

The Role of the EU as a Peacebuilder in the Western Balkans

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Abstract: *After the Cold War, the Western Balkan countries have become an important laboratory for the EU, able to exert its EU crises management and transformative power. Through restoring stability in the region, overcoming ethno-territorial and inter-ethnic conflicts, improving regional cooperation, consolidating democracy, building democratic institutions and promoting market economy, EU's goal was to make war unthinkable in this region. Referring to the definition of peacebuilding as 'action to identify and support structures which tend to strengthen and solidify peace to avoid a relapse into conflicts'², this paper tries to explore whether, how and to what extent, EU has contributed as a peacebuilder in the Western Balkans, using crises management operations and mission and enlargement policy. It argues that both these instruments can be considered equally relevant as, on the one hand they create favourable conditions for lasting peace, security and stability in the region and on the other hand, through enlargement policy they push this region towards political and institutional reform, economic reforms and regional cooperation.*

Keywords: *Peacebuilding, European Union, Common Security and Defence Policy, Enlargement Policy, Western Balkans*

1. Introduction

After the Cold War, the Western Balkans region has become an important laboratory for EU in peace support activities. The European failure to address the conflicts in its backyard throughout 1990s contributed to a process of reformation. Firstly, the conflicts revealed that EU was unable to handle security challenges due to: a) the lack of European institutions to intervene in terms of military capabilities; b) the lack of political unity to address the crisis; c) the lack of experience and expertise; d) the division of multilateral intervention and

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² Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*. UN document, (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992) <http://www.unrol.org/files/A_47_277.pdf> accessed 13 March 2014, para. 21.

e) the role of the international community which prevented partnership with local actors.³ Secondly, the Kosovo conflict showed that contested statehood, economic problems and the role of ethnic nationalism may drive the region towards instability. Consequently, in order to overcome problems that plagued the Western Balkans and to avoid another inter-ethnic conflict, EU needed to demonstrate a strong commitment to the region by offering the prospect of membership as a 'carrot', which for these countries meant to change the course towards fundamental democratic transformation, consolidating the rule of law, economic development and adjustment of domestic legal systems in compliance with the Community *acquis*. With these lessons in mind, EU leaders decided to follow a dual track approach towards the Western Balkans consisting in EU crises management and enlargement policy. Both these approaches can be considered as peacebuilding instruments because they provide necessary impetus for institution-building and durable peace.

Since January 2003, the EU has been involved in joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, combat force tasks in crisis management, including peace-making and post-conflict stabilisation. A few months later, at the Thessaloniki Summit (2003), EU leaders reiterated their unequivocal support for the European perspective of the Western Balkans. The prospect of membership provides necessary impetus for economic growth and market liberalisation; encourages domestic ownership to introduce necessary political, economic and institutional reforms; supports institutional development and the capacity to adopt and implement the EU law; fosters stability and regional cooperation as a mean to overcome ethnic division.

The objective of this paper is to explore whether, how and to what extent, EU has contributed as a peacebuilder in the Western Balkans. The paper proceeds as follows: the first section discusses the definition of peacebuilding and explains whether EU can be considered a peacebuilding enterprise; this is followed by an analysis of EU's engagement in peacebuilding activities focusing on the CSDP⁴ missions' deployment and enlargement policy. The paper argues that both these instruments create favourable conditions for lasting peace, security and stability in the region through political and institutional reform, economic reforms and regional cooperation among the Western Balkan countries.

2. From UN definition to EU context of peacebuilding

The term peacebuilding is often attributed to Johan Galtung, who in his book, 'Three approaches to peace: peacekeeping, peacemaking, and peacebuilding', argued that 'peace has a structure different from, perhaps over and above, peacekeeping and ad hoc peacemaking (...). More specifically, structures must be found that remove causes of wars and offer alternatives to war in situations where wars might occur'⁵. While the term was used

³ Roberto Belloni, 'European Integration and the Western Balkans: Lessons, Prospects and Obstacles' [2009] *Journal of Balkan and Near Eastern Studies* No. 313, 314 – 317.

⁴ With the Lisbon Treaty, the name changed from European Security and Defence Policy (ESDP) to Common Defence and Security Policy (CSDP). Hereafter, CSDP will be used throughout this paper.

⁵ Johan Galtung, 'Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding' in Johan Galtung (ed), *Peace, War and Defense: Essays in Peace Research* (Vol. II, Copenhagen 1976) 297-298.

in academia, in the international lexicon, peacebuilding emerged in the early 1990s, when the then United Nations Secretary – General Boutros Boutros-Ghali – defined peacebuilding as an ‘action to identify and support structures which tend to strengthen and solidify peace to avoid a relapse into conflict’.⁶ Furthermore, Ghali suggested that peacebuilding could be achieved through: disarming the parties in the conflicts and restoration of order, destruction of armies, protection of human rights, monitoring elections, reforming/strengthening governmental institutions and political participation.⁷ In addition, Ghali underlined the importance of preventive diplomacy to ease the tensions between the parties before any resultant conflict, which might lead to the preventive deployment of UN forces.⁸ Since then, following the definition of peacebuilding given by Ghali, a series of reports by International Organisations such as: *An Agenda for Development* (1994)⁹, *An Agenda for Democratisation* (1996)¹⁰, the *UNDP Report on Human Security* (1994)¹¹, and *An Inventory of Post-Conflict Peace-Building Activities* (1996)¹² enriched the concept of peacebuilding by stressing the link between security and development. In 2000, the *Report of the Panel on the United Peace Operations* (known as the Brahimi Report) pointed out that ‘effective peacebuilding is, in effect, a hybrid of political and development activities targeted at the sources of conflict’.¹³ In the same vein, an OECD report defines conflict prevention and peacebuilding as ‘projects, programmes, policies, strategies or other interventions that adopt goals and objectives aimed at preventing conflict or building peace’.¹⁴ In summary, all these reports suggest that effective peacebuilding requires sound projects and programs that prevent further escalation of the conflicts by promoting the reconciliation of the actors in conflicts and creating favourable conditions for durable peace and good governance.

In the European context, since its very inception, the EU has been considered a peace project. The need to secure peace and security between victorious and vanquished European states has been one of the core motivations of the European Economic Community (now European Union). The overall objective of the establishment of the EU, as laid down by the Schuman declaration, was to make ‘any war between France and Germany not merely unthinkable, but materially impossible’ by pooling together coal and steel production under the competences of a High Authority.¹⁵ For 40 years, Western Europe was engaged in ‘post-conflict recovery through economic and humanitarian aid, electoral support and the financing of programmes carried out by other actors’.¹⁶

⁶ Ghali (n 1) para. 21.

⁷ *ibid* para. 55.

⁸ *ibid* para. 23.

⁹ *An Agenda for Development*, Report of the Secretary-General of 17 June 1992, UN Doc. A/47/277 – S/24111.

¹⁰ Boutros-Ghali, *An Agenda for Democratization*, A 51/761, United Nations, New York, 1996.

¹¹ *UNDP Report on Human Security* (OUP 1994).

¹² *An Inventory of Post-Conflict Peace-Building Activities*, ST/ESA/246.

¹³ General Assembly Security Council, ‘Comprehensive review of the whole question of peacekeeping operations in all their aspects’ (21 August 2000) <<http://www.unrol.org/files/brahimi%20report%20peacekeeping.pdf>> accessed 1 August 2014 para 44.

¹⁴ OECD, ‘Guidance on evaluating conflict prevention and peacebuilding activities’ <<http://www.oecd.org/dac/evaluation/dcdndep/39774573.pdf>> accessed 1 September 2014, 16.

¹⁵ ‘The Schuman Declaration’ (9 May 1950) <<http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/>> accessed 1 June 2014.

¹⁶ Thierry Tardy, ‘Building Peace in Post-Conflict Environments: Why and How the UN and the EU interact’ <<http://www.effective-multilateralism.info/library/Tardy.pdf>> accessed 18 September 2014, 5.

With the fall of communist regimes, new challenges sparked for the EU in terms of becoming an international security actor. The Treaty of Maastricht, signed in 1992, reinvigorated the security dimension of the EU. The European Political Committee – responsible for European foreign policy – was transformed into the Common Foreign Security Policy (CFSP), maintaining the intergovernmental dimension. A clause was introduced in Title V (Article J 4.1 TEU) stating that the CFSP ‘shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might lead to a common defence’. Article J 1.2 TEU outlined that one of the objectives of the EU is to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter. With the creation of the Common Foreign and Security Policy as a second pillar of the Maastricht Treaty, the EU was supposed to provide a more unified voice in the external affairs and security matters. On June 28, 1991 the then foreign Minister of Luxemburg, Jack Poos, made a statement declaring ‘...if one problem can be solved by the Europeans, it is the Yugoslav problem. This is a European country and it is not up to the Americans. It is not up to anyone else’.¹⁷ With this statement Poos was referring to the possible EU agreement among the 12 members of the European Community to prevent Belgrade’s military offensive against Slovenia and Croatia. The so-called hour of Europe turned out to be a tombstone. As Roy Ginsberg described it, ‘The EU got burned in former Yugoslavia’.¹⁸ The Balkan crises demonstrated that CFSP was ‘neither common, nor foreign, nor dealing with security, nor can be called a policy’¹⁹ due to a lack of effective instruments at its disposal.

As conflict flared up in the Western Balkans, it became obvious that this region represented a key threat for the EU. Due to its geographic position, sharing borders with EU, instability of the Western Balkan region was perceived to have spill over effects in terms of economic and social instability, illegal migration, drug trafficking and criminality. Guided by what Antonio Missiroli has articulated ‘the first line of security – rather than defence – lies abroad’²⁰, EU started gradually to upgrade its strategy towards the region by using a dual track approach: CSDP crises management and enlargement policy. Having at its disposal both EU crises management and enlargement policy, EU has transformed itself in a new type of peacebuilder actor. It is through CSDP crises management that EU pursues its objective of peacekeeping, conflict prevention and strengthening international security. Whereas through enlargement policy, the EU asserts its influence to shift the Western Balkans from the security matters towards integration by putting a strong emphasis on the consolidation of democracy, rule of law, institution building, respect of human rights and protection of minorities, developing a market economy and legal approximation. As the Commission Communication for *Enlargement Strategy and Main Challenges 2008-2009* points out ‘Enlargement is one of the EU’s most powerful policy tools. It serves the EU’s strategic interests in stability, security, and

¹⁷ Quoted in C J Smith, ‘Conflicts in the Balkans and Possibility of a European Union Common Foreign and Security Policy’ [1996] *International Relations* 1.

¹⁸ Roy H Ginsberg, *The European Union in International Politics: Baptism by Fire* (Rowman & Littlefield Publishers Inc 2001) 85.

¹⁹ Reinhardt Rummel and Jörg Wiedemann, ‘Identifying Insitutional Paradoxes of CFSP’ in Jan Zielonka (eds) *Paradoxes of European Foreign Policy* (Kluwer Law International 1998) 53.

²⁰ Antonio Missiroli, ‘Introduction’ in Lucia Montanaro-Jankonski, *Good cops, bad mobs? EU policies to fight trans-national organised crime in the Western Balkans* (Issue Paper 40, ECP 2005) 3.

conflict prevention'.²¹ Accordingly, both these approaches focus on managing the gradual transformation of the post-conflict societies towards stabilisation, functioning democracy and then accession to the EU. The following section analyses the effectiveness of the CSDP crises management as a conflict prevention and peacebuilding tool.

3. EU as a Security Exporter: A Strategy for Conflict Prevention and Peacebuilding

The failure to prevent the conflicts in its own backyard has put into question the credibility of the EU as an international actor. As Lucia Montanaro-Jankvski argues, 'the Balkan wars highlighted the weak equilibrium of European security, the failure of European partners to produce a common strategy and, most of all, the failure of Europeans to end conflicts on their doorstep'.²² In response to the Balkan conflicts, the Saint-Malo Franco-British Summit held in December 1998 paved the political path for the establishment of the necessary tools to deal with crises management operations. During this summit, both the then French President Jacques Chirac and British Prime Minister Tony Blair agreed on 'the need of the EU to be in position to play an important role in international stage' and to develop 'the capacity for autonomous action [...] in order to respond to international crises'.²³ Only half a year after the Saint-Malo Summit, at the Cologne European Council meeting 1999, EU heads of state and government decided to develop military capabilities as an integral part of the Common Foreign and Security Policy. This momentum marked the birth of the Common Security and Defence Policy. Through this policy, EU intended to assume more responsibility in security matters backed up by military capabilities and appropriate instruments in order to undertake full range of 'Petersberg tasks'²⁴ which were incorporated in the Amsterdam Treaty. Later on, at the Feira European Council 1999, EU decided to develop civilian capabilities as a response to Sweden and Finland request to balance the military capabilities of CSDP. The European Council defined four priority areas for the EU to develop civilian capabilities: i) police and security sector; ii) strengthening the rule of law; iii) strengthening civilian administration and iv) civil protection.²⁵

The CSDP, as an integral part of the CFSP, shall cover 'all questions relating to the Union's security' (article 24 TEU) through civilian and military operations. According to Article 42 (1) TEU, the objective of these missions shall be: i) peacekeeping, ii) conflict prevention and iii) strengthening international security in accordance with the principles of United Nations Charter. Article 43 TEU specifies that the above-mentioned objective shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, combat force tasks in crisis management, including peace-making and post-conflict stabilisation. Additionally, all

²¹ Commission, 'Communication from the Commission to the Council and the European Parliament: Enlargement Strategy and Main Challenges 2008 – 2009' (Communication) COM (2008) 674 final, 2.

²² Lucia Montanaro-Jankvski, 'The Interconnection between the European Security and Defence Policy and the Balkans' [2007] *Southeast European and Black Sea Studies*, 139, 140.

²³ Joint Declaration Issued at the British-French Summit, Saint-Malo, France, 3 - 4 December 1998.

²⁴ The Petersberg tasks are a list of military and security priorities incorporated within the then ESDP (with Lisbon Treaty CSDP). The Petersberg tasks includes: humanitarian aid, disarming, peacekeeping and peacemaking.

²⁵ Santa Maria Da Feira European Council, (Presidency Conclusion, 19 and 20 June 2000)

<http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en0.htm> accessed 17 June 2014.

these tasks may contribute to the fight against terrorism, which includes supporting third countries in combating terrorism on their territories.²⁶ Thus, CSDP completes the set of policies available for the formulation and implementation of effective European security role. As the then EU High Representative for the Common Foreign and Security Policy Javier Solana stated 'Development of ESDP's crisis management capacity is crucial to contributing effectively to international peace and security. It is the missing link. EU foreign policy used to be about declarations.'²⁷

With the evolution of the CSDP, EU has contributed to the management of conflict prevention and peacekeeping mission in a range of countries around the world. To date, the EU has launched 32 missions. 16 missions have been completed²⁸ and 17 are on-going.²⁹ Despite the assumption that EU would become a credible international actor through military capabilities, most of the missions deployed are civilian missions (21 out of 33). Such a civilian triumph had occurred due to the unwillingness of member states to support military operations due to alliance with NATO, and the lack of EU's own military capabilities. All military operations deployed so far were launched within the framework of the 'Berlin plus' agreement. In the Western Balkans, EU has deployed 6 missions in total, which vary in aim, type and size (see Table 1: EU Missions' deployed in the Western Balka). EU operations deployed in the Western Balkans are: EUPM, EUFOR/Althea in Bosnia and Herzegovina (hereafter BiH); CONCORDIA/fYROM, EUPAT and EUPOL Proxima in former Yugoslav Republic of Macedonia (fYROM) and EULEX in Kosovo which is the most ambitious mission aiming to monitor, mentor and advise Kosovo authorities to establish the rule of law while retaining limited executive powers.³⁰

Table 1: EU Missions' deployed in the Western Balkans

Name of the mission	Aim	Type of the mission	Status (completed/ on-going)
EUPM (BiH)	establishing a sustainable, professional and multi-ethnic police service which operates in accordance with European and international standards.	civilian	completed
CONCORDIA (fYROM)	To contribute to a stable, secure environment in which to implement the Ohrid Framework Agreement	military	completed
EUPOL Proxima (fYROM)	Monitoring, mentoring and advising on the consolidation of rule of law and order and building confidence between the local police and population	civilian	completed

²⁶ Consolidated Version of Treaty of the European Union [2010] OJ C83/53, art 43 (1).

²⁷ Javier Solana, 'ESDP@10: What lessons for the future?' (Brussels, 28 July 2009) < http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/discours/109453.pdf > accessed 15 August 2014.

²⁸ European Union External Action, 'Completed missions and operations' < http://www.eeas.europa.eu/csdp/missions-and-operations/completed/index_en.htm > accessed 5 October 2014.

²⁹ European Union External Action, 'Ongoing missions and operations' < http://www.eeas.europa.eu/csdp/missions-and-operations/index_en.htm > accessed 5 October 2014.

³⁰ Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO [2008] OJ L 42/92, Art.2.

EUPAT (FYROM)	Monitoring, mentoring and advising local police on the priority areas such as fight against organised crime and corruption; maintaining public peace, order and accountability and enhancing further cooperation between police and judiciary	civilian	completed
EUFOR Althea (BiH)	Ensuring implementation of the Dayton Agreement and assisting local authorities in a number of tasks such mine clearance and control of lower airspace	military	ongoing
EULEX (Kosovo)	Monitoring, mentoring and advising Kosovo authorities to establish a multi-ethnic justice system and a multi-ethnic police system free from political intervention and ensuring the maintenance and promotion of rule of law, public order and security	civilian	ongoing

Source: Author's Compilation

As the Table 1 shows, only 2 out of 6 are military missions (CONCORDIA/fYROM and EUFOR/Althea). Their missions' mandate was to ensure the implementation of Dayton and Ohrid Framework Agreement and preventing destabilisation of the region. While for the civilian operation, the primary objective has been: fighting organized crime, the inclusion of minority groups in the police sector and the creation of a professional police force guided by European standards; strengthening border control and rule of law and reconciliation of Balkan society deeply divided in ethnic identities.

Considering the high number of the mission deployed in the Western Balkans, one could question whether CSDP crises management has been successful. In general, each mission deployed has achieved a different degree of success both in terms of mission implementation and contribution to post conflict stabilization of the country due to EU commitment and internal challenges of Western Balkan countries. The former relates to the problems that EU has encountered during the planning stage such as: financial and logistical arrangements or insufficient staff with required level of policing skills.³¹ While, internal challenges relate to unresolved sovereignty issues, economic problems and increase of nationalism. These challenges not only limit the ability of these countries to undertake reforms in the security sector but also undermine the credibility of the EU as a peacebuilder. For instance, despite EUPM assistance in preparing the Agreement on the Restructuring of Police Structures in BiH, its implementation was hardly achieved due to the complex political structure created by the Dayton Agreement. The following part provides a general assessment of EU missions deployed in the Western Balkans focusing on the missions' mandate and their main achievement.

³¹ Thomas Mühlmann, 'The Police Mission EUPM in Bosnia, 2003 – 2005' in Michael Merlingen and Rasa Ostrauskaitė (eds), *European Security and Defence Policy: An Implementation Perspective* (Routledge Advances in European Politics 2008) 55 – 58; Tobias Flessenkemper, 'EUPOL Proxima in Macedonia 2003 – 2005' in Michael Merlingen and Rasa Ostrauskaitė (eds), *European Security and Defence Policy: an Implementation Perspective* (Routledge 2008) 81 - 83.

The EU police mission in Bosnia and Herzegovina

EUPM was the first mission launched on 1 January 2003 in BiH. It was mandated to 'establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards'.³² Despite severe problems at the start-up phase such as lack of guideline for the deployment mission, problems in financial arrangements during the procurement process, lack of experience of seconded police missions deployed and lack of experience in dealing with civilian crises operation, the EUPM mission can be credited with three main achievements. Firstly, EUPM has demonstrated the EU ability to succeed from UN's International Police Task Force which had an executive mandate to a non-executive mission under the CSDP umbrella. Secondly, the mission has transformed Bosnian Police from a division of ethnic police into a professional police division and has helped to implement EU norms and standards in the police sector. Thirdly, through institution building projects, EUPM supported the creation and strengthening of various institutions (the Ministry of Security; State Investigation and Protection Agency; State Border Service) aiming to increase local capacity to tackle organised crime.³³

Operation Concordia in fYROM

After 3 months, on 31 March 2003, CSDP launched the military operation in fYROM. Operation Concordia, the first of its kind for the EU, operated under the 'Berlin Plus' agreement. This agreement allowed EU to have access to NATO's strategic planning capabilities and military assets for crises management missions and operations. It was mandated to ensure follow-on to the NATO operation 'Allied Harmony' and to contribute further to a stable and secure environment for the implement the Ohrid Framework Agreement.³⁴ Despite its duration of nine months, this mission prevented future inter-ethnic violence and at the same time, the mission demonstrated the willingness of the EU to undertake military missions.

Operation EUPOL Proxima in fYROM

EUPOL Proxima was launched on 15 December 2003. Its mandate was to support consolidation of the rule of law and order, including the fight against organised crime; practical implementation of the comprehensive reform of the Minister of Interior, including the police; creation of a border police, as a part of the wider EU effort to promote integrated border management; confidence – building between local police and population; and enhanced cooperation with neighbouring States in the field of policing.³⁵ In terms of mission's implementation, several achievements can be credited. Firstly, in compliance with Ohrid Framework Agreement (Annex C), Albanian minority representation in the police sector

³² Council Joint Action 2002/210/CFSP of 11 March 2002 on the European Union Police Mission [2002] OJ L 70, rec 2.

³³ Mühlmann (n 28) 53 – 54; Michael Merlingen, 'The EU Police Mission in Bosnia and Herzegovina (EUPM)' in Giovanni Grevi (eds), *European Security and Defence Policy: The First 10 Years (1999 – 2009)* (The European Union Institute for Security Studies 2009) 165 –170.

³⁴ Council Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Former Yugoslav Republic of Macedonia [2003] OJ L 34/23, art 1.

³⁵ Council Joint Action 2003/681/CFSP of 23 September 2003 on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL 'Proxima') [2003] OJ L249/66, art 3.

was boosted and deploying multi-ethnic patrols in minority areas. Secondly, the Ministry of Interior assumed full responsibility for the border police and established a police academy, an organised crime unit, and a rescue directorate. At the same time organised community-based outreach mechanisms to encourage citizen engagement. Thirdly, with the assistance of Proxima mission was drafted the Law on Police and set up an internal Professional Standards Unit (PSU).³⁶

Operation EUPAT in FYROM

Following the termination of EUPOL Proxima, on 15 December 2005, EU launched EUPAT mission. EUPAT mission was much smaller in staff deployment and narrow in mission mandate compared with EUPOL Proxima. The mission comprised around 30 police advisers, aiming to support the development of an efficient and professional police service based on European standards to monitor, mentor and advise local police on priority issues in the police border, public peace, order and accountability, fight against corruption and organised crime.³⁷ Whereas in term of mandate, in accordance with Ohrid Agreement Framework, its objective was focused on three areas: 1) overall implementation of police reform in the field, 2) police judiciary cooperation, 3) professional standards/internal control.³⁸

Operation EUFOR Althea

EUFOR Althea was the second military mission, launched on 2 December 2004 in the Western Balkans. It was mandated 'to provide capacity-building support to the Armed Forces; to support BiH efforts to maintain the safe and secure environment and to provide support to the overall EU Comprehensive strategy in BiH'.³⁹ With this operation, the EU has provided an active contribution to minimize the further risk of destabilization of the region and at the same time, EUFOR Althea raised the union's own confidence as a security actor.⁴⁰

Operation EULEX in Kosovo

On February 16th 2008, one day before Kosovo's declaration of independence from Serbia, the EU decided to launch its largest civilian crisis management mission EULEX Kosovo, with the aim of assisting the Kosovo authorities in consolidating the rule of law, and in contributing to a safe and secure environment for the Kosovo population, regardless of their ethnic origins.⁴¹ Comparing to other civilian operations launched by CSDP, EULEX is

³⁶ International Crisis Group, 'Macedonia: Wobbling toward Europe' (Europe Briefing N°41:Skopje/Brussels, 12 January 2006) <http://www.crisisgroup.org/~media/Files/europe/b041_macedonia_wobbling_toward_europe.pdf> accessed 25 August 2014.

³⁷ Council Joint Action 2005/826/CFSP of 24 November 2005 on the establishment of an EU Police Advisory Team (EUPAT) in the former Yugoslav Republic of Macedonia (FYROM) [2005] OJ L 307/61.

³⁸ 'EU police advisory team (EUPAT) in the former Yugoslav Republic of Macedonia' (Factsheet, December 2005) <http://www.eeas.europa.eu/csdp/missions-and-operations/eupat/pdf/01122005_factsheet_eupat_en.pdf> accessed 14 August 2014.

³⁹ 'EU Military Operation in Bosnia and Herzegovina Operation EUFOR ALTHEA' (Fact Sheet, 14 April 2014) <http://www.eeas.europa.eu/csdp/missions-and-operations/althea-bih/pdf/factsheet_eufor_althea_en.pdf> accessed 4 September 2014.

⁴⁰ International Crisis Group, 'EUFOR: Changing Bosnia's Security Arrangements' (Europe Briefing N°3129, Jun 2004) <<http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/b0031-eufor-changing-bosnias-security-arrangements.aspx>> accessed 14 August 2014.

⁴¹ Council Joint Action 2008 / 124/ CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO [2008] OJ L42/92

the most ambitious operation with executive power to intervene in Kosovo's internal affairs. In accordance with mission's aim, EULEX has achieved progress in establishing the rule of law. Respectively, according to the EULEX Programme Report 2012, the police sector has marked significant progress. During the period September 2009 – June 2012, 18 out of 31 Mentoring, Monitoring and Advising (MMA) projects in Police Sector were completed by the end of May 2012.⁴² Whereas, establishing a multi-ethnic judiciary, free from political interference, remains a serious concern for the EULEX mission to accomplish the mission statement.⁴³

In conclusion, despite the shortfalls during deployment stage or internal problems of Western Balkans, the analysis has shown that these missions have contributed effectively in moving this region from being an unstable region suffering from interethnic conflicts towards reforming the security sector and building institutional capabilities.

4. Enlargement Policy as a Peacebuilding tool

The Enlargement policy is said to be one of the most effective tools that 'reinforces peace, democracy and stability in Europe [and] serves as a key driver for political and economic reform' to the applicant countries.⁴⁴ It has been portrayed as the most successful tool of the EU foreign policy to bring Europeanisation in the candidate countries.⁴⁵ Whereas, in the words of the then former European Commissioner for Enlargement Olli Rehn:

Enlargement has proven to be one of the most important instruments for European security. It reflects the essence of the EU as a civilian power; by extending the area of peace and stability, democracy and the rule of law, the EU has achieved far more through its gravitational pull than it could ever have done with a stick or a sword.⁴⁶

In essence, this statement suggests that the enlargement policy can be considered a peacebuilding instrument because it creates the necessary conditions for durable peace, security and stability through providing economic and infrastructure development; institutional and legal adjustment and regional cooperation between countries. Thus, enlargement policy towards Western Balkans can be understood in two aspects. According to Duke and Courtier, enlargement policy can be understood 'in a loose sense, a peace building exercise'.⁴⁷ By using the enlargement policy, EU exerts its transformative power to

⁴² EULEX, 'EULEX Programme Report 2012: EULEX Rule of Law beyond the Headlines' (2012) 10.

⁴³ European Commission, 'Commission Staff Working Document: Kosovo* 2013 Progress Report' SWD(2013) 416 final.

⁴⁴ Council of the European Union, 'Council conclusions on enlargement/stabilisation and association process' (3060th General Affairs Council meeting Brussels, 14 December 2010) <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/118487.pdf> accessed 15 March 2014.

⁴⁵ Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe* (Palgrave Studies in European Union Politics, Palgrave Macmillan 2006); Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage and Integration after Communism* (OUP 2005).

⁴⁶ Olli Rehn, 'Europe's Next Frontiers' (Luncheon lecture at the Konrad Adenauer Stiftung, Brussels, 10 October 2006) <http://www.eu-un.europa.eu/articles/en/article_6338_en.htm> accessed 18 February 2014.

⁴⁷ Simon Duke and Aurélie Courtier, 'EU Peacebuilding: Concepts, players and instruments' in Steven Blockmans and others (eds) *The European Union and Peacebuilding: Policy and Legal Aspects* (TMC Asser Press 2010) 35.

enhance democratic reforms, market economy, good governance and legal approximation, with the ultimate goal of reaching the EU standards and being admitted to the Union. While in turn, for the Western Balkans, this means the commitment to carry out political, economic and legal reforms and to demonstrate to the Commission and member states the ability to implement effectively the *EU acquis*. On the other hand, the enlargement policy is seen as ‘anchor for the process of inter-ethnic and inter-state reconciliation’.⁴⁸ Purposely, Stabilisation and Association Process highlighted the regional cooperation as a precondition for accession in order to overcome inter-regional and ethnic problems of the Western Balkans especially for the successor countries of the Former Republic of Yugoslavia. All Stabilisation and Association Agreements signed by Western Balkan countries and EU and Member states *ex parte* contain clauses on the commitment to enter or continue good neighbourly relations with the other countries of the region.

The legal bases of the enlargement and the other relevant conditions are set out in article 2 TEU and 49 TEU. Article 2 TEU stipulates that ‘the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’ which are ‘common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’. Whereas, article 49 TEU specifies that ‘Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union’ and ‘the conditions of eligibility agreed upon by the European Council shall be taken into account’. The most well-known European Council decisions are those taken at the Copenhagen Summit (1993) which constitutes a milestone for acceding countries. During this summit, the European Council decided that, in order for a candidate country to be able to accede to the Union, it has to demonstrate the fulfilment of political criteria (institution stability, guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities); economic criteria (the existence of a functioning market economy as well as the capacity to cope with the competitive pressure of internal market); and legal criteria (the candidate’s ability to take on the obligation to adjust their domestic legislation with *EU acquis* and ensure effective implementation).⁴⁹

In the case of Central and Eastern European countries (CEECs), the prospect of membership proved to be effective to introduce reform to applicant countries. With this success in mind, after a decade of conflicts in the European backyard, the EU leaders decided that ‘a policy of emergency reconstruction, containment and stabilisation was not, in itself, enough to bring lasting peace and stability to the Balkans: only the real prospect of integration into European structures would achieve that’.⁵⁰ The Stabilisation and Association Process was introduced

⁴⁸ Dimitar Bechev and Svetlozar Andreev, ‘Top-Down vs Bottom-Up Aspects of the EU Institution - Building Strategies in the Western Balkans’ (2005) South East European Studies Program (SEESP) Occasional Paper No. 3/05, 4 <http://www.sant.ox.ac.uk/esc/esc-lectures/bechev_andreev.pdf> accessed 11 April 2014.

⁴⁹ European Council, ‘Conclusion of the Presidency’ (SN 180 / 1 / 93 Rev 1, 21 – 22 June 1993), <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf> accessed 31 January 2012 pt 7A (iii).

⁵⁰ Commission of the European Communities, ‘Report from the Commission: the Stabilisation and Association process for South East Europe’ (first annual report) COM(2002) 163 final, 4.

in the aftermath of the Kosovo war by the Commission in 1999, endorsed at the Zagreb Summit in 2000 and enriched later at the Thessaloniki Summit in 2003. The Thessaloniki Summit in 2003 represents an historic moment for the Western Balkan countries because the EU approach shifted from post-conflict stabilisation to European integration as the final aim, by reaffirming that the future of the Balkans is within the European Union once the same conditions and requirements applied to the CEECs – referring to Copenhagen criteria – are fulfilled.⁵¹ This strategy shift provided two advantages for the region. First, after the Thessaloniki Summit in 2003, the future of Western Balkans was seen as an enlargement issue based on conditionality rather than a foreign policy of the EU. The main objective of EU conditionality was to diffuse European norms, building viable states and steering the region from transition to democratic governance and rule of law.⁵² Second, the Stabilisation and Association Process represents a comprehensive strategy that will move the region from the security matter to the accession by using different instruments such as contractual relations (Stabilisation and Association Agreement); financial instruments, asymmetrical trade measures and regional cooperation. In a nutshell, the Stabilisation and Association Process reflects an ambitious vision aiming: i) to stabilise the countries involved in the process, ii) to promote regional cooperation as an important tool for accelerating economic growth, increasing employment and improving productivity and competitiveness and iii) to use the prospect of membership as a peaceful *modus vivendi* for the region. With the new policy, namely Stabilisation and Association Process, EU leaders realised that it is better to engage Western Balkans in the process of European integration by offering the prospect of membership rather than to import instability.

Seeking to ‘promote a ring of well governed’ countries to the East of the European Union⁵³, EU has become the primary peacebuilder enterprises in the region. At the moment, the Western Balkan countries are at different stages of integration, democratization process and economic development. All Western Balkan countries, except BiH and Kosovo which are in ‘standby’ due to unresolved sovereignty issues, have achieved the candidate status. Croatia became the 28th member of the Union; Montenegro and Serbia have begun the accession negotiations; Albania has become a candidate country and it is waiting to open accession negotiations; and FYROM has been granted the candidate status since 2005 but has been blocked by Greece due to the name dispute.

In terms of democracy level, according to Freedom House Reports 2014, Croatia, Serbia and Montenegro are classified as ‘semi – consolidated democracy’; FYROM, Albania and BiH are ‘transitional government/hybrid regime’ and Kosovo is classified as a ‘semi-consolidated authoritarian regime’. As the Table 2 shows, since 2004, some countries have improved democracy score but the regime type has remained unchanged.

⁵¹ Council of the European Union, *Thessaloniki European Council 19 and 20 June 2003 Presidency Conclusions* (Brussels, 1 October 2003).

⁵² Michael Emerson, et al, ‘The Reluctant Debutante: the European Union as a Promoter of Democracy in its Neighbourhood’ (CEPS Working Document 223, Centre for European Policy Studies July 2005) 7.

⁵³ European Council, ‘European Security Strategy: A Secure Europe in a Better World’ (2003) <<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>> accessed 7 September 2014, 7.

Table 2: Democracy level for each country in the Western Balkans

Country	FH 2004	FH 2014	Regime Type
Albania	4.13	4.18	transitional government/hybrid regime
Bosnia and Herzegovina	4.29	4.43	transitional government/hybrid regime
Croatia	3.83	3.68	semi – consolidated democracy
fYROM	4.00	4.00	transitional government/hybrid regime
Kosovo	5.50	5.14	semi-consolidated authoritarian regime
Montenegro	3.83	3.86	semi – consolidated democracy
Serbia	3.83	3.64	semi – consolidated democracy

Source: Freedom House Report 2004 and 2014 (1 highest, 7 lowest)

Since 2000, the Western Balkan countries have been undergoing structural reforms as a consequence of post conflict reconstruction and membership accession. Through financial instruments, EU has improved the economic performance of the Western Balkan countries. For the period 2000 – 2006, under the CARDS instruments, EU allocated around EUR 4.65 billion to the Western Balkans pursuing 4 goals: a) reconstruction; stabilisation of the region; aid for the return of refugees and displaced persons; b) support for democracy, the rule of law, human and minority rights, civil society, independent media and the fight against organised crime; c) the development of a sustainable market-oriented economy; and d) poverty reduction, gender equality, education and training, and environmental rehabilitation; and finally, regional, transnational, international and interregional cooperation between the recipient countries and the Union and other countries of the region.⁵⁴ From 2007 onward, a new financing instrument - Instrument for Pre-Accession - (IPA) was introduced replacing CARDS assistance. The IPA provides a budget of some € 11.5 billion for the period 2007 – 2013 and continues to support strengthening of democratic institutions and the rule of law, reforming public administration, carrying out economic reforms, fostering regional cooperation as well as reconciliation and reconstruction, and alignment of domestic legal system with *acquis communautaire*.⁵⁵ As confirmed by the transition indicators of the European Bank for Reconstruction and Development⁵⁶ (Table 3) Western Balkan countries represent the standards of an industrialised market economy in the area of price liberalisation, small scale privatisation and trade and foreign exchange, while progress has been slower in governance and enterprise restructuring and competition policy.

Table 3: EBRD Transitions Indicator for the WB countries

	Private sector share in GDP	Large scale privatisation	Small scale privatisation	Governance & enterprise restructuring	Price liberalisation	Trade & Forex system	Competition Policy
Albania	75	3.7	4.0	2.3	4.3	4.3	2.3

⁵⁴ 'The CARDS programme (2000-2006)' <http://europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm> accessed 14 September 2014.

⁵⁵ Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82, art 2 and art 26.

⁵⁶ According to EBRD measurement scale, the indicators ranges from 1 to 4+, where 1 represents little or no change from a rigid centrally planned economy and 4+ represents the standards of an industrialised market economy.

Bosnia and Herzegovina	60	3.0	3.0	2.0	4.0	4.0	2.3
Croatia	70	3.3	4.3	3.3	4.0	4.3	3.0
fYROM	70	3.3	4.0	2.7	4.3	4.3	2.7
Montenegro	65	3.3	3.7	2.3	4.0	4.3	2.0
Serbia	60	2.7	3.7	2.3	4.0	4.0	2.3

Source: Author's elaboration based on EBRD Transitions Indicator 2012

11 years later after the Thessaloniki Summit (2003), where the EU leaders declared that the future of the Western Balkans would be within Europe, many hoped that the transformative power that EU applied successfully in Central Eastern and European Countries would be appropriated for the Western Balkans as well. The promise of membership was thought to provide necessary impetus for the Europeanisation of the Balkans. But, experience has shown that nothing is so simple in the Western Balkans. On the one hand, the enlargement fatigue, euro - crises and increase of euro-scepticism against enlargement seems to have put Western Balkans in the 'waiting room'. On the other hand, the internal problems of these countries such as: contested statehood; lack of political will to have consensus on domestic reforms; economic problems; increasing nationalism and the name dispute between the Former Yugoslav Republic of Macedonia and Greece have diluted the role of EU as a transformative power.

5. Conclusions

The EU role as a peacebuilder in the Western Balkan countries is an on-going and demanding process which depends on the transformation of the region moving from stabilisation towards integration. To achieve this ambitious aim, EU has followed a dual track approach: deployment of CSDP crises management and enlargement policy. The combination of this dual track approach has worked very promising in the Western Balkans, aiming to transform the region in three aspects. Firstly, EU has contributed to the stabilisation of the region through civilian and military operations by preventing future conflicts between ethnic groups; disarmament of the military groups and populations; reforming the security sector; assisting the police sector in fighting against organised crime etc. This contribution should be seen as a long term project to achieve democratic governance. In addition, the Pristina and Belgrade Agreement brokered by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, scored a success in shaping security in the Western Balkans. Secondly, the prospect of membership has induced necessary impetus for Western Balkan countries to build and consolidate democratic institutions committed to promoting the rule of law; protection of minority groups; enhancing reforms on respecting human rights; market economy and state liberalisation and adjustment of legal systems in compliance with EU legislation. Thirdly, such a dual approach has promoted a culture of justice, tolerance and reconciliation between different ethnic groups. After the dissolution of Yugoslavia, the Balkan states that emerged were deeply divided in terms of ethnic identities. Dominant groups tend to exclude minority ethnic groups from decision making, public services and education etc.⁵⁷ This exclusion brought conflicts in the Balkans

⁵⁷ Othon Anastasakis and Vesna Bojicic-Dzelilovic, *Balkan Regional Cooperation and European Integration* (The Hellenic Observatory, the London School of Economic and Political Science, 2002) 13.

(the conflicts in Bosnia, Kosovo and FYR Macedonia). Society reconciliation is a must for the future advancement towards European integration and for changing the negative perception of the Balkan society as primitive or barbarian, a society which does not conform to civilised norms.⁵⁸

As a conclusion, this paper has shown that both instruments used by EU to assert its peacebuilding role have been successful for the stabilisation and advancement of the region towards integration. Progress has been achieved in terms of security. Western Balkan countries have advanced in meeting the accession criteria for membership. However, there are still on-going internal challenges – unresolved sovereignty questions, economic development and increasing nationalism – that may weaken the credibility of the EU as a security and transformative power.

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⁵⁸ Maria Todorova, *Imagining the Balkans* (Updated Edition, OUP 2009) 3.

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