. The data for IPA I and EIDHR came from the processing of the technical sheets of projects and programs approved by the Commission and implemented. For IPA II, there is not yet published any relevant detailed

information. The following table (Table 8) summarizes and categorizes the EU funding for the 2007-2013 period, as indicated by the processing of the analytical data in the annexed table (Annex III). Since 1998 EU assistance was given to Kosovo in many forms, including regular technical assistance, humanitarian aid, exceptional financial support, and financing to Pillar IV of UNMIK. From 2000 to 2006 CARDS program was the main financial instrument for Kosovo, with programs mainly implemented by the European Agency for Reconstruction<sup>57</sup>. Table 9 illustrates the EU Support to Kosovo in 1999-2007.

As concerns North Kosovo, according to the INTER<sup>58</sup> study, 124 projects in 4 communities have been funded with Community funds over the period 2010-2015. These projects were financed with EU funds of 54,503,985 EURO coming from IPA 2010, IPA 2011, IPA 2012, IPA 2013, IPA 2013 II, IPA 2014, and EIDHR 2012. As shown in Figure 3, 53.23% of the projects have been implemented, 40.32% are in progress, and 6.45% have not started. Following the Brussels Agreement, 249 budget projects amounting to 32,229,278 EURO, funded with 9503,637 Community funds (grants), 15,170,000 funds from the Kosovo government and 7,555,641 EURO from North Bohemia Development Fund, 70% of the funds were for Local Government and 25% for the Private Sector.

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<sup>57</sup> The European Agency for Reconstruction (EAR) was created in the aftermath of the Kosovo War to manage EU's main assistance programmes in Serbia, Kosovo (under UNSCR 1244/99), Montenegro and Northern Macedonia. The Agency was headquartered in Thessaloniki, with operational centres in Pristina, Belgrade, Podgorica and Skopje. In December 2008, the EAR officially closed its doors as its mandate came to an end.

<sup>58</sup> Kosovo Foundation for Open Society (KFOS) & Institute for Territorial Economic Development (INTER), 2017. Analysis of economy in North Kosovo after the Brussels Agreement. 04-2017 -10-2017 (in progress) Note: The figures concerning the Northern Kosovo are not added because they are included in the figures below concerning exclusively Northern Kosovo

Figure 3



### Conclusions

The European Union has been an integral part of the international effort to build a new future for Kosovo. Although Russia blocked the handover of the UN facility to the EU, the EU achieved to launch with success in Kosovo EULEX, the first and biggest ever civilian mission under the CSDP. The EU, with EULEX, undertook to assist and support Kosovo authorities in the rule of law area, especially in the police, judiciary, and customs areas. The, initially maintained by EULEX, executive responsibilities in specific

areas, such as war crimes, organized crime, and high-level corruption, as well as property and privatization cases, have already started gradually passing to the local authorities.

It is common ground that we can better evaluate something when we try to guess what would have happened if it was not present. With this in mind, we very much doubt if any other institution could respond better than EULEX to the challenging environment that had to work to fulfill its mandate. There is a discussion about the prolonged stay of EULEX in Kosovo. Others believe it is showing EULEX's inability to complete its mission; others believe that the domestic social elites pursue its stay for their interest, others believe that there is a difficulty on the part of the EU that will have to break down such a significant service with consequences for the staff as well as the society of Kosovo, which indirectly benefits from the presence of highly salaried employees, who spend their money in Kosovo. The criticism that is being brought about in Kosovo against EULEX is much in common with criticism in other EU countries about the multinational bureaucracy that supports EU institutions. In particular, there is a perception that the EU bureaucracy is an elite that enjoys far more rights than its work merits. The response to this argument is that multinational bureaucracies may have significant deficiencies, but they have a unique advantage, consisting of employees who are highly qualified and accustomed to seeing the issues more objectively, because of the everyday life working with employees of different nationalities and mentalities, enables them not to have prejudices and mistaken impressions (interviewed<sup>59</sup> EC expert).

Before the 1999 war, the international community endorsed an ambiguous attitude as concerns Kosovo, "not irritating Serbia, not forgetting Kosovo" (nd). After the war and the establishment of the UNMIK, the prevailing idea was to leave the time to soothe the wounds and postpone the independence of Kosovo as long as possible. If independence was to result, this might have unwanted and unhelpful consequences in other regions. A comparison might be made with the Georgian breakaway regions of Abkhazia and South Ossetia (Weller, 2008, p.17).

The international community was driven to coordinate the independence of Kosovo, due to the riots of 2004 and the wreck of the intensive negotiations on the Ahtisaari Plan. After having self-declared independence at the beginning of 2008, Kosovo has fairly rapidly attained recognition by the US and the overwhelming majority of EU member states, due to the overdramatized humanitarian crisis and the

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<sup>59</sup> Interview with EC expert, Brussels, 10/1/2017.

geopolitical interest of this area. Kosovo is an area at the heart of Western Balkans with huge strategic importance, traversed by vital oil pipelines and energy corridors, such as the US-sponsored Trans-Balkan oil pipeline. Kosovo is a particular case and was treated as a particular case.

The incentive to join the EU has worked as a catalyst to move forward the normalization of the relations and the establishment of a dialogue between Pristina and Belgrade. As concerns Serbia, an appropriate conditionality was implemented, which linked Serbia's European course with the referral of all those responsible for crimes against Kosovars to the International Court of Justice in The Hague. Following the condemnation of Milosevic (2006), the European Commission has recommended Serbia to become an official candidate on 12 October 2011, and finally, Serbia has been given full candidate status on Serbia 1 March, after the Council's recommendation.

The Kosovo constitution has established a secular state where everyone is equal before the law and freedom of faith, conscience, and religion are guaranteed. Therefore, Kosovo seeks to be presented as a modern, tolerant state, on the contrary to what currently happens in other states where Islamism prevails. Kosovo was thought and supported by the great powers to become a paradigm in Western Balkans, a country without religious conflicts and passions, a state buffer against the expansion of the Muslim fundamentalism in Europe.

The Albanization of Kosovo seems to be inevitable and irreversible. Nevertheless, the Constitution of Kosovo seeks to overcome the issues that can break up and indirectly creates a new national identity. Independent Kosovo was founded in 2008 as a multinational and secular state, with two official languages, Albanian and Serbian. The sterilized national identity is, in principle, a technical construction designed to facilitate the acceptance of the new status quo. Since demography always plays an important role, the ethnic Albanians representing actually 90% of the Kosovo population, may like to identify themselves as Kosovars. However, it is not the same for the Serbs who have to share with the Albanians the history of a region with a strong Serbian cultural footprint. The only element that could preserve this compromise coexistence with hyphenated identity is the common goal of implementing a liberal Western-style development model and joining the European family represented by the EU. The adhesion of Kosovo to the EU, whenever it happens, could create a new reality. The identity of Kosovar could hopefully help to the relaxation of the ethnic divisions and the homogenization of the population. If the optimist scenario prevails, in a rather near future, all remaining ethnic groups would not have a problem identifying them Kosovars.





## **CHAPTER IV**

### **THE CONFLICTS IN GEORGIA**



Source: Google maps

**MAP 5: POLITICAL MAP OF GEORGIA**

*Georgia is a small mountainous country located on the border between Western Asia and Eastern Europe. Georgia is delimited by the Black Sea, Russia, Armenia, Azerbaijan, and Turkey. It covers 69.700 km<sup>2</sup>. Moreover, its population amounts to 3.720.000 inhabitants. Several ethnic groups live in Georgia; the most important in population and political power are the Georgians, Armenians, Russians, Abkhaz, and South Ossetians. Tbilisi is Georgia's capital.*

*Abkhazia is a region located on the northwest side of Georgia with front to the Black Sea. It covers 8,660 km<sup>2</sup>, and its population amounts to 240,000 inhabitants. Sukhumi is Abkhazia's capital.*

*South Ossetia is a mountainous region in the northern part of Georgia. Its population amounts to 53,000 people who live in an area of 3,900 km<sup>2</sup>. Tskhinvali is South Ossetia's capital.*

## **1.Origins of the conflicts**

### **1.1.Historical Background**

During the classical era, many independent kingdoms were founded in the area where Georgia is today. Among these, the kingdom of Georgia reached its apogee between the 11th and 12th centuries. The area was then dominated by various great empires for centuries, including the Mongols, the Ottoman Empire, and Iran's succession dynasties. In 1801 Georgia became part of the Russian Empire. In 1810 the Russian Empire also absorbed Abkhazia as “a protectorate enjoying the status of a sovereign principality” (Geldenhuys.2009, p.70).

Following the Russian Revolution in 1917, Georgia obtained independence and established the first-ever republic under German and British protection. Implementing national aspirations for greater expansion in 1918, Georgia invaded Abkhazia and applied a stringent rule until 1921. In 1921 Georgia was occupied and annexed to the Soviet Union as Georgian Soviet Socialist Republic. In April 1922, the Soviet Georgian government was pressed by the Red Army to establish an autonomous administrative unit for Transcaucasian Ossetians (Geldenhuys,2009,p.80). Abkhazia, which was initially recognized as the autonomous Soviet Republic, it was finally (1931) integrated into the Georgian SSR as an autonomous republic (Geldenhuys, 2009, p.70).

### **1. Overview of the ethnic conflicts in Georgia**

The conflicts in Georgia have their origins in the turbulent past of South Caucasus. Notwithstanding the autonomous status provided by the USSR constitution for Abkhazia, South Ossetia, and Adjara, Georgia has tried to annex definitively by force these regions. Since 1988, Georgia has suffered violent ethnic clashes, as well as a short civil war (Cornell, 2001, p.75). In the case of Adjara, Georgia has finally succeeded peacefully in imposing its authority. However, Abkhazia and Ossetia raised strong resistance, and there were military confrontations with many casualties and ethnic cleansing of Georgians. Although the Georgian populations represented the majority in these regions, the intensity of the disputes with the local separatists was such that a vast number of Georgians (230.000-250.000) were massacred or expelled from Abkhazia, as well as around 23.000 Georgians fled South Ossetia.

Tensions were created when the nationalist movement in Georgia was radicalized in the late '80s, and they turned into violent conflict when 1991 the nationalist leader Zviad Gamsakhurdia tried to impose Georgian as the only official language (Wolff, Encyclopedia *Princetonensis*).

Both South Ossetians and Abkhaz are culturally and linguistically distinct from Georgians (Tocci, 2007, p.129). Moreover, having bad memories from the Georgian rule during the period 1918-1921 (Geldenhuys, 2009, p.70 & p.80), Abkhaz and South Ossetians wanted to preserve their autonomy and remain at least within the Soviet Union. They considered that their survival as ethnocultural communities different from the Georgian majority would be in danger in an independent Georgian state (Cohen 2002, Coppieters 1999, Wennmann 2006, cited in Wolff, Encyclopedia *Princetonensis*). While Georgia claims territorial integrity, Abkhazia and South Ossetia yearn for national self-determination, which each country understands in its way. South Ossetia looks forward to shaping a federation with North Ossetia within Russia and Abkhazia would be happy to have associated relations with Russia without being a full member.

### **The conflict in Abkhazia**

Abkhazia suffered immeasurably under Stalin, its people subjected to cultural discrimination and ethnic cleansing. The policy of "Georgianization" carried on after the Stalin years causing spells of violence. However, Abkhazia distanced itself more and more from Georgia by forming a political system that boosted the Abkhaz ethnic group. Abkhazia also formed ethnic coalitions at home with Armenians and Russians, and more broadly with north Caucasians. In 1989, the ethnic Abkhaz population represented only 17% of half a million inhabitants of Abkhazia, while Georgians accounted for 45%, Armenians 14 %, and Russians 12%. Nevertheless, the Abkhaz weak demographic status was counterbalanced by the existence of autonomous structures, such as the Supreme Soviet of the Abkhaz Autonomous Republic (Cornell, 2002, p. 265).

Georgians sought the full incorporation of Abkhazia in the state of Georgia, while the Abkhazians wanted to create their state. The occasion for the final conflict was at the beginning of the summer of 1992 when the Georgian army invaded Sukhumi. The involvement of Russia on the Abkhaz side, especially during the war's initial stages, has further worsened the conflict. Although Russia has officially endorsed the territorial integrity of the Republic of Georgia, Abkhazian fighters were armed with Russian guns, aircraft from Russia bombed civilian targets in Georgian-controlled territory, warships from Russia were

sent to protect Georgian-held Sukhumi, and some qualified Russian-trained and Russian-paid fighters defended Abkhaz territory in Tkvarcheli. The clashes stopped in July 1993 with Russian mediation, and the UN set up an observation commission (UNOMIG) to monitor whether the conflicts in the region continue or not. Despite the agreement, clashes were repeated. As usual in international politics, on the one hand, Moscow displayed “official neutrality, condemned human rights violations, and imposed sanctions on both Georgia and Abkhazia in response for their misconduct” (Human Rights Watch, 1995, Vol.7, N°7)

On the other hand, it gave humanitarian assistance, e.g., evacuating civilians trapped in the fighting as well as providing emergency supplies, particularly to locales with a significant Russian minority in danger. “From the first days of the war, Russia assigned diplomats to facilitate the peace process, and in 1994 deployed peacekeeping troops to enforce the cease-fire” (Human Rights Watch/ Helsinki, 1995, Vol.7, N° 7, p.7). Peace in the region was fragile and eventually broke down in 2004, ostensibly due to an anti-smuggling operation led by Georgians. A ceasefire agreement signed in May 1994 in Moscow between Tbilisi and Sukhumi and the Moscow Agreement on the separation of forces put an end to the bloody clashes. According to the agreement, in addition to the United Nations Observer Mission to Georgia (UNOIMIG), a separate peacekeeping force composed of Commonwealth Independent States (CIS) troops was created.

However, this peace agreement facilitated by the United Nations and Russia and a peacekeeping force of the Commonwealth of the Independent States-comprising mostly Russian troops-deployed between Georgian and Abkhazian territory froze the situation and gave a lease of life to the de facto state of Abkhazia. The de facto state of Abkhazia owes its existence to the Russian military and economic support, as well as to the international community’s reluctance to confront Moscow.

The involvement of Abkhazian forces on Russia's side of the Russian-Georgian war led to the official recognition of Abkhazia by Russia, the cancellation of the 1994 ceasefire agreement, and the end of the UN mission. Following the recognition of Abkhazia from Russia on August 28, 2008, the Georgian Parliament declared Abkhazia a Russian-occupied territory, a position recognized by the overwhelming majority of the international community. After the war, Russia ended the CIS peacekeeping force in Abkhazia and froze Georgia's accession to the CIS.

Survival and imitation of statehood have been possible due to a dependent relationship with Russia, which has proceeded to the extent that Abkhazia pursues a common defense and foreign policy to protect its borders receives Russian pensions and uses the Russian currency and Russian passports. On the

other hand, Russia, always out for its interest, is hardly a neutral mediator. This attitude allowed Russia to maintain an influential presence in the region while keeping Georgia from creating a stable and fully sovereign state.

### **The Conflict in South Ossetia**

The duration of the Ossetian presence differs between Ossetians and Georgians. Georgians consider Ossetians as migrants who arrived in Georgia in the 17th century, and their presence is not as ancient as their own. Ossetians insist that they migrated to both sides of Caucasus from Persia at least five thousand years ago. Like the Abkhaz, South Ossetians were a comparatively small minority within Georgia, but they also had ethnic ties to the North Caucasus - the Autonomous Republic of North Ossetia in Russia. Disturbances in 1989 were directly caused by a November law 1988, strengthening the position of the Georgian language in South Ossetia. This was the first shot in what was called a "war of laws," beginning in earnest in fall 1989. In August, Tbilisi made Georgian the only official language. This development affected South Ossetia, primarily where only 14% of Ossetians knew Georgian rather than Abkhazian. At the same time started a growing movement for unification with North Ossetia. The popular front, Ademon Nykhas, petitioned Moscow in support of that plan. Peace in the region was fragile and eventually broke down in 2004, ostensibly due to an anti-smuggling operation led by Georgians.

For Russia, the importance of South Ossetia is its position—on the border of the volatile Northern Caucasus region. North Ossetia was an island of stability, according to what a senior Russian diplomat in Georgia told Crisis Group. Russia wanted to keep it that way, evidenced by their strong reaction to events in South Ossetia. Russia has traditionally relied on the Ossetians, the sole Christians in the region, as trustworthy allies. Individual analysts highlight that it was the Georgia-South Ossetian war that accelerated the outbreak of the 1992 Ossetian-Ingushu clashes in the Russian Federation (ICG, 2004, p.8)

After a new fighting escalation in the spring of 1992, a ceasefire agreement was signed in June 1992. The so-called Sochi Accord between Georgia and South Ossetia provided for a Joint Control Commission (with representations from Russia, Georgia, North, and South Ossetia) and the Organization for Security and Cooperation in Europe (OSCE) to supervise the Peace deal. This Joint Control Commission plus a Joint Peacekeeping Force, consisting of units from Georgia, Russia, and South Ossetia, enabled the latter to exist as an unrecognized state, thanks to Russia's support and also the wider international community's reluctance to deal with the ongoing incompatible claims over Georgian territory, as well as Russian

interference. After the violent conflicts from 1990 to 1992, the intermixture of populations significantly changed because of the vast numbers of casualties and displaced people. Political instability and uncertainty in South Ossetia favored the development of illegal activities such as smuggling, drug trafficking, kidnapping, and arms trading. These activities were involved not only certain social elites or troops but also some middle-class people who were plagued by unemployment and thus earned their lives (Jawad, 2006, p.8, footnote 39).

A severe blow to South Ossetia's economy was brought by Saakashvili when, in 2004, closed the Ergneti market with the excuse it was the place of illegal trading and smuggling. The closure of the market not only failed to eradicate the smuggling economy as different routes were soon found to transfer goods into Georgia, but also it was taken by the Ossetians as an apparent act of provocation and triggered clashes in August 2004 (Tocci, 2007, p.140). Nonetheless, the 2004 events contributed to further polarization and radicalization on all sides, increasing the frequency and intensity of clashes along the ceasefire line up until the full-scale war in August 2008. Unintentionally, therefore, the international community enabled the existence of South Ossetia as an entity, which was trying to adopt a semblance of statehood and somehow coped with the lack of international recognition. Georgia invaded South Ossetia in August 2008, underestimating prospects of Russian counteroffensive, which in this event was ruthless, not only defeating Georgian forces, but attacking targets in Georgia proper, as well as chasing Georgian forces out of Abkhazia.

Within two weeks of an EU mediated peace deal between Georgia and Russia, which did not end Russian troops' control of South Ossetia (and Abkhazia) and which made no explicit reference to protecting the territorial integrity of Georgia, Moscow declared its formal recognition of Ossetia and Abkhazia statehood. Russia justified its decision on the ground of protecting "Russian citizens" and preventing "genocide" allegedly intended against them by Georgia. Just like in the Abkhazia Russian army stepped to support Ossetians. Moreover, following the Russian intervention, South Ossetians used the Russian rouble and benefited from Russian pensions. Georgia has favored asymmetrical federalism, granting Abkhazia a higher level of autonomy than South Ossetia.

### **3. The evolution of the EU engagement in Georgia**

Georgia is one of the Transcaucasian republics, which became over the years the "apple of discord" for the two superpowers. Georgia, which forms part of the soft underbelly of Russia, after the dissolution



of the Soviet Union, strove intensively to remain off Russian influence and to come closer to the West. Notwithstanding the “particular strategic interest “for Russia, the US, EU, and NATO have also focused their geopolitical interest in the South Caucasus. The Caucasus region is of substantial geostrategic importance, an oil transit and gas hub between the Middle East, the Persian Gulf with the European part of Russia on the one hand, and Turkey, the Caspian region on the other. A typical example is the Baku-Ceyhan (via Tbilisi pipeline) transported in Western markets over one million Azeri oil barrels per day. Since the EU is very much dependent on Russian energy, it is keen to ensure alternative sources for the supply of oil and natural gas, such as the Caspian region. On the other hand, Russia does not want its withdrawal from the region and supports more or less openly separatist movements such as in Abkhazia and South Ossetia, undermining thereby the territorial integrity of Georgia.

“Georgian conflicts present a particular perplexity since they are playing out on three different but interconnected levels –the local, the regional, and the geopolitical” (Frichova Grono,2010, p.8). At the regional level, “Georgian-Russian conflict overlaps with the local Georgian-Abkhazian and Georgian - South-Ossetian conflicts and has often played out in these Georgia’s breakaway areas” (Frichova Grono, 2010, p10). As concerns the geopolitical dimension, “these conflicts festered in the context of the geostrategic dispute between Russia and the US/EU players whose intentions for and interests in the South Caucasus have often been at cross purposes” (Frichova Grono (2010, p.11).

“Georgia displays a unique combination of security risks and threats: It suffers from state fragility with two unresolved conflicts on its territory, weak state institutions, widespread corruption, and organized crime as well as several so-called no-go areas” (Jawad,2006, p.14). However, the EU was reserved for long to the role of the second violin supporting the UN and the OSCE processes. Bardakçi (2010, p.214) predicates that the EU’s role in conflict resolution and peacebuilding has been gradually building up in response to the changes in the international system and institutional changes in the EU itself. Nevertheless, EU members are deeply divided on relations with Russia, with the result that different states are in favor of different approaches in the region. The EU bureaucratic front is also characterized by the same polyphony, so as the different institutions express different opinions, and there is an apparent lack of coordination (Frichova Grono, 2010 p.17).

Since the 1990’s the EU intervenes when as soft power when as normative power and supports Georgia’s efforts to implement political and institutional reforms. After 2008 the EU has developed an enhanced role as foreign policy actor and mediator and peacemaker. Significant EU interests, including energy security, the fight against drug and human trafficking, and terrorism, lead the EU's involvement in

Georgia. Therefore, the EU has an intrinsic interest in the stability and prosperity of the Caucasus region in order to avoid instability there either in the form of the resurgence of unresolved conflicts or non-traditional security threats (Di Puppò, 2010, p.5).

As regards its role in conflict resolution, the EU remained hesitant. However, only in the first half of 2008, the EU engagement started to increase, because of “the mounting tension in Abkhazia and the anticipated negative reaction to the Western backing of Kosovo’s declaration of independence” (Di Puppò, 2010, p.21).

### **3.1 The first years of the “post-Soviet era”: The EU as soft power**

In the early 1990s, the EU provided substantial assistance to the Southern Caucasus in principle through the European Commission Humanitarian Aid Office (ECHO) and then through the TACIS Technical Assistance Program to the Commonwealth of Independent States countries (CIS). TACIS was aimed at facilitating democratization and transition to the market economy of the Eastern European countries, the South Caucasus, and Central Asia.

In the period 1991-2005, Georgia received total assistance of EUR 505 million through various EU financial instruments, including the TACIS, Commonwealth Technical Assistance Program, the Food Security Program, the ECHO, the European Commission Democracy and Human Rights Initiative (EDIHR) and the Rehabilitation and Macro-Assistance (MFA) program (Di Puppò, 2010, p. 8).

Georgia has also participated in EU transnational cooperation projects, such as the “Transport Corridor Europe- Caucasus-Asia” (TRACECA)<sup>60</sup> and the “Interstate Oil and Gas Transport to Europe” (INOGATE). However, Gegeshidze criticizes that the EU acted from a distance as a donor and not as a factor of foreign policy. If the EU had assumed a more substantial role, it could be able to press reliably for a modernization agenda in Georgia (Gegeshidze, 2006, p.12).

### **3.2 After 1999: The EU as a normative power**

The decade of 90 was a turbulent period of transition to the new millennium, full of significant developments with massive impact on the EU broad neighborhood, such as the end of the Cold War, the

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<sup>60</sup> The TRACECA program established in 1993 aimed to create corridors and connect Europe with Asia.

disintegration of the USSR, the dissolution of Yugoslavia, the war in Bosnia, Kosovo, Chechenia, Abkhazia, Ossetia, and Nagorno Karabakh.

These developments and the launch of wars in some regions of the world with particular relevance such as Iraq & Afghanistan gave the impression that in addition to increased globalization, it was attempted a new distribution of power in the US initiative. In this perspective, the EU should upgrade its presence and role as a global actor, especially in Eastern Europe and the Balkans.

Jawad argues that during the 90's the EU policies towards post-Soviet transformation have been nothing more than "explorative, reactionary and evolutionary steps" (Jawad,2006, p.28) There was even the impression that the EU lacked a strategy for the Caucasus (Mac Farlane, 2004,p.127 cited in Jawad,2006,p.15 ) and "has rather been led by events" (Jawad 2006, p.28 ),.Actually, "the political dimension in external relations-apart from enlargement –has become a significant objective for the EU relatively late "(Jawad, 2006, p.28).

By the end of the 1990s, the EU had concluded ten PCAs with Russia, the Eastern European countries, the South Caucasus, and Central Asia. A Partnership and Cooperation Agreement (PCA) is a specific type of international agreement that is used by the European Union to frame and define co-operation with third countries. These agreements were aimed at strengthening these fragile democracies and developing their economies by promoting cooperation in a wide range of fields and political dialogue.

### **3.2.1 The signature and the Implementation of the Partnership and Cooperation Agreement between EU and Georgia**

After the signature, on 22 April 1996, of the Partnership and Cooperation Agreement (PCA) between EU and Georgia, there was a substantial change both in the financing and the structure of the cofinanced program of Georgia. The PCA, which was entered into force three years later in 1999, provided the legal basis for EU-Georgian relations and a framework to support the political dialogue. (99/515/EC/31-5-1999) The Cologne European Council predicted that the EU would help in finding solutions to the conflicts in the region(Conclusions of the European Council of Cologne, 1999: para 93,.AD2).

The PCA referred to the concepts of the "institutionalized political dialogue," legislative cooperation," "compliance with the Copenhagen criteria" and "cooperation on matters relating to democracy and human rights" albeit the big part of PCA referred to economic matters such as the promotion of trade, the adoption of measures to support business and cooperation. At the instigation of some individuals, the Commission

has reopened the discussion on the need to formulate clear strategic objectives for the EU policies in the South Caucasus. (Lynch,2006,p.60).In particular, unresolved conflicts were seen as the most significant impediment to the region's political and economic progress. Since the significant levels of EU assistance granted to Georgia the previous years have not led to the expected results, the PCA provided the establishment of three joint EU-Georgia institutions<sup>61</sup> to ensure the better use of the EU assistance. The new institutional structure would be composed of 1) a Cooperation Council, 2) a Cooperation Committee, and 3) a Parliamentary Cooperation Committee. The Cooperation Council, composed of members of the Council and the European Commission, as well as members of the Government of Georgia, will meet once a year and supervise the implementation of the agreement. A similar composition at the level of the relevant representatives of the Member States and Georgia will have the two committees. The Cooperation Council and the two committees were set up to help the dialogue at the political and technical level and to support the implementation of the agreement.

The first country strategy paper for Georgia was presented in 2001. The strategy paper referred to the problem of ethnic conflicts and expressed the EU commitment to support the territorial integrity of Georgia (European Commission, 2001, p. 4, cited in Wolff, 2011, p.149). However, the strategy paper presented the difficult political and economic situation of Georgia and identified the two conflicts concerning Abkhazia and South Ossetia as a significant obstacle to Georgia's development and a contributing factor in regional instability (Commission of the European Communities, 2001, p.4 cited in Wolff,2011, p.149).

### **3.2.2 The appointment of the EU Special Representative for the South Caucasus and the crisis in Georgia**

The entry of all three South Caucasus countries into the Council of Europe in 2001 not only gave an impulse to the EU activity but also stirred up concerns. The 11 September 2001 has led to the assumption that weak state power and threats to international security are linked to each other (Jawad, 2006, p.23). Since weak statehood is one of the major problems of the South Caucasus, the EU was driven to address the problem of security threats in its neighborhood.

Jawad argues that the appointment of an EU Special Representative in South Caucasus could help these people understand that the EU policies could help them better resolve national problems that the cannot

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<sup>61</sup> PCA/ TITLE XI /Institutional, Regional and Financial Provisions

solve by themselves (2006, p.24). In 2003, the Finnish diplomat Heikki Talvitie (Council Joint Action 2003/496 / CFSP of 7 July 2003) was the first EU Special Representative for the South Caucasus. Because EUSR's involvement has usually exceeded the original mandate, the successor has a formally stronger mandate. The mandate of the Swedish diplomat Peter Semneby, who was appointed EUSR for the South Caucasus on 20 February 2006, stipulated an enhanced role in the conflict's management (Council Joint Action 2006/121/CFSP20/2/2006). This mandate in Article 3 authorized the EUSR to contribute to the prevention of conflicts, to prepare the return of peace to the region, to assist in conflict resolution, and to intensify EU dialogue with the main interested actors, concerning the region.

During the 2008 crisis, the Council adopted the Joint Action 2008/760/CFSP appointing the French diplomat Pierre Morel European Union Representative for the Crisis in Georgia. The appointment of Jacques Morel "was a concession to the outgoing French Presidency" (Whitman & Wolff, 2010, p.8), recognizing the active role of France for the settlement of the crisis. However, the appointment of Morel has created confusion and undermined the role of Semneby. However, the mandates of both Morel and Semneby expired in 2011. From 2014 on, there is one person for the two roles. The German diplomat Herbert Salber (2014-2017) and the Finish diplomat Toivo Klaar (2017-) were nominated EUSR for South Caucasus and the Crisis in Georgia. In fact, with the appointment of the Special Representative in South Caucasus, the EU has made its presence visible in the area, which was not the case previously. However, the role of the EUSR is limited, as he needs to keep a low profile to calm down the antagonisms, without being for him possible to make clear mission statements. (Jawad,2006, p.23, footnote 99)

### **3.2.3 EU-Georgia relations after the Rose Revolution**

"Georgia's revolution represented an unexpected democratic breakthrough in the post- Soviet world, and the new authorities appeared willing to set a model of democratic transition for other countries in the region" (Di Puppò, 2010, p.13). The US-educated President Saakashvili, who took over after the Rose Revolution of November 2003, brought into power an actively 'Western'-oriented administration and gave the impression that he could fulfill better than anyone other the promise to Georgian people for a better future closer to the EU.

For the new leadership, the transformation of Georgia into a country democratic and viable required an immediate disconnection from the Post- Soviet space. Hence," the new government of Georgia sought to anchor the country in the West while pursuing an energetic policy of attracting investments and

changing Georgia's image "(Di Puppo, p.34). The Rose Revolution of November 2003 represented a turning point in the relations between the EU and Georgia, with the change of government raising hopes of a more effective EU engagement and more convergence between both sides (Gegeshidze, 2006, p.19).

After the Rose Revolution, the EC, together with the World Bank, organized an international donors' conference in June 2004, with which an amount of 850 MEURO was pledged to Georgia for the period 2004 to 2006 (Jawad,2006,p.25).

The European Security Strategy adopted in December 2003 has recommended the inclusion of the countries of the South Caucasus in the under discussion European Neighborhood Policy (ENP). Pursuing a ring of well-governed countries around the European Union (EU), the ENP aimed at avoiding what the EU was about to cope with at a later point in its instability on its borders (Jawad,2006, p.1). The European Security Strategy considered that delicate statehood represents a threat to international security. Furthermore, state failure is "an alarming phenomenon that undermines global governance, and adds to regional instability" (p.6) and is considered to be one of the critical threats. The other threats being terrorism, the proliferation of weapons of mass destruction, regional conflicts and organized crime" (ibid)

Since South Caucasus, after the enlargement of 2004, geographically approached Europe's borders, the European Commission adopted in May 2004 a special strategy paper on the European Neighborhood Policy (ENP)(Jawad,2006,p.26). Based on of this strategy paper, the Council decided to include the three states of the Southern Caucasus in the ENP in June 2004, "opening up the prospect of a significantly enhanced partnership" and thus marking a significant step forward in the EU's engagement with this region (COM (2004)373 final, p.7).

The ENP was supposed to provide a framework for EU relations with these states without offering the perspective of accession. The EU's vision for its neighborhood was, on the horizon of the next ten years, to contribute to poverty reduction and the creation of an area of shared prosperity and values based on deeper economic integration. In this context, political and cultural ties would be strengthened through enhanced cross-border co-operation and joint action on conflict prevention (Commission of European Communities, Wider Europe- Neighborhood: A New Framework for Relations with Eastern and Southern Neighbors, 2003,p.9 cited in Jawad,2006,p.27)

Conclusively, "the ENP was neither foreign policy nor an enlargement policy. It was, in fact, a mix of domestic policy instruments, foreign policy, and enlargement pratiques" (Popescu, 2006, p.2). The main idea behind the Neighborhood Policy was to achieve the closest possible degree of economic integration between the EU and its neighbors. The ENP broad spectrum of objectives includes the protection of

human rights, democratization, and prosperity to the support for good governance in the neighborhood. In return for the reforms, the EU offers the prospect of deeper economic integration and increased political dialogue. “The ENP was something of a philosophical quest for the EU in which it seeks to answer the question of how to support the transformation of its neighbors in line with EU standards, while not offering membership” (Popescu, 2006, p.2).

#### **3.2.4. The European Neighborhood Action Plan for Georgia**

In March 2005, a Country Report for Georgia was adopted. However, Action Plan delayed to start on because, on the one hand, Cyprus raised an issue by protesting against Azerbaijani direct flights to Northern Cyprus (Di Pippo, 2010, p.28) and on the other hand, the European Commission submitted recommendations to the Council for the Action Plan. The recommendations referred to the need for further effort in order to: strengthen the political dialogue, support the economic rehabilitation of conflict zones, upgrade regional cooperation and intensify people-to-people contacts (COM,2005)72, p.6).

The European Neighborhood Policy Action Plan between the EU and the Government of Georgia, adopted on 14 November 2006, established strategic objectives of the EU-Georgia cooperation and ensured the implementation of significant political and economic priorities. From then on, the ENP Action Plan provided the framework for EU assistance, and its machinery (principally ENPI and NIF) became the necessary implementation tools (Wolff, 2011, p.150). In order to avoid instability in its southeastern neighborhood, Brussels decided to focus on good governance and rely on the EU soft power approach. It was believed that if Georgia had the means to become a modern state with good governance, Abkhazia and South Ossetia would not seek to come closer to Russia. (Jawad, 2006, p.11). It should be taken into consideration that, according to the Security Strategy, states fail not only because of intrastate conflicts and territorial conflicts but also because of weak institutions. Since in Georgia secessionist conflicts are linked to the country's general problem, which consists of significant shortcomings in the institutional shielding of the country in general and in particular in tackling organized crime and corruption, the EU could help by strengthening the Georgian state, in the effort to create institutions that will contribute in good governance (Jawad, 2006, p.31). Taking into account that the separatist regions of the South Caucasus are de facto excluded without participating in the ENP (Abkhazia, South Ossetia, and Nagorno-Karabakh), it seems that the ENP objectives of a stable neighborhood are rather not attainable. The challenge and the ambiguity consist of how to link the separatist entities of Abkhazia, South Ossetia, and

Nagorno-Karabakh to the ENP process without recognizing international recognition (Popescu, 2006, p.7). Furthermore, this quasi-isolation has the effect of worsening intra-regional inequalities, and by distancing these entities from the rules and standards in force in the rest of the country results to strengthen the causes of the conflict.

The European Neighborhood Policy machinery includes a series of specialized tools supporting the necessary institutional and economic reforms and contributing to the settlement of conflicts in the European neighborhood. In this context, Georgia, in addition to TAIEX assistance and the Twinning Programs has also acquired the support from the first-ever law mission established in the framework of the European Security and Defense Policy (ESDP). The European Union (EU) launched on 16 July 2004 the EU Rule of Law Mission to Georgia (EUJUST THEMIS) (Council Joint Action 2004/523/CFSP of 28 June 2004), EUJUST (THEMIS ) with its senior and highly experienced personnel took over the mission to support, mentor and advise Ministers, senior officials, and adjust bodies at the level of the central government. Although the Rose Revolution in Georgia drew international attention to the region and gave rise to hopes for the progress of the democratization processes, the negotiations on the European Neighborhood Action Plan revealed a considerable divergence in expectations. Indeed, the Georgian ruling elite believed that the ENP framework could boost the reforms and facilitate Georgia's rapid integration into the EU (Gegeshidze, 2006, p.2).

However, the EU has not fundamentally changed its approach to Georgia after the Rose Revolution. The EU maintained its "preference for taking small steps and retaining a low profile in the region in order not to antagonize Russia" (Di Puppò, 2010, p.21). Reproducing Di Puppò's concerns, we raise the question of whether this EU's stance of not challenging Russia can be interpreted as a soft power 's behavior or an EU tactic in the sphere of power politics. While the EU appears to be reluctant to engage in Georgia and disturb Russia in an area considered to be in Russia's influence, it is willing to provide assistance and cooperation to those who question Russia's influence (Di Puppò, 2010, p. 32).

Nonetheless, Russia maintained suspicions towards the EU's soft power and interpreted "the Eastern Partnership as a covert EU attempt to expand its zone of influence beyond its borders" (Di Puppò, 2010, p.32). Under these circumstances, it was expected that Georgia's expectations of a short course and EU membership could not be fulfilled. Moreover, for Georgia, which was facing severe security issues and secessionist trends, it was difficult to believe in the EU's vision of long-term institutional development as a privileged means of achieving stability (Di Puppò, 2010, p.22).



During the ENP negotiations, Georgia had expected to receive the same preferential treatment and incentives that were offered to the fast advancing Ukraine and Moldova, and it requested for the application of the principle of differentiation, having confidence in its capacity to advance swiftly in reforms (Gegeshidze, p.15). Georgia insisted on a three-year ENP Action Plan, looking forward to starting negotiations on an Association Agreement the soon as possible. However, the EU decided to apply its standard regional approach to the South Caucasus by grouping Georgia, Armenia and Azerbaijan together and negotiating with all of the five-year Action Plans, unlike the three-year ENP Action Plans granted to Ukraine and Moldova (Tangiashvili/ Kobaladze,2006, p.53, cited in Di Puppo,2010, p.28).

EU and Georgia diverged in their assessment of the length of the steps Georgia should take in its convergence with the EU. Georgia has a strong desire to ensure its independence, strived to accommodate two different economic courses, the Europeanization and the libertarian principles. Since Georgia had prioritized its sovereignty and territorial integrity, it could not be reconciled with the slow and rather uncertain outcome process of the Europeanization. The basic idea was to “transforming Georgia to regional investment and financial hub with the hope that money might ultimately turn into more security” (Di Puppo, 2010, p.18). However, the EU had a different view, and it was in favor of a soft power approach, believing that the libertarian principles were in contradiction with the EU’s Vision.

On the other hand, Georgia preferred to become the world’s top reformer to the status of the long-standing candidate in the EU’s waiting room or of buffer state between Europe and an unstable post-soviet space (Di Puppo,2010, p.31). However, the progress report on the implementation of the ENP Action Plan released by the European Commission in 2008 revealed difficulties resulting from the incompatibility of the objectives, the government of Georgia pursued a lesser state, while the European Commission asked for a more regulated state. The Rose Revolution angered Russia and resulted in the deterioration of the relations between Russia and Georgia. Russia was also very much annoyed by Georgia’s efforts for NATO membership, which have been backed by the United States. Ever since the Rose Revolution, the atmosphere between Tbilisi and Moscow has consistently deteriorated, apart from a short period of thaw in 2005. It was in May 2005, when Georgia and Russia reached an agreement 2005 by which Russian bases in Batumi and Akhalkalaki were withdrawn. Saakashvili has adopted a provocative stance vis à vis the Russian Federation. Namely, Saakashvili openly supported the Orange Revolution Ukraine late in 2004 and publicly discussed to leave the Commonwealth of Independent States (CIS) (Jawad, 2006, p.2). However, “in this complex geostrategic environment“ in which the rivalry between the US and Russia is predominant, the EU appears to have been recognized as an “honest

broker” because it does not participate as a competitor of the superpowers in the struggle to prevail on the world stage (Jawad, 2006, p.4).

### **3.3 The EU as a foreign policy actor**

#### **3.3.1 The EU as mediator and peacemaker: Georgia-Russia War**

In April 2008, there was a new escalation of the political tensions between Georgia and Russia. After blowing up a military vehicle and wounding five Georgian peacekeepers, in counter-attack, six South Ossetians militiamen were killed by Georgian snipers. While the situation was boiling and occurred several low-level skirmishes, on 8 August 2008, the Georgian Army Infantry, tanks, and police commandos advanced in South Ossetia. On the occasion of the shelling of a Russian peacekeepers’ base units of the Russian Army supported by commandos entered South Ossetia. The three-day battle left the city in ruins, while the Georgian forces obliged to retreat, and the Russian and the Georgian Air Forces continued their raid against strategic targets. Russian forces advanced to Gori, where the Georgian forces have retreated, removed military equipment abandoned by the Georgian forces, and arrived at the port of Poti. Although on August 12, 2008, President Medvedev announced a halt to further military operations and ordered a withdrawal of the Russian army from Gori Poti and other checkpoints, the Russian forces remained in South Ossetia and Abkhazia. By defeating Georgia in August 2008, the Kremlin not only gave a lesson to Georgia for its NATO ambitions but also gave a clear message to other nations, in particular, Ukraine, not to slip on the same path (Wolff,2011 p.159).

Moreover, this defeat humiliated NATO by showing the indecisiveness and ineffectiveness of its action (Wolff,2011, p.159). Two additional circumstances compounded this adverse situation. They were Kosovo’s unilateral declaration of independence in February 2008, and its recognition at that point by all but five of the EU 27 member states. What was shaping up was the coveted precedent to which Russia could now refer to justify its attitude towards Abkhazia and South Ossetia (Wolff,2011, p.159).

During the Russia-Georgia war, the EU and the U.S. partners were actively involved in conflict resolution. The EU’s skill in crisis management has highlighted the aftermath of the war in August 2008. After the end of the war, Tbilisi stated that it no longer recognized the ceasefires Agreements of Sukhumi (1994) and Sotsi (1992), suspended its relations with Russia, and announced its withdrawal from the Commonwealth of Independent States.

The EU, free of the traditional US-Russia rivalries, was recognized as the “honest broker” who could bring the best results to the negotiations and was, therefore, the most appropriate to resolve conflicts (Jawad, 2006, p.30). The strong and influential personalities of Angela Merkel and Nicolas Sarkozy representing the Franco-German axis directly impacted on the result of the first-ever EU international mediation. On 13 August 2008, the General Affairs Council held in Brussels adopted the Six-point Agreement for the ceasefire plan and the settlement of the Conflict in Georgia. The Six-point agreement provided the following: (1) Not to resort to force;(2) To end hostilities definitively;(3) To provide free access for humanitarian aid;(4) Georgian military forces will have to withdraw to their usual bases;(5) Russian military forces will have to withdraw to the lines held before the outbreak of hostilities. Pending an international mechanism, Russian peacekeeping forces will implement additional security measures;(6) Opening of international talks on the security and stability arrangements in Abkhazia and South Ossetia” (Conclusions of the Extraordinary General Affairs Council meeting of 13 August 2008). Representing the EU, the German Chancellor Angela Merkel visited both Russia and Georgia between 15 & 17 August 2008 in order to discuss the details of the plan and secure their consent.

The Extraordinary European Council of Brussels gave full support to the ceasefire agreement and called on the European Union to have a permanent presence in the region and to make every effort to find a lasting solution to the conflict (Conclusions of the Extraordinary Council of 1 September 2008, 12594/2/08/REV2, point 2, p.1 ). Although the Six-point agreement ensured the end of hostilities did not put a time frame, and the wording was open in competing interpretations by sides. Nevertheless, an implementation agreement was signed by Russia and Georgia after further shuttle diplomacy by President Barroso and “Sarkozy (Wolff, 2011, p.152).

The role of the EU in negotiating the cease-fire agreement between Russia and Georgia demonstrated the EU's ability to address a global issue (Feen, 2009, p. 5). After the first impression of the ceasefire agreement in September 2008, there was a great enthusiasm that the EU had finally achieved significant success and had proved its credibility as an international player (Wolff, 2011, p.152). Most of the other aspects of the EU's crisis-response reflected the casting of self-imposed limits to its actions. EU bodies were already active. For the monitoring of the "Six-point Agreement," the European Council established on 15 September 2008, the European Union Monitoring Mission in Georgia (EUMM). The establishment of the EUMM “had its immediate significance in demonstrating the EU's capability to act quickly in terms of the decision –making, financing, and deployment” (Wolff,2011, p.152).

By further stepping up EU involvement in Georgia's conflicts, the Council of the European Union (25/9/2008) amended and extended the mandate of the EU Special Representative for the South Caucasus and the Crisis in Georgia (EUSR) . Indeed, the activities exercised by the EUSR exceeded the authorization granted by the previous mandate.

### **3.3.2 The EU as co-chair in the Geneva International Discussions**

After the end of the Russian-Georgian war, it was agreed that discussions on the security and assistance needs of the affected population would continue in Geneva within the General International Discussions.

On 15 October 2008, the Geneva negotiations were launched between leaders of the EU, OSCE, UN, U.S., delegates from Georgia, Russia, and the authorities of the de facto states of Abkhazia and South Ossetia. The discussions focused on the establishment of stability and security in the region, as well as on the return of IDPs and refugees, based on internationally recognized principles. The EU's role as one of the three co-chairs in the Geneva talks (OSCE and UN) was conceived as a real innovation and significant upgrade. (Fean, 2009, p.6).

Moreover, the European Commission became a co-moderator (with UNHCR) of the working group on the Humanitarian and IDP process. It is to mention that, pre-war European Commission involvement in political negotiations was rather paltry since the EU provided funds to support these OSCE and UN procedures, but the political commitment was not a matter of discussion (Fean, 2009, p.6). For example, in the UN process for Abkhazia, the Commission had no role and limited only to attend the workshops on financial issues of the OSCE process for South Ossetia/

The Geneva International Discussions are held in two working groups – one addressing security issues on the ground concerning international security arrangements and non-use of force and another addressing humanitarian issue. The OSCE Chairperson-in-Office for the South Caucasus, together with the Head of the European Union Monitoring Mission in Georgia (EUMM), co-facilitate the meetings of the Incident Prevention and Response Mechanism (IPRM) in Ergneti, which deal with everyday issues of the populations living in this area.

The participants determined that the general safety situation on the ground was calm stability. Participants discussed non-violence, international security arrangements, and free movement/travel abroad. Co-Chairs from the EU, the United Nations, and the OSCE deliberated GIDs concerning the content of a joint declaration on non-violence .

Despite Georgia's unilateral non-use of force pledge on 23 November 2010 as well as of and its notice to Russia to reciprocate, Russia-refused because it was not a participant in the conflict. Instead, Russia asked Georgia to sign said treaties directly with Abkhazia and South Ossetia. Understandably, Georgia refused to self-contest its sovereignty over Abkhazia and South Ossetia by signing such treaties.–Russia was worried over Georgia's NATO relations and its military cooperation with the United States.

Another grave point of disagreement was the return of internally displaced persons (IDPs) and refugees, Representatives of Abkhaz and South Ossetia with Russian support, mostly ethnic Georgians. Representatives of Abkhazia and South Ossetia with Russian support refused to discuss IDPs as long as Georgia was able to secure the yearly resolutions on IDPs at the UN General Assembly. Other topics on the agenda of the discussions were the teaching of languages in Abkhazian districts inhabited by Georgians (Gali region), the free movement and mobility, the search for missing persons, the safeguard of the environment, and the preservation of the cultural heritage.

The EU participation as a joint chair together with the OSCE and the UN in the Geneva International Talks was welcomed, however, but as concerns its role of mediator, the EU deemed biased towards Georgia (Frichova Grono,2010, p.27). Since the essential condition to resolve a dispute with mediation is to persuade all sides for the impartiality and objectivity of the mediator, “the EU partiality is not conducive to effective mediation and undermines its acceptance by the Abkhaz, Ossetian and Russian sides” (Frichova Grono,2010, p.25).

The co-chairs underlined in a joint statement after the 32nd round of talks that they “were encouraged to see a debate which was frank and open despite existing divergent views<sup>62</sup>.” However, there is no substantial progress. While the discussions theoretically allow all participants to discuss any differences and problems, each side avoids using various pretexts to have a constructive dialogue on issues it considers are against its interests. Although Russia especially wants to give the impression of an open and frank discussion, in-depth does not want any retreat or concession without having obtained equivalent offsets.

Mediation can be done by pressing and rewarding (sticks and carrots, power-based mediation) the parties to reach an agreement or facilitating the parties to choose between those alternatives that appear to satisfy them better (interest-based,problem-solving mediation)or exercising a moderate, multilevel intervention by the mediator that helps the parties review their initial positions and seek to change their relationship (transformative, long-term mediation) (Frichova Grono,2010,p.21).

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<sup>62</sup> Press Communiqué of the Co-chairs of the Geneva (n.d.). Retrieved from <https://www.osce.org/chairmanship/168021>

Over time, the EU has shifted to the second approach that helps the parties to think about the possible solutions and resolve their initiative in the dispute with mutual concessions (ibid).

### **3.3.3 A special EU institutional framework for Georgia**

#### **The European Monitoring Mission**

Following the Six Point Agreement, the European Union deployed in September 2008 the European Monitoring Mission (EUMM), an unarmed civilian monitoring mission (200 monitors). EUMM became the fastest deployed CSDP mission ever. EUMM patrols on a 24-hour basis, particularly in the areas next to the Administrative Boundary Lines (ABLs) with Abkhazia and South Ossetia. The objectives of EUMM, in line with its mandate, are "stabilization, normalization, confidence-building, and contribution to European policy updating and the EU's future engagement in the region" (Joint Action 2008/736 (CFSP), Article 2).

The initial 12-month EUMM mandate has already been extended six times. The EUMM is authorized to cover the entire recognized geographic territory of Georgia. However, the secessionist regions of Abkhazia and South Ossetia have so far refused access to their territories. Since EUMM has not accessed the secessionist regions, it could not claim to offer more than those offered by UN missions (Fean, 2009, p. 7).

The EUMM was set up to help prevent new armed conflicts. The presence of the EUMM creates the necessary conditions for citizens to cross the administrative borders of Abkhazia and South Ossetia in both directions without bans and barriers. Securing communication contributes catalytically to eliminating inaccessible dividing lines and reducing tensions. All EU Member States contribute staff, both women and men, from various political, police, and military affairs. The mission has headquarters in Tbilisi and three regional offices in Mtskheta, Gori, and Zugdidi.

#### **The Incident Prevention and Response Mechanism**

The need for the creation of a mechanism to deal with incidents in the region arose within the framework of the Geneva International. The Incident Prevention and Response Mechanism (IPRM) was established in February 2009. The working-level mechanism tackles security-related incidents in the region and stands ready to assist in making the measures more effective. The mechanism involves weekly

meetings – or more frequently if needed - to handle disputes and incidents on the ground. Meetings are an opportunity to discuss among other issues: the identification of potential risks, the various subsequent events and the exchange of information, as well as problems that affect communities every day

The organization of these meetings is co-facilitated by the OSCE and the European Union Monitoring Mission in Georgia (EUMM). Indicatively, about 73 such meetings took place by the end of 2017.

### **3.3.4 The impact of Eastern Partnership Policy on Georgia**

It could not be a coincidence, in the aftermath of the war and six months after the recognition of Kosovo, Russia unilaterally recognized Abkhazia and South Ossetia. Furthermore, Russia vetoed the presence of the UN observers because the UN did not recognize these breakaway regions

Russia's aspirations were revealed by the fact that despite the formal withdrawal of Russian troops in October 2009 after the ceasefire, Russia has retained a force of 3,700 soldiers each in South Ossetia and Abkhazia, while Russian warships will be stationed permanently in Abkhazia (Bardakçi, 2010, p. 217).

Also, Russia further strengthened military cooperation with the separatist regions through an agreement on joint border protection. As regards Georgia, the war with Russia resulted in strengthening its desire to join the West and join NATO. The conflict has had significant losses on human capital since several hundreds of Georgians lost their lives in the conflict, and 137,000 people were displaced. Although most of them managed to return to their homeland, several Georgians failed to return to their homeland (Bardakçi, 2010, p. 218).

Following the withdrawal of the UN and OSCE's monitoring missions from South Caucasus, the EU, left alone, needed to frame a policy to manage its involvement, especially in Georgia's conflicts (Fean,2009.p.5). The European Commission was asked to present a Communication on the Eastern Partnership (EaP), which was discussed by the Council in December 2008. The EaP emerged on the initiative of Eastern European countries, notably Poland, Sweden, and the Czech Republic, who wanted to strengthen the eastern dimension of the Union as a counterpart to the Mediterranean Project launched by France in March 2008 and supported by the EU Council (Bardakçi, 2010, p. 221). Thus, Brussels decided to offer to its eastern neighbors the EaP that could function as a multilateral platform in which presidents, prime ministers, ministers of foreign affairs, and senior officials come together regularly and elaborate issues of common interest. (Bardakçi, p.221).

Moreover, the Eastern Partnership (EaP) launched in May 2009, in less than a year from the August 2008 War, “involving Georgia alongside Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine was meant to provide them a privileged relation with the European Union, thus stressing the renewed importance of the region” (Oproiu, 2015, p.35). The EaP envisaged the deepening of bilateral relations through enhanced political association and closer economic integration. In this context, the EaP provided the establishment of new contractual relations in the form of an Association Agreement (AA), which includes the establishment of a Deep and Comprehensive Free Trade Area (DCFTA), and the conclusion of Visa Facilitation and Readmission Agreements (European Commission, 2014 p.4).

As necessary precondition for the opening of the negotiations in 2009, the EU sent a fact-finding mission to examine the compatibility of Georgia’s legislation with EU standards and to review the reform progress in some key areas (Di Puppo,2010,p.38) The fact-finding mission issued recommendations on four priority areas: technical barriers to trade, competition policy, intellectual property rights, and food safety. As concerns the independence of the judiciary, it was considered necessary to adopt a new law on ordinary courts and the selection of Supreme Court members. The adoption of this law was the essential reform to ensure transparent procedures and restraint of interventions in the judiciary.

In July 2013, the EU and Georgia successfully concluded the negotiations under the Association Agreement. The signature of a Deep and Comprehensive Trade Co-operation Agreement with the EU not only had shown that relations with the EU were at an outstanding level but also sent a message to Russia, although it was not an implicit guarantee of security (Di Puppo, 2010, p. 49) Agreement. “The DCFTA with the EU had a political value for Georgia primarily, as the conclusion of legally binding agreements is an indication of a good state of relations and might even induce cautiousness from the part of Russia, though not constituting any solid security guarantee” (Di Puppo,2010, p.49). Indeed, a DCFTA is a broader framework that not only addresses obstacles to trade beyond the border by removing trade barriers, such as tariffs and quantity limitations, but also brings changes in the relevant national legislation. For the low competitiveness Georgian economy, the adaptation to the EU’s standards and the liberalization of the trade was a rather bold strategic choice. However, “the feasibility study carried out by the European Commission in 2008 suggests that the DCFTA could boost FDI flows in Georgia that could increase up to five-fold in 2020” (Di Puppo, 2010, p.52). In Georgia’s perspective, the most apparent benefit of a DCFTA is that it helped in rebranding the country as a desirable and safe investment destination (European Commission, 2016, Fact Sheet).



The Association Agreement between EU and Georgia, including the DCFTA, has proceeded at a relatively rapid pace. The Agreement was initialed in the Summit of Eastern Partnership in Vilnius (November 2013), signed on 27 June 2014, and entered into force on 1 July 2016. From a political point of view, the acceleration may be due to the parallel to the crisis with Ukraine. The Association Agreement replaced the European Neighborhood Action Plan and aimed to deepen political association and economic integration with the EU. By signing the Association Agreement, relations between the EU and Georgia reached a new level. All of these developments show not only that the Georgian people had gradually achieved the belief that joining the European course could guarantee a better future, but also that the European Union would then be more decisive in dealing with deepening relations with Georgia. Therefore, there was an intensification of the efforts in the direction of consistent implementation of appropriate reforms.

#### **4. The EU engagement in conflict resolution**

Since 1999, the EU has stressed the need for an adequate settlement of conflicts in South Caucasus and has stated its intention to become more involved in conflict resolution. Wolff notes that the EU, having lagged in the field of international conflict management, has encountered considerable difficulties in finding a role for it in the broader efforts of international conflict management (2011, p.155 & 2012, p.200). Moreover, as the UN and the OSCE dominated conflict management, they did not seem to be willing to allow the EU to become also a significant player (Whitman & Wolff, 2010,p.12, Wolff, 2011, pp. 156-157 and Wolff, 2012, p.202).

In the early 1990s, the EU was initially engaged with Georgia over the country's two separatist conflicts by offering humanitarian assistance. However, where the EU has shown its value, it is the overall package of aid it has implemented, which included humanitarian aid to support political, legal, and economic reforms in Georgia (Whitman & Wolff, 2010, p. 8). From 1997 on, the EU started financing individual projects and operational programs in the secessionist areas. EU activities have contributed to the containment of conflicts; they have done little to resolve them, obviously because the causes are deep-rooted.

Although the EU is recognized as an essential player since it has shown the resolve to mediate a ceasefire agreement between Russia and Georgia, there is some disappointment. The disappointment is the result of the EU's lack of resolve, which seems hesitant to push for effective implementation of the

ceasefire agreement and oppose the establishment of a Russian military presence in Abkhazia and South Ossetia  
 (Di Puppò, 2010, p.37).

The Caucasus and Central Asia



Source: Google maps

**MAP 5: Georgia’s position in the Caucasus**

**4.1 The role of the EU in the challenging geopolitical context of Caucasus**

As happened with other former Soviet republics, Georgia pursued to become independent and come closer to the West. What distinguishes Georgia is that, while Georgia was recognized in 1991 by the International Community as one state, two peripheral regions of Georgia (Abkhazia and South Ossetia), which had autonomous status during the Soviet era, have vehemently opposed and fiercely fight against their integration to the state of Georgia.

Georgia-Russia relations were much tested after the dissolution of the Soviet Union and the subsequent independence of Georgia in 1991. While American politics in the early 1990s accepted Russia's claims that Georgia and other former Soviet republics were part of Russia's zone of influence, the interests of US military in the region and the pursued energy security have transformed in recent years South Caucasus in a battlefield for regional influence (Wolff,2011, p.158).

The crisis erupted in September 2006 between Georgia and Russia made evident for Europe that a 'window of opportunity' opened up for Brussels to enhance and reposition itself in the region in order to further its interests (Jawad,2006, I). This "window of opportunity" opened for the EU when Georgian President Michael Saakashvili, who initially invested almost exclusively in US security, turned disappointed in the EU. However, what preceded it? It was Saakashvili, who revealed the arrest of four Russian military officers for espionage, in order to spark the conflict with Moscow and win Western solidarity. However, this provocative strategy brought the opposite result, since the act of the US avoiding conflict with Russia ended up in somewhat forsaking Georgia.

As is often prevalent in diplomacy, the two superpowers (US & Russia) preferred to come to "gentleman's agreement" for their benefit, namely, bypassing a Moscow-sponsored resolution "against" Tbilisi in exchange for a Washington-sponsored North Korea resolution (Jawad, 2006, p.4)<sup>63</sup>. Moreover, NATO failed to offer Tbilisi an action plan for membership (Jawad,2006,p.4). Indeed, both Russia and the USA avoided any open confrontation over Georgia's issue.

The outbreak of violence in South Ossetia (summer of 2008), although it contributes in the deteriorating of relations between Russia and the West, maybe due in particular to the fact that Russia was aware of the US pressure on Georgia's participation in NATO at the Bucharest Summit in April 2008. Georgia's "frozen conflicts" with the two de facto independent breakaway regions of South Ossetia and Abkhazia backed by Russia are a source of recurring tensions. Russia's "controlled instability" or "frozen uncertainty" strategy continues to hinder the development of Georgia's sovereignty and statehood (Jawad, 2006, p.2)

Kalevi Holsti used the term "frozen conflicts" to describe those situations where conflict is frozen because it cannot be resolved. Such deadlock situations occur when there are communities with different

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<sup>63</sup> When the UN Security Council convened to impose sanctions on North Korea for its first nuclear test on October 9, 2006, the US did not support the imposition of sanctions by military means, facilitating objections by Russia and China. (UNSCR 1718/14/10/2006). In this way it repaid Russia's support for the Security Council's decision condemning Georgia's invasion of Abkhazia a day earlier (UNSCR 1716/13 / 10/2006)

characteristics that can neither coexist nor separate. This results in recurring conflicts that are not resolved merely perpetuated (Kalevi Holsti, 1996, p. 196. cited in Jawad, 2006, footnote 5). The failure of conflict management efforts with Abkhazia and South Ossetia can be partially explained by these power configurations and the complexity of dealing with them.

The secession conflicts are part of a vicious circle of state fragility that Georgia faces (Jawad, 2006, p.2). The secession conflicts and the existence of the two de facto breakaway regions of South Ossetia and Abkhazia weaken the Georgian state. Tbilisi does not control 20% of Georgia's territory (European Commission, Single Support Framework for EU Support to Georgia, 2014-2017, p.2). The EU hesitated to take an active role in Russia's periphery due to special relations with Moscow at the (Member States) national level. Since Russia is acknowledged as "a geopolitical actor, whose constructive involvement in international affairs is a necessary precondition for an effective international community" (Communication from the Commission to the Council. Review of EU–Russia relations. Brussels, 5 Nov. 2008, pp. 4, 5. quoted by Whitman and Wolff, 2010, p.10), "there is no alternative to a strong relationship with Russia" (Council 2008<sup>64</sup> quoted in Wolff, 2011, p.156).

Although the EU's involvement has increased in strategic weight and visibility, there should be good reasons for its previous discretion. The EU's stance to avoid engagement can, partially, be explained by the fact that Russia is a more important strategic partner for most Member States than Georgia. As far as concerned these conflicts, Brussels is following a soft power's approach and believes that since Georgia is prospering, secessionist regions, rather than wanting to join Russia, would prefer to remain in Georgia. (Di Puppo, 2010 p.22 and p.32).

Among the member states, there are significantly diverging views over Georgia – but especially over Russia. Their different historical experiences security priorities, and economic interests are reflected in their political positions. The member states of the last enlargements, especially the Baltic States, Poland, and the Czech Republic, backed by Sweden and Finland, favor a policy of containment vis-à-vis Russia. Germany, France, and Italy, mainly for economic reasons, as well as Greece with its orthodox affinity and not only, have traditionally favored the dialogue with Russia. Germany voiced strong concerns about European energy security and, even after the imposition of sanctions against Russia in 2014, maintaining an open line with Russia. France and the UK have supported an enhanced role of the EU in the region, despite or rather because they both have taken an active role in their national policies (Jawad, 2006,

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<sup>64</sup> Council of the European Union, 2008. Summary of Remarks by EUHR Solana to EU Parliament Foreign Affairs Committee and Chairs of Foreign Affairs and Defense Committees of National Parliaments .Available at [www.europa-eu-un.org/articles/en/article\\_8274\\_en.htm](http://www.europa-eu-un.org/articles/en/article_8274_en.htm).

p.16). Jawad argues that after the revolution, the UK was one of the countries that insisted most on Georgia's inclusion in the ENP and provided financial support to the new government through the 'Reuniting Europe' budget line of the Foreign and Commonwealth Office's 'Global Opportunities Fund'"(GOF) (Jawad, 2006, p.16).

Since 1999, it became evident that the conflicts would have to be addressed as part of the Partnership and Cooperation Agreement (PCA) process. This process, however, did not result in either the immediate adjustment of existing programs or the creation of new ones. Even after the preparation of the European Security Strategy in the South Caucasus region and the appointment of a EU Special Representative in the summer of 2003, "without the triggering factor of the Rose Revolution in Georgia, Armenia and Azerbaijan would have not been integrated into ENP - a decision that continues to be followed by lengthy internal debates within the Council and the EC." Thus, without the Rose Revolution, the EU will probably not have significantly increased financial contributions to conflict resolution in South Ossetia and Abkhazia (Jawad, 2006, p.29)

#### **4.2 The EU engagement in Abkhazia and South Ossetia**

The EE is in favor of political solutions for conflicts, and its diplomacy has adopted a policy of discreet interventions, avoiding disturbing ripples and tensions. Also, the "low flight" gives the opportunity gradually to gain confidence and extend the EU's foreign policy on other issues, starting with low foreign policy issues (Popescu, 2010, p. 26).

The EU has a different approach to conflicts, such as those throughout Abkhazia and South Ossetia, based on conflicting claims of self-identification of distinct ethnic groups. Specifically, the EU is trying, with various initiatives, to create a more favorable climate for conflict resolution (European Commission, 2006, Wolff, p.155). The cases of Abkhazia and South Ossetia are ideally suited to studying the risks associated with the existence of an unrecognized state in an area of significant geostrategic importance (Wolff, 2011, p.148). In contrast to its "discreet" (Fean,2009, p.6) political involvement, the EU decided to start funding reconstruction projects for the conflict regions in 1997, and by 2008 EU was acknowledged as the most significant international donor to reconstruction in South Ossetia and Abkhazia. Projects in conflict areas were chosen for their apolitical character, and their implementation was not subordinated to the overall progress of the negotiations. In order to overcome the fears of Tbilisi that the authorities of the separatist regions would be strengthened, the projects were implemented mainly through third parties and had as a

priority the reconstruction and support of civil society in the conflict regions (Fean, 2009, p. 9, Popescu, 2007, p.14).

The economic impact of the violent actions in Abkhazia was enormous, and the economic recovery was initially almost entirely dependent on Russia. Nevertheless, Russia from 1996-1999 imposed an embargo on Abkhazia for support of the First Chechen War. This embargo collapsed when relations between Russia and Georgia worsened, and the Second Chechen War broke out. It is worth to mention that Abkhazia is in a relatively more advantageous position because it is self-sufficient in food and electricity and on the other, has breathtaking beaches and natural resources that can attract tourism. (Cornell, 2001, p. 181 cited by Wolff). Since 1999, relations with Russia have improved, and this has led to the revitalization of tourism and has further contributed to the economic recovery. Also, the EU has continued with significant political and economic efforts to support the reconstruction of the region's economy

South Ossetia has suffered equally much economic damage from the war. Also, South Ossetia is in a relatively more disadvantaged position because it is an impoverished country and dependent on Georgia for water supplies. South Ossetia also received significant financial assistance from both the EU through a rehabilitation program managed by OSCE and Russia in the form of donations.

While Abkhazia and South Ossetia had claimed independence before the Georgian-Russian war of August 2008, they remained politically, economically, and militarily entirely dependent on Russia, including the use of rubles in almost all commercial and private transactions. There has also been an increase in the migration of Abkhazian and South Ossetian residents to Russia, which is partly justified because they were given the possibility of acquiring Russian citizenship and Russian passports.<sup>65</sup>

In both countries, the threads were moved by a small group of politicians who have close ties with security forces, businesses, and organized crime and easily dominate all sectors of the government. South Ossetia was from 2001-2011 under the control of Eduard Kokoity, an ex-wrestling champion who has Russian citizenship and twice won the presidential elections (December 2001 and November 2006). Kokoity was opposed to reunification with Georgia, but he had expressed his willingness to negotiate a peace settlement as South Ossetia was recognized as an independent state. Kokoity completed two terms as President and did not seek to change the Constitution to be re-elected, President. Kokoity is Eurasianist and argues that South Ossetia never left the Russian Empire. The same spirit inspires the current president of South Ossetia Leonid Tibilov.

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<sup>65</sup> Interview with Greek Ambassador, Athens, 4 /4/2016

Democracy is also uncertain in Abkhazia. The current President Khajimba is a politician with steady progress, realistic, visionary, and resistant in time, a survivor of many changes and turmoil. Khajimba was first appointed security chairman in 1999, then successively became the first vice-president of the prime minister in 2001, appointed defense minister in 2002, was elected prime minister in 2003, and de facto acted as head of state, in the absence of President Ardzinba, who was seriously ill. He won the presidential elections of 2004, he exchanged duties with the opposition candidate Bagapsh, and finally, they shared roles and the pair run as part of a national unity ticket in repeat elections. After the death of Bagapsh in 2011, he lost the elections and led opposition protests that forced the winner Alexander Ankvab to resign. Khajimba won the subsequent Presidential election in 2014 with a slim 50,6% the first-round victory. Khajimba, a fierce rival of the Mikhail Saakashvili, condemned his proposal for a two-state federation passionately and in May 2004, signed an agreement on the deepening of ties between Abkhazia and Russia. Based on this agreement, the Abkhazian army should be placed under the direct control of the Russian armed forces, and Abkhazia committed itself to harmonize its trade laws with that of the Eurasian Economic Union. Khajimba welcomed the development of closer ties with Russia and attempted to achieve the better implementation of the agreement aimed at the security of the state and the boundless opportunities for social and economic development offered by this cooperation.

As concerns the South Ossetia conflict, the EU has implemented a reconstruction program with a total of 7,5 million euros since 1999. In this context, projects of vital importance were financed, such as the rehabilitation of the drinkable water supply, gas and water distribution in Tskhinvali, railway links, local waste management, and school renovation. However, the EU projects in South Ossetia addressed mainly the rehabilitation needs in basic infrastructure rather than traditional confidence-building. The EU did not fund projects concerning civil society, youth, media, women, and former combatants (International Crisis Group, 2006, p.20).

In Abkhazia, the EU spent more than 25 million euros for rehabilitation programs in order to improve conditions in Western Georgia and inside Abkhazia, confidence-building activities of international NGOs, demining activities in Abkhazia, humanitarian relief programs, etc. However, there has been no substantive effort to reform the security sector in Abkhazia, in particular as regards the reintegration of militants, the proliferation of guns and the improvement of policing

Since the stability in the South Caucasus started becoming more and more in the EU interest, the EU undertook a more active political role. In this context, it was decided firstly, the appointment of a EUSR, secondly the employment of the Rapid Reaction Mechanism (RRM), and thirdly the launching of an ESDP

mission. Notwithstanding its willingness to help, the EU had set restrictions on its intervention. Although the priority was to stop the conflicts, the EU was not disposed to participate directly in the negotiation process and proposed to provide trust-building funds in support of UN-led and OSCE-led negotiations or reconstruction assistance after a peace agreement (Jawad,2006, p.29). Thus, “the EU projects in the conflict zones have focused mainly on infrastructure rehabilitation rather than traditional conflict resolution fields, such as demobilization, disarmament and reintegration, rule in law, human rights promotion and media development” (International Crisis Group, 2006, p.18) However, in this way “the EU risked working around rather directly on conflict” International Crisis Group, 2006, p.18).

#### **4.3 Perspectives in conflict resolution**

As Coppieters points out, to resolve secessionist conflicts, such as those in Georgia, “the EU’s conflict resolution policies have four different objectives: conflict prevention, conflict transformation, international conflict management, and conflict settlement” (2007, p.5). The responsibility for managing and resolving conflicts in Georgia is shared between the EU institutions. The prevention and international management of the conflict are primarily discussed in the European Parliament, where it is possible to change the balance of power and find contact points between the conflicting parties. As for the transformation of the crisis, the European Commission has the task to draft and introduce to the Council & the European Parliament proposals for a solution through the dialogue. However, the Council is responsible for decision-making and, in cooperation with the Special Envoy, covers all four objectives, and coordinates the dialogue on the resolution of the crisis. The fact that the work of settlement is shared between all the Institutions for some is considered to be disruptive and confusing. However, the multilevel discussion can help to understand better the invisible aspects of the conflict which are usually responsible for intransigence (Coppieters, 2007, p.6)

The EU seeks a long-term conflict resolution perspective concerning these two breakaways, which entails a gradual strengthening of its role in these conflicts and additional support for projects aimed at guiding them towards confidence-building. However, Georgia has tried to fix the problem for the first time, by forcefully annexing the two breakaway regions. Georgia's impatience, although legitimate, is likely to create more tension in a region that is already prone to conflict.

Separatist conflicts in Georgia are, moreover, part of a problematic and uncompromising international situation: the warring parties are unable to agree without external support. “Relations between



international actors are characterized by incompatible identities and interests” (Coppieters, 2007, p.27). There is a time sequence for the achievement of the policy objectives. EU is in favor of progressing small safe steps, to avoid the challenge of jumps and quick solutions. If there is no balance between the various policy objectives, there is the risk that conflict resolution fails.

Concerning time perspectives for the conflict resolution, “differences in timing create mutual fears” (Coppieters, 2007, p.5). In particular, Coppieters argues that for the EU, the escalation of violence can be attributed to Georgian impatience, while for Georgia, the patience and moderation on the part of the EU maintain tension and nurture violence (Coppieters, 2007, p.5). However, the European Union has an interest in containing the escalation of conflicts and preventing open violence in its neighborhood. The EU can also interact with other global actors and help create incentives for a settlement, by exercising leverage on the parties or by changing the balance of power between them.

The ability to influence and attract others without coercion and financial consideration is an expression of soft power (Nye, 2011, pp. 391-392). Because of its principles and respect for democratic principles, human rights, law enforcement, and social justice, the EU indeed an attractive partner. Moreover, the EU avoids the use of force and resolves disputes by resorting to diplomacy (Frichova Grono,2010, p.28)

The European Neighborhood Policy (ENP) “is not itself conflict prevention or settlement mechanism,” but “tackles the underlying issues which enable conflicts to fester” (European Commission, Speech by EU Commissioner Ferrero-Waldner,2006, p. 3 quoted by Whitman and Wolff, 2010, p.9). The chief financial instrument created by the EU to help neighboring countries was the European Neighborhood Policy Instrument (ENPI). Therefore, action plans are established and adopted for the implementation of the ENPI programming. Although they refer to issues related to political co-operation, co-operation in crisis management and common foreign and security policy issues, action plans focus mainly on the design and implementation of internal policies to address a broad spectrum of issues extending from the democratization and the rule of law to the EU implementation industrial standards in neighboring countries. Successful implementation of the Action Plans depends on the approach of each country as concerns these issues. The conflict resolution approach proposed by these EU recommendations was somewhat restrictive, given that the conflict resolution action plans needed to provide additional support for the economic rehabilitation of conflict zones. After two rounds of consultations in November 2005 and March 2006, Georgian sources expressed their disappointment that the EU was not disposed to incorporate more conflict-resolving commitments into the text of the Action Plan.<sup>66</sup>

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<sup>66</sup> Interview with EU expert, Brussels,11/4/2016

The Action Plan adopted for Georgia in November 2006 included the promotion of the peaceful resolution of internal conflicts. The Plan referred to increased efforts in confidence-building, further economic assistance in tandem with conflict settlement progress, acceleration of the process of demilitarization, and conflict resolution. Georgia's territorial integrity and the settlement of the internal conflicts were included in EU-Russia political dialogue meetings.

Before 2008, the EU was limited to support the United Nations and OSCE negotiating efforts and was convinced that promoting European ideas would help to resolve conflicts by providing support to Georgia for the creation of a modern democratic state. In this case, the Abkhaz and South Ossetians would have been more likely to choose to remain in Georgia and not claim independence or greater connection with Russia (Jawad, 2006, p.28). However, how can the EU be made attractive and convincing that it has the power to alter the conditions and bring peace and prosperity? Kahraman argues that "the EU's power of attraction could be transformed into a European policy of stabilization and a European project of a shared neighborhood" (2005.p.5). Seeking a strategic vision behind the EU stance George Christou considers that "the power of attraction highlights the EU's capability to influence the future order in Europe by locking states and regions into its framework and structures, where also showing the ability of the Union to frame the conditions of peace for the incomers and outsiders" (Christou, 2004, p.2 cited in Kahraman, 2005, p.5). However, Di Puppò (2010, p.42) questions whether the influence of the European Union in countries in its neighborhood such as Georgia can be attractive when instead of giving a clear political message, EU sets as a prerequisite to support the implementation of long-term institutional reforms.

About EU-Georgia relations in the years before the Rose Revolution, both sides gave the impression that they lacked a clear strategic vision or plan, while the EU kept a low profile on security and policy issues (Puppò, 2010, p.9). However, the Commission has concluded that necessary conditions for effective assistance in the region are, first, the resolution of conflicts and, on the other hand, the development of regional cooperation (ibid). There was also a critique that, the EU's transformative policies, instead of acting as a complement to an effective security commitment, deliberately narrowed to a limited security role, in order not to disturb Russia, as well as not being exposed in an environment where the benefits for the EU were weak (Di Puppò, 2010, p.42).

However, the EU's soft power vision is not always acknowledged as such. For example," the policy of avoidance that has characterized the EU's engagement in Georgia and its reluctance to upgrade its security role are interpreted not as resulting from the EU's soft power approach that rejects zero-sum games, but as synonymous with power politics and a deference to Russia's interests "(Di Puppò, 2010,

p.32). Before 2008, the EU was confined in observer status in South Ossetia and provided financial support for confidence-building measures and economic reconstruction in Abkhazia. However, in the first half of 2008, the EU took a more active role in peacekeeping efforts and provided support for the declaration of Kosovo's independence, which was expected to cause a strong reaction on the part of Russia (European Commission, 2009, p.7, Di Pippo, 2010, p.22). The Georgia-Russia war in August 2008 was manifested during the French Presidency of the EU, the presidency of a country with a robust diplomatic service that had as President a personality recognized as equal by Russia. (Wolff, 2011, p.155).

As regards the conflicts in Georgia, the Union could not reconcile different member state preferences on how to deal with Russia. Thus, the EU remains divided into those who support bilateral relations with Russia over a common EU approach (such as France and Germany) and those who are skeptical (the tough liners included). This division within the EU reflects the general pattern of action that, despite the pursuit of preventive action on foreign policy issues based on a common strategy and targeting, is in favor of non-action or inadequate action until the crisis is fully manifested (Whitman & Wolff, 2010, p.10). On the other hand, "conflicts, such as those in and over Abkhazia and South Ossetia, that are based on incompatible self-determination claims of distinct ethnic groups follow a different logic that is not comprehensively captured and addressed." (Wolff, 2011, p.155). The differences leading to secession are so intense that they do not favor the creation of a positive climate to resolve the conflict.

In any case, reaching a negotiated agreement is a difficult task on its own, especially when it comes to conflicts involving unrecognized states, and painful compromises over status are needed (Wolff, 2011, p.163). As regards the time perspective for a crisis resolution, it depends on the Member States involved and on the type of crisis the EU is dealing with (Coppieters, 2007, p.5). It is rather difficult to claim that the EU crisis management in Georgia is a success story. However, comparing the way the French Presidency handled the Russian-Georgian war in 2008 with the enormous difficulties faced by the EU in the Western Balkans throughout the 1990s shows that in less than ten years, the EU has made significant progress and gained high credibility in conflict management. Even though the EU does not have a unified vision and strategic follow-up, its approach to dealing with crises is not wrong. Unlike the OSCE and the UN, the EU actively participates and supports, with financial means and diplomatic actions, efforts to resolve the conflicts. (Whitman & Wolff, 2010, p.9).

The leaders of Abkhazia and South Ossetia are not disposed to look at any form of reintegration in Georgia, but they have different aspirations for the future of their countries. While Abkhaz leaders prefer independence and less interference by Russia, South Ossetian leaders pursue reunification with the

Republic of North Ossetia in the Russian Federation (Whitman & Wolff, 2010, p. 14). However, Russia, which also has problems in troubled North Caucasus, acknowledges the risk of further destabilization through ongoing efforts of Ossetia to reunify (Whitman & Wolff, 2010, p.9)

Closson predicates that although Georgia has favored asymmetrical federalism, granting Abkhazia a higher level of autonomy than South Ossetia, both Abkhaz and South Ossetians in response supported independence in the first instance and a confederation as a last resort. They believed that their participation in a confederation would have secured their international recognition, and at the same time, they would have been able to secede if they wished. (Closson, 2011, p.69). When the crises occurred in the South Caucasus, the EU and other actors did not seem to have a specific crisis management strategy. Moreover, the EU had no interest in getting directly involved in the negotiation processes in South Ossetia and Abkhazia because of its particular character. Thus, these two secession conflicts are kept frozen, and any effort to defrost them prematurely could be proven not only an unattainable goal but also a bad strategy (Jawad, 2006, p.30).

Following the recognition of Abkhazia and South Ossetia by Russia, status questions became paramount. As the Russian Minister of Foreign Affairs Sergey Lavrov underlined Abkhazia, and South Ossetia could not go back to the status quo before the August war (Abkhaz World Website, 12/9/2009, cited in Frichova Grono, 2010, p.24). Besides, for the West, the pressure on the self-determination of Abkhazia and South Ossetia was a second priority since the one that was directly concerned was to prevent Russia from changing Georgia's borders by force (Frichova Grono, 2010, p.24).

After the war of 2008, the EU became a joint chair of the Geneva International Talks, together with the OSCE and the UN. Recourse to mediation as a way of settling crises has gained ground, especially after the end of the Cold War. Big international players and some smaller countries are interested in facilitating structured dialogue between conflicting parties. The interest has offensive or defensive motivation. (Frichova Grono, 2010, p.22). The offensive motivation is usually associated with deeper grounds. For instance, Russia's interest in resolving conflicts in Georgia is linked to its desire to maintain its influence in the South Caucasian. Defensive motivation has the EU in helping to resolve conflicts in its neighborhood because it wants to protect its borders and be surrounded by areas that are not in trouble or not at war.

The mediator should be impartial and keep equal distances from the parties, but in practice, this does not apply or does not seem to be applicable. As concerns its role of mediator, the EU is deemed biased towards Georgia, because the EU defends Georgia's territorial integrity. Since the essential condition to resolve a dispute with mediation is to persuade all sides for the impartiality and objectivity of the mediator,

“the EU partiality undermines its acceptance by the Abkhaz, Ossetian and Russian sides” (Frichova Grono,2010, p.25).

While Georgia's entry into the big European market, in return for the loss of the Russian market, is expected to stimulate new investments and better-quality products, it is not sure whether Georgian enterprises will be able to meet the high cost of adaptation to European standards & compete with European enterprises. Indeed, it is low competitiveness and not the lack of free access that creates problems for Georgia's exports (Di Puppò, 2010, p.50)

As far as South Ossetia is concerned, Russia has created an administrative fence boundary between South Ossetia and Georgia with dual feasibility. The fence not only delineates the territory of South Ossetia but will also contribute to the control of the South Caucasus oil flow in Europe since Russia always disliked pipelines by-passing its territory. The fence is at a distance of 500 m from the motorway linking Georgia with Azerbaijan<sup>67</sup> and includes a part of the Baku-Supsa pipeline operating with BP within the occupied Russian territory.

South Ossetian leader Leonid Tibilov is of the view that it is a matter of time for South Ossetia to join the Russian Federation. Another action that was considered a challenge for Georgia was the referendum on 7 April 2017 on the change of the official name of South Ossetia in Alayna. Tibilov believes that name change is an essential expression of respect for history and ancestors.

Nevertheless, there are also developments in the right direction, which give at least the impression that there is a trend for improvement of relations between Georgia and Russia. The withdrawal of the pro-Western Saakashvili and the prevalence of the 'Georgian Dream' party with Ivanishvili and his successors, which are considered to be sympathizers of Russia, have contributed to creating a rather better climate in Georgia-Russia relations. In this context, the Russian and Georgian Foreign Ministers expressed support for an agreement reached during talks (June 2016) between the Georgian and Ossetian sides in Tsinkvali. Following the agreement, the authorities of South Ossetia committed to restoring the railway link between Tskhinvali and the rest of Georgia. Moreover, the Ossetian side accepted Tbilisi's proposal to start providing pensions to the residents of the breakaway regions.

Indeed, the EU hesitated to develop incentives for Abkhazia and South Ossetia due to its political positions and constraints. In particular, DCFTA (Article 429 of the EU-Georgia Association Agreement signed on 27 June 2014) does not apply to Georgia's breakaway regions in South Ossetia and Abkhazia because they do not meet the basic DCFTA implementation requirements. However, the Territorial Clause

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<sup>67</sup> Interview with Greek diplomat, Brussels, 11/4/2016

of the Agreement provides that the DCFTA may become applicable to these two areas as soon as the conditions for its implementation have been implemented. It is at least surprising that the EU closes the door but leaves the window open.<sup>68</sup> Abkhazia has shown interest in developing relations with the EU. However, Abkhazian aspirations were finally wrecked by the EU's hesitation concerning its position on Georgia's territorial integrity (Frichova Grono, 2010, p.28). On the contrary, Russia expects the appropriate time and acts quickly and decisively. Russia also takes advantage of the fact that the EU did not have a consensus among the EU Member States on its attitude, even in cases where Russia fails to comply with the 2008 ceasefire agreements. (Frichova Grono, p.28).

At the beginning of 2017, the political landscape was dominated by preparations for de facto elections in both Abkhazia (parliamentary) and South Ossetia (presidential). A more politicized atmosphere reflected negatively on both IPRMs in Gali and Ergneti, which were rather tense and unproductive, The EUMM remains particularly concerned about the announced closure of the Meore Otobaia and Nabakevi controlled crossing points by Abkhaz de facto authorities.

Intensive military activities in the breakaway regions were observed in January 2017, both in further steps by Russia to integrate South Ossetia and Abkhazia de facto forces, as well as in active field exercises. Several events took place throughout January that threatened to agitate relations between the Georgian and the facto authorities in Abkhazia and South Ossetia. Among these a shooting incident between Russian frontier guards and Georgian police on the South Ossetian Administrative Boundary Line (ABL), the closing of crossing points detentions for so-called "illegal crossings," large scale military exercises, including the "Kavkaz 2016" Military Exercise and the Agile Spirit exercise in Georgia. "Tbilisi's readiness to make changes to its economic policies is closely interlinked with the EU's readiness to offer tangible political support and act as a security guarantor" (Di Puppò, 2010, p.49). In effect, the adaptation costs to the EU standards are high, while the economic benefits that Georgia could derive from introducing these changes are not immediately apparent.

Although, Tbilisi has for some time, hesitated between two economic paths: convergence with the EU or pursuit of the US libertarian agenda, Georgia finally has shown significant commitment to reforms and its alignment with the *acquis communautaire* (Di Puppò, 2010, p.35 & p.49). Georgia is the second country after Moldova that has concluded an association agreement and a free trade agreement of considerable quality increases in copper and petroleum oil exports. There are also good perspectives for honey and

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<sup>68</sup> Interview with an EC expert, Brussels, 11/4/2016

lamb's wool exports. New business development in Georgia, most recently through the introduction of credit lines, is another area the EU supports.

With EU support Georgia adopted over 7.000 European standards in areas like health, safety, and environmental protection. The result is safer products for Georgian citizens and increased export opportunities for Georgian businesses. In April 2017, the regulation on the release of the holders of biometric Georgian passports entered into force. (European Union External Action, Fact Sheet EU-Georgia Relations, July 2016)

Georgia, even the years, was trying to find its footing and did not know who could help more, US or EU, to solve its political problem, has shown determination and commitment to achieve its strategic objectives to build up a modern state. In the post-Soviet arena, Georgia is undeniably successful in terms of the formation of a democratic, transparent state, corruption-free. Georgia became an example to imitate. An important precedent has been set. Additionally, Georgia's active participation in NATO and EU-CSDP missions confirm its determination to share the burden of collective security and become part of the European Security architecture.

The Association Agreement (1 July 2014) signaled a new era in Georgia's road towards European integration. The DCFTA showed substantial results as Georgian exports to the EU rose by 15% since the Provisional Application from September 2014, while exports of some Georgian products doubled and even tripled (EEAS/Fact Sheet, July 2016, p.3). The EU heralded Georgia for conducting competitive and fair elections. EU also pledged support for Georgia's finalization of judicial reform, and they pledged to support the government's ambitious economic reform agenda.

The EU provides generous technical assistance and financially supports reforms in Georgia. In the EU-Georgia Memorandum of Understanding signed on 18 July 2014, the priorities for the period 2014-2017 were set with indicative financing of EUR 335-410 million (EEAS / July 2011, p.1), which represents a significant increase compared to previous programming periods. Based on the incentive-based approach, additional funding under "More for More" has been committed to Georgia. The cooperation is focused on economic resilience and diversification. Moreover, necessary reforms introduced in the public administration and justice sectors, as well as in agriculture and rural development, made the difference.

## **5. The overall EU economic support to Georgia**

For the period 2007-2013, the EU has allocated EUR 300 million to Georgia under the European Neighborhood and Partnership Instrument. These resources, in addition to technical assistance through other programs (SIGMA, TAIEX, Twinning), have been used to support reforms in critical areas such as criminal justice, public finance management, regional development, vocational education and training, rehabilitation of internally displaced persons. An amount of EUR 31 million was also allocated to Georgia under the overall institutional development program to facilitate the implementation of the various agreements (Single Support Framework for EU Support to Georgia 2014-2020, p.4). Georgia has got access to Community programs and services and participates in the EU Framework Program for Research and Technological Development.

**TABLE 9: List of projects co-financed with EU funds in Georgia (30/9/2016)**

<b>SECTOR /STRATEGIC PRIORITY</b>	<b>Number of projects</b>
GOVERNANCE, DEMOCRACY, HUMAN RIGHTS, AND SUPPORT FOR ECONOMIC AND INSTITUTIONAL REFORMS	66
TRADE AND REGIONAL INTEGRATION	5
INFRASTRUCTURE, COMMUNICATIONS, AND TRANSPORT	1
WATER AND ENERGY	9
SOCIAL COHESION AND EMPLOYMENT	13
HUMAN DEVELOPMENT	6
RURAL DEVELOPMENT, TERRITORIAL PLANNING, AGRICULTURE, AND FOOD SECURITY	7
THE ENVIRONMENT AND THE SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES	6
CONFLICT PREVENTION	13
MULTI-SECTORS	38
<b>TOTAL</b>	<b>166</b>

Source: Delegation of the European Union to Georgia (data processed by the author).

By data from the Delegation of the European Union to Georgia, 166 projects were financed until December 2016. The main bulk of these (66 projects) concerned the implementation of structural reforms and state-building. The second big category concerns multi-sector interventions (38 projects). The third place with the same number of projects concerns the cohesion and dispute resolution. Taking into account



that in the multi-sector is included some projects to support conflict management, we realize that actually, the EU has given high priority to conflict management. The table below summarizes the original analytical table (Annex III) and presents the number of projects by sector and strategic priority.

The EU supported the transformation of Georgia to a modern democratic state as well as conflict management with a bunch of financing tools. Notably, after the Rose Revolution, the EC almost doubled assistance to Georgia. Depending on targeting aid we classify financial instruments into the following categories

## ***FINANCING STRUCTURAL REFORMS AND STATE BUILDING***

### **European Neighborhood Policy Instrument**

The EU launched in 2007 the European Neighborhood and Partnership Instrument (ENPI), a specific funding program for the neighboring countries. Under ENPI, the EU committed €403 million for bilateral assistance to Georgia for the period 2007-2013. Also, Georgia received additional funding of EUR 49 million for the years 2012 and 2013 as part of the Eastern Partnership Integration and Cooperation Program (EaPIC). This funding was granted reciprocally under the concept "More for More," which rewards the country's compliance with democratic principles and respect for human rights.

The ENI has replaced the ENPI grant bilateral assistance to Georgia for the program period 2014-2020. Its aid will range between a minimum of 610 MEURO -746 MEURO. The figures are indicative; final allocations will depend on the country's needs and commitment to regions.

### **Neighbourhood Investment Facility (NIF)**

In order to leverage funding for major core infrastructure projects in partner countries located in the European Neighborhood created the Facility called Investment Facility in 2008. Through the Investment Facility are also supported projects of the private sector. In particular, small and medium-sized enterprises have access to grants and venture capitals. By combining different resources, the NIF played a crucial role in donor coordination and increased aid effectiveness in line with the Paris Declaration and the Accra Agenda for Action (Neighborhood 2015, Investment Facility, Operational Annual Report). NIF projects operate in the following Neighborhood partner countries of the Eastern Neighborhood region: Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine as well as regional East-wide projects.

Between 2008 and 2015, a total of 116 projects (NIF annual operation report 2015) received support from the NIF. Of the total amount of 247.51 MEURO, 76.16 MEURO were received by Georgia for nine

projects. The total amount of NIF support allocated to projects over this period comes to 1,431 BEURO, mobilizing more than 12 BEURO provided by the European Financial Institutions (EFIs) and leveraging a total funding volume of more than 25 BEURO.

**TABLE 10: NIF PROJECTS IN EASTERN NEIGHBOURHOOD** (in a million EURO, country, sector, number of projects))

Country	Energy n°	Environ- n°	Multi- n°	Private n°	Social n°	Trans- n°	Water / Sanitation n°	Agri- n°	Total	n° NIF
Regional	59.76 4		12.30 1	169.22 0			6.24 1		247.51	16
East	10.35 1			15.38 1	1.61 1	35.08 4	40.85 5		103.27	12
Armenia						3.55 1			3.55	1
Azerbaijan						23.05 2		4.16	76.16	9
Georgia	22.74 3					55.93 5	26.21 3		116.78	13
Moldova	18.25 2			2.14 1	3.1 1		37.36 4	1	31.99	8
Ukraine	23.64 6		5.20 1				3.15 1			
<b>Total East</b>	<b>134.92 16</b>	<b>0 0</b>	<b>17.50 2</b>	<b>186.74 12</b>	<b>4.71 2</b>	<b>117.61 12</b>	<b>113.81 14</b>	<b>4.16</b>	<b>578.98</b>	<b>59</b>
								<b>1</b>		

Source: NIF Operational Annual Report 2015

**TABLE 11: EU MEMBER STATES - CONTRIBUTIONS TO THE NIF TRUST FUND 2008 TO 2015**

Country	Euros/million	SOURCES OF NIF FUNDING
Austria	3	<p>Since it was set up in 2008, the NIF has provided support for 112 projects drawing on a total of 1, 43 BEURO from the EU budget and the NIF Trust Fund.</p> <p>15 Member States have committed 82, 7 MEURO to the NIFTrust Fund.</p>
Bulgaria	1	
Czech Republic	2	
Estonia	2.7	
Finland	3	
France	27	
Germany	33	
Greece	1	
Italy	1	
Luxembourg	1	
Poland	3	
Portugal	1	
Romania	1	
Spain	2	
Sweden	1	
<b>Total amount*</b>	<b>82.7</b>	

\*As at 31/12/2015

Source: NIF Operational Annual Report 2015

## **Macro-financial Assistance**

In the aftermath of the 2008 war, the EU committed two MFA operations in Georgia. In the context of the first operation, which was implemented in 2009-2011, they were allocated 46 MEURO in the form of grants. The second operation amounting also to 46 MEURO (half in grants and a half in loans) was implemented in 2015-2017. A third operation was requested by Georgia's government to cover the period 2017-2020. The new operation is of an amount of up to 45 MEURO of 35 MEURO in loans and 10 MEURO in grants (European Commission, SWD (2017) 321 final, p.3).

The MFA program aims primarily to strengthen Georgia's balance of payments and its budgetary position. Furthermore, the program supports reforms in the areas of public finance management, social policy, banking supervision, trade, and competition policy in order to bring Georgia closer to the EU.

## ***CONFLICT MANAGEMENT & PEACEKEEPING***

### **Instrument of stability**

The Stability Instrument (IfS) has provided significant support to the populations affected by conflicts in Georgia since 2008. From 2008 onwards, Member States' interventions have been phased out from immediate assistance to those affected in the conflict areas ( in particular housing for displaced or returnees) to long-term sustainable measures aiming at improving the day-to-day life and building confidence. Long-term measures include media empowerment, confidence-building through civil society initiatives, promoting reconciliation between conflicting groups, equality of citizens, and empowering women as actors for change. If the political circumstances allow, the support foreseen in the priority areas of intervention can be extended to finance confidence-building measures linked to the EU's commitment to the breakaway areas

After extensive EU consultations with the government, civil society organizations and rural development, multilateral and bilateral donors and international financial institutions, the following areas of intervention were selected to be financed through the national envelope:

- Reform of Public Administration.
- Agriculture and rural development.
- Reform of the justice sector

The selection of the sector has taken into account the EU's international commitments on aid effectiveness principles as set out in the Paris Declaration (2005), the Accra Agenda (2008), the Busan Declaration on Results (2011) EU change agenda)

### ***Instrument contributing to Stability and Peace***

EU established in 2014 the Instrument contributing to Stability and Peace (IcSP)<sup>69</sup> in order to support its foreign policy on conflict prevention and peace-building in partner countries, as well as having the capacity to address specific global or transnational threats. The IcSP succeeded the Instrument of Stability

Part of the EU's new generation of instruments for external financing activities, the IcSP focuses on crisis response, crisis preparedness, conflict prevention, and peace-building.

The IcSP provides either short-term assistance for crisis prevention, crisis response and peacebuilding in post-conflict environments, or long-term support to global and trans-regional emerging threats. The IcSP participates in the EU Multiannual Financial Framework (2014 – 2020) to finance either non-programmable, strategic foreign policy priorities linked to crisis response planning (Article 3 of the IcSP Regulation) or concrete actions programmed in Multi-Annual Indicative Programmes and set in the Thematic Strategy Paper 2014-2020 related to peacebuilding and to the elimination of emerging threats (Articles 4 and 5 of the IcSP Regulation). Therefore, the IcSP plays an active role, in line with the EU's political commitment to pursue conflict prevention and build peace as one of the main objectives of EU external relations.

### ***FACILITATING INTEGRATION INTO THE INTERNATIONAL MARKET SYSTEM***

From data for the year 2016 (European Commission/DG Trade), 29% of Georgia's trade took place with the EU, followed by Canada (15,6%), Turkey (13%), and Russia (7%). The main export products were mineral products, machinery and appliances, chemical products, and transport equipment. The EU imports from Georgia included mineral products, agricultural products, base metals, and chemical

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<sup>69</sup> Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1

products. Georgia has been benefiting from the unilateral Generalized System of Preferences (GSP) since 1995. Under the current GSP regulation, Georgia is well suited to a specific incentive that rewards sustainable development and good governance (GSP +) with better access to its market, Georgia. Georgia continues to benefit from the GSP + until 31 December 2016. This transition period allows an enterprise to adapt to the new preferential trade regime provided by the DCFTA.

The DCFTA will contribute to Georgia's economic integration and its relation with the EU. The DCFTA abolishes all import duties on goods, provides for full reciprocal access to trade in services, and allows EU and Georgian companies to establish a subsidiary or branch without discrimination. In the same context, foreign companies can benefit from the same treatment as domestic companies in Georgia's market. Besides, Georgia's adoption of EU policy-making approaches will improve governance, strengthen the rule of law, provide more economic opportunities by expanding the EU market to Georgian goods and services and attract foreign investment in Georgia.

## **Conclusions**

Three interlinked and long-lasting conflicts crises remain active and undermine the territorial integrity and sovereignty of Georgia, the Georgian–Russian, the Abkhazian-Georgian, and the South Ossetian-Georgian conflicts. These conflicts, while giving the impression that they are under control or hibernating, give occasional events of greater or lesser importance.

The case of Georgia is of particular interest because, in this country, there are two minorities, Abkhaz and South Ossetian people, who do not wish to be part of the recognized by the International Community state of Georgia. The gravity of this refusal is reflected in the fact that the areas controlled by these two minorities represent 20% of the geographical area of Georgia. However, the claim of independence is not recent. Autonomous status was recognized in these areas by the USSR. Abkhaz and Ossetian people do not wish their integration into Georgia. They prefer to maintain their independence, and they have fought for this reason. Abkhaz favor independence and less interference of Russia, while South Ossetians aim at reunification with the North Ossetian Republic, in the Russian Federation. Although actually for geopolitical reasons frozen these ethnic conflicts, we consider unlikely to be settled in the coming years.

The EU has been more engaged in the two secessionist conflicts since 2003, driven mainly by the events. The European Union has an interest in containing the escalation of conflicts and preventing open violence in its neighborhood. However, the EU is much in favor of advancing in small safe steps avoiding the challenge for jumps and quick solutions. Conflict resolution risk to fail if there is no balance between the various policy objectives.

Following the invasion of Russia in Georgia and the recognition of the independence of Abkhazia and South Ossetia, a new situation has emerged that is irreversible for Russia. On the Westside, the priority is to prevent Russia from changing borders by practicing violence. The EU's stance to avoid direct engagement, amongst other things, be explained by the fact that Russia is a more important strategic partner for most Member States than Georgia. Brussels follows a soft power approach regarding the conflicts and believes that assisting Georgia in becoming a well-governed state could make it more attractive to the breakaway regions than closer integration with the Russian Federation. After summer 2008, different EU institutions have attached more conditionality to their aid to Georgia and were arguably better placed to prompt Georgia to reconsider its conflict –resolution policies.

The EU is deeply divided not only over Russia but also to a degree over Georgia. Some countries want to support Georgia and accuse Russia of its aggression. Other countries consider provocative the behavior of Georgia and argue that it may not be Russia on the wrong side of history. Military and energy security, trade interests, historical events, and religious affinity have prevented consensus on Russia-related positions. Since the views of members diverge significantly, the EU cannot ensure a full-fledged strategic and diplomatic readiness to support its mediation efforts by deeply anchoring them in its broader policy context (Frichova Grono, p.26).

The EU has set as red-lines and fully supports Georgia's territorial integrity, the non–recognition of Abkhazia and South Ossetia, and the unacceptability of the use of force in conflict resolution (Frichova Grono p.26). Abkhazians and Ossetians perceive the EU as a partial actor, deeply biased in Georgia's favor, while Georgia claims that the EU engagement is not active enough. Hence, the EU has faced great difficulty in building relationships in these regions, because there could not be persuaded about its intentions to ensure a fair solution.

In protracted conflicts, it is recommended to work on all levels of the conflict simultaneously on parallel tracks and get an integrated result finally. In Georgia, it should seek to address at the same time the Russian-Georgian conflict, the Georgian-Abkhazian, and Georgian-South Ossetian conflicts. Undoubtedly the integrated approach has advantages if it is achievable, but in the case of Georgia, the inherent perplexity of the conflicts does not leave “room de maneuver” and looks unachievable, at least in the foreseeable future. It is also true that time plays a significant role. Many conflicts dulled and forgotten when conditions change with the time passing memories may remain but not strong enough to ignite new passions.

On the other side, we should not underestimate the importance of national identity. Groups of people who share a common language and traditions use to claim the living space they consider to be the cradle of their culture. The more compact is the links between them and maintains their specific cultural characteristics, it is challenging to accept their incorporation into other national sections. Difficulties managing multiculturalism faced all empires; in this context, sometimes use violent methods (persecution, conversions or ethnic cleansing) and sometimes peaceful coexistence with a tolerance of diversity and the assignment of rights (self-determination, autonomy).

The traditional concept of (single) nation-states is based on the myth that ideally states should be ethically and otherwise homogenous and symmetrical entities. Pursuing the extinction of myths and stereotypes is unrealistic. The perception that the homogenization of the population helps prevent nationalist outbursts seems not to be confirmed by reality. People do not want to lose the national identity that defines their uniqueness, and they resist passionately to groupings imposed by force. Instead, it is much better to cultivate tolerance, respect for diversity, and the spirit of peaceful coexistence.

Georgia needs the EU to support a range of issues, particularly its geographical integrity. Besides, Georgia pursues closer ties with the EU. These expectations allow the EU to seek concessions from Tbilisi on issues that need to be resolved to avoid conflicts. With this rationale and without imposing solutions, the EU is motivating Georgia not to oppress the occupied territories and to move towards a dialogue on all the issues that have led the situation up to now.





## **CHAPTER V**

### **CONCLUDING REMARKS**



Looking at aspects of the EU's role as a global actor, questions were also raised about how the EU addresses the challenges of a particular issue, the problematic sovereignty of contested states, and the possibility they have to join the international system. The present dissertation was based mainly on extensive bibliographic research and interviews with experts of the European Commission and the Ministry of Foreign Affairs of Greece. Precious was also the experience I gained from my posting to the Permanent Greek Delegation to the EU because I had the opportunity working in the community environment to better understand the Community approach in terms of its possibilities and limits. The findings and conclusions from the overall survey and the two case studies are summarized as follows:

### **The EU actorness**

The EU is a significant international actor that combines the characteristics of soft, normative, and civilian power uniquely. However, the EU is not a superpower because it has limited military power. Which characteristic prevails? The fact that there are precise definitions in theory for different concepts does not mean that there are clear dividing lines. Several examples confirm this view; a normative power may compel the application of its own rules to others, using conditionalities; a soft power may use military means for humanitarian reasons, a civilian power may coerce for political ends. There is a theoretical discussion about why the EU wants to extend its own rules to neighboring countries. Some consider that EE is merely trying to promote its rules in the world legal order in a way similar to what empires have done in the past and the great players do today (Manners,2006, p.170). Moreover, others who consider that the determinant factor is how normative power is put forward and whether the exercise of power exceeds or strengthens what is "status quo" in the world politics as concerns injustice and the administration of justice (Diez,2005, cited in Manners,2006, pp.170-171). After all, the EU key element to export its rules is to secure peace in its neighborhood. In an environment of peace and stability, the EU can benefit from opening up to new markets and new investment opportunities.

In international relations, the EU has emerged as a mild force, using dialogue and cooperation in conflict resolution and crisis management. The EU's role in crisis management and peacekeeping has gradually evolved in response to changes in the international system and institutional changes within the EU itself. "The EU's approach to constructing peace is different from that of other international actors mainly due to the contextual factors regarding how it has transformed internally, how its complex institutional and multilayered governance works and what capacities, norms, and practices it invokes in dealing with external situations." (White, 2004, p.15, cited in Visoka & Doyle, 2016, p.864). The choice of peace instead of war is a type of value option for the EU.

The EU intervention in conflict resolution varies and is full of contradictions, sometimes giving the impression that coherence and strategic vision are missing. Although the EU has declared a precise determination to contribute to conflict resolution in its neighborhood, in some conflicts, the EU chooses to intervene and, in others, keeps a distance. Even when the EU intervenes, in some cases, it takes a leading role and in other cases, holds a moderate attitude. A reasonable explanation could have been that the EU aims to avoid confrontation with big global players such as Russia and the US when they intervene to influence the conflict dynamics through first mediation and by giving support to their "protégé" party

### **The emergence of contested states as a challenge to the international system**

After the end of the Second World War, there was "the extreme reluctance of states to recognize or accept unilateral secession outside the colonial framework." (Crawford, p.60, quoted in Geldenhuys, 2009, p.42). This stance was further strengthened after the end of the Cold War (ibid). There was a belief that any change in the borders could destabilize the system that had "locked" the spheres of influence at the end of the Second World War. Moreover, significant actors are pulling in what produces the ambiguity and instability of unrecognized statehood, such as ineffective control over a part of their territory, weak state apparatus, ongoing conflict.

Indeed, the contested states are not all treated in the same way by the International Community. As a general rule, the right of statehood is challenged, and there is no formal recognition at all, or recognition by quite a few recognized states, which are interested in having a precedent that will also serve their interests (Geldenhuys, 2009, p.7). However, in exceptional cases, when the contested state has significant resources, or is located in an area with substantial geopolitical interest or has a strong patronage state, then it can be widely accepted and recognized by international organizations as a sovereign state without, however, being recognized its sovereignty by all members of the international

community. In order to avoid bloody conflicts between claiming ethnicities, the international community seems to be trying to keep the issues of separatism and border change low and usually intervenes as an intermediary, or even with military forces, if necessary, with the task of de-escalating the crisis and restoring peace.

Conclusively, the international community addresses the creation of new states, with distrust and caution, mainly for two reasons. First, there is great prejudice that these states are niches of illegality and corruption, and they can have destabilizing effects on the surrounding countries. Second, the existence of self-proclaimed states could re-emerge issues of sovereignty and power distribution in the international system.

### **The EU's approach on contested statehood**

In 90's European Union was found under huge pressure since the countries of the dissolved Soviet bloc sought closer relations and quicker integration. However, it was clear that the EU could not bear the burden of an early enlargement with countries that had enormous structural differences with its members. Moreover, it should not be underestimated that the allure of EU membership affected the political choices made by elites and tempered the actions of even nationalist leaning leaders (Mungui- Pippidi, 2004 cited in Schweiss and Jebb, p.114). The EU was urged to intervene, but, at the same time, it should not give the wrong political signal to Russia and undermine the post-Cold War climate of peaceful coexistence.

However, all non-EU states in the EU neighborhood, candidates or not, have their unique challenges and should be addressed within a regional context because of spillover effects (Schweiss, C, and Jebb, C., p.101). Europeans have entered more readily into the arduous labor of nation-building than the United States initially renounced at the beginning of the Bush administration. Europeans have been frequently shown more proficient than the US in making use of civilian assets that increase soft power (Keulman, 2006, p.51).

The EU has carried out a significant if the frequently overlooked mission in protecting territories vulnerable to instability by employing political, economic, and technical methods (Keulman,2006, p.52).In search of a balanced approach and not only for humanitarian reasons, but it also appears necessary for state-based actors to provide sufficient incentives to allow for engagement with unrecognized states. In this context, the EU, the last twenty years, has preferred to open dialogue and engage with non-recognized states, instead of ignoring and let them isolated.

In principle, social and economic conditions differ from country to country, and the EU approach aims to meet real needs. Kosovo suffered war that resulted in massive population displacements and faced the challenge of modernizing “an agricultural sector that includes subsistence farmers living in unpromising conditions” (Schweiss, C, and Jebb, C., p.103). Georgia suffered from almost complete economic collapse, high unemployment, and migration. However, they also had common features, such as increased crime and widespread corruption.

Gerald Knaus and Marcus Cox (cited in Schweiss, C, and Jebb, C., p.102) point out that the EU, by adopting a state-building approach for the candidate countries, basically recognizes them as states and that is where its power is hiding. Similar covert legalization can also enjoy the potential candidate countries, which may have recognition problems but appear to be able to acquire it.

In principle, the EU candidate or potential candidate countries must prove their respect for democracy and the rule of law to be eligible for EU membership. The EU has adopted an empathic approach for state-building. In this sense, the EU is working side-by-side with the authorities of the candidate state to jointly trace that course, which ultimately leads to social, economic, and political development. This approach has a pedagogical nature because the candidate state positively assesses the assistance and support in its efforts. However, it is a time-consuming procedure that engenders hard work for the candidate, with results that sometimes do not justify the size of the effort. “Subsequently, the way ahead requires courageous, thoughtful, and empathetic leaders from all parties to realize a better society for all” (Schweiss and Jebb, p.115).

Moreover, the EU state-building model applied for the candidate countries differs significantly from the UN authoritarian state-building model used in Bosnia-Herzegovina, and initially in Kosovo. Actually, there are stark differences in approach, and the results are eloquent. In the authoritarian state UN model, the social, political, and economic spheres are dominated by a particular international structure “that may not be accountable to the citizens of the state” (Schweiss and Jebb, p.102). Contrary to the authoritarian approach that believes that local institutions hinder change and development, the EU approach is based on the legitimacy of local institutions and uses them as a starting point for the development of endogenous potential in the candidate countries. (Knaus, G, and Cox, M, p.49 cited in Schweiss, C, and Jebb, S., p.102). Finally, the valorization of the endogenous potential as well as the adoption by a broad social stratification of a shared vision for a better life produce “the political energy that gives the EU integration process its extraordinary potency” (Knaus, G, and Cox, M,40- p.41 cited in Schweiss, C, and Jebb, S., p.102).

For comparison reasons, the following table 12 lists the key features of EU interventions in Kosovo and Georgia. In order to have a complete picture, geography, history, social characteristics (population composition and religion) of these regions are also included in the same table, because the historical, geographical, religious, cultural and linguistic dimension should also be of concern to the interpretation of the reasons and actions leading to secession. (Blockmans,2007, p.7).

Looking at the cases of Kosovo and Georgia, there are significant similarities and differences. An essential similarity is that they are states that emerged after the dissolution of socialist federations (Hébir, 2009, p. 89). It is common to note that the EU had the willingness to help all vulnerable to instability territories by employing political, economic, and technical methods. As concerns the secession of Kosovo from Serbia, EU initially was in favor of the geographical integrity of Serbia; however, after the riots of 2004, the EU has started emphasizing “the sui generis” features of the Kosovo case and left an open window on Kosovo’s independence. Therefore, the EU participated in the negotiation of the final status of Kosovo and supported the Ahtisaari project, which would be a useful framework for resolving the conflict with Serbia and maintaining the territorial and political integrity of Kosovo.

Although the Ahtisaari Plan was finally not adopted, particular proposals of the Ahtisaari Plan inspired the writing of the Constitution of Kosovo after the Self-declaration of independence. By the end of 2008, 23 (EU) member states supported the declaration of independence of Kosovo. However, the International Community remains divided, 5 EU member states (Cyprus, Greece, Romania, Slovakia, and Spain), as well as Russia and China opposed to Kosovo’s independence, each on its specific reasons and especially for fear of a domino effect

TABLE 12. COMPARISON TABLE		
	KOSOVO	GEORGIA
SUPERFICIE	11.000 km, 2 of which 1.007 km <sup>2</sup> belong to the region of North Kosovo, which is contested by Serbia.	69.875 km <sup>2</sup> of which 12 560 km <sup>2</sup> (~20%) are contested territories declared independence (Abkhazia 8.660 km <sup>2</sup> and South Ossetia (3.900 km <sup>2</sup> )
BORDERS	Northern Macedonia 159 km, Albania 112 km, Montenegro 78,5 Km, Serbia ,351,5 km	Russia 894 km, Turkey 275 km, Armenia 219 km, Azerbaijan 428 km.
COASTLINE	0 km	315 km, of which 200 km belong to Abkhazia, and 57 km belong to Adjaria.
POPULATION	Total population 2.100.000 inhabitants of which Albanian 90,0%, Serbs5,0%, Bosniak 1,9%, Roma 1,0%, Turks 1,0%, Other 0,4%	Total population 3.720.400 inhabitants of which 242.862 live in Abkhazia and 53.532 live in South Ossetia. Georgians 86,8%, Azerbaijanis 6,2%, Armenians 4,5%, Other 2,8%
RELIGION	Musulman 97%, Catholic, Orthodox, and Other.	Orthodox 83,4%, Muslim 10,7%, Armenian Apostolic 2,9 %, Georgian Roman Catholic 1% and Other 2%.
RECOGNITION	112 out of 193 United Nations (UN) member states, 23 out of 28 European Union (EU) member states, 25 out of 29 N.A.T.O member states, and 36 out of 57 Organization of Islamic Cooperation (OIC) member states have recognized Kosovo. Since declaring independence, Kosovo has become a member of the International Monetary Fund and the World Bank, though not of the UN.	Russia has first recognized the independence of Abkhazia and South Ossetia after the end of the Russian-Georgian war and six months after the recognition by the West of the unilateral declaration of independence of Kosovo (February 2008). Up to date, Abkhazia and South Ossetia have been recognized by six and five UN member states, respectively. The two regions recognize each other, and also have some recognition from other non-UN member states.
POLITICAL SYSTEM/ PUBLIC ADMINISTRATION	Kosovo is a multi-party transitional presidential republic. As concerns North Kosovo, before the signature of the 2013 Brussels Agreement functioned independently from the institutions in Kosovo. Both governments of Kosovo and Serbia agreed upon the creation of a Community of Serb Municipalities and the abolition of the parallel structures. In this direction, the agreement stipulates that the Assembly of North Kosovo will not have legislative power, and existing judicial authorities will be integrated and will operate within Kosovo's legal framework.	Georgia has already adopted over 7000 European standards and continues to successfully build a modern democratic state that operates with transparency and respect for the institutions. Georgia is the frontrunner of the other countries of the EU Eastern Neighborhood. Georgia is a semi-presidential republic. Both Abkhazia and South Ossetia have their administrative structures and function independently from the institutions of Georgia, having the support of Russia on many levels. Abkhazia is a semi-presidential republic. South Ossetia is a presidential republic



<p>GEOPOLITICAL INTEREST</p>	<p>Kosovo is a small landlocked country located at the heart of disintegrated Yugoslavia, which has considerable mineral wealth in the contested area. The recognition of Kosovo as an independent and sovereign state seems to serve the objective of stabilizing the wider region, functioning primarily as a buffer between antagonizing Albania and Serbia over Kosovo's sovereignty. Kosovo, as the other countries of the Western Balkans, are literally in the backyard of the EU. Therefore, all the countries of the Western Balkans are considered potential candidates for EU membership. The influence of Russia in Serbia, mainly through Orthodoxy and the pursuit of the creation of a Muslim arc on behalf of Turkey and other Muslim countries, seems to have been surpassed by the desire to approach the European model.</p>	<p>Georgia is located well beyond the eastern EU frontiers to a region with substantial geopolitical importance, which forms part of the soft underbelly of Russia. However, Georgia is also a country significant for the EU's energy security, as it can secure alternative sources for the supply of oil and gas outside of Russia.</p>
<p>RELATION TO THE EU</p>		
<p>a) ECONOMIC ASPECT</p>	<p>The EU is by far the largest donor assisting Kosovo, and it was also at the forefront of the reconstruction effort. Kosovo has received more than 2 BEURO in EU assistance since 1999, initially focusing on emergency relief actions and gradually on helping Kosovo 's transformation into a modern, democratic country. EU assisted its various instruments that include CARDS, EC Humanitarian Office (ECHO), the European Initiative for Democracy and Human Rights (EDIHR), the Rehabilitation and Macro-financial Assistance (NFA). Kosovo receives since 2007 pre-accession assistance from IPA I and IPA II.</p>	<p>Since 1991, the EU provided considerable assistance through its various instruments that include TACIS, Food Security Programme, EC Humanitarian Office (ECHO), the European Initiative for Democracy and Human Rights (EDIHR), and the Rehabilitation and Macro-financial Assistance (NFA). Under the European Neighborhood and Partnership Instrument (ENPI), the EU committed 403 MEURO for 2007-2013. Under ENI that has replaced ENPI, the EU has committed 610-746 million for 2014-2020. Georgia also benefits from the Neighborhood Investment Facility.</p>

<p>b) POLITICAL ASPECT</p>	<p>The EU, as the fourth pillar of the UNMIK, was authorized for the economic reconstruction and development of Kosovo after the war. In 1999, the EU appointed a Special Representative and established the European Union Office in Kosovo. The EU facilitated the dialogue on the final status of Kosovo and supported the Ahtisaari Plan, which was not finally adopted. However, particular proposals of the Ahtisaari Plan inspired the writing of the Constitution of Kosovo after the Self-declaration of independence. Although Russia blocked the handover of the UN facility to the EU, the EU launched EULEX in 2009, to support Kosovo authorities in the rule of law area. Under the Integrated Border Management (IBM) brokered by the EU, the crossing points between Kosovo and Serbia opened on 10/12/2012. The signature of the Brussels Agreement in April 2013 consists of the critical breakthrough in the Kosovo-Serbia Dialogue. A Stabilization and Association Agreement between EU and Kosovo was signed in October 2015. For the EU, Kosovo is a potential candidate and should be helped to become a member the sooner possible. The EU envisages the resolution of the North Kosovo issue in the context of the process of normalizing relations between Serbia and Kosovo</p>	<p>A Partnership and Cooperation Agreement between Georgia and the EU was signed in 1996, which entered into force in 1999. Due to the particular importance of the region in 2003, the EU appointed a Special Representative for the South Caucasus. In November 2006, an action plan for the European Neighborhood Policy between the EU and the Georgian Government was adopted. The EU brokered successfully a peace agreement between Russia and Georgia, which ended the August 2008 war. Following the signature of the peace agreement (Six Point Agreement), In September 2008, the EU deployed the European Monitoring Mission (EUMM) in Georgia, an unarmed civilian monitoring mission of the European Union. As an indication of Georgia's significant progress in its European course, the EU-Georgia Association Agenda was adopted on 26 June 2014, which also replaced the Neighborhood Policy Action Plan.</p> <p>Although the EU fully supports Georgia's territorial integrity and does not recognize Abkhazia and South Ossetia, due mainly to diverging views and interests of its member states as concerns the EU –Russia relations, has adopted a somewhat tolerant attitude, since, after the war of 2008, it is evident that for Abkhazia and South Ossetia there is no way back</p>
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For the EU, Kosovo is a potential candidate and should be helped to become a member the sooner possible. The EU supports the geographical integrity of Kosovo and envisages the resolution of the North Kosovo issue in the context of the undergoing process of normalization of relations between Serbia and Kosovo. An unorthodox and instead blackmailing conditionality was imposed on Serbia to become a candidate country. Specifically, Belgium and the Netherlands claimed that Serbia should have previously fully cooperated with the International Criminal Tribunal of Hague to punish the war crimes. Therefore, on 1 March 2012, Serbia has been given full candidate status after the condemnation of Milosevic (2006) and the arrest of Mladić (May 2011) and Hadžić (July 2011).

The recognition of Kosovo as an independent and sovereign state is thought to serve the objective of stabilizing the broader region of Western Balkans, functioning mainly as a buffer between antagonizing Albania and Serbia over Kosovo's sovereignty. Hence, the considerable interest and the active intervention of the Western powers are explained. Especially for the EU, Kosovo and the other Western Balkan countries are in its backyard<sup>70</sup>, and their stabilization is considered a prerequisite for securing peace in the European neighborhood. Moreover, the influence of Russia, mainly in Serbia through Orthodoxy and the pursuit of the creation of a Muslim arc on behalf of Turkey and other Muslim countries, seems to have been surpassed by the desire of the countries of Western Balkans to approach the European model. Therefore, all the countries of the Western Balkans were given the status of a potential candidate for EU membership. As concerns Kosovo, the EU supports its integrity and envisages the resolution of the North Kosovo issue in the context of the undergoing process of normalization of relations between Serbia and Kosovo. Although the Brussels Agreement was considered a milestone for a new era in Kosovo, the creeping mistrust and interethnic competition did not allow for such progress.

Georgia is located well beyond the eastern EU frontiers to a region with substantial geopolitical importance, which forms part of the soft underbelly of Russia. Furthermore, Georgia is a country significant for the EU's energy security, as it can secure alternative sources for the supply of oil and gas outside of Russia. EU has fully supported Georgia's territorial integrity and has not recognized Abkhazia and South Ossetia. However, due mainly to diverging views and interests of its member states as concerns the EU –Russia relations, has adopted a rather tolerant attitude, since, after the war of 2008, it is evident that for Abkhazia and South Ossetia

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<sup>70</sup> Interview, Former General Secretary of the Greek Ministry of Foreign Affairs, 14/1/2016

there is no way back. Therefore, the EU continues to help the regions financially and maintain bridges for cooperation with Georgia, wherever possible. The European Union and Georgia adopted an Association Agreement, including Deep and Comprehensive Free Trade Area, which replaced in the European Neighborhood Plan and entered into force by the 1<sup>st</sup> of July 2016. Georgia has shown determination to follow the European course and advanced a lot in reforms.

### **The EU policies and policy tools in favor of contested states**

The EU intervenes with high and low policy tools. High-policy tools related to diplomacy, political cooperation, contractual relations and agreements, public order and security, economic aid justice, and the institutional framework. Moreover, low-policy tools related to the development of trade relations, economic development, regulatory factors in agricultural matters and industrial relations, culture, social welfare, education, and research. (Table 13)

**Table 13: EU Policies and Policy Tools implemented in Kosovo and Georgia<sup>71</sup>**

COUNTRY	Structural Reforms & State Building	Conflict Management & Peacekeeping	Integration into the International Market System
<b>KOSOVO</b>	Stability Pact/CARDS <sup>72</sup> (2000)  Stabilization & Association Process-SAP /SAP Tracking Mechanism for Kosovo (2003)  European Partnership for Serbia & Montenegro including Kosovo under UNMIK (2006)/Instrument of Pre-accession Assistance -IPA I (2007)  EU Rule of Law Mission-in Kosovo EULEX (2008)  Appointment of an EU Special Representative in Kosovo (2008)  Stabilization & Accession Agreement /IPA II (2014)	NATO MISSION IN KOSOVO KFOR is authorized	Member of the Central Free Trade Agreement -CEFTA (2013)  Trade Agreement with Germany. Free Trade Agreements with Albania, North Macedonia, Bosnia & Herzegovina & Croatia)  Currency EURO (2002) <sup>73</sup>  (to be continued to the next page)

<sup>71</sup> The table illustrates the policy tools associated with the policies. Diplomatic activities are not included.

<sup>72</sup> CARDS-Community Assistance for Reconstruction, Development and Stabilization

<sup>73</sup> Kosovo unilaterally adopted EURO although it was not Member of the Eurozone.

<p><b>GEORGIA</b></p>	<p>EU Partnership Agreement /Technical Aid to the Commonwealth of Independent States -TACIS (1996)</p> <p>EUJUST Themis Rule (2004)</p> <p>European Neighborhood Plan/European Neighborhood Policy Instrument (2007)</p> <p>Neighborhood Investment Facility (2008)</p> <p>Macro-financial Assistance (2008)</p> <p>Appointment of an EU Special Representative for the Crisis in Georgia (2008)</p> <p>European Monitoring Mission (2008)</p>	<p>Instrument of Stability (2008)</p> <p>Instrument contributing to Stability and Peace (2014)</p>	<p>Generalized System of Preferences (1995)</p> <p>Deep and Comprehensive Free Trade Agreement (2014)</p>
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Source: European Commission (data processed by the author)

The same Article 310 of the EU Treaty was used as the legal basis for both the Europe Agreements with the Countries Eastern Europe (CEE) and the Stabilization and Association Agreements (SAA). The Stabilization and Association Agreements have many similarities with the European agreements both in form and content, in particular as concerns the promotion of dialogue with broader political and bureaucratic participation and progressive legal alignment with the areas of the *acquis communautaire*. The critical difference between Stabilization and Association Agreements and European Agreements is that the former emphasizes stability through regional co-operation and respect international law.

The EU has created such a panoply of political institutions giving it the potential to contribute substantially, both to prevent the explosion of conflict and to manage the consequences of the collision event. Through the creative and tenacious application of a plethora of institutional tools, the EU may have developed the best method for addressing the uncertainties and complexities of today's security challenges (Schweiss, C, and Jebb, C., p.101).

The EU is considered to be a unifying factor for the neighborhood that may reform society, politics, economics, and the rule of law, a guarantee for peace, freedom, and prosperity. "Even for states far outside the growing EU's geographic realm, similar assistance programs, which help strengthen economies, civil administration, and the rule of law using all of the EU external policy tools, mirror the member-state building approach and achieve largely the same effect" (Schweiss and Jebb, p.115. For the EU's neighbors, associates, and potential candidates, the possibility to become members represents a "must-have," and they are disposed to work hard to get it.

The EU involvement in conflicts has been explained through humanitarian concerns, geopolitics, commitment to the alliance, and external pressings and expectations for action. However, the EU avoid undertaking military action in its neighborhood, although some EU member states participate in military campaigns around the world. In the past two decades, the EU engagement in external affairs has used a combination of instruments related to peacebuilding, crisis management, conflict prevention, development aid, conditionality, and enlargement or associative policy (European Commission, 2003, p. 1).

The legal form and the content of the contracts concluded by the EU evolved from simple agreements that concerned a specific topic to framework agreements that support integrated

interventions. Since there is a kind of osmosis between EU policies, it is common ground for successful practices to be transferred to other fields. Consequently, it is reasonable to find that the regional approach that emerged in the context of making a regional policy for the EU members, has been transplanted to the enlargement countries and has been further adapted to prepare candidates and potential candidates. Accordingly, the EU conditionality developed from a minor policy tool used in agreements with third countries, to the central pillar of EU enlargement governance and a successful tool of EU foreign policy.

Since the award awakens the zeal, an essential instrument for reforms is the conditionality. Non-compliance with the conditionality would result in the withdrawal of the expected benefits from the accession or the slowing of the whole process. The conditionality refers to specific reforms and the satisfaction of economic and political criteria. It should be recognized that the EU was very inventive in setting up conditions that touched the heart of the problem and could mobilize the countries concerned.

It was the European Council of Copenhagen (1993) that set the criteria for the suitability of a country to join the European Union. The Copenhagen criteria dictate that a democratically elected government should govern a candidate country, respecting human rights, having a well-organized economy, and fully accepting the EU's obligations and objectives.

Building on the Regional Approach, in May 1999, the Commission proposed the creation of an enhanced program called the Stabilization and Association Process (SAP). EU actors envisioned the SAP, defined as a "tailor-made, progressive approach that takes into account the individual situation of each country" as the cornerstone of their Common Strategy towards the Western Balkans, announced in the 1998 Vienna Council. The primary tool of the SAP would be Stability and Association Agreements (SAAs). The SAAs would be the Balkan equivalent of the Europe Agreements for the CEECs and the Partnership and Cooperation Agreements for the countries of the former Soviet Union, which embody contractual relations with the EU (Schweiss and Jebb p.109). The parallels between the SAP and the CEEC accession process are clear.

Whitman and Wolff argue (2010,p8), the EU as a third party involved in conflict management possess the three "must-have" sets of capabilities to succeed in its endeavors: a) the appropriate policy tools and the capacity to deploy them in a timely fashion, b) the appropriate financial tools, and the capacity to finance for extended periods; and c) the will to coordinate and cooperate, both within its organizational structures and with external actors. "



The EU, having the experience of implementing development programs to address regional inequalities in its member countries, has developed methods and appropriate financial tools. Therefore, the overall EU approach and its interventions considered to be more effective. What makes the difference is that the EU does not impose the programming but instead pursues cooperation with the beneficiary countries for their establishment and implementation within a partnership.

Moreover, the EU prefers to make a tactical retreat instead of creating tensions. The EU negotiation process is based on this logic, “make proposals –avoid conflicts- wait for digestion-prepare compromise.” Hence, the inspired feeling of ownership ensures the full support and interest of the beneficiaries for the best possible success.

### **Assessment of the EU presence in Kosovo**

The case of Kosovo has given the opportunity “to theorize the EU's foreign policy and peacebuilding practices, and shares characteristics with other unresolved issues in the Western Balkans, as well as aspects of contested statehood with the EU's eastern neighborhood” (Bono, 2010; Economides and Ker-Lindsay, 2015; Bergmann and Niemann, 2015 cited in Visoka and Doyle, 2011, p.866).

The US and most EU members openly backed the independence of Kosovo, while Russia and Serbia seemed determined to prevent any deal that allowed for an independent Kosovo. Apart from the longstanding solidarity with Serbia, Russia was also concerned about the precedent it would supposedly create for other secessionist communities. To avoid deadlock, the EU resorted to the use of its “super-weapon” by initialing a stabilization and association agreement with Belgrade. Although the signature of a stabilization and association agreement opens the way towards membership talks typically, in the case of Serbia, any further progress was unlikely for as long as the Kosovo issue remained unresolved. (Geldenhuys, p.121).

The European Union has been an integral part of the international effort to build a new future for Kosovo since 1999. Although Russia blocked the handover of the UN facility to the EU, the EU achieved to launch with success in Kosovo EULEX, the first and biggest ever civilian mission under the CSDP. The EU, with EULEX, undertook to assist and support Kosovo authorities in the rule of law area, especially in the police, judiciary, and customs areas. The, initially maintained by EULEX, executive responsibilities in specific areas, such as war crimes, organized crime, and high-level corruption, as well as property and privatization cases, have already started gradually passing to the local authorities. Therefore, the EU has acquired valuable and somewhat

unique experience in works of peace (administration of civilian crisis, state-building after the war, establishing bridges of communication and mediation to resolve conflicts). As an interviewed diplomat said<sup>74</sup>, it is worth recognizing that although criticism of weaknesses and operational shortcomings has been made in EULEX, no one could claim that in the challenging environment that should be set up and function, another mission could do something much better. There has been a harsh criticism for EULEX, and it is believed that its contribution was less than it could have been under the given conditions. However, the complexity of the interconnected local, national, and international levels should not be underestimated. The EULEX mission was confronted with severe problems at all levels. At the international level, there was no consensus about the final status of Kosovo. At the national level, the interaction of EULEX with the national elites was also problematic. As concerns the local level, there was, at the first stage a lack of interest from the organizations of the civil society and prejudice for the role of EULEX (Van der Borgh, le Roy & Zweerink, 2018, p.9).

On the other hand, it is also valid that safeguarding the Serbian enclave in the north of Kosovo did not help in stabilizing the new state. A compromise solution could be, ideally, reached by granting the northern districts the right to self-determination and, at the same time guaranteeing access to Serbian holy places in other parts of the small country. However, Kosovo is recognized by the overwhelming majority of UN member states, and it seems that there is no way back. The adhesion of Kosovo to the EU, whenever it happens, could create a new reality. The identity of Kosovar could help to the relaxation of the ethnic divisions and the homogenization of the population. It is likely that in a somewhat near future, all ethnic groups living in Kosovo will not have a problem identifying themselves Kosovars.

There is a discussion over whether Kosovo's unilateral declaration of independence created a dangerous precedent. Kosovo is the first case regarding a unilateral declaration of independence to be brought before the International Court in the Hague. Russia strongly opposed Kosovo's independence, and there is a belief that its interference in the Ossetia war substantially reciprocated to the Kosovo precedent. The precedent of Kosovo was used once more as an excuse by Russia when in 2014 recognized the Declaration of Independence of the Republic of Crimea. On that occasion, Russia's Ministry of Foreign Affairs cited Kosovo's declaration and the ICJ's decision as evidence that unilateral declarations of independence are not inconsistent with international law. However, fears of domino effect may not be valid once

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<sup>74</sup> Interview with Greek Diplomat, Brussels, 11/4/2016

countries such as Spain, Russia, and China, which also have dissatisfied minorities, are doubtful to support the secession of one of these regions (Hébir, 2009, p.89).

### **Assessment of the EU presence in Georgia**

The case of Georgia is of particular interest because, in this country, there are two minorities, Abkhaz and South Ossetian people, who do not wish to be part of the state of Georgia. The gravity of this refusal is reflected in the fact that the areas controlled by these two minorities represent 20% of the geographical area of Georgia. However, the claim of independence is not recent. Autonomous status was recognized in these areas by the USSR. Abkhaz and Ossetian people do not wish their integration into Georgia.

Since 2003, the EU has been more actively involved in two conflicts, mainly driven by events. The EU's reluctance to participate more actively, inter alia, can be explained by the fact that Russia is an important strategic partner for most Member States. As concerns the resolution of these conflicts, the EU's strategic approach was that Georgia should be financially helped to the extent that annexing to Georgia would seem more attractive to those regions than the closer integration with the Russian Federation. In this sense, the various EU institutions have subscribed more to helping Georgia and were undoubtedly better able to force Georgia to reconsider its conflict resolution policies. However, this EU approach had not the expected results because there were no strong incentives for Georgia, such as the EU's accession.

The EU is deeply divided not only over Russia but also to a degree over Georgia. Some countries want to support Georgia and accuse Russia of its aggression. Other countries consider provocative the behavior of Georgia and argue that it may not be Russia on the wrong side of History. Military and energy security, trade interests, historical events, and religious affinity have prevented consensus on Russia-related positions. Since the views of members diverge significantly, the EU cannot ensure "a full-fledged strategic and diplomatic readiness to support its mediation efforts by deeply anchoring them in its broader policy context" (Frichova Grono, 2010, p.26).

After the Russian-Georgian war in August 2008 and the recognition of Abkhazia and South Ossetia from Russia, it was realized that it is impossible to return to the status quo before the war. Besides, for the players of the West, self-determination has become a secondary game, and what they want to prevent is the change of Russia's borders with the use of force.

As regards the EU's vision of its role in the Eastern Neighborhood and the way it can affect the future of the region remains difficult to understand since the EU persists in resorting to a form

of “creative ambiguity.” This ambiguity “might affect the coherence of its policies, but also allows it to diffuse responsibility and continuing not showing its intentions too clearly” (Di Puppò, 2010, p.48). A typical example of the confusion and dissonance created by the fragmentation and overlap of responsibilities between the EU services and delegations is the appointment of four EU representatives in Georgia including the EU delegation chief, the EUMM head of mission, the EU Special Representative for the South Caucasus and the EU Special Representative for the Crisis in Georgia (Di Puppò, 2010, p.48).

Nevertheless, the EU has supported with high consistency the economic and political transition of Georgia, with new policies and generous financing. The EU effort seems to be positively impacted, and there was a great response from Georgia.

Although the EU has set as red lines and fully supports Georgia’s territorial integrity, the non-recognition of Abkhazia and South Ossetia and the unacceptability of the use of force in conflict resolution (Frichova Grono p.26), Abkhazians and Ossetians still perceive the EU as a partial actor, deeply biased in Georgia’s favor. Hence, the EU has faced great difficulty in building relationships in these regions, because the EU could not be persuasive about its intentions to ensure a fair solution. It should not also be underestimated that Russia will continue to influence and claim Abkhazia and South Ossetia within its strategy of enhanced presence in the South Caucasus. We wonder what will happen with Abkhazia and South Ossetia if Georgia asks to become an EU member

Georgia has covered in a rather short time a long and challenging distance approaching decisively west and especially EU. However, Russia, despite officially recognizing Georgia as a state, does not want to leave Georgia under the influence of the West. On the other hand, Abkhazia and South Ossetia, with initiatives they take on their territory, defend their independence, and create conditions that they think best serve their goals for the future of their countries. In this context, South Ossetia decided to change the official name of the country from "Republic of South Ossetia" to "Republic of South Ossetia-Alania," to emphasize their common origin with the North Ossetians.

As concerns Abkhazia, it seems to be gradually absorbed into the zone of direct European interests through the enlargement of the European Union and external European borders (European Periphery). In this situation, European interests in Abkhazia are becoming more shaped and detailed, creating more space to quest for compromises for the EU, Russia, Georgia, and Abkhazia in particular.

Notwithstanding the signature of the association agreement between Georgia- EU, Russia continues to seek to destabilize Georgia in order to prevent or delay the progress towards

integration with the EU. To begin with, Moscow intends to annex South Ossetia. It is also visible the risk that Russia will cause complete ethnic cleansing in Abkhazia, where many Georgians still live and undermine Georgian politics through the use of Russia-funded radical groups.

So finally, Russia could pressure Georgia to use its territory for access to Russian military bases in Armenia (Tsereteli, p.138-139). It is evident that Russia's policy has not changed, and Putin's strategy is aimed at restoring pre-eminent Russian influence in the Caucasus and everywhere, where the USSR extended in the past. In this context, some claim that Russia could even tempt Georgia to participate in the Euro-Asiatic Union in exchange for the annexation of Ossetia and Abkhazia<sup>75</sup>.

For all these reasons, a solution to the political problem is not visible soon and careful handling is needed in order not to destabilize the situation further and rekindle the conflicts.

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<sup>75</sup> Interview with Former Ambassador, Athens, 17/4/2017



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## **Interviews**

1. Former Permanent Representative of Greece to the EU, Athens,15/1/2016
2. Diplomat, Hellenic Ministry of Foreign Affairs /A5 Department of Russia, Belarus, Caucasus, and the Black Sea, Athens,10/2/2016
3. Expert, Hellenic Ministry of Foreign Affairs/ A5 Department of Russia, Belarus, Caucasus and the Black Sea/, Athens,11/2/2016
4. Ambassador of Greece, Hellenic Ministry of Foreign Affairs/A3 Department of Southeastern Europe Countries, Athens, 4/4/2016
5. French EU expert, European Defense Agency, Brussels,11/4/2016
6. Diplomat, Permanent Representation of Greece to the EU/ Brussels/ Antici,11/4/2016
7. Diplomat, Hellenic Ministry of Foreign Affairs/A3 Department of Southeastern Europe Countries Athens,14/2/2017
8. Former Greek Ambassador to the United Nations, Athens,17/4/2017
9. Former Under Secretary of the State for Foreign Affairs, Hellenic Ministry of Foreign Affairs, Athens,2/6/2017





# ANNEXES



## **ANNEX I**





Security Council

Distr.  
GENERAL

S/RES/1244 (1999)  
10 June 1999

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RESOLUTION 1244 (1999)

Adopted by the Security Council at its 4011th meeting,  
on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on

2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;

5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;

/...

8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

/...

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;

/...



17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

#### Annex 1

#### Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;

/...

- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
  - Liaison with the international civil mission and the international security presence;
  - Marking/clearing minefields;
  - Maintaining a presence at Serb patrimonial sites;
  - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other

/...

countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.

9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.

10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.<sup>1</sup> A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

Notes

<sup>1</sup> Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);

/...

- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

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## **ANNEX II**



REPUBLIKA E KOSOVES - REPUBLIKA KOSOVA - REPUBLIC OF KOSOVA QEVERIA E KOSOVES - VLADA KOSOVA - GOVERNMENT OF KOSOVA ZYRA E KRYEMINISTRIT - URED PREMIEREA - OFFICE OF THE PRIME MINISTER SEKTORI I ARKIVES - SEKTOR ARHIVE - ARCHIVE SECTOR			
Nr. i orig. Inkubimor: Org. Unit	01	Nr. Prot. Int. Prot. Prot. No.	1039
Nr. i faqes di stranca No. pages	- 02 -	Data: Datum: Date:	19, 04, 2013
Pristine / a			

First agreement of principles governing the normalization of relations

1. There will be an Association/Community of Serb majority municipalities in Kosovo. Membership will be open to any other municipality provided the members are in agreement.
2. The Community/Association will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule).
3. The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council.
4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning.
5. The Association/Community will exercise other additional competences as may be delegated by the central authorities.
6. The Community/Association shall have a representative role to the central authorities and will have a seat in the communities consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged.
7. There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP.
8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.
9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvecan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Internal Affairs from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Skenderaj and Vushtri). The regional commander of the four northern municipalities will cooperate with other regional commanders.
10. The judicial authorities will be integrated and operate within the Kosovo legal framework.  
The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities.

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CWA

A division of this Appellate Court, composed both by administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit dependant on the nature of the case involved.

11. Municipal elections shall be organised in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards.

12. An implementation plan including time frame shall be produced by April 26. In implementing this agreement the principle of transparent funding will be addressed.

13. Discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15.

14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU paths.

15. An implementation committee will be established by the two sides, with the facilitation of the EU.





## **ANNEX III**



## KOSOVO: PROGRAMMES & PROJECTS IN KOSOVO

### COFINANCED WITH EU FUNDS

Source: European Union Office in Kosovo (processed data from technical bulletins of the projects)

<b>2014</b>	
Cross border cooperation Albania-Kosovo under IPA II	600.000 EURO
Support to Waste Management of Kosovo under IPA II	500.000 EURO
Enhancing the employment of vulnerable groups IPA II	1.000.000 EURO
Rural Tourism	1.000.000 EURO
Civil Society	400.000 EURO
Grant Scheme for Northern Kosovo	5.000.000 EURO
European Instrument for Democracy and Human Rights (EIDHR)	900.000 EURO
Support to International Business College (Mitrovica)	1.000.000 EURO
Media for All	603.000 EURO

<b>2013</b>	
Return and Reintegration Phase IV	4.000.000 EURO
Civil Society Facility	2.200.000 EURO
Support to Agriculture and Economic Development for the Northern part of Kosovo	1.550.000 EURO
European Instrument for Democracy and Human Rights (EIDHR)	900.000 EURO
Cross-Border Cooperation Kosovo-Montenegro 2011-13	1.200.000 EURO
Cross-Border Kosovo-Northern Macedonia	1.200.000 EURO
Agriculture and Rural Development Programme	4.250.000 EURO
Support to Waste Management in Kosovo. Support to the manufacturers of packaging markets	500.000 EURO
Support for the Regional Economic Development Process-Grant Scheme (IPA 2012 & 2013 Annual Programmes)	6.200.000 EURO
Social Incubators	1.000.000 EURO

Novo Brdo Pilot Project –Rural Tourism Development	1.000.000 EURO
Support to Social Partners	600.000 EURO
Multi-beneficiary Programme under IPA- Transition Assistance and Institution Building for the year 2013 Operating expenditures of the Regional Cooperation Council Secretariat	2.400.000 EURO
Multi-beneficiary Programme under IPA/Transition Assistance and Institution Building for the year 2013/Component Strengthening of European integration: Grant Agreement with SENSE New Agencies	200.000 EURO
Multi-beneficiary Programme under IPA- Transition/ Assistance and Institution Building for the year 2013/ Component Strengthening of European integration:/ Contribution Agreement with the International Criminal/ Tribunal for the former Yugoslavia	500.000 EURO
Multi-beneficiary Programme under IPA- /Transition Assistance and Institution Building for the year 2013 Component Strengthening of European integration: /Proposals for Framework Partnership Agreements of up to 4 years	10.500.000 EURO
Support to International Business College Mitrovica (IBCM)	1.000.000 EURO
Support to Minority Communities: Roma, Ashkali, Egyptians (RAE) Support Initiative II	1.530.000 EURO
Multi-beneficiary Programme under IPA- Transition Assistance and Institution Building for the year 2012 Regional School of Public Administration Component 1: ReSPA Annual Programme of work	3.500.000 EURO

Multi-beneficiary Programme under IPA Transition Assistance and Institution Building for the year 2012. Component 2: Strategic planning and budgeting	1.000.000 EURO
Multi-beneficiary Programme under IPA- Transition Assistance and Institution Building for the year 2012 Component Strengthening of European integration: “Support to the European Broadcasting Union (EBU)	500.000 EURO
Amending the Civil Society Facility Programme under the IPA Transition Assistance and Institution Building Component for the years 2011-2012 by adopting the Civil Society Facility Programme under the IPA Transition Assistance and Institution Building Component for the year 2013	165.000 EURO
Multi-beneficiary Programme under IPA- Transition Assistance and Institution Building for the year 2013 Support to the southeast European Centre for Entrepreneurial Learning (SEECEL)	255.000 EURO

<b>2012</b>	
Cross Border Cooperation Kosovo-Albania	1.080.000 EURO
Cross Border Kosovo –Northern Macedonia	1.200.000 EURO
Cross Border Kosovo-Montenegro	540.000 EURO
Kosovo Support to Regional Development Process- Grant Scheme (IPA 2010, 2011)	4.500.000 EURO

Media for All (IPA 2011)	800.000 EURO
Kids Festival –Phase II (IPA 2011)	600.000 EURO
Fostering Youth Innovation in Kosovo (IPA 2011)	500.000 EURO
EU Community Stabilization Programme –Phase (IPA II)	300.000 EURO
EU Support to the provision of social services in Kosovo	500.000 EURO

Multi-beneficiary under the IPA /Transitional Assistance and Institution/ Building component to the year 2012. /Project 16 Strengthening European Integration (SEI)-	500.000 EURO
Multi-beneficiary under the IPA Transitional Assistance and Institution Building component to the year 2012.Project II: Strengthening European Integration-Support the International Criminal Tribunal for the former Yugoslavia (ICTY)	400.000 EURO
Multi-beneficiary under the IPA Transitional Assistance and Institution Building component to the year 2012.Project II: Strengthening European Integration –“Support to the European Broadcasting Union (EBU)”	500.000 EURO
Multi-beneficiary under the IPA Transitional Assistance and Institution Building component to the year 2012.Project II: Strengthening European Integration. Fiche II:“ Support East Europe Military Intelligence chiefs (SEEMIC) Forum”	100.000 EURO
Multi-beneficiary under the IPA Transitional Assistance and Institution Building component to the year 2012.Project II:	

Strengthening European Integration. Fiche I: Regional School of Public Administration (ReSPA)	3.500.000 EURO
Multi-beneficiary under the IPA Transitional Assistance and Institution Building component to the year 2012. Project II: Strengthening European Integration. Regional School of Public Administration. Component 2: Strategic Planning and budgeting	1.000.000 EURO
The Civil Society Family Programme 2011- Partnership Program and Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component For the year 2011. Project Fiche 16: Strengthening European Integration (SEI)-“Partnership Agreements Civic Society Facility”	11.000.000 EURO
Preparatory actions for preserving and restoring Cultural heritage in conflict areas in the Western Balkans for 2011.	500.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component For the year 2011. Project 1b: Strengthening European Integration (SEI)-“CEFTA”	200.000 EURO
EU-COE Support for returnees and RAE in education (IPA 2011)	1.000.000 EURO

Civil Society Facility	1.100.000 EURO
Support for the Aid Management Platform (2011)	700.000 EURO

## 2011

Support to Statistical Office of Kosovo (IPA 2010)	2.500.000 EURO
Promoting Regional Economic Development (IPA 2008)	3.000.000 EURO
EU Regional Economic Development (IPA 2010)	4.000.000 EURO
Improvement of the Penitentiary System In Kosovo, PHASE II (IPA 2010)	5.000.000 EURO
Research Development in Kosovo (IPA 2010)	1.000.000 EURO
Return and Reintegration in Kosovo-RRK, PHASE III (IPA 2010)	4.000.000 EURO
Cross Border Cooperation Programme Albania and Kosovo	2.500.000 EURO
European Instrument for Democracy and Human Rights (EIDHR), Country –Based Support Scheme CBSS	900.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2010-part implemented by DG ENLARGE, Project Fiche: Regional Initiative for Roma Integration	3.000.000 EURO



Multi-beneficiary program under the  
IPA Transition Assistance and Institution Building Component  
for the year 2010- part implemented by DG ENLARGE,  
Project Fiche: Fight against organized crime and corruption.  
Strengthening the Prosecutor's Network 5.000.000 EURO

Preparatory actions for preserving and restoring  
Cultural heritage in conflict areas in the Western  
Balkans for 2010 2.250.000 EURO

Multi-beneficiary program two under the  
IPA Transition Assistance and Institution Building Component  
For the year 2010. Project Fiche: Support for the operating  
Expenditures of the RCC and strengthening the RCC  
Secretariat 2.400.000 EURO

Multi-beneficiary program two under the  
IPA Transition Assistance and Institution Building Component  
for the year 2010. Project Fiche: Support to Ljubljana  
Process II-Rehabilitating our common heritage 1.100.000 EURO

Multi-beneficiary program under the  
IPA Transition Assistance and Institution Building Component  
for the year 2011- part implemented by DG ENLARG,  
Project Fiche: Participation in EU AGENCIES 8.000.000 EURO

Multi-beneficiary program under the  
IPA Transition Assistance and Institution Building Component  
for the year 2010. Project Fiche: Regional Programme on Trade

and Investment in the Western Balkans	628.500 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component For the year 2011.Project Fiche: Strengthening European Integration (SEI)	150.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component For the year 2011 Action: Regional Reporting on Transitional Justice issues. Balkan Investigative Regional Reporting Network, BIRN.	456.456,74 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2011.Strengthening and Supporting the RECOM Process (Humanitarian Law Centre)	458.403,3 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2011.Project Fiche: Strengthening European Integration (SEI)	400.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component For the year 2011.Joint EU and ICTY training project for national prosecutors and young professionals from The former Yugoslavia	450.000 EURO

**2010**

## Regional Economic Development/EURED Grant Scheme

(IPA programmes 2008 & 2009) 7.400.000 EURO

## European Instrument for Democracy

And Human Rights (EIDHR). Country-based

Schemes 2009 & 2019 1.800.000 EURO

Beautiful Kosovo (IPA 2009) 5.000.000 EURO

Rural Development Grants (IPA 2009) 5.000.000 EURO

## Support for concrete Regional Development

Initiatives - RDAs (IPA 2009) 1.400.000 EURO

Confidence building measures in Kosovo 135.000 EURO

(IPA 2009)

Implementation of RAE strategy (IPA 2009) 1.000.000 EURO

## EU Information and Cultural Centre

(IPA 2007 amendment) 450.000 EURO

## Multi-beneficiary program one under the

IPA Transition Assistance and Institution Building

Component for the year 2009. Project Fiche:

Support to the Regional School of Public 2.400.000 EURO

Administration (ReSPA)	
Multi-beneficiary program 2b under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Regional Support to strengthen the Southeast European Cooperative Initiative (SECI) Centre/ SELEC for combating transborder crime	1.500.000 EURO
Multi-beneficiary program two under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Civil Society Facility Partnership Actions between: 1) Socioeconomic partners,2) Minorities/Vulnerable Group organizations and 3) cultural organizations	10.000.000 EURO
Multi-beneficiary program two under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Regional Programme on Trade and Investment in the Western Balkans	300.000 EURO
Multi-beneficiary program two under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Erasmus Mundus Action 1: Western Balkans – Turkey Window	8.000.000 EURO
Multi-beneficiary program two under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche:	

Youth in Action	1.500.000 EURO
Multi-beneficiary program 2 under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Migration and socio-economic development In the Western Balkans	2.000.000 EURO
Multi-beneficiary program for TEMPUS Under IPA Transition Assistance and Institution Building for the year 2009	15.500.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Regional Initiative for Roma Integration	3.000.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Fight against organized crime and corruption. Strengthening the Prosecutor's Network	5.000.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Civil Society Facility	1.650.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building	

Component for the year 2009. Project Fiche:	
Implementation and follow-up of the Small Business Act in Western Balkans	300.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building	
Component for the year 2009. Project Fiche:	
Erasmus Mundus –Action 2: Partnership, Lot- West Balkans	12.000.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building	
Component for the year 2009. Project 12: Youth Action Programme-Western Balkans Window	1.500.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building	
Component for the year 2009. Project Fiche:	
Project Preparation and European Integration Facility	882.908 EURO

<b>2009</b>	
Program on Support to the Operational Budget of the Secretariat of the Regional Cooperation Council for the period from July 2009 to June 2010	1.500.000 EURO
Multi-beneficiary program 2a under the	

IPA Transition Assistance and Institution Building

Component for the year 2009. Project Fiche:

Youth in Action Programme 1.500.000 EURO

Multi-beneficiary program 2a under the

IPA Transition Assistance and Institution Building

Component for the year 2009. Project Fiche:

Education-Erasmus Mundus Western Balkans-

Turkey Window 5.500.000 EURO

BREZOVICA Project (IPA 2008) 1.500.000 EURO

Support to Civil Society 1.700.000 EURO

European Instrument for Democracy

and Human Rights, IPA 2008, allocation

for the country –based support scheme

(CBSS) 873.000 EURO

Institutional Support to the

Privatization Agency of Kosovo (PAK)

IPA 2008 6.350.000 EURO

Support for Regional Economic Development 2.500.000 EURO

TAM (IPA 2007) 2.500.000 EURO

Multi-beneficiary program 1, IPA 2008.

Project Fiche: Disaster Risk Reduction in South East

Europe 2.000.000 EURO

IPA Programme on Civil Society Facility-  
 Horizontal Activities (Technical Assistance,  
 People 2 People, Partnership Actions) and the IPA  
 Transition Assistance and Institution Building Component 4.200.000 EURO

**2008**

Multi-beneficiary program 2b, for projects  
 requiring a Financing Agreement under the IPA Transition  
 Assistance and Institution Building Component for  
 the year 2008. Project Fiche: Fight against organized crime,  
 in particular Illicit drug trafficking and the prevention  
 of terrorism 2.500.000 EURO

Multi-beneficiary program under the  
 IPA Transition Assistance and Institution Building  
 Component for the year 2008. Project Fiche:  
 Regional support to strengthen the South and  
 European Cooperative (SECI) Centre/SELEC  
 for combating trans-border crime 1.500.000 EURO

Multi-beneficiary program 2a under the  
 IPA Transition Assistance and Institution Building  
 Component for the year 2008. Project Fiche:  
 Participation in Community Agencies 7.800.000 EURO

Multi-beneficiary program 2a under the  
 IPA Transition Assistance and Institution Building  
 Component for the year 2009. Project Fiche:



Regional Programme on Trade and Investment in the Western Balkans	325.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2009. Project Fiche: Information and Communication Programs	700.000 EURO
Support the Juvenile Justice System in Kosova (IPA 2009)	1.650.000 EURO
Implementation of the RAE strategy (IPA 2009)	1.000.000 EURO
Confidence Building Measures in Kosovo (IPA 2009)	135.000 EURO
Beautiful Kosovo (IPA 2009)	5.250.000 EURO
Pilot Scheme for preserving and restoring Cultural heritage in conflict areas in the Western Balkans for 2008	100.000 EURO
Multi-beneficiary program under the IPA Transition Assistance and Institution Building Component for the year 2008. Project Fiche: Education/ Tempus Programme in the Western Balkans	19.700.000 EURO
Multi-beneficiary program under the	

IPA Transition Assistance and Institution Building

Project Fiche: Participation in the European Fund

for Southeast Europe (EFSE) in 2008

8.000.000 EURO

## **ANNEX IV**



## **GEORGIA: List of Projects (30/9/2016)**

### **Governance, democracy, human rights and support for economic and institutional reforms**

- Advancement of human rights dimension of readmission and visa facilitation
- Batumi lawyers for human rights
- Better Enforcement System through Twinning (Twinning ref: GE10/ENP-PCA/JH/06)
- “Building training and analytical capacities on migration in Moldova and Georgia.”
- Building up rehabilitation, resocialization, re-integration and mental health services for women prisoners and detainees in Georgia
- Campaign for the protection of civil interests of consumer services
- Campaign for Social Reintegration of Former Prisoners and prisoners Family members
- Capacity Building of Civil Actors in Low Civil Activity Municipalities
- Civil Society Contribution to the Humanization of the Criminal Justice System
- Coalition for Rebuilding of Trust
- Consolidating Reintegration Activities in Georgia
- Democracy Starts with You! – Improving Political Participation of young people from minority and rural areas in the South Caucasus Region
- Development Platform for Environmental Dialogue and Partnership among the Municipalities of the Kakheti Region
- Ensuring access to rehabilitation services for people affected by torture and contribution to the prevention of torture in Georgia
- Facilitating Civil Integration and Promoting the rights of the repatriated Meskhetian Community in Georgia
- Facilitating Civil Society Organizations Involvement in Municipal Reform Processes in Kvemo Kartli through the Promotion of Public-Private Social Partnerships
- Facilitation to the Development of Civil Society in Upper Svaneti and its Involvement in the Local Governance
- Forward to a perfect life
- Giving Voice to Community: Rural Parliaments on Local and National Levels
- Harm reduction -oppression or the evidence-based interventions: promoting empowerment, awareness & informed policy responses in Georgia

- I eat, therefore I care: Promoting civil society engagement in food safety reform in Georgia
- Implementing children's rights in Georgia: protecting children from abuse and neglect
- Improving the quality of CSO policy dialogue with the Georgian Parliament
- Inclusion through Accessibility (ITA" project
- Increasing the role of women in security sectors
- Introduction of E-governance in Local Governments
- Joint local authorities/civil society organization development of social strategies and services to most vulnerable in Georgia
- Let's Break the Silence
- Let's Start with Personal Data Protection Implementation Support
- New opportunities for educationally deprived children
- Professional Media for Elections
- Promote human culture, tolerance and intercultural dialogue for youth
- Promoting child rights and preventing juvenile delinquency by introducing RRR practices into Samtredia School
- Promoting Credible and Sustainable Electoral Institutions and Processes
- Promoting fundamental labor rights in regions through Workers consultations and support centers (WCSC)
- Promoting successful integration of children with hearing loss into society
- Protection of rights of conditionally convicted young individuals (probationers), support for their re-socialization process in the Samtskhe-javakheti Region
- Right- Protect your right
- Sightless persons civic action promoting human rights
- Strengthening civil society participation in the ENP process
- Strengthening the rights of women and youth affected by the conflict
- Support for integration of former prisoners into society and their rehabilitation in the Samtskhe-Javakheti region
- Support for juvenile justice reform in national minority communities of Kvemo Kartli and Samtskhe Javakheti
- Support for the Authorities of Georgia to Implement the Readmission Agreement with the European Union
- Supporting the development and functioning of the halfway house- first open type prison in Georgia

- Supporting the implementation of the EC visa facilitation and readmission agreements
- Supporting the Re-socialization of women prisoners
- Support re-integration and development of conditionally sentenced juvenile youth in Guria region
- Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement
- Support to diversion and probation services and increased focus on reforming pre-trial options for juvenile offenders in Georgia
- Support to Monitoring of the Public Finance Management Reforms Support Programme
- Support for PFM (Budget Support )
- Support to Public Defender's Office
- Support for regional development
- Support for regional policy implementation
- Support to the Criminal Justice Sector in Georgia (AAP 2011)
- Support for the Institutional Development of the Civil Service Development Agency
- Support to the PAO in Application and Coordination of Institution Building Facilities
- Support to the Reform of Criminal Justice System in Georgia
- Support to the Treasury Service of the Ministry of Finance in translating IPSAS
- “The effects of migration in Moldova and Georgia on children and elderly left behind.”
- The Social Centre for Elderly People
- The way to inclusion
- Training Capacity Building of the Ministry of Internal Affairs of Georgia
- Programme to Assist Georgia reforms its Public Administration
- Reinforcing the capacities of the Government of Georgia in Border and Migration along the Georgian Turkish Border

### **Trade and regional integration**

- Strengthening Accreditation Infrastructure According to the Best Practice in the EU Member States
- Strengthening of the metrology and standardization infrastructure according to the best practice in the EU member states
- Support to the Georgian National Agency for Standards and Metrology
- Support for the National Food Agency Phase I.
- Support to Tourism Sector in Georgia

### **Infrastructure, communications, and transport**

- GE-04 Georgia East-West Highway - Samtredia-Grigoleti-Kobuleti section
- Harmonization with EU norms of the legislation and standards of Georgia in the field of Civil Aviation.
- Promote the strengthening of e-governance in Georgia

### **Water and energy**

- EBRD-10- TA for Enguri/Vardnili HPP Rehabilitation
- EBRD-13 Lead IFI remuneration for project "Enguri/Vardnili HPP Rehabilitation - grant "
- EIB-03 Technical Assistance for the Water Infrastructure Modernization and Development Project
- GE-01 Enguri/Vardnili HPP Rehabilitation - grant
- KfW-01 Black Sea Energy Transmission System project
- KfW-06 NIF-funded components of the project of Rehabilitation of Municipal Infrastructure Facilities in Batumi – Phase III (Water supply and sewerage of Batumi and surrounding villages)
- Promotion of Sustainable Development of the Kazbegi Municipality through Introduction of Sustainable Waste Management Practices and Use of Alternative Energy Sources
- Strengthening capacities of the Georgian National Energy and Water Supply Regulatory Commission (GNERC) in updating incentive based electricity tariff methodology
- Strengthening the Capacities of the Ministry of Environment Protection and Natural Resources in Development and Improvement of Waste Management System in Georgia

### **Social cohesion and employment**

- Art Gene
- CAUCULT - Caucasus Cultural Initiatives Network
- Collaboration towards Combating Child Sexual Abuse
- Effective Civil Society Development: Next Steps of the White Band Coalition (WBC) of the CSOs in Tbilisi, Adjara, Samegrelo, and Shida Kartli Regions
- IDP Homeowners' Associations (Condominiums) for Better Local Integration
- Joint Local Authorities/Civil Society Development of Social Strategies and Services to Most Vulnerable in Kakheti Region in Georgia
- Let's Talk about Films in South Caucasus



- Provision of humanitarian assistance to the deported population is illegally residing in Georgia and support for prevention of their illegal movement.
- Reaching Highly Vulnerable Children in Georgia with a Focus on Children Living or Working on the Streets
- Regional Cooperation for the Cultural Heritage Development
- Strengthening Capacities in Cultural Education
- Strengthening Creative Industries in Armenia, Azerbaijan, Georgia: Heritage Crafts - Common Platform for Development
- The Book Platform

### **Human development**

- Abkhazia University Project
- Enhancing HIV prevention capacities in Georgia
- Quality Enhancement and Capacity Building Support Programme in the VET Sector of Georgia
- Support for the Vocational Education and Training Sector of Georgia ENPI AAP 2009
- Support to develop Vocational Education and Training (VET) programmes (standards and curricula)
- Support to the Emergency Management Department in Development of Emergency Services in Georgia

### **Rural development, territorial planning, agriculture, and food security**

- Assisting Rural Communities through Effective Water Management and Irrigation
- Economic Development for IDPs in Georgia
- Ensuring the Improvement of the Mtkvari River Management in Tbilisi Area
- Georgia 2009 Food Security Programme
- Local Governance Reform in Tbilisi - A Case Study
- Support to the creation of a Point of Single Contact in Tbilisi
- Transparency and Public Inclusion in Strategic Planning of Tbilisi and its Surrounding Territories

### **The environment and the sustainable management of natural resources**

- Caucasus Connect – Improving the enabling environment for climate change response, biodiversity protection, and ecosystems management in the Northern and Southern Caucasus
- Enhancing local capacity and regional cooperation for climate change adaptation and biodiversity conservation in Georgia and the South Caucasus
- Identification and Implementation of Adaptation Response to Climate Change Impact for Conservation and Sustainable Use of Agro-diversity in Arid and Semi-arid Ecosystems of South Caucasus
- INCREASING THE RESILIENCE OF FOREST ECOSYSTEMS AGAINST CLIMATE CHANGE IN THE SOUTH CAUCASUS COUNTRIES THROUGH FOREST TRANSFORMATION
- Strengthening the capacities of local authorities in defining and implementing sustainable development strategies through the development of a Local Environmental Action Plan in Telavi
- Modern buses for the modern city –EU funds help Tbilisi get greener\_

### **Conflict prevention**

- Confidence Building Early Response Mechanism (COBERM) - II
- Durable Housing Solutions Framework
- Eastern Partnership Integrated Border Management programme: Enhancement of the border management capabilities at the Ninotsminda- Bavra border crossing point between Georgia and Armenia
- Economic rehabilitation and confidence building in Abkhazia and adjacent areas in western Georgia
- Strengthening the Capacity of the Peacebuilding Sector in the South Caucasus
- SUPPORT TO CONFIDENCE-BUILDING THROUGH REHABILITATION OF WATER-RELATED INFRASTRUCTURE
- Support to conflict-affected/displaced population and host communities
- Support to Georgia IDPs Action Plan: 2009, part III
- Support to the conflict-affected people in Abkhazia and adjacent areas in western Georgia
- Technical Assistance for Local and Regional Development in IDP-populated Regions in Georgia

- The European partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh
- The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK-2)
- The South Caucasus Mediation & Dialogue Initiative for Reignited Peace Processes

### **Multi-sector**

- 'NSA capacity building for access to HIV-AIDS prevention, treatments and care in ENPI.'
- Accès à la culture locale, protection et promotion de la diversité culturelle.
- Annual Action Programme for the Thematic Programme on Cooperation with third in the Area of Migration and Asylum for 2009
- Community Budget contribution to the NIF - ENPI East Region
- Eastern Partnership Culture Programme Part II
- Economic rehabilitation and confidence building for Abkhazia / Western Georgia
- EIDHR 2008- AAP without country based support schemes, without targeted projects, without EOMs
- EIDHR 2009 Annual Action Programme - CBSS (Country Based Support Schemes)
- EIDHR 2009 Annual Action Programme - Without country based support schemes, targeted projects and EOMs
- EIDHR 2010 Annual Action Programme - CBSS (Country Based Support Schemes)
- EIDHR 2011
- EIDHR 2011 Annual Action Programme - Without country based support schemes, targeted projects and EOMs
- EIDHR 2012 AAP - CBSS (Country Based Support Schemes)
- Enhancement of the border management capabilities at the Ninotsminda-Bavra BCP between Georgia and Armenia
- Establishing an Interdisciplinary Ph.D. Programme in European Studies at Tbilisi State University
- EU Budget contribution to the NIF (2011-2013) - ENPI East Region
- Framework Programme in support of EU-Georgia agreements (AAP 2011)
- Global commitment for global multi-country calls for proposals - Objective 1 - PVD Projects - Non-State Actors - AAP 2008
- Non-State Actors (NSA): Objective 1 - Actions in partner countries (in-country and multi-country interventions)

- NSA & LA Programme > Obj. 1 LA (In-country + multi-country)
- Soutien aux initiatives des Acteurs non étatiques et collectivités locales
- Special Measure: Neighbourhood Civil Society Facility 2011
- Support for stabilization in conflict-affected areas
- Support for the Peaceful Settlement of the conflict over Nagorno-Karabakh
- Supporting CSO Development Effectiveness in Georgia
- Support to conflict-affected/displaced population and host communities in Georgia (AAP 2011)
- Support to Conflict Settlement (AAP 2011)
- Support for Georgia's IDPs Action Plan:2009 Part III
- Support to Public Finance Management Reforms - Phase II (Georgia AAP 2010)
- Support to Regional Development Reform in Georgia
- Support to social inclusion of vulnerable groups at the community level: Call for proposals
- Support to the Criminal Justice Sector in Georgia (AAP 2011)
- Thematic Programme for Migration and Asylum AAP 2010 part 2 - Action Fiche 2 Georgia
- Thematic Programme for Migration and Asylum AAP 2010 part 2 - Call for proposals 2009-2010
- The thematic programme Non-State Actors (NSA): Objective N°. 1 - In-country + multi-regional/country
- Twinning/Technical Assistance Facility in support to the EU- Georgia ENP AP implementation
- Twinning/Technical Assistance Facility to the EU- Georgia ENP AP implementation