Bilbil Kastrati

Skupna varnostna in obrambna politika EU na primeru misije EULEX na Kosovu

The EU Common Security and Defence Policy in the Case of EULEX Mission in Kosovo

Doktorska disertacija

Ljubljana, 2020
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Five years ago, I started a journey. Doing research and writing a PhD thesis is not only an academic exercise, but also a journey with many unknowns. Lots of dilemmas and joyful moments marked this period. As now the journey has come to an end, I can proudly say that this was an extraordinary experience. Also, this would not have been possible, of course, without all the people surrounding me. In particular, I would like to mention my friends and colleagues Arben, Antonio, Liridon, Anica, Tamara, Artan, Riad, Giovanni, Vesna and Rexhep who were supportive all the time discussing academic and non-academic issues of relevance. Thank you to all.

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Skupna varnostna in obrambna politika EU v primeru misije EULEX-a na Kosovu


Doktorska disertacija preučuje razvoj skupne zunanje in varnostne politike EU (SZVP), gonilne sile in motive za sodelovanje EU pri zagotavljanju varnosti izven njenih meja. Prvi del doktorske disertacije obravnava opredelitev raziskovalnega problema in na podlagi zgodovinskih in teoretičnih znanj tudi prednosti in slabosti misij EU v okviru SVOP. Predstavljeni so namen raziskovanja, raziskovalna vprašanja in hipoteze, ki obravnavajo povezave med cilji SZVP in SVOP EU z dosežki in prednostmi ter slabostmi misije EULEX. Poleg tega s pregledom literature dobimo pomemben vpogled v znanstvena in strokovna znanja o misijah EU v okviru SZVP in SVOP. Opredelitev ključnih konceptov varnosti pravne države in povezave med varnostjo in razvojembralca se izrazijo v ključnih temah disertacije. Predstavljen je znanstveni pristop raziskave, predpostavke in meje raziskave. Doktorsko disertacijo sestavljajo posamezna poglavja. V drugem delu je raziskovalni pristop predstavljen s kontekstualizacijo vprašanja Kosova, teoretičnim pristopom k SZVP in SVOP EU in z metodologijo. Tretji del je osrednji del disertacije in predstavlja analizo vseh elementov raziskave in njene ugotovitve. Četrtni del je sinteza ugotovitev raziskav, ki predstavlja odgovor na raziskovalna vprašanja in hipoteze in hkrati tudi meje študije in nadaljnjih raziskav ter razpravo o bodoči vlogi EU na področju kriznega upravljanja. V zaključku sledijo splošni pregled disertacije, rezultati raziskav, poudarki glavnih ugotovitev in zaključki, ki jih dopolnjujejo priporočila za oblikovanje politik, namenjena oblikovalcem politik EU.

V nadaljevanju je v doktorski disertaciji predmet raziskave konceptualiziran in kontekstualiziran, poleg tega sta predstavljena teoretični in metodološki pristop. Opredeljen je koncept EU kot mednarodnega varnostnega akterja, ki prikazuje ambicije EU v zunanjih in varnostni politiki. Po koncu hladne vojne se je EU znašla v novem varnostnem okolju, zaradi česar je bila potrebna sodelovanje Evrope na področju varnosti in obrambe ter usmerjanja zunanjih moči, s čim si je prizadevala vplivati na mednarodne varnostne zadeve.

Kontekstualizacija nudi zgodovinski okvir poteka dogodkov, na podlagi katerih je EU posredovala na Kosovu v okviru SVOP, in možnost za preučevanje raziskovalnega problema disertacije. Za EU je izjemno pomemben, da lahko dokaže, da zmene vpostaviti in izvesti misije SVOP. Ravno zaradi zagotavljanja varnosti in stabilizacije v pokonfliktnih državah in družbah se EU lahko uvršča med mednarodne akterje kriznega upravljanja. IZBran teoretični pristop temelji na zgodovinski perspektivi razvoja in specifičnih teorijah SZVP in SVOP EU.
Določena so tri ključna metodološka orodja: pristop študije primera za temeljito raziskavo misije EULEX; tematska analiza za določanje glavnih tem in vzorcev misij SZVP in SVOP EU; analiza vsebine študije dokumentov EU o SZVP, SVOP in o misiji EULEX ter analiza medijskih člankov in poročil o predmetu raziskave.

V prvem koraku analize se začne raziskovanje zamisli in pobude za združitev Evrope po drugi svetovni vojni in razprave o začetni fazi evropskega sodelovanja na področju obrambnih, gospodarskih in zunanjih zadev. V nadaljevanju sledi preučevanje posledic, ki so nastale po koncu hladne vojne za varnost Evropske skupnosti, in priložnosti ter izzivov na področju varnosti v svetovni politiki. Študija je pokazala, da je bila Evropa zainteresirana za ponovni prevzem nadzora na stari celini po drugi svetovni vojni, kjer so prevladovale ZDA in Sovjetska zveza. Vendar je bilo za Evropo to mogoče šele po koncu hladne vojne. Vsekakor je razpad dvopolne zgradbe svetovnega reža v celoti spremenil ravnotežje sil v svetu, zaradi česar je Evropa postala izpostavljena drugim varnostnim grožnjam in dobila je priložnost, da prispeva k boljši mednarodni varnosti. Evropa kot gospodarski velikan pričakuje, da bo lahko sodelovala pri zagotavljanju varnosti. Kljub temu obdobje po koncu hladne vojne in konflikti v bližnjih državah omejujejo moč Evrope na področju varnostnih in obrambnih zadev. Raziskava je pokazala, da so se predstavniki Evrope sestajali na različnih konferencah in podpisali različne sporazume, s katerimi so EU zagotavljali politiko, instrumente in orodja za aktivno udeležbo na področju mednarodne varnosti, z namenom zagotavljanja varnosti in stabilnosti ter zaščite interesov Unije.

V manj kot dveh desetletjih je EU v okviru SZVP vzpostavila preko 30 misij SVOP za krizno upravljanje po vsem svetu, s čimer je sama ali skupaj z drugimi akterji kriznega upravljanja prispevala svoj delež k zagotavljanju mednarodne varnosti. EU je tako ureščila svojo vizijo pomembnega varnostnega akterja in se s SZVP in SVOP zavezala tudi k delovnemu navzven in izražanju svoje identitete, vrednot, norm in kulture. Splošna ocena civilnih in vojaških misij, ki so bile predmet disertacije, je ugotovila, da EU v primeru konfliktov daje prednost manjšim misijam, ki so na mednarodni politični agendi manj pomembne, misije so pogosto neučinkovite, izvajajo jih predvsem zaradi interesov držav članic in politične prepoznavnosti in jasne potrebe, da se Unija ustrezno odzove na situacije, ki ogrožajo varnost. Poleg tega teorije o dejavnikih SVOP in zunanje politike EU kažejo, da države članice misij SVOP ne vzpostavljajo vključno v korist družbe in države, kjer je prisoten konflikt. Odločitev za misijo temelji na preučevanju tveganj in stroškov, na bližini doma, na oceni, kakšno priložnost za učenje predstavlja in je predmet konsensa, saj za EU hkrati predstavljajo priložnost, da se pojavijo na mednarodnem prizorišču.

Študija je poglobljeno preučila dosežke ene od tovrstnih misij EULEX, ki je potekala v obdobju med letoma 2008 in 2018. Odločitev, da bo predmet študije misija EULEX, je bila sprejeta, ker je bila to do zdaj največja in najobsežnejša civilna misija v okviru SVOP, zato je služila kot vzorec za oceno prednosti in slabosti SVOP kot orodja SZVP EU in nadalje relevantnosti EU za krizno upravljanje v pokonfliktnih situacijah. Ugotovitve raziskave kažejo, da misija EULEX ni opravila svoje naloge niti ni izpolnila pričakovanj uporabnikov varnosti, poleg tega pa ni imela resnicih vpliva na tereno niti ni bila dober zagađ za prihodnje misije SVOP. Pravzaprav so rezultati misije razočarali.

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Študija primera misije EULEX nadalje razkriva, da so misije SVOP pogosto precej pomanjkljive zaradi inekohorencije, neustreznega vodstva misije, pomanjkanja ustreznih strategij za informiranje in komuniciranje, pomanjkanja človeških virov in nadzora za zagotovitev učinkovitosti med izvajanjem nalog. Poleg tega je pomanjkljivo koherenco v kombinaciji instrumentov za razvoj varnosti EU vpliva lokalno politično okolje, prisotne so težave s
programom za zaščito prič in preobsežne naloge, za katere se zdi, da jih ni mogoče izvesti, so utopija misije EU v okviru SVOP. Poleg tega se nekateri strokovnjaki EU ne strinjajo z zamislijo o posredovanju EU na Kosovu v obliki misije EULEX v okviru SVOP in trdijo, da bi se lahko drugi instrumenti zunanje politike EU izkazali za učinkovitejše.

V zaključku disertacije je bilo ugotovljeno, da EU še vedno nima niti kapacitet niti znanja za izvajanje večjih misij SVOP. Tako misija EULEX ni potrdila relevantnosti EU za krizno upravljanje. Poudariti je treba dejstvo, da je raziskava pokazala tudi, da misije SVOP predstavljajo in budijo občutek upanja in varnosti za pokonfliktne države in družbe, EU pa se kaže v luči akterja, ki zmore na kriznih območjih zagotoviti trajne spremembe. Zato je v zaključku disertacije ugotovitev, da če bi EU uspela odpraviti pomanjkljivosti, ki so bile ugotovljene s študijo primera EULEX in drugih misij, in če so države članice voljne še naprej vlagati v misije SVOP, bi bil ta instrument EU primeren mehanizem za krizno upravljanje pokonfliktnih razmer.

Vendar je treba pripomniti, da je bila ta raziskava izvedena z vidika uporabnikov varnosti in dejanskega vpliva na terenu. Raziskave z vidika institucij EU ali držav članic bi lahko imele popolnoma drugačne rezultate uspešnosti izvedbe EULEX.

Na koncu je raziskava pokazala, da so bili primarni pobudniki za posredovanje EU v okviru SVOP na Kosovu predvsem države članice, ki so s tem želele doseči svoje politične interese v okviru Unije, spodbujati integracijo EU, zunanje delovanje EU kot prispevanje k mednarodni varnosti in kot dobro priložnost za učenje in v manjši meri, da bi resnično vplivali in krepili pravno državo Kosova.

Ključne besede: EU, SZVP, SVOP, EULEX, krizno upravljanje.
The EU Common Security and Defence Policy in the Case of EULEX Mission in Kosovo

The European Union (EU) has set as one of its foreign and security policy objective to be a global security actor and contribute in peacekeeping, conflict prevention and strengthening international security, thus this thesis focus on the EU achievements in this field. After the Second World War, the Europeans started cooperation in foreign policy matters; however, the end of the Cold War exposed them to new security challenges. The Europeans had to think about their own security community and project security externally in order to protect the Union internally. The instruments employed to achieve this aim were different such as diplomacy, aid, trade, etc. However, the fast pace developments in the last decade of 20th century required that the EU translates its external security projection into action. Therefore, the EU has developed its policies, capabilities, and structures, and is actively involved worldwide in support of crisis situations with the goal to contribute to international security and protect the interests of the Union. Since 2003, the EU has deployed over 30 missions in the framework of the Common Security and Defence Policy (CSDP) with the purpose to stabilize post-conflict states and societies. One of the biggest and most extensive CSDP mission to date is the EU Rule of Law Mission in Kosovo (EULEX). Therefore, the question arises if the EU CSDP missions are a suitable mechanism in crisis management for post-conflict situations. This thesis aims to examine this question.

Hence, with this aim, the thesis examines the development of the EU Common Foreign and Security Policy (CFSP), the drivers and motives for engagement of the EU in security governance issues with the exterior. The first part of the thesis discusses the definition of the research problem with regard to the strengths and weaknesses of the EU CSDP missions, supported with historical and theoretical accounts. Research goal, research questions, and hypotheses are developed which handle the connections between the EU CFSP and CSDP aims, with EULEX mission achievements, strengths, and weaknesses. Further, the literature review brings the important insight of the scholar and expert knowledge on the EU CFSP and CSDP missions. Definition of key concepts security, rule of law and security-development nexus keeps the reader abreast of the key themes discussed in this thesis. Contribution to science, assumptions, and limits of this research are presented as well. Lastly, the structure of the thesis outlines and elaborates on the chapters of the thesis. In the second part, the research framework is presented through the contextualization of the issue of Kosovo, theoretical approach on EU CFSP and CSDP, and the methodological framework. The third part is the heart of the thesis which analysis all the elements of this research and presents the research findings. Further, the fourth part synthesis the research findings, answers to the research questions and hypotheses, presents the limits of this study and further research, and discusses on the future role of the EU in crisis management. Finally, the conclusion reflects the general overview of the thesis and research results, highlighting the main findings and conclusions, and is complemented with policy recommendations for the EU policymakers.

Further, the thesis conceptualizes and contextualizes the research subject and develops the theoretical and methodological approach. The concept of the EU as an international security actor is defined which also shows the EU ambition in foreign and security policy. After the end of the Cold War the EU was exposed to a new security environment that enabled the Europeans to increase cooperation in security and defence matters, and to project power externally aspiring to influence international security affairs. The contextualization offers a historical account of the events that lead to the intervention of the EU through a CSDP mission in Kosovo and enabled the investigation of this thesis research problem. It is of the utmost interest for the EU to prove that they are capable to launch and implement CSDP missions. Support for
security and stabilization of the post-conflict states and societies signifies the EU as an international crisis management actor. The theoretical approach developed consists of the historical perspective on the developments and specific theories on EU CFSP and CSDP. Three key methodological tools are identified: case study approach, to research in-depth EULEX mission; thematic analysis, to identify main themes and patterns of the EU CFSP and CSDP missions; and the content analysis, to study the EU documents on CFSP, CSDP and EULEX mission, and media articles and reports on the research subject.

The first step of the analysis begins with the exploration of the ideas and initiatives for unification of the Europe after the Second World War, and discusses the initial stage of European cooperation in defence, economic, and foreign affairs matters. Further, it examines the effects that unfolded after the end of the Cold War for the European security community; and the opportunities and challenges with the security in the world politics. This study has found that the Europeans have been interested to regain the security control over the old continent after the Second World War, which was dominated by the USA and the Soviet Union. However, only the end of the Cold War provided an enabling environment for the Europeans to achieve this aim. Nevertheless, decomposition of the bipolar structure of the world order shifted completely the balance of power in the world, thus exposing Europe to other security threats, and the opportunities to contribute to international security. Europe being an economic giant raises the expectation for its contribution to security governance affairs. Nevertheless, the post-Cold War era and the conflicts in the neighbourhood depicted the European capability limitations in security and defence matters. This situation particularly and the ambition of the EU to become a global security actor was a drive for the hasty engagement of the Europeans to develop the necessary security and defence capabilities. This research has evidenced that the Europeans have met in different conferences and signed several treaties that provided the EU with policies, instruments, and tools, to actively participate in international security affairs, with the aim to provide security and stabilization; and to protect the interest of the Union. In less than two decades, the EU in the framework of the CFSP deployed over 30 CSDP crisis management missions worldwide, providing its share of contribution for international security alone or along with other crisis management actors. As such, the EU has transformed its vision into action as an important security actor, and through CFSP and CSDP channels the EU commitments to the exterior and echoes its identity, values, norms, and culture. However, this fast pace and the big number of the EU CSDP interventions raises the question of their impact and the lasting change they produce in the post-conflict states and societies. The general assessment, conducted in this thesis, of both civilian and military missions deployed so far, shows that the EU favors small-scale missions in response to issues that are low in the international political agenda, inefficient, driven by member states interests, motivated by political visibility and the perceived need for Union’s response to insecurity. Moreover, the theories on the CSDP drivers and the EU foreign policy show that the member states deploy the CSDP missions not always for the benefit of the conflict-affected society and state. The choice for deployment of these missions is based on calculation of risks and costs, missions that are close to home, opportunities for learning, are consensus-based, and the possibility for the EU to show its feet in the international stage.

Nevertheless, this study has researched in-depth achievements of one of these missions, namely EULEX in the period between 2008 and 2018. EULEX was chosen for study since it is the biggest and most extensive civilian CSDP to date and was used as a sample to assess the strengths and weaknesses of the CSDP as a tool of the EU CFSP, and thereafter the relevance of the EU in crisis management in the post-conflict situations. The findings of this research have evidenced that EULEX did not implement its mandate or met the expectations of the
security consumers, and further did not have any real impact in the ground nor is considered as a good example for future CSDP missions. Thus, its results were disappointing.

Furthermore, the case study of EULEX reveals that the CSDP missions suffer from several shortfalls such as incoherence, inadequate mission leadership, lack of adequate information and communication strategies, lack of human resources, and lack of the oversight to ensure efficiency in the implementation of the mandate. Moreover, they lack coherence in the combination of the EU security-development instruments, are affected by the local political environment, have problems with the witness protection programme, have broad mandates with tasks considered impossible to implement and utopia for the EU CSDP missions. In addition, some EU experts contest the entire idea of the EU intervention in Kosovo through EULEX in the framework of CSDP and argue that other EU foreign policy instruments could have proved to be more effective.

In conclusion, this thesis found that the EU still did not acquire the capabilities nor has the know-how to handle bigger CSDP missions. As such, EULEX did not prove the relevance of the EU in crisis management. However, it is important to note that this research has also established that CSDP missions generate hope and sense of safety for the post-conflict states and societies, thus the EU is viewed as a capable actor, able to make lasting changes in crisis areas. Therefore, this thesis concludes that if the EU manages to remedy the deficiencies identified with EULEX case study and other missions; and if there is a will of the member states to invest further in the CSDP missions, this EU instrument would be a suitable mechanism in crisis management for the post-conflict situations.

However, it should be reminded that this research was conducted from the perspective of the security consumers and the impact achieved on the ground. Research from the EU institutions' perspective or member states, may very well produce completely different results on EULEX’s performance.

Finally, this research has found that the drivers for the EU CSDP intervention in Kosovo were primarily for the EU member states to achieve their political interests acting in the Union’s framework, to further the EU integration, an EU external action to show contribution for international security and a good opportunity for learning; and less for the purpose of having a real impact and support the Kosovo rule of law institutions.

Keywords: EU, CFSP, CSDP, EULEX, crisis management.
CONTENTS

Acknowledgements.....................................................................................................................i
Declaration of authorship...........................................................................................................iii
Summary Slovenian language.....................................................................................................v
Summary English language......................................................................................................viii
Table of contents......................................................................................................................xi
List of figures............................................................................................................................xv
List of abbreviations................................................................................................................xix

1. INTRODUCTION................................................................................................................1

2. Preface.................................................................................................................................11

2.1 Problem definition............................................................................................................11

2.2 Research goal, research questions and hypotheses.........................................................18

2.3 Literature review..............................................................................................................22

2.4 Definition of concepts........................................................................................................24

2.5 Contribution to the science, assumptions and limitations..............................................30

2.6 Structure of the thesis.......................................................................................................32

3. Research framework...........................................................................................................33

3.1 Contextualization..............................................................................................................33

  3.1.1 A short historical overview of Kosovo.................................................................33

  3.1.2 United Nations (UN) intervention in Kosovo.......................................................36

  3.1.3 Resolution of the final political status of Kosovo...............................................38

  3.1.4 EU involvement in Kosovo before and after 2008..............................................39

3.2 Theoretical approach........................................................................................................40
3.2.1 Historical perspective on the development of the EU CFSP and CSDP

3.2.1.1 Evolution from EPC to CFSP

3.2.1.2 Treaty of the European Union

3.2.1.3 Amsterdam Treaty

3.2.1.4 Nice Treaty

3.2.1.5 Constitutional Treaty

3.2.1.6 Lisbon Treaty

3.2.2 Theories on EU CFSP and CSDP

3.2.2.1 Theories on EU CFSP

3.2.2.2 Theories on EU CSDP

3.3 Methodological framework

3.3.1 Research methodology

3.3.2 Research design

3.3.3 Case study

3.3.4 Research tools

3.3.4.1 Documentary evidence

3.3.4.2 Semi-structured interviews

3.3.4.3 Participant observation

3.3.5 Ethical considerations

4. Analysis of the EU as an international security actor

4.1 EU as a crisis manager

4.1.1 Crisis management operations and missions

4.1.1.1 Start-up of the operations and missions
Annex B: Citizen interview questionnaire.........................................................261
Annex C: Expert interview questionnaire..........................................................262
Index.................................................................................................................264
Povzetek v slovenskem jeziku..............................................................................266
List of figures

Figure 4.1: The level of information of the interviewed sample of Kosovo citizens on EULEX mission (n=50) ........................................................................................................................................................................97

Figure 4.2: Interviewed sample of Kosovo citizens’ expectations from EULEX mission (n=50) ........................................................................................................................................................................99

Figure 4.3: Opinion of the interviewed Kosovo citizens on the decrease of the criminal activities in Kosovo since the deployment of EULEX (n=50) ......................................................................................101

Figure 4.4: Views of the interviewed sample of Kosovo citizens on the efficiency and functioning of the Kosovo rule of law institutions (n=50) ......................................................................................103

Figure 4.5: Opinion of the interviewed sample of Kosovo citizens on the level of political interference in the rule of law institutions in Kosovo (n=50) ......................................................................................105

Figure 4.6: Opinion of the interviewed sample of Kosovo citizens on the results of EULEX fight against high-level crime and corruption (n=50) ......................................................................................108

Figure 4.7: Views of the interviewed sample of Kosovo citizens if EULEX managed to establish the rule of law in the entire territory of Kosovo (n=50) ......................................................................................110

Figure 4.8: Interviewed sample of Kosovo citizens views on the alleged corruption cases within EULEX (n=50) ........................................................................................................................................................................112

Figure 4.9: Responses of the interviewed sample of Kosovo citizens if EULEX has met their expectations to improve the rule of law (n=50) ........................................................................................................................................................................114

Figure 4.10: Interviewed sample of Kosovo citizens’ opinion if they have had higher expectations from EULEX, than what EULEX could deliver (n=50) ..............................................................................................117

Figure 4.11: Views of the interviewed sample of Kosovo citizens’ on the support EULEX has provided to improve security (n=50) ........................................................................................................................................................................119

Figure 4.12: Interviewed sample of Kosovo citizens’ opinion on the future presence of EULEX mission in Kosovo (n=50) ........................................................................................................................................................................121

Figure 4.13: Opinion of the interviewed sample of Kosovo citizens’ if EULEX should be used as a model for future EU CSDP missions (n=50) ........................................................................................................................................................................124

Figure 4.14: Views of the interviewed sample of experts from the CS, KI and EULEX officials on implementation of MMA tasks (n=15) ........................................................................................................................................................................128
Figure 4. 15: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the role of EULEX in maintenance and promotion of the rule of law, public order and security (n=15) ................................................................................................................ 131

Figure 4. 16: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on political interference in Kosovo rule of law institutions (n=15) ....................... 135

Figure 4. 17: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the achieved results of EULEX in fighting crime in Kosovo (n=15) ................. 139

Figure 4. 18: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on the role of EULEX in cooperation and coordination of judicial process linked with the organized crime (n=15) ............................................................................................ 141

Figure 4. 19: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the results achieved by EULEX in fighting cases involving corruption, fraud and financial crime (n=15) ........................................................................................................... 145

Figure 4. 20: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on the work of EULEX to support Kosovo Anti-Corruption Strategy and Action Plan (n=15) ..................................................................................................................................... 147

Figure 4. 21: Views of the interviewed sample of experts from the CS, KI and EULEX officials, assessing whether EULEX applied international standards on human rights and gender mainstreaming (n=15) ................................................................................................ 150

Figure 4. 22: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the role of EULEX in the EU facilitated dialogue between Prishtina and Belgrade (n=15) ..................................................................................................................................... 153

Figure 4. 23: Opinion of the interviewed sample of experts from the CS, KI and EULEX officials on the results of EULEX in implementation of the witness protection programme (n=15) ..................................................................................................................................... 156

Figure 4. 24: Views of the interviewed sample of experts from the CS, KI and EULEX officials if EULEX managed to establish the rule of law in the entire territory of Kosovo, with a focus in the north (n=15) ..................................................................................................................................... 159

Figure 4. 25: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the conditions in Kosovo for successful implementation of EULEX mandate (n=15) ..................................................................................................................................... 161
Figure 4. 26: Opinion of the interviewed sample of experts from the CS, KI and EULEX officials if the Kosovars’ were satisfied with EULEX performance (n=15) ........................................ 164

Figure 4. 27: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the success of EULEX in dealing with so-called ‘high profile’ individuals or groups involved in crime and corruption (n=15) ................................................................. 167

Figure 4. 28: Responses of the interviewed sample of experts from the CS, KI and EULEX officials if the Kosovo citizens had higher expectations than what EULEX could deliver (n=15) ......................................................................................................................... 170

Figure 4. 29: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the allegations for internal corruption within EULEX (n=15) ...................... 172

Figure 4. 30: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on the European Court of Auditors report (2012) on the performance of EULEX (n=15) ............................................................................................................................... 174

Figure 4. 31: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the contribution EULEX has provided for the effective and efficient rule of law institutions in Kosovo (n=15) ................................................................. 177

Figure 4. 32: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the level of crime in Kosovo and if the support of EULEX has helped in decreasing cases of serious crimes (n=15) ................................................................. 180

Figure 4. 33: Opinion of the interviewed sample of experts from the CS, KI and EULEX officials assessing if there is clear evidence of support provided by EULEX to Kosovo rule of law institutions (n=15) ................................................................. 183

Figure 4. 34: Views of the interviewed sample of experts from the CS, KI and EULEX officials if EULEX mandate should be extended beyond 2018 (n=15) ......................... 186

Figure 4. 35: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the role disunity of the EU member states on Kosovo’s status had on the work of EULEX (n=15) ................................................................. 189

Figure 4. 36: Opinion of the interviewed sample of experts from the CS, KI and EULEX officials on the competence of EULEX officials (n=15) ................................................................. 193
Figure 4.37: Responses of the interviewed sample of experts from the CS, KI and EULEX officials if EULEX should be used as an example for future EU CSDP missions \( n=15 \)....196

Figure 4.38: Views of the interviewed sample of experts from the CS, KI and EULEX officials if the EU CSDP missions are suitable mechanisms that can contribute to international security \( n=15 \)........................................................................................................................................199
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<tr>
<td>CSDP</td>
<td>Common Security and Defence Policy</td>
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<td>CS</td>
<td>Civil Society</td>
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<tr>
<td>CIVCOM</td>
<td>Committee for Civilian Aspects of Crisis Management</td>
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<tr>
<td>CPCC</td>
<td>Civilian Planning and Conduct Capability</td>
</tr>
<tr>
<td>COREPER</td>
<td>Committee of Permanent Representatives in the European Union</td>
</tr>
<tr>
<td>CMPD</td>
<td>Crisis Management and Planning Directorate</td>
</tr>
<tr>
<td>DFiD</td>
<td>Department for International Development</td>
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<tr>
<td>EDC</td>
<td>European Defence Community</td>
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<td>EU</td>
<td>European Union</td>
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<td>EEAS</td>
<td>European External Action Service</td>
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<td>ESS</td>
<td>European Security Strategy</td>
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<tr>
<td>EUMC</td>
<td>European Union Military Committee</td>
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<td>EUMS</td>
<td>European Union Military Staff</td>
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<td>EDA</td>
<td>European Defence Agency</td>
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<td>EAR</td>
<td>European Agency for Reconstruction</td>
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<tr>
<td>ECHR</td>
<td>European Court of Human Rights</td>
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<tr>
<td>GIZ</td>
<td>Deutsche Gesellschaft für Internationale Zusammenarbeit</td>
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<tr>
<td>GAM</td>
<td>Free Aceh Movement</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>ICITAP</td>
<td>International Criminal Investigative Training Assistance Program</td>
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<tr>
<td>IGC</td>
<td>Intergovernmental Conference</td>
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<tr>
<td>KI</td>
<td>Kosovo Institutions</td>
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<td>KFOR</td>
<td>Kosovo Force</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
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<tr>
<td>PSC</td>
<td>Political and Security Committee</td>
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<tr>
<td>RRF</td>
<td>Rapid Reaction Force</td>
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<tr>
<td>SOP</td>
<td>Standard Operating Procedures</td>
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<td>SC</td>
<td>Security Council</td>
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<tr>
<td>TEU</td>
<td>Treaty on European Union</td>
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<tr>
<td>TFEU</td>
<td>Treaty on the Functioning of the European Union</td>
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<tr>
<td>UMFA</td>
<td>Union Minister for Foreign Affairs</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>UNMIK</td>
<td>United Nations Mission in Kosovo</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>USA</td>
<td>United States of America</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>WEU</td>
<td>Western European Union</td>
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</tbody>
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1. INTRODUCTION

Europe was the theatre of the two world wars in the 20th century. The bitter experience and the devastating consequences made the Europeans reflect and consider the peaceful coexistence of nations in the old continent. The settlement after the Second World War was based on the accords that took into account interest of all major European powers\(^1\) that would guarantee sustainable and long-term peace in Europe. This had to be clear since the beginning as the Second World War was the consequence of the unjust terms imposed to the defeated party in the First World War, Germany. Peaceful efforts meant that the Europeans would end the old quests for supremacy and rivalries between Germany and France, and reconcile all European nations. This was an enormous project that would change completely the identity of Europe in which not many people, with justified reasons one would argue, did believe. However, post Second World War era offered an instrumental environment for such an endeavour especially as the new west-east rivalries between the USA and the Soviet Union seemed unavoidable. In this context, the Europeans started to explore the modalities of cooperation that would first guarantee peace between the big European powers, but at the same time would set the footprint for a peaceful and prosperous Europe that would occupy its deserved place in the world stage.

Since the end of the Second World War clearly showed the dominant role of the USA and the Soviet Union in European security, the founding fathers\(^2\) of the EU considered that only by working together the Europeans would regain their control in the old continent and have international influence. Working together at the EU supranational structures where member states would share part of their sovereignty, would ensure the establishment of the European security community.

The first phase of the European unification started at the community level through the establishment of the European community organizations by six founding member states: France, Italy, Netherlands, Belgium, Luxembourg and West Germany. The Treaty of Paris in 1951 established the European Coal and Steel Community (ECSC), and then the European Atomic Energy Community (EAEC) and the European Economic Community (EEC) were established through Treaty of Rome in 1957\(^3\). All three communities were merged in 1965 with

\(^1\) France, Germany and the United Kingdom.

\(^2\) Jean Monnet and Robert Schuman.

\(^3\) Important to note, in 1952 the Treaty establishing the European Defence Community was initiated which aimed to gather the military resources of six founding members France, West Germany, Italy and the Benelux countries, that would provide an effective European force against potential Soviet Union threat. Nevertheless, this initiative failed to obtain the support of the French Parliament.
the Brussels Treaty and together were known as European Communities (EC). These initiatives were the process that foresaw the strategy of controlling resources that could be potentially used for new conflicts, with special emphasis on Germany, and redirecting them for economic development, prosperity and wellbeing of all the Europe. All these initiatives served for the integration of the EEC founding member states; however, there was always a recognition that the EU would be incomplete without a foreign and security policy. As such, there was a need to establish a certain mechanism or forum where foreign affairs issues of interest would be discussed.

The EC member states foreign ministers proposed, through Luxembourg report in 1970, to their governments’ the establishment of an intergovernmental consultation mechanism where member states could discuss, consult, share information, and take common positions whenever appropriate. This report was the foundation of the European Political Cooperation (EPC). The EPC was a mechanism that aimed to increase cooperation between the member states in foreign policy and show the world that Europe has not only economic objectives but political aims as well. Thus, already in 1970s the Europeans started to project their political influence in the rest of the world. The EPC was actively involved in some of the crises in the Middle East, Afghanistan and the Balkan wars; however, the dramatic changes in the late 1980s overshadowed the EPC requiring for more vigorous involvement of the Europeans in the international affairs.

The end of the Cold War and the decomposition of the bipolar structure of the world order shifted completely the balance of power in the world. This dramatic change required that the Europeans adapt to the new security environment. The post-Cold War period presented a remarkable increase in security and defence cooperation between the EU member states. This broadening of the scope of cooperation in security and defence matters showed the ambition of the EU not to merely remain a civilian power, but to project power externally aspiring to influence security affairs in the international arena.

In response to changes in the political and security environment in the late 1980s, the Maastricht Treaty (Treaty of the European Union) was signed in 1992 that established the EU and foresaw the creation of the EU CFSP. Through the Treaty of the European Union (TEU), Europe changed its status from the security consumer to security provider and as such, the EU theoretically became an international security actor. The CFSP promised a much more unified and effective engagement of the EU in international security affairs. Through the TEU, CFSP
set very ambitious objectives: to safeguard the common values, the fundamental interests and independence of the Union; to strengthen its security and of its member states; to preserve peace and strengthen international security; to promote international cooperation; develop and consolidate democracy and the rule of law, respect for human rights and fundamental freedoms (Article J 1.2).

The first test for the EU to play its role in international security were the Balkan wars. As the conflict was taking place in the European backyard, many expected that the EU would intervene and stop the hostilities. However, the EU did not have the resources for this and had to look from the side as the Balkan was sliding into bloody warfare. The failure to prevent these wars exposed the limits of EU diplomacy and was a reality check for the EU policymakers. It was the disappointment and weakness the EU was exposed to in the Balkans that served as a catalyst to further build its capacities. Consequently, at the Cologne European Council summit (1999) the Europeans launched the European Security and Defence Policy (ESDP) in response to the signed agreement of the British and French governments in St. Malo summit in 1998. The EU claimed to occupy a role in international political and security affairs with its own autonomous military capacities and would be able to respond to international crises. The EU soon after established the ESDP structures: Political and Security Committee (PSC), the EU Military Committee (EUMC) and the EU Military Staff (EUMS). The work of the ESDP retained the intergovernmental structure, thus most of the ESDP decisions required unanimity and the final say of the member states. Further, it was agreed that by 2003 member states establish a Rapid Reaction Force (RRF) composed of 60,000 troops deployable within two months for at least one year. In June 2000, at the Santa Maria de Feira European Council, the EU made a breakthrough with the establishment of the civilian crises management capabilities and bodies to cover the areas of rule of law, civil administration, civil protection and policing. This initiative was a response of some EU member states who insisted on balancing militarization of the EU so that the Union can play a constructive role in the peacebuilding as well.

The EU CFSP was further developed institutionally and with policy instruments through the Amsterdam (1997) and Nice (2001) treaties. The Amsterdam treaty in the field of CFSP introduced the establishment of the post of High Representative (HR) for the CFSP in an effort to enhance the profile of the Union’s foreign policy. As such, for the first time, the Union had a face and a name, and ultimately an address that others could contact directly. Further, the new creation of Amsterdam was the ‘common strategies’ instrument. The common strategies
would be implemented by the Union in cases when member states have important common interest vis-a-vis other states. The treaty of Nice introduced the ‘enhanced cooperation’ as an instrument to safeguard the values and the interest of the Union. Further, the EU through European Security Strategy (ESS) presented the EU vision ‘A secure Europe in a better world’. However, it was the Lisbon Treaty (European Union, 2009) that embodies the big step for EU foreign and security policy. The ESDP was renamed the Common Security and Defence Policy (CSDP); foresaw the establishment of the post of HR of the Union for Foreign Affairs and Security Policy, and the creation of the European External Action Service (EEAS). The Lisbon Treaty introduced the legal personality of the EU and for the first time explicitly stated that the framing of the common defence policy may lead to the common defence of the Union if the European Council decides so (Article 28 A, para. 2). In addition, with this treaty simultaneously the HR for Foreign Affairs and Security Policy would be the Vice-President of the European Commission too. The duty of HR is to ensure coordination and consistency of the EU’s foreign policy. The EEAS is led by HR and is the diplomatic service of the EU. The EEAS prepares acts for the HR and is responsible for the EU diplomatic missions, intelligence and crisis management structures.

The EU has made remarkable progress through the years since 1970 in developing its foreign policy, by establishing the structures and enhancing its tools to implement its security and defence policy. The EU CSDP, in many respects, is the expression of Europe’s internal and external integration: internally it reflects values, preferences and security interests of the member states, whilst externally it aims to improve and complete the EU foreign policy in terms of enhancing the security of the Union around and outside of its borders.

The civilian missions and military operations are important elements of EU CSDP and the most visible activity of the EU’s actorness in international security. The study of the EU foreign policy shows that the drivers that influence the launching of the EU CSDP missions occur in a complex environment and as a result of multiple factors. Until now, no single theory of international relation was able alone to explain these drivers. Hence, this thesis will be based on three theories neorealism, rational choice institutionalism and social constructivism as an explanatory framework to analyse the reasons, conditions and rationale for the deployment of CSDP missions. As a principle, the neorealism highlights the importance of state power and distribution of power in the international system; therefore, through the deployment of the missions, the EU aims to take part in the power sharing in the international system. The rational choice institutionalism posits that in collective action operational costs are lower than if an EU
member state would pursue its interest individually, as such; this theory considers that the EU member states decide to act jointly in a mission so to save funds and achieve their goals. And, lastly, social constructivism emphasises European identity whose norms, values and culture inform and stimulate the EU CSDP missions. Therefore, the EU member states through joint missions show their values and build the identity of the EU.

As this thesis aim is to assess one of the EU’s civilian missions, EULEX, further in the text EU military operations will not be discussed in depth. The Council of the European Union as foreseen with the crisis management procedures establishes the EU civilian missions. All civilian missions correspond more or less to the ‘conflict prevention and post-conflict stabilization tasks’ enshrined in Article 43 of the TEU. More precisely, they fall within the three broad categories of strengthening missions, monitoring missions and executive missions. The EU strengthening missions aim to assist recipient states to increase their capacity in the field of rule of law through reform of the judicial and law enforcement institutions. On the other side, the monitoring missions provide assistance to the third party observation of a certain process to assess the performance of the law enforcement institutions and/or implementation of an agreement such as peace agreement, etc. And, the executive missions, which are rear, are operations that can exercise some functions in substitution of the recipient state. These missions are comprehensive and complex which aim to provide a long-term benefit for the recipient states peace, stability and good governance.

Since its inception at the Council of Helsinki in 1999, the EU civilian crises management has become multifaceted, building in four initial priority areas: policing, civil administration, civilian protection and rule of law. Through CSDP, the EU implements its policy with the deployment of missions, which are the means through which the EU contributes in crises management at the international stage. These missions are the core feature of the CSDP, while the EU deploys missions to channel its commitments to the TEU, it transforms its vision into action, and it reflects its identity, values, norms and culture. Moreover, the EU through these missions projects itself as an important security actor and shows its commitment to share the responsibility for international security.

According to the Lisbon Treaty, the CSDP provides the EU with a capacity for “peacekeeping, conflict prevention and strengthening international security” (Article 42.1). In the EU documents, the term crisis management refers to CSDP missions, though no definition is provided. Nevertheless, crisis management refers to the policy tools that can be used to respond
to a crisis, intending to remedy the consequences of the crisis, to restrain its spread and create the political environment for a longer-term solution. EULEX Kosovo, for example, embraces a long-term agenda that gives the EU concept of crisis management a fairly broad meaning. However, beyond the terminology debate, the question arises as to whether long-term activities that are not responses to an immediate crisis should come within the remit of CSDP. Another issue that draws attention is the importance endowed to the political and security dimension of long-term stabilisation of fragile states. Even though activities such as police training or reform of the justice system may not be in themselves about managing an ongoing crisis, they fall within the array of stabilisation tasks that aim at strengthening fragile states so that they do not turn into conflict again. This concept of crisis management is linked to the security-development nexus concept, which combines security-focused activities with development efforts.

From 2003 to 2018, the EU engaged in over 30 crisis management missions in different geographical areas starting from Europe, Africa, Asia, and the Middle East. The missions are noteworthy not only for their complexity and for variety, but also for the manner in which they were implemented. These missions have ranged in size from the small – 15 in Guinea Bissau to 2,500 personnel in the Operation Althea in Bosnia and Herzegovina; and have employed diverse means and ends such as monitoring and surveillance (Indonesia, Georgia, Balkans), border posts (Moldova-Ukraine, Rafah-Palestine), police training and reinforcement (Congo, Lebanon, Afghanistan, Bosnia and Herzegovina), reform of security forces (Guinea Bissau, Congo) and the rule of law (Kosovo and Iraq). However, when the EU missions are examined, it seems obvious that the EU favours small-scale crisis management missions in response to issues which are mainly low on the international agenda. Most of these missions are criticized for being too small or too short, lacking the consensus between member states, inefficient, lengthy in decision-making, and driven by member states interest and different security cultures.

Deployment of the EU CSDP missions is influenced by member states’ roles and sense of obligation, but also by various political and economic factors, historical backgrounds, cultural aspects and identity. Hence, different crisis countries may have different interests and different ways of acting or influencing. The EU CSDP missions are launched when member states calculate that it is in their political interest to have an EU level, controlled by member states, CSDP mission where there is political visibility for the EU and a perceived need for a Union level response to insecurity. The EU member states interests in CSDP missions are multi-
dimensional and dynamic, and evolve accordingly. However, there may be divergences of member states interests because of individual domestic political sensitivities or because of different bilateral foreign policies. Thus, member states may differ in their foreign policies towards third countries; however, still agree on the efficacy of a CSDP mission. For example, EULEX Kosovo is one of the most striking examples of a CSDP mission deployed without a clear policy. Namely, the member states agreed to deploy EULEX in Kosovo, despite the fact that they were unable to reach consensus regarding Kosovo’s independence in 2008. Even though the EU member states did not unanimously support its recognition, they allowed EULEX deployment out of acknowledgement that the EU needed to replace the UN mission in Kosovo with a comprehensive European rule of law mission. Hence, the process of European integration allows for creative solutions to balance national foreign policy interest and at the same time for an EU international security contribution in the absence of consensus and unified foreign policy among its members.

As stated above, an impressive number of CSDP missions have been launched to date; however, the achievements are poor and most of the missions were not ambitious and relatively of a small scale. Furthermore, the CSDP missions are predominantly civilian, and only a small number of these missions included military force deployment. On top of that, the CSDP remains quite passive, while serious crises show a clear threat to European values and interests such as conflicts in Syria or Ukraine. Further, an important observation is that, despite the efforts of the EU to place itself as an important security actor the EU still suffers from the capability-expectations gap. While there are big expectations from the EU’s action towards international crisis, the capabilities to fulfil these expectations still seem to be insufficient.

The rationale behind the choice to deploy CSDP missions lies not in the situations which require the most humanitarian relief or which would provide the biggest benefits for conflict-affected communities or states, but in calculations of risks and costs, missions which are close to home, missions which offer the possibilities for learning, missions for which the consensuses is easily reached between the member states, and the possibility of the EU to show-up its feet in the international stage. Another important element when deciding to deploy a CSDP mission, is that the EU seeks support from the recipient population and/or state as this is considered a critical factor to ensure that the planned activities and goals are achieved. However, there are no clear guidelines which would define which means should be used under what kind of circumstances. In this respect, different EU member states attitudes or cultures play a role. Some member states do not support missions who are with high risk or missions that include
peace enforcement, on the other side, there are countries that support the missions that are urgent and bring some leverage. Therefore, all these elements shape the complexity of EU CSDP mission deployment.

As the preceding analysis demonstrates, the calculus for a decision to deploy a mission includes weighing the costs and benefits of both action and inaction of the EU member states. The decision to launch a CSDP mission involves calculations beyond what is simply in the best interest of the host state or society, it includes a constellation of domestic, institutional, political, military, strategic and other considerations.

On 4 February 2008, the EU through Council Joint Action 2008/124/CFSP established EULEX mission in Kosovo. The mission’s aim is to assist Kosovo law enforcement agencies to reinforce the multi-ethnic justice system, police and customs service. The core functions of EULEX are to monitor, mentor and advise Kosovo’s rule of law institutions in establishing institutional practices that support the country’s overall democratization. In addition, EULEX maintains executive functions with respect to investigating and prosecuting serious and sensitive crimes in the areas of war crimes, organised crime and high-level corruption, as well as property and privatisation cases.

EULEX Kosovo in many respects is unique and is indicative of the EU’s level of ambition with the CSDP civilian missions. EULEX has four distinctive features that single this mission out from all others to date. Firstly, the size of the mission: EULEX included around 3,000 staff (international and local). Looking at the composition of the mission’s staff, EULEX is also unique as it is the first CSDP civilian mission that receives personnel contributions from third countries such as the USA, Turkey, Canada, etc. Second, the mandate of EULEX is very broad and in many ways unprecedented in a context of the civilian CSDP. EULEX is the first fully integrated rule-of-law mission spanning across the fields of justice, police and customs. Further, EULEX is the first civilian mission mandated not only with the traditional tasks of monitoring, mentoring and advising, but also with a specific executive mandate. Third, not least given its size and the consequent management requirements in the field, EULEX has centralised a whole range of important horizontal tasks at its headquarters in Prishtina. These include programming, procurement, personnel, training and best practices, human rights and gender policies, etc. Fourth, EULEX distinguishes itself because of the thorough programmatic approach that has been devised based on the stated aims and objectives of the mission. This approach consists of a detailed set of programme activities accompanied by performance
indicators designed for the police, justice, and customs sectors. Further, EULEX is the largest and one of the longest running civilian CSDP mission, as well as the most expensive.

EULEX was established as part of a broader EU effort to maintain peace and security in the Western Balkans and to support the Kosovo authorities as they undertake reforms considered necessary in the path to European integration. In addition, the deployment of EULEX in Kosovo was a response to the criticism the EU faced for failing to prevent the violent conflicts in the Balkans, and in particular the Kosovo war 1998-99.

Spernbauer (2010, p.33) believes that the EU CSDP civilian missions support “the effective provision of public security in countries emerging from crisis or violence and that are going through the crucial and state-forming yet incremental transformation of the institutions which represent the nucleus of the sovereignty”. As such, the EU intervention goes beyond the crisis management, as it is the case in Kosovo with EULEX, to support institutions of a sovereign state\(^4\). Likewise, Van der Borgh, Roy and Zweerink (2016, pp. 18-38) consider that through CSDP missions the EU contributes to international peace and security. Thereby, EULEX goals were far-reaching not only for Kosovo, but to further the EU peacebuilding system. In addition, the EU will be able to act effectively as a security actor only if recognized by the other international actors. The EU CSDP institutional capacities, policymaking and the level of interacting with the other agencies amount to recognition and external legitimacy. Zupančič and Pejić (2018, pp. 1-4) state that since its inception EULEX was an ambitious mission whose task was to support the rule of law services in Kosovo and to fight high-level crime and corruption. EULEX promised a functional and efficient rule of law system in Kosovo that would result in a well-functioning democracy and sustainable peace. These stated objectives of the EU with EULEX, can be considered projections of the EU for further engagement in the international arena in a post-conflict environment alongside other international security actors. Of course, this will very much depend on the success of EULEX itself and the assessment of external actors. Moreover, Cadier (2011, p. 2) argues that it should be noted that the EU results through EULEX mission in Kosovo are important for the transatlantic relationship as well. Namely, the USA wishing to withdraw progressively from the Balkans region is interested to ensure that the EU has the capacities to take over security and stabilization of the region. Not to mention the huge investments of Americans in the Kosovo war in 1999. Therefore,

\(^4\) This theory while it can be applied in other EU interventions, the Kosovo case is contradictory since five EU member states do not recognize the independence and sovereignty of Kosovo. Moreover, Spain has even hostile attitude towards Kosovo posing obstacles for the latter to join the international organization, etc.
perceptions of Washington on this issue are largely built based on the achievements of EULEX. The fact that NATO (KFOR) is keen to share the security burden with EULEX is a clear sign of the recognition of the EU as a regional security actor. As such, besides the crisis management, the CSDP missions’ purpose is to enhance the international role of the EU in the world scene by showing their presence on the ground. As such, research of EULEX it serves not only to assess its result in Kosovo, but to evaluate the development of the EU crisis management capabilities, projection of other CSDP interventions, its role as a security and peace provider in the international arena, cooperation with other international security actors, and most importantly, to strengthen and further its transatlantic relation.

The EU’s aspiration to play a role in international security affairs raises the question of its performance, the impact that it produces and the degree of success. There are at least three reasons why performance needs to be assessed. One relates to institutional efficiency, meaning the evaluation of the level of the EU performance and efficiency of its CSDP missions. The other pertains to political visibility and the idea that declaring success is central to the profile of member states, as well as of the EU as an institution. And, the third reason, relates to the necessity for a security actor to indeed somehow contribute meaningfully to international security.

Therefore, this thesis researched one of the EU CSDP missions, EULEX mission in Kosovo. The research is conducted from the prism of the security consumers; however, to ensure objectivity of the study the Kosovo Civil Society representatives, Kosovo Institutions and EULEX officials are interviewed, documentary evidence from reliable sources and information from researchers own observation is used. Through this research is aimed to assess and draw conclusions whether the EU CSDP missions are suitable crises management mechanisms for post-conflict situations. The thesis answers this question through assessment of the strengths and weaknesses of EULEX and the impact it had in Kosovo.
2. Preface

This chapter aims to outline the research problem, and to elaborate the goal of the research, research questions and hypotheses, as well as the approach and methodology that will guide the work in this thesis.

2.1 Problem definition

In this sub-chapter, a reflection of a short historical episode and the events that lead to the establishment of the EU, CFSP and CSDP is presented, including the strategic policy development, theories on CSDP missions and the goal of this research. The terrific destruction of the Europe as a result of the Second World War was a lesson that Europeans decided not to repeat; hence, they replaced their rivalries and confrontations with dialogue and cooperation. In this regard, the Brussels Treaty was concluded in 1948 by France, Belgium, Netherlands, Luxemburg and United Kingdom as the first attempt to prevent the conflicts in Europe. Soon after the European Coal and Steel Community (ECSC) was established by Belgium, France, Netherlands, West Germany, Luxemburg and the United Kingdom. The six founding members of the ECSC signed the European Defence Community Treaty in 1952; however, the initiative was rejected by the French parliament. Despite that, the European integration did not stall. On the contrary, in 1954, the Brussels Treaty was amended and the Western European Union (WEU) was established. The WEU did not have a standing army but was dependant on the cooperation among the member states on military and security priority tasks such as humanitarian, rescue and peacekeeping operations; including combat force in crises management and peacemaking tasks, generally called the Petersberg tasks. Further, the Treaty of Rome in 1957 established the European Community (EC). The EC in general was driven by the desire to encourage the Western Europeans to deepen their economic cooperation that would ultimately provide for more stability and security in the Western Europe. This way of thinking despite of the good intention in practice refrained the Europeans from developing their security and defence policy.

Only almost after two decades later in 1970s a cautious first step was taken towards European foreign policy. The European Political Cooperation (EPC) was established with the Luxemburg report in 1970, as a forum where EC member states could discuss and coordinate their foreign affairs positions and act jointly whenever suitable. The establishment of the EPC translated in a way the wish of the EC member states to show a common identity and to play an active role in world stage.
The end of the Cold War shifted completely the balance of power in the world, which required that the Europeans adapt to the new security environment. This profound transformation eliminated the Soviet Union threat and saw the emergence of several new states in Eastern Europe. The geopolitical shift provided a more permissive environment and allowed for the development of an autonomous EU security and defence policy. As such, this period presented a remarkable increase in security and defence cooperation between the EU member states. This broadening of the scope of cooperation in security and defence matters showed the ambition of the EU not to merely remain a civilian power, but to project power externally, thus, taking part in international security governance.

The Treaty of the European Union (TEU) signed in 1992 made a major breakthrough in re-establishing the security dimension of the EU. Through TEU the EPC was transformed into CFSP. The Union had new policy instruments in place the joint actions and common positions and could resort to the WEU in the EU framework to implement defence tasks. Furthermore, the Amsterdam Treaty (1997) introduced the post of High Representative for CFSP aimed to provide more coherence to the EU. Moreover, it incorporated the WEU Petersberg tasks into EU. Further, it established a more constructive voting process that included ‘constructive abstention’ and qualified majority voting (QMV); and the another procedural novelty the ‘common strategies’. The 2001 Nice Treaty further advanced the CFSP introducing the ‘enhanced cooperation’ between the member states with the aim to safeguard the values and the interest of the Union. Yet, this institutional transformation of the EU CFSP failed to make any noticeable dynamics in the EU foreign and security policy.

The establishment of the European Security and Defence Policy (ESDP) structures at the Helsinki European Council (1999), namely the PSC, EUMC, EUMS and the agreement to establish a RRF, in theory, gave the EU the hammer to help implementation of the Petersberg tasks. Further, the Santa Maria de Feira European Council (2000) expanded the responsibilities of the ESDP in civilian crisis management in areas of rule of law, civil administration, civil protection and policing, to complement the military responsibilities.

Another major historical achievement of the EU was the approval for the first time of the European Security Strategy in 2003. This document presented the EU political project, its ambition and hopes, and builds on the past and existing guidance of the CFSP. The ESS laid down the foundation of an active, viable and influential presence of the EU in international

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security (Toje, 2010, pp. 76-152). The adoption of the ESS “sent the signal to the world about EU commitment to contributing to international security” (Larivé, 2014, p.115). The Strategy opted for a Secure Europe in a Better World and committed the EU to three strategic objectives, namely to address key threats⁶ to the Union, building a secure neighbourhood and promotion of the international order based on effective multilateralism (Council of the European Union, 2003a). Arguably, the ESS gave an impulse for a more effective EU and invited for more effective and coherent CFSP. However, it was the Lisbon Treaty (2009) that embodies the big step for the EU foreign and security policy (Costa & Brack, 2014, pp. 4-85). It amended the Treaty on European Union and the Treaty on Function of the European Union. The stated aim of this treaty was to enhance the efficiency and democratic legitimacy of the EU and to improve the coherence of its action. At the centre of the Lisbon Treaty changes were the establishment of the post of HR of the Union for Foreign Affairs and Security Policy. This post merged the previous post of HR for the CFSP and the European Commissioner for External Relations and European Neighbourhood Policy with the aim to ensure better and greater coordination and coherence in the EU external relations. Another major innovation of the Lisbon Treaty was the establishment of the European External Action Service. The EEAS is the diplomatic service of the Union; that serves and assists the EU’s Foreign Affairs chief in fulfilling her or his mandate in implementation of the EU CFSP. The European Security and Defence Policy (ESDP) was renamed into the Common Security and Defence Policy (CSDP). The CSDP according to the Lisbon Treaty “it shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter” and “the common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides” (Article 42, para. 1 and 2). Another key change introduced by the Lisbon Treaty was to expand the concept of crisis management. Some of the CSDP missions such as judicial reform are not per se an intervention to an immediate crisis, but a long-term agenda that links security-focused activities with development efforts and as such, it creates the security-development nexus. If these missions are not a response to an immediate crisis the question arises whether the long-term activities should fall under the responsibility of CSDP or perhaps of the other EU institutions such as

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⁶ The ESS identified key threats to the EU such as Terrorism, proliferation of arms of mass destruction, regional conflicts, state failure and organized crime.
Commission, EU delegations, etc. The European Commission and the Council have a different understanding of this issue. While the Commission stands that the long-term investments of the developing democratic practices, promotion of the rule of law and of civil society in fragile states is key for the security of the recipient state. However, the CSDP (civilian) interventions are trivial; therefore, hardly capable to induce any systematic change in the affected society. Conversely, the Council considers that for stabilization of post-conflict society or state, one has to guarantee security first. The insistence of both the Commission and the Council over the security-development nexus requires a reconceptualization of the EU role in the international stage as well as institutional recalibration within the EU (Kurowska in Merlingen & Ostrauskaitė, 2008, pp. 32-40). This issue also provides a space for further research and scholarly analysis to define if the EU interventions to support issues such as rule of law, training or support to administration should be launched within the framework of the Commission or the Council.

All the initiatives mentioned above empowered the EU over time to develop its capacities to influence external security environment. Crisis management is one important tool the EU uses to achieve its foreign security and policy objectives. In general, crisis management refers to actions of preventing crises from occurring, responding to ongoing crises, or assisting in the consolidation of peace and order. Most of the crises management operations have the purpose to respond to the immediate crises and/or to contribute to the strengthening of long-term peace in a situation of relative stability. The crises management is a security-centred activity in the sense that the crises dealt with has a security dimension, even though the selected security measure may go beyond the traditional ones. In practice, the most prominent crises management activities employed are security, conflict prevention, rule of law, security sector reform, etc. These measures are about responding to threats that are not direct or immediate; and about projection of the security outside of the EU area through assistance in the stabilization of the regions and fragile states that could pose threat or destabilization to the European society directly (Tardy, 2015, pp. 9-15).

Crisis management missions are inherently complex activities as they depend on the support of the EU member states, both political support and material resources. These interventions are intricate as well as they may be in contradiction with the security priorities of the contributing states; and on the other side, the EU member states may decide to contribute for different motivations to achieve their foreign policy, economic interests, solidarity with the allies; rather than to support the country in crises. Furthermore, some missions are driven by external factors
such as the need to show the visibility of the EU, to foster the influence of a member state in a region or to respond to public pressure over a humanitarian emergency. Some other difficulties noted in the implementation of the crises management missions are related to deployment, support structures as well as the quality of human resources. Nevertheless, crisis management is an ambitious endeavour which creates hopes and expectations that the crisis will be resolved. However, at the same time, due to the complexity of the crisis may lead to disappointment and to under-deliver (ibid).

When analysing the start-up of the CSDP missions’ history and theory explain the role of the EU as an international security actor. The historical perspective offers the outlook of the CSDP development over six decade’s process of the EU foreign policy, regional integration, institutional development, initiatives and setbacks that allow for analysis of what did the EU or what the EU should do in the international politics. For example, the historical institutional perspective shows that the EU mission in Kosovo was largely established drawing from the lessons learnt from the EU mission in Bosnia and Herzegovina (Ginsberg & Penksa, 2012, pp. 42-43). The international relations theories are used for explanation and analysis to identify the primary political sources for the EU CSDP missions’ deployment. Since no single theory can explain the complexity and the drivers that influence the launching of an EU CSDP mission, we draw from three streams of the international relations theory neorealism, rational choice institutionalism and social constructivism to explain the complexity, insights and contexts that a CSDP mission commences.

Neorealism is one of the most influential and sophisticated theories of International Relations. The neorealist stance is that what drives the CSDP missions is the structure and distribution of power in world politics; the EU impact in member states political, economic, and other interests; and the EU impact on the decisions of the member states foreign policy acting in the Union’s context (ibid, pp. 43-44). Accentuation on the structural distribution of power, rather than on human nature, conceptual factors or political system, offers a powerful tool able to elucidate the dynamics of the EU CSDP cooperation. The theory explains that the material interests are the driving force under the emergence of the CSDP missions and the decisions are based on cost-benefit calculations where the strongest EU member states will carry the costs only in those cases which can strengthen their influence. In this respect, the strongest EU member states shape and influence the external environment according to their interests (Jacek, 2014, pp. 105-107). Thus, the neorealist theory informs us that the EU member states pursue national interests in the world stage, aiming to maximise their gains and minimize loses.
Therefore, the member states will cooperate at the EU level, through the CSDP institutions only when their national foreign and security policy interest are better assured, than through independent initiative.

*Rational choice institutionalism* is concerned with the interaction and dynamics of tensions between the EU member states and the EU institutions in the formulation and implementation of the EU foreign and security policy (Ginsberg & Penksa, 2012, pp. 43-50). Rational choice theorists argue that an international institution such as the EU is chosen to benefit its principals, the EU member states (Dyson & Konstadinides, 2013, pp. 127-129). Member states then delegate their authority to the Council and the Commission to execute their decisions. Institutionalists argue that in collective action the burden of operations is shared between member states, thus, operations costs are lower than if a member state would pursue its interest individually (Haesebrouck, 2015, p.17). Furthermore, as the EU institutions help to formulate and execute the EU CSDP decisions, they enhance the scope of their influence or agency. Considering the tensions between the EU member states, the CSDP institutions play an important role by avoiding the influence of the EU great powers (Germany, France and the United Kingdom) to dominate the EU security and defence outcomes, and hence it empowers the smaller states to have a say in setting the CSDP agenda and direction (Cameron, 2007, pp. 204-206).

While the neorealist and institutionalist point of view focuses on the state and international institutional actors in search for rational interests, the perspective of *social constructivism* is that there cannot be an EU foreign policy or the CSDP without a European identity (Ginsberg & Penksa, 2012, pp. 43-50). The European identity is embedded in norms, values and culture that inform and stimulate the EU CSDP missions. Constructivism emphasises the existential nature of the EU since member states and their citizens, who have voluntarily joined, remain in the EU and respect the rules of the Union they have created. As such, constructivists posit that the motivation to cooperate in the European integration goes beyond a rational choice or simple exercise in power politics. The theory underlines the importance of ideas and identities, and how these factors influence and shape the understanding and response of the member states to specific events. Therefore, the social construction of identities leads to roles and responsibilities of the EU member states in international security. Ultimately, constructivists conclude that the willingness and ability of the member states to work jointly is essential to establish successful cooperation and thereafter to project the future of the CSDP (Ginsberg & Penksa, 2012, pp. 43-50; Dyson in Cladi & Locatelli 2016, pp. 28-42).
In international security, the EU is one of the actors in crisis management. The EU is not the most knowledgeable or stronger crisis management provider; however, it has some expertise, strengths and advantages compared to other actors. Nevertheless, the historical account suggests that there are limitations to what the EU can achieve through CSDP missions. Against this background and the complexity of the crisis management involved the EU has managed to occupy an important position in the world scene. The CSDP missions are the most visible and tangible activity of the EU in international security (Tardy, 2015, pp. 17-31). The first CSDP mission was deployed in 2003, EUFOR Concordia in Macedonia. Since then the EU launched over 30 other military and civilian missions. The missions are noteworthy not only for their complexity and variety but also for the manner in which they were implemented. These missions have ranged in size from the small – 15 in Guinea Bissau to 2,500 personnel at the Operation Althea in Bosnia and Herzegovina, and have employed diverse means and ends such as monitoring and surveillance (Indonesia, Georgia, Balkans), border posts (Moldova-Ukraine, Rafah-Palestine), police training and reinforcement (Congo, Lebanon, Afghanistan, Bosnia and Herzegovina), reform of security forces (Guinea Bissau, Congo) and the rule of law (Kosovo and Iraq). In general, “when all EU missions are examined, it is apparent that the EU favours small scale, low-intensity pre- and post-crisis management in response to issues low on the international agenda” (Toje, 2010, p. 99). Most of these missions are criticized for being too small or too short, lacking the consensuses between member states, inefficient, lengthy in decision-making, driven by member states interest and different security culture.

Nevertheless, a legitimate question is asked: what contribution of the EU to international security? Evaluating the success or failure of the CSDP missions is central to policy and academic debate, thus inquiries on missions’ effectiveness, the type of impact that it produces, and the degree of success is always omnipresent.

The aspiration of the EU to play an important role in international security governance through CSDP missions raises the question of its performance. Tardy (2015, pp. 35-43) posits that there are at least three reasons why EU CSDP missions’ performance should be assessed. First, it concerns the institutional efficiency, that is, to evaluate are the EU CSDP missions efficiently delivering their mandate. Second, is linked to the political visibility of the international security actor, the EU, to declare success for the missions (if the EU meets the expectations). The third reason pertains to the necessity that every security actor needs to show that it is contributing significantly to international security (if the expectations of the security consumers are met).
Nevertheless, measuring success (or failure) of a mission is not easy and raises a number of methodological questions. The assessment of the CSDP missions in promotion of peace and security is not easy since these notions are inherently subjective concepts and determined by the perceptions more than by objectively observable variables. If we theorize that peace and security of fragile states will result from the societal changes, rule of law or political system, as a result of the external intervention (EU CSDP mission’s), these changes can be assessed differently depending on who is doing the assessment e.g. EU members states, EU institutions, local elite, local people, etc. As these missions’ carry huge political weight for the EU, it hinders the assessment in a scientific manner. This fact is demonstrated in cases when the EU, regardless of the fact if something was achieved on the ground, announced the launching of the CSDP mission itself as a success. As such, this is evidence that the success of a mission in some cases is unrelated to the country or the society in crisis. Furthermore, in other cases, a positive output of a CSDP mission can be different from the original mandate, which may create benefits for the affected society or state.

In order to measure the success or failure of the CSDP missions, we have to clearly state what are we measuring. Are we measuring the efficiency of the CSDP mission structures in planning and implementing of the mandate? or the results and benefits of the implementation of the mandate? or the effects of the mandate (none) implementation in the situation on the host country, the impact?

As stated in the introduction part, this thesis aims to assess one of the CSDP missions - EULEX, and the impact it had in Kosovo. Through an assessment of the strengths and weaknesses of this mission and extent of implementation of the mandate, this thesis will seek to find out the degree of its success or failure. However, the goal of the thesis is not intrinsic about EULEX, but since this mission is unique in many ways, is used as a sample, to assess if the EU CSDP missions are a suitable mechanism in crisis management for post-conflict situations.

2.2 Research goal, research questions and hypotheses

Reflecting on the previous sub-chapter and the introduction above, it can be concluded that the EU CSDP missions are an important tool for the EU to project itself as an important international security actor. Same time, the effects of the EU foreign policy and the CSDP missions influence the external world and raise hopes and expectations of the post-conflict societies and states to end the conflict and/or to stabilize their states.
As was discussed above the crisis management generally is complex, so it is the evaluation of the positive or negative effects of the EU CSDP interventions. This is not an easy task as it was revealed from the experience so far; however, the theory taught us that each crisis management actor among other wants to change a conflicting or post-conflict state or society in a meaningful way. Therefore, the impact of the EU CSDP missions needs to be analysed. EULEX is the largest, most ambitious and distinct CSDP mission to date. It is one of the most costly and long-running missions, and further, it was projected to be the flagship of the EU external action. Hence, this mission distinguishes itself from all other EU CSDP missions; therefore, it can serve as a sample to evaluate the relevance of the EU CSDP in crisis management in general.

Thus, the goal of this thesis is to answer the central research question: are the EU CSDP missions a suitable mechanism in crises management for post-conflict situations? To answer this question, I will perform an assessment on the implementation of the mandate, strengths and weaknesses of EULEX, and its impact in Kosovo, through one key question and four sub-questions:

**RQ:** Are the results of EULEX mission in Kosovo, implementation of the mandate, meeting the expectations of the security consumers, the real difference on the ground and if EULEX is an example of good practice, determinant to show the relevance of EU CSDP in crises management?

**Sub-RQ1:** Did EULEX mission in Kosovo implemented its mandate?

**Sub-RQ2:** Were the expectations of the security consumers in Kosovo met by EULEX?

**Sub-RQ3:** Did EULEX make any real difference on the ground to improve the rule of law in Kosovo?

**Sub-RQ4:** Is EULEX mission in Kosovo an example of good practice that the EU should use for its future interventions?

While the central research question aims to test and determine at the general level the relevance of the EU CSDP mission in crisis management. The conclusions on the relevance of the EU CSDP in crisis management will be an aggregate through achieved results of EULEX mission in Kosovo in implementation of its mandate, expectations of the security consumers, real changes on the ground, and if EULEX mission is a good example for future EU interventions.
Sub-research question 1: is focused on the analysis of the implementation of EULEX mandate. The mission has an extensive mandate ranging from monitoring, mentoring and advising tasks to support Kosovo institutions; maintenance and promotion of the rule of law, public order and security; investigation, prosecution, adjudication and enforcement of cases of serious crimes; and fighting corruption. In addition, EULEX has an executive mandate. The level of implementation of the mandate is one of the indicators of the impact EULEX had in Kosovo. The extensive mandate of EULEX has raised exceptions that the rule of law system in Kosovo will improve. Furthermore, according to Tardy (2015) “there are cases where the mandate [of a mission] has been efficiently implemented yet with little benefit or impact on the ground” (p.37). Thus, the assessment of the implementation of the mandate is considered as very important.

Sub-research question 2: the EU foreign policy through CSDP missions’ intervention aims to provide stability for the recipient state and peace and security for the security consumers, which are the citizens of the state. As discussed in sub-chapter 2.3, security and peace are a precondition for any future sustainable development. One of the key responsibilities, and the same time the expectation of the security consumers in Kosovo from EULEX was to support Kosovo in strengthening the rule of law institutions, meaning effective judicial system, and efficient police and customs’ service. However, Bassuener and Ferhatovič (in Merlingen & Ostrauskaite, 2008) argue that primarily the effectiveness of the CSDP missions derives from the perceived willingness and the ability to address the security concerns of the citizens and if these missions can create a safer environment. Nevertheless, the authors conclude that the EU missions serve the “Union’s efforts to brand itself as a distinct actor in international security affairs, including peacebuilding and post-conflict stabilisation, are more for its own purpose than for the host societies or, put differently, security consumers” (p.186). The effectiveness of EULEX in this regard was one of the major issues that the research participants raised. However, I will talk in detail about this in the analysis section. Thus, to conclude this part, capabilities of EULEX versus the expectations of the Kosovar’s will serve as an indicator in the conclusion to show the success or failure of EULEX.

Sub-research question 3: as discussed above, the experience from previous EU CSDP missions shows that although missions may accomplish their given tasks or the mandate; nonetheless, this does not necessarily bring, at least the officially intended results. EULEX is present in Kosovo for a decade (2008-2018) and had direct access in the institutions of the rule of law, including courts, prosecution office, police, customs’, the penal system and the executive
authority to reverse or annul operational decisions taken by the Kosovo institutions. Therefore, this is not a short-term intervention (EULEX mandate was extended until June 2020, with the possibility of further extension) and has comprehensive authority (intrusion) in Kosovo institutions; hence, the expectations from EULEX to impact the rule of law in Kosovo generally are considered to be legitimate.

*Sub-research question 4:* EULEX mission in Kosovo is one among the 34 EU CSDP missions deployed to date. Many authors, practitioners and academics have published reports on specific case studies and generally on the positive and those less positive results the EU CSDP missions have achieved. However, EULEX is the biggest EU civilian mission deployed so far, and the first-ever fully integrated rule of law mission. Thus, it was intended and it is perceived as a flagship of the EU CSDP. Looking from this perspective it is important for the EU, but for the other international crisis management actors as well to know if EULEX mission can be replicated in a same/similar (post-conflict) situations like Kosovo.

In order to reflect what was discussed above and to offer further explanations, specific hypotheses are proposed below based on the assumptions of the relevance and effectiveness of the EU foreign and security policy, and CSDP missions:

**H1. The ability of the EU to remedy the consequences of the crisis, to restrain its spread and create an environment for a longer-term solution through CSDP missions signifies EU as a meaningful actor in crisis management.**

**H2. The positive transformation of the rule of law system and the real impact in Kosovo state and society shows the relevance of EULEX.**

The first hypothesis is based on the underlying assumption that the EU CSDP since 2003 has built its institutional capacities, developed human resources, has sufficient funds, has learnt lessons and experience to deploy and implement successfully the CSDP missions. Moreover, the EU has ambitions to show its relevance in the international arena as an important security-crisis management provider, hence, it is of utmost interest for the EU to prove that they are capable to complete successfully their external CSDP interventions. Achieving lasting peace and security, or stabilization of a post-conflict state and society would show the EU’s significance as a crisis management actor.

The second hypothesis builds on the assumption that EULEX mission in Kosovo was deployed aiming to achieve the EU’s foreign and security policy. Post-conflict stabilization of the fragile
states not relapsing again into conflict, which would threaten the regional and EU security, is one of the key priorities of the EU. Kosovo is geographically within Europe, and its society has embraced the Western democratic values and aim for the EU membership. This was a perfect case for the EU to intervene and test the development and efficiency of its CSDP missions. As such, EULEX is the biggest so far civilian mission deployed under the CSDP framework and it is meant to be the torch of the EU foreign policy intervention. A big mission has raised big expectations. From this reflection, the level of meeting the expectations and real change on the rule of law in Kosovo will inform on the bearing of EULEX mission in Kosovo.

Both hypotheses will be tested in Chapter 5.

2.3 Literature review

In this sub-chapter, the main literature on the EU as a security actor, EU CFSP and CSDP is presented, with the theory on its role, achievements and its prospects.

Many scholars have closely followed the development of the EU foreign policy and the CSDP from its inception. The opinion on the role and achievements of the EU CSDP varies from those who completely disregard it, to those who see the benefit of the EU in international security. Breuer (in Kurowska & Breuer, 2012, p. 113) argues that the EU is a *sui generis* actor in international relations. Further, Ginsberg and Smith (2007, p. 6) emphasis that the EU is not a state, as it lacks the main attributes, which are the basis for national foreign policy; however, its foreign policy initiatives stretch towards nearly every corner of the world, employing a range of foreign policy tools: economic, diplomatic, civilian and military missions. Bretherton and Vogler (2006, pp. 22-34) maintain that the EU is still a ‘political actor under construction’ whose international role is shaped by the opportunities provided, its presence and capabilities. Opportunity signifies factors in the external environment such as events and ideas which enable or constrain the EU’s actorness; presence conceptualizes the ability of the EU to influence the environment beyond its borders, while capability refers to the availability of the internal EU policy instruments and material resources, and the ability to utilize these tools in response to opportunities and/or on its presence.

According to Toje (2010, p. 8), many analysts agree that the EU’s contribution until the end of 1990s in the preservation of the international security was limited using mainly non-military tools such as aid, trade and diplomacy. Bindi (2010, pp. 339-348) considers that the first opportunity and impetus for the development of the EU international role as a security provider
unfolded with the end of the Cold War and the Balkan crises. However, Bretherton and Vogler (2006, pp. 22-34), argue that the opportunities provided by the new challenges of the security environment in the 21st century demanded an increased engagement of the EU in international security affairs, beyond its traditional diplomatic tools.

The first test for the EU to play its role in international security was the conflict in the Balkans in the early 1990s. The failure of the EU to prevent the wars that unfolded exposed its limits. Consequently, it was the St. Malo summit (1998) that changed the course of European foreign and security policy. Over the next five years, the EU marked a huge leap in establishing the CSDP institutions, and in developing its policies and capabilities (Cameron, 2007, p. 74).

In 2003, the adoption of the European Security Strategy “sent the signal to the world about EU commitment to contributing to international security” (Larivé, 2014, p.115). The same year the EU deployed its first field mission (Keukeleire in Federiga Bin di, 2010, p. 58). The ESS provided the framework for the EU’s role as a global security actor and it aimed to achieve three strategic objectives: to address key threats to the EU, to build security in the neighbourhood, and to promote an international order based on effective multilateralism. Following the first deployment of a CSDP mission in Macedonia, the EU has deployed over 30 missions worldwide by 2018, with the aim to produce beneficial security outcomes for host states and societies, and to strengthen the European and global security (Ginsberg & Penksa, 2012, pp. 98-137). Deployment of this large number of missions in a short time period reflected the intention of the EU to brand itself as a distinct security actor in the international arena (Kurowska in Merlingen & Ostrauskaité, 2008, pp. 25-40).

Cameron (2007, p. xiii) states that there are different views on the EU CFSP where “some argue that it will never work, or at most will affect only margins of foreign-policy making. Others argue that the CFSP has some considerable achievements”. Ginsberg and Penksa (2012, pp. 230-240), argue that the deployment of over 30 missions clearly demonstrates the EU’s contribution to international security, while Shepherd (2015, p. 173) maintains that despite the weaknesses and obstacles, the EU is in parts of the world the preferred or the only security actor willing to be involved. According to Toje (2010, p.13) the symbolic importance of the CSDP goes beyond its real potential to currently impact the world, “it is the vanguard of EU international presence”. However, he also emphasises that when the EU missions are examined, one can notice that they are of a small-scale, low intensity and cover low issues in international political agenda. Furthermore, he argues that the EU is not very good in crisis management;
and that the motives for the EU engagement are a search for opportunities to convey a message that the EU is sharing responsibility for international security.

Nonetheless, Keukeleire (in Bindi, 2010, pp. 51-69) considers that the assessment of the CSDP missions depends on the criteria used and perspectives adopted. For example, the historical perspective shows that there is a clear trend of CSDP growth. This trend is evident from the globalization of the EU missions, expansion of the objectives, increased interaction between the military and civilian missions, and constant improvement of the capabilities. While in terms of the effectiveness and added value, he states that the CSDP missions are too limited to make a real difference, and that some missions’ primary role is not to impact the crises, but to prove the European integration and balance interests of the member states. Similarly, according to Larivé (2014, p.202), the “critics claim that CSDP missions are more cosmetics [rather] than to solve the problems on the ground”. Nevertheless, Kaunert and Zwolski (2013, p.207) posit that “regardless of the range of CSDP operations, the EU remains a unique international security actor”. However, Hyde-Price (2007, pp. 94-116) is of the opinion that despite the positive or negative assessment of the CSDP missions, this should not discourage the EU, but warns that the future success of the CSDP rests on the willingness of the most powerful EU member states: the United Kingdom, France and Germany to go beyond their interests and agree on the development of an EU Grand Strategy.7

2.4 Definition of concepts

This sub-chapter, aims to provide definitions for three key concepts that will be used in various parts of the thesis. Namely, these concepts are the concept of security, rule of law and security-development nexus. The clarification of the mentioned concepts will offer the reader an understanding of the research topic as the study of EULEX includes all three above-mentioned concepts.

*Security concept*

Many authors when writing research projects about international security related issues omit to write the definition of the security itself. This thesis does not intend to provide an in-depth analysis of international security, but to present some of the contemporary knowledge to date. The historical processes that have preceded the foundation of the modern concept of security

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affect the way how we perceive security even today. However, in the recent history, the
definition of the objective and subjective security was laid out by Arnold Wolfers in his
classical text ‘National Security as an Ambiguous Symbol’. Wolfers (1952, p.485) argued that
“security, in an objective sense, measures the absence of threats to acquired values, in a
subjective sense, the absence of that fear that such values will be attacked”. According to
Wolfers, it is impossible to evaluate the security objectively; therefore, the subjective
assessment of security necessarily plays its role. The Copenhagen School, argues that security
is a speech act and by referring to ‘security’, a state’s official declares an emergency condition,
thus, arguing for the right to use all available means to deter the threat (Buzan, Wæver & de
Wilde, 1998, pp. 21-29). As such, central to any analysis of the security is the matter of
understanding the process of defining security threats in the political agenda. Furthermore,
Ayoob considers that “states-insecurity is defined in relation to vulnerabilities – both internal
and external – that threaten or have the potential to bring down or weaken state structures, both
territorial and institutional, and governing regimes” (1991, p.259). Noteworthy, while Wolfers
and Buzan, Wæver and de Wilde mainly refer to the external threats to a state, Ayoob mentions
internal threats to a state as well. This is very important as most of the recent conflicts in the
world have born as a result of rough and failed states such as Iraq, Libya, Syria just a few to
mention. Therefore, when analysing particular security issue of a state or region, internal
developments should not be undermined. Another important theory is about the link between
identity formation and security. Wendt (1992, p. 399) states that “Self-help is an institution,
one of the various structures of identity and interest that may exist under anarchy. Processes of
identity-formation under anarchy are concerned first and foremost with preservation or
’security’ of the self. Concepts of security; therefore, differ in the extent to which, and the
manner in which the self is identified cognitively with the other”. In this regard, Waltz (1979,
pp. 102-128) makes distinctions between the levels of threat to the state originating from within
and the external ones. While the internal threats, he argues, can be dealt by the state or the
government; such assurance in the international anarchic system does not exist, hence, the state
must act to ensure that the security of the state is assured above all. And finally, Booth (1991,
p.319) hypothesises that security is linked with human development. Namely, he is of the
opinion that “emancipation is the freeing of the people (as individual and groups) from the
physical and human constraints which stop them carrying out what they would freely choose
to do. Security and emancipation are two sides of the same coin. Emancipation, not power or
order, produces true security. Emancipation theoretically, is security”. As it was discussed
above the concept of security has evolved over the time analysing different facets of the threats
to the security of the state, but the international system as well. Nevertheless, the concept of security still remains disputed as there is no agreed definition by the scholars or the experts, what is a threat, since the threat is largely a construction based on perception; therefore, consequently very difficult to build genuine security concept.

**Rule of law concept**

The case study of this thesis is the EU Rule of Law Mission in Kosovo. Therefore, the writer of this thesis considers that due consideration of the concept of rule of law is needed to explain the concept itself, but also to elaborate further as well since in this particular research case study the rule of law encompasses a wider meaning linked to good governance in general.

In modern democratic states, the rule of law is the foundation of every society. Therefore, enforcement of the law is imperative for every state to function successfully. The legislation is enacted and enforced to ensure for the welfare of the citizens and to maintain harmony between the diverging interests within the society, and providing equal opportunities for all. Thus, ensuring the rule of law and public order creates a peaceful environment that allows for progress of both the people and the states.

The rule of law concept has an origin that dates back to ancient ideas. Greek philosophers have discussed this concept since 350 BC. For example, Plato considered that “where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if the law is the master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state” (see Beever, 2013, p.58).

Among the first to develop a contemporary definition of the rule of law was the International Commission of Jurists. They have provided the following definition of the rule of law in modern society “the rule of law implies that the functions of the government in a free society should be so exercised as to create conditions in which the dignity of man as an individual is upheld. This dignity requires not only the recognition of certain civil or political rights but also the creation of social, economic, educational and cultural conditions which are essential to the full development of his personality” (International Commission of Jurists, 1959, p.169).

In the context of the international law Andreopoulos, Barberet and Nalla (2018, pp. 1-13) have analysed the concept of the rule of law. They claim that the concept of the rule of law has undergone several transformations in its long and chaotic history. The end of the Cold War
witnessed a major revival of the rule of law. On the one hand, it has become an essential component in the efforts to build well-organized societies, particularly in situations following the conflict. It is regularly flagged by the political leaders and regimes all over the world, whether democratic, authoritarian or transitioning, as well as by international organizations. The idea of the rule of law is now global and has a wider meaning beyond simply assisting in broad efforts for democratization or peacebuilding efforts. The supporters of the rule of law concept argue that its comprehensive implementation can contribute to cure major domestic and international societal struggles such as poverty, human rights violations, and intrastate and interstate conflicts. On the other hand, when examined, records of massive rule of law reform projects or interventions undertaken during the last three decades show that, the alleged promise of the rule of law was marked with scepticism and critical scrutiny. Some scholars, while sympathetic to the relevance of the rule of law interventions, question the beneficial effects resulting from the rule of law interventions, which often are unsupported by the empirical evidence. Other scholars, who write from the theoretical perspective, describe the rule of law achievements with flattered narratives portraying the relationship between development, security and human rights as harmonious and mutually reinforcing. According to the critics, such narratives, are premised on the wrong assumption that the rule of law being only a legal and/or technical concept. Despite the worth of some of these criticisms, it is important to distinguish the argument about the overestimation generated by the rule of law, as a solution to the world problems, from the argument about the insignificance of the concept’s content itself. Nevertheless, only few would argue against the suggestion that the concept’s content is determinative of the way in which issues of development, security and human rights are approached. Very often the results of these policies fall well below the expectations of their promoters and, more importantly, of their anticipated beneficiaries.

From the ancient time until nowadays the concept of the rule of law triggers different reactions, from those who believe that it is the foundation of every modern society, if implemented correctly, to those who consider that this concept has produced wishful thinking and that the empirical result of the interventions and the rule of law reform fall short in showing direct recasts and achievements. However, despite the theoretical and practical differences shown above, scholars do not contest the concept of the rule of law, even though there are different formulations.
Deployment of EULEX in Kosovo in 2008 was not an intervention to prevent a conflict or support a post-conflict restructuring. The conflict in Kosovo ended with the NATO intervention one decade before (1999), while the UN took the responsibility for post-conflict restructuring which included the establishment of the governing institutions and law enforcement agencies. Same time the EU was present supporting Kosovo in economic restructuring and development. The EU’s intervention through its CSDP mission - EULEX - to support Kosovo rule of law institutions falls within a broader context of the EU long-term stabilization activities. This intervention is linked to the knowledge and practice of the interrelated concepts of security and development. This concept is termed security-development nexus.

The security-development nexus paradigm has gained attention since the end of the Cold War and especially with the increased number of the local and regional conflicts. The advocates of this paradigm argue that there are a number of mutually reinforcing connections between security and development. Chandler (2007, pp. 362-381) argues that merging security and development will provide for more coherent and comprehensive interventions towards the ‘at risk’ states, failed states and post-conflict countries. However, the two concepts of security and development are very broad, thus difficult to find and define the linkage. Security has been redefined to encompass not just the security of the people and of the state, but much more broadly to include economic and social concerns, human rights and good governance. Likewise, the development has been redefined taking away the emphasis from the economic indicators and trade, and broadening the concept to include the material and psychological factors to measure the human well-being. Duffield (2001, pp. 22-42) also claims that the security-development nexus helps to understand the causal effect between the development concerns and how the security is understood. Further, he considers that the international organisations with the mandate to implement crisis management operations should be aware of the conflict and its effects, and should develop activities towards conflict resolution and support the conflict-affected state not to relapse again into violence. Such engagement of the external actors is essential for the development activities to succeed and for the stability to prevail.

As the research for this study is about an EU intervention, this thesis will look closer into EU theory on security-development nexus.

The ESS constitutes the first main strategic document of the EU. The ESS acknowledges that ‘security is a precondition for development’, but without development, there cannot be security.
either. Aside from the lack of economic development, and other threats, the bad governance associated with “corruption, abuse of power, weak institutions and lack of accountability” may collapse the state institutions within, which leads to a failed state (Council of the European Union, 2003b, p.31). The EU awareness on linkage and dependence of security and development is reflected in the 2008 Report on the implementation of the ESS. This awareness resulted in the official inclusion of the security-development nexus approach in this document (Council of the European Union, 2008c, p.8). The EU with this approach to security-development nexus aims to ensure the security of the EU, but same time it recognizes that its security (of the EU and its citizens) is dependent of the peace and stability outside of the EU (Keukeleire & Raube, 2013, pp. 556-569).

The EU crisis management is a security-centred activity, meaning that the crisis occurred has a security dimension, while the responses may be well beyond the security toolkit. Security understood in the widest sense it combines the traditional definition of security with a more human security approach that links the security of the state and individuals. Furthermore, the crisis management operations by third parties have increased the level of intrusion in the recipient states in a wide area of public affairs, far beyond the generally conceived security issues. Today the spectrum of the crisis management comprises activities such as the rule of law, human rights, electoral support, good governance, economic recovery and development, institutional building, etc. This widening of the security agenda links to the nexus between security and the development. On the other side, scholars of peace and security agree that peace needs to be home-grown and cannot be imposed from the external interventions. The aftermath of every conflict comes with a number of constraints, all of which cannot be addressed by the external actors; hence, their intervention is anticipated to be limited. Nevertheless, the crisis management is an ambitious endeavour that creates hopes and expatiations by the recipient states and society that the crisis situation will be resolved (Tardy, 2015, pp. 9-15).

According to the Lisbon Treaty, the CSDP operations encompass a broad range of activities that are not a direct response to an acute phase of the crises such as post-conflict stabilization. The EU gives importance to political and security dimension of long-term stabilization of fragile states. Even though the capacity-building activities such as reform of the judiciary or training are not per se about managing a crisis, they are included as stabilization or peacebuilding activities that aim to strengthen the fragile states so that they do not relapse into conflict. As such, this links the security-development nexus and the necessity to combine the security-related activities with the development efforts (ibid). However, the question arises
whether long-term activities that are not a response to an immediate crisis should fall within the remit of the CSDP, or these activities should be carried out by other EU bodies. In the view of the European Commission, the EU supports the idea that long-term activities in support of the fragile states to promote the rule of law and in developing democratic practices is a key to ensure security; however, the CSDP missions are considered not to have the ability to induce such systematic changes (Kurowska in Merlingen and Ostrauskaité, 2008, pp. 32-33). These issues will be deliberated in more length in chapters 4 and 5.

2.5 Contribution to the science, assumptions and limitations

Results of this research will impact future scholarly research both in theory and practice about the EU CSDP missions. Findings and discussions of the research will have theoretical and methodological significance. Theoretical, as no theoretical framework alone, can explain the complexity and drivers that motivate the launching of CSDP missions, where this research will try to identify elements that confirm or oppose the current knowledge on these theories. More specifically, the research aims to explain if EULEX was deployed as a result of the political and other interests of the member states acting in the Union’s framework, or perhaps it was an EU external action to show that EU is contributing to international security, or the rationale behind this mission was to have a real impact and support Kosovo towards better rule of law and sustainable security. Depending on the results, the findings of the research will advance the knowledge on the EU CFSP, and the EU CSDP, through revealing of the nature of the EU as an international security actor, if its interests’ and of the member states, prevail over those of states and societies in a crisis situation; and if its crisis management interventions produce lasting positive changes for peace and stability. Furthermore, the research it will show if EULEX mission in Kosovo had any comparative advantage to other organizations crisis management missions in Kosovo such as UN, OSCE or NATO. From the methodological perspective, the contribution of this research will have relevance, as it will be based on a qualitative research methodology data gathering to explore and analyse the many facets of the EU’s CSDP through in-depth empirical research of EULEX mission, drawing from the study interviewees perceptions and feelings, researcher’s own observations and the documentary evidence. This because, as Tardy (2015, p.38) warns, in many studies on the EU CSDP “indicators/ benchmarks are almost exclusively quantitative and no qualitative data is being systematically collected, while arguably many critical facets of peace and security cannot be
quantitatively measured”. As such, the research design for this study validates its relevance and can be used as an example for future research of the EU CSDP missions.

In addition, this research will explore further and advance the concept of the EU security-development nexus. The aim is to see if the results of the EU development assistance vis-à-vis the EU security contribution through EULEX, and assess if combination of the two could have produce better results, than separated interventions in different time periods.

Next to the contribution of this research to theory and methodology, this thesis will further contribute to advancing the literature on the EU CSDP. While there is a broad literature on the development of EU foreign policy and to some extent on its field missions, the EU CSDP missions remain vastly under-researched. This research aims to fill that gap in the academic literature. Hence, findings from EULEX case study research will be a valuable resource for comparison with other EU CSDP missions, analysis of the EU efficiency, and effectiveness in foreign and security policy, as well as a resource for future development and enhancement of the EU CFSP.

Finally, findings and conclusions of this research will inform the EU policymakers on whether the EU CSDP missions are a suitable crisis management mechanism for post-conflict situations and on whether the EU should employ such mechanisms in its future interventions.

Of note, while arguably, the mentioned research framework was considered the most suitable one for this research, the research has its own limitations. For example, the same research topic can be investigated from the perspective of the EU institutions, or the EU member states and different conclusions could be drawn. For example, sometimes for the EU the mere fact that a CSDP operation is launched is considered a success, no matter the results achieved. Moreover, if these missions further the European integration, and serve for the socialization process to strengthen the EU identity, these missions are regarded as successful by the EU. Furthermore, for the EU member states deployment of the CSDP missions, regardless of the results, can be considered a success if this strengthens their national foreign and security policy and influence. Therefore, the research of EULEX from the prism of the EU institutions or its member states, compared to the assessment of EULEX from the prism of the security consumers may produce very different results than this dissertation. Moreover, whereas the qualitative approach is able

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8 Even though this thesis uses qualitative methodology as a strategy for data gathering, this in no way undermines the value of the quantitative methodology, as the latter is used to present the research results in this dissertation.
to get more insights about the CSDP missions, this, of course, does not dismiss the merit of a quantitative approach. In addition, this research includes only a single case study, compared to other researches that use more case studies. Furthermore, the analytical framework probably could have been set up differently to draw from other schools of thought such as European Studies rather than from the International Relation theories.

### 2.6 Structure of the thesis

In the introduction and the second chapter of the thesis, the general framework of the research was outlined. However, the theories of the EU foreign and security policy, development of the CSDP, concepts and hypotheses need to be further elaborated, clarified and tested. We proceed with the third chapter by locating the problem and continue with contextualization to understand the circumstances, historical facts, developments, policies and motives that lead the EU to deploy its mission EULEX in Kosovo. Further, in this chapter the theoretical approach is set up and draws from the international relations theories, and the historical perspective of the EU CFSP and CSDP to guide this study. Finally, the methodological framework is presented which describes the entire process of the research.

The fourth chapter is the heart of this thesis where the role of the EU as a crisis management actor is thoroughly analysed since the deployment of its first mission in 2003 until 2018. The EU projects itself as an important security actor at the world stage. One of the tools to implement its foreign policy is the CSDP missions; hence, it is important to analyse strengths and weaknesses of this tool, and in light of this to discuss the future prospects of the EU in crisis management. The case study of EULEX will be an examination of a historical episode of the EU as a crisis management actor where detailed findings of the research will be presented.

Further, the fifth chapter of the thesis proceeds with synthesis, and the evaluation of the findings from the analytical chapter. Moreover, all the questions will be answered, including the central research question, and hypotheses will be tested. Likewise, limitations of the study and further research are presented, as well as the future role of the EU in crisis management.

In the conclusion chapter, a general overview of the thesis and the research results is presented, highlighting the main findings and conclusions, complemented with some policy recommendations for the EU policymakers.
3. Research framework

This chapter aims to present the context of the problem that lead to deployment of EULEX mission in Kosovo, theory on the evolution of the EU and its CFSP and CSDP, as well as the methodological framework used for this research.

3.1 Contextualization

In this sub-chapter, is presented the origin of the Kosovo problem, its journey since the early 20th century until 1999, the protectorate status and the post-conflict involvement of the EU in Kosovo.

3.1.1 A short historical overview of Kosovo

Kosovo became prominent in 1999 when NATO bombed Serbia for 78 days to stop the fighting of the Serbian Security Forces and the Kosovo Liberation Army (KLA). However, Kosovo had its historical relations with Europe; or better said the European big powers Austro-Hungary, Germany, France and the Great Britain, which played a crucial role for the destiny of Kosovo, and its people, since 1912. The writer of this thesis considers that a short reflection of that history would be valuable for the readers that are less acquainted with the historical developments in Europe and particularly in the Balkan. Also, the historical events, actions or decisions of the Europeans (positive or negative) are deeply rooted in the Kosovar's consciousness, and still, even today narratives are built on those historical episodes, even when discussing and expressing their opinions for the research subject of this thesis, EULEX mission in Kosovo. However, there is no intention to analyse the historical details of Kosovo in this sub-chapter, only to reflect the major events.

At the beginning of the 20th century Albanians in the Balkans were trying to establish their nation-state in the territories inhabited with Albanians which included today’s Albania, Kosovo and parts of western Macedonia, northern Greece, south-east Montenegro and southern Serbia, which were administered by the Ottoman Empire until 1912. However, the Albanian’s neighbours had different plans. The Serbs, Bulgarians, Greeks and Montenegrins signed a ‘treaty of friendship’ in 1912, which included a secret annex of joint military action against the Ottoman Empire. The Serbian army advanced in what are now Kosovo territories in October 1912 and finished its conquest by the end of the month. Other Albanian territories were occupied by Montenegro, Bulgaria and Greece. In these circumstances, the Albanian leaders lead by Ismail Qemajli on 28 November 1912 declared the independence of Albania, which
would include (theoretically) all territories inhabited by Albanians which were part of the Ottoman Empire (Malcolm, 1998, pp. 239-263).

In the context of the Ottoman Empire dissolution in the now Balkan territories, the Conference of Ambassadors was convened in London in late December 1912. The Great Powers of the time Austria-Hungary, Great Britain, France, Germany, Italy and Russia discussed sharing of the territories liberated (occupied) from the Ottoman Empire. These discussions included the territories inhabited by Albanians as well. The Austria-Hungary was advocating for an independent Albanian state, where all inhabited lands with Albanians would be included. However, there was strong opposition from Russian (Serbia’s supporter) arguing against this idea; therefore, it was agreed in this conference that cities and territories, which now comprise Kosovo, would be recognized as spoils of war to Serbia. Thus, one can argue that the Kosovo problem originated at the London Conference of Ambassadors in 1912 since the European’s due to the bargaining with Russia over its strategic interests decided to leave Kosovo under the Serbian rule. Since 1912, Kosovo was governed by Serbia, then Kingdom of Serbs, Croats and Slovenes from 1918, and later on by the Kingdom of Yugoslavia from 1929. The position of the Kosovo Albanians under the Yugoslav rule was harsh; they were discriminated and abused in the worst possible ways from the Belgrade government. Various forms of harassment like closing schools in the Albanian language, banning the use of Albanian language in public, and confiscating their land, were some of the measures that had the aim to force the Albanians to migrate from Kosovo. After the Second World War under the Serbian Interior Minister Ranković, Kosovo Albanians were regularly interrogated and beaten from the State Secret Service (UDB)9, which forced many of them to leave Kosovo and migrate to Turkey. However, the constitutional reform in Yugoslavia in 1974, granted Kosovo the status of ‘autonomous province’. Since then the Kosovo political status was equivalent in many ways to other units of the Federal Republic of Yugoslavia (ibid, pp. 314-333).

The period after 1974 was marked by a sense of freedom and intensified development of the Kosovo Albanian society. They had now the opportunity to be educated at University level in their own language. This enabled them to be employed in high-ranking civil service positions, governing organs, police, army, etc. The economy started to flourish, Kosovo made tremendous progress within a short period. This period was considered as the golden age of Kosovo Albanians in Yugoslavia since for the first time after 1912 they were equal with other nations

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9 Uprava Državne Bezbjednosti.
of Yugoslavia. Unfortunately, this would not last long and the Kosovo Albanians illusion that the nationalism in Yugoslavia has made a way for more democratic society was unrealistic which would lead the Kosovo Albanians and other nations of Yugoslavia to many suffering and misery, and will end with the complete collapse of Yugoslavia (Vickers, 1998, pp. 169-193).

The Constitution of 1974 was considered by Serbian nationalist as a threat to their statehood and punitive policy of Yugoslav President Tito towards Serbs. However, these allegations were not made public until his death in 1980. Immediately, after his death Kosovo Serbs started their complaints for their unfavourable position within Kosovo. Since then Kosovo Serbs required from the Serbian government protection from Albanians and limitation of the Kosovo’s autonomy and met regularly with the Serbian government to synchronize concrete actions on how to achieve this aim. These initiatives were supported with a Memorandum published by Serbian Academy of Science and Arts led by Academic Dobrica Čosič, which called for urgent limitation of Kosovo’s autonomy and de-Albanisation of Kosovo. In 1987, Slobodan Milošević was sent to Kosovo to negotiate with Kosovo Serbs over their dissatisfaction with the situation there. Milošević saw the nationalism as a great opportunity to gain political power and used the Kosovo Serbs to take control over the Serbian Communist Party by removing from the office its President Ivan Stambolić. After this act “nationalism in Serbia would grow to a hysterical extent…the removal of Kosovo’s autonomy was just a matter of time” (Leurdijk & Zandee, 2001, pp.18-19). On 23 March 1989, surrounded by tanks and armoured vehicles Kosovo Assembly convened under the emergency circumstances. In this meeting, Kosovo’s autonomy of the 1974 Constitution was abolished; the Kosovo Assembly and Executive Council work was suspended. Serbia returned control over Kosovo again.

Kosovo Albanians organized a peaceful resistance against Serbia under the leadership of Dr Ibrahim Rugova, the president of the Democratic League of Kosovo (LDK). Almost a decade of Rugova’s non-violent policy failed to produce any results for Kosovo Albanians, opening the way for more radical elements in the Kosovo Albanian society who were favouring armed struggle against Serbia. This option became even more realistic after the Dayton Peace Conference in 1995 that ended the Bosnia and Herzegovina war, where Kosovo issue was

10 Slobodan Milošević at this time was vice president of the Serbian Communist party and used dissatisfaction of Kosovo Serbs to gain more political power. Later he will become a Serbian and Yugoslavia president and it is remembered as the ‘butcher of Balkans’ due to its role in the Balkan mass killings and brutal abuse of human rights, in Croatia, Bosnia and Herzegovina, and Kosovo.
completely neglected. Therefore, in 1997 in the Kosovo scene showed the KLA who claimed that the only way to freedom is throughout the armed struggle against Serbia, the only argument that Serbia understands (ibid).

Almost after a decade of silent non-violent resistance under the leadership of Dr Rugova, exhausted morally, the Kosovo Albanians started to resort to physical violence against the Serbian regime. The KLA attacks on Serbian Police and Military posts inflicted harsh and disproportionate use of force by the Serbian government (Mahncke in Monar & Wessels, 2001, pp. 227-244).

The Contact Group summoned the Kosovo Albanians and Serbians in Rambouillet Conference (France) in March 1999, in an attempt to persuade both parties for a peaceful solution of the conflict. The produced peace agreement (document) was signed by Kosovo Albanians but was refused by Serbia. The Serbian refusal to sign the peace agreement and the continuing atrocities in the field against the Kosovo Albanians left the international community with not many choices (Kaldor, 2006, pp. 139-143). Therefore, on 24 March 1999, NATO intervened militarily to stop the atrocities of Serbian military and paramilitary forces (Allin, et al., 2001, p. 64). Milošević responded to NATO strikes with ‘ethnic cleansing’ under the operation codenamed ‘horseshoe’ where over 850,000 Kosovo Albanians were expelled from Kosovo (Human Rights Watch, 1999). Nevertheless, after 78 days of air attacks in June 1999, Serbia capitulated, and its military forces withdrew from Kosovo. Through the UN Security Council Resolution 1244 (United Nations Security Council, 1999) Kosovo was placed under the administration of the UN Mission in Kosovo - UNMIK.

3.1.2 United Nations (UN) intervention in Kosovo

After the war in Kosovo, the United Nations Security Council established the United Nations Interim Administration in Kosovo (UNMIK) with resolution 1244 (10 June 1999). The mission was established to act as an interim civilian administration for Kosovo which would provide transitional administration while establishing and overseeing the development of local provisional self-governing democratic institutions which would be accountable and would

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11 The Contact Group is the name for an informal grouping of great powers that have a significant interest in policy developments in the Balkans. The Contact Group is composed of the United States, United Kingdom, France, Germany, Italy, and Russia.

12 NATO intervention was strongly opposed by Russia who is a traditional supporter of Serbia. Noteworthy, NATO’s intervention in Kosovo narrowed the Russian zone of influence in Balkans.

ensure conditions for a peaceful and normal life for all inhabitants in Kosovo. UNMIK was
directed by Special Representative of Secretary-General (SRSG) of the United Nations and
was organized in four pillars: Pillar I, responsible for police and the administration of justice;
Pillar II, responsible for civil administration, Pillar III, democratization and institution
building, implemented by the OSCE; and Pillar IV, Reconstruction and Economic
Development, implemented by the EU. The mission aimed to prepare Kosovo to take
responsibilities for itself and its new status which was to be determined by the UN Security
Council. Also, an international security presence was established led by NATO (KFOR -
Kosovo Force)\(^\text{14}\) which is responsible for creating a safe environment for all people in Kosovo.

Even though UNMIK made progress in the development of democratic and accountable
institutions of Kosovo, it failed to improve the economy. Social problems coupled with
frustration and fear of Kosovo Albanians over the delayed resolution of the political status and
the Belgrade’s continued provocation built the tension that was released with explosive force
on 16 March 2004. Reports that three Kosovo Albanian minors drowned in Iber River in
northern Kosovo after the Serbians chasing them erupted into violence against the Serbian
minority and the United Nations personnel. As a result, nineteen citizens were shot dead, over
1000 injured, many properties and over 30 churches were damaged or destroyed, and many
Serbs were displaced from their homes; also, the UN buildings and vehicles were the targets
of Albanian mobs (Human Rights Watch, 2004). This was an indication for the international
community that the delay of Kosovo’s status resolution will be a threat to the progress
achieved, but also a potential threat for the region. Thus, the United Nation adopted the policy
‘standards before status’ which required from the Kosovo institutions to demonstrate their
commitment in fulfilment of the democratic standards and full respect of human rights and rule
of law to start status talks. Hence, the Kosovo Standards Implementation Plan (KSIP) was
introduced on 31 March 2004, which served as a basis for assessment of the progress on
standards. In May 2005, Kai Eide was appointed the UN envoy from the UN Secretary-General
to review the progress on implementation of standards. On 7 October 2005, Kai Eide delivered
a report to UN Secretary-General presenting Kosovo’s progress in achieving the required
standards but also brought to the attention that further development of Kosovo is not possible
without clarity on its political status.

\(^{14}\) KFOR – Kosovo Force [https://jfcnaples.nato.int/kfor](https://jfcnaples.nato.int/kfor)
3.1.3 Resolution of the final political status of Kosovo

In November 2005, Marti Ahtisaari a former Finnish President was appointed as the UN Special Envoy for Kosovo status talks. After fourteen months of negotiations between Pristina and Belgrade, Ahtisaari presented his plan in March 2007 to the United Nations. His plan foresaw Kosovo’s conditional independence and extensive rights for Kosovo Serbs (Security Council, 2007).

Russia opposed this solution and threatened to veto the new resolution for Kosovo in UNSC if it was based on Ahtisaari’s proposal (NewStatesman, 2007). Faced with this deadlock over Kosovo’s status in UNSC; the Contact Group assembled on 25 July 2007 in Vienna agreed for another 120 days negotiation between Pristina and Belgrade, led by a troika composed of the EU, Russia, and USA (Deutsche Welle, 2007a). Four months negotiations between parties did not bring any results; therefore, Troika reported on 10 December 2007 to United Nations that it is pointless to continue further negotiation since it was clear that the parties will not be able to agree on an acceptable solution for both parties (ibid). Faced with Russia’s veto in the UNSC and the necessity of the resolution of Kosovo’s status; Kosovo authorities supported and in coordination with the USA and major European powers, Germany, France, Italy, United Kingdom, declared the independence of Kosovo from Serbia on 17 February 2008 (The New York Times, 2008).

Soon after, recognition for the independence of the newest state in the world came from major European capitals and other countries worldwide. However, Russia the major ally of Serbia, and the EU member states Spain, Romania, Cyprus, Slovakia, Greece and some other countries disputed the legality of the unilateral declaration of independence and warned that Kosovo case might establish a dangerous precedent for the international order (UsaToday, 2007).

Therefore, as we have seen the world powers once again have decided the destiny of Kosovo (like in 1912), but this time Russia’s strategic interests were not part of the decision for Kosovo. The Kosovar authorities have taken obligations to implement Ahtisaari’s plan, which includes extensive rights for the Serbian and other minorities; creating democratic institutions and open market economy in line with principles of the democratic world. Will Kosovo be a success story of this American and European enterprise, it is to be seen.
3.1.4 EU involvement in Kosovo before and after 2008

The EU has played a leading role in the international efforts in rebuilding Kosovo since 1999. Following the establishment of UNMIK in 1999, the EU agreed to contribute to this UN mission. The EU was responsible for one of the four ‘pillars’ of UNMIK and was the largest donor of reconstruction and development assistance for Kosovo. The support foresaw the development of government financial functions, the management of public utility companies and the privatization process of socially owned enterprises. On the other hand, the EU-funded rebuilding projects were managed by the European Agency for Reconstruction (EAR). After the declaration of independence of Kosovo, both EAR and Pillar IV were closed. Responsibilities for the program of development projects formerly administered by EAR were taken over by the European Commission Liaison Office (ECLO) based in Prishtina.

The EU member states and the EU institutions, particularly the European Commission played a major role in the reconstruction and development of Kosovo. The EU is by far the leading donor assisting Kosovo. According to some estimation since 1999 Kosovo has received more than 2.3 billion Euros in EU assistance and around 1 billion Euros in support of the international presence (Venner, 2012). Whereas in the beginning, the EU focus was on emergency relief actions and reconstruction, EU now concentrates on the promotion of Kosovo’s society, its viable economic development and the European future of Kosovo. Furthermore, the EU has signed the Stabilisation and Association Agreement (SAA) with Kosovo on 1 April 2016 (European Commission, 2016). The European Union Office in Kosovo (EUOK) is the main EU body tasked to apply the EU agenda in Kosovo, through the promotion of the EU norms and values. One of the key tasks of the EUOK is to maintain regular political and technical dialogue between the EU institutions and Kosovo. The European Union Special Representative in Kosovo (EUSR) supports and gives advice to the Kosovo Government, and coordinates the EU presence, as well as it contributes to development, promotion and consolidation of the human rights and fundamental freedoms. The EUSR reports to the Council of the European Union, through the HR for the CFSP and Secretary-General of the Council (European External Action Service, 2016).

And last, but not least the presence of the EU Rule of Law Mission in Kosovo since 2008.

To sum up this sub-chapter, the historical background informs that the Kosovo problem, in the way that we know it today, originated at the Ambassadors Conference in London in 1912. At this event, territories that now comprise Kosovo, were recognized as war spoils to Serbia,
despite the disagreement of the Albanian population living in these territories. The Kosovo Albanians had a harsh life under the Serbian government since 1912. Some six decades later, Kosovo was granted a substantial political and territorial autonomy. However, the Serbian authorities opposed this situation, thus in 1989, abolished Kosovo’s autonomy within the Yugoslav Federation. The Kosovo Albanians responded to this act of Serbia with a non-violent opposition, but with no result to settle the problem. The failure of the peaceful policy was an incentive for Kosovo Albanian hardliners who were favouring armed struggle against Serbia. The conflict between Kosovo Albanians and Serbia started in 1997, the international mediation between the parties failed. The Serbian Security Forces launched a military campaign which resulted in a massive deportation of civilians from their homes, and many civilian casualties which by 1999 escalated into ethnic cleansing. In response to these Serbian atrocities in Kosovo, NATO intervened militarily against Serbia in March 1999; the latter capitulated after 78 days of the airstrikes. The end of the war was followed with an UN intervention in June 1999, aiming to support Kosovo in maintaining peace and security, to set-up democratic – accountable institutions, and to prepare Kosovo for its future political status. Political negotiations for the final status of Kosovo started in 2006 (Peci, Dugolli & Malazogu, 2006). However, after eight years under the UN administration and the long process of negotiations between Kosovo, Serbian and international community, which failed to produce any result over the future political status of Kosovo, the Special UN Envoy Marti Ahtisaari proposed a plan for conditional independence of Kosovo. This proposal was strongly opposed by Russia in UNSC; hence, the Kosovo authorities with no hope that the status will be resolved through the UNSC due to Russia’s indication of veto, and under the internal pressure decided to declare unilateral independence from Serbia on 17 February 2008. The EU was before 2008 and after the declaration of Kosovo’s independence the single biggest donor for Kosovo, which supported its reconstruction development; and assists in Kosovo’s path towards European integration. It is estimated that Kosovo since 1999 benefited from the EU through different initiatives and project some 3.3 billion Euros. The EU is present in Kosovo through the EUSR and supports Kosovo rule of law institutions through EULEX since 2008.

3.2 Theoretical approach

In this sub-chapter, the historical perspective and the main international relations (IR) theories on the CFSP and CSDP will be discussed and analysed to set up the framework for the analysis in chapter 4.
3.2.1 Historical perspective on the development of the EU CFSP and CSDP

The origins, initiatives and the aspirations of the Europeans to create some kind of ‘unified Europe’ which would be peaceful and prosperous date back in the XVII century to the ideas of Jean Jacques Rousseau, Jeremy Bentham and the writings of Immanuel Kant (Sanderson, 2003). These ideas were further developed by the founders of the EU integration theory Karl Deutsch and Ernst B. Haas (Sweet & Sandholtz, 1998, p. 75, 256), and were supported by the founding fathers of the European Union, Jean Monnet and Robert Schuman (Deutsche Welle, 2007b). However, the idea for a Europe which would play an important role in world politics came in 1946 when the British Prime Minister Winston Churchill called for the creation of the “United States of Europe” (White 2001, p.20). The European cooperation and integration started in the early 1950s with defence and economic cooperation. Later on, in the late 1960s, the Luxemburg report foresaw the establishment of European Political Cooperation process which was the first step towards common European foreign policy (Cameron in Peterson & Sjursen, 1998, pp. 62-78). However, the changes in the political and security environment in the late 1980s demanded more structured and active role of the Western Europeans in the international scene. As a result, the Maastricht Treaty was signed in 1992, which established the EU and foresaw the creation of the EU CFSP, under the second pillar which promised much more unified and effective engagement of the EU in international affairs. One of the main objectives of the EU CFSP according to the Maastricht Treaty was to “preserve peace and strengthen international security” (White, 2001, p.94). The EU CFSP soon after its inception was tested with the breakup of the Yugoslav crisis, which was its first challenge to show its abilities and effectiveness. In this context, Jacques Poos, ex-Foreign Minister of Luxemburg declared that “this is the hour of Europe”, Yugoslavia is a European country and Europeans will find a solution for the conflict (ibid, p.108). From this statement until nowadays, much has changed. Thus, below the writer of this thesis presents the most important developments since the inception, the first steps of the European integration and development of the foreign and security policy after the Second World War.

3.2.1.1 Evolution from EPC to CFSP

The Europeans have been involved in a process of cooperation and integration for over 60 years with varying degrees of success. Hence, many scholars consider that this cooperation fundamentally changed the nature of Europe and European politics; also, this affected the relationship between Europe and the rest of the world. The process of cooperation began soon
after the Second World War with the Defense Treaty of Dunkirk and Brussels (1947-8). The onset of the cold war and the signing of the North Atlantic Treaty in 1949, were other important factors which led the Europeans to the next stage of cooperation towards an integrated Europe (ibid, p. 4).

The process of European integration began with closer economic cooperation. In 1952 the European Coal and Steel Community (ECSC) was established with the Treaty of Paris (1951) signed by the six founding states Belgium, France, Germany, Italy, Luxembourg and the Netherlands. The cooperation continued with signing the Treaty of Rome in 1957, which established the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM) in 1958. The first attempts to establish political cooperation were initiated by France in 1952; proposing the establishment of the European Defence Community (EDC), in which a European army would be fully integrated and linked to a politically integrated Europe. Ironically, as it may sound, the French National Assembly overruled this French proposal in 1954, so the attempts to establish an EDC failed, also affecting the political cooperation. However, this did not discourage the Europeans to work together in finding ways for closer cooperation. Hence, in the summit of Hague in 1969, the governments of the member states instructed their foreign ministers to examine possibilities for closer integration not just in the economic but also in the political sphere including enhanced cooperation in foreign policy. Therefore, in October 1970 the foreign ministers presented the ‘Luxemburg report’ to their governments with a proposal on cooperation in foreign policy which would enable member states to discuss, consult, share information and take a common position in foreign affairs whenever appropriate. This report was the foundation of the European Political Cooperation, the predecessor of today’s Common Foreign and Security Policy (Dijkastra, 2013, p. 47).

Following the Luxemburg report and the establishment of the EPC, the member states agreed to consult between themselves on all questions of the foreign policy, to discuss and to coordinate their positions and if possible to undertake ‘common actions’ in foreign affairs. The EPC had intergovernmental character and was established outside the structures and institutions of the Community. The foreign ministers of member states agreed to meet every six months for consultations and if possible, to arrive at common positions as sovereign states, since they did not agree to pool sovereignty or to delegate decision-making authority to supranational institutions (Van Oudenaren, 2005, pp. 1-32). However, the EPC showed that
the EC member states have the will to work and cooperate whenever possible which enabled the European integration and strengthened the European identity (White, 2001, pp. 94-115).

Until 1986 the EPC was functioning by various Reports, Declarations and procedures without any legal bases. It was only in 1986 when the Single European Act (SEA), gave its legal basis. Two articles in SEA were especially dedicated to the EPC: Article 30.1 commits the parties to “endeavour jointly to formulate and implement a European foreign policy”, and Article 30.5 which stipulates that the parties agree that the “external policies of the European Community and the policies agreed in European Political Cooperation must be consistent” (Official Journal of European Communities, 1987, p.13). This was great progress towards common European foreign policy in the framework of the EPC; however, dramatic changes in the late 1980s overshadowed the EPC, requiring far more commitment from the Western Europeans in the international affairs. Hence, we could say that even though the EPC was an important mechanism for European political cooperation the results of this process did not have major influence in shaping the international environment in desired directions, it rather reacted to crisis after they occurred. However, it was the dramatic changes in the whole post-war architecture of world politics in 1989 that sidelined the whole EPC machinery and opened the way for more structured cooperation in the framework of the EU CFSP (Van Oudenaren, 2005, pp. 1-32).

The end of the Cold War raised fundamental questions about Europe’s security and stability in the newly established international environment. The challenging issues emerging from Germany’s reunification, the crisis in the Gulf and the former Yugoslavia in different ways served to underline the inadequacy of EPC and as a consequence indicated the need for a new structure of European foreign policymaking, which helped frame the CFSP in important ways. Many scholars argue that this process was the logical outcome of two decades of EPC and a new more decisively and ambitious European foreign policy, aiming to play a more important role in the international scene (White, 2001, pp. 94-115).

3.2.1.2 Treaty of the European Union

As a result of the new internal and external changes within EU, the Treaty on European Union (TEU) was adopted at Maastricht in 1992, and renamed and renumbered European Economic Community Treaty into Treaty on the Functioning of the European Union, and provided the EU with the aspiration to create the Common Foreign and Security Policy. The TEU introduced the three-pillar structure and the EU was established, replacing the EPC. The second pillar set
the Common Foreign and Security Policy, which remained largely intergovernmental, with only a limited role for the Community institutions. Therefore, the member states retained the ultimate authority in foreign policy matters, and were reluctant in transferring that authority to the EU (McCormick, 2002, pp. 76-78).


- “safeguard its values, fundamental interests, security, independence and integrity;
- consolidate and support democracy, the rule of law, human rights and the principles of international law;
- preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
- foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
- encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
- help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
- assist populations, countries and regions confronting natural or man-made disasters; and
- promote an international system based on stronger multilateral cooperation and good global governance”.

The key instruments for implementation of the CFSP provided by the TEU and TFEU were the ‘common positions’ and ‘joint actions’. The ‘common positions’ required from the member states to implement national policies in conformity with the positions defined and adopted by the Union in particular cases. The ‘joint actions’ are operational instruments adopted by the member states under the auspices of the CFSP. Both, common positions and joint actions
intended to encourage a high level of commitment of member states in areas with a common interest which might produce genuine foreign policy (White, 2001, pp. 94-115).

Regarding the decision-making process, the TEU and TFEU required that decisions should be taken unanimously with the consent of all member states. The TEU and TFEU also provide that, the European Parliament has the right to express its views on the main aspects of the CFSP and can be consulted by the Presidency of the EU. The Commission does not have any role in CFSP decision-making process, but has the right to submit legislative proposals, a right which is shared with the member states (Whitman in Curzon Price, Landau & Whitman, 1999, p. 137).

According to White (2001, pp. 94-115) the replacement of EPC with the CFSP under the terms of the Maastricht Treaty promised to create much more effective European foreign policy within the context of new commitments of external policy as a whole, including for the first time the security and defence policy. Provisions of the TEU and TFEU demonstrated that the Europeans intended to enhance their role in the international arena, throughout the CFSP and meet the challenges and opportunities created by the end of the Cold War. However, due to its vague reaction in international crisis (particularly its role in the disintegration of the former Yugoslavia), the CFSP was criticised because it could not convert the aspirations defined by TEU and TFEU into reality; and it did not become a mechanism through which the EU could formulate its responses to the foreign policy challenges. Therefore, generally, the Maastricht Treaty did not fulfil one of its major objectives to assert European identity in the international arena.

3.2.1.3 Amsterdam Treaty

In the final provisions of the Maastricht Treaty, it was required that member states meet again in another Intergovernmental Conference (IGC) in 1996 to review the TEU. This requirement itself showed that the TEU had many shortfalls. The TEU contained in many areas compromises and statements of intent, which reflected disagreements between the member states. Thus, the 1996 IGC would review the workings of the TEU, and also, it was expected to clarify and sharpen some of its provisions including the ones related to CFSP. The Treaty of Amsterdam (TOA) was signed in October 1997 (European Communities, 1997). Its main objective was to provide political direction and to increase the effectiveness and visibility of CFSP since the reform of the TEU seemed particularly urgent after the failure in the Balkan crisis. The tragic course of events in former Yugoslavia made it clear that the CFSP needed to
be more active and less reactive in pursuit of the interest of the Union and creation of a more favourable international security environment. In response, to weaknesses of the TEU, the TOA introduced several organizational reforms. The ‘common strategies’ was the new policy instrument; then ‘constructive abstention’ was introduced in the decision-making process. The TOA also foresaw strengthening of the planning capacities of the CFSP and the aim to integrate the WEU into the EU; financing of the CFSP was also solved. However, the major achievement of the TOA was the established of a new post of HR for the CFSP, which would be exercised by the Secretary-General of the Council (Van Oudenaren, 2005, pp. 1-32).

The Treaty of Amsterdam did not change the pillar structure of Maastricht; however, it demonstrated an increase in awareness of the need for more consistency in foreign policy. Article C of the TEU was amended and foresaw the duty of the Council and Commission, to cooperate and ensure consistency (Cameron in Peterson & Sjursen, 1998, p. 71).

Beyond the general provisions concerning coherence and common interest, the TOA made important reforms in three other areas of CFSP: decision-making, implementation and financing (Smith, 2003, pp. 24-51). The TOA encouraged the decision-making by Qualified Majority Voting (QMV) and introduced the ‘constructive abstention’ principle, but the unanimity remained a general principle. When applying the principle of unanimity the EU states were permitted to abstain from any CFSP actions (constructive abstention), which does not block adoption of the decisions. The abstaining member states were not obliged to apply these decisions, but they had to accept that the decision committed the Union and they would refrain from any action that may hamper or conflict Union’s action based on that decision. However, this mechanism would not be applicable if abstaining members represent more than one-third of the votes in the Council, in these cases, the decision would not be adopted. Also, one member state could oppose adaptation of a decision by QMV for stated important reasons of national policy. In such cases, the Council could decide by a qualified majority to refer the matter to the European Council who would seek to break the impasse. Nevertheless, the QMV did not extend to security and defence matters (White, 2004, pp. 53-55). The TOA enhanced implementation of the CFSP with a new post of HR for the CFSP, which intended to give the Union a higher profile and make it more coherent in foreign policy. The HR of CFSP would also serve as Secretary-General of the Council of Ministers. This innovation was an attempt to respond to the issue of the EU ‘single voice’ in external representation (Allen in Peterson & Sjursen, 1998, pp. 43-59). The HR also would assist the Council in matters coming within the scope of the CFSP, to conduct political dialogue with the third parties, and to assist the
Presidency in representing CFSP abroad with a focus in the implementation of CFSP decisions. In 1999, Javier Solana was the first to be appointed HR of CFSP. The HR was also responsible for the second innovation of the Amsterdam Treaty, the Planning and Early Warning Unit, which was established within Council Secretariat and gathered specialists from the member states, General Secretariat, the Commission and the WEU (Cameron in Peterson & Sjursen, 1998, pp. 61-78).

The security and defence matters in the TOA were stipulated under the Article J.7 and were the most difficult part of CFSP discussed between the member states. The TOA did not go far away in the relation between the EU and WEU, but it contained some improvements. In an attempt to make more effective CFSP, the TOA incorporated the so-called ‘Petersberg Tasks’ into Title V of the EU Treaty. This meant that now these tasks have become tasks of the EU, which included, “humanitarian interventions, rescue tasks, crisis management, peacekeeping and peace-making” (Mahncke in Monar & Wessels, 2001, p.232). Further, Article J.7 extended CFSP to include the progressive framing of common defence policy and the possibility of integration of the WEU into EU, should the European Council so decide. Giving the budgetary problems of the CFSP that were left within the framework of TEU, the TOA outlined more specific provisions in CFSP financing in Article J.28. Under this article the CFSP administrative expenses would be charged to the European Communities, thus, finally, it was made clear that the EC budget was the primary source of CFSP funds. However, there were exceptions for expenditure arising from operations having military or defence implications; the EU members which abstained from such actions according to this provision were not obliged to finance such actions or if the Council unanimously decided otherwise.

In sum, the Amsterdam Treaty revised the Maastricht Treaty and brought more clarity and innovations. The TOA established the post of HR of CFSP and the Policy Planning and Early Warning Unit. New policy instrument ‘common strategy’ was introduced and a new decision-making principle of ‘constructive abstention’ was established. The TOA also solved the financing issues of the CFSP and it included the ‘Petersberg Tasks’ within the EU; however, the TOA did not meet fully the expectations. Problems with identity, interest, representation and legitimacy were not addressed or at least not addressed adequately. White (2001, pp.164-165) argues that the “institutional building at an elite level does not itself build a European identity, create European interest, or provide representational mechanisms at the European level that are perceived to be legitimate. Without all these, arguably, the necessary ‘substructure’ to underpin a common European foreign policy will be absent”.

47
3.2.1.4 Nice treaty

The Nice Treaty agreed in the December 2000 European Council entered into force in October 2002. Laffan and Mazey (cited in Richardson, 2006, p.46) argue that the “main purpose of the Treaty was to deal with pressing issues unresolved by the Treaty of Amsterdam”. The decisions made with the TOA regarding the WEU were of significant importance, which specified the EU’s role and the security - defence capabilities; however, the EU’s internal debate about its position as an international actor stimulated ideas for additional reforms that were finalized in the Nice Treaty.

The NATO intervention in former Yugoslavia conflict and the US military supremacy showed European dismay and inability to resolve security issues on their ‘doorstep’. Hence, the United Kingdom and France in late 1998 at St. Malo Summit agreed to pursue greater defence cooperation in light of the limited European contribution in former Yugoslavia, especially in the Kosovo operation. This summit led to more intense discussion about the European Security and Defence Policy (ESDP) at the European Councils in Cologne (1999), Helsinki (1999), and in Santa Maria da Feira (2002), which involved European military force, the integration of the WEU into the EU, and the EU armament cooperation. The centrepiece of the ESDP was to achieve by 2003, the goal of being able to deploy RRF of 60 thousand troops within sixty days of taking such a decision. These plans provided a major focal point of talks concerning the ESDP during the Nice summit (Smith, 2003, pp. 24-51).

Hence, the Nice European Council introduced new permanent political and military structures: the PSC, the EUMC, and the EUMS. Other provisions relating to the CFSP in the Nice Treaty extended the decision-making by QMV and introduced the principle of ‘enhanced cooperation’. Now the QMV could be applied when appointing EU Special Experts for special foreign policy matters such as signing international agreements on behalf of the EU, for implementation of joint actions and common positions. The so-called enhanced cooperation would be applicable only for joint actions and common positions, but excluded military or defence-policy questions. The enhanced cooperation aimed to safeguard the values and to serve the interests of the EU when asserting its identity as a coherent force in the international arena (Cameron, 2007, p. 35, 36, 77).

It is noted, that generally the changes that the Nice Treaty introduced went largely unnoticed. In respect, of the CFSP the most important provisions were related to increasing QMV when appointing EU Special Experts with different foreign policy tasks and the principle of the
enhanced cooperation which enabled member states to safeguard values and interest of the EU in the international arena.

3.2.1.5 Constitutional Treaty

The EU is currently governed by various treaties\(^\text{15}\) that have been revisited during the past six decades. The Treaty establishing a Constitution for Europe (Constitutional Treaty) was a single text which intended to replace all the existing Treaties, except for the Euratom Treaty, which would give the EU a single legal personality under domestic and international law. The Constitutional Treaty foresaw abolition of the pillar structure whilst special procedures would remain in the areas of foreign policy, security and defence (Euroactive, 2007a).

At the Laeken European Council in December 2001, it was decided to establish the convention to debate the future of Europe and to draw up a treaty, which would lead to the European Constitution. The Convention on the future of the EU met between February 2002 and July 2003. It considered numerous proposals including an elected president of the European Council, the foreign minister of the EU, limits on the membership of the European Commission, the EU CFSP, and the legal personality for the EU whose laws would cancel out those of national parliaments in areas where the EU would be given competences (McCormick, 2002, pp. 85-88).

Regarding the CFSP, the Constitution would give the EU competence to define and implement CFSP including the progressive framing of a Common Defence Policy (Article I-12, para. 4). The Constitution would make two principal amendments to the provisions of the TEU, with the institution of a Union Minister for Foreign Affairs (UMFA), and the creation of an EEAS. The UMFA would contribute to the development and implementation of the CFSP; also it would play the role of the CFSP external representation carried out by the Presidency and would coordinate member states actions with the international organizations; also he/she would be a Vice president of the Commission. The EEAS would assist the UMFA and would be comprised of officials from the Secretariat-General of the Council and the Commission; and detached staff from the national diplomatic services (Article III-296, para. 3).

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\(^{15}\) The founding treaties of the European Communities were the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Community and the Treaty establishing the Atomic Energy Community. The Treaty of Maastricht established the European Union.
The Constitutional Treaty also incorporated other provisions, which are related to CFSP. Unanimity remained the main principle of decision-making; also the member states would continue to have the right of veto; however, now it was required that the reason should be ‘vital’ rather than merely ‘important’ for the national policy, as it was the case under the TEU. The Constitution would allow unlimited amount of enhanced cooperation between the member states, but now the initiatives would be initiated by one-third of the member states from eight foreseen with the TEU. The other important issue was that the ‘structured cooperation’ was extended to the area of defence, which made a significant departure from the TEU, where it was firmly banned. On 29 October 2004, the EU Treaty establishing a Constitution for Europe was signed by the 25 EU member states and three candidate countries (Bulgaria, Romania and Turkey). To enter into force, it had to be ratified by all member states, which were originally given time until October 2006 to do so. However, the citizens of France on 29 May, and the Netherlands on 1 June 2005 rejected the Constitution in a referendum, which produced a crisis in EU. The fact that two founding countries of the European Community were unable to ratify the Constitution resulted in a major shock. Commenting this deadlock Jean-Claude Juncker, Luxembourg's Prime Minister, declared that the “Europe no longer makes people dream” (Euroactive, 2007b).

The Constitutional Treaty intended to create a constitution for Europe, but unfortunately, France and the Netherlands rejected it. The main objective of this Treaty was to replace the overlapping existing treaties. The failure to ratify the treaty was a blow for the EU; hence, the European Council requested for a so-called ‘period of reflection’ which would be used to see the possibilities to overcome this situation. But, with no tangible results at hand in the European Council meeting in June 2007, it was decided to start negotiations on a Reform Treaty which would replace the Constitutional Treaty.

3.2.1.6 Lisbon Treaty

Toje (2010, p. 20) states that the origins of the Lisbon Treaty stems from the Laeken European Council (2001) that invited for more effective, transparent and democratic EU through simplified legal procedures. The Lisbon Treaty (2009) is an international agreement, which changed the EU constitutional bases through amendment of the TEU and TFEU. This treaty aimed to reform the functioning of the EU following the enlargement process and the increased number of the member states. Furthermore, the key changes aspired to increase coherence and consistency of the EU external action.
The Lisbon Treaty presented some innovations seeking to rationalize the EU’s institutional architecture. It established the so-called HR of the Union for Foreign Affairs and Security Policy. This post merged the position of the HR of the CFSP and External Relations Commissioner. The HR, thus, would be the voice of the Union in foreign affairs. Further, the HR is responsible for the EU Common Security and Defence Policy in the Council, chairs the EU External Action Council and is the vice-president of the European Commission. As such, the HR is responsible for the coordination of the external actions of the Commission so to ensure coherence and consistency of all EU external actions, no matter if the competence lies within the Commission or the Council. The HR in discharging its duties and responsibilities is supported by the EEAS. The EEAS is composed of civil servants from the member states and officials from the Council and the Commission.

Besides the institutional changes discussed above, the Lisbon Treaty has also provided several changes in the external policies of the EU. The most prominent changes are in terms of strengthening and clarification of the EU development cooperation policies. In addition, the Commission for the first time was assigned the responsibility to deal with humanitarian assistance.

Other significant changes introduced in the Lisbon Treaty include a new standing president to chair meetings of national governments in the European Council for two and a half years. The inclusion of a mutual defence clause ‘solidarity clause’ is another major development of this treaty which stipulates that in case of terrorist attacks in one member state, or natural disasters, the Union shall mobilize all the instruments at disposal to support the member state. Further, the Lisbon Treaty introduced the EU legal personality. While the EC had a legal personality, the EU had an uncertain international status; however, with the Lisbon Treaty no longer will be a distinction between the two, as it establishes just one international actor, the European Union (Bindi, 2010, pp. xiv-xv).

In this sub-chapter, I have presented the background of the EU CFSP. The process of European Political Cooperation and integration has travelled a long road since the end of the Second World War. The EPC based on the Luxemburg report in 1970, established the foundations for European foreign policy cooperation. Events that took place at the end of 1980s required more active and coherent European foreign policy; therefore, in 1992 the Treaty of Maastricht was signed and promised more coherent and pro-active European foreign policy. Difficulties that faced the process after the Maastricht, especially problems on agreeing ‘common positions’
and ‘joint actions’ between member states, and the failure to do something substantive to prevent war and dissolution of the former Yugoslavia, was a signal that the Europeans needed to put more effort in if they wanted to be an important and credible international actor.

Thus, in 1997 the Amsterdam Treaty was signed introducing innovations in support of CFSP of which the most important was creating the post of HR for CFSP. The European ideas for more integrated and capable CFSP continued with Nice Treaty, which introduced other imported institutional changes, namely the PSC, the EUMC, and the EUMS, as a measure of improving EU CFSP institutional and operative capabilities. The Constitutional Treaty was the most ambitious and far-reaching European effort. This Treaty among other foresaw the creation of the post of the European Council President, EU Foreign Minister and the European External Action Service. However, this Treaty was rejected, in the referendums held in France and the Netherlands.

In an attempt to revise the Constitution Treaty – the Lisbon Treaty was signed in 2007 aiming to overcome EU member states disagreements. The Lisbon Treaty aimed to enhance the coherence between the member states and the consistency in the external relations. Furthermore, it introduced important innovation for the CFSP by establishing the post of the President of the European Council and HR for Foreign Affairs and Security Policy. All these novelties aimed to improve the EU external action through ensuring a single voice of the Union in all matters, including foreign and security affairs, when member states agree so.

In general, the EU has made remarkable transformation and development in the past 60 years, so it rightfully claims its place in the international arena as one of the key security actors. However, the security threats of the 21st century have completely shifted the role of the security actors, including the EU, requiring regular transformation and adaptability to counteract these threats. In this complex security environment, the EU along with other security actors are supporting countries and the regions to overcome threats of security to ensure peace and stability in the world. The role and the impact of the EU interventions, with a focus in Kosovo, will be discussed further in the chapters below.

3.2.2 Theories on EU CFSP and CSDP

Work on international relations theories is characterized by a high level of heterogeneity. The divide goes through paradigmatic lines, first between the realism, which is not optimistic about progress on the political relationships; liberalism on the other side is more optimistic about the
option of avoiding conflicts; while the constructivist approaches, oppose the traditional views on the centrality of the state in international relations and the relevance of material factors. According to Andreatta (in Hill & Smith, 2011, p.22) “there is a paradox in the relationship between the theoretical study of international politics and the development of a common European foreign policy, defined broadly as the attempt of the European Union and its member states to ensure that their many and various external relations present as coherent a face as possible to the outside world”. The paradox can be argued to be threefold. First, while generally most of the international relation theories deal with states as key actors and the relations between them the EU is not a state or a conventional alliance, hence, it is a heterodox entity. Secondly, the EU at least so far is a unique example of integration and international cooperation, the international relations theory has a bias over this broad phenomenon as it opts for generalization. Thirdly, for many critics integrations in area of the CFSP appears to be more wishful thinking, especially compared to integration on the internal policies such as money, trade and agriculture. Nevertheless, when major global issues are debated such as trade, local and regional conflicts, human rights or global warming, the EU is likely involved in one way or another. The EU as stated is not a state, yet in some areas competes and has comparative advantages to the USA, China or Russia. Even though, none of the approaches can conceptualize the EU as an actor in international relations this thesis reviews international relation theories, to understand the causes of the emergence of European foreign policy (Bretherton & Vogler, 2006, pp. 11-58).

The EU CSDP missions are the most visible activities of the EU in foreign policy. However, the reasons why these missions commence are widely debated. The International Relations theories provide interesting arguments on why the EU warrants CSDP missions. Ginsberg and Penksa (2012, pp. 50-96) argue that no single theory can explain the complexity and the drivers that influence the launching of the EU CSDP missions. This research combines insights from different core theories of international relations and their sub-disciplines to explore and explain drivers of the EU CSDP missions. Therefore, realism, institutionalism, constructivism, neorealism, rational choice institutionalism and social constructivism theories will be utilised to draw insights on why EU CSDP missions commence. Realists are confused with the role and expansion of the EU foreign policy since according to them, the power in international politics is a zero-sum commodity and that the alliances between states are temporary. Institutionalists argue that the CSDP is about strengthening the commitments of the EU for multilateralism, international fora and transnational dialogue. Constructivism posits that the
supranational structures such as the EU avoid effects of anarchy and that decisions of the EU to deploy CSDP missions foster ideational socialization process. The neorealist stance is that what drives the CSDP missions mainly is the structure and distribution of power in world politics. Rational choice institutionalism theory argues that in collective action burden of operations is shared between EU member states, thus operations costs are lower than if a member state would pursue its interest individually. While the social constructivism perspective is that there cannot be an EU foreign policy or CSDP without an European identity.

3.2.2.1 Theories on EU CFSP

According to Tonra and Christiansen (2004, p. 3) “fewer studies have sought to make explicit theoretical claims upon CFSP and to situate in broader debates within either European studies or International Relations”. Further Øhrgaard (2018) considers that the sui generis nature of the CFSP continues to pose a problem for traditional theories of international relations and European integration, hence, study of EU foreign policy remains at a pre-theoretical phase. Nevertheless, the process of forging the EU CFSP has lasted almost five decades; however, still, the valid question is if this political phenomenon is ephemeral, depends on a certain state of affairs, or it is evidence of the EU integration in foreign policy.

The realist approach suggests for a passing phenomenon as member states of the EU are self-interest actors involved in the political processes within the EU to bargain for their interest. For many, integration of the EU member states in the high politics such as the CFSP was considered unrealistic as this hinted in surrendering part of their sovereignty. Even though historically through European integration processes attempts were made to forge common foreign policy, the national preferences still prevail over such efforts. However, the realist approach should not be inclusive and other analytic perspectives should be examined so to establish if the CFSP goes beyond the simple coalition of interest, which by definition implies a temporary state (Sjursen, 2003, pp. 1-2).

Schmitt (in Cladi & Locatelli, 2016, pp. 121-135) argues that in the absence of a European political project logically leads in the absence of EU foreign policy. Yet, the major challenge would, of course, be on how to use the neorealist theory when analysing the EU, considering that the EU is not a traditional state and does not have a conventional army.

Glarbo (1999, pp. 634-651) identifies two types of realist studies on the EU. First, studies that emphasize a strict interpretation of intergovernmentalism and the CFSP, meaning that nation-
states are the main actors, rather than seeing the EU as a whole. Second, studies that explain the success of joint 28 actions as an exception, where nation-states are coincidentally cooperating on policy matters about their national interest. These joint actions, according to realists, will merely produce ‘demarches or declaratory diplomacy’ – contrasting to physical actions, such as sanctions or the use of force. Thus, realist analysis often has a ‘negative’ bias when analysing the EU, setting out to prove that the EU is not a cohesive actor, not global in reach, and not successful in achieving its goals.

3.2.2.2 Theories on EU CSDP

The European integration and international relations traditional academic theories face difficulties when explaining the existence of the CSDP. Most of the schools and theorists that study the CSDP are sceptical even for the future that the security and defence policy will be part of the European integration. Furthermore, none of the International Relation theories was able to explain the effects of the CSDP. For example, Posen (2006, pp. 149-186) considers that the EU as an institution according to the structural realism is theoretically unable to engage in security and defence policy, against the background that assumes the sovereign states pool their sovereignty, and contrary to the rules of the Westphalian system when deemed necessary for their interest intervene in the internal affairs of other sovereign states. Structural realists’ claim that only state actors can engage in security and defence activities, either as part of a military alliance or individually. In this conception, the EU cannot engage in the security and defence policy. While, the neorealist did not pay much of the attention to the EU’s security and defence policy since their simple explanation is that their behaviour is to do balancing against American dominance.

Intergovernmentalism, on the other side, considers European integration in terms of security and defence policy as a standard process of bargaining between EU member states to further their national interests. Also, European integration can take place only in the policies where member states always ensure gains rather lose. Thus, according to Hoffmann (1966, pp. 862-915), this is not the case and cannot be in the area of high politics, of which the security and particularly the defence is the ultimate example. Similarly, Moravcisk (1998, pp. 18-85) argues that social actors of many types other than just states can bargain at the international arena for rational policy coordination, such as, at the European level; however, ultimately, states will always take the key decisions. Therefore, foreign security and defence policy is the prime policy area where coordination is unlikely to happen.
The neo-liberalism emphasize trade and economics as the two key pillars of the EU member states interdependence and soft power while providing useful interpretation for the EU as a civilian power, has difficulties to explain why the EU has chosen to clothe itself as a security and defence power. On the other hand, constructivists maintain that the EU security integration is theoretically without a hitch if the international relations are viewed and understood in more value-based or normative terms, rather than as a pure clash of interests. Moreover, the constructivists maintain that state preferences are socially constructed, constantly evolving, through forces such as ideas, normative beliefs, identity and socialization; whereas, neo-liberals and neorealists argue that states have to certain extent fixed preferences guided by unchanging factors such as national interests and international system (Risse, 2002; Meyer, 2006, p. 111).

3.3 Methodological framework

3.3.1 Research methodology

This research was based on the constructivist paradigm which hypothesises that learning is a continuous constructive process and that the learner is an information constructor. Cohen and Manion (1994, p.36) posit that the constructive approach to research is founded in the understanding of the world of human experience. Furthermore, Mills, Bonner and Francis (2006, pp. 303-323) underline that the world of experiences is continuously shaped through human interaction. Besides, the research design for this thesis was implemented according to the principle of methodological triangulation, meaning that different methodologies were used to collect data on which this research is based, that strengthens the reliability and internal validity (Creswell 2003, pp. 233-234). For example, the key documents of the EU institutions relevant to the research topic were carefully read and analysed to understand and interpret correctly the meaning and aims of the EU and its institutions. Moreover, semi-structured interviews were organized with the citizens in Kosovo and the elite from the Kosovo institutions and EULEX officials to collect information which otherwise cannot be obtained through observation. And, finally, since the inception of EULEX, the writer of the thesis was present in the field and closely monitored its work, communicated with all communities in Kosovo, including with the civil society experts and recorded information of the developments.
3.3.2 Research design

The qualitative research provided the depth required to investigate a complex issue such as the results of EULEX. Higgs and Cherry (2009, p. 3) explain that the qualitative methodology is “a way of looking at the world and a constellation of approaches used to generate knowledge”. Furthermore, according to Creswell (2003, pp. 83-85), qualitative approaches are crucial when exploring a phenomenon or a concept that lacks previous research and/or is immature, or the existing beliefs or perceptions are incorrect or incomplete or need further development, as in the case of EULEX. Moreover, as mentioned previously, Tardy (2015, p. 38) believes that “many critical facets of peace and security cannot be quantitatively measured”. Therefore, through the qualitative approach data gathering, this study was able to answer the research questions and hypotheses as well as the central research question.

3.3.3 Case study

According to Vennesson (in Porta & Keating, 2008, pp. 233-239) considers that what we know today about the social and political world a considerable part comes from case studies. Also, international relations case studies have made an essential contribution to international security. Further, the case seeks for an answer, its explanation should be defined in connection with the theoretical frameworks; and even though it may be distinct, relation to other cases can be established. A case study is a strategy that aims to undertake in-depth empirical research of one, or more case, of occurrences with the purpose to discover the construction of each case, and to illuminate features of a larger group of related occurrences, by creating and assessing theoretical explanations. Gerring (2007, pp. 19-20) similarly considers that the researchers may wish to observe many cases superficially, or one or a few cases more comprehensively. Nevertheless, in-depth knowledge of an individual case is more helpful than broad knowledge about a larger number of cases. Therefore, we understand better the whole when focusing on the main part. Yin (2003, pp. 19-55) emphasises that the case study is only one of the several ways of doing social science research. However, the researcher may decide to use other strategies such as surveys, experiments, histories and the analysis of archived documents. Each of these strategies has its pros and cons, depending on three criteria: 1) the research question type, 2) the control of the researcher over actual developments; and 3) the choice of the modern rather than a historical occurrence. The case study method enables researchers to grasp the holistic and meaningful traits of real-life settings like the life cycles, managerial and organizational processes, international relations, etc. Bennett (cited in Sprinz & Yael, 2004,
pp. 27-64) considers that the case study methods have comparative advantages since this method enables to identify neglect or new hypothesis or variables, as well as, to provide a historical account for particular cases, gaining a high degree of construct validity, etc. Further, Buzan and Hansen (2009, p. 90, 194, 224, 256) argue that case studies are applied for problem-solving of different issues and contribute in the development of theories as well as schools of thought, including the field of security studies. Lastly, according to Ginsberg and Penksa (2012, p. 6) “theory to explain the existence of the EU foreign and security policy actions would be truly abstract and amorphous without case studies based on primary sources and hard data”. Therefore, the empirical part of the research for this dissertation is the case study of EULEX. Since this research employed in-depth research of EULEX, I argue that the instrumental case study was the appropriate choice for this approach. Mills, Durepos and Wiebe (2010, p. 473) emphasise that “an instrumental case study is the study of a case e.g. person, specific group, occupation, department, organization, to provide insight into a particular issue, redraw generalizations, or build theory. In instrumental case research, the case facilitates understanding of something else”. Thus, through research of EULEX is sought to explore and understand the relevance of the EU CSDP in crisis management.

Thus, it can be said that the case studies as a method are valuable since they connect theories to political and social realities and the other way around. In the context of this thesis, the case study is used to assess views, perceptions and beliefs in a social setting that produces the meaning of the involvement of the EU foreign policy, within a theoretical framework and hence contributes to further theory on the EU CSDP. Besides, the case study is a useful tool for approaching research problems that are wide such as the EU CSDP, since they allow narrowing down the observation of the cases that are most significant to explore the perspective of the problem. When studying the EU CSDP the most significant cases are those that the EU has invested most and from which had the highest expectations to deliver the set tasks. Namely, agreement of the member states for the deployment of the CSDP missions deciding in the European Council demonstrates the relevance of the said case for the EU foreign policy. Furthermore, while analysing the CSDP, the case studies allow for observation of the development through time of the EU foreign policy.

3.3.4 Research tools

This research applied a qualitative approach as a most suited method to investigate the case study. Therefore, the tools used included documentary evidence, semi-structured qualitative
interviews and participant observation. The validity of this approach is confirmed by Stark and Torrance (in Somekh & Lewin, 2005, p. 35) who emphasise that the most commonly employed research methods in qualitative research are “interviews, documentary analysis and observation”. All three tools proved to be instrumental in getting important insights and information, either from the EU documents, interviewees or the observation, which could have not be acquired differently.

3.3.4.1 Documentary evidence

Documentary sources played an important role in this research. Merriam (2009, p.163) argues that “documents of all types can help the researcher uncover meaning, develop understanding and discover insights relevant to the research problem”. Further, Finnegan (in Sapsford & Jupp, 2006, pp. 138-149) posits that the use of documents can serve as the main source for the researcher’s conclusions as well as to complement information from other sources. As the research aimed to assess one of the CSDP mission, official documents of the EU institutions responsible for the EU CSDP, European Council, European Union External Action Service and European Commission are considered of primary importance. The documents of these institutions offered insights on the process of decision-making for EU foreign policy, EU planning and launching of the CSDP missions, including EULEX.

3.3.4.2 Semi-structured interviews

The research strategy employed the approach of asking and listening, a method which has probably produced more qualitative research than any other. The foundation of such a strategy are interviews which according to Bryman (2001, p. 312) are probably the most widely used method in qualitative research. In addition, Patton (2002, pp. 339-418) argues further that this procedure provides a manner for collecting information on, and finding out, things that the researcher cannot observe directly.

Two semi-structured interview questionnaires were developed for Kosovo citizens’ and experts from the Kosovo Civil Society, Kosovo Institutions and EULEX officials. The questionnaire for the citizens’ was composed of 13 questions. In total 50 citizens were interviewed16, 41 men and 9 women; 34 from Albanian community, 7 Serbian community, 6 Turkish community, 2 Bosnian community and 1 Roma community. The basic criteria for selection of the citizens for the interview were that they should have been at least 18 years old at the time EULEX was

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16 10 citizens from each of the 5 regions of Kosovo: Prishtinë, Prizren, Pejë, Mitrovicë and Gjilan.
deployed in Kosovo, so they were able to understand the role of EULEX; and second that they were willing and able to answer the set questions. The experts’ questionnaire contained 25 questions. In total 15 experts’ were interviewed, EULEX officials (5 interviewees); Kosovo Institutions officials (5 interviewees), and Kosovo Civil Society representatives (5 interviewees), 11 men and 4 women, 2 British citizens, 1 Spanish citizen and 12 Kosovar’s.

The basic criteria for selection of the experts for the interview were that they either have worked for EULEX, or were responsible Kosovo Institutions officials that have cooperated with EULEX, or they have monitored/analysed the work of EULEX. Moreover, the experts were chosen if they were willing and able to answer the questions. The reason for choosing to interview the elite is that EULEX officials are the key providers of security in terms of rule of law; while Kosovo Institutions officials the recipients of that security assistance. On the other hand, the Civil Society representatives were chosen because they are involved and influence the debate on EULEX. In addition, since this research is conducted from the prism of the security consumers, interviewing the experts served as well to ensure the objectivity of the study. The information provided by the experts in addition to the questions posed were considered with particular attention and were utilized to shed light in some elements of the hypotheses and research questions. Views of these three groups of interviewees have substantially contributed to the research.

The recruitment of the interview participants was conducted through official communication via email or contacts in person. Most of the interviews were held face-to-face (54), and the rest via telephone (11)\(^\text{17}\). The results of this research are largely based on the interviewees’ responses.

3.3.4.3 Participant observation

Spradley (1980, pp. 53-62) underlines that participant observation is a qualitative method when a researcher becomes a member of a group, embraces the habits, culture and customs of that group for inclusive comprehension. The writer of this thesis throughout the entire research process actively observed the developments in the site. As I was born, live in and work in Kosovo, needless to say, I am very familiar with the Kosovar culture and customs as well as with its social norms, official languages, so I could witness myself the dynamics and social

\(^{17}\) EULEX and Kosovo Institutions officials have requested specifically anonymity, the Kosovo Civil Society representatives and Kosovo citizens’ were not reluctant to expose their identity; hence, anonymity was provided for all interviewed research participants.
processes in the Kosovar society. Being part of the society, listening and participating in debates, following regularly the media outlets and the monitoring work of the civil society on EULEX enabled me to grasp the real feelings of the Kosovo society for EULEX. Moreover, socializing with EULEX and Kosovo Institutions officials, I could learn on the developments and challenges in the implementation of EULEX mandate as well as on the expectations of the Kosovo Institutions officials from EULEX mission, and the efforts of the latter.

3.3.5 Ethical considerations

Israel and Hay (2006, p.2) argue that “ethical behaviour helps protect individuals, communities and environments, and offers the potential to increase the sum of good in the world”. Therefore, this research was carried out founded on three key ‘code of ethics’ principles: Informed consent, Anonymity and Confidentiality. All research participants, interviewees, were informed from the inception of the research subject and the aims of the study. The informed consent to participate in the study was requested and they were informed that the writer of the thesis will ensure their anonymity and confidentiality. Furthermore, the code of ethics of the University of Ljubljana was adhered to for the entire period of this research, and I did consult and discuss with my supervisor throughout the research whenever necessary.
4. Analysis of the EU as an international security actor

This chapter aims to exhibit the EU role in international security affairs and the crises management component of the EU, in light of the evolving global security environment and a broad spectrum of other organizations that are involved in crisis management worldwide, to present the EU CSDP strengths and weaknesses as well as the research results on EULEX case study.

The EU foreign policy objectives and responsibilities are delivered through a pool of tools, particularly designed or available to address security concerns around and directly posing a threat to the Union or endangering international security. These tools range from diplomacy, economic incentives, donor aid and civilian/military mission deployment. The latter is developed in the framework of the EU CSDP. Since early 2003, the CSDP crisis management missions and operations have been launched by the EU in different geographical areas aiming to ensure international peace, but same time to provide security benefits for the EU member states.

The opinion of the scholars, academia and experts on the extent of the EU contribution provided to the international peace and security through its missions is deeply divided. The strengths and weaknesses of these missions have been regularly scrutinized and assessed from inside the EU and from outside, whether from other international security providers or from the state and societies (security consumers) that have benefited from the EU intervention.

The EU missions whether civilian or military have been deployed worldwide with different mandates, number of manpower and lasting from few months until more than a decade. EULEX mission in Kosovo is one of these missions which has a distinct mandate from all other missions to date, counts for one of the biggest missions, and has lasted for more than a decade. That is why this mission has justifiably attracted the attention of international relations scholars and security experts. The distinct features of EULEX, linked with the history of the EU in this region, combined with the EU ambitions to show leadership in the close neighbourhood have raised the expectations that the EU support would make lasting changes and institutional transformation of Kosovo. For this purpose, EULEX mission in Kosovo will be analysed in details in this chapter which also includes the statements and findings from the sample of the interviewed Kosovo citizens, Kosovo Civil Society, Kosovo Institutions and EULEX officials. Furthermore, the writer of this thesis was participant-observer since the inception of EULEX in 2008 until 2018 and witnessed the dynamics and the social processes in Kosovar society.
Listening and participating in the debates, following regularly the media outlets and the work of the civil society, and being in regular contacts with Kosovo citizens, Kosovo Institutions, Civil Society and EULEX officials I have grasped the real feelings and opinions for EULEX, that will be presented in section 4.3 below.

4.1 EU as a crisis manager

In this subchapter, the general definition and concept of the crisis management is presented, EU crisis management structures, policies and capabilities, as well as the record of the EU military operations and civilian missions.

According to Prezelj (2005, pp. 35-36) “crisis management is defined in a non-traditionalist sense as more or less organized activities aimed at resolving or managing any crisis (a) at the appropriate level and (b) in the corresponding dimension (c) before, during and after the crisis”.

It is noteworthy to mention since the beginning that the crisis management key trait is that they are security centred, multifaceted and intricate. Even though responses to a certain crisis may go well beyond clear security measures, crisis management is considered a security-focused activity. Security in broader terms in crisis management is understood as security of the state and individuals. Crisis management interventions often include long-term commitment and go beyond the conflict prevention to encompass stabilization and reinforcement of the state apparatus. This expansion of the security agenda gives space to the security-development nexus. The crisis management operations and missions are either military or civilian and in some cases combined. Military crisis management operations include force deployment and are consent-based, generally non-coercive and do not include third-party intervention. Troop’s deployment in crisis management context differs from traditional coercive operations. The mandates of these operations usually do not include the use of force as a key component, it is only accessory to achieve the objectives of the operation. Furthermore, these operations are conducted with the consent of the host state. While force may be used against third parties, a force cannot be used against sovereign states. In this context, the use of force against third parties in crisis management operation does not include support to the state governing institutions to defeat the political rivals. Nevertheless, records of the crisis management operations so far show that they are not designed to, lack adequate training and equipment to resort to force in a sustained manner (Tardy, 2015, pp. 9-31).
However, most of the EU crisis management operations to date have been civilian. These missions are multifaceted and include different policy tools and responses, which encompass providing support for security, security sector reform, human rights, rule of law, civilian protection, economic recovery, development, electoral support, good governance, demobilization and institutional building. Crisis management efforts include multiple actors involved in peace process efforts with their comparative advantage and mandates. In the last decades, the regional security organizations are operating along the UN worldwide in crisis management activities for example in Mali, Somalia, Afghanistan or Kosovo which has led to mutual and institutional cooperation and partnership. Through the interaction of these organizations, they influence their decision-making process and ambitions, reporting mechanisms and other operational activities, and lastly their security policies and culture which leads to operations hybridisation. Coordination of all these actors raises the question on how to maximise the effectiveness of crisis management activities, which often are the cause of tension and may influence the overall impact of the operation. Moreover, it should be noted that the nature of the crisis management is intricate as its key objective is peace and security. Although all crisis management actors face similar difficulties in their operations, obviously some are better trained and have more experience than the others. Thus, all actors that aim to play a major role in crisis management should display capacities as well as a certain level of expertise and be able to adapt to ever-changing circumstances. In any case, despite some actors showing evidence to be more effective or having had a better impact, still, crisis management remains a challenging endeavour for all actors (ibid).

The EU crisis management structures have been considerably developed since the Laeken Council in 2001. The CSDP is now supported by the PSC, EUMS, EUMC and the Committee for Civilian Aspects of Crisis Management as well as a permanent headquarters for civilian missions. In addition, the HR of the Union for Foreign Affairs and Security Policy and the EEAS make the efforts to increase coherence of the member states. All these positive structural changes aimed to strengthen and improve the EU foreign policy impact on international security affairs. This transformation, as mentioned, enabled the EU to deploy over 30 missions and operations in less than two decades. This was a big leap for the EU CFSP. Yet the member states in the framework of the CSDP are the ones giving the green light individually for each of the mission or operation exercising in this way political control and the strategic guidance of the CSDP (Rehrl & Glume, 2015, p. 21).
Deployment of such a big number of operations in a short period reflected the intention of the EU to brand itself as a distinct security actor in the international arena (Merlingen & Ostrauskaitė, 2008). However, this result would have not been possible without establishing the appropriate structures and development of policies. The Military Headline Goals were designed to ensure that the EU has the necessary capabilities to conducted military operations. Helsinki Headline Goal (1999) foresaw, as mentioned, that the EU member states by 2003 would be able to gather up-to 60 thousand troops ready for deployment in military missions. Further, in 2004 the European Council with the Military Headline Goal 2010 introduced the concept of Battle Groups consisting of 1,500 personnel able to be deployed in 10 days. Also, the Civilian Headline Goals are a key component of the CSDP. The European Council in Santa Maria de Feira (2000) identified four priority areas for the EU in civilian crisis management: the rule of law, policing, civil administration and civilian protection; with two other priorities defined later on with Civilian Headline Goal 2008: monitoring missions and support to EU Special Experts. Through the Civilian Headline Goal 2010, the EU member states set another goal, to continue the capability development and to synchronise it with the Military Headline Goal 2010. The EU member states committed for the readiness of 5,000 police officers, 200 judges and prosecutors, and other staff able to deploy in a short notice. Institutionally, the Committee of Civilian Aspects of Crisis and Management; and the Civilian Planning and Conduct Activity are the institutions that ensure operation of the civilian crisis management (Freire in Merlingen & Ostrauskaitė, 2008, p. 12; Keukeleire in Bindi, 2010, pp. 61-66).

The crisis management capabilities of the EU provide the Union with operational capacities for conflict prevention, peacekeeping and strengthening the international security as foreseen in the United Nations Chapter VII. Furthermore, the EU according to TEU Article 43.1 is tasked with joint disarmament operations, military advice and assistance tasks, humanitarian and rescue tasks, peace-making and post-conflict stabilization, including tasks of combat forces in crisis management.

The EU is one of many other crisis management actors in the international arena, but not necessarily the most experienced or capable one. However, due to the display of its hard and soft security in its operations and missions, the EU has some strengths and comparative advantages to other actors. The EU through CSDP operations and missions works hand in hand with other crisis management actors’ UN, NATO, OSCE and the AU. The most notably and formal cooperation is with the UN, namely, the EU has established a formal collaboration with
the UN through the Joint Declaration on Crisis Management in 2004 (Bretherton & Vogler, 2006, pp. 158-208).

The EU and NATO cooperation is less developed. The only three areas where these organizations work jointly are in Afghanistan, Golf of Aden and Kosovo. While in Africa where most of the EU CSDP missions operate, NATO has no presence. Besides, the EU has established cooperation with the AU. The partnership is built in the framework of capacity building to support the African Peace and Security Architecture. Moreover, there is close cooperation of the EU with the OSCE missions wherever they operate such as Ukraine, Kosovo, to mention few (Tardy, 2015, pp. 29-31).

4.1.1 Crisis management operations and missions

In the last decades, the EU has increased its commitment to crisis response. This was the result of many challenges that have emerged, linked with the post-Cold War context, where new and old problems have surfaced in a changed political environment, requiring a more dynamic and responsive EU. The first decades following the end of the Cold War brought to the international security plan new outlooks whether challenges or opportunities ahead, that incited the EU engagement (Galantion & Freire, 2015, p. 1).

The EU CSDP military operations and civilian missions are the most evident activity of the EU in the international security arena and the most tangible example of the EU’s actorness. The period since 2003 witnessed an impressive proliferation of the CDSP deployments worldwide. In particular, the civilian missions have taken attention. The dynamic growth of the CSDP operations and missions has disturbed, in principle, nonreactive nature of the European foreign policy. Following this development, Europe no longer was seen only as an economic giant, military worm or political dwarf. Now Europe had the means to meet the ends. Even though an instrument to implement the CFSP, the CSDP has grown to be the driving force advancing and enhancing the EU foreign policy. While relatively isolated from the EU integration project the CSDP was developed with fast pace incomparable with the other EU policy areas. Despite the setbacks in the Balkans at the inception, now the CSDP has grown to its original justification. Thus, through crisis management operations and missions, the EU translates the CFSP commitments and its strategic vision into action (Kurowska in Merlingen & Ostrauskaite, 2008, pp. 25-40).
4.1.1.1 Start-up of the operations and missions

The Council of the EU establishes CSDP operations and missions following the crisis management procedures. All decisions taken within the CSDP framework require unanimity from member states. Furthermore, decision-making on issues of defence and security remain intergovernmental. Before the start of any operation or mission, the Council adopts two decisions. The first decision, based on Crisis Management Concept establishes operation/mission which includes the appointment of an Operation Commander (for military missions) and identification of an Operation Headquarters; and the Head of the Civilian Planning and Conduct Capability leads the process of recruitment of the Head of Mission (for civilian missions). Then, the formal force generation process begins and the elaboration of the Concept of the Operation and the Operation Plan. Once all these steps are finalized, the Council issues the second decision launching formally the operation/mission. The PSC then takes over the political control and strategic direction of the operations and missions. Since 2013 there are new so-called fast-track procedures in place to enable shorter planning phase when the situation requires rapid reaction. A Political Framework for Crisis Approach is designed to provide for the general political assessment of the situation and the suitability of each CSDP mission. In practical terms, this means that the EEAS and the Commission based on shared analyses, a Political Framework for Crisis Approach initially establishes the crisis political context, elaborating on the specificities of the crisis and why the EU action is required. The latter is based on EU interest, values, culture and objectives, and then is determine which instruments are suitable and/or available for the action (Tardy, 2015, pp. 25-27).

According to the Lisbon Treaty, Article 44, aside the normal and fast track procedures, a third type of planning is also envisaged. Namely, the Council may entrust one action to a group of the EU member states that possess the necessary capabilities, know-how and the will to undertake such a task. This provision allows for greater flexibility and to optimize the reaction time. In legal terms, all CSDP operations and missions are founded on the bases of Council decision combined with UNSC resolution, or on the invitation of the host state. The civilian missions so far were established based on the invitation from the host country (except EULEX); while the military missions have been launched through UNSC resolution (the missions EUTM in Somalia and Mali, and EUMAM RCA in the Central African Republic were established based on the invitation from these countries). The civilian missions and operations established under the UNSC resolution provide a degree of legitimacy for the EU engagement, which eases the coordination with the other actors on the ground and the host country. In terms
of finances, the CSDP civilian missions are directly financed from the CFSP budget, and through secondment of the staff from the member states. This arrangement does not apply for the military operation under CSDP. These operations are not funded through the Union’s budget according to TEU Article 41.2, but are financed by the participating states, each covering its expenses, and only some common costs are covered by other member states (except Denmark) which is assumed to be between 10 to 15 percent of the overall operations cost (ibid).

4.1.1.2 The comprehensive approach to internal coordination

The EU crisis management activities are complex and multidimensional; hence, cooperation of multitude entities is required. The aim of the EU to act more strategically lead to the development of a comprehensive approach to crisis management. The EU external action is implemented in different forms, which includes CSDP operations and missions. To ensure, effectiveness and impact of the EU activities consistency between the various CSDP structures, and some level of the strategic planning is needed. To meet this imperative for an enhanced coordination, the HR of the Union for Foreign Affairs and Security Policy who is the Vice-President of the Commission (HR/VP) plays a key role. According to the Joint Communication of the Commission and the HR/VP, the Comprehensive Approach to External Conflicts and Crisis was adopted in 2013. The EU comprehensive approach is defined as an ambition for more consistent external action, more strategic and more effective, through the use of a full range of resources and instruments (European Commission, 2013a).

In practice, this means that the comprehensive approach at the CSDP level entails increased cooperation within a particular operation and between the operation and other EU actors such as the Commission, the EU Delegations and the member states. For military operations, the interaction of the civilian and military components becomes an important element of the comprehensive approach. Furthermore, a comprehensive approach specifically linked with the CSDP relates to the shared strategic vision of assorted EU components associated with or involved in a CSDP operation; and implementation of assorted features of the CSDP operations’ mandates in a coordinated manner and shared vision. According to Tardy (2015, pp. 39-48), the comprehensive approach is not only the goal of the EU external action, it is a process, guideline and its aspiration. However, he warns that institutional cultures, working methods and political diversity of the member states, including personalities of the leaders of different EU institutions, makes coordination an enduring challenge, thus it is likely to still produce limitations and thwart implementation of the comprehensive approach.
Notwithstanding the structural impediments, in the last two decades, we are witness of the visible progress of the EU in CSDP. The evaluation in the form of participation of the Commission’s staff in working groups and planning of the EEAS driven CSDP operations is evidence of the socialization process between the civilian and military staff of the EEAS. The establishment of joint bodies and process, as well as acknowledgement of the nexus between the security and development, contributes to shaping the EU culture of coordination and are examples of the internal integration.

4.1.2 Military operations

The Helsinki Headline Goal 1999 is the foundation of the EU military capabilities. At the Helsinki European Council meeting, it was decided that “cooperating voluntarily in the EU-led operations, member states must be able, by 2003, to deploy within 60 days and sustain for at least 1-year military forces of up-to 60 thousand troops, capable of the full range of Petersberg Tasks” (European Parliament, 1999, para. 28). The Petersberg tasks include peacekeeping, humanitarian and rescue activities, peacemaking including tasks of combat forces in crisis management. Noteworthy, this formulation of the Helsinki Headline Goal emphasizes the parameters and limitations of the CSDP (then ESDP). The CSDP has no role nor it is involved in the territorial defence of the EU member states; its role is only focused in different elements of the crisis management; however, this structure is not envisioned to amount a large-scale military operation. Furthermore, the text of the Helsinki Headline Goal accentuates the voluntary and temporary contribution of member states for operations carried out in the framework of the CSDP, departing from the creation of the permanent European forces. The conclusions of the Helsinki Headline Goal were mainly because of the EU experience in the Balkan wars. Nevertheless, new developments in the international security agenda required to change further and eliminate the shortfalls in military capabilities. In June 2004, the European Council adopted the new Headline Goal 2010, considering the new security context and learning experience from the Operation Artemis in the Democratic Republic of Congo (DRC) where RRF were used (European Parliament, 2006).

Through Headline Goal 2010, the European Defence Agency was established, and the goal to increase the strategic list was set. Concerning troops, it was decided to move from the preparedness of up-to 60 thousand soldiers, to the concept of the Battlegroups. This new concept of the battlegroups entailed an increase of the RRF with less number of soldiers. The EU battlegroups would consist of no more than 1,500 to 2,000 soldiers with adequate support.
at a high level of readiness and capacity to endure high-intensity operations, deployable within 10 days. According to projections, the EU should be able to simultaneously deploy two battlegroups capable to serve for a period of one until three months. These two battlegroups should be for six months on standby and could be composed of one or a group of member states. The concept of the battlegroups did not convince all at the beginning about their effectiveness, especially in the light of operation challenges linked with rotations of every six months of the member states in the battlegroups, then different capabilities and training of soldiers, issues with finances and other difficulties linked with the agreement of the member states participating in the multinational battlegroups. The situation became even more complex when member states foreign policies were not aligned with the EU external action, thus they are not willing to take part in the operation. Few examples to mention, Germany did not agree on the modalities to intervene in the DRC in 2006, the Nordic battlegroup could not agree on the intervention in Chad in 2007. As a consequence, the EU could not launch several CSDP operations due to disagreement of the member states that were hesitant or not willing to participate in risky context operations. Some member states preferred more to be engaged in UN-led operations; or they were organized ad-hoc in the coalition of the willing, which explains the reason why the EU was unable to provide the rapid response. The other problem is related to command and control of the CSDP crisis management operations. According to the Berlin Plus arrangement\textsuperscript{18}, the EU would use the NATO headquarters in Belgium, where the NATO Deputy Supreme Allied Commander Europe would be the commander in chief of the operations. Two such operations were launched: Concordia in Macedonia and Althea in Bosnia and Herzegovina, and then the EU took over from NATO these operations. The other option included the use of the facilities for operation headquarters of one of the EU member states such as Germany, Italy, France, United Kingdom or Greece. The problem with this option was that the host member state would provide an operational commander. Some of these operations include EUFOR in the DRC with headquarters in Germany, EU NAVFOR in Somalia with headquarters in the United Kingdom; and operation Artemis in DRC with headquarters in France. The last option is the establishment of the Civilian-Military Operation Centre (Civ-Mil Cell) as non-standing headquarters for EU operations in the framework of the EUMS with an assigned operation commander. This structure would be composed of 2,000 civilian experts and soldiers from Brussels, personnel from the EUMS and the member states.

\textsuperscript{18} The Berlin Plus arrangements is an agreement between NATO and EU adopted in 2003, that allows use of some of the NATO military resources for the EU-led military peacebuilding operations.
The latter was never used as headquarter for the EU operations (Keukeleire in Bindi, 2010, pp. 61-66).

So far, the EU has deployed 12 military operations and one civilian-military action in Sudan/Darfur, EU support to AMIS, which are presented below (European External Action Service, 2018a).

The first EU military operation Concordia was launched in 2003 in Macedonia. This was a military support and peacekeeping mission under Berlin Plus arrangements which took over responsibilities from NATO-led mission Allied Harmony. The main aim of the operation was to assist in a stable and secure environment to enable implementation of the signed peace agreement after the civil conflict in Macedonia in 2001. The operation was modest, composed of 400 soldiers; however, this was the first time armed people were sent under the EU flag. Operation Artemis, EUFOR in Democratic Republic of Congo, launched in 2003, was the first autonomous operation, UN-authorized, out of the European continent. The operation was composed of some 1,800 troops and aimed to secure the Bunia area during the Ituri province conflict.

In 2004, through EU Force Althea (EUFOR) took over responsibilities from NATO Stabilization Force (SFOR) in Bosnia and Herzegovina. This was a mission of 7,000 troops to oversee the implementation of the Dayton Peace Agreement that ceased the hostilities in this country. The EU deployed in the Democratic Republic of Congo in 2006 (EUFOR RD Congo), on request of the UN, to support the process of general elections. The operation lasted from July to November 2006 and had 2,300 troops. In 2008, the EU deployed another operation in Africa called EUFOR Tchad/RCA, in Chad and the Central African Republic. This operation was composed of 4,300 troops tasked to protect the civilians, deliver humanitarian aid and protect the UN personnel in eastern Chad and the north-eastern Central African Republic.

Further, operation Atlanta a military autonomous maritime operation or EU NAVFOR in Somalia was launched in 2008, with 1,500 forces. This operation was mandated to combat and prevent acts of piracy in the Indian Ocean. In addition, the European Military Training Mission in Somalia (EUTM Somalia) was launched in 2010 to train the Somalia armed forces. For this mission, the EU deployed 100 troops mandated until 31 December 2018. The EU Military Training operation in Mali (EUTM Mali) was launched in 2013, with the participation of 21 EU member states, with 600 troops, and Albania, Serbia, Georgia and Montenegro as non-EU
members. This operation aims to train Mali’s security sector forces to be self-sustainable and help to establish the democratic order of the state.

The second EU operation to Central African Republic (EUFOR RCA) was deployed in 2014, under the UN mandate a peacekeeping operation with 600 troops in the capital of RCA Bangui to stabilize the area after one year of turmoil. The second naval military operation Sophia was established in 2015 (EU NAVFOR Med) to prevent the refugee smuggling in the Mediterranean, following the Libyan crisis. This operation is supported by 26 states with a mandate until 31 December 2018.

The EU Military Advisory Mission in the Central African Republic (EUMAM RCA) was a military advisory mission launched in 2015 and ended in 2016 (replaced by the EUTM RCA). The mandate of this mission was to assist the Government of the Central African Republic, with 70 personnel, in reforming its armed forces towards a professional, democratically controlled and ethnically diversified army. Lastly, the EU Military Training Mission in the Central African Republic (EUTM RCA) was established in 2016, with the mission to reform the countries defence system. The mission strength is 187 troops, with contributions of Bosnia and Herzegovina, France, Italy, Georgia, Lithuania, Poland, Portugal, Romania, Serbia, Spain and Sweden, with a mandate until 19 September 2020.

As noted from the above, the EU CSDP military operations fall under crisis management; however, they lack the coercive or warfighting element. The EU crisis management operations are similar to UN interventions, a third party intervention not taking sides in a conflict or to defeat a political enemy. However, some operations imply a coercive dimension for example operation Atlanta or EUFOR RCA is tasked to defeat the pirates. Still, these operations have no mandate for peace enforcement like NATO-led operations for instance, which theoretically makes them distinct. Although, conceptually there is no obstacle for the EU to engage in peace enforcement this in light of the extended Petersbeg Tasks which encompass tasks of combat forces including peace-making. Lastly, from the experience so far the EU military operations rarely have led to solution of the crisis, at the best scenario they provided an environment for a political solution; therefore, these operations per se do not constitute conflict resolution mechanism (Tardy, 2015, pp. 21-23).
4.1.3 Civilian missions

The European Council in Santa Maria de Feira defined four priority areas for EU civilian missions’ police, strengthening the rule of law, civilian administration and civil protection; including two other priority areas defined later, monitoring missions and support to EU Special Experts. The civilian Headline Goal 2008, adopted in 2004, foresaw clear objectives for these six priority areas (Council of the European Union, 2005). Through Headline Goals the EU aimed to pool the resources to be capable in launching and implementing police missions and strengthening missions which includes monitoring, assistance and training tasks. Currently, the EU has at its disposal more than 5000 police officers, of which 1400 can be deployed in less than 30 days. The EU member states have further committed to making available 200 judges and prosecutors, some of these experts to be available within 30 days period. The judges and prosecutors would be assigned to the EU Rule of Law missions and should be capable to strengthen the legal system and/or substitute the local judiciary of the recipient state. Further, under the civilian administration pillar, a team of 500 experts is anticipated to be established. These experts would be capable for civilian administration missions to support the recipient state with issues such as elections or taxation, in cases when national or local administration is not able to provide these basic services. The EU has planned as well to develop small-specialized teams for civilian protection consisting of 10 experts on assessment and coordination, deployable within a short notice. Civilian protection consists also of the intervention teams of up to 2000 experts and includes other specialized services. For monitoring missions, 500 experts from member states have committed their availability to support missions to deal with issues such as border monitoring, political situation observation and human rights monitoring. Lastly, the EU established a pool of 400 people with expertise in human rights, mediation, political affairs, disarmament, demobilisation and reintegration (DDR), and Security Sector Reform (SSR), to provide general support to the EU special experts and multifaceted CSDP missions (Keukeleire in Bindi, 2010, pp. 64-66).

From what it is stated above it could be assumed that the EU member states have substantially achieved their goals in identifying and assigning experts in six priority areas of civilian crisis management, at least in formal terms. However, soon after gaps were identified in some areas such as mission planning to support capability, the ability to deploy staff in a short notice, lack of institutional memory, financing, partnership with other international organizations, common training and exercise, procurement, and particularly problems with capability requirements of judges and financial experts. Furthermore, the integration of the civilian capacities was not
adequate or the progress was very limited in the manner that Headline Goals for 2008 could not be attained (Jakobsen, 2006, pp. 299-321). As a result, the member states decided in 2008 to develop new strategies for civilian crisis management, the same time they agreed to adopt a declaration of strengthening capabilities. The declaration states that for the EU to deal successfully with the security challenges and threats in the years to come Europe should be capable to simultaneously plan and conduct operations and missions such as “two major stabilization and reconstruction operations, with a suitable civilian component”, and “around a dozen of CSDP civilian missions of different formats, together with a major mission (possibly up to 3000 experts) which could last several years” (Council of the European Union, 2008a, p. 2).

In the institutional framework, the Committee for Civilian Aspects of Crisis Management (CIVCOM) was set with the role to advise the PSC and Committee of Permanent Representative (COREPER) to monitor civilian crisis management capabilities and operations. Furthermore, the Civilian Planning and Conduct Capability (CPCC) is responsible since 2008 to plan, deploy, conduct and scrutinize civilian crisis management. Nevertheless, civilian crisis management is hampered by several specific problems. For example, the number of staff and experts for the civilian missions is smaller than for the military operations, which in principle is a paradox since the number of the civilian missions by large is bigger than the military ones. In addition, compared to military missions who can lend resources from NATO for planning and/or operational control, the EU teams working in the civilian missions do not have such support from other external entities. Another issue of concern is the overlapping competencies between the Commission and the Council, which may affect the effectiveness and consistency of the EU civilian crisis management missions in case there is miscoordination over the use of resources. Moreover, in preparation for the civilian crisis management operations, many actors from member states are involved. This fact complicates the entire effort as it leads to numerous challenges of consistency and coordination. All these actors starting from foreign ministers, ministers of defence and interior, justice and finance, and others involved, bring in their culture of work, procedure and bureaucracies. And on top of that, all these actors have only limited experience in identifying and convincing civilian experts, police or judges to leave their domestic jobs and join the CSDP missions (Tardy, 2015, pp. 38-39).

Since the beginning of EU engagement in crisis management, the civilian missions have prevailed over the military operations. Furthermore, the civilian missions occupied more geographical zones worldwide starring from Balkans, Africa, the Middle East to far Asia. Out
of 34 missions/operations so far launched by the EU CSDP, 21 of these missions are civilian, compared to 12 military in nature, and one mixed military-civilian mission. The civilian missions according to TEU, Article 43, are assigned to contribute to “conflict prevention, peace-keeping and post-conflict stabilization”. Specifically, this includes in practice three broad categories of the missions: strengthening missions, monitoring missions and executive missions.

*Strengthening missions* are mandated mainly with tasks of capacity-building for the rule of law. These missions aim to support the recipient states in their efforts to reform judicial and law enforcement institutions and to strengthen the rule of law according to international standards and best practices. There are three methods that strengthening missions use in their work with rule of law institutions: monitoring, mentoring and advising (MMA), training and providing with adequate equipment. Through monitoring the performance of the local entity is observed, its efficiency and the work methods, to see where improvement is needed. While through mentoring and advising the knowledge, personal and institutional experience is transferred to the local institutions. In addition, training of the recipient entity officials is becoming a key instrument for capacity-building. Further, through the provision of equipment, the local institutions are equipped with sophisticated tools to enhance their performance and quality of work. Examples of these missions are presented below (European External Action Service, 2018b).

The European Police Mission (EUPM) in Bosnia and Herzegovina, which was operational from 2003 to 2012, with up to 774 staff. It was mandated to support Bosnia and Herzegovina in establishing a modern, sustainable, professional multi-ethnic police force, trained, equipped and able to assume full responsibility and independently uphold law enforcement at the level of international standards. In Macedonia, the EU Police Mission (EUPOL) PROXIMA was launched in the framework of the Ohrid peace agreement in 2003. The mandate of this mission was monitoring, mentoring and advising the country’s police, thus, helping to fight organised crime; as well as promoting the European policing standards. The mission strength was 200 police officers.

The EU Rule of Law Mission to Georgia (EUJUST Themis) was established in 2004, with a mandate to support the high-level working group instituted by the decree of the President of Georgia to develop a strategy for reform of the Georgian criminal legislation. Drafting of the strategy was supported by 27 experts and was handed over to the Government of Georgia in
The EU police mission in Kinshasa (EUPOL Kinshasa) in the Democratic Republic of Congo was active from 2005 to 2007. The EU assigned 30 experts mandated with a mission to monitor, mentor and advise on the development of the Integrated Police Unit (IPU), and to help and ensure the proper integration of the IPU in the National Congolese Police. Further, the EU police advisory team (EUPAT) mission was launched in 2005 in support of Macedonia. The mandate of the mission was to monitor and mentor the country’s police on priority issues in the field of border police, public peace and order, and accountability, the fight against corruption and organised crime.

The EUJUST LEX-Iraq was the first EU integrated rule of law mission operating from 2005 to 2013; established on the invitation from the Iraqi Prime Minister. A total of 66 EU and local experts worked in strengthening rule of law in its complexity, with a full array of necessary expertise and assistance ranging from police to justice, penitentiary, human rights and gender. In addition, the EUPOL COPPS (Palestinian territories) established in 2006, included 92 staff, mandated to assist the Palestinian Authority in building its institutions focused on security and justice sector reform, and to improve the security and safety of the Palestinian people. Moreover, the EUPOL RD Congo was launched in 2007, composed of 31 international police, criminal justice and civilian experts, with the mandate to support the efforts of national Congolese authorities to reform the national police.

The EU Police Mission in Afghanistan (EUPOL Afghanistan) was established in 2007 and was operational until 2016. This mission comprised 350 staff and was mandated to work in support of the Afghan National Police, introduction of the community-policing concept, increasing the capacity of the Afghan Ministry of Interior, and approximation of the Afghan legislation in line with relevant human rights standards. Further, the EU SSR Guinea-Bissau is the first mission planned entirely at the EU headquarters from CPCC. The EU established this mission in support of SSR in the Republic of Guinea Bissau in 2008, with 24 experts. Its mandate was to provide local authorities with advice and assistance in SSR to contribute in the creation of the conditions for implementation of the National SSR Strategy document in close cooperation with other EU, international and bilateral actors.

The EU Rule of Law Mission in Kosovo (EULEX) was launched in 2008 (still ongoing) to support Kosovo institutions through monitoring, mentoring and advising the judicial and law enforcement agencies. Furthermore, EULEX is the only civilian CSDP mission vested with executive powers. EULEX mission is composed of judges, prosecutors, police officers and

76
other EU (and non-EU) experts amounting to 3,000 staff (international and local). Then, the EUAVSEC South Sudan mission was established in 2012, composed of 49 experts, with a mandate to assist and advise South Sudan to establish the aviation security organisation at the Ministry of Transport; and to strengthen aviation security at Juba International Airport. In addition, the EUCAP Sahel Niger was established in 2012 on the request of Niger’s government. This mission is designed to provide advice and training to support the Nigerien authorities in strengthening their capacities. Over 100 international experts are involved, the majority of whom are from European security forces and justice departments.

The EUBAM Libya was launched in 2013, upon the request of Libya’s government to support its transition to a democratic, stable and prosperous society. As a civilian crisis management mission with a capacity-building mandate, the EUBAM assists Libyan authorities with 100 experts, at a strategic and operational level. The work is carried out through advising, training and mentoring Libyan counterparts in strengthening the border services following international standards and best practices. Moreover, the EU Advisory Mission (EUAM) in Ukraine began its operation based on an invitation by the Ukrainian government in 2014, with over 300 staff. EUAM Ukraine aims to assist the Ukrainian authorities towards a sustainable reform of the civilian security sector through strategic advice and practical support for specific reform measures based on EU standards and international principles of good governance and human rights. Besides, the EUCAP Sahel Mali was established in 2015, following an invitation by the Malian government. This mission is composed of 83 staff (international and local) and is mandated to provide strategic advice and training to the Malian Police, Gendarmerie and National Guard and the relevant ministries to support reform in the security sector.

The EUCAP Nestor was launched in 2012 (renamed EUCAP Somalia in 2016) is a maritime capacity-building mission in Somalia that works to strengthen Somalia capacity to ensure maritime security, with 60 international experts, carries out fisheries inspection and enforcement, ensures maritime search and rescue, counters smuggling, fights piracy and polices the coastal zone on land and at sea. The EU Advisory Mission in Iraq (EUAM Iraq) was launched in 2017 on the request of the Iraqi government to support civilian SSR. The core mandate of this mission is to advise senior officials at the Office of the National Security Adviser and the Ministry of Interior on their coherent implementation of the civilian aspects of the SSR. Consequently, the Mission is providing expertise with 50 experts, on a diverse range
of reform components, such as policy design, human rights, organised crime, security legislation and human resource management.

As noted from the above the strengthening missions have been deployed worldwide from 2003 to 2018, and that these missions were relatively small with an average of 280 staff.

*Monitoring missions* are activities or processes that offer third party assistance in different sectors such as border, justice, police, or provide support for the implementation of an agreement for example peace agreement or ceasefire line. These missions are smaller in number than the strengthening missions as well as in the size of personnel with an average less than 100 staff, but not necessarily less in importance. Some of the examples of the monitoring missions are the Aceh Monitoring Mission (AMM), which was launched in 2005 by the EU and with support of ASEAN (Association of Southeast Asian Nations), Switzerland and Norway, mandated to oversight implementation of the peace agreement between Government of Indonesia and the Free Aceh Movement. This EU civilian mission was composed of 80 unarmed monitors. The EUBAM Rafah (Palestinian territories) launched in 2005, with a total of 15 staff, mandated to monitor the operations of the border crossing point between Gaza Strip and Egypt, after Israel and the Palestinian Authority concluded an Agreement on Movement and Access on 15 November 2005. The EUMM is an unarmed civilian mission in Georgia established in 2008, with a mandate to monitor a ceasefire in areas of Abkhazia and South Ossetia. The mission is composed of around 200 monitors from EU member states.

*Executive missions* are the third type of EU CSDP missions. These missions are operations that include exercising of several duties in substitution to the receiving entity. The first mission of this nature to date is EULEX mission in Kosovo. This mission was mandated with the executive tasks to deal with issues such as war crimes, organized crime, high-level corruption, property and privatization cases. Judges and prosecutors have directly dealt with cases in prosecution offices and in courts (from February 2008 until June 2018). EULEX assisted Kosovo authorities to strengthen its judiciary and reform the law enforcement institutions through the support of the police, judiciary and customs sectors.

The lessons learnt so far show that the EU civilian missions last longer than the military ones, on average almost five years. However, considering the needs of the fragile states and regions that undergo a transition from conflict to peace, it is evident, that there is a strain between their long-term needs for support and the EU member states short-term commitments. This
particularly applies to areas or entities that require long-term societal reforms starting from the rule of law, protection of human rights, SSR, etc.

4.2 EU CSDP strengths and weaknesses

In this sub-chapter, an assement of the EU CSDP as a tool of the EU foreign policy is presented, the nature of the CFSP and CSDP and the issues related to unanimity, coherence and capabilities of the EU external action.

Over two decades since the Maastricht Treaty and the start-up of the EU CFSP, complemented by the progressive development of the policies and crisis management institutions under the framework of the CSDP, the EU now has ensured an important place among other key crisis management actors UN, NATO, OSCE and the AU.

From what we have noted in sub-chapter 4.1, the EU through military and civilian missions supports international security, regions, and fragile states to overcome their conflicts and provide for peaceful solutions. The EU missions contribute to conflict prevention, peacekeeping, rule of law and SSR reform, protection of human rights, monitoring of border and ceasefire agreements, training of security forces, post-conflict stabilization, protection from piracy, etc. This big array of fields covered shows the extent and commitment of the EU, the visible manifestation and tangible expression of the EU’s role in the international security. The EU through its engagement shows its capacities as crisis management actor with its presence worldwide. As such, the CSDP has now become the framework for multilateral security governance, it demonstrates added value for the crisis management and its comparative advantages. Thus, the CSDP missions play a key role in the EU external action.

However, through the CSDP military operations and civilian missions, also, the limits of the EU itself and the member states are revealed, and the extent the member states are willing to go further in the preservation of peace and security in the world. In general, most of the CSDP operations and missions as stated earlier are small in size and scope, this is not to consider that their importance is downplayed; however, these EU actions are not designed to achieve a strategic impact in the conflicting regions or host states. Notwithstanding, the CSDP missions have an important role, and expectations from these missions, in principle, should not be over-estimated. On the other hand, the theory and the practice so far inform us that peace cannot be imposed from outside, but should be home-grown. The aftermath of each conflict is faced with many challenges and constraints in the process to reach peace and stability; against this
environment no matter the capacities of the mandate of the external actors, foreseeable results would be limited. Hence, the EU as a crisis management actor has to show the ability in terms of capacities (capabilities, human and financial resources) and expertise to deal with this kind of complex endeavour, and the same time to show modesty and not to raise to much the expectations of the recipient state and society. Some of the CSDP civilian missions or military operations have been launched in the absence of comprehensive needs assessment (despite the efforts of some EU planning teams in some cases). The EU external action very often was driven by external factors such as the pressure of the public to intervene in one particular situation, to sustain the foreign policy of one of the member states or simply to ensure the visibility of the EU in the international arena (Tardy, 2015, pp. 45-48).

EU crisis management is an ambitious enterprise, it raises hopes and creates expectations that a crisis will find a solution. However, considering the complexity of each crisis, institutions and different levels of commitment of the EU member states make operations under the CSDP framework complex, which often leads to under-deliver. Looking from this perspective, lessons learnt from the theory and practice, are a critical resource to assess the role, functioning, results and underperformance of the CSDP missions and operations. The synthesis of the current theory, practice and insights from case studies could serve as a platform to gauge EU external action performance through crisis management operations and to build new theory for the EU CSDP.

4.2.1 EU CSDP assessment

Contrasting interpretations and assessment of the CSDP as a tool of the EU foreign policy is the kind of the story of blind men feeling different parts of the elephant to understand the nature of the beast (Puchala, 1972, pp. 267–284).

According to Grevi, Helly and Keohane (2009, p.10), there are three major issues “the political deficit gap, insufficient coherence and inadequate capabilities” that influence the EU CSDP output. The EU member states should learn to bridge that gap, to find ways to ensure at least the minimum political compromise and harmonize their foreign policy interests that would lead to the positive impact of the EU CSDP missions and operations. The lack of coordination between the member states and within Union happens very often, which shows the coherence deficit that the EU needs to overcome, but not on the expense of its legitimacy with the aim just to show its alleged effectiveness. The last major challenge for the EU in terms of the CSDP is to bridge the capability gap. Deployment of over 30 missions and operations so far, in
different fields starting from monitoring of the peace agreements, rule of law, police training, SSR, to naval operations, indicates that the member states have the resources to sustain CSDP common operational goals. However, continuous availability, set of skills and sustainability of these resources is something that the EU should pay attention far more than nowadays.

As one could expect the development and geographical expansion of the CSDP are paralleled with several shortcomings and challenges. Beside political deficit, coherence and capabilities attention should be focused on other issues as well, quality-related. For example, until recently the main concern of the EU for its operations was quantitative, namely to undertake efforts to find enough civilian experts and soldiers for the CSDP missions. However, when assessing the effectiveness, efficacy and added value of these operations, it leaves much to desire. For instance, some of the missions could be seen as successful only because other crisis management actors have been involved too, or the scope of the mandate and time was limited. Besides the EU interventions in the Balkans, the other CSDP operations have proved to be limited in making any real difference in the crisis. This is not to say that the fault per se rests on the EU CSDP as such, but we should always be aware that the EU member states intentions are not perennially to impact the crisis, but rather to manage and balance their interests within the EU, and in cases vis-a-vis the USA. One can end up with different conclusions if the historical perspective is taken into account using criteria’s such as coherence, legitimacy, relevance and visibility. It is a fact that until recently, less than two decades ago, the EU military engagement in international security was unthinkable. Further, the EU started to deploy missions only in 2003, including civilian crisis management missions, which is likewise, a new realm on conflict management. Therefore, in the formal sense, it is fair to say that the CSDP development so far is rather impressive. The CSDP was able to move forward, adopt and expand and increasingly gain the trust of the member states that saw the added value of the military and civilian operations, acting alone or in growing synergy with other crisis management actors such as UN and AU. Moreover, the interval between the EU rhetoric and the reality of the CSDP missions and operations has been relatively short, and inevitably this progress came with many difficulties, uncertainties and shortfall, as elaborated in sections above (Keukeleire in Bindi, 2010, pp. 66-69).

Another issue worth mentioning in this context is the paradox in the evolution of the relationship between CSDP and the CFSP. On the one side, the CSDP has transformed qualitatively the nature of the CFSP and further advanced the EU foreign policy. It enabled the CFSP to shift to action-orientated foreign policy with a focus on crisis management; from what
was the declaratory foreign policy dependant on diplomacy. The member states were able to establish an effective framework of the CFSP and to pool resources jointly and even though limited in scope or impact, still, the EU managed to send boots on the ground. With this toolbox at hand, the credibility of the EU negotiators and the HR for Foreign Affairs and Security Policy was strengthened, thus, they are now in a better position to mediate in conflicts or negotiate with the third parties. On the other side, an enhanced CSDP without adequate development of the EU foreign policy carries a real risk. It is evident that the member states are not increasing the efforts to enhance the CFSP to match the development with the CSDP crisis management civilian and military operations. This state can be misleading to third parties who assume that the EU has a comprehensive, coherent, clear and agreed policy for a crisis or conflict situation, and generally in foreign policy. Sometimes the agreement for CSDP operations is a proxy of the EU coherent common foreign policy on specific cases. One example to mention, the member states had a huge disagreement on the political status of Kosovo, yet they agreed to deploy a CSDP mission there. Moreover, the initiation of the CSDP operations according to ESS is not clear where, when and under which circumstance these operations should be launched. Besides the intervention in the Balkans, the other CSDP operations cannot be said to be a response to an immediate threat to EU security. This ambiguity of the EU foreign policy may expose the CSDP vulnerable in the international stage, when they would be faced with real problems, especially in cases of violence escalation with human casualties. Hence, even though the CSDP emerged as one of the forerunners of the EU foreign policy it may end up as only a spectator when confronted with real violent conflicts (ibid).

Perhaps not to everybody’s surprise the EU was labelled with the reputation for inert response and symbolic engagement. Doing something a lot does not necessarily mean that you are good at it. One may argue that this can be said for the EU crisis management as well. Compared with other crisis management actors such as the UN or NATO, surprisingly the EU role played in crisis management has received only a little attention. Supposedly, this is because most of the CSDP missions and operations have been so small that the European public are not even aware of them. The EU has not deployed any large-scale CSDP operation that could match for example the NATO’s intervention in Afghanistan with 110,000 soldiers, AU has deployed up to 30,000 soldiers in five major peacekeeping operations, and the UN has some 75,000 personnel in different missions worldwide. The lack of visibility or the interest for the CSDP missions lays in the fact that their mandates were not ambitious, and the EU policymakers considered the mere fact of their deployment as a success. However, while nobody can dispute
the fact that the EU member states have failed to fulfil the objectives for collective capability, as well it is indisputable that the EU has now the capacities both civilian and military which they did not have before 2003. Furthermore, compared to the previous period when the EU was relying on the NATO airlifting now the EU is more autonomous, which resulted in the deployment of more personnel for a longer period in the operations. However, when the EU CSDP operations are examined their scope, mandate and the period deployed, it is apparent that the EU deals with issues low in the international security agenda, with threats that are not immediate or direct, and at the same time with no meaningful impact on the host state. Nevertheless, this is presented to the European public and others as EU share of contribution for international security. Furthermore, the fact that member states often lack the willingness to engage in the crisis management operations and do not agree on the EU common policies, supports the argument that the EU is a small power (Toje, 2010, pp. 95-114).

Officially, so far no CSDP mission has been announced as a failure. For the EU sometimes the mere fact that a CSDP operation is launched is considered a success, no matter the results achieved, if any, in the conflicts they have intervened. The EU member states are not reluctant to assessment from the outside of the CSDP operations, fearing that their collective or individual deficiencies would be exposed. Nevertheless, the positive impact of the CSDP crisis management operations is dependant in several of variables such as member states commitment, institutional experience and coherence, efficiency in the implementation of the mandate and recipient state buy-in. Without initiative, support and commitment of the EU member states the existence of CSDP would virtually be impossible. The EU common foreign action is unattainable without the political will of the member states. Starting from the decision-making process, financial resources, capabilities and political support for the establishment of the operation, the member states play a key role. Since the entry into force of the Lisbon Treaty, more than 10 military operations and civilian missions have been launched. In principle, this is not a low number; however, considering the fragility worldwide the number could have been bigger. Leaving aside the number, what is concerning is the nature of these operations and the allocated resources from member states. The military operations, in general, have been mandated with training and advisory mission, while civilian missions generally are unambitious and small in scale. Difficulties with human resources are recurring for both military and civilian operations; as a consequence, many missions are understaffed. The latter is the result of the complex system of requirements, which involves inexperienced member states institutions. Further, member states lack development and unified culture in civilian
crisis management operations, and difficulties in motivating skilled staff for deployment in CSDP missions. The CSDP operations both civilian and military are financially constrained as well, which affects negatively the EU’s image, and limits their objective to play a meaningful role in international security governance. A weak commitment of the member states has resulted in short-term engagement of the EU CSDP, even when the challenging crisis environment required long-term engagement. This attitude of the EU member states is a result of different security and strategic cultures, meaning that what is for some member states a crisis that requires intervention, some other member states might not necessarily agree. At this level, the EU operates at the minimum common denominator. In particular, for the military operations the member states have adopted crisis management policies, which are risk-averse; hence, deployment in operations involving potential risk for troops is the least preferred. Further member states calculations from participation in a CSDP operation cost versus benefits averts the decision-makers from deciding to launch an operation. This rational specifically is used when considering establishment for the crisis management operations to tackle distant threats, which are not in the immediate neighbourhood. Outlying crisis or conflicts are considered disconnected from states security policies or national security interests. Moreover, the European debt crisis has influenced all EU policies and was not immune to CSDP either. Even though it cannot be said that the deployment of the CSDP operations was particularly stalled due to financial implications, necessarily this affected some member states to set this policy on stand-by. Another drawback is that some member states consider CSDP as one of the instruments of crisis management, and not always the most preferred one. Individual state intervention, or intervention in the framework of UN or NATO, is an equally important policy instrument (Tardy, 2015, pp. 35-48).

This approach questions the added value on the CSDP as a central instrument of the EU’s international security presence. Despite the number of missions and operations launched so far by the EU CFSP, the degree this policy has become common is not demonstrated empirically. The success of the CSDP operations is dependant on the EU capacities to plan and manage effectively the operations. Even though the EU has marked progress in capacity building to decide, analyse, plan and manage CSDP operations still some obstacles hinder the ability to manage the operations effectively. Primarily the link between the CSDP operations and the foreign policy framework should be strengthened. This would lead to a more strategic connection of the EU CSDP missions with the broader EU strategy. Concerns have been raised as well related to inter-agency coordination, or when the same is missing, despite the efforts to
forge a comprehensive approach, remains a source of shortcomings. Lack of adequate communication and cooperation between the headquarters and field missions, missions among themselves, and the EU delegations with the missions are indicators of different institutional cultures, diverse priorities and in some cases even competition. Likewise, the crisis management structures remain underdeveloped. For the EU military operations, planning and conduct of operations are very often outsourced to individual member states of NATO. In the absence of the appropriate military structures, the EU is not likely to be the kind of security actors the Lisbon Treaty has foreseen. The civilian crisis management structures are limited in size as well. Another constrain identified by the outside EU observers is the political and administrative inertia of the EU which goes against the tide of the flexibility needed to launch a crisis management mission. Moreover, more importantly the CSDP operations should be given precise and realistic mandates. Very often the crisis management mandates raise the expectations that in practice are unlikely to be met. The rule of law issues or SSR in fragile states is very unlikely to be addressed with missions mandated for two or three years. Therefore, the EU should define its objectives in terms of what is to be achieved. If faced with long-term challenges such as the transformation of a failed state to a modern democracy, the CSDP missions should be given realistic mandates, both in terms of resources and timeframe. Lastly, the success of the CSDP operations is dependant on the host state buy-in. The EU fosters the concept of local ownership in their interventions, thus, most of the CSDP operations are established based on the request or formal invitation of the host state. The local ownership is crucial for successful implementation of the CSDP mandate as no durable stability can be imposed from the outside. No matter what the EU’s intervention is about: peacekeeping, training, capacity-building or humanitarian, there is little EU can do without full consent of the local population and institutions. However, the EU like all other crisis management actors faces challenges and looks for opportunities to ensure that the local buy-in is secured. Besides the local buy-in, the local actors’ capacities to absorb the external assistance offered and to take over the ownership of the process are determinant for the success of the EU operations (ibid).

Ginsberg and Penksa (2012, p. 98) consider that the “CSDP is intended to improve security of the host state and society, to an extent that would not be achieved in the absence of a CSDP operation”. In this regard, they suggest five external effects of the CSDP missions: functional impact, political impact, societal impact, unintended impact and temporal impact.

The functional impact denotes operations technical effects usually aimed to increase security and human welfare. The mandate of the CSDP mission is the starting point for the assessment
of the functional impact. Each task of the mission assigned with the mandate should be assessed to evaluate if the functional effects are achieved. These effects largely dependent on the mandate of the CSDP operation, military or civilian (or combined) with an executive or non-executive mandate. Some functional effects of the CSDP operations are monitoring and mentoring of the rule of law and law enforcement personnel, monitoring and improving human rights, conflict prevention, monitoring of ceasefire, etc. Only in rare cases, the CSDP missions are successful in achieving all the tasks mandated. The Aceh monitoring mission in Indonesia is assessed by the EU officials as a success story. It supported the process of the peace agreement between the parties and transition to peace through demobilization of the Free Aceh Movement (GAM). However, this mission faced with many difficulties in implementation of its mandate, tasks for monitoring and improving human rights. The NAVFOR (Atlanta) in Somalia has met its primary functional objective set in the mandate to uproot the piracy in the Somalia coast which was achieved by end of 2016; nevertheless, this operation did not address the root causes of piracy and violence in this region. The EU military operation in the Democratic Republic of Congo – Artemis in 2003, met its functional objectives for rapid deployment and tasks of securing the citizens of Bunia and deter the violence. However, once the Artemis mission ended its mandate (after 3 months), the critics question the success of this operation. The EUMM in Georgia through monitoring non-executive mission has helped to stabilize the security situation and to de-escalate hostilities between Russia and Georgia. Nevertheless, this mission did not have access to the region of Abkhazia and South Ossetia to offer humanitarian and other support to the displaced persons from the conflict. The EU police mission in Afghanistan is one of the CSDP operation criticised for its underperformance. This mission was most of the time understaffed, with limited synergy and coherence with other EU programs, and the other crisis management actors present.

Political impact denotes the effect of the CSDP operation in the host country politics, its foreign policy and the capacities of the political leaders and society to assume the ownership. Generally, it is difficult to assess the political impact of a CSDP mission in a host state; however, for the EU it is crucial to identify the political effects to be able to design and implement missions suitable for the receiving state and society. The EU has built the resources to respond comprehensively to crisis management situations. However, when CSDP missions are launched without clear policy or strategy, and are implemented without strong political support, the overall impact of the operation is limited. Assessment of the positive political impact is particularly difficult for military crisis management operations. Often the EU
downplays the political and strategic effects of these operations, accentuating more the humanitarian and functional effects, which are assumed as less controversial. The crisis management operations, as a rule, are launched upon invitation of independent states with active hostilities, hence from the political perspective; the host state should be convinced about the neutrality of the operation that it will not interfere in the domestic politics and for its efficacy. The EU member states do not share the same threats assessment, security priorities or foreign policy; therefore, often the military commanders in the field are left without proper guidance on how to manage sensitive political debates when raised by the parties in conflict. The DRC mission had a limited timeframe and geographical area of the operation, it was restricted to capital Kinshasa and was deployed for 4 months. Critics of this mission claim that the member states crafted this mission in the way to serve more the EU interest and less the crisis in DRC. The fact that the conflict erupted again once the CSDP mission departed shows that the operation achieved its initial aim, but did not help in the resolution of the conflict. However, this operation was not about the conflict resolution, but to support politically and militarily the UN mission there (MONUC), and as such it demonstrated positive effects. In civilian missions, the tendency of de-politicization is evident as well. Very often the EU presents the rule of law reforms or SSR to the host state and political elite as a technical package, to minimize the politicization, although the judicial and security issues by nature are a fundamental part of every political system. In any case, due to the long-term agenda of this type of missions, the assessment of the political effects is a challenge for the EU foreign policy.

The *Societal impact* refers to the effects of the EU missions in the recipient state, especially regarding human, minority and gender rights. As it was indicated so far, the CSDP missions aim to attain functional and political results to confirm the success of the mission. Whereas the EU through its CSDP missions tries to ensure peace and stability, to prevent conflicts, to provide monitoring, training and advice, it aims as well to enhance the human security of the vulnerable communities and other citizens. The EU missions positive effects in societal change are partially dependant on the CSDP personnel awareness for the social and political context of the mission they are deployed. The CSDP missions with a humanitarian mandate positively affect the recipient society. Through the provision of food shipment for victims of famine, assistance to displaced persons, the EU improves human security. When the EU maintains peace and prevents conflicts, this impacts the security of the society. Equally important, the EU missions that reform rule of law institutions and SSR result in the elimination of injustice, better oversight and accountability of the institutions, which in turn improves the security and
quality of life of the citizens. Furthermore, gender equality is central to the EU foreign policy, and alongside with human and minority rights, determinant to ensure positive societal impact in the host state and society.

*Unintended impact* (or consequences) may be a result of the CSDP missions. Despite the good intention of the EU member states to contribute to peace and stability its operations may produce negative effects. Some of these unintended effects could be for example increase in criminality or corruption, trafficking and exploitation of human beings, creating the culture of dependency, distorting the local economy, etc. The unintended consequences are the missions’ results that the EU did not anticipate or did not expect to produce. There are many CSDP operations which produced unintended outcomes, for example the deployment of EULEX mission with 3,000 personnel in Kosovo which is a small country, it distorted the local economy and created the culture of dependency of the rule of law institutions. In Bosnia and Herzegovina, the EU operation EUFOR military leadership decided to engage in a fight against organized crime. Despite the good intention, the action was criticized as law enforcement is reserved for domestic law enforcement agencies. As a result, the authority for law enforcement was returned to local authorities and the EU Police Monitoring mission. In Somalia, the EU had a dilemma on the effects training of the Somalia security forces through the CSDP operation may have. The EU Naval operation in Somalia achieved functional success; however, the root causes of piracy had to be addressed. The EU was not convinced that the military training of the Somalia forces would uproot the problem, due to weak governance structures in Somalia. Moreover, they feared that such training would result in the negative impact, since the soldiers potentially could kill the civilians. In the Georgian conflict with Russia, the EUMM mission has no access to the regions of the Abkhazia and South Ossetia due to opposition of Russia, but in contradiction with the ceasefire agreement between the parties. The unintended effect is that this situation is seen as the EU is legitimizing the occupation of these two provinces of Georgia, even though this is not the intention of the EU.

*Temporal impact* tells how and why the EU CSDP missions evolve and the effects they have after the termination. The EU missions can change due to mandate recalibration or change of the programmatic focus, as a result of the lessons learnt or unintended impact. The missions may change as well due to the evolution of the environment and handing over responsibilities to the host state or change of threat perception. For example, the CSDP military operation in Bosnia and Herzegovina because of the long presence, since 2004, its operational focus has changed, the security situation has stabilized and the number of troops has decreased. Another
example of the temporal impact is related to individual EU member states policies. Germany initially refused the initiative for the deployment of an EU police mission in Afghanistan as it had invested its resources for training of the police there. Even though eventually they supported the establishment of the EUPOL Afghanistan in 2007, Germany did not contribute with personnel for this mission, they rather continued with their training program for the Afghan police. The third temporal impact example is drawn from EULEX. The Kosovo Police requested assistance from EULEX in training for community policing; however, EULEX did not change its priority focus in fighting organized crime through its executive mandate. Once EULEX was in track with its priorities, only then they started the training on community policing addressing in this manner the security needs of both institutions and the society. Generally, completion of the EU CSDP military operations and in particular civilian missions have lasted longer than initially anticipated. Missions with a particular focus in the rule of law and SSR, have brought functional, political and social changes in the host states. This applies to more or less all the EU CSDP missions; however, operations in the EU neighbourhood are considered to have contributed substantially in advancing the security governance.

4.2.2 Unanimity, coherence and capabilities

The Lisbon Treaty retained the intergovernmental nature of the CFSP and CSDP. Therefore, the member states preserve their sovereignty in defining the scope and the degree of commitment for action in this policy area. Adoption of the EU decisions related to exercise of security and defence, including the establishment of the military and civilian operations, is required unanimity in the European Council. The unanimity, even though not explicitly mentioned, allows for the application of constructive abstention. Since the CSDP is intergovernmental, the political buy-in of the all EU member states is a key factor to any operational success and impact on the CSDP operations. While the EU institutions are the ones preparing the CSDP decisions, the member states approve them. Member states decide whether an operation will be launched, they discuss and agree (disagree) on the mandate of the operations, may decide to take part or not in a mission, and if they want to participate by contributing with personnel in the missions.

The commitments undertaken at the EU level in the framework of Headline Goals are only political commitments of the member states. No instrument of the EU can sanction non-compliance with these commitments. However, for the CSDP to function it is vital that there is at least a minimum level of a common understanding on the crisis management. Despite the
diverging security and strategic culture, the member states need to find some kind of dominator to enable the EU to take decisions on the CSDP missions. Although unanimity is requested for decision-making for both civilian and military operations, the civilian missions are rarely the cause of the problems; the military operations always have that potential. Most of the states do not object explicitly the CSDP civilian missions; they simply do not give sufficient attention to it. When there is a disagreement between the member states over a mission, usually they adjust the mandate, which often does not address the needs of the conflicting situation; it is more the expression of the political will of the member states what they are willing to contribute. Member states limited interest in operations results, with limited personnel contribution, leads to small-sized, ill-equipped and unprepared; and when combined with weak political support, the impact of the mission in resolution of the conflict in the ground is only limited. Some examples of these missions are mentioned in the previous section. Just to reiterate, the EUPOL mission in Afghanistan is a case to the point. Germany did not oppose the establishment of the mission, but did not contribute with personnel either, so as a result, the impact of the mission was limited. On the other hand, the EU member states still have diverging strategic cultures over the military operations, thus struggle to agree over it. One case that is often referred to is the Libyan crisis in Spring 2011. The disparity between member states over this issue exhibits the intergovernmental nature of the EU and difficulties to reach the unanimity (or constructive abstention), which downgrades the values what the EU stands for and questions if the EU allays can rely on it (Major & Bail, in Gross, Hamilton, Major & Riecke, 2011, pp. 20-22).

Another problem the EU faces is the issue of coherence. The problem arises because the EU still is identified as a political subject with member states that have diverse visions for its future. Some member states are of the view that the EU should function as a federal structure with EU institutions having strong powers in CFSP, while other member states prefer a more loose system of the EU, where member states would have the final say. This attitude of the member states has made the EU difficult to act coherently in the foreign affairs (Cameron, 2007, pp. 35-36). Bretherton and Vogler (2006, pp. 169-174) consider that coherence is an endemic problem of the CFSP. The TEU introduced the principle of coherence, inviting for synergy in the EU external policies, but did not say how to ensure the coherence. Furthermore, the pillar structure increased the gap between the CFSP and other aspects of foreign policy. The coherence was largely undermined as well as from the fact that the TEU provides that only Pillar I (European Communities) would decide on community method of decision-making,
while the other two pillars CFSP and Justice and Home Affairs, would remain strictly intergovernmental, whose actions require unanimity in the European Council. Another challenge that further aggravates the problem of coherence is the need for cross-pillar coordination on CFSP policy instruments and community funding, to achieve the political aims of the CFSP. Thus, the rivalry between the European Commission and European Council in one side, and the struggle for the influence of member states and the EU institutions in the other side, impaired coherence of the European foreign policy.

According to Toje (2010, p.113), “the notion of coherence refers to the level of internal cohesion, that is, the level of institutional coordination within the EU, [the problem is] that the willingness of member states to act as a Union is often missing”. The Lisbon Treaty did not change much; still, the EU foreign action is founded in two separate treaties. Even though the central aim declared was to achieve greater coherence in EU foreign policy among the elements of the policy, which function in either the community or intergovernmental structures. Furthermore, the Lisbon Treaty encouraged the member states to “comply with the Union’s action” in the area of CFSP (Article 10 C, former Article 11, para. 3).

In the pursuit for more coherence, the HR of the Union for Foreign Affairs and Security Policy is now the president of the Foreign Affairs Council, responsible to ensure the coherence of all aspects of EU foreign policy. The HR is assisted by the EEAS drawing personnel from national diplomatic services and personnel from the European Council’s Secretariat and the European Commission. Moreover, the HR bridges the Council and the Commission, combining the role of HR in the Council and vice-President of the Commission. Nevertheless, the structural calibrations in Brussels not necessarily have an impact on the field. One recent example is the Arab Spring 2011, where HR hesitated to act, while the member states, the United Kingdom and France intervened in the conflict (alongside the USA) and as such made their distinction from acting within the EU framework (Major & Bail, in Gross, et al., 2011, pp. 27-85).

Other examples of incoherence can be extracted from field experiences. The EU intervention in Bosnian and Herzegovina raised concerns due to the involvement of the military operation EUFOR Althea in tackling organized crime, which was the responsibility of the civilian EU Police Mission – EUPM. The EUJUST operation Themis in Georgia was a unique opportunity of the EU to project the CSDP as a global actor. However, the EU failed to agree in deploying a border-monitoring mission on the Georgina-Russian border in 2004, due to institutional differences between the Council and the Commission in pursuit of the EU foreign policy. In a
similar way, the establishment of the EUJUST in Iraq was “a form of therapy for member states to demonstrate goodwill after the diplomatic fallout from the Iraq war, as well as an attempt to initiate some kind of engagement that could flag the EU’s presence in Iraq” (Kurowska in Merlingen & Ostrauskaité, 2008, p. 27).

Similarly, incoherence between the programs deployed by the EU and its member states caused difficulties for the EU police mission in Afghanistan. Ginsberg and Penksa (2012, p. 235) have their reservations that the HR will be able to generate support for the creation of the EU strategic culture and if the HR will have the political will to settle the competing interests. Same time, it seems unlikely that the EEAS will be able to overcome the turf wars to foster more coherence in the EU foreign and security policy.

Further, the ‘capability-expectation gap’ concept developed by Hill (1993, pp. 305-328) outlined the significant incoherence from what is expected from the EU and what are in reality the EU capabilities to deliver in foreign and security policy. According to Hill, the EU capabilities are considered to consist of three components: resources, instruments and cohesiveness. Resources include the use of diplomatic and economic interventions, the threat of force as well as civilian resources. Instruments are established through formal treaties such as Maastricht, which equipped the EU with diplomacy instruments: joint actions and common positions. However, Hill argues that the mere existence of resources and instruments is not enough, what matters is the ability of the EU to use them. The inability or unwillingness of the EU member states to utilise its resources and instruments in the Balkan Wars (and later on in Iraq and Syria) signifies the incohesiveness of the EU. Therefore, Hill concludes that the expectations for the EU performance on the world scene exceed still the capabilities of the EU to meet such expectations. This argument has not lost much of its relevance since the establishment of EU CFSP in 1992. Moreover, the EU often fails to assume its role in world politics due to inability to speak with one voice on matters of concern and interest for the EU as a whole.

The war in Kosovo was the breaking point for Europe to start a fundamental reform in the EU foreign policy in terms of building crisis management capacities and RRF. At the St. Malo summit in 1998, the British Prime Minister Tony Blair and the French President Jacques Chirac stated that the “Union must have the capacity for autonomous action, backed by credible military force, the means to decide to use them, and a readiness to do so, in order to respond to international crisis” (Centre Virtuel de la Connaissance sur l'Europe, 1998, p.2).
declaration was then followed by important European Council Summits: Cologne in June 1999, Helsinki in December 1999 and Santa Maria de Feira in June 2000, which gave the foundations of the today’s CSDP (Kaunert & Zwolski, 2013, p. 60).

Bretherton and Vogler (2006, pp. 185-208) consider that the EU, through the development of the crisis management capabilities and the RRF, does not aim to rival the USA or NATO in global power projection; however, it wants to show that it is capable to undertake the Petersberg Tasks. The EU member states have a sufficient number of troops to operationalise the Petersberg Tasks; nevertheless, they have been too much preoccupied with the number of personnel undermining completely their quality and deployability. To this end, the EU has initiated a process in 2000 to catalogue the available capability potentials of the Union, and to ensure troops are deployable, interoperable and sustainable. In 2001, the European Capability Action Plan was launched to identify the shortfalls in the European military capability and to work with the member states to fill the identified gaps. By 2003, it was evident that the EU has no capacities for long-range deployment; hence, having limited capacities for strategic lifting, and in top of that problem with an independent command, logistics, control and intelligence facilities have been identified. Through a Joint Council Action 2004/551/CFSP, the European Defence Agency (EDA) was established with the task to deal with long term EU military capabilities.

In terms of civilian capabilities, the EU ambitions have been expressed at the Santa Maria de Feira Council in 2000, to develop capacities in four priority areas: rule of law, police, civilian administration and civil protection. With the civilian capabilities is meant the right number of personnel with the right set of skills, as well as adequate policies, procedures and equipment to deliver results. This was followed with the endorsement of Civilian Headline Goal 2008 and 2010 from the European Council. The Headline Goal 2008 was mainly focused on the issues related to staff, while the Headline Goal 2010 moved further to seek capacity development related to concepts, security, synergy, lessons learnt and the equipment. These initiatives lead to the creation of the civil crisis management structures, CMPD and CPCC. Two important tools worth mentioning were developed as a result of the Headline Goal 2010. First, the Goalkeeper platform is a webpage portal that serves the member states, Brussels HQ and the CSDP civilian missions through support with training and recruitment, development of capabilities and national rosters, as well as in preserving the institutional memory for EU
international crisis management. Second, the CSDP permanent ‘warehouse’ that serves to store strategic equipment to support the effective rapid deployment of up to 2,000 personnel within 30 days (European External Action Service, 2018c).

Toje (2010, p. 120) posits that by 2010 the gap between capabilities and expectations considerably has narrowed. However, Hill (1993, pp. 305-328) considers that amassing power tools simply is not sufficient. The EU should have political unity, institutions and effective mechanism for decision-making. Then actions speak more than words if the capabilities are ready. In the same vein, Ginsberg and Penksa (2010, p. 84) believe that the EU CSDP missions would have an effective impact only if there is a political will from the member states, adequate financing and effective decision-making, coupled with capabilities which goes beyond the personnel, to include the needed hardware, transport and equipment, and once in the field to be able to sustain and run everyday operation. Furthermore, both military and civilian operations need field headquarters, information and communication systems, airlifting, ships and transport vehicles. This means that the launching of new operations is dependant on the availability of these capabilities, and their absence prevents the EU action. In spite, of the outstanding initiative since 2003 to develop the EU military and civilian capabilities the gap between the ambitions and the achievements’ limits effectiveness of the CSDP. Two decades from the Helsinki Headline Goal (1999) still there are gaps in capability sectors such as command and control, as well as in strategic transportation and intelligence. Financial considerations are another element that influences the deployment of CSDP operations. For example, member states did not agree to establish a CSDP mission in Darfur (2008), due to the high cost of fuel to transport there the Nordic battlegroup. Another concern is related to strategic force generation and attracting skilled personnel for the CSDP structures and operations.

Despite improvements, not enough attention is given to recruitment, training and what is most important to retain talented staff. In addition, there is no doubt that skilled personnel are needed for field operations, but in Brussels as well. Particularly there is a shortage of staff for civilian CSDP missions starting from police, judge and prosecutors, organized crime and forensic experts to mention few. Moreover, noteworthy, most of the personnel that work in CSDP structures are composed of diplomats that have none or little experience in crisis management, planning or running missions, and certainly, they have no experience in security and peace

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19 The Goalkeeper platform is made of four on-line modules: Schoolmaster, Registrar, Head-hunter, and Governor, each one with specific objectives to support civilian capabilities’ development and deployment: https://goalkeeper.eeas.europa.eu/
operations. The civilian staff, compared to military personnel that are deployed in short notice, have full-time jobs in their countries, and cannot be simply ordered to participate in the operations abroad. Unlike the recruited personnel with a contract, staff seconded by member states (police, judges, prosecutors, auditors, etc) are not the most talented personnel they have, as arguably those officials are retained for domestic service. Thus, Malešič (in Galantion & Freire, 2015, pp. 157-174) considers that the CSDP missions suffer from ‘negative cadre selection’ since the EU member states are reluctant to send their top experts in the EU CSDP field missions; hence, some of the CSDP staff fail to meet the required level of competence. Accordantly, the success of a CSDP mission depends on the quality of personnel, and in particular on the mission leadership. Therefore, the lack of competent personnel impedes the ability of the EU to run effectively the CSDP missions.

Dari, Megan, Van de Wal, Gottwald and Koenig (2012, p. 27) point to another big deficiency of the CSDP missions, namely they highlight that the mandates of the missions are written based on abstract concepts with no informed knowledge, especially for the realities on the ground, which are unrealistic and raise expectations. Consequently, except for the missions in the close neighbourhood (Balkans), the contribution of the CSDP missions in the other geographical areas can at best be assessed as symbolic with limited impact. Moreover, most of these missions were not a response to a direct security threat for the EU or of its strategic interests. Therefore, they claim that the critics of the CSDP argue that the entire EU defence autonomy should be abandoned, and the EU should concentrate in its comparative advantages in the foreign policy through trade, development aid and international humanitarian assistance.

Nevertheless, while we note and record all the setbacks of the EU CSDP, including opinions of the critics, one thing must not be forgotten, the EU is not a state, but a Union of member states, each with its foreign policy and interests, that has yet succeeded to deploy over 30 missions worldwide by 2018, to enhance the stability and support the international security.

4.3 EULEX case study research results

In this sub-chapter, I will present the research results from the interviews with the interviewed sample of the Kosovo citizens’, as well as the interviewed sample of experts from the CS, KI and EULEX officials, including documentary evidence and participant observation.
4.3.1 Research results from interviews with Kosovo citizens’

One of the key elements for a security provider such as the EU and its CSDP missions to be accepted is the hosts’ buy-in, as previously mentioned. To achieve this aim, the EU External Relations is bound to “inform the local ... public about the CSDP mission” (European External Action Service, 2018d). This research shows that the EU has failed to inform the Kosovo public about its mandate, explain its aims and processes of their work. More than 50% of the fifty Kosovo citizens interviewed, even after a decade of EULEX’s presence, claim not to have sufficient information on the mandate or role of EULEX, as presented in figure 4.1. With such a low rate of information provided, should not come as a surprise the criticism of the Kosovo citizens towards EULEX. It is failing to understand that the biggest and most costly EU CSDP civilian mission has undermined the strategic communications. For Kosovo citizens, the ephemeral memory is that of EULEX chief prosecutor Johannes van Vreeswijk who has claimed that EULEX mission will uproot the high-level crime and corruption in Kosovo (Palokaj, 2010). Thus, it comes to no surprise the claims of the Kosovo citizens that their expectations were not met by EULEX since the statements for rigorous fights against crime and corruption did not translate into action.

Some of those who had more access to information like CPR7, state that the “EULEX is an EU mission deployed in Kosovo to support the rule of law, and it is the biggest and most expensive EU mission”. The CMI2 could recall only that EULEX is a “status neutral” mission. While the CMI5 thinks that, EULEX mission is tasked with “monitoring, mentoring and advising role, as well as some executive powers”. Furthermore, the CMI10 considers that “EULEX is EU security and intelligence mission”, and lastly the CMI7 believes that “EULEX is, or at least it was supposed to be the rule of law mission in Kosovo. EULEX was tasked among others to establish the rule of law in northern Kosovo. The staff deployed to implement EULEX mandate, some of them were very professional while the majority of them completely amateurs. Thus, generally, the aim of EULEX in Kosovo was not honest towards people of Kosovo; it was only a waste of time”. The other interviewed participants had a blurred idea of what EULEX was established for, and what they were doing for a decade in Kosovo.

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20 Acronyms for interviewed Kosovo citizens: CPR refers to citizens from Prishtina region, CMI refers to citizens from Mitrovica region, CPZ refers to citizens from Prizren region, CGN refers to citizens from Gjilan region, and CPE refers to citizens from Peja region.
Generally, the Kosovo public cordially expected the establishment of EULEX mission in 2008, considering that the UN mission in Kosovo (UNMIK) could not support anymore the post-conflict Kosovo, and the EU led mission was needed to fuel further progress in stabilization through improved rule of law. The Kosovo public viewed UNMIK as the mission that was tasked to support Kosovo in the post-conflict stabilization, establishing the key governance institutions, justice – security and economic infrastructure. However, for any further meaningful development intervention another actor geographically more close to Kosovo, with more understanding of political, security, governance and economic relation of the Balkan region was needed. In light of this, the UN Secretary-General issued a report on UNMIK recognizing the relevance and involvement of EULEX in Kosovo, as reflected in the conclusions of the European Council of 14 December 2007 (Council of the European Union, 2008b), the valuable contribution this regional organization can bring in support of the efforts for maintenance of international peace and security.

Hence, the deployment of the 3,000 rule of law mission personnel in Kosovo raised, justifiably, the expectations of the Kosovo public that the criminal structures often associated with key political leaders and political parties in Kosovo would be investigated, prosecuted and sentenced for their criminal activities. Then, through capacity-building of new judges, prosecutors, police and customs officials the rule of law institutions in Kosovo would guarantee for a viable economic process and foreign investments. Specifically, the public expected that the rule of law would be improved, organized crime and corruption fought, political influence in rule of law institutions decreased, Kosovo institutions knowledge and expertise increased, war crimes resolved and generally the governance system in Kosovo, as presented in figure 4.2.

However, the result achieved by EULEX for a decade of its work did little to comfort these expectations was the immediate answer of the interviewees in most of the cases. There was an eagerness of the interviewees to make clear since the beginning their disappointment with EULEX, even though they were informed that during the interview they will be asked if EULEX met their expectations. This attitude informed the researcher that the Kosovars had no second thoughts about EULEX’s poor delivery of results in Kosovo. Of note, a particular pattern was noticed in the answers of the interviewees from northern Kosovo, which came from the Serbian community. They claim to have had no expectations from EULEX. Moreover, interviewee CMI7 states that EULEX was “a mission that wanted to discipline people of northern Kosovo [Serbs], and in a brutal way to force them to take part in the Kosovo legal system”. This stance of a part of the Kosovo population shows the difficulties EULEX had to implement its mandate Kosovo wide. Furthermore, it points out the challenges of the political process that lead to the deployment of EULEX in Kosovo.
The widespread public opinion on the criminal activities and corruption in Kosovo was identified as one of the key pillars that EULEX was supposed to tackle in order to improve and ensure the rule of law in Kosovo. Namely, EULEX was mandated to deal with “cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes”, (Article 3 Tasks, point d). However, despite the wide array of the mandate EULEX had to investigate, prosecute, adjudicate and enforce criminal cases, the Kosovo public expectations from EULEX were to deal mainly with cases of organized crime and corruption. Even though, in different reports and media, they mention other types of crimes such as war crimes, terrorism, financial crimes, etc that EULEX had to deal with, during the interviews for this research the major focus and interest was on EULEX’s performance with regards to cases of organized crime and corruption.

The majority of the citizens interviewed agree that EULEX has failed in the task of fighting criminal activities in Kosovo, especially organized crime and corruption, as presented in figure 4.3. Some of the research interviewees such as CPR1 who stated that “on the contrary, the number of corruption and crime in Kosovo increased following the deployment of EULEX,
and that EULEX taught local institutions on how to do crime and corruption”. The CPR6 considers that the “criminal cases did not reduce in Kosovo, criminality only changed its shape. The low-level criminals were prosecuted by EULEX, while politicians and high level personalities close to local politics were even protected by EULEX”. This opinion is supported by the civil society representatives as well, for example, Besa Shahini an independent political analyst in an interview for Kosovo based magazine Kosovo 2.0 stated that the “EU have deliberately not achieved results in fighting serious crime that is linked with high profile politicians” (Kosovo 2.0, 2016). Therefore, there is a strong feeling among the public in Kosovo that EULEX has used double standards when dealing with ordinary citizens and politicians when they were subject of criminal investigation. From this stems a huge disappointment of the Kosovo citizens, since they have expected exactly the contrary from EULEX, meaning that the politicians would be investigated and prosecuted for their involvement in criminal activities.

Further, CMI1 considers that the “levels of crime in Kosovo did not decrease, since EULEX was deployed in Kosovo, on the contrary, lately, they have increased. Moreover, the results achieved during the period UNMIK was administering Kosovo are undermined by the work of EULEX”. This point raised is particularly controversial since, before deployment of EULEX, Kosovo citizens considered that the UNMIK should open way for EULEX believing that EULEX will have better performance and improve the rule of law in Kosovo. However, after ten years of EULEX’s presence in Kosovo citizens now reflect and appreciate the work UNMIK has done and accuse EULEX of undermining the achievements made by UNMIK in Kosovo. The CMI7 shares the same opinion as well claiming that the “crime and corruption not that it decreased since EULEX is present in Kosovo, the crime rates even raised. Before EULEX’s deployment there was some security with the rule of law system of UNMIK, but with the arrival of EULEX such legal security does not exist. Besides, EULEX, unfortunately, was not among the people of northern Kosovo. Therefore, today as a result of EULEX’s inefficiency we have a society that is drowned into crime and corruption”. On the other hand, the CGN1 thinks that “there have been attempts to fight crime in Kosovo by EULEX, but they were not successful. One of the reasons this happened is that local politics have intervened in EULEX”. Many Kosovo citizens believe that there were people (officials) within EULEX who attempted to fight crime in Kosovo; however, the Kosovo politicians have intervened within EULEX structures and obstructed criminal investigations. Nevertheless, the CGN8 claims that “crime and corruption in Kosovo has decreased in 2018, compared to 2008, when EULEX was
established, but this is not as a result of EULEX’s work, but rather, the Kosovo institutions have progressed”. While the CPZ3 argues “unfortunately the crime and corruption did not decrease as a result of EULEX’s work. This because the organized crime in Kosovo is strong, and they are more organized than EULEX”.

Figure 4. 3: Opinion of the interviewed Kosovo citizens on the decrease of the criminal activities in Kosovo since the deployment of EULEX (n=50)

EULEX through its mandate in Kosovo had a goal to increase the capacities and know-how of the Kosovo rule of law institutions: courts, police, customs and prison system, and to strengthen their cooperation and coordination. As such, EULEX has provided many capacity-building initiatives and has supported in site Kosovo officials of different institutions aiming to transfer their expertise and best practices drawing from their countries experience on the rule of law.

As stated earlier, the Kosovo already had built the foundations of the rule of law institutions with the support of the United Nations and many other international organizations such as the OSCE, USAID, DFID, UNDP, GIZ, etc, before the deployment of EULEX in 2008. Therefore, the expectations of the Kosovo public from EULEX was to take over responsibilities from
UNMIK and increase the efficiency and functioning of the Kosovo rule of law institutions, compliant with European standards and best practices. Many Kosovars have trusted the idea that EULEX can achieve this aim. The first three years of functioning of EULEX seemed promising, thus, there was huge support from the Kosovo public for their work. However, in the years to come until 2018, the situation started suddenly to clutch and the Kosovo citizens did not see or feel the changes expected from EULEX, as their support for the Kosovo rule of law institutions did not produce tangible results, at least not at the level Kosovars anticipated.

Almost half of the Kosovo citizens interviewed for this research consider that EULEX give no contribution towards efficiency and improvement of the work of Kosovo rule of law institutions; while the other half of the interviewees consider EULEX’s contribution limited, partial and substantive, as presented in figure 4.4. Nevertheless, generally, Kosovo citizens consider that the rule of law institutions in Kosovo function better after the deployment of EULEX in Kosovo. However, in their opinion, the progress achieved in Kosovo cannot be particularly attributed to EULEX.

The CGN6 is very firm stating “No. EULEX’s work did not result in an improved work of the Kosovo rule of law institutions. The same opinion shares the CPE1 who says “Not really. Kosovo rule of law institutions cannot be said to be more efficient or function better now [in 2018] than in 2008”. Others such as the CPZ9 consider that the “level of improvement in Kosovo rule of law is very limited” But, the CPR2, on the other hand, states that “oversight of EULEX on the work of the rule of law institutions in Kosovo was reflected positively”. Further, the CPR3 agrees that the “rule of law institutions’ function better [in 2018] than in 2008, and some credit for this can be attributed to EULEX’s work”. While there are others with a more critical perspective, such as the CPR7 who considers that some rule of law institutions “have been even before EULEX’s deployment solid functioning organizations; the courts and police work has degraded with the presence of EULEX in Kosovo”. This critical approach of some Kosovo citizens, in the view of the researcher of this thesis, is the reaction of those citizens who have honestly expected a positive change in Kosovo from EULEX. It is not ire of the Kosovo citizens with EULEX directly; it is more about the frustration of the Kosovo society for the fact that it cannot be detached from the eddy of crime and corruption. And if this change is not possible with the support of the international agencies such as EULEX, the future perspective of Kosovo, at least the near one, is not very promising.
As discussed above the political interference in the rule of law institutions in Kosovo is identified by the Kosovo public as one of the key challenges. Thus, societal progress in Kosovo simply is not possible until these politicians and criminal groups influence the work of the rule of law institutions. This phenomenon is a daily concern of the Kosovo citizens, discussed in the private events, public gatherings and media. Furthermore, reports of the civil society in Kosovo and of different international organization such as Kosovo Democratic Institute – “Political interferences in the politicized prosecutorial system, alarm for the need of vetting in the police, prosecution and courts” (Kosovo Law Institute, 2018) or European Commission 2018 report on Kosovo, point out the political influence across the rule of law system in Kosovo starting from the judiciary, prosecution, police, customs and prison system (European Commission, 2018).

Therefore, the EU policymakers have assigned EULEX with the responsibility “to help to ensure that all Kosovo rule of law services, including a customs service, are free from political interference”, Article 3 Tasks, point (c). While the decision of the EU to assign EULEX this task
was appropriate and justified considering the extent of the politicization of the rule of law institutions in Kosovo; however, on the other hand, this issue is very complex. Hence, it is very difficult to comprehend how and if EULEX was best positioned to perform this task. The argument is based on the fact that the EU has its presence in Kosovo through its Special Representative and as such, in theory at least, it could impose directly the stance of the EU vis-à-vis Kosovo institutions on this issue.

Nevertheless, it is very difficult to understand also how and if EULEX has discharged this responsibility. Aside of EULEX public statements condemning political interference in the Kosovo rule of law institutions, no published material would lead to point that there was a strategy or an action plan from EULEX on the measures or actions they would undertake to depoliticize the rule of law institutions in Kosovo. Furthermore, no practices or mechanisms were suggested to prevent the politicization of the rule of law institutions in the future. Although these questions remain unanswered, the Kosovo citizens, civil society and generally the public have the answer on how EULEX performed this task. Moreover, they have informed on the state of the rule of law in Kosovo in terms of political interference.

Overall, the public perception is that Kosovo rule of law institutions remain highly politicised and that EULEX did little to fight or prevent this phenomenon, as presented in figure 4.5. Most of the research interviewees consider that the situation remained the same during the entire period of its presence. Meaning that the political influence was constant in the rule of law institutions of Kosovo and that EULEX was powerless to make any positive change. For example, the CPR2 considers that the “work of EULEX had no impact to decrease political influence in rule of law institutions in Kosovo”. However, the CPR6 has a different opinion considering that “now, in 2018, there is less political interference in the rule of law institutions than before EULEX was deployed in 2008”, which is supported by the CMI7 stating, “EULEX did attempt to eliminate political interference, but they were not prepared to fight successfully this phenomenon”. On the contrary, the CMI1 states, “the political influence has increased, in Kosovo rule of law institutions, since 2008 and has taken the shape of institutional modus operandi”. Further, the CGN1 maintains that “unfortunately the political interference in Kosovo rule of law institutions is higher in 2018, than before 2008 when UNMIK was administrating Kosovo”. It is interesting that this research interviewee refers to and compares work of EULEX with UNMIK, and one can feel the sense of regret, perhaps before 2008 they viewed UNMIK as not that efficient, but when they compare it with EULEX, UNMIK was more sophisticated than the latter. Lastly, the CMI2 believes that “EULEX was surrounded by
a political environment that made it impossible to fight the political interference in Kosovo rule of law institutions”. This viewpoint is worthy of the attention, since perhaps EULEX realistically could not, nor had the necessary tools to fight or prevent political interference in Kosovo rule of law institutions.

Figure 4. 5: Opinion of the interviewed sample of Kosovo citizens on the level of political interference in the rule of law institutions in Kosovo (n=50)

The level of political interference in Kosovo rule of law institutions between 2008 and 2018 has decreased
(5 interviewees agree, 4 agree partially, 32 do not agree, 7 do not agree at all, 2 have no opinion)

The local media headlines just before and after EULEX’s deployment in Kosovo in 2008 were reporting on the competences and resources as well as on its objectives. While the mandate of EULEX was quiet broad, the accentuation was made on their aim to fight organized crime and corruption connected with political structures in Kosovo and to restore the rule of law. EULEX even labelled their potential subjects as ‘Big fish’s’ pointing directly emphasis on the ruling governance elites in Kosovo and their associates (Bajrami, 2011). EULEX desperate to buy-in the trust of the public in Kosovo embraced this attitude and fuelled their expectations promising
to deal with the high-level crime and corruption. Thus, one can conclude that the interests of the Kosovo citizens to fight crime and corruption and EULEX ambition to be perceived as the key actor in the rule of law affairs in Kosovo met at a junction in early 2008.

Likewise, it was a general perception among the Kosovo politicians and the groups associated with them, that they would soon face with EULEX on charges for different criminal activities, at least in the period between 2008 and 2010. Although in their public appearances they would welcome EULEX’s presence and would pledge their cooperation in rule of law issues, the Kosovo public noticed in their attitude a sense of fear. Also, the public was excited about this fact and expected swift EULEX action and results. However, this light at the end of the tunnel started to disappear very soon, and as early as 2010 Kosovo citizens would not see any concrete results of EULEX in fighting crime and corruption. This does not mean that EULEX did not make the efforts to investigate cases. One of these cases was the heavy-armed and masked police raid in the Kosovo ministry of infrastructure in 2010, which was largely perceived as a corrupt institution. Following the investigations and the trial on this case, no ‘big fish’ was sentenced. The result of this case frustrated the general public in Kosovo and was a boomerang for EULEX. After this case, all other EULEX actions through its police units were viewed as initiated for marketing and usually undertaken before EULEX mission mandate end, to extend it further.

The period after 2010 was marked with a constant decrease of the public trust in EULEX (UNDP, 2013). Furthermore, among the public started growing the opinion that EULEX is politicised as well. Meaning that it is influenced by Kosovo politicians, and that is the reason why EULEX did not sentence any of them. For example, the CPR8 states that “EULEX investigations were mainly politically motivated and not because one party was involved in crime and corruption. I can mention the case of the Director of the Central Bank of Kosovo, who was arrested and investigated, and I think that this was a politically driven process rather than a criminal one”. Likewise, the CMI3 considers that the “EULEX was selective in the investigation of cases. They have processed cases of people they wanted to eliminate from the political scene of Kosovo. While others who escaped from justice in European countries, they did not request extradition to Kosovo. And in general, their success in fighting high-level crime was slim”. This view is supported by CPR7 who claims, “I cannot think of anyone, high profile, individual who has been sentenced by EULEX. The reason according to my opinion is that the justice system in Kosovo is politicized”. Further, the CPR1 states that “from the media reports that I was mostly informed the fighting against ‘Big fish’s’ did not take place, maybe only at a
minor level, and this campaign of EULEX was more a propaganda than a real intention to fight
the heads of crime in Kosovo. And the actions of EULEX are more a show to cover-up some
other issues, rather than to fight corruption”. Further, the CPR6 emphasis that “EULEX did
mainly public marketing when pursuing high-profile suspects as they were charged and tried
in courts, but most of them have been acquitted”. In the same fashion, the CGN5 poses that
“fighting high level crime it was only a EULEX advertise, there is no case they have completed,
meaning that no person or a group of organize crime was sentenced effectively”.

On a different note, the CGN8 poses a rhetorical question stating, “EULEX was itself a subject
of internal accusations for corruption, thus, how such an organization could have fought crime
and corruption in Kosovo” This question became even more legitimate following reports of the
local and international media on the presence of abuse and allegations for corruption within
EULEX in the widely known cases of the prosecutor Maria Bamieh and the president of
EULEX judges Malcolm Simmons.

Aside from what was stated above, the CGN1 even though it concludes that EULEX was not
successful in fighting crime and corruption makes an interesting statement on why is that so.
‘Some of the reasons are that evidence for crimes was destroyed, witnesses threatened and
murdered, which prevented EULEX to sentence involved individuals in crime and corruption’.
With regards to this statement, there were reports in the media and it is part of the discussion
within the Kosovar society; who believe that the witnesses or members of their families were
threatened no to testify in courts against powerful individuals in Kosovo associated with crime
and politics. In addition, there were reports of murder of some key witnesses in some major
trials, some of them part of the witness protection program of EULEX, the major one being the
case of the so-called witness X (Bytyçi, 2011). However, neither EULEX nor the Kosovo
prosecution could prove the connection of the threatened and murdered individuals, with
investigated and accused parties.

Nevertheless, by 2018, it was evident to the Kosovo citizens, local politicians and to EULEX
staff, that improvement in the rule of law in Kosovo will remain an unfinished job. Besides, all
the expectations of the Kosovo citizens and commitments of EULEX are now an old and distant
memory that no one is interested to think of or even to talk about it.

Lastly, the figure 4.6 below shows that nearly 80 % of the research interviewees believe that
EULEX was not successful in fighting crime and corruption in Kosovo, while around 20%
consider that EULEX was partially successful and only one interviewee believes it was
successful. Moreover, Kosovo citizens after 2010 started growing the perception that EULEX is in Kosovo for its interest and to show its presence, rather than to support the rule of law.

Figure 4.6: Opinion of the interviewed sample of Kosovo citizens on the results of EULEX fight against high-level crime and corruption (n=50)

One of the challenges EULEX faced since its deployment was to assign its staff in all Kosovo areas. Even though, as mentioned above through SC resolution S/2008/354 of 12 June 2008, EULEX was expected to take over Kosovo rule of law responsibilities from UNMIK, some parts of the society especially those living in northern Kosovo mainly of the Serbian community opposed this transformation. They feared that the European lead mission would be less concerned for their needs rather than UN. Further, their particular relation with the Russian Federation and its unique position in the UNSC made them feel safer and protected. Therefore, they strongly opposed deployment of EULEX in that area of Kosovo and for a decade of its functioning constantly received the unwelcoming attitude from the Serbian community. As a result, EULEX was not able to establish an effective rule of law mechanisms in the northern part of Kosovo and suffered from the non-cooperation of the citizens. Furthermore, one of its
109 customs officers was murdered in a gunfire (BBC, 2013). On the other hand, the rest of the Kosovo population, especially of the Albanian community, as well as the government authorities in Prishtina were expecting that EULEX would succeed in establishing the rule of law in northern Kosovo, that would ensure the unified system in the entire territory of Kosovo.

In the process of normalization of the relations between Kosovo and Serbia, led by the EU in Brussels, a signed agreement in April 2013 foresaw the integration of the so-called Serbian justice and security parallel structures managed by Serbia into Kosovo legal system (European Commission, 2013b). This agreement was opposed by the northern Kosovo Serbs citizens. Nevertheless, its implementation continued and it was early 2015 when the new judiciary structures were established in northern Kosovo according to Kosovo legal framework (Gazetaexpress, 2015). However, the problems in this field are still ongoing mainly due to the opposition of the Serbian community in that part of Kosovo to recognize the political authority of Prishtina and the independence of Kosovo.

The majority of Kosovo citizens, including the Kosovo Serbs from the north, consider that EULEX has failed to ensure unified rule of law system in Kosovo, as presented in figure 4.7. According to CPR8, EULEX “in northern Kosovo especially did not exercise its role, where there was crime, smuggling, etc, and the courts did not function. This was a political game of EULEX to satisfy both parties Prishtina and Belgrade, thus it applied double standards in Kosovo south and north”. A similar opinion has the CMI1 as well, considering that “EULEX did not establish the rule of law in the entire territory in Kosovo. One of the reasons for not being able to implement this part of the mandate was the EU’s neutrality over the political status of Kosovo”. Further, the CPR10 believes that EULEX could not establish the rule of law in northern Kosovo since “people in northern Kosovo did not want to cooperate with EULEX”. However, there are Kosovo citizens such as the CPR7 who state “according to my knowledge EULEX managed to establish rule of law in the entire territory of Kosovo”.

It is worth mentioning, that CMI7 has a different opinion on this matter from the other research interviewees stating that “EULEX was not prepared to establish the rule of law in the entire territory of Kosovo. EULEX did not have the capacities or the knowledge to deal with the specific and complex issue as the one in northern Kosovo”. Moreover, the GN8 believes that “EULEX intentionally did not resolve the northern Kosovo issue as this is an argument for them to extend their stay in Kosovo”. Unfortunately, this argument prevails among the Kosovo public, considering that all the failures and the negligence in establishing the rule of law in
Kosovo were to maintain the sense of instability in Kosovo that would provide an extension of EULEX mandate.

Figure 4. 7: Views of the interviewed sample of Kosovo citizens if EULEX managed to establish the rule of law in the entire territory of Kosovo (n=50)

The issue of alleged internal corruption within EULEX was mentioned briefly above. Suspicious and hearsays have existed since the establishment of the Mission in 2008 for different types of misconduct. Specifically, these allegations were linked with the employment of the local staff, the CMI8 states “there were reports when EULEX officials requested a bribe from the local people for employment in EULEX”. However, these allegations were never either confirmed or denied by EULEX or caught the attention of the public in Kosovo. Conversely, the allegations of the corruption within the ranks of the mission made by EULEX prosecutor Marie Bamieh in 2014 stormed foundation of this mission and were a big slam to Kosovo’s citizens who entrusted EULEX (Tabak & Xharra, 2014). Similarly, in 2017 the President of EULEX judges Malcolm Simmons accused the mission of malpractice. For example, he accused a fellow judge of hacking his email, claimed that the mission was subject of political interference, as an example he mentioned that an EULEX judge almost never was
in the office, but would still regularly received the salary and daily allowances, while one judge had a second highly paid job even though contracted to work full-time for EULEX (Hopkins, 2017). EULEX has negated all these allegations and initiated an internal investigation. In 2015, an independent expert Jean-Paul Jacqué, assigned by the HR did not come across any evidence of a cover-up at EULEX, even though his mandate was not to investigate the substance of the allegations of EULEX officials for corruption and malpractice (EULEX, 2015). Nonetheless, the Kosovo public was never informed properly on the final results of the investigation nor the substance of the cases, were they true or false. Even though the EU primarily is responsible to inform the Europeans on the affairs of EULEX since the mission is funded from their taxes; however, the Kosovo citizens would be the one who suffered most from a dysfunctional and contested international rule of law mission.

The reaction of the Kosovo citizens following these events was troubled in a sense that some of the Kosovo citizens did not want even to believe that EULEX, a mission sent from the EU to support Kosovo in fighting corruption, itself would be subject of allegation for corruption. Moreover, there were other citizens who openly expressed their frustration and disappointment with EULEX. In a few words, the CMI6 states, “I don’t trust EULEX anymore”. This view is supported by CPE9 considering the information on EULEX internal corruption was devastating for the public”, and cemented by CGN6 who believes that “as a result of the allegations for internal corruption within EULEX, the latter has lost its reputation and credibility in Kosovo”. Furthermore, CMI3 with sorrow says, “I never would have believed that there will be even allegations for internal corruption within EULEX. We all expected that EULEX would be a model for Kosovo rule of law institutions, professional and transparent, compliant with the law. This has resulted in huge pessimism towards EULEX”. These are only a few of the majority of the research interviewees who concur with this opinion, as presented in figure 4.8.

The CPR7 has a slightly different approach, and even if he considers that “there is corruption within EULEX, believes that at the same time this may be the intention of the local actors to show that the international organizations are corrupt as well. And concludes that, in general, this is a media spectacle, but it is obvious that EULEX were not competent or credible to do the work they were mandated for”. This statement points out two important elements: one that Kosovo institutions wanted to portray EULEX as a corrupt institution to the Kosovo public and it is not only they who are accused of corruption; and second, that the corruption allegations within EULEX are media shows to entertain the public and cover other failures. Moreover, the CMI1 makes an interesting observation stating, “it is not strange that EULEX is corrupt since
it is surrounded by an environment where corruption is a culture. Therefore, I consider that the corruption within EULEX is even bigger than what it is reported in media”. In the view of this interviewee, one should have not expected that EULEX would be able to fight corruption in Kosovo. In addition, surrounded with this environment socializing and interacting with the local people it would not come as a surprise that in a way they have accustomed to the local culture.

Finally, the CPR3 considers that since there is evidence now that EULEX is unable to deal with corruption cases in Kosovo as itself is involved in corruption cases, even though only as allegations, the “Kosovo institutions should take the responsibility for the rule of law”.

Figure 4.8: Interviewed sample of Kosovo citizens views on the alleged corruption cases within EULEX (n= 50)

In figure 4.2, the Kosovo citizens’ expectations from EULEX have been presented. Majority of them expected that the rule of law in Kosovo would improve with the support of EULEX. The others considered that EULEX missions’s priority was to deal with the organized crime and corruption, with a focus on local politicians and their affiliates. This of course in no way
meant that all others involved in crime and corruption should not be investigated and prosecuted. Nevertheless, in their view politically associated crime and corruption is the biggest obstacle for Kosovo development and its path towards European integration, which is the ultimate goal of the Kosovo people. Furthermore, the political nepotism is spread in all sectors and segments of the society starting from the enrolment of the children in the kindergarten, selection of the board of directors in the public companies, appointment in institutions responsible for culture, health, security, and academia or just to get a simple job in the civil service. Hence, Kosovo citizens rightfully expected from EULEX to assist in depoliticization of the state structures, particularly the rule of law institutions. While the rule of law institutions, generally, were viewed to be in need for EULEX support, specific emphasis was made to Kosovo judiciary. Therefore, Kosovo citizens have expected that EULEX would contribute to strengthening the courts’ system through training of judges and prosecutors, transferring the knowledge and best practices. As well as to increase the knowledge of other institutions through MMA task to improve the entire governance system in Kosovo. Another issue raised by the interviewees was the expectation from EULEX to resolve the war crime cases. This since they believe that the International Criminal Tribunal for the former Yugoslavia (ICTY) did not produce the expected results and that many war crime cases are pending resolution. Finally, there were Kosovo citizens who had no expectations from EULEX and perceived their presence as unnecessary and even hostile.

Over 70% of the Kosovo citizens, as presented in figure 4.9, believe that EULEX did not meet their expectations to improve the rule of law in Kosovo. The CPR3 is one of many other Kosovo citizens who thinks that the “EULEX did not meet the expectations of the Kosovars’ to improve the rule of law”. However, there are other opinions as well, even though at lower numbers, such as the CPZ3 who states, “I would say that EULEX managed to achieve some 70% of the expectations of Kosovo citizens” whereas the CPZ5 believes that “EULEX maybe has achieved 40% of the expectations of Kosovo citizens”. Further, even though the CPR6 believes that “EULEX did a good job; however, did not meet fully the expectations of the Kosovo citizens”. On the other hand, the CPR2 maintains that “EULEX partially fulfilled the exceptions to improve the rule of law”. The CMI3 represents the minority of those who consider that “EULEX contributed for the overall improvement of the rule of law in Kosovo”. While, the CMI7 has a specific statement saying, “nobody in Kosovo had any expectations from EULEX”.

22 International Criminal Tribunal for the former Yugoslavia http://www.icty.org/
This view is based on the foundation that EULEX should have not been established in Kosovo at all, hence no expectation from it.

Lastly, the result of EULEX’s performance below the expectations was confirmed as well in a study conducted by Qehaja (2015, p. 126).

Figure 4.9: Responses of the interviewed sample of Kosovo citizens if EULEX has met their expectations to improve the rule of law (n=50)

The literature on the EU CSDP missions informs us that there are cases when the EU missions are viewed beyond what they are truly capable of delivering. Therefore, this was not the case with EULEX only, or a recent development. For that matter, Christopher Hill long before, as far as 1993, has developed the concept of ‘capability-expectation gap’ as mentioned in the subchapter 4.2.2, considering that the EU is unable to deliver what is expected from it. However, the author of this thesis considers that this is not a straightforward issue that can be limited to can, or cannot answer. Therefore, drawing from this perspective we need to assess the effectiveness of EULEX with a focus on its extended mandate, and then to consider in this
context whether the expectations of the Kosovars from EULEX were higher than what EULEX could deliver.

EULEX had a very broad mandate, tasks assigned would not be easy to implement for any international or regional security organization. Specifically, two issues, or tasks of EULEX are worth mentioning. One, EULEX task was to help and ensure that all Kosovo rule of law services, including a customs service, is free from political interference. For this task in general, it is very difficult to develop a methodology or tools and then even more difficult to assess the results of political non-interference in the Kosovo rule of law institutions. This task according to an interviewed EULEX staff member was simply beyond the capabilities of EULEX, or better said non-implementable. However, the Kosovo public exactly this has hopped from EULEX to prevent political interference in the rule of law institutions. Nevertheless, figure 4.5 clearly shows that the citizens of Kosovo consider that the level of the political interference in rule of law institutions in Kosovo remained the same during a decade of the function of EULEX Mission in Kosovo, and beyond. Secondly, while it is evident that the EU member states have expertise in fighting financial, organized crime and corruption, this could not be said for the investigation and prosecution of war crimes, or perhaps those qualified were not interested to work EULEX. As described above in EULEX mandate, the task of investigations of the war crimes was listed at the top. However, the results achieved by EULEX were at the bottom. As a result, of this failure of EULEX the Kosovo Special Chambers and Specialist Prosecutor’s Office with the seat in Hague, Netherland have been established to investigate crimes against humanity, war crimes and other crimes for the period between 1 January 1998 and 31 December 2000.

Therefore, even though EULEX mission had 3,000 staff (international and local) and a budget in average over €100 million each year, still the scale of the tasks was huge and perhaps it was not realistic, either from the EU or Kosovo citizens, to expect that EULEX would deliver all these results. Nevertheless, the Kosovo public as presented in figure 4.1 were not properly informed nor were they aware of the mandate and the capabilities of EULEX. They have built their expectations based on their perceptions and beliefs on what EULEX could deliver in terms of the rule of law, similar to that of the European countries such as Germany, France, etc. Moreover, these perceptions and beliefs were fuelled by some of EULEX officials in 2008 promising that they will make miracles in Kosovo. Nevertheless, the results of the Kosovo citizens’ views of the ‘capability-expectations gap’ of EULEX are presented below and reflected in figure 4.10.
Over 40% of the research interviewees (Kosovo citizens), consider that after ten years of EULEX presence their expectations were higher than EULEX capabilities. Of course, at its inception in 2008, Kosovo citizens believed that EULEX could deliver results. However, in the meantime, they noted their underperformance, which led them to believe that EULEX was not up to its duty. The CPR1 states that “Kosovo citizens have believed on the strength, expertise, qualifications of EULEX; however, it was proven that our expectations were far higher, considering people they have assigned here in Kosovo, and the support they have offered”. Likewise, the CPZ1 poses that “EULEX itself created the impression that it will fight the crime and corruption in Kosovo. That is why I think they could have done more. But, over time the expectations faded away”; therefore, the CGN4 thinks, “there was an expectation-capability gap, of what Kosovo citizens have expected and what EULEX could have delivered”.

Lack of information from EULEX on their mandate and capabilities was mentioned as one of the reasons that raised the expectations of the Kosovo citizens. For example, the CPR2 believes that the “public was not sufficiently informed about the mandate and the abilities of EULEX and maybe that was why the public have had such big expectations. If the Kosovars would have been informed sufficiently, it could have been noted that EULEX did what it was expected”. The CPZ9 agrees that “lack of information on the capacities of EULEX mislead people of Kosovo to have high hopes from EULEX”. Furthermore, the CPR10 considers that “it may be that the citizens of Kosovo have overestimated the capacities of EULEX, or maybe we have been served with wrong information about EULEX. I consider that EULEX was an experimental mission of the EU, which has failed. I believe that even in the EU, they did not know exactly what was their aim with EULEX mission in Kosovo”.

On the other hand, some of the interviewees consider that the expectations from EULEX were realistic as they had all the preconditions, resources and support of the Kosovo citizens to fulfil its mandate. The CPR9 for example states, “I don’t agree with the statement, that Kosovars had higher expectations than what EULEX could deliver. EULEX had all the competencies, finances and staff, to fulfil its mandate, but I think that there was no will to do so”. Similarly, the CPR7 is of the view that “it is not the fault of Kosovo citizens for their expectations, because this was served to them, as a mission that will fight crime and corruption. But, it is my impression that the high officials in Brussels were not completely aware of their responsibilities in Kosovo”. Furthermore, the CPE6 believes that “EULEX had sufficient capacities to perform its mandate. It could be that they did not have the will to implement its mandate. So, I consider
that the argument that EULEX could not perform more is not valid”. Some interviewees such as the CGN10, have no opinion stating, “I cannot comment on the capability-expectation gap of EULEX”.

The CGN5 during the interview makes an interesting observation stating “it can be that EULEX was not prepared at the level to implement its mandate due to the structure they have set in Kosovo or maybe its inexperienced staff, or perhaps EULEX was an experiment of the EU”. With this view, the CGN5 is contesting the contingency capacities of the EU; it disputes the selected structure of EULEX, the level of expertise of the staff seconded to EULEX and hypothesizes on the aim of the EU with EULEX, labelling it as an experiment. These arguments and concerns have been raised also by authors writing and analyzing the EU CSDP missions and will be deliberated further in other sections of this thesis.

Figure 4. 10: Interviewed sample of Kosovo citizens’ opinion if they have had higher expectations from EULEX, than what EULEX could deliver (n = 50)

<table>
<thead>
<tr>
<th>Kosovo citizens' expectations were higher than what EULEX could deliver</th>
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<td>(22 interviewees agree, 10 agree partially, 14 do not agree, 4 have no opinion)</td>
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- Expectations higher than capabilities to deliver: 22
- Lack of information increased expectations: 10
- Expectations realistic: 14
- No opinion: 4
Support of EULEX for the rule of law institutions in Kosovo had an ultimate aim, that the Kosovo citizens feel secure. Through MMA, EULEX aimed to enhance the capacities of Kosovo institutions so that its citizens receive qualitative services compliant with the rule of law standards. This would guarantee equal rights of all are observed; hence, providing for a safe and secure environment. Then investigation, prosecution, adjudication and enforcement of crimes would send those who have violated the law in prison ensuring that the law is respected and the law-abiding citizens are safe and protected from the criminals. Furthermore, those who are involved in abusive practices are sentenced for their wrongdoings such as corruption and political interference in the rule of law institutions, creating conditions for fair, competitive and transparent processes in the society, securing that all of its citizens have equal rights and opportunities. During a decade of its presence in Kosovo, EULEX has been engaged in many activities, processes or initiatives with the judiciary, police, customs, penitentiary system, and other Kosovo institutions to achieve its aim, to make Kosovo and its people secure. However, the results it achieved at least as judged by Kosovo citizens, these efforts did not produce the desired results.

Almost 50% of the research interviewees believe that EULEX work did not make Kosovo safer or more secure compared to 30% who consider Kosovo more secure with the presence of EULEX, as presented in figure 4.11. The other 20% of the citizens are of the opinion that EULEX has achieved partial success in making Kosovo more secure; or that the current level of security in Kosovo is due to its own security institutions and not because of EULEX. While there are also citizens who believe that Kosovo is less secure since EULEX deployment, and those who have no opinion if EULEX made Kosovo more secure or not.

For example, the CGN1 states that the “work of EULEX in support of Kosovo institutions did not result in Kosovo citizens feeling more secure”, which is supported by the CGN5 who also believes that “EULEX did not contribute in the increase of the security of the Kosovo citizens after a decade of its work”. While the CPR1 poses that “even if EULEX leaves from Kosovo, I don’t believe that the security situation will worsen, on the contrary, it may even improve”.

The CPR2 concedes that the “work of EULEX has resulted in people feeling safer”. Likewise, the CPZ5 agrees that the “citizens in Kosovo feel more secure in 2018 than they did so in 2008”. Nevertheless, the CPR5 believes that “Kosovo citizens are now more secure; however, this is not due to the work of EULEX, but as a result of the development of local Kosovo institutions”. This view is not supported by the CPE9 who considers that “Kosovars feel less
secure in the period from when EULEX came in Kosovo in 2008”. On the other side, the CPZ10 cannot make a determination of the level of security EULEX has provided stating, “I don’t know if Kosovars are more secure in 2018 than in 2008”.

Figure 4. 11: Views of the interviewed sample of Kosovo citizens’ on the support EULEX has provided to improve security (n=50)

Considering what was presented above, on the performance and results of EULEX in Kosovo and its presence for a decade, the question is raised if EULEX should continue further its work. After a decade of EULEX’s presence, no tangible results were noted in strengthening the rule of law institutions. Therefore, the question for the EU was if they should withdraw from Kosovo without the job being done or to rearrange themselves and continue its presence in Kosovo. Whereas the Kosovo citizens seem to have had fewer doubts on what the future of EULEX should be.

The prevailing opinion of the interviewed Kosovo citizens is that EULEX should leave Kosovo. More than 40% believe that EULEX after a decade of its presence in Kosovo has nothing more to show in terms of support for the rule of law in Kosovo, as presented in figure
4.12. For example, the CPR6 believes that “EULEX mission should close now, as it cannot offer anything more to Kosovo”. Some interviewees completely disregard EULEX presence and support its closure as a sign of their frustration with this mission and its underperformance.

The CGN8 expressing his opinion states that “EULEX should not continue its work in Kosovo, they should leave, they have failed”, which is supported by the CPE9 who poses that “there is no reason or argument why EULEX should continue its mission in Kosovo”. However, some praise EULEX work, but do not see the benefit of the continuation of this mission. The CPR2 shares this view “I value the work of EULEX, but I see no reason for EULEX to continue its work in Kosovo. Kosovo institutions should take full responsibilities; however, a small number of EULEX staff could remain in a supporting role of the rule of law institutions”. Then some forward-thinking interviewees consider that EULEX presence is not needed in Kosovo and give proposals what future international or EU intervention in Kosovo should look like. The CPE7 is convinced that “Kosovo institutions need international support, but not EULEX. EULEX was a failed experiment in Kosovo”. Further, the CMI2 suggests that “EULEX should not continue its mission since it has no results. Some other component of the EU should come to Kosovo to reform the justice sector; the EU should not send judges. This new EU component should especially work on the vetting process of the judiciary of Kosovo”. While the CMI7 even though has doubts for EULEX proposes, saying they, “maybe EULEX should continue its work in Kosovo, but only as a monitoring mechanism”. In a similar study conducted by Qehaja (2015, p. 160), 75.2% of the Kosovo citizens have stated that EULEX should leave by 2015.

Nevertheless, over 30% of the interviewees believe that EULEX can continue its work after 2018 presuming that fundamental reform is undertaken to improve their work and performance, to be more expedient and achieve results. The CPR1 considers that “EULEX should continue to work in Kosovo, but they should reduce their staff, and its staff should be more professional, as the ones actually in EULEX I consider are not competent to exercise their functions; and to have a monitoring role only”. Therefore, if these changes take place the CPR7 believes that “EULEX would be an added value in support of Kosovo institutions”.

On the other hand, more than 10% believe that EULEX should stay and continue its work in Kosovo. There are Kosovo citizens who see no need for EULEX to change like the CPR9 who poses “that EULEX should continue the work in Kosovo, despite all shortfalls”. Moreover, the CGN1 represents completely distinct thinking of a part of Kosovo society who believes that the “EULEX should continue its work further in Kosovo and even with larger competences”.

120
These citizens of Kosovo have zero trust in Kosovo rule of law institutions, thus, perceive international presence in Kosovo in any form as a protector and the last place where they can find refuge. Therefore, they propose that EULEX is given even more extensive mandate and competences, even though they are aware that EULEX for different reasons was unable to fully implement its current mandate.

Figure 4.12: Interviewed sample of Kosovo citizens’ opinion on the future presence of EULEX mission in Kosovo (n=50)

EULEX was the most prominent of all civilian CSDP missions deployed so far. It had a distinctive mandate and exclusive executive authority in Kosovo like no other mission before. Furthermore, as presented in other sections, it had the means, financial and human resources to meet the ends, at least in theory. EULEX promised much for the EU CSDP, deployed in the European area where EU even before was highly involved; even though in some wobble political grounds, to set an example of the EU efficiency and effectiveness in the
implementation of the CSDP missions. Also, this was not only the expectation of the EU but of the Kosovars too.

The Kosovo rule of law institutions effective and efficient in adjudication and enforcement of all type of crimes and corruption, well-coordinated and free from political interference, would have been the description of EULEX results, both the EU and Kosovo citizens would have liked to witness. This level of EULEX performance would show the maturity of the CSDP, competence as well as the cohesion of the EU member states to assist Kosovo in improving the rule of law, and security in general. If the EU could achieve its goals in Kosovo, through EULEX, it would be evidence of its abilities and an incentive to deliver security and stabilization in the post-conflict settings elsewhere. This would further improve the image of the EU as an international security actor, which combined with its aid, and financial support makes the EU like no other actor in the international stage. However, the Kosovo citizens have a slightly different picture of EULEX and the potentials of the EU for future CSDP missions.

It is staggering to know that over 60% of the interviewed Kosovo citizens consider that EULEX is not the model that the EU should use for its future CSDP missions, as presented in figure 4.13. The biggest and costliest EU CSDP mission seems to have not convinced Kosovo citizens that the EU is up for this job. Despite the efforts, Kosovo citizens believe that lot of work is ahead of the EU to improve their capacities to mount a successful CSDP mission. The CMI6, for example, is firm “Absolutely no. EULEX is not a good example for future EU CSDP missions”. Further, the CGN7 considers that the “EULEX in Kosovo is a good example for the EU how not to fail elsewhere”. However, other even though concur with the opinion that EULEX has failed, thus, should not be replicated elsewhere think of the ways the CSDP missions could be successful such as the CPE1 who states “No. I do not think that the EU missions like EULEX are advisable to be deployed in other post-conflict situations like Kosovo was. It is better that the EU invests in the education of the people from post-conflict societies, rather than to deploy CSDP missions”. This interviewee refers to and prefers other instruments of the EU when dealing with the post-conflict situation in terms of financial support for education. In addition, this is not an isolated viewpoint; the writer of this thesis in several meetings and discussions with security experts’ working in different international organizations in Kosovo has learned that even they consider that the EU should have addressed Kosovo case through Commission instruments rather than in the framework of the CSDP. They argued that Kosovo was not an emergency case, since, in the aftermath of the conflict in 1999, both UN and NATO dealt with the post-conflict stabilization and that in 2008 Kosovo needed
more development support rather than a CSDP rule of law mission. These discussions were made in the context of the *security-development nexus* for which the EU security experts are supportive; however, they do not see that this concept was fit for Kosovo.

Furthermore, the CPE7 argues that the “EULEX was a failed mission, for which the EU member states are aware as well; hence, it cannot be a good example for other EU CSDP missions in the future. EULEX is a mission that the EU cannot be proud of”. Similar opinion is shared by the CMI2 who suggests, “failure of EULEX is a lesson learnt for the EU that should be taken into account when other EU CSDP missions are deployed”. Finally, the CGN9 concludes that the “EULEX is not a good example to follow for the future CSDP missions; it would be a waste of money. However, if the EU analysis its mistakes with EULEX in Kosovo and makes the necessary changes for the future missions they could be successful”.

On the other hand, more than 20% of the interviewed Kosovo citizens see the benefit of the CSDP missions and EULEX itself, thus, partially convinced that EULEX can be used as a good example for future CSDP missions. However, these changes would require substantial reform in the EU approach to CSDP missions. The CPR1 explains how this change should look like and states, “depending on the country that is in crises, the EU CSDP missions may be useful; however, they should be improved. If the other EU CSDP missions perform as they did in Kosovo they are of no use. Primarily, the EU should address the issue of quality of the seconded staff, their qualifications and expertise”. Moreover, the CPR3 has a critical viewpoint on the length of EULEX and its efficiency and poses, the “EULEX is not a good example as it lasted long, for something they should have resolved in a short period. The EU CSDP missions may be useful only if the EU reforms the system and makes these missions more efficient”. The CPE8 likewise, thinks that the “EU CSDP mission is important to support post-conflict societies, but EULEX is not the example to follow. EULEX staff were not competent enough; this because some of EULEX staff were transferred from UNMIK”. The last statement of this interviewee should be particularly taken into account by the EU policymakers. The Kosovo public did not see as a positive sign the fact that a big number of the UNMIK staff was transferred to EULEX. Kosovars were fed-up with UNMIK and were looking for something new and better than UNMIK. Lastly, the CGN2 concludes that the “EU should not use EULEX as a good example for its future missions. This, however, does not mean that the EU CSDP missions are not valuable if they work better and are more efficient than EULEX”.
In the end, only a bit more than 10% of the Kosovo citizens interviewed are convinced that EULEX had a good performance in Kosovo and as such can be used as a model by the EU for its future CSDP interventions. The CGN1 generally believes that the “EU can use EULEX as an example for its future CSDP missions, despite the weaknesses of this mission”. Whereas, the CPR2 confirms the benefit of the EU interventions stating that the “EU CSDP mission is useful for post-conflict situations, to support the countries in overcoming the post-conflict difficulties”.

Figure 4.13: Opinion of the interviewed sample of Kosovo citizens’ if EULEX should be used as a model for future EU CSDP missions (n=50)
4.3.2 Research results from interviews with experts from Kosovo Civil Society, Kosovo Institutions and EULEX officials

EULEX as many other CSDP missions was mandated with MMA tasks. The Strengthening Division within EULEX was responsible to implement numerous MMA tasks (EULEX, 2018a)\(^\text{23}\).

These tasks of EULEX had extensive horizontal and vertical involvement in Kosovo rule of law institutions. Its role to monitor, mentor, advice, but also to build capacities and coordinate, give EULEX a central position in the entire justice and law enforcement system from where it could influence and foster reform of the rule of law in Kosovo. EULEX officials were sitting side by side with their Kosovo colleagues in ministries, courts, prosecutorial office, police stations, detention centres and customs offices. This full access of EULEX in Kosovo institutions and their expertise in the first sight would lead to believe that the EU would complete its task with ease and success. However, the journey of EULEX over the years would face many hurdles raising doubts in its capacities to deliver results. While officials of the Kosovo institutions and EULEX officials interviewed even though admit in one way or another that EULEX did not deliver the expected results, they attempt to find words and phrases that would not harm the entire idea of having EULEX in Kosovo, thus, they emphasis all positive results EULEX has achieved. One interesting argument that EULEX officials frequently brought during the interviews was that if EULEX would have not been in Kosovo the situation would be worst. Of course, this argument is not valid since EULEX was not deployed in

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\(^{23}\) EULEX tasks were to support the senior management level of Kosovo rule of law institutions in their progress towards sustainability and accountability to further strengthen the chain of criminal justice, with an emphasis of fighting political interference. This included monitoring of the selected Kosovo cases and support to the EU-facilitated dialogue between Belgrade and Prishtina by assisting the implementation of dialogue agreements in the sphere of rule of law. The support was provided to the Ministry of Internal Affairs, Kosovo Police, Kosovo Customs, Ministry of Justice, Kosovo Judicial Council, Kosovo Prosecutorial Council, as well as Kosovo Correctional Service. Furthermore, the Division monitored selected Kosovo cases dealing with serious crimes, such as corruption, organised crime, inter-ethnic crimes and war crimes, through the chain of criminal justice and it provided advice concerning prosecution and investigation of these crimes. Moreover, it provided structured support to further develop the capacity and competence of Kosovo Judicial Council and Kosovo Prosecutorial Council. It also supported the Kosovo Correctional Service, including with a mobile capacity, focusing on the handling of high-profile detainees, and the management of prisons and detention centres, including Mitrovica Detention Centre. Likewise, provided support to the Kosovo Police senior management, including with a mobile capacity, to address structural and organisational weaknesses to improve targeting of serious criminality, including terrorism, corruption, organised crime, and to further increase capacities of specialised units. In addition, it provided MMA to the Regional Police Directorate in Mitrovica North and its police stations. It monitored and assisted Kosovo Border Police/Kosovo Customs in the implementation of the Kosovo IBM and migration strategies, including freedom of movement and IBM agreements, and joint activities with FRONTEX. Also, supported the Civil Registration Agency in implementing agreements in the framework of the EU-facilitated dialogue.
Kosovo to maintain the status quo, but to improve the rule of law institutions. Nevertheless, some Kosovo civil society experts state without any doubt that EULEX has failed and that their contribution to the rule of law in Kosovo is minimal, if at all. Nevertheless, the views of the research interviewees if EULEX managed to implement its MMA tasks are divers as presented below, and reflected in figure 4.14.

The Kosovo civil society (CS) experts interviewed have split views on the achievements of EULEX with MMA tasks aimed at strengthening the rule of law in Kosovo. Three out of five CS experts consider that EULEX implemented successfully its MMA tasks. For example, the CS2 believes that “EULEX had considerable success in its monitoring, mentoring and advising tasks in Kosovo”. This view is supported by the CS4 who as well is of the view that “Kosovo government has benefited from monitoring and advising of EULEX, therefore, their contribution in this field was positive”. In addition, the CS5 while admitting positive results of EULEX in MMA tasks considers the latter completely redundant, claiming that “EULEX succeeded in its monitoring, mentoring and advising tasks; however, this was not the reason EULEX was asked to deploy to Kosovo. EULEX was asked to support Kosovo in fighting corruption and in the resolution of cases of war crimes that Kosovo could not resolve itself. Otherwise, Kosovo was fed-up with advice from other organizations, even before the establishment of EULEX in 2008. EU MMA was not needed for Kosovo. Other organizations do MMA in Kosovo and cost far less than EULEX”. The CS1 supports the view of the CS5 on the MMA tasks considering that they were not needed in Kosovo stating, “most of the rule of law structures and processes in Kosovo have already been established by United Nations (UNMIK) and Kosovo government before deployment of EULEX in 2008. EULEX only continued the UNMIK monitoring, mentoring and advising, which was a drawback for Kosovo institutions as they have completed this phase of work, cooperation and capacities strengthening with UNMIK”. Thus, the CS1 believes that Kosovo already had in place the rule of law institutions when EULEX deployed; therefore, no MMA was needed and as a result, this approach of the EU set Kosovo institutions a step back instead of supporting them to move one step further. The CS3 is the only CS representative who considers that EULEX was partially successful in its MMA tasks stating that the “EULEX was very effective in the first years of its function (3-4 years) in its monitoring, mentoring and advising tasks in the area of rule of law in Kosovo. After forth year it could be noticed that EULEX started to be politicized, the main aim then was not to establish the rule of law, fight against corruption, but to find people within Kosovo institutions to advance EU political agendas, leaving behind their main
role in improving the rule of law in Kosovo”. The overall conclusion from the interviews with the CS experts is that two opinions prevail, one that EULEX MMA tasks were beneficial for Kosovo rule of law institutions, and the second, this support from EULEX was not needed.

Further, Kosovo Institutions (KI) experts from the Ministry of Internal Affairs, Ministry of Justice, Kosovo Customs, Kosovo Police and Kosovo Judicial Council, have split opinion in this matter as well. Three out of five KI experts interviewed consider that EULEX was successful in its MMA tasks. The KI1, for example, poses that “generally EULEX was successful in supporting the Ministry of Internal Affairs of Kosovo with advice on policy and legislative reform. Particularly, their advice was positive during the drafting of the guide for Kosovo-EU visa liberalisation, as well as advice on public security and border management. Therefore, their advice and technical assistance were positive”. This view is supported by KI4 who states, “in principle, EULEX was successful in its monitoring, mentoring and advising task in the area of rule of law in Kosovo”. The KI5 confirms also claiming, “as far as I am informed EULEX succeeded in its monitoring, mentoring and advising task in the area of rule of law in Kosovo”. On the other hand, the KI2 assesses EULEX MMA tasks implementation as partial, stating that the “EULEX partially was successful in its monitoring, mentoring and advising task in the area of rule of law in Kosovo, in customs for example”. While the KI3 from the Ministry of Justice is not convinced on the success of EULEX with MMA tasks claiming that “EULEX did try to support Kosovo rule of law institutions, but it is not that the Ministry of Justice has learned much from them”. Nevertheless, similarly to CS experts, it is noted that the majority of Kosovo Institutions officials consider that EULEX was successful in the implementation of its MMA tasks.

On the other hand, EULEX officials surprisingly perhaps are more critical on their achievements on the MMA tasks. None of the five interviewed EULEX officials believes explicitly that EULEX was successful in its MMA tasks. While four out of five interviewees consider that, EULEX was partially successful in the implementation of the MMA tasks. For example, EULEX1 is of the opinion that “EULEX was partially successful in its monitoring, mentoring and advising task in the area of rule of law in Kosovo”. EULEX3 has a different, more complex, explanation of the state of affairs posing that “despite criticisms which are well vested with motives, the indisputable fact is that, without EULEX, the rule of law situation in Kosovo would be much worse”, claiming partial contribution of EULEX. Then EULEX2 has a split opinion considering that the MMA functioned in some sectors of the rule of law, while not in others stating that “EULEX monitoring, mentoring and advising for police, customs and
correction service was successful one can say, but less successful in judiciary and prosecution. Thus, I would say that EULEX monitoring, mentoring and advising was partially successful”. In addition, EULEX4 makes an interesting point in the answer to the question of the MMA tasks claiming that potentially these tasks can be considered as achieved formally, but this does not necessarily mean content-wise as well, and summaries “yes, if we read the tasks as prescribed. However, to which extent is to be questioned”. The last interviewee EULEX5 assesses MMA achievements as inadequate stating that the “EULEX success in monitoring, mentoring and advising task in the area of rule of law in Kosovo was limited”.

Lastly, it is important to emphasis as mentioned in the previous sections the interviewee EULEX3 brings the point that “without EULEX, the rule of law situation in Kosovo would be much worse”. This standpoint is completely unsustainable since EULEX was not deployed to maintain the status quo in Kosovo or to ensure that the situation is not deteriorating since KFOR and other organization have competence for security and governance in Kosovo, but instead to support the Kosovo institutions in strengthening the rule of law.

Figure 4.14: Views of the interviewed sample of experts from the CS, KI and EULEX officials on implementation of MMA tasks (n=15)

<table>
<thead>
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<th>EULEX succeeded in implementation of the MMA tasks</th>
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<td>(7 interviewees agree, 6 agree partially, 2 do not agree)</td>
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- **Civil Society**: 3 Yes, 1 Partially, 1 No
- **Kosovo Institutions**: 3 Yes, 1 Partially, 1 No
- **EULEX officials**: 1 Yes, 4 Partially, 1 No
An important part of EULEX mandate was to ensure maintenance and promotion of the rule of law, public order and security in Kosovo. This task included many activities of EULEX intending to increase public awareness on the rule of law in Kosovo and the same time to ensure its maintenance. Likewise, EULEX based on its mandate had responsibilities for public order and security in Kosovo. While generally in Kosovo nobody in any way noticed EULEX contribution in this filed; however, critics argue that EULEX has failed in the northern part of Kosovo to establish public order mentioning frequent reports of smuggling of goods, and the unfortunate cases of murder of the Kosovo Police Officer (2011) and EULEX Customs Officer (2013). The perpetrators of these murders still did not receive any final judgment. Furthermore, EULEX has an important responsibility for the security in Kosovo, at least formally, as the second security responder (EULEX, 2018b) in cases when Kosovo Police potentially fails to exercise its duties as the first security responder, while KFOR is the third security responder (hard security). Since the deployment of EULEX in 2008, this task was exercised only in a few occasions, whereas the majority of the involvement was to train Kosovo Police to increase riot and crowd control capabilities.

The research interviewees for this part of EULEX mandate generally had less information or interest to discuss compared to MMA tasks. Therefore, the answers were in most of the cases straightforward and did not generate much of the information or knowledge. The results of their responses are presented below and reflected in figure 4.15.

The CS experts generally consider that EULEX underperformed in maintenance and promotion of the rule of law, public order and security in Kosovo. Three out of five CS experts consider that EULEX did not achieve its goals. Both, the CS5 and CS2 share the opinion stating that “EULEX was not successful in ensuring maintenance, promotion of the rule of law, public order and security in Kosovo”, as well as that “EULEX had considerable difficulties in maintenance and promotion of the rule of law, public order and security in Kosovo”. Similarly, the CS1 believes that the “EULEX did not manage to ensure maintenance and promotion of the rule of law, public order and security in Kosovo. For example, the prison system is still a big problem, as well as the security and public order, and rule of law in northern Kosovo”. Furthermore, the CS3 claims that EULEX cannot show any record of its achievements in this field posing that “even though EULEX had executive powers to investigate the major crimes in Kosovo, even those of inter-ethnic crimes, but in ten years of its function EULEX cannot be proud of any result in Kosovo”. Compared to the four previous CS experts’ statements, the CS4 is more elaborative and recognizes the added value of EULEX in this field; however, also
makes an astonishing point stating that the latter compromised its mandate as it was influenced by political developments. He states, “Generally, EULEX has brought a positive atmosphere with regards to rule of law, but they were not very successful in fighting organized crime or corruption. The fundamental problem of EULEX was that besides supporting Kosovo in rule of law they aimed to ensure political stability. Hence often for EULEX political stability prevailed over the rule of law. EULEX did many calculations before submitting a charge against a politician since this would affect political stability. Further, EULEX balanced their actions depending on the negotiations between Prishtina and Belgrade, dialogue in Brussels. If an indictment for a Kosovo politician in anyway would influence or slow the Brussels talks, EULEX would not file such an indictment; therefore, damaging the rule of law to the expense of the politics. Therefore, EULEX priority was to ensure political stability and to ensure the flow of talks in Brussels, rather than to advance the rule of law in Kosovo or fighting organized crime and corruption. EULEX sacrificed the rule of law in Kosovo”. The claim of the CS4 for political interference in the rule of law matters in Kosovo is shared by many Kosovo citizens and as such gravely undermines the values the EU stands for. Hence, EULEX has completely lost the trust of the Kosovo citizens and its legitimacy.

The KI experts seem to have a better opinion on EULEX achievements in the field of rule of law, public order and security in Kosovo. Three out of five interviewees consider that EULEX brought in Kosovo some sense of trust and hope for positive changes. For example, the KI3 states, “in my opinion, the presence of EULEX in Kosovo has created the perception of Kosovo being more secure, even though their capabilities were never tested”. A similar opinion is shared by KI2 posing that “EULEX presence has itself assured some sort of security”. This argument is followed by KI5 who considers as well that “generally the work of EULEX on the promotion of rule of law, public order and security was good”. On the other hand, the KI1 has a similar standpoint with the Kosovo citizens regarding the achievements of EULEX posing that the “expectations for support of rule of law in Kosovo were high, thus, I share the opinion of the public that what was expected from EULEX it was not achieved”. Lastly, the KI4 shares the view with KI1 concluding that “EULEX did not have any good result in the field on law enforcement. According to the statistics, the cases investigated and those that ended with final court judgment were very low, lower than expectations of the citizens and Kosovo Institutions, but same time lower of the expectations of EULEX itself”.

On the other hand, EULEX officials have mixed opinions starting with claims that EULEX was very successful in this field, those who believe that EULEX performed partially well, and
those who have no opinion at all on this matter. EULEX1 is convinced that “EULEX had a positive role in ensuring the maintenance and promotion of the rule of law, public order and security in Kosovo”. However, three other EULEX officials agree that EULEX was only partially successful. While EULEX2 states that “EULEX was partially successful”, EULEX5 is more specific pointing to sectors where EULEX was more successful and those less successful, emphasising that “EULEX was successful in promotion of the rule of law, but less in public order and security”. EULEX3 dwells more on the environment EULEX operated posing that EULEX was “to a certain degree, very successful. Of course, it could have been much better, but the success of EULEX must be measured taking into account the constraints and difficulties of performing its mandate in the Kosovo context from even before the establishment of the mission”. Finally, EULEX4 had no informed opinion to what extent EULEX managed to provide rule of law, public order or security in Kosovo.

Figure 4. 15: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the role of EULEX in maintenance and promotion of the rule of law, public order and security (n=15)
Same like with the citizens of Kosovo the experts from the CS, KI and EULEX officials were asked about the political interference in the rule of law institutions in Kosovo. This not only because it was one of EULEX’s task, to prevent the political influence, but also, since it is widely perceived by the public, that the Kosovo rule of law institutions are highly politicised. As stated previously, when the results on EULEX were deliberated on this issue, based on the Kosovo citizens perception; the EU policymakers may have had an idea on how to perform this task, but have not shared with others, or simply they had no idea what they were doing. This stance is based on the view of one EULEX official interviewed who stated that the EU policymakers in Brussels are completely detached from the work of the field missions and have no idea on how the missions function; thus, they include tasks in missions’ mandates, which practically are not implementable. The views of the experts on this task are presented below and reflected in figure 4.16.

The views of the experts from CS, KI and EULEX officials are somewhat I would argue similar to Kosovo citizens. As such, for example, all the CS experts uniquely agree that EULEX has failed to achieve its task to prevent political interference in Kosovo rule of law institutions. The CS1 has no doubts that EULEX has failed in this endeavour and quotes the EU institutions to illustrate the argument stating, “unfortunately EULEX did not succeed in freeing Kosovo rule of law institutions from political interference. The political interference in rule of law institutions is mentioned in all European Commission country reports for Kosovo as a concerning issue”. Further, the CS5 identifies the judicial system where EULEX failed mostly posing that “EULEX has failed in eliminating political interference in rule of law institutions, particularly in the judiciary”. While the CS4 dismisses completely the role of EULEX in fighting political interference arguing that “EULEX had no influence in eliminating political interference in the rule of law institutions in Kosovo. It was not noticed”. On the other hand, the CS2 agrees with the views on EULEX failure in this task and then exposes the weaknesses of the EU in planning CSDP missions stating that “EULEX did not manage to eliminate political influence in rule of law institutions in Kosovo. It is strange that this task was assigned to EULEX because it is a utopia that EULEX could have performed such a task”. In addition, the CS3 makes far more elaborative statement than its four previous colleagues considering that “EULEX promoted something in the public, but acted completely different in the backstage in terms of fighting political influence in the rule of law institutions. EULEX established relations with Kosovo politicians, even though there was evidence that they were involved in crime and corruption, as long as EULEX would ensure that higher politics are
achieved, or personal interest of some EULEX officials, they did not investigate these politicians. In addition, EULEX blackmailed Kosovo state officials through phone interception recordings that they used to push for political negotiations with Belgrade in Brussels. Nevertheless, they did not use those recordings for indictments, clearly showing that political issues had more priority that the rule of law in Kosovo (Case “Pronto” recordings as an example where Kosovo high officials were recorded discussing criminal activities)”. The CS3 emphasis the compromise EULEX did at the expense of the rule of law in Kosovo in order to achieve its political aims. This is not the first time that this viewpoint appears in this research; therefore, cannot be considered an isolated phenomenon; hence, will be regarded, as an evidence of EULEX malpractice and abuse of its mandate.

The KI experts have a split opinion on EULEX performance as one of the interviewees likes to call the diffusion of the political interference in Kosovo rule of law institutions. Three out of five KI experts consider that EULEX did not succeed in preventing political interference in Kosovo rule of law institutions. The KI1, for instance, bases his stand on the EU bodies’ assessment of the rule of law in Kosovo indicating that the “European Commission report for Kosovo in the last couple of years mentions that Kosovo rule of law institutions are influenced by politics. Thus, if we take account on the European Commission findings we can conclude that EULEX was not successful in fighting political interference in Kosovo rule of law institutions”. Similarly, the KI3 believes that “considering the reports issued for Kosovo that show its rule of law institutions are politicized, we can conclude that EULEX was not successful in freeing Kosovo institutions from political interference”. The KI2 also makes its point straightforward in few words stating that “EULEX did not manage to remove the political interference from Kosovo rule of law institutions”. Whereas the KI4 is more specific in his statement referencing the role of EULEX, but same time has no clear view on the extent of success of EULEX in this field, recalling that, “elimination of political interference in Kosovo rule of law institutions was one of the key responsibilities of EULEX. I cannot say how successful they were in this task. The Kosovo Police is less affected by politics, but correctional service is more affected, and prosecution and courts even more. A decade of EULEX work in Kosovo is a long period of time, they should have done more”. In the end, the KI5 even though a high-level Kosovo Institutions official who is in daily contact with EULEX staff states that “I have no information on EULEX work in fighting political interference in the rule of law institutions in Kosovo”.
Whilst none from the CS or KI experts consider that EULEX was successful in fighting political interference in Kosovo rule of law institutions EULEX1 is convinced otherwise holding that “EULEX played a positive role in defusing political interference in Kosovo rule of law institutions”. However, the other three EULEX colleagues do not share the same opinion. For example, EULEX2 even disputes the capabilities of EULEX to implement such a task stating “No. EULEX did not manage to ensure that all Kosovo rule of law institutions are free from political interference. EULEX could have never completed this task”. EULEX5 supports EULEX2 argument and believes that EULEX was not best suited for this job; therefore, other EU bodies should have dealt with political interference posing that “when the mandate of EULEX was designed there were mistakes. EULEX in no way could have eliminated political interference in the justice system of Kosovo. The role to eliminate political interference in Kosovo judiciary should have been exercised by the EU office in Kosovo, which through the process of Kosovo’s integration in the EU should have been conditioned with the elimination of political interference in justice sector”. Moreover, EULEX3 has rather a different view on the matter arguing that political interference in rule of law institutions cannot be eliminated completely neither in the EU countries and then tries to build an argument that without EULEX presence in Kosovo political interference would have been higher. In his words, EULEX3 insists that “no institution can ensure, that the rule of law institutions are completely free from the political interference, not even in the EU countries under European democratic standards. EULEX is no exception. However, without EULEX playing an active role in trying to reduce political interference, the situation would have been much worse without any doubt, which can only be qualified as a clear success”. The argument that the situation would have been much worse without EULEX is completely unstained since in Kosovo there are other international actors such as the EU Office, EU Special Representative Office, OSCE, UNMIK and lastly the KFOR; therefore, even if the Kosovo institutions would want to worsen the situation the mentioned actors would not allow that to happen. EULEX is just one of the many actors that influence the rule of law in Kosovo and is far from being the key one. These arguments of EULEX officials’ hypothesising what would be if EULEX would not be in Kosovo is a weak defence for their underperformance. Finally, EULEX4 even though exercising an important function, within EULEX, from where political interference could have been fought in Kosovo rule of law institutions, has no established opinion about this topic.
The Council Joint Action 2008/124/CFSP give EULEX an extensive role in the justice sector in Kosovo to investigate, prosecute, adjudicated and enforced cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes. While this was only one of the nine tasks EULEX was mandated with, it was the task that had the main focus and expectations from the Kosovo public, but same time it was the biggest opportunity for EULEX to excel. However, unfortunately, according to most of the interviewed experts from CS, KI and EULEX officials this opportunity slipped out of their hands. As we will see below some of the interviewees consider that the volume of the tasks assigned to EULEX was beyond its capacities to perform such duties and was a premature act to give an executive mandate to a CSDP civilian mission. Furthermore, while the prevailing opinion is that EULEX attempted to do its job and investigate criminal cases, most of these cases either were stuck in the middle of the process or were never finalized with an enforceable judgment. Nevertheless, below are presented responses of the experts and reflected in figure 4.17.
Four out of five CS experts consider that EULEX did not properly investigate, prosecute, adjudicate or enforce criminal cases in Kosovo. Although, generally there is to some extent a consensus that EULEX has investigated the criminal cases; however, then failed to follow the path to prosecute, adjudicate and enforce these cases. This argument is supported by CS4 who elaborates a specific case, stating that “my impression is that EULEX has investigated a lot, has collected evidence, but they did not materialize them with an indictment. One of these cases was the long investigation for Kosovo Electrical Company, which damaged the Kosovo budget, but in the end, no indictment was made. Therefore, generally, the number of cases that indicted individuals or groups from EULEX was very low, and further, they were not successful in confiscating property derived from criminal activities”. The same view is shared by CS5 who believes that the “EULEX was very expedient in starting investigations, but they never resolved cases of crime and corruption, or other crimes. EULEX is expert in leaving cases in the middle of the road – unresolved”. The last statement of the CS5 is widely supported by the public in Kosovo as they have witnessed many cases that EULEX has started investigating, but then they had to wait for years to see the trials and only in few cases a judgment. Furthermore, the CS3 claims that the “major failure of Kosovo in fighting corruption and organized crime is as a result of involvement and delay of cases caused by EULEX”. Many Kosovo citizens agree with CS3 opinion, even though they expected from EULEX swift processing of criminal cases, at some point especially after 2011 they have seen EULEX more like an obstacle in fighting crime, than as a support. Similarly, the CS1 emphasises some specific types of crime that EULEX has failed to tackle posing that “EULEX has specifically failed in adjudicating cases of war crimes. EULEX in 2009 was unprepared to treat for example cases of rape during the war in Kosovo. Same, there are no concrete results of EULEX on cases of crime and corruption. For example, cases of money laundering resolved are zero”. Only the CS2 considers that EULEX partially completed its task related to criminal cases and then criticizes the extent of its mandate, stating that “EULEX partially has investigated, prosecuted, adjudicated and enforced cases of different crimes in Kosovo. Generally, I consider that EULEX had too many tasks ranging from war crimes to financial crimes, meaning that its mandate was too broad, thus, they should have concentrated in fewer fields and be more efficient”. The fact that EULEX had far too many tasks now is already a well-established fact and as we have seen from the discussions above this view is shared by the Kosovo citizens, experts from the CS, KI and EULEX officials themselves, and also the writer of this thesis.
The KI experts similarly like CS experts consider that EULEX did not manage to deliver the expected results in fighting crime in Kosovo. The KI4 thinks that the “EULEX investigated and adjudicated cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes. However, no concrete results were achieved”. Then EULEX efficiency is contested by KI1 who poses that the “EULEX did investigate cases of organized crime and penal cases; however, they were not efficient in finalizing most of these cases with final court judgment”. Likewise, the KI3 supports the argument that “generally, EULEX has investigated cases of organized crime and corruption, but they did not do so far with the cases of war crimes. The fact that Kosovo now has a special court on war crimes shows that EULEX failed in this area”. On the other hand, the KI5 contrary to previous three interviewed KI officials is convinced that the “EULEX properly investigated, prosecuted, adjudicated and enforced cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes”. Lastly, the KI2 states, “I have no information on EULEX investigation and prosecution of crimes”.

Whereas the CS could observe the work of EULEX from the outside and the KI during their joint work with EULEX, it is important to note that EULEX officials often share the opinion with experts from CS and KI, and in some instances are even more critical for the work of EULEX. For example, EULEX2 is very open, and has no doubts when says that “no, EULEX did not properly investigate, prosecute, adjudicate or enforce cases of different crimes in Kosovo. EULEX did not have sufficient resources, with this I mean investigators, analysts, judges and prosecutors. EULEX was trying to do too much with too little resources”. The issue of the human resources, even though most consider that a strong mission of 3,000 staff could do much, the fact is that most of EULEX staff was not specialized nor had a particular field of expertise. Therefore, as EULEX2 rightfully argues, in the absence of the professionals such as economists and financial analysts or experienced investigators the job of EULEX to fight crime was difficult and in some cases even impossible. EULEX3 has a slightly different opinion from EULEX2 and poses that “some cases were properly investigated, but it is obvious that EULEX was not successful in all of them and disregarded important cases. The degree of professionalism of the different EULEX staff involved played a huge role in the level of proper investigation of each case”. EULEX3 raises another important issue or better said concern that was debated and discussed by the scholars and experts on the competence of EULEX staff to perform their duties. The general opinion prevails that the EU countries rarely second to CSDP missions their professional staff and as Malešič (in Galantion & Freire, 2015, pp. 157-174)
states EULEX has suffered from ‘negative cadre selection’; therefore, one rightfully may ask how the EU has expected from EULEX to perform its tasks without professional staff.

Furthermore, EULEX4 while answering on the results of EULEX in fighting crime makes some appealing statement considering that the “EU did a mistake when it assigned executive powers to EULEX at the first place. Further, it is difficult for the EU and generally, to decide when this executive power should end, as it cannot be endless. The EU should have not and most probably will not evermore have a mission with executive power. Furthermore, the bureaucrats in Brussels have no idea how the duties of the mission were implemented in the field, thus, they took arbitrary decisions. For example, they set the number of case prosecutors and judges had to complete and cases that need to end with sentencing. This was absurd as justice is not statistics. EULEX judges or prosecutors cannot complete cases only to satisfy Brussels, the applicable legislation has its rules and timeframes for procedural work that cannot be violated, not to mention the rights of the parties in procedure”. Two of EULEX4 statements I would like to elaborate more here. First, the issue of the executive power assigned to EULEX even though a strong tool in the hands of the latter was not particularly used in Kosovo to make any positive difference in terms of strengthening the rule of law. Hence, it is difficult to understand why the EU provided EULEX with this authority if they had no clear plan on how to use it. The only logical reason would be that the EU wanted to magnify EULEX as its biggest CSDP mission and to experiment with this new authority of EULEX and if successful, I would argue to replicate in the future EU CSDP missions. Second, the issue of interference of Brussels, in the professional work of EULEX mission members. This issue raises huge concerns as Brussels tried to influence EULEX judges and prosecutors to issue sentencing decisions, which seriously violates the rule of law principles and may infringe individual human rights, and is completely the opposite of what they instructed the Kosovo rule of law institutions.

EULEX5 gives some credit to EULEX work in investigating crime; however, also raises the issue of EULEX bias when dealing with criminal case of different ethnicities in Kosovo claiming that the “EULEX has made a disproportionate investigation and has filed indictments far more for crimes committed by Albanians than those of Serbs during the war. While fighting the other types of crime was successful to a certain extent”. Nevertheless, it is safe to say that EULEX generally has failed in investigation, prosecution, adjudication and enforcement of criminal cases in Kosovo. At the very end, EULEX1 states that he has no information on the
extent of the number of cases completed by EULEX, which involved criminal activities in Kosovo.

Figure 4. 17: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the achieved results of EULEX in fighting crime in Kosovo (n=15)

An important task of EULEX was also its role in strengthening cooperation and coordination throughout the entire judicial process, particularly in the area of organised crime. In the section above, I have elaborated on the task of EULEX to investigate, prosecute, adjudicated and enforced cases of crimes of different types. However, cooperation and coordination in the field of organized crime are very specific and important, and this not only because it takes place in Kosovo and harms the Kosovo society, but since the organized crime has a regional impact and stretches further to European and other more further continents. Kosovo is placed geographically in the route that connects east and west, is a transit country for different type of crimes such as smuggling of the migrants, trafficking of human begins, transportation of narcotics and small arms and lights weapons, as well as money laundering, to mention few (European Commission, 2014). Thus, work of EULEX was aimed of course primarily to protect the Kosovo state and society, but same time to thwart criminal activities that originate from third countries and through Kosovo affect the EU and its citizens. Therefore, this task of
EULEX was central to achieving the goal of strengthening the rule of law in Kosovo as well as of the wider European security. EULEX results in achieving this task as viewed by the experts from CS, KI and EULEX officials are presented below and reflected in figure 4.18. Only four out of fifteen experts consider that EULEX completed the task of strengthening cooperation and coordination of the judicial process with a focus on the organized crime. The other experts consider that EULEX either failed in this task, or had minimal or partial success, or have no exact information on the extent of the completed work of EULEX on this matter.

Both the CS1 and CS2 share the opinion that the “EULEX has contributed to strengthening cooperation and coordination throughout Kosovo judicial system”. On the other hand, the CS3 refers to two key Kosovo institutions responsible for the management and oversight of judiciary in Kosovo arguing that the “fact that Kosovo Judicial Council and Kosovo Prosecutorial Council complain that there is lack of coordination after a long presence of EULEX, is a confirmation that this mission has failed”. Similarly, the CS4 identifies other associated problems of EULEX with this task stating that “one problem noticed is that EULEX structures police, prosecution and judiciary did not cooperate with Kosovo police, prosecutors or judges, in a way, they have acted separately, even though they should have worked together. The reason for such an attitude was that there was no mutual trust between EULEX and Kosovo institutions. However, what is known is that EULEX did not contribute to strengthen the cooperation of Kosovo judiciary”. This statement reveals one important insight in relations between EULEX and Kosovo institutions. The fact that they did not cooperate practically undermined the results of the fight against organized crime. While one can argue that, EULEX acted accordingly when did not cooperate or coordinate with Kosovo rule of law institutions in organized crime cases, due to fears that the latter may leak information, same time Kosovo institutions could not increase their capacities or professionalism in this field without being included in the process. Furthermore, the CS5 confirms that the “EULEX has failed in the coordination of the judiciary in Kosovo. Since EULEX is known for delaying resolution of cases”.

The KI experts did not have much to say about to this task of EULEX. Both KI2 and KI3 claim to have no information on EULEX results in strengthening cooperation and coordination throughout the entire judicial process, particularly in the area of organised crime. The KI1 has to some degree a different opinion stating that the “EULEX has supported in the overall coordination of the rule of law institutions, but I don’t know the exact degree”. However, the KI4 believes to know the extent of EULEX’s support posing that the “EULEX helped only
little in strengthening cooperation and coordination throughout the whole judicial process, particularly in the area of organised crime”. However, this opinion is not shared by KI5 who highly regards work of EULEX and confirms that the “EULEX did contribute at a satisfactory level in strengthening cooperation and coordination throughout the whole judicial field”.

EULEX officials’ responses do not differ much from experts of the CS and KI on this matter. Three out of five interviewed EULEX officials, EULEX1, EULEX2 and EULEX4 stated that they have no information on the activities or achievements of EULEX in cooperation and coordination of judicial processes against organized crime since a limited number of EULEX staff were involved in this field. Nevertheless, EULEX3 who was closely associated with this task of EULEX has split opinion on the issue, when asked if EULEX completed this task, replied “Yes it did, could it have been even better cooperation and effective strengthening? Indeed”. Only, EULEX5 is very specific on this matter concluding that the “EULEX contributed in strengthening cooperation and coordination throughout the whole judicial process; however, in the area of organised crime was minimal”.

Generally, answers from the experts of CS, KI and EULEX officials did not reveal much on the achievements of EULEX in this task; hence, did not provide much knowledge if the EU should assign such a task to the future CSDP missions.

Figure 4. 18: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on the role of EULEX in cooperation and coordination of judicial process linked with the organized crime (n=15)
In the previous sections, I have discussed shortly the tasks EULEX had to fight money laundering and organized crime which are associate with the financial transactions where EULEX was tasked to investigate links between corruption, fraud and financial crime and when appropriate to prosecute, adjudicate and enforce these cases. The illegal criminal activities bring big amounts of cash into the market which then is invested in different sectors of the economy such as trade, construction, immovable property, banking, etc to legitimise money that was acquired through criminal activities. In the last decade, construction has flourished in main centres of Kosovo where entire neighbourhoods were constructed, largely disproportionate with the incomes of the citizens of Kosovo or their purchasing power. The big flow of money, aside from the remittances sent by diaspora, cannot be justified, considering the poor economic development of Kosovo. Furthermore, immovable property transactions have enormously increased throughout Kosovo as well as the prices of the property, which are comparable with countries such as Germany or Switzerland. EULEX has investigated and prosecuted many of these cases, the most prominent and recent one labelled “Toka” (Land) where individuals linked with key political figures in Kosovo and the underground were charged for fraud and criminal transactions with immovable property. From the discussion elaborated above it is evident that EULEX had a complex task to implement and the positive result in this field would contribute to strengthen the rule of law in Kosovo.

However, the results of EULEX did not meet the expectations according to the interviewed experts from the CS, KI and EULEX officials. Only three out of fifteen experts consider that EULEX was successful in this task, same as three others who consider that EULEX was not successful with this task. Further, four of the experts consider that EULEX was partially successful and the other five experts claim to have no information on the achievements of EULEX in this field, as presented in figure 4.19. The fact that the majority of the experts have no information on the work of EULEX in fighting economic crimes linked with corruption, fraud and financial crime, which includes EULEX staff as well, shows that EULEX was perhaps not transparent on their work. At least they were no transparent for this particular topic, even though the Kosovo public had a huge interest to know about the results of EULEX in this field. Below are presented the results from the interviews.

The CS1 states that the “EULEX results in the fight against corruption, fraud and financial crime were very weak”, and continues to argue that no case that one can remember for a decade of the work of EULEX in Kosovo was resolved. This having in mind the general perception of the public in Kosovo and the reports from the international organizations and civil society in
Kosovo for corruption linked with fraud and financial crimes, it is simply unbelievable that no case was concluded with the sentencing of those involved. This view of the CS1 is supported by CS4 who considers that the “EULEX have investigated a lot, but that did not result in indictments or sentencing of the involved parties”. This interviewee values the engagement of EULEX and their good intentions to fight this particular type of crime; however, it is disappointed with the missing results. Further, the CS3 links this task of EULEX and the others issues discussed in the previous sections and elaborates its opinion with an example claiming that the “EULEX work in the fight against corruption, fraud and financial crime was not successful either. The only case that can remember is the one of arresting the Director of Central Bank with a big number of police officers, but EULEX could not file an indictment against him and after two months, he was released. The weakness of EULEX was that it did not have continuity; this mission depended on individuals within the mission. If these individuals were strong they could pursue investigations, if not the cases were set aside and no progress was achieved”. The last part of the sentence identifies another issue, which is linked with the seconding country of EULEX officials. The CS3 is not the only one who believes that EULEX officials from stronger European countries had a higher reputation than the other officials. Kosovo citizens would have bigger expectations for a positive result in a criminal case if the case was investigated by a German prosecutor, for example, believing that the high level of rule of law in Germany would be applied in Kosovo as well. Nevertheless, no matter where EULEX prosecutors and judges came from, no positive results were achieved. However, the CS2 does not agree with his three colleagues and no matter the criticism which claims to be justified still believes that the “EULEX has supported fight against corruption, fraud and financial crime in Kosovo”. Lastly, the CS5 states to have no specific information on the results of EULEX in fighting economic crimes.

On the other side, the KI experts have more diverging opinions on the work and results of EULEX in the task related to corruption, fraud and financial crime. The KI2 considers the efforts of EULEX in this task ‘to be a show’, even though believes that some progress was achieved stating that “work of EULEX was more e media campaign; however, I believe some results were achieved”. Likewise, the KI4 is of the opinion that the “EULEX contribution in the fight against corruption, fraud and financial crime was limited, like in other types of crime”. Whereas two other KI experts, the KI1 and KI3 have “no information on the support EULEX has provided in fight against corruption, fraud and financial crime”. On a positive note, the KI5 compared to other KI experts is convinced that the “EULEX support in fighting crime was
noticeable”. Even though asked for any reference to support its opinion, the KI5 believes that the mere fact that EULEX officials work alongside the Kosovo judges and prosecutors, sharing their experience and practical knowledge, increases chances that these complex criminal cases will be resolved.

Some of EULEX officials were generally more elaborative and informative on this task; aside of EULEX1 and EULEX4 who claim to have no information on the work the mission did in fighting economic crimes. EULEX2 was able to confirm based on its work experience that “there is some contribution of EULEX in the fight against corruption, fraud and financial crime”. However, on the other side, EULEX3 and EULEX5 seem to have more insight and access to the information and work performed by EULEX in cases linked with corruption, fraud and financial crime. For example, EULEX3 views that the “EULEX monitored, mentored and advised anti-corruption agency as long as its mandate lasted, it also provided a huge contribution in the development of the Kosovo institutions in terms of investigative techniques, means of evidence, etc”. The statement of EULEX3 that EULEX has supported Kosovo institutions with expertise in investigation techniques, means of evidence was confirmed by KI5 above. Therefore, this shows that even though the required or expected results from EULEX were not met, still, KI officials have benefited from their know-how. And, in the end, EULEX5 being close to the developments of the work of EULEX in performing the task of fighting corruption, fraud and financial crime, thinks that the “EULEX had success but as well failures in fight against corruption, fraud and financial crime. Like 40% success, 60% failure”. This estimate of EULEX5 can very possibly be true considering that as EULEX3 has stated and KI5 confirmed EULEX officials have made the efforts to complete this task, but unfortunately, despite these efforts the result in sentencing those involved in economic crimes did not happen.
Figure 4. 19: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the results achieved by EULEX in fighting cases involving corruption, fraud and financial crime (n=15)

EULEX was successful in fighting economic crimes in Kosovo
(3 interviewees agree, 4 agree partially, 3 do not agree, 5 have no information)

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Fighting corruption is a priority for the Kosovo state and society. In this endeavour, Kosovo is supported by many international organizations and different projects. Likewise, EULEX being a rule of law mission in Kosovo had to have a role and contribute to the implementation of Kosovo polices against corruption. In 2010, the Kosovo Anti-Corruption Agency was established with the task of combating and preventing corruption, especially in the area of reporting, detection and investigation of corruption, and the implementation of the Strategy and Action Plan against corruption. The Assembly of Kosovo with a decision in February 2013, approved the Strategy and Action Plan against corruption 2013-2017. EULEX task was to support the Agency in drafting and through advice the implementation of this Anti-Corruption Strategy and Action Plan. However, some of the interviewees for this topic who were members

of the working group for the Strategy and Action Plan stated that the contribution of EULEX consisted in organizing the workshops for the participants and less on the substance.

Thus, while the participation of EULEX in the process of drafting of the policy documents against corruption is valued, there is no proven record or a tangible result showing that EULEX has supported in implementation of the Anti-Corruption Strategy and Action Plan. This finding like other information gathered throughout this research for non-implementation of other tasks of EULEX is worrisome. It is clearly stated in EULEX mandate, Article 3 Tasks, point (g), that EULEX shall contribute to the implementation of the Kosovo Anti-Corruption Strategy and Anti-Corruption Action Plan. The task of EULEX raised expectations from the Agency staff for support, and particularly to the civil society who is hugely involved in monitoring and reporting corruption cases. Hence, EULEX support should have been less in paying lunches and refreshments for the workshops, and rather should have been more focused in substance, in terms of sharing best practices and advice on how to handle corruption cases. It is interesting to note that ten out of fifteen experts from the CS, KI and EULEX officials have no information on the role and contribution of EULEX in implementation of the Kosovo Strategy and Action Plan against corruption, as presented in figure 4.20.

From five interviewed CS experts, three who are active participants in the anti-corruption activities in Kosovo stated that they have no information on EULEX work in this task. Nevertheless, the CS5 believes that the “EULEX gave some advice on implementation of the Kosovo Anti-Corruption Strategy and Anti-Corruption Action Plan”, even though when asked when or where did this happened, no specific information was provided. On the other hand, the CS3 believes that “drafting of the new Strategy and Action Plan on Anti-Corruption was a justification for failures and missing results of EULEX and Kosovo officials. Therefore, there was no positive role of EULEX in the new strategy and action plan since no impact assessment or risks for its implementation was conducted”. Likewise, three out of five KI experts interviewed had no information on EULEX work in support of the Anti-corruption policies in Kosovo. While the KI4 thinks that the “EULEX was not successful in the implementation of the Kosovo Anti-Corruption Strategy”, the KI5 states that the “role of EULEX was to advise in the implementation of the Kosovo Anti-Corruption Strategy, but I am not aware of the results achieved”.

Moreover, the same is with EULEX officials, some of them holding positions in the judiciary, four out of five claim to have no information on EULEX achievements regarding this task. The
only EULEX official that had an answer to the question on the role of EULEX in this task was EULEX1 who considers that the “Kosovo Anti-Corruption Strategy and Anti-Corruption Action Plan is a useless document”, this although EULEX officials have been included in the process.

Generally, it is very difficult to explain why there are so little information and results of EULEX contribution in the implementation of the Kosovo Anti-Corruption Strategy and Action Plan. There could be potentially two answers to this enigma. First, EULEX did not contribute at all in implementation of the Anti-Corruption Strategy and Action Plan, which would be strange considering the interest of the public in Kosovo in fighting corruption, but also the public statements of EULEX officials directed towards those involved in corruption that will be prosecuted and adjudicated. Second, it could be that EULEX did not have sufficient resources dedicated for this task, or potentially those assigned with this task were not qualified to deal with anti-corruption, even though during the interviews none of EULEX officials mentioned this as the reason for EULEX underperformance on this task. Hence, to conclude this task of EULEX was either wrongly inserted in the mandate without any prior assessment of the EU CSDP missions planning team considering what the work would entail and then plan properly the human and other resources, or EULEX itself neglected this task.

Figure 4. 20: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on the work of EULEX to support Kosovo Anti-Corruption Strategy and Action Plan (n=15)
In the sections above, I have discussed the role, competence and responsibilities of EULEX vis-à-vis Kosovo institutions. However, the same time EULEX with its mandate, Article 3 Tasks, point (i), was required to respect international standards concerning human rights and gender mainstreaming in its activities. Thus, EULEX in performing all its activities had to respect human rights and apply gender mainstreaming. EULEX, having executive competencies throughout the rule of law institutions in Kosovo, prosecutors and judges were in a position to investigate, prosecute and adjudicate parties and in this process, EULEX had the responsibility to ensure that the rights of the parties are not violated. Furthermore, through their capacity-building activities for Kosovo rule of law institutions, EULEX was supposed to ensure equal participation and opportunities for both women and men. Besides the external activities, EULEX as all other international mechanisms in Kosovo should have provided equal employment opportunities for both gender. However, through the interviews conducted for this research concerns especially from the civil society have been raised, for violation of both, human rights and gender equality. The results are presented below and reflected in figure 4.21.

Two out of five interviewed CS experts, the CS1 and CS4 state that they have no information if EULEX has respected international standards on human rights or ensured gender mainstreaming while implementing their activities. The CS2 is more informed on the activities of EULEX and elaborates in-depth about their approach towards human rights claiming that the “EULEX had problems, at least what was available in media, with both respecting of human rights and the gender equality. For example, there were cases reported of discrimination in employment and the discrimination on ethnic bases, thus, EULEX did not respect international standards, which is absurd for an international mission to fail on human rights issues”. Moreover, the CS3 explains specific cases when EULEX through their work violated human rights and poses that the “EULEX has promoted the international standards concerning human rights and gender mainstreaming, but they never applied them in practice. One practice I can mention, EULEX judges have conducted lengthy procedures in courts and in this way, they have violated human rights, as the criminal code of Kosovo requires expedient resolution of cases. It was an awful management of courts and prosecution by EULEX. Further, EULEX has intercepted Kosovo citizens, but they never informed them about their rights”. This statement of the CS3 raises serious concerns especially the issue of interception of citizens, as this constitutes a clear breach of privacy. However, the concern raised for the lengthy procedures in Kosovo courts, EULEX is not the only one to be blamed, as lengthy procedures in Kosovo courts are more like a normal practise rather than an exception. In addition, to statements of
CS2 and CS3, the CS5 sheds light on the internal work of EULEX specifically on gender equality in employment within the mission, informing that the “EULEX did not respect gender criteria on the employment of its staff, since 80% of employees were men”. This high rate of disproportion employment of men over the women shows that EULEX did not pay appropriate attention to human resources. Therefore, I consider that EULEX approach to human rights and gender mainstreaming as a negative example for the Kosovo institutions to draw from.

The KI experts have different views on this matter from the CS experts. Four out of five interviewed KI experts consider that based on their experience EULEX mission has respected the international human rights standards and gender mainstreaming in their activities. Only the KI1 maintains that it is not aware of all activities of EULEX, but admits that the latter advised Kosovo institutions on the human rights and gender equality, stating, “I have no specific information on the work of EULEX on human rights or gender issues. However, in all activities with the Kosovo Ministry of Internal Affairs, they have mentioned the need to respect human rights and ensure gender equality”.

EULEX officials have a similar opinion with the expert from CS and KI on EULEX compliance with international human rights standards and gender mainstreaming. Two out of five interviewed EULEX officials EULEX4 and EULEX5 claim to have no information if EULEX has respected human rights and gender mainstreaming activities. However, EULEX1 believes that the “EULEX in its activities has respected international standards concerning human rights and gender mainstreaming”. To some extent, this view is supported by EULEX3 who poses that “in general yes; however, there were cases that EULEX Human Rights Review Panel reviewed and provide remedial measures”. 25 Lastly, EULEX2 has doubts if EULEX has respected human rights in its activities emphasises that it is “not sure if EULEX in its activities respected international standards concerning human rights and gender mainstreaming”.

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25 The Human Rights Review Panel is an internal body of EULEX mission that had a task to review cases of complaints of the parties who considered that EULEX during its work has violated their human rights.
EULEX has provided also support for the EU-facilitated dialogue between Pristina and Belgrade (Official Journal of the European Union, 2018a). This task foresaw that EULEX would provide technical support in the implementation of the agreements reached in Brussels between the parties. These agreements included the agreement on civil registry books that were returned from Serbia to Kosovo, and establishment of the reliable civil registry in Kosovo through EULEX MMA assistance. Further, EULEX supported in the implementation of the Integrated Border Management (IBM) through the establishment of the crossing points between Kosovo and Serbia to improve the flow of the traffic and collect custom revenues at the crossing points. Also, EULEX has supported the implementation of the Freedom of Movement agreement, capacity-building of the Kosovo Police to enhance the security and protection of Kosovo religious and cultural sites. Furthermore, integration of the former Serbian police and Civilian Protection staff into Kosovo Police and other Kosovo institutions, and integration of the Serbian judiciary authorities into Kosovo unified justice system.

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Even though EULEX was engaged in this task earlier only with the Council Decision (CFSP) 2018/856 amending Joint Action 2008/124/CFSP, Article 3 Tasks, b; this task was formalized stating: provide operational support to the EU-facilitated Dialogue, as necessary.
(EULEX, 2018c). This information is reported in the official Webpage of EULEX; however, what was the real contribution of EULEX and the question whether a rule of law mission should be engaged in assignments that involve political agreements, or perhaps another EU body or structure should have been engaged will be discussed below. The views of the interviewed experts from the CS, KI and EULEX officials are divergent on the issue of EULEX engagement in facilitating political agreements. The opinions of the interviewees range from the statements that this role of EULEX was a constructive role and positive, to those who believe that its role was negative and should have never been involved in this task. Furthermore, claims are made that this was a twist of the EU to engage EULEX with this task in the absence of the results in the rule of law in Kosovo. Moreover, some experts say that EULEX was biased in Pristina-Belgrade dialogue since insisted that Kosovo signs agreements in contradiction with the provisions of the Kosovo constitution. More details from the interviews are presented below and reflected in figure 4.22.

The CS experts have a diverging opinion over this issue. While the CS2 believes that “the role of EULEX in Pristina – Belgrade dialogue was positive”, this opinion is completely opposed by the CS5 who views that the “EULEX’s role in Pristina – Belgrade dialogue was negative for Kosovo”. Even though, none of these two interviewees was able to justify their statements with any particular negative or positive example of EULEX action or inaction. However, the CS1 builds an argument stating that the “EULEX role in Pristina – Belgrade dialogue was confusing”, because the Kosovo public did not know if EULEX is dealing anymore with the rule of law issues, or is dealing with the negotiation process between Kosovo and Serbia. The CS4 further has a twofold statement initially considering positively the role of EULEX in the dialogue, but then makes a very interesting point about the EU policymaking, considering that the “EULEX’s role in Pristina – Belgrade dialogue was very important and positive in implementation of the agreed issues between Pristina-Belgrade in Brussels talks. In my opinion by 2014 when this competence was given to EULEX, the EU policymakers have noticed that they have no results in rule of law in Kosovo; therefore, they focused on the political aspect in support of the Pristina-Belgrade talks in Brussels”. The second part of the CS4 argument raises several questions such as should the rule of law missions be engaged in politically related tasks. Then is it a fact that the EU realised that EULEX is failing in the rule of law matters in Kosovo, so it redirected its activities to facilitate the agreements between Pristina and Belgrade. And, if this practice of EULEX should be replicated in the future, CSDP mission in terms of engaging rule of law missions with politically related tasks. The
writer of this thesis considers that the EU policymakers viewed tasking of EULEX to facilitate the implementation of the agreements between Kosovo and Serbia perhaps as a logical decision due to the presence of EULEX in the site. However, by 2014 the dissatisfaction with EULEX work increased in the Kosovo public; then its involvement in the issue of the dialogue between Pristina-Belgrade which was not very popular for the majority of the population in Kosovo, leaves a lot of room for debate if this was a right decision of the EU or not. Nevertheless, the CS3 also brings another interesting issue to this debate, which same time I would argue a worrying statement claiming that the “EULEX officials have put Kosovo institutions in an unfavourable situation vis-a-vis Serbia, and EULEX and the EU in the Brussels dialogue made the Kosovo party to sign agreements which were against the constitution of Kosovo”. Considering that, the CS3 is a prominent civil society activist, with previous experience in the judiciary and participant in the talks between Pristina-Belgrade in Brussels, the reference that the EU strained Kosovo authorities to sign agreements not compliant with the Kosovo constitution raises the question of the legitimacy of the EU as a mediator.

On the other hand, the KI experts do not share the same view with the experts from CS on the role of EULEX facilitation and implementation of the agreements between Pristina-Belgrade. Four out of five interviewed KI experts consider that role of EULEX in the dialogue between Pristina-Belgrade was very positive. Only the KI3 states that he has no opinion on the role of EULEX in Pristina-Belgrade dialogue.

While EULEX officials, similarly to the CS experts have divided opinions even though perhaps not that essential as the latter. For example, both EULEX1 and EULEX2 generally agree that EULEX role in Pristina – Belgrade dialogue was positive and constructive. EULEX4 conversely has no opinion at all for EULEX role in Pristina-Belgrade dialogue. However, two other colleagues EULEX3 and EULEX5 have well-established views on this matter. EULEX3 considers that through the dialogue process EULEX “it provided a huge degree of facilitation, not always well known. It is the EEAS the main promoter of this dialogue and meetings continue even today”. This opinion is not shared by EULEX5 who objects completely the idea of EULEX engagement in dialogue stating, “in my opinion, it was better if EULEX was not involved in Pristina-Belgrade dialogue. Its involvement was not necessary or useful because some of its failures are linked with the process of dialogue, since this mission’s nature, as rule of law mission, did not allow this type of involvement. This was a strategic mistake of EULEX”.

152
Nevertheless, if this was a strategic mistake of the EU or not, will be discussed in the following sections. However, what we can see here is that allocation of the human resources to the dialogue process surely has weakened the potential of EULEX in the MMA and executive tasks; and likewise, the focus from their primary task to strengthen the rule of law in Kosovo.

Figure 4. 22: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the role of EULEX in the EU facilitated dialogue between Prishtina and Belgrade (n=15)

EULEX role in supporting the EU-facilitated dialogue between Prishtina and Belgrade was positive
(8 interviewees agree, 5 do not agree, 1 has no information, 1 has no opinion)

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EULEX witness protection program was not listed as a specific task with Council Joint Action 124/2008/CFSP; however, implementation of the tasks of investigation, prosecution and adjudication of war crimes, terrorism, organized crime cases, etc would be virtually impossible without such a programme. Therefore, EULEX had a witness protection programme and maintained contacts with the police authorities in the Balkans region and further with the INTERPOL and EUROPOL. Nevertheless, not much is known from the public or even EULEX officials for the work of EULEX witness protection unit, and as some claim that is exactly the point that not many people know about this programme.
Anyhow, due to information that was exposed for some specific cases that were under EULEX witness protection, the public in Kosovo and elsewhere started the debate about the reliability of this witness protection mechanism. Furthermore, the EU member states such as the UK questioned the ability of EULEX to investigate and prosecute the alleged war crimes in Kosovo. In a submission of the former Britain’s Minister for Europe, Mr David Lidington, to the parliament stated that the “witness support unit and justice component [of EULEX] suffer from a shortage of suitable candidates; and that hampers EULEX’s ability to proceed with investigations and prosecutions and could impact on its investigations” (House of Lords, 2014, p. 31). Specifically, concerns of the Kosovo public for the abilities of EULEX witness protection programme as stated by Mr Lidington grow after the sudden death of Mr Agim Zogaj, then a protected witness X, in a key war-crimes trial in Kosovo. Mr Zogaj was found hanged in September 2011 in a park in Germany. The family of the late Mr Zogaj claim that he was under EULEX witness protection programme; however, EULEX never admitted this fact.

With the Council Decision (CFSP) 2018/856 of 8 June 2018, amending Joint Action 2008/124/CFSP, EULEX was assigned with the task of the Witness Protection Programme, Article 3, task d (Official Journal of the European Union, 2018b). The research interviewees generally criticize EULEX Witness Protection Programme. They believe that one of the key reasons for establishing the Special Chambers of Kosovo in Hague to deal with the war crime cases is because EULEX failed to protect the individuals under the witness protection programme. Furthermore, the inability of EULEX to manage this programme especially as mentioned the case of the witness X has discouraged other individuals to report criminal activities fearing that they may have the same fate as the witness X, or that their families would be threatened and harmed. The views of the interviewees are presented below and reflected in figure 4.23.

The CS2 specifically refers to witness X case and considers that the “biggest failure of EULEX in Kosovo was the witness protection”, which is supported by CS5 who concedes that the “EULEX has failed in providing witness protection”. Similarly, as stated above the CS1 believes that “as a result of EULEX failure in witness protection, Kosovo has now a new special court on war crimes in Hague”. However, the CS4 emphasises one positive example when EULEX was successful in witness protection, but also warns on the weaknesses of this system considering that the “only successful case of EULEX in witness protection was ‘Bllaca’ case, other cases are not known to the public. However, one important issue that needs to be
discussed and for the EU to address is the lack of language capacities of EULEX officials. This because the local translators involved in the witness protection procedures have leaked the information that has resulted in some witnesses to withdraw their statements from EULEX prosecution office when their families were threatened”. The information security should have been dealt with the utmost consideration from EULEX. Kosovo is a small country with a small population and with close family ties; therefore, the passing of confidential information to unauthorized parties is more than a real possibility. Moreover, this is not a concerning issue of EULEX only, the Kosovo Police and judiciary have the same problem too. However, EULEX should have been more professional than the Kosovo institutions and foresee the possibility of the information leaking from the criminal proceedings, thus, should have responded appropriately to prevent such an occurrence. Nevertheless, this should be a valuable lesson learnt for the EU CSDP policymakers to be attentive for the future CSDP missions when and if tasked with executive powers to provide witness protection programme. Lastly, the CS3 claims to have no information on EULEX witness protection programme.

The KI experts generally neither have information on EULEX witness protection programme nor are interested. The KI2 and KI5 state that they have no information even though they hold important positions in the justice system of Kosovo. Further, while the KI2 is of the view that the “EULEX was partially successful in providing witness protection”, the KI3 poses that “in my opinion, EULEX was successful in providing witness protection”. On the other hand, the KI4 makes a cause and effect assessment claiming that the “EULEX was not successful in providing witness protection. The results from the witness protection programme did not lead to any case being resolved or individuals sentenced”.

In addition, EULEX officials have similar views and limited knowledge of EULEX witness protection programme. First, three out of five interviewed EULEX officials stated to have no information on the witness protection programme. However, EULEX2 even though admits to have had on need to know bases information about the witness protection programme suggests that “it is difficult to assess EULEX work on the witness protection”. Then EULEX3 elaborates more on the issue reflecting on the weaknesses of the mission and its setting. He emphasised that “there were a pair of ‘bad cases’ which could have include wrongdoings, not only in the side of EULEX, but again the context must be taken into account and it is safe to say that EULEX witness protection programme was the best applied in the Balkans. Witness protection in Kosovo is at the end an almost an impossible task”. EULEX3 stance that the witness protection in Kosovo is nearly an impossible task is shared by the CS experts in Kosovo and
generally the public. This fact is based on the argument the CPZ3 has presented concluding that the “organized crime in Kosovo is strong, and they are more organized than EULEX”.

Figure 4.23: Opinion of the interviewed sample of experts from the CS, KI and EULEX officials on the results of EULEX in implementation of the witness protection programme (n=15)

Establishing the rule of law in northern Kosovo as discussed in the previous sections was one of the key challenges for EULEX. Likewise, I have stated that this was one of the main expectations of the Kosovo public. The four northern Kosovo municipalities Zveçan, Leposaviç, Zubin Potok and northern Mitrovica; inhabited with majority Serb community; have remained detached from the other part of Kosovo, including from the other part of the Serbian community that lives in other parts of Kosovo. This is the situation since the end of the conflict in Kosovo in 1999, and especially after the declaration of the independence of Kosovo in 2008. This to say isolation of the Serbian community in northern Kosovo influenced their attitude towards international mechanisms. While there was some acceptance and cooperation with the UNMIK until 2008, considering this mechanism as a neutral and supportive of their claims and causes, to not recognize the authority of the Government of Kosovo and protector
from any action of the latter to establish the governance and rule of law in that part of the territory. Since the deployment of EULEX in 2008 the reaction of this part of the Serbian community has radicalized refusing to accept the presence of EULEX and requesting UNMIK to continue administration of northern Kosovo; and further to strengthen their cooperation with the Government of Serbia. Of course, EULEX was mandated to take control and exercise some of the previous competences of UNMIK especially in the field of rule of law in the entire territory of Kosovo. Therefore, limitation of the mandate of EULEX in Kosovo, all minus northern Kosovo, was not accepted and could not be implemented since that would set a dangerous precedent of the division of Kosovo’s territory that the international community was not willing to consider and would be hard to imagine if the Kosovo Government would agree to such an arrangement. Nevertheless, this context of the situation hindered swift deployment and functionalization of EULEX offices in that part of Kosovo. These difficulties will remain for most of EULEX presence in Kosovo with varying degree of intensity. Below are presented views of the experts from the CS, KI and EULEX officials if the mission was successful or not in the implementation of its mandate in northern Kosovo, and reflected in figure 4.24.

The CS experts have varying opinion on the extent of the success EULEX had in establishing the rule of law in northern Kosovo. For example, both the CS1 and CS2 consider that EULEX was faced with many difficulties to exercise its mandate in northern Kosovo and that a lot remains to be done by this mission in the future. The CS3 agrees on the difficulties of EULEX but further expresses the opinion why this is so and mentions failures of EULEX stating that the “EULEX had difficulties in establishing the rule of law in northern Kosovo, as their priority as stated was political stability and less the rule of law. EULEX gave-up from the beginning from northern Kosovo. One EULEX official was murder in northern Kosovo and EULEX never tried people that committed this crime”. In this statement again reoccurs the issue of the preference of EULEX for political stability over the rule of law, mentioned above few times as well. As stated before, EULEX mission in Kosovo was not a stand-alone international mechanism in Kosovo. There are other relevant international actors to support Kosovo institutions such as the EUSR office in Kosovo, UNMIK and KFOR to maintain the political stability whenever needed. It is difficult to understand the anxiety of EULEX to be engaged in political issues when its primer and the only mandate was to support the strengthening of the rule of law in Kosovo. Moreover, the CS4 shares the view of the CS3 posing that the “EULEX had only limited success in establishing rule of law in northern Kosovo. EULEX did not have a priority integration of northern Kosovo in rule of law system of Kosovo”. It is only the CS5
who completely disregards the engagement of EULEX considering that the “EULEX has failed in setting the rule of law in northern Kosovo”.

None of the KI experts noted any positive results of EULEX work to establish the rule of law in northern Kosovo. The KI1 is of the view that the “EULEX made attempts to establish the rule of law in northern Kosovo especially with the reintegration of parallel structures (Serbian run). However, in terms of establishing the rule of law, in general, there were weaknesses since in northern Kosovo the level of organized crime remains high. One of the reasons I can mention is Belgrade interference in that part of Kosovo”. In addition, the KI4 emphasis the effects of agreement of the EU with Serbia for the deployment of EULEX in Kosovo had, stating that the “EULEX was not successful in establishing the rule of law in northern Kosovo. This was due to political reasons and authorizations EULEX had related to the agreement between Brussels and Belgrade”. Further, the KI3 disputed the good intentions of EULEX to implement this task arguing that the “EULEX has failed in establishing the rule of law in northern Kosovo since they did not have the will or interest”. Likewise, the KI2 and KI5 consider that EULEX did not manage to establish the rule of law in northern Kosovo, especially functioning of the courts.

In the same manner, EULEX officials interviewed to identify the problems EULEX had in northern Kosovo, suggest some of the reasons why this was so. Generally, they consider that the political interference related to talks between Prishtina-Belgrade in Brussels, lack of staff, interference from the Belgrade as the major obstacles to establish the rule of law in northern Kosovo. While noting the complexity of the situation EULEX1 accentuates the relation of the northern Kosovo Serbs with Belgrade, stating that the “EULEX had many difficulties in establishing the rule of law in northern Kosovo. Belgrade’s influence in northern Kosovo Serbs made the situation even worst”. Additionally, EULEX3 argues for some success and describes some of the reasons why the situation in northern Kosovo was as such considering that “very limited success was achieved, but again providing the context not much more could have been expected. The absence of the rule of law in the North is instrumental for several different processes in Kosovo and Serbia (dialogue, trafficking, etc.); it benefits far too many important stakeholders and therefore it is a titanic effort to attempt to change anything. Would have it been worse without EULEX there? Yes indeed”. The view on the limited success of EULEX is shared by EULEX5, as well. Moreover, EULEX2 maintains that it is “difficult to say if EULEX was successful in northern Kosovo. In my opinion, still, it is that EULEX had less staff. Further, no matter that EULEX was a rule of law mission, political negotiations in Brussels played a role, thus it affected north as well in a way”. In the end, EULEX4 has no
information on the extent of the results of EULEX to establish the rule of law in northern Kosovo.

Figure 4. 24: Views of the interviewed sample of experts from the CS, KI and EULEX officials if EULEX managed to establish the rule of law in the entire territory of Kosovo, with a focus in the north (n=15)

As we have discussed before, the theory on the deployment of the EU CSDP missions into independent countries or territories informs us that the local acceptant or invitation is key for the success of any mission. Tardy (2015) considers that the host state buy-in is a prerequisite for any result of the CSDP missions. Therefore, this element is crucial when assessing work and results of EULEX. In the absence of the support from the host society and governing structures work of EULEX could have not been imagined.

Considering that the Council Joint Action 2008/124/CFSP establishing EULEX mission was approved two weeks before Kosovo declared its independence from Serbia, Kosovo itself could have not made a formal arrangement with the EU for the deployment of EULEX, since it was still UNMIK the formal administrator of Kosovo. However, this is not to say that the Kosovo government officials opposed the deployment of EULEX, on the contrary, this action was seen determinant to remove UNMIK from breathing in their neck an opening way for sovereign and
independent Kosovo. As it was elaborated in the previous sections, the UN was the theatre where an agreed decision was taken for the deployment of EULEX under UNSC Resolution 1244. Therefore, at least formally it cannot be said that the Government of Kosovo commissioned the deployment of EULEX. While all other subsequent extensions of EULEX mandate in bi-annual bases (from 2010 to 2018) took place through the exchange of letters between the Kosovo authorities and the EU, which leads to the conclusion that the governing structures of Kosovo provided EULEX with the environment to implement its mandate. Moreover, of course, this was not limited only in the exchange of the formal letters, it happened thereafter in the regular bases in daily work providing access to Kosovo institutions facilities, files and other needed working materials. While for the Kosovo governance structures acceptance of EULEX due to the political context it could be said to have been foggy at least in 2008; Kosovo citizens since the inception welcome the presence and support of EULEX. Of note, as I have mentioned there were some small fractions of the society that opposed the deployment of EULEX. Lëvizja Vetëvendosje (Self-determination Movement) a political movement in Kosovo who saw EULEX as another international community intervention like UNMIK which cannot bring any good to Kosovo people; hence, insisted that the Kosovars themselves should do the homework in the field of rule of law and not expect from the others to clean their backyard. On the other side, the Serbian community, especially in northern Kosovo, opposed EULEX due to their fears that this mission will set them in a disadvantage comparing with the support they were receiving from UNMIK and would distance their relation with the Serbian government. However, as elaborated in section 4.3.4 the majority of Kosovo citizens welcome EULEX.

On the other side, the writer of the thesis has sought to find out from the experts from the CS, KI and EULEX officials, if the Government of Kosovo and the citizens provided the needed environment for EULEX to implement its mandate. The interview results are as presented below and reflected in figure 4.25.

It is a unique case where all five CS experts interviewed share the same opinion that both Kosovo institutions and its citizens have provided a friendly and maximal conducive environment for EULEX to implement its mandate, and there were no threats of security for EULEX staff to do their job. This statement of the CS experts even though given in the context of the role of the government and the citizens of Kosovo, it is noticeable that they believe on this fact as well, considering that EULEX had all the prerequisites to implement its mandate.
In the same vein, like the CS experts, all five interviewed KI experts have responded positively, and are convinced that the environment, political and practical, was convenient for EULEX mission to implement its mandate. Both, institutions and the citizens have welcome EULEX, they claim. Furthermore, they emphasise that Kosovo was one of the countries with most safety for the EU’s personnel, compared with the other regions of its intervention.

EULEX officials on the other side had split views on this matter. While EULEX2 and EULEX5 replied that the Kosovo authorities have provided the environment for EULEX to implement its mandate. This view is not shared by EULEX1 who states that the “environment for EULEX to implement its mandate was partially good. Some welcome EULEX and some opposed”. Then EULEX3 believes that the “environment was not conducive for EULEX to implement its mandate. Moreover, questions the role of Kosovo institutions on this matter because EULEX operates under UNSC Resolution 1244”. This is an interesting point of view as this is a valid fact that EULEX deployed in Kosovo under the umbrella of the UN; however, the same time it is unlikely that this mission could have functioned in an environment where Kosovo Government institutions would refuse to cooperate with them. Lastly, EULEX4 has no opinion to share on this issue.

Figure 4.25: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the conditions in Kosovo for successful implementation of EULEX mandate (n=15)
I have elaborated extensively in the other sections of this thesis on the expectations of the Kosovo citizens from EULEX. However, to make a balance between the views of ordinary citizens of Kosovo the experts of the CS, KI and EULEX officials were asked to provide their assessment on the extent EULEX has met the expectations of the Kosovars.

The opinions of the experts were divergent but same time exposed even multi-dimensional views that enrich and substantiate the knowledge on EULEX and CSDP missions. The prevailing opinion of the experts, eleven out of fifteen, consider that the Kosovars’ are not satisfied with EULEX performance, as reflected in figure 4.26. The experts believe that the Kosovars had huge trust in EULEX, but unfortunately, they were disappointed with the results. They claim also that Kosovars’ are not the only one disappointed with the performance of EULEX, but the Europeans as well. Some experts argue that the huge disappointment with EULEX was due to the high expectations it raised to the Kosovo people. However, other more extreme views consider that it was not the job of EULEX to manage the expectations of the Kosovars. Nevertheless, below are presented the results of interviews with experts from CS, KI and EULEX officials.

Four out of the five CS experts believe that the performance of EULEX has not comforted the expectations of the Kosovars. The CS2 has no doubts that the “Kosovars are not satisfied with EULEX performance”. Furthermore, the CS5 while sharing the opinion with the CS2 states that the “Kosovars are not satisfied with EULEX performance; they could have performed far better”. In addition, the CS4 while agreeing with both colleagues above highlights that besides the Kosovars others as well had expectations from EULEX posing that the “expectations of the Kosovars were very high from EULEX, that it would help Kosovo in improving the rule of law. Not only Kosovars, but the Europeans themselves also had high expectations from EULEX”. The CS3 is far more elaborative than the other colleagues and sheds light on some of the segments of the work of EULEX considering that the “Kosovo citizens are not satisfied with the work of EULEX, what is worst is that EULEX has served as a shield for corrupt Kosovo politicians. EULEX and other international factors have a public appearance condemning corruption and crime, while their main partners with whom they have relations and conclude agreements are those same corrupt individuals. Further, EULEX filed indictments only for statistics and in the time when their mandate of expiry was approaching, which included ‘shows’ in arresting individuals, but all this was not to establish the rule of law in Kosovo”. The statement of the CS3 is correct as the writer of this thesis witnessed these practices on many occasions. One exemplar case that I would like to highlight in support of
this argument is the interference of the Minister of Justice Hajredin Kuçi in a case administered by the court. He “criticized EULEX judges for their decision in the case (Drenica II), calling EULEX verdict, *unjust and absurd*, and claiming there was no evidence on which to base a conviction” (United States Department of State, Bureau of Democracy, Human Rights and Labor, 2016, p.3). Besides the fact that the government and judiciary are independent pillars of the state, according to the Constitution of the Republic of Kosovo, the minister of justice interferes in the verdict of the court. Despite this and instead of requesting the Kosovo Prime Minister to release the minister from the duty, considering the risk such stance of the government’s official may have in the daily work of EULEX judges and prosecutors, not to mention Kosovo ones, EULEX continued to work with him closely. Moreover, the argument on statistics is confirmed above by EULEX4 stating that, for example, they ‘Brussels bureaucrats’ set the number of case prosecutors, judges had to complete, and cases that needed to end with sentencing. This was an absurd as justice is not statistics. Likewise, following the fleeting intervention of EULEX police in the ministry of infrastructure in 2010, all other actions were considered by the Kosovo public as marketing and usually initiated before the end of EULEX mandate, to extend it further. Lastly, the CS1 assessment is that the “Kosovo citizens are only a little satisfied with the work of EULEX”.

Comparing to experts from the CS, the KI experts are unique and all five interviewees view that the Kosovo citizens are not satisfied with the work of EULEX. The opinion of all KI experts could be summarised with the inclusive view of the KI1 who states that “according to the public opinion polls the citizens of Kosovo are not satisfied with the work of EULEX since cases of high profile crime and corruption were not completed with final sentencing judgment”.

On the other hand, two out of five EULEX officials, EULEX1 and EULEX5 consider that the Kosovars are not satisfied with EULEX performance, mainly because of the lack of results in fighting corruption and crime in Kosovo. However, this view is not shared by EULEX2 who poses that “I think that Kosovars are partially satisfied with EULEX performance”. Further, EULEX4 criticise the mission for the inability to be prudent in its public statements and communicate plainly with Kosovo citizens, explaining the problems the mission was facing, instead of building a wall with them; therefore, considers that the Kosovars have the right to be disappointed as the “EULEX rose their expectations too much”. In the end, EULEX3 has something different viewpoint from all other experts interviewed on this matter and I would argue a bit extreme when stating that the “management of ‘the Kosovo citizens’ expectations was not part of EULEX mandate”. I think that this statement at least could be qualified as
strange. Indeed, it would be completely odd if such a task would be assigned to EULEX mandate, to manage the expectation of the receiving society and state. However, this in no way exempts EULEX from the responsibility, as rightfully pointed by EULEX4, to be more close to Kosovo citizens to inform them about the difficulties they faced to implement its mandate and not communicate through press statements that nobody reads or understands. With this regard, the writer of this thesis concurs with EULEX4 that regular communication with the Kosovo citizens and explaining the difficulties EULEX faced in its work would make Kosovo citizens more aware of the developments, and even perhaps the citizens would provide support on how to overcome those obstacles.

Figure 4. 26: Opinion of the interviewed sample of experts from the CS, KI and EULEX officials if the Kosovars’ were satisfied with EULEX performance (n=15)

The investigation, prosecution, adjudication and enforcement of cases of crime and corruption against high profile individuals or groups was a priority of EULEX and a constant request of the Kosovar society. Fight against as labelled the ‘Big fish’s’ was the highlight of the mission at least in the public statements. A decade after, the Kosovo citizens are deeply disappointed. Generally, the experts from the CS, KI and EULEX officials also share this view. Specifically, twelve out of fifteen experts consider that EULEX was not successful in fighting high profile crime and corruption in Kosovo for various reasons. While one EULEX official considers that
cases of the high profile crime and corruption were partially addressed, the other EULEX colleagues cannot assess the level of work of EULEX in this field, and the last EULEX officials is convinced that the mission has a record of several of these cases dealt with. Nonetheless, the more specific views of the experts on this issue are presented below and reflected in figure 4.27.

All five interviewed CS experts have concluded that EULEX has failed in arresting, prosecuting, adjudicating and sentencing the so-called ‘high profile’ individuals or groups involved in crime and corruption cases in Kosovo. The reason why this is the case the CS experts have provided different responses. For example, the CS2 if of the opinion that the “reason why high profile cases in Kosovo have not been concluded with a sentencing judgment, is because of the political interference, meaning that the local politicians tried to bribe EULEX prosecutors and judges”. The claim of the CS2 as we have mentioned above was as well a peer-to-peer corruption allegation within EULEX from Maria Bahmie who accused her colleague of taking bribe. Moreover, aside of the internal EULEX accusation for corruption, there is a widespread opinion of the Kosovo public that the absence of EULEX results in arresting and sentencing Kosovo politicians, who have created fortunes in a short period of time, is because they believe that part of their gains they have shared with EULEX officials. The CS3 shares the same opinion with the CS2 claiming that the “EULEX officials’ affiliation with Kosovo politicians involved in crime and corruption, made possible protection of these individuals from the criminal investigation”. While the CS4 emphasises the political element as the reason for EULEX failure in this field arguing that the “EULEX has paid attention to political stability more than to the rule of law; therefore, individuals or groups involved in corruption or crime, and those affiliated with politics were not indicted or sentenced”.

The KI experts value the work of EULEX and their efforts to tackle high-level crime and corruption in Kosovo; however, all five of them note that the results are missing. Although all of the KI experts recognize the goodwill of EULEX to deal with this issue, only the KI4 could elaborate in more details the reasons of lost in vain efforts of EULEX posing that the “EULEX was not successful in fighting high profile cases involving crime and corruption in Kosovo. One of the problems is that EULEX staff was very often changed because of the short-term contracts. Then the fact that EULEX was headed by politicians (diplomats) and military officers, is seen as a problem since the rule of law missions should not be dependant on political decisions. This issue should be addressed by the EU to divide political part and the rule of law”. This is the first time in this thesis that this concern is raised on the role of the management
positions in the rule of law missions. Obviously, to those experienced and with knowledge on
the function of the governance and justice sector it is clear the two do not go together. Earlier
I have mentioned the intervention of the Kosovo Justice Minister in an EULEX ruling, even
though being from the government structure he could not refrain to have a say in EULEX
judgment, one only can imagine if he or one alike would be the one managing the courts’
part ... to draw with the EUELEX as well. EULEX4 already has
confirmed that they were told, or better said instructed from the Brussels for the number of
cases they should complete, with sentencing judgment. Therefore, this issue raises many
questions of the EU legitimacy, for which presumably the CSDP planners did not think
through, and they should have. The independence of the judiciary, in an EU CSDP rule of law
mission, even though politically established, cannot be questioned or jeopardised. Hence, as
stated at the beginning of this thesis this research aims among others to warn and advice the
EU CSDP policymakers on all gaps identified or malpractices within EULEX to further
develop capacities and knowledge of the EU for the future CSDP missions.

While the CS and KI experts univocally agreed that EULEX did not succeed in the task to fight
the high-level crime and corruption, EULEX officials have more diverse opinions. Both
EULEX2 and EULEX1 agree that the mission they worked for was not successful in
prosecuting or sentencing ‘high profile’ individuals or groups involved in crime and corruption.
However, the latter believes that the reason this has happened is that “part of the staff of
EULEX was transferred from UNMIK which was not very successful in Kosovo”. Therefore,
EULEX1 identifies reassignment of the UNMIK officials to EULEX as one of the reasons for
failure. This view of EULEX1 is shared by many in Kosovo public, as stated in the previous
sections above when Kosovo citizens saw UNMIK officials switching badges to EULEX they
were unpleasantly surprised and did not approve it. Similar views share’s EULEX5; however,
still maintains that the “EULEX partially was successful in arresting, prosecuting and
sentencing so-called ‘high profile’ individuals or groups involved in corruption and crime”.
However, EULEX3 has a different opinion with the other EULEX colleagues and argues that
EULEX did a lot of work in high profile cases linked with crime and corruption “however, in
the long term, these sentences will be hard to keep given the procedural system in Kosovo,
with endless appeals and retrials and the fact that EULEX cannot be there forever”. Moreover,
he states that “changing this legal system was equally not part of EULEX mandate”. This
irrational attitude of EULEX3 attempting to ignore all the real facts, that its colleagues have
presented and instead of attempting to make sense of them and to find solutions for these
problems, tells a lot about the level of professionalism and the attitude of the seconded staff from the member states to EULEX. It would not come to any surprise that with this recruitment policy, the EU is applying, as Malešič (in Galantion & Freire, 2015, pp. 157-174) calls it ‘the negative cadre selection’; one should not hold many expectations from the CSDP missions. Lastly, EULEX4 had nothing to share on this matter.

Figure 4. 27: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the success of EULEX in dealing with so-called ‘high profile’ individuals or groups involved in crime and corruption (n=15)

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<th>Civil Society</th>
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<th>EULEX officials</th>
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<tr>
<td>EULEX was successful in fighting high level crime and corruption in Kosovo</td>
<td>5</td>
<td>5</td>
<td>1</td>
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<tr>
<td>(1 interviewee agrees, 1 agrees partially, 12 do not agree, 1 has no opinion)</td>
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I have discussed in the previous sections the issue of the EU ‘capability-expectation gap’. EULEX being one of the EU CSDP missions could not be exempted from being assessed on this matter. This assessment is not only for the theoretical purposes, but also because Kosovo public after the fourth year of EULEX’s presence in Kosovo claimed that no indicator or positive result of its work was noted. At this stage, even though no real results were achieved, still the Kosovo public had high expectations from EULEX. However, by 2016 it was clear that the results from EULEX in strengthening the rule of law in Kosovo are unlikely to happen. Once this understanding for the performance of EULEX was established, the reasons that lead to this state started to be discussed by the public in Kosovo and the experts that monitored
EULEX and those specialized in the EU foreign and security policy. High expectation of the Kosovo public from EULEX and barely a minimal output of the latter should have some kind of explanation. While the Kosovo public considered that, EULEX had all the necessary resources human and financial, the buy-in of the Government of Kosovo and full support of the Kosovo citizens to implement its mandate. On the other side, EULEX officials would argue that the environment in Kosovo as a small state with a small population that practically everybody knows each other through family ties, and the culture of silence that does not cooperate with the rule of law institutions, did not create a conducive environment for EULEX to achieve better results. Further, the political interference such as the dialogue between Kosovo-Serbia in Brussels, interference of the Kosovo politicians and influence of the Serbian government in the work of EULEX, as well as its extensive mandate are seen as some of the reasons why this unsatisfactory performance of EULEX. Against this background presented above still, the question is posed if the Kosovo citizens have had higher expectations than what EULEX could deliver.

The CS experts generally believe that EULEX had the necessary resources and support to implement its mandate, as such, the expectations of the Kosovo citizens were realistic; therefore, their expectations were not high. Similar views had the KI experts as well who claim that EULEX had all the resources to deliver positive results, even though some argue that the Kosovo citizens did not know to assess the capacities of EULEX. EULEX officials do not share the views of the CS and KI experts, as they believe generally that Kosovo citizens had higher expectations than what EULEX could deliver. More specific information on the opinion of the experts from the CS, KI and EULEX officials on this matter are presented below and reflected in figure 4.28.

Related to the expectation of the Kosovars from EULEX four out of five interviewed CS experts consider that the Kosovo public did not have high expectations from EULEX judging from the capacities the latter had and their public commitments. As such, the CS2 states that the “Kosovo citizens expectations were not high; their expectations were proportionate with the promotion of EULEX as the biggest and most costly EU mission in rule of law area”. Further, similar view shares the CS3 who considers that the “EULEX had all the human and financial resources to implement its mandate. However, unfortunately, they cannot be proud of any case resolved. Thus, Kosovars expectations were not high; the expectation was realistic from EULEX”. In addition, the CS4 believes that the “EULEX had sufficient resources human and financial, and the exclusivity in the investigation of corruption and criminal cases;
however, the results of EULEX were only minimal. Hence, the expectations of Kosovars were not too high from EULEX”. Moreover, the CS5 views that the “Kosovo citizens expectations from EULEX were not high, they were realistic”. It is only the CS1 who believes that the “Kosovars expectations from EULEX were higher than what EULEX could have delivered”.

The KI experts have similar views with the CS experts on this matter. For example, the KI1 states that the “expectations of Kosovo citizens were real since they considered that a mission composed of 28 EU members states, have the capacities to investigate and resolve different criminal cases since they had the necessary financial and human resources, but in practice, they could not show their potential. Therefore, the exceptions of the Kosovo citizens were realistic”. This view of the KI1 being realistic of the Kosovo citizens for the expectations from EULEX is shared by KI2 and KI5. However, the KI3 has different opinion considering that “it may be that the Kosovars did not or could not have assessed the capacities of EULEX”. The KI4 is the only expert of the KI who states that the “Kosovo citizens and the institutions had more expectations than the capacities EULEX had”.

On the other side, views of EULEX officials are in majority contrary to those of the CS and KI experts on this matter. Three out of five interviewed EULEX officials think that the Kosovars expectations were higher than what EULEX could deliver. For example, EULEX1 maintains that the “EULEX has launched big propaganda that they will fight corruption and crime in Kosovo when they came in 2008. But, anyways the expectations of Kosovo citizens were bigger than the capacities of EULEX”. With this opinion of EULEX1 concurs EULEX2 and EULEX3. However, EULEX5 does not share the same opinion with his colleagues and explores other problems of the EU and EULEX posing that the “EU generally has no experience with the missions, thus, the expectations were raised that they could have a major contribution in the rule of law in Kosovo. EULEX as well had structural problems, as diplomats and military officers who do not understand the rule of law headed this rule of law mission. Further, judges and prosecutors of this mission should have been appointed in cooperation with the European Court of Human Rights”. The viewpoint of EULEX5, particularly the one that the EU CSDP should have cooperated with the ECHR when selecting judges and prosecutors for the future CSDP rule of law missions should be valuable advice for the EU policymakers, for its future interventions. Lastly, EULEX4 has no opinion on this matter.
EULEX as stated is the biggest EU civilian CSDP rule of law mission. The EU has invested a lot in the mission believing that this mission would be the torch for the future EU CSDP missions. The proximity of the area of deployment within the European continent in a country that the EU knows well its political, security and economic environment, as well as the fact that other actors NATO, UN, OSCE, etc, have their presence, it was seen as a straightforward intervention, compared with the missions in other areas. Likewise, the Kosovars who see their future as part of the EU were counting on EULEX’s support in strengthening the rule of law, which would lead to good governance and economic development as some of the preconditions for accession to the EU. This was the outlook of the affairs in 2008, many promises from EULEX and many expectations from the Kosovars. However, in the first three-four years afterwards, no real results were achieved from EULEX. Nevertheless, even though no swift results were achieved EULEX still enjoyed the trust of the Kosovo public who were convinced that the results of their work would happen eventually. Nonetheless, the information for internal accusation for bribe and corruption within EULEX trembled the Kosovo public trust. Initially, Marie Bamieh’s corruption allegations in 2014, and then Malcolm Simmons accusation of
EULEX for malpractice in 2017 undermine the EU efforts in Kosovo and the trust of the public towards EULEX.

The experts from the CS, KI and EULEX officials were asked to provide their opinion on how these allegations from within EULEX affected the mission. Their views are presented below and presented in figure 4.29.

All five interviewed CS experts consider that the allegations that were presented in media for the accusation of EULEX for corruption and malpractice had an utterly distressful effect. For example, the CS2 considers that the “allegations for internal corruption within EULEX diminished the trust of Kosovo citizens in EULEX”. Similar view is shared by CS3 who warns on the effects that go beyond Kosovo itself and argues that the “allegations for internal corruption within EULEX, are not concerning only for Kosovo citizens, but the European citizens as well, from whose taxes this mission is paid. However, the worst part is that the EU in Brussels has tried to hide and did not properly address cases of alleged internal corruption within EULEX”. The fact that the EU never presented results of the internal investigation in both cases Bamieh and Simmons show that the EU is not ready to clear charges on their ranks. What example the EU is sending to the world with this. If they are not able or willing to decide for their internal affairs, how is one to expect that the EU can perform such a task in the future CSDP missions. Besides, the CS1 notes that the “citizens of Kosovo after the allegations for internal corruption within EULEX consider that the EU officials are not better than the Kosovo ones, they are corrupt as well”. Further, both the CS4 and CS5 concur that after the allegations made for internal corruption within EULEX, Kosovo citizens have lost their trust.

The five KI experts interviewed have the same opinion as the CS experts stating that the allegations for internal corruption within EULEX have damaged the reputation of EULEX. The KI5 states that “allegations for internal corruption within EULEX have particularly affected the trust of Kosovo prosecutors and judges who saw EULEX officials as a good example”. This interviewee sees the problem from the perspective of the adverse effects it may cause to the judiciary in Kosovo, wondering what negative signals these cases may send to the local judges and prosecutors. Further, the KI3 considers that the “citizens have lost the trust in EULEX following the information on media on these cases. Kosovo citizens think now that EULEX is not better or different from the Kosovo court system”. Therefore, the KI2 argues that the “allegations for internal corruption within EULEX have undermined the EU efforts in Kosovo and trust of the Kosovo public towards EULEX”. Moreover, the KI4 poses that the
“allegations for corruption within EULEX are very serious. EULEX has failed to address this issue internally and to clarify it. Therefore, this issue has undermined the reputation of EULEX”. And lastly, the KII while recognizing the negative effects EULEX corruption and malpractice allegations caused, still warns for restrain arguing that the “allegations for internal corruption within EULEX undermine the credibility of EULEX since the Kosovo citizens and institutions considered EULEX to be with high level of integrity and that such things should have not happened. However, these accusations are only allegations for now and we should wait for the results of the investigation; nevertheless, this issue has negatively affected the perception of the public in Kosovo”.

Likewise, all the interviewed EULEX officials, aside of EULEX1 who has no opinion on the matter, consider that the allegations for internal corruption and malpractice within EULEX had a negative influence on the reputation and mission’s mandate implementation. EULEX4 during the interview accentuated the fact that the “EULEX was too much concerned for its image. Thus, while trying to protect too much its image they made even bigger mistakes”. Further, EULEX4 considers that this fact should be the lesson learnt for the EU for its future CSDP mission when allegations of this nature are made for the EU missions, they should be investigated instantly and the public is informed on the results. The fact that neither the EU nor EULEX has come-up with any final determination on Bamieh and Simmons cases only raised even more suspicions that their claims were just.

Figure 4.29: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the allegations for internal corruption within EULEX (n=15)

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<td><strong>Yes</strong></td>
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The European Court of Auditors report has noted the early indicators for the underperformance of the intended results of EULEX in 2012. Among others, the report concludes, “although EULEX is by far the largest CSDP mission ever, its effectiveness in strengthening the rule of law has been reduced by human resource constraints. Member States have not seconded sufficient staff to EULEX. Moreover, staff are often seconded for too short periods and without the necessary capacity-building skills. EULEX has also been handicapped by not having a legal personality” (European Court of Auditors, 2012, p.44). All these concerns identified by the auditor’s report should have been the ringing bell for EULEX and the EU CSDP mission planners. Instead of initiating reforms within EULEX apparently, they decided to continue the business as usual. The problems identified in 2012 with regards to effectiveness in supporting the Kosovo institutions in strengthening the rule of law and the seconded staff from the member states that do not possess the needed set of skills for the mission, lasted until 2018. Why this was the case and if EULEX and the EU should have intervened earlier, or better said in time, to overcome these deficiencies, or perhaps as Capussela (2015) has suggested, closing the mission altogether (pp. 250-251).

Thirteen out of fifteen interviewed experts from the CS, KI and EULEX officials consider that EULEX did not take into account recommendations of the European Court of Auditors report 2012, as reflected in figure 4.30. While all CS experts agree on the above statement the CS3 emphasises that the “European Court of Auditors report 2012, in diplomatic words, has announced the capitulation of EULEX mission in Kosovo. The auditor has stated that EULEX has failed to implement its mandate and has called the EU to rethink its future presence in Kosovo”. Similarly, the CS4 believes that “unfortunately EULEX only have improvised and did not address their gaps adequately” as identified in the auditor’s report.

Furthermore, four out of five KI experts stated that the auditor’s report from 2012 should have been addressed, while only the KI2 has no information on the auditor’s report. The KI5 has a strong position that the “European Court of Auditors is a serious institution, thus, EULEX should have respected their recommendations”.

In addition, EULEX officials have some other point of view from the CS and KI experts, aside from EULEX2 who agrees with their stand. EULEX1, for example, argues that the “EULEX has reflected on the European Court of Auditors report of 2012”, without mentioning any specific case or area of reflection of the mission. This view is contradicted by EULEX5 who shares that the “EULEX did not make any attempts to implement the recommendations of the
report from the European Court of Auditors of 2012”. Moreover, EULEX3 has elaborated more on the matter stating, “not being sufficiently effective, such was the expression of the report, in 2012, was probably easy to make a statement. The report is right in many of its assumptions and conclusions but, again, I believe it overlooked the context and constraints faced by the mission from its very beginning”. Lastly, EULEX4 has no opinion on the auditor’s report.

Figure 4. 30: Opinions of the interviewed sample of experts from the CS, KI and EULEX officials on the European Court of Auditors report (2012) on the performance of EULEX (n=15)

Following a decade of the work of EULEX in Kosovo (2008-2018) and its support for Kosovo rule of law institutions through MMA and capacity building, it should have resulted in these institutions being more efficient and effective than before 2008. These institutions included courts, prosecutors’ office, Kosovo Police, customs, the prison system, ministry of justice, ministry of interior and other institutions. The effort of EULEX was enormous and substantive considering the resources available and the length of the mission’s presence in Kosovo. However, the extent of the results achieved have been contested mainly by Kosovo citizens, but from the experts of the CS and KI a well, and to some extent from EULEX officials too. The reasons presented for EULEX underperformance are different such as ambiguous mandate, bad management of the public relations promising things that could not be delivered, political interferences, and dialogue between Kosovo and Serbia in Brussels. Moreover, the seconded
staff from the EU member states to EULEX did not meet the required level of competence, short contracts of the staff, an allegation for internal corruption and malpractices, to mention just a few. Nevertheless, on the other side, arguments are presented that Kosovo institutions and society did not cooperate enough with EULEX. Furthermore, some participants in this research maintain that despite EULEX results, the situation in Kosovo would deteriorate in the absence of EULEX.

Anyhow, the discussion here is about the effects and the results EULEX work has produced in strengthening the rule of law institutions in Kosovo. However, this assessment cannot be isolated or separate from the environment EULEX has operated including the work of other agencies before its deployment in Kosovo. Before EULEX deployed in Kosovo in 2008, other organizations such as UN, UNDP, IOM, OSCE, ERA, GIZ, USAID, DfID and other agencies were present in Kosovo and supported its development including the rule of law system. In particular, I would like to mention that the Kosovo Police (Avdiu, 2018) and Customs (The Balkans in Europe Policy Advisory Group, 2015) were recognized in different credible international and local reports with the highest grades for their professionalism and the most competent services in the Balkan region. Therefore, EULEX did not deploy in a vacuum or a territory that everything would have to start from scratch. Kosovo judiciary was already established and functioning, likewise the other rule of law institutions. As such the role of EULEX was or at least it was expected that the institutions already established by UN and the OSCE to increase their level of performance drawing from and in compliance with the European best practices and standards. The writer of this thesis who was present in Kosovo before and after the deployment of EULEX, has witnessed that this was the expectation of the Kosovo public and the ultimate aim of the EU. A decade after in 2018, based on the sixty-five interviews conducted neither the Kosovo public expectations nor the EU aims were accomplished.

However, for more specialized information and knowledge on the developments and the results of EULEX in strengthening the rule of law institutions in Kosovo the experts from the CS, KI and EULEX officials who have been involved directly or indirectly in this process, or being an actor itself, were interviewed to find out more substantial information. Generally, the opinion of the experts on the level of contribution of EULEX for more effective and efficient rule of law institutions in Kosovo is divergent, as reflected in figure 4.31. Some of the experts argue that Kosovo rule of law institutions function far better in 2018 than they did in 2008, before deployment of EULEX; however, this is not due to EULEX’s, but the natural process of
development of the Kosovo institutions. Nevertheless, the others argue that due to EULEX’s support Kosovo rule of law institutions are more efficient and effective in 2018 than before 2008, or at least they function partially better in 2018. Same time, some of the experts believe that neither the support of EULEX nor the internal (organic) development has resulted in more efficient or effective work of the Kosovo rule of law institutions. The specific statements of the interviewed experts from the CS, KI and EULEX officials on this matter are presented below.

The CS experts have a different opinion on the support of EULEX has provided to make Kosovo rule of law institutions more effective and efficient. For example, the CS1 considers that the “rule of law institutions in Kosovo are not more effective or efficient in 2018 than they were in 2008”. The CS2 and CS4 do not agree with the statement of the CS1 and believe that EULEX partially has contributed for the rule of law institutions in Kosovo to be more effective and efficient, even though there was natural progress throughout the years of these institutions as well. Moreover, the CS5 views that the “rule of law institutions in Kosovo are more effective and efficient in 2018 than before 2008, but not as a result of EULEX’s work”. The CS3 shares the opinion with the CS5 and elaborates on elements that lead to the conclusion that the rule of law institutions are neither effective nor efficient stating that “Kosovo rule of law institutions in 2018 are highly politicised, run by people who publically are known to be in the service of the Kosovo politicians”.

Similar opinions with the CS were shared by the KI experts on the support EULEX has provided for the rule of law institutions in Kosovo. Two out of five interviewed KI experts, the KI1 and KI4 believe that the Kosovo institutions are more effective and efficient in 2018 than they were in 2008; however, this is not only because of EULEX’s support, since the Kosovo institutions have benefited support from other partners as well such as ICITAP, EU Office, OSCE and other international organizations. While the KI5 only gives the credit to other international organization, but not to EULEX, claiming that the Kosovo rule of law institutions are far more effective and efficient in 2018 than they were in 2008. However, the KI4 is convinced differently stating that the “rule of law institutions in Kosovo are more efficient and effective in 2018 than in 2008, partially due to support of EULEX”. Lastly, the KI2 is completely convinced that EULEX support has resulted in “Kosovo rule of law institutions being more effective and efficient in 2018, than before 2008”.

On the other hand, EULEX officials are more critical of EULEX contribution. They believe that their work should have led to more effective and efficient rule of law institutions in
Kosovo. EULEX1 is convinced that the “rule of law institutions in Kosovo in 2018 are not more effective or efficient than before 2008”. While EULEX2 considers that this matter is hard to assess and provides some further input stating that “it is hard to say if the rule of law institutions in Kosovo in 2018 are more effective and efficient than before 2008, as result of EULEX’s work. There was a big pressure in Kosovo to improve the rule of law in a short period, let’s say in two decades, while European countries had five-six decades”. This viewpoint that Kosovo was under pressure to improve the rule of law within a short period of time compared to the other European countries is a venue for analysis of the failure of both, Kosovo institutions and EULEX. Likewise, EULEX5 considers that the “rule of law institutions in Kosovo are more effective and efficient in 2018 than they were in 2008, but not as a result of EULEX support. However, EULEX could have contributed in rule of law in Kosovo if they would invest 1-5% of its budget on the training abroad for Kosovo judges and prosecutors, as the USAID and USA Embassy in Kosovo did. The 15 judges and prosecutors trained in the USA are the best judges and prosecutors of Kosovo”. This out of the box thinking of EULEX5, for investment on the local Kosovo rule of law officials through education in European or other universities rather than capacity-building in site, can be a valuable lesson learnt for the EU CSDP planners. However, EULEX3 does not agree with its colleagues insisting that the “rule of law institutions in Kosovo in 2018 are more effective and efficient than before 2008”. While EULEX4 has no opinion on the matter.

Figure 4.31: Responses of the interviewed sample of experts from the CS, KI and EULEX officials on the contribution EULEX has provided for the effective and efficient rule of law institutions in Kosovo (n=15)
When discussed with the CS, KI and EULEX officials’ one question that cannot be avoided of course is to assess if the level of serious crimes has decreased in Kosovo since the establishment of EULEX. This question is twofold, one to assess if EULEX has accomplished its mandate on this matter and second if the levels of the crime have decreased in Kosovo. As it was stated in the previous sections above, some of the interviewees have claimed that EULEX has completed its mandate and achieved the aimed goals in terms of support to strengthen the rule of law in Kosovo. Even though these interviewees admit that, the level of crime and corruption did not decrease in Kosovo. However, two parallel realities cannot exist. If EULEX has implemented its mandate and achieved its goals then logically this would lead to Kosovo rule of law institutions functioning better and particularly cases of crime and corruption would decrease. Nevertheless, since the level of crime and corruption did not decrease as emphasized above again the logic would lead to conclude that EULEX did not achieve its goals. One argument that cannot be disputed is that EULEX was deployed in Kosovo to support the rule of law institutions of the latter, not for itself to be present in Kosovo. This argument is valid unless the EU member states have deployed EULEX in Kosovo as Tardy (2015, pp. 35-48) argues for different motivations such as to achieve their foreign policy, economic interests, solidarity with the allies; rather than to support the country in crises. Or perhaps the opinion of the European Commission prevails, considering that the CSDP (civilian) intervention are trivial; therefore, hardly capable to induce any systematic change in the affected society (Kurowska in Merlingen & Ostrauskaité, 2008, pp. 32-40).

The experts from the CS, KI and EULEX officials generally believe that the level of crime in Kosovo did not decrease and no tangible results have been achieved, as reflected in figure 4.32. Further, they consider that for example, the sentencing polices for criminal cases were wrong, which lead contrary to increase of the level of crime in Kosovo, as confirmed by the European Commission report on Kosovo 2018. However, other expert interviewees stated that some progress was achieved as a result of EULEX support, at least partial decrease of the level of crimes and that the work initiated by EULEX officials should be completed by KI. However, specific information on the expert views from the CS, KI and EULEX officials on this matter is presented below.

Four out of five CS experts claim that the level of criminal cases in Kosovo has not decreased and the work of EULEX on this matter for a decade did not help to improve this situation. Only the CS5 has no specific information on the decrease/increase of criminal cases in Kosovo. The CS2 considers that “generally the level of cases of crime and corruption in Kosovo did not
decrease since the establishment of EULEX in 2008”; hence, the CS1 argues that “there was no tangible result of EULEX in the fighting of crime in Kosovo”. Similar view is shared by CS4 as well who states that the “levels of crime and corruption have not decreased in Kosovo as a result of EULEX’s work. Their sentencing policies were completely wrong, even in the small number of cases they resolved the parties were sentenced minimally, thus, not serving as an example for others not to get involved in crime”. The CS3 has more critical views and believes that the “levels of corruption and crime have increased in Kosovo since the establishment of EULEX”.

The KI experts have a different opinion on the level of serious crimes in Kosovo. While the KI2 is convinced that the “level of crime did not decrease in Kosovo since the establishment of EULEX”, this view is also supported by KI1 who states that the “trends show that there was no decrease on the level of crime, corruption and other crimes since the establishment of EULEX in 2008”. Further, the KI3 argues, “according to the European Commission report for Kosovo in 2018, the level of corruption is still high; hence, EULEX did not contribute to fighting this phenomenon”. On the other hand, the KI4 has a slightly different opinion from the statements of the three colleagues above emphasizing that “some progress can be said to have been achieved in the fight against crime, but not only due to support of EULEX, since Kosovo security institutions have improved, as well as other internal and external factors that influenced this process”. Lastly, the KI5 has a completely different view from his KI colleagues posing that the “level of corruption, organized crime, financial crime, terrorism cases, etc., has decreased in Kosovo since the establishment of EULEX. Therefore, EULEX has its merits”.

On the other side, two out of five interviewed EULEX officials have stated that they cannot give any opinion if the level of criminal cases in Kosovo has decreased. EULEX3 states that regarding the level of criminal cases in Kosovo it is “difficult to know having no relevant data; however, EULEX has helped to the arousal of many of the cases, trends and main issues that are now tackled by Kosovo institutions themselves. Therefore, the perception might be that there are more corruption, organized crime, financial crime and terrorism cases, but it could also be the case that they were investigated and taken into account for the first time”. However, EULEX2 is prone to believe that the “level of crime did not decrease since the establishment of EULEX”. And finally, EULEX5 makes an important statement on the use of the capacities of the mission stating that the “level of corruption, organized crime, financial crime, terrorism cases, etc., have decreased in Kosovo, partially due to support of EULEX. Unfortunately, EULEX could have done more; since the mission used only 20% of its capacities. If EULEX
would use 60% of its capacities Kosovo would be the safest place in the planet”. The reason why this is the case and why EULEX did not use more than 20% of its capacities as EULEX5 is claiming should be investigated by EU CSDP policymakers as this may be the reason of EULEX’s underperformance.

Figure 4. 32: Views of the interviewed sample of experts from the CS, KI and EULEX officials on the level of crime in Kosovo and if the support of EULEX has helped in decreasing cases of serious crimes (n=15)

The work of EULEX mission in Kosovo to strengthen the rule of law institutions would be the legacy of the mission. Well-established, functioning and independent rule of law institutions of Kosovo working in compliance with international best principle and standards was the goal of the mission. As such, it was expected that EULEX would make a noticeable and real difference in Kosovo, visible to all that would enable the country to progress in its road towards European integration. This would imply that the rule of law institutions of Kosovo work professionally, efficiently and effectively, without political interference or discriminatory practices, equally considering all communities and strictly adhering to human rights, ensuring public order and security, as well as proper investigation, prosecution, adjudication and enforcement of serious crime cases in courts. The sustainable Kosovo rule of law institutions
able to function without further support of the international community would be the level the Kosovo institutions should have achieve after a decade of the work of EULEX mission. First, this would be the level of the day-to-day work of the rule of law institutions in Kosovo; and second, the public would be convinced and have confidence in the Kosovo institutions. However, how far has EULEX reached in achieving this goal, is a matter of debate. Even though there is easy to note that there is no noticeable or real difference in Kosovo in terms of the functioning of the rule of law institutions after a decade of EULEX presence as cited in many international and local reports (Bytyçi, 2018; KIPRED, 2010). Most of the interviewed experts from the CS, KI and EULEX officials share similar views on this matter. Nevertheless, some consider that EULEX give its contribution, but perhaps not to make a real or noticeable difference in Kosovo. Yet, there is one interviewee who believes that EULEX made changes in Kosovo, but failed to make the evidence of it. Anyhow, the results from the interviews with the experts from the CS, KI and EULEX officials are presented below and reflected in figure 4.33.

Four out of five CS experts consider that work of EULEX did not make any noticeable or real difference in Kosovo, and one CS expert thinks that EULEX partially contributed in the change of rule of law in Kosovo. While the CS1 believes that “there is no substantial result in Kosovo from the work of EULEX”, the CS2 states, “it is difficult to say if EULEX made a noticeable change in Kosovo”; however, the CS3 is convinced that there is “no noticeable or real difference in Kosovo as a result of the work of EULEX”. On the other side, the CS4 gives some credit to work of EULEX in Kosovo, but which did not produce the wanted result, maintaining that the “results of EULEX work in improving the rule of law in Kosovo are symbolic, thus, not noticeable to make a real difference in Kosovo”. Lastly, the CS5 emphasised that the “EULEX supported Kosovo in transparency”, which is a valuable achievement, but only one of the many elements in establishing the rule of law in Kosovo.

The KI experts interviewed have a divided opinion on this matter. While three KI experts view that EULEX made no noticeable or real difference in Kosovo; on the other side two experts claim partial results from EULEX. The KI2 is firm that the “results of EULEX work did not make a noticeable or real difference in Kosovo”. This opinion is supported by KI4 who states that “it cannot be said that work of EULEX has made any noticeable or real difference in Kosovo”; and the KI5 who suggests that the “EULEX has supported Kosovo institutions, but not as much as it was expected”. Similar opinion with the KI5 has the KI3 who also believes that the “improvements in Kosovo are only limited”. Then, the KI1 points out to some specific
areas where EULEX contribution “resulted is a positive development in fields of civil documentation, migration and integrated border management”. All of the three areas mentioned are important for the security of Kosovo and its citizens and the overall rule of law in Kosovo. However, as mentioned in the previous sections above, at least, the Kosovo public mainly has expected better functioning of the courts and exceptional fight against political associated crime and corruption.

Also, EULEX officials have a split opinion on the achievements of EULEX in this matter. Three out of five interviewed EULEX officials’ stated that it cannot be claimed that the work of EULEX has made any noticeable or real difference in Kosovo. However, one of the interviewed EULEX officials believes that EULEX partially contributed to improving the rule of law in Kosovo and another of his colleague argues that EULEX indeed achieved its goal in Kosovo. For example, EULEX2 considers that it is “difficult to say if EULEX made a noticeable or real difference in Kosovo”. This view is supported by EULEX4, even though she claims that some work was completed “to support police and customs. There is a clear link between rule of law and security; hence, the work of EULEX in rule of law in Kosovo has made the latter more secure”. Similar view with EULEX4 is shared by EULEX1 who also believes that “some of the work done by EULEX is not visible; however, EULEX worked in support of the Kosovo institutions”. On the other hand, EULEX3 is convinced that EULEX completed successfully its mandate, though claims that EULEX “probably was not successful in evidencing it (which again was not its mandate)”. In the end, EULEX5 expresses its overall assessment of the work of EULEX accentuating one added value of EULEX considering that “it cannot be said that results of EULEX made a noticeable and/or real difference in Kosovo. The only difference that can be attributed to EULEX is that its local staff that worked for some time in EULEX and then started work for the Kosovo court system are some of the best-prepared staff of the Kosovo judiciary”. The capacity-building of the local staff that were employed in EULEX, knowledge that they have gained and the skills acquire if transferred to Kosovo rule of law institutions can be considered as long term investment of EULEX and its legacy. In other words, if EULEX itself was not able to make any noticeable or real difference in Kosovo within a decade of its work in Kosovo, its local employees can continue the work in the future to make the necessary changes in the rule of law institutions. Therefore, this element should not be denied as an added value for the Kosovo society.
Having discussed the role of EULEX in strengthening the rule of law institutions in Kosovo and considering the views and opinions of the experts from the CS, KI and EULEX officials, as well as, the results achieved so far, doubts about the effectiveness and efficacy, and the impact on the ground, the next question to be asked was if EULEX is still needed to support Kosovo rule of law institutions.

One can argue that a decade is a short period for assessment of the work of an international security actor such as the EU intervention through EULEX in Kosovo in a post-conflict setting. Further, when such an assessment is made EULEX should be compared with the other actors involved in crises management in the same theatre. Both of these hypotheses are valid and I will answer like the following. First, while one could argue that a decade of the work of EULEX in Kosovo is not sufficient for a holistic assessment of its performance, in the same manner, it could be argued that within this period at least some indicators and trends of developments or results could have been established. Nevertheless, the indicators set for EULEX performance and the benchmarks, according to interviewees of this research, findings of European Commission annual reports for Kosovo, other international and local reports, views of the EU experts, opinion of the Kosovo public and the observation of the writer of this thesis, do not lead to the conclusion that EULEX achieved any landmark that can be particularly highlighted. However, this statement is not to undermine the efforts of EULEX and support provided for Kosovo.
the rule of law institutions in Kosovo, but in the absence of concrete, tangible results, as expected by the Kosovo public and the EU member states I would argue, it is difficult to conclude that the goals of EULEX were achieved. Therefore, the predictions for the future results of EULEX, after the first decade, would be hard to make, especially in the light of downsizing of the mission which in 2018 has a staffing table approved of 503 officials, compared to 3,000 in 2008. Assessing the mission from this perspective with a one-sixth force less in 2018 than in 2008, it is difficult to believe that they would be able to implement the mandate than they were in the first years after the deployment in 2008. Second, comparison of EULEX with the other security actors’ achievements in Kosovo. For example, UNMIK was mentioned several times in the sections above. After five years (2004) of its operation in Kosovo due to slow results achieved, there was a huge social pressure to remove this mission from Kosovo. By 2008, nine years after its deployment, its presence in Kosovo is hardly noticeable, even though formally continues to function under the UNSCR 1244. And, exactly because of the absence of the results of the UNMIK in the field of rule of law, and other fields, the Kosovo public requested the establishment of an EU lead mission to support strengthening the rule of law in Kosovo. However, as we have witnessed some of the interviewees after a decade of the work of EULEX consider that UNMIK even though slow in achieving results still had created some sense of security among the society in Kosovo, which has vanished with the deployment of EULEX. In addition, there is a NATO-led mission - KFOR the undisputed and most trusted actor in Kosovo since its deployment in 1999 (Forum for Civic Initiatives & Saferworld, 2010). Besides, there is the OSCE who has produced remarkable results from 1999 until 2008, in establishing and supporting the Kosovo Police, Ombudsperson Institution, Kosovo Central Election Commission as well as the assistance to Kosovo parliament, ministries and municipalities. Therefore, there is evidence that the other security actors present in Kosovo have achieved a lot in a decade of their work; this particularly applies to the KFOR and OSCE, and partially for the UNMIK.

The opinion of the experts from the CS, KI and EULEX officials is different while most of them consider that EULEX is not needed anymore in Kosovo, others believe that EULEX can and should continue its work in Kosovo providing that the mission undergo an in-depth reform. Further, some experts argue for the EU support to Kosovo, not through EULEX necessarily,

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27 After the declaration of the independence of Kosovo on 17 February 2008, the OSCE Mission in Kosovo has decreased the direct engagement within Kosovo institutions due to the status neutral position of the organization.
but through projects and in investing in youth that would eventually take posts of judges and prosecutors in the future. Also, some consider that EULEX support is not needed anymore in Kosovo since the Kosovo rule of law institutions have acquired the necessary capacities and are sufficiently mature to continue the work from now on alone. Specific statements of the interviewed experts from the CS, KI and EULEX officials are presented below and reflected in figure 4.34.

The CS experts generally believe that EULEX should not stay anymore in Kosovo beyond 2018; or if it stays, it needs to reform itself. All three, the CS1, CS2 and CS4 are of the opinion that EULEX is not needed anymore in Kosovo. While the CS4 is more elaborative in his opinion stating, “Kosovo needs European Union’s support, not necessarily of EULEX. Perhaps through EU project support in mentoring and monitoring Kosovo institutions could be done sufficiently. But, I would not say that EULEX presence in Kosovo is needed anymore”. Also, the CS5 shares the opinion of its three colleagues and as well proposes the course of action the EU should pursue in the future, posing that the “EULEX is not needed anymore in Kosovo. It would have been better if the EU would invest in education for Prishtina Law Faculty students, which would become judges and prosecutors, than in wasting EU citizen’s money in EULEX”. As such, the CS5 is of the view that any further investment in EULEX beyond 2018 is a waste of money. This argument and the fact that the Kosovo civil society experts have consideration for the money of the EU citizens taxpayers shows the maturity of the latter, but of the Kosovo society in general. Only the CS2 believes that the “EULEX should continue its work in support of Kosovo’s institutions, but with a different mandate”.

Three out of five KI experts consider that EULEX is not needed anymore in Kosovo. For example, the KI2 is firm that the “EULEX mission is not needed anymore to support Kosovo rule of law institutions”. This opinion is supported by KI5 who states that “I do not think that EULEX is needed anymore, to continue its mandate in Kosovo, since Kosovo has achieved institutional maturity”. A similar view is shared by KI1 who believes that the “Kosovo institutions have reached the level of competence to discharge their responsibilities without the support of EULEX. Therefore, support of EULEX is not needed anymore”. On the other side, the KI3 differs from her colleagues and insists that the “EULEX mandate should be extended; however, they should reform themselves”, recognizing that their performance was not at the level Kosovo citizens were hoping for. Lastly, the KI4 has a somewhat different opinion from its colleagues on this matter and argues that the “EULEX should not have any executive
functions anymore in Kosovo. But, EULEX should be focused on MMA, and to support coordination of the Kosovo Police with Serbia”.

Moreover, only EULEX3 believes that EULEX should continue its work with the current mandate beyond 2018, and claims that the “Kosovo authorities have agreed, with this arrangement”. Two other colleagues of EULEX3, EULEX1 and EULEX5 are convinced that EULEX should stay in Kosovo beyond 2018; however, they claim that EULEX needs to transform. EULEX1 considers that the restructuring would mean “to exclude executive power from EULEX mandate and to focus on MMA tasks. But, warns that in general it should not be expected that EULEX will bring any real or added value”. While, EULEX5 has an interesting proposal on how the transformation of EULEX should look like claiming first that the “EULEX mission is still needed to support Kosovo rule of law institutions, with necessary changes, that would include a composition of the mission only with 15 judges and 15 prosecutors, headed by a person who knows the human rights and rule of law. And also warns, for another issue, stating that if EULEX departs from Kosovo, war crimes committed by Serbia in Kosovo, in 1999, will never be investigated or indicted”. Nevertheless, regardless of the opinions of the other EULEX colleagues that seek to find a solution that would reform EULEX and provide for an extension of the mandate of the mission EULEX2 maintains that the “mission is not needed in the current format to support Kosovo rule of law institutions. But some EU’s presence is needed in Kosovo with advisory/mentoring role”. Finally, EULEX4 has no opinion if EULEX mandate should be extended beyond 2018.

Figure 4. 34: Views of the interviewed sample of experts from the CS, KI and EULEX officials if EULEX mandate should be extended beyond 2018 (n=15)
The issue of political disunity of the EU member states over the political status of Kosovo has affected the decision-making and unity over the deployment of EULEX mission in Kosovo. Thus, EULEX is one of the most striking examples of a CSDP mission deployed without a clear policy (Grilj & Zupančič, 2016, pp. 62-85). Even though on the broad view within and outside of Europe this fact perhaps it did not take much of the attention; however, the strong opposition of some member states on the declaration of independence of Kosovo, has raised concerns within Europe and especially for Kosovo public on how this disunity may affect the work of EULEX. For example, Kosovo public generally has no access on the workings of the EU; nevertheless, all can count the EU member states that do not recognize Kosovo and fear what effects these states may have on the work of EULEX. Same time, the disunity over Kosovo political status, of any European country signals that the EU is not able to agree on the foreign policy, which weakens the foreign policy tools such as the EU CSDP missions. Therefore, it is relevant to study this phenomenon and assess if the EU member states disunity had any effect on the implementation of EULEX mandate. This research will evidence if this factor has influenced the work of EULEX in Kosovo, but same time will draw lessons for the future CSDP missions.

As probably expected most of the interviewed experts from the CS, KI and EULEX officials either have no information or simply do not believe that that EU disunity over political status of Kosovo should have influenced the work of EULEX, as reflected in figure 4.35. However, exactly the opposite views have those interviewees who have been directly involved in communication through policy documents or regular reporting, between EULEX and Brussels. Anyhow, the research results from the interviews are presented below.

Three out of five interviewed CS experts stated that they have no information if the disunity of the EU member states on Kosovo’s status had influenced the work of EULEX. While the CS2 states that “it can be that there was individual interference from the staff of some EU member states on the work of EULEX such as Spain for example, but this cannot be seen from outside”. Spain is one of the non-recognizers of the independence of Kosovo and the most vocal on this matter within the EU and beyond. Further, the CS3 considers that the “disunity of the EU member states on Kosovo’s political status did not influence the work of EULEX”.

Similar views with the CS are shared by KI experts. Two out of five interviewed KI experts believe that the disunity of the EU member states on Kosovo’s political status did not influence
the work of EULEX. The KI1 and KI4 on the other side cannot confirm or deny if the EU member states disunity over Kosovo’s status had any influence on the work of EULEX as no information was available to the public on this issue. However, the KI4 has some suspicions that the “involvement of all EU member states in work of EULEX coming from different backgrounds and states, including non-recognizers of Kosovo, influenced the work of EULEX”.

EULEX officials working for the mission and having contacts with Brussels and communication with the EU institutions normally as expected had more information and input on this matter. EULEX1 responsible for reporting to Brussels claims that the “disunity of the EU member states on Kosovo’s status had a lot of influence on the work of EULEX. He specifically argues, that all the work done within EULEX, was thought with the view if somebody from 28 member states would disagree, which made work of EULEX officials very difficult. Thinking of the opposite in the work of EULEX was integrated into the staff’s mindset”. Only this statement alone shows the difficulties EULEX staff was going through and the difficulties the disunity of the EU member states over Kosovo’s political status influenced the human resources of the mission, on the effective implementation of the mandate. This argument is supported by EULEX4 who confirms that the “EULEX had much political interference from Brussels”. Moreover, EULEX3 argues further that the EU member states disunity influenced EULEX “since it did not facilitate the European integration of the Republic of Kosovo in many aspects, from the issue of visa liberalization to the dialogue process or even the international prosecution of certain criminals in non-recognizing states”. The writer of this thesis concurs with EULEX3 especially with the statement that the EU member states failed to provide Kosovo with visa liberalisation especially for youth which has forced the latter to join the criminal groups or be employed in Kosovo institutions through nepotism and then spoiling these institutions for the benefit of those who employed them. Nevertheless, EULEX2 if of the opinion that the “disunity of the EU member states on Kosovo’s status did not influence the work of EULEX”. Lastly, EULEX5 is not aware “if the disunity of the EU member states on Kosovo’s status influenced the work of EULEX”.

188
While the financial and logistical resources play an important role in the functioning and success of each of the EU CSDP missions, still the backbone of these missions are its people. EULEX mission had 3,000 staff. The 3,000 staff for a mission in a small European country is an impressive figure for any organization especially for an EU civilian mission assigned to Kosovo. However, did these EULEX mission members possess the necessary skills, qualifications and the needed know-how to implement the mandate of EULEX. This question started to be heard especially after 2010 since no real results were delivered on the assigned tasks of EULEX. EULEX staff were assigned in all neurological cells (offices) of the rule of law institutions in Kosovo, in courts, prosecutorial offices, Ministry of Interior, Ministry of Justice, the prison system and exercised other important and specialized tasks such as witness protection. Therefore, holding important posts in the mentioned institutions would require necessary academic qualifications and experience to be able to discharge responsibly assigned to EULEX successfully. This process, of course, was lead by human resources in Brussels and Prishtina; and the EU member states, that should have ensured that the seconded staff to EULEX meet required criteria.
There have been hearsays for EULEX staff that they do not have the necessary qualifications or the experience for the jobs they were assigned to; however, there were no reports or public knowledge on the matter. Nevertheless, one strong indication was the case of Malcolm Simmons who accused EULEX of corruption, interfering in court cases and violation of his privacy through hacking of his email address. Leaving aside Simmons accusations what is important and perhaps striking is the findings revealed of him after his allegations. The Southeast European Coalition on Whistleblower Protection (Worth, 2018) claims that “Simmons was elevated in 2014 to President of Judges at the EU rule-of-law mission in Prishtina – known as EULEX – without having the required credentials to serve as an international judge. Simmons also worked as a war crimes judge in Bosnia and Herzegovina, also without the mandatory qualifications”29. Therefore, if Simmons could hold-on one of the key position in EULEX, that of the Presidents of Judges, how difficult would be for others to get lower posts. The criticism in this case of course first would be regarded to EU, and EULEX human resources on how they could allow individuals without the necessary qualifications to take such important position in an EU CSDP mission, but to the UK Foreign and Commonwealth Office as well, who failed to notice lack of qualification of Simmons. Furthermore, if EULEX has allowed other judges and prosecutors to take part in the investigation, prosecution and adjudication of cases without necessary credentials this altogether undermines the validity of the decisions these EULEX officials have made. Further, these decisions could be rendered void and null; not to mention the violation of the human rights of the individuals who were subject of procedures administered by EULEX.

Considering all this as a writer of this thesis I considered relevant to examine this matter with the experts from the CS, KI and EULEX officials. Generally, the experts consider that EULEX seconded staff did not meet the professional criteria required to implement EULEX mandate or lacked the necessary experience, and in some cases, it was claimed that the EU member states wanted to get rid-off some people from home countries, so they sent them to serve with EULEX. However, some also argue that generally EULEX officials were professional and no generalization should be made, even though it was obvious that officials coming from member states that recently joined the EU, their performance was less qualitative than the ones of the

29 The UN rules require international judges to have at least five years’ prior experience as a judge in their home country, before serving as an international judge. Simmons had never worked as a judge or barrister in the UK and that his solicitor certificate expired in 2000, thus, he was not professionally qualified to be an international judge. Yet, he held various judicial positions since his original secondment by the UK Foreign and Commonwealth Office in 2008.
other staff. The results of the interviews with the experts from CS, KI and EULEX are presented below and reflected in figure 4.36.

Most of the CS experts, four out of five, consider that EULEX officials did not have the necessary qualifications for the functions they have exercised within EULEX. As such, the CS1 and CS5 state that the staff seconded to EULEX by the EU member states did not meet the required level of competence for this type of intervention. The CS2 while agreeing with the CS1 and CS5 identifies one of the reasons why EULEX officials are not qualified, posing that “some of the staff working for EULEX were not qualified for their job. For example, some of EULEX staff were transferred from UNMIK who was not successful either”. The issue of the transfer of the staff from UNMIK to EULEX was not well expected by the public in Kosovo as I have mentioned in the previous sections above. Furthermore, the CS3 while expressing the view on the competence of EULEX officials reveals other problems related to this matter, emphasising that “some of EULEX staff did not meet even the basic criteria for exercising their duties. Related to EULEX staff one worrying issue that needs to be mentioned is that those officials who were more proactive in doing their job in fighting crime and corruption in Kosovo, their contracts were not extended. While those who were more compliant with EULEX policy to favour political stability and relations with Kosovo corrupt officials, had higher chances that their contracts would be extended with EULEX mission”. The statement that the management of EULEX favoured more those officials who were compliant with the policy of the mission, rather than those who did their job, fighting crime and corruption in Kosovo, it is at least disturbing to know. Therefore, the recruitment and extension of contracts of the CSDP mission’s staff should be closely monitored by the EU policymakers as well as from the member states. Similar view shares the CS4 as well who considers that the “problem for EULEX was that for example, the prosecutors had one or two-year contracts and then left. Afterwards, a new prosecutor would come and start dealing with the cases left from his/her predecessor, and in this way, there was a delay in dealing with cases, which undermined the effectiveness of EULEX. This was another weak point of EULEX, that its staff could not work for a longer period to have the consistency of the work. However, generally, I did not notice that EULEX staff were not qualified”.

The KI experts interviewed have to some extent different opinion from the CS on the qualifications and the expertise of EULEX staff. For example, while the KI2 considers that the “staff seconded to EULEX by the EU member states did not meet the required level of competence”; the KI3 and KI5 maintain that “generally, EULEX staff were professional;
however, there were some judges that lacked the necessary experience. This view is shared by KI4 as well; nevertheless, he has noticed some differences stating that the “EULEX staff assigned to Kosovo Police were professional especially those from Germany and the UK, but there were cases of staff from Hungary or Romania with inadequate experience”. The KI1 experience is that EULEX staff were competent; however, generally, the EU member states should have sent in Kosovo their best staff, since the EU had big expectations from EULEX”.

On the other hand, EULEX1 and EULEX5 have opposite opinions for the competence of EULEX officials. While EULEX1 believes that the “staff seconded to EULEX by the EU member states meet the required level of competence for their duties and responsibilities”; EULEX5 considers that the “staff seconded to EULEX by the EU member states generally did not have the needed experience. And, due to the non-experience of these staff on some occasions failed to resolve the court cases”. Similar to remarks presented by the CS experts EULEX4 notes that the mission had bad management of human resources. Specifically, the “short-term contracts were one of the major problems, as once staff started being acquainted with Kosovo environment and cases they worked, their contracts ended and they had to go back to their country of origin. Further, some staff from the EU member states that recently joined the EU did not have the required experience or skills to complete their duties and responsibilities within EULEX”. On the other side, EULEX2 makes an interesting observation and statement, even though believing that some of the missions’ “staff were very good, some average, but there were some staff that were professionally poor. Some of the countries have sent to Kosovo the very best of their staff, while some countries sent to Kosovo people they wanted to get rid-off”. Getting rid-off the civil servants through secondment in the CSDP missions is not the practice the EU member states should use, and the EU CSDP planners should review the applications of the candidates for the mission and approve only those that are qualified and competent for the mission. Finally, EULEX3 makes a sound proposal stating, “it is not fair to generalize, but some staff were not competent enough while seconded. There are also some excellent mission members with a secondment. The general level of productivity disaggregated between contracted and seconded staff, which has never been studied in-depth, could be a good reference to answer this question”. As correctly pointed by EULEX3 there is no specific research published on the quality and performance of EULEX staff and how this has influenced the results in the implementation of the mandate; therefore, this issue calls for future research.
EULEX being the biggest CSDP civilian mission was the flagship of the EU that created an expectation to show the maturity of the EU foreign policy intervention following several low scale interventions until 2008 worldwide. This mission was unique in many aspects and suggested the EU level of ambition. With 3,000 staff members (international and local) it was the biggest CSDP mission in size, and further it included for the first time personnel contributions from third countries such as Canada, Turkey, USA, etc. Then EULEX mandate was very broad and in many ways unprecedented in the context of the CSDP civilian missions. Moreover, EULEX is a fully integrated rule-of-law mission, which includes crosscutting tasks of justice, police and customs. Furthermore, EULEX is the first civilian mission mandated with executive power along with the traditional MMA tasks. EULEX also had centralised a whole range of important horizontal tasks such as programming, procurement, human resources, etc. In addition, the missions stated aims and objectives have been translated in thorough programmatic approach. Lastly, EULEX was the costliest CSDP mission. Therefore, against this background, no doubts that the expectations from EULEX were huge. As such, the results of this mission, in theory, should have laid down the bases for other large-scale CSDP mission in the future. However, should the EU engagement in Kosovo be used as an example for future
EU CSDP interventions, after a decade of its work, the least one can say is that the situation is blurry.

The assessment of EULEX engagement in Kosovo is important to examine if the EU CSDP missions are a suitable mechanism in crises management for post-situations. Kosovo was a distinct intervention of the international community in a post-conflict situation that provided opportunities for these actors to assist in the recovery and state-building. Among these actors, EULEX was embedded with a key role, despite the difficulties in the process, to strengthen the rule of law system in Kosovo. Support for the rule of law in Kosovo was a request of the Kosovo society and considering the history and advanced rule of law in the European countries, the EU was best situated to provide that support. The rule of law was a priority for Kosovo in 2008 when EULEX was deployed and it is still in 2018.

As Bretheron and Vogler (2006, pp. 22-34) have argued the EU international role is shaped by the opportunities provided, its presence and capabilities. While the EU through EULEX was provided with the opportunity in Kosovo and established its presence, the only element that needs to be analysed is how the capacities of the mission functioned. For this purpose, experts of the CS, KI and EULEX officials were asked to present their views if EULEX should be used as an example for future EU CSDP interventions. The statements of the experts, in general, are disapproving of EULEX being used as a model for future EU CSDP missions. Eleven out of fifteen interviewees share this opinion, as presented in figure 4.37. They do not consider EULEX as a good example to follow; furthermore, they believe that EULEX is a perfect example of a failure as well as an example what kind of the rule of law mission the EU should not deploy in the future. However, others while stating that EULEX had no results in Kosovo consider that the EU CSDP missions are an added value for post-conflict societies. Nevertheless, some of the interviewees think that the EU did not have the capacities for a big mission such as EULEX, and that the EU would not want to have another mission like EULEX. The results of the interviews are presented hereafter.

Four out of five CS experts consider that EULEX is not an example that the EU should use when planning future CSDP missions. For example, the CS5 states straightforward, that the “EULEX is not a good example for future EU CSDP missions”. A similar view on EULEX is shared by the CS1, yet the value of the CSDP is emphasised posing that the “EU CSDP missions can be seen as an added value for the post-conflict states to give some sense of safety. However, EULEX is not a good example to draw from related to issues of the rule of law, since
it had no results in Kosovo”. The CS3 is very specific, warning that the “EULEX mission is the perfect example for the EU of the failures and problems that the EU may face in other similar situations”. In the same manner, the CS4 argues that the “EULEX is an example for the EU on what kind of the rule of law mission not to deploy anymore. The EU should think on how to redesign the future CSDP missions. I consider that the mistakes made in Kosovo will be a lesson learnt for future missions”. However, the CS2 has a different view from his CS colleagues who believes that the “EULEX can be used as an example for future EU CSDP mission, but specific arrangements should be introduced depending on the circumstances of the state or region the missions are deployed”.

Similarly, the KI experts interviewed concur that EULEX is not a good example for future EU CSDP missions. Three out of five KI experts share this opinion. Nevertheless, the KI1 while avoids to express directly its opinion about EULEX still believes that the “EU CSDP interventions are valuable for post-conflict societies; however, this implies that the expectations of the inviting states and of the EU itself are met”. The KI4 has a different view from the other colleagues and is far more elaborative on this matter, stating that the “EU can use similar missions such as EULEX providing that they reformat their structure, since the one in Kosovo, was not adequate. Moreover, they should improve their efficiency since to surprise of all in Kosovo its citizens and institutions after a decade of the work of EULEX we have concluded that UNMIK was more efficient and successful than EULEX. Even though Kosovo citizens and institutions were expecting exactly the opposite. Unfortunately, this did not happen. Perhaps this is due to the more extensive experience of the UN in mission deployment than the EU, and detailed SOPs and more refined structures. Of note, there is a contradiction of the EU CSDP staff in Brussels on the engagement in Kosovo and EULEX officials in Kosovo. While Brussels thought of the ways to limit the mandate of EULEX and even close the mission, EULEX staff in Kosovo have brought-up reasons to justify missions’ further extension. And, this is another issue the EU should analyse. Furthermore, if the EU wants to intervene in a post-conflict situation it should do it immediately after the conflict to have tangible results. In Kosovo, the EU intervened with EULEX almost a decade after the conflict, while during that time the UN already established Kosovo rule of law institutions”. The KI4 in this long explanation makes several of points identifying problems and concerns related to EULEX. These explanations will serve to answer the research questions and formulate conclusions for this thesis.
EULEX officials have provided important statements on this matter as well. For example, EULEX1 views that the “EU did not have capacities for a big mission such as EULEX, thus, EULEX cannot be an example for future EU CSDP missions. The EU does not have standard operating procedures for big missions”. Likewise, EULEX2 reveals some interesting facts while agreeing that the “EULEX is not a good example for future EU CSDP missions. This because the mission in Kosovo was very specific. And I do not think the EU would want to have another mission like EULEX. The EU should assess EULEX mission once completed, since there is no honest reporting of EULEX staff for its work to Brussels. EULEX reported only the positive results; it was not a frank reporting of what is working and what is not”. As we can recall from the previous section above EULEX officials have claimed that Brussels was imposing the number of cases they should finish, which they consider absurd since justice is not statistics. Through this interviewee, I have realized that the relation on the other way around was not honest either. Therefore, this matter requires close attention of the EU CSDP planners to ensure that the reporting from the field missions is accurate, based on which they need to make informed and sound decisions. On the other hand, EULEX5 recommends that the “EU should use the vision for CSDP missions; however, not the methodology they have used with EULEX”. Furthermore, EULEX3 thinks that EULEX should be used as an example for future CSDP missions “in the positive and negative things, it is always good to learn from experiences and previous mistakes to do it better in the future”. Lastly, EULEX4 cannot say if EULEX could serve as a good example for future CSDP missions.

Figure 4. 37: Responses of the interviewed sample of experts from the CS, KI and EULEX officials if EULEX should be used as an example for future EU CSDP missions (n=15)

<table>
<thead>
<tr>
<th>EULEX could serve as a good example for future EU CSDP missions</th>
<th>(2 interviewees agree, 12 do not agree, 1 has no opinion)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Society</td>
<td>1 Yes, 4 No, 1 No opinion</td>
</tr>
<tr>
<td>Kosovo Institutions</td>
<td>1 Yes, 4 No, 1 No opinion</td>
</tr>
<tr>
<td>EULEX officials</td>
<td>1 Yes, 4 No, 1 No opinion</td>
</tr>
</tbody>
</table>
The first EU CSDP mission was deployed in 2003. Fifteen years later one of the 34 CSDP missions continues its mandate after a decade of its establishment. EULEX like all other CSDP missions is an expression of the EU’s ambition in foreign and security policy. While the deployment of the 34 EU CSDP missions in less than two decades is a major development for a new security actor in crisis management; however, their achievements are debatable.

EULEX was the case in point to show the relevance of the EU CSDP. This mission with an extensive mandate, human and financial resources, was supposed to build a case for the EU to show its ability and know-how to project future CSDP missions. Tardy (2015, p. 36) considers that the assessment for success or failure of a mission depends very much on who is doing the assessment, the EU member states, EU institutions, local elite, local people, etc. Whereas on the one side the assessment of the EU member states that approve the deployment of the CSDP missions and the EU institutions cannot be disputed. On the other side, the writer of this thesis considers that the assessment from the perspective of the local people, local elite and the CSDP mission staff in the field, is more suitable to assess the performance of the CSDP missions. As such, through assessment of EULEX by the experts from the CS, KI and EULEX officials in this section I aim to assess if the EU CSDP missions are suitable security mechanisms that can contribute to international security. Results from the research interviews on this matter will help to the formulate conclusions of this research thesis.

Eleven out of fifteen interviewed experts from the CS, KI and EULEX officials consider that the EU CSDP missions are suitable security mechanisms that can contribute to international security, as presented in figure 4.38. The experts consider that the EU CSDP missions can play an important role for peace and security; however, these missions should not be deployed only to show the EU presence, but to have a meaningful impact. Furthermore, they advise that the EU CSDP missions should not take responsibilities in state-building in post-conflict societies; rather they should focus on MMA tasks. Nevertheless, others warn that based on the experience with EULEX, deployment of the EU CSDP missions in support of the international security are not recommended. More specific information on the statements of the experts on this matter is presented below.

The CS experts have more divergent opinion than the KI and EULEX officials when asked if the EU CSDP missions are suitable security mechanisms that can contribute to international security. Only two CS experts consider that the EU CSDP missions are suitable security mechanisms. For example, the CS2 states that the “EU CSDP missions can contribute to
international security; however, these missions should not be sent only to show the EU presence, but should have a meaningful impact”. Similar view shared the CS4 who believes that the “EU CSDP mission’s are valuable mechanisms for international security; nevertheless, the EU CSDP rule of law missions should not take the ownership over a process of state-building in post-conflict societies. The support in monitoring, mentoring and advising tasks would be valuable”. Conversely, the CS5 has a completely different opinion stating that the “EU CSDP missions cannot contribute to international security”. Likewise, the CS1 claims that the “EU CSDP missions cannot, or can have only limited results, contributing to the international security”. Lastly, the CS3 stated to have no opinion if the EU CSDP missions are suitable security mechanisms that can contribute to international security.

Four out of five interviewed KI experts consider the EU CSDP missions as a valuable mechanism for international security. However, they have presented some suggestions on how the EU should manage these missions in the future. The KI2 is convinced that the “EU CSDP missions are suitable security mechanisms that can contribute to international security”. Moreover, the KI4 emphasises the issue of the mandate of the EU CSDP mission stating that these missions “are useful as a mechanism to support different states and societies, but with MMA tasks, not executive mandate, based on EULEX experience”. Similar views has shared the KI5 who considers that the “EU CSDP missions are valuable security mechanisms if the EU manages to improve the gaps they had with EULEX”. Furthermore, the KI3 stance is that “depending on the area and the environment of intervention, the EU CSDP missions can be a valuable support for post-conflict states and societies”. Only the KI1 thinks that based on the “performance of EULEX, missions of this nature should not be recommended”.

However, EULEX officials, even though in the previous section we have seen criticism for the performance of the mission, still, all strongly believe that the EU CSDP missions can play an important role in international security. Four out of five EULEX officials consider that the EU CSDP missions generally are suitable security mechanisms that can contribute to international security. EULEX5 is more elaborative than the other EULEX colleagues and states that the “EU CSDP missions are suitable security mechanisms, they are needed and useful, that can contribute to international security; however, they should use the lessons learnt from EULEX and other missions, and improve”.

198
Figure 4. 38: Views of the interviewed sample of experts from the CS, KI and EULEX officials if the EU CSDP missions are suitable mechanisms that can contribute to international security (n=15)

**The EU CSDP missions are suitable security mechanisms for international security**
(11 interviewees agree, 1 slightly agrees, 2 do not agree, 1 has no opinion)
5. Synthesis

This chapter aims to bring together all the findings from the analysis concerning EU CFSP, CSDP and EULEX mission in Kosovo, and evaluate them based on the analytic approach developed for this thesis. Using the theoretical framework, insights from the literature and research findings, the research questions and hypotheses presented in the introduction will answer the thesis central research question: If the EU CSDP missions are a suitable mechanism in crisis management for post-conflict situations. Moreover, in this chapter, the research questions will be answered and hypotheses tested, limitations and further research will be presented as well as an assessment on the future role of the EU in crisis management.

5.1 Evaluation

In this sub-chapter, I present a summary of the EU’s development after the Second World War, the EU acquired resources and objectives to play a role as a global security actor, drivers for EU external action, and reflection of the analytical and methodological framework used in this research.

Many people could hardly imagine the EU identity formation in world politics in the 21st century after the Second World War, considering the past rivalries of the European great powers. These developments followed the ideas of the EU founding fathers for the Europeans to regain control over the old continent, to end the dominance over it of the USA and the Soviet Union, to establish the EU security community and to project security externally. Of course, this would have not been possible in the absence of a conducive environment. The Cold War era and the rivalries between the USA and the Soviet Union were instrumental for the Europeans to forge the terms of peace between the European big powers France, Germany and United Kingdom, and to develop modalities of cooperation through European supranational structures.

The beginnings of the European cooperation after the Second World War were slow, and on occasions still manifested the distrust. Nonratification of France of the Treaty establishing the European Defence Community in 1952 is an example of the hesitant and distrustful Europe in the post Second World War era. However, the Europeans will overcome gradually these strains and already in 1965 the European Communities were established through the Brussels Treaty, which aimed at European economic unification. In 1970, European Political Cooperation was established as a mechanism for the Europeans to enhance cooperation in foreign policy. This
was the first step that indicated the European determination to act jointly in foreign affairs and influence world politics.

While the beginning of the Cold War enabled Europeans to strengthen their ties internally, the end of the Cold War provided the opportunity for the European presence externally. However, the Europeans were not prepared at this point, especially in the absence of the adequate institutional structures and policies, able to take decisions and resources to implement them. This state exposed the limits and weaknesses of the Europeans and requested swift action especially in the light of the rapid changes in European neighbourhood and worldwide. As a result, the Treaty of the European Union (Maastricht Treaty) was signed in 1992, which established the EU Common Foreign and Security Policy as a separate pillar of the EU. Soon after, at the St. Malo Summit (1998) the EU launched the European Security and Defence Policy aiming to establish its autonomous military resources and structures able to respond to the international crisis. Furthermore, the EU was developed and strengthened institutionally and with the policy instruments through Amsterdam (1997) and Nice (2001) treaties.

For the first time, through Santa Maria de Feira European Council (2000) the EU established the civilian crisis management capabilities. The EU has identified six key areas of priority for the civilian crisis management: the rule of law, policing, civil administration, civilian protection, monitoring missions and support to EU Special Experts. Furthermore, the EU established two main institutions that ensure operation of the civilian crisis management missions: Committee for Civilian Aspects of Crisis Management, and Civilian Planning and Conduct Activity. Through the civilian crisis management missions, the EU aims to incite transformation of the post-conflict societies and support the recipient states to overcome fragility and avoid conflicts.

In 2003, the EU made another major step by approving the European Security Strategy. The Strategy invited for coherent and effective EU CFSP and built the foundations for the EU to embark new commitments for contribution to international security. Nevertheless, it was the Lisbon Treaty (2009) determinant in the overall development of the EU foreign and security policy. Key reforms were undertaken with the amendment of the TEU and TFEU, renaming the ESDP into CSDP, the establishment of the post of High Representative of the European Foreign Affairs and Security Policy, and the European External Action Service.
This fundamental transformation of Europe within little over than half of century is an incredible achievement for the Europeans in terms of how Europeans view themselves and how they are viewed from the exterior.

The EU with the acquired resources, development of structures and policy instruments, as well as with the clearly stated aims to contribute in deterring threats to the Union, building a secure neighbourhood and promotion of the international order through multilateralism, set the stage for involvement in crisis management as an international security actor.

As a result, the EU deployed over 30 crisis management missions in Europe, Africa, Asia and Middle-East. These missions were recognized for complexity and variety, ranging from small size to robust missions with mandates on surveillance, police training and reinforcement, security sector reform and the rule of law. The achievements of these missions have been debatable ranging from those of the historical perspective who claim the remarkable achievement of the EU for the deployment of over 30 missions in less than two decades, to those who believe that the EU interventions have been issues low in the international agenda, small in size and with no impact on the recipients’ states and societies. Furthermore, Hill’s theory on EU capability-expectation gap has shadowed the EU CSDP missions since their inception. However, the EU in some parts of the world is the preferred or the only security actor willing to be engaged in a post-conflict setting.

While as elaborated in sub-sections 4.1.2 and 4.1.3 all the EU CSDP individually have brought added value to the EU foreign and security policy. These missions altogether have set the EU as a global security actor in crisis management along with other key security actors such as UN, NATO, OSCE, AU, etc.

However, this thesis researched one of the most prominent EU CSDP civilian mission, the EU Rule of Law Mission in Kosovo – EULEX. As examined in the previous sections, EULEX was established five years after the launch of the first EU CSDP mission in 2003. This mission was deployed in the European continent, within the EU neighbourhood, a mission with an extensive mandate and staff strength, which is the most costly so far civilian CSDP mission as well as one of the longest-running. Its decade of work in Kosovo (2008-2018) has raised expectations of the receiving state and society, on the other hand, its results and achievements as discussed in chapter 4, have been contested.
The general contestation of the Kosovo citizens, Civil Society, Kosovo Institutions and to a certain extent of EULEX officials as well, is born in the view that the end aim of the EU CSDP missions is to have a real impact on the post-conflict state and society. Nevertheless, this view is only one among many other views, an idealist one; since as we have described in the previous sections the theory and literature on the EU CFSP and CSDP attributes other reasons why CSDP mission are launched, what this activity means for the EU member states and the exterior image of the EU. For example, one stream of thought claims that the CSDP missions are launched when the EU member states deem to be in their political interest, to have a perceived need for the Union’s international security intervention and visibility in the international arena. Further, others think that the deployment of the EU CSDP missions is influenced by the sense of the roles and obligations of the EU member states, political or economic factors, cultural aspects, historical backgrounds or identity. Next, some consider that the EU aims to contribute and share the responsibility with the other actors in international security. While others consider that the EU through CSDP missions does not aim to impact the crisis, but to prove the European integration and balance the interest of member states. However, it should be reiterated, that the EU international role in crisis management is shaped by the opportunities provided, its presence and capabilities. Nevertheless, the drivers and motivations to deploy the EU CSDP mission in Kosovo - EULEX, will be discussed and analysed in the sections 5.1.1 and 5.1.2 below, along with the assessment of insights and evidence from the research findings, to answer the research questions and test hypotheses.

Regarding the analytical approach adopted in this thesis, it may be considered as appropriate and essential in developing a suitable theoretical and methodological approach specific for this research problem. This enabled to study and analyse the complexity and peculiarity of this problem. The qualitative approach data gathering for this research allowed for review and analysis of the relevant documents on the EU CFSP and CSDP as well as for EULEX mission, interviews with the Kosovo citizens who provided their perceptions and beliefs, and the experts of the CS, KI and EULEX officials their expert insights on EULEX achievements, while the researcher’s own observation enabled to stay abreast of the developments in the field and record essential information related to EULEX.

Furthermore, the methodological extension of this approach, case study, was of a key importance as it allowed observation of the patterns and a detailed examination of EULEX, which was used to develop and test explanations for the EU CFSP and CSDP. The thematic analysis revealed that EULEX does not defer much from the previous or later deployed EU
CSDP missions in terms of lack of consensus between the EU member states, capability-expectation gap and the achieved results or lasting impact in the receiving state and society. Also, through content analysis, valuable insights were gathered from the documents of the EU institutions responsible for the EU CFSP and CSDP, and media articles and reports, beyond what the normal observer alone could reveal.

5.1.1 Research findings

In the two sub-sections below 5.1.1.1 and 5.1.1.2 assessment of the Kosovo citizens and the experts from the CS, KI and EULEX officials on EULEX mandate implementation will be presented; as well as strengths and weaknesses of the mission that will form the bases to answer the research questions and hypotheses. Furthermore, I will confer on the limitations of this study and further research, and on the future role of the EU in crisis management.

5.1.1.1 Assessment of the Kosovo citizens on the results and achievements of EULEX

The first issue the writer of this thesis was confronted with at the inception of the research was the level of information of the Kosovo citizens on the mandate of EULEX. To establish a real understanding of the work of EULEX the Kosovo citizens should have been informed properly on all its tasks of EULEX. It was surprising to understand that most of the interviewed Kosovo citizens were able only generally to describe the roles and responsibilities of EULEX. More than 50% from the fifty Kosovo citizens interviewed for this research claimed not to have sufficient information on EULEX mandate and role even after a decade of its deployment. The information on EULEX mandate was mainly transmitted through media and there was less field communication with the Kosovo citizens. Reflection on the time when EULEX was established in 2008, the researcher of this thesis recalls that the media ads in Kosovo were general and informed that EULEX will support Kosovo rule of law institutions without entering into many details. Furthermore, the media ads were designed for people with higher education or professional knowledge on the rule of law, not compatible for the larger masses. Therefore, Kosovo citizens were able to recall mainly the key messages of EULEX officials that they will eradicate corruption and will fight crime in Kosovo. Furthermore, they have built their views on what EULEX is supposed to do in Kosovo, for example, to establish the rule of law in northern Kosovo. As such, the writer of this thesis developed the interview questionnaire based on the knowledge of the Kosovo citizens, and made efforts to grasp as much as possible their understanding whether EULEX managed to implement its mandate.
The Kosovo citizens’ main concern was the level of criminal activities and corruption, thus was identified as one of the key pillars EULEX should work to support the Kosovo rule of law institutions and jointly deal with these issues. Majority of the interviewees have responded that EULEX has failed in fighting organized crime and corruption in Kosovo. They consider that since the deployment of EULEX the level of crime and corruption in Kosovo even has increased. Furthermore, there is a solidified opinion that during the period of management of the rule of law in Kosovo by UNMIK (1999-2008) there was more security and justice, which was undermined by the work of EULEX. Some citizens who consider that Kosovo managed to achieve some results in fighting criminal activities between 2008 and 2018 do not attribute this result to EULEX, but to the organic development of the Kosovo rule of law institutions.

Further, EULEX was tasked to strengthen the Kosovo rule of law institutions capacities and know-how: courts, police, customs and prison system, and to strengthen their cooperation and coordination. However, almost 50% of the interviewed Kosovo citizens consider that EULEX did not contribute to improving the work and efficiency of the Kosovo rule of law institutions. This attitude of the interviewed citizens is a reaction to their honest expectation that EULEX would truly help and support rule of law institutions in Kosovo, and the latter would provide results in fighting crime and corruption. On the other hand, some citizens view EULEX’s involvement in oversight of the Kosovo rule of law institutions to have reflected positively.

Political interference in the rule of law institutions in Kosovo occupies an important place in discussion and views of the public in Kosovo. The perceived huge interference of Kosovo politics in the rule of law institutions is one of the major concerns of the Kosovar society. Therefore, EULEX was mandated to free Kosovo rule of law institutions from this interference; this was the expectation of Kosovo’s society as well. The presence of the political interference in Kosovo is regularly documented through public reports of the civil society and of the European Commission. However, the public perception in Kosovo is that EULEX did little to prevent political influence in Kosovo rule of law institutions. Over 60% of the interviewed Kosovo citizens consider that the level of political interference in the rule of law institutions did not decrease and remains the same since EULEX deployment in 2008. Again, the Kosovo citizens compared UNMIK and EULEX regarding this question and maintained that the UNMIK was far more sophisticated than EULEX; hence, at the time when UNMIK was managing the rule of law institutions in Kosovo there was less political influence. Nevertheless, it should be noted that the mandate assigned to EULEX, to free the rule of law institutions from the political interference is a complex issue, and to some extent, the writer of this thesis suspects
that EULEX was best positioned to perform this task. The EU has its presence in Kosovo through its Special Representative, hence I would argue that this body would be better positioned to influence Kosovo authorities to depoliticise the rule of law institutions, as a precondition for Kosovo’s European integration.

Moreover, the writer of this thesis like many Kosovo’s citizens clearly remembers the media headlines before deployment of EULEX mission in Kosovo in 2008, and their accentuation for the mandate of this mission to fight organized crime and corruption connected with political structures in Kosovo aiming to restore the rule of law. EULEX promised to fight as they have labelled, the ‘Big fish’s’ making a clear reference to political elites in Kosovo, as a strategy to buy-in the trust of the Kosovo public. Important to notice, the Kosovo politicians at least at the beginning of EULEX deployment had fears that they may be charged for different criminal activities. Unfortunately, this did not happen. Moreover, the Kosovo public started creating the opinion that EULEX is politicised as well and that their actions are more a public marketing to extend their missions mandate, rather than to fight organized crime and corruption associated with political elites. As such, nearly 80% of Kosovo’s citizens believe that EULEX was not successful in fight against organized crime and corruption in Kosovo.

The rule of law in the entire territory of Kosovo is one of the key results the Kosovo citizens were expecting from EULEX, with the special focus in northern Kosovo, because of the overall perception of lawfulness in that part of Kosovo. The Serbian community opposed EULEX presence claiming that only UNMIK makes them feel safe and protected. However, in that part of the Kosovo territory, cross-border smuggling with Serbia was largely a common practice rather than an exception. Furthermore, acts of intimidation and even murders of the citizens, even of the Kosovo Police and EULEX officers, were never resolved or anybody was sentenced. Hence, over 70% of Kosovo citizens, including Serbian citizens from northern Kosovo, consider that EULEX has failed to establish the rule of law in that part of Kosovo.

In the entire its complexity and with the shaken trust in the eyes of the Kosovars for the missing result, in 2014 EULEX was faced with another major stroke. A EULEX prosecutor made allegations for corruption involving her colleagues, and in 2017, another EULEX colleague accused the mission for malpractice and political interference. This was a nightmare for EULEX and the EU itself. A mission sent to Kosovo to support fighting of the corruption was found in the middle of the accusations for internal corruption and malpractice. Against this background, the Kosovo citizens were asked how credible is EULEX, and if it can implement
successfully its mandate. The general comment of the Kosovo citizens following this event was that the information for alleged corruption within EULEX damaged its reputation and lost the trust of Kosovo citizens. Many of the Kosovo citizens even refused to believe this information on EULEX.

Further, to fight crime and corruption EULEX had to improve the rule of law in Kosovo, primarily functioning of the courts, through training and capacity-building of judges, transfer of knowledge and best European practices. According to over 70% of the interviewed Kosovo citizens, EULEX did not implement this task and as such did not meet the expectations of the Kosovo citizens.

Considering what was discussed above in this subchapter, the big disappointment with EULEX performance and results, rightfully the Kosovo citizens were asked if perhaps their expectations were higher than what EULEX could deliver. Over 40% of the interviewed Kosovo citizens after a decade of the work of EULEX in Kosovo, consider that their expectations were higher than what EULEX could deliver, but they did not know this fact in 2008 when EULEX was established, and that they have built their views based on the promises made by EULEX officials. However, nearly 25% of the interviewees consider that the expectations of the Kosovars from EULEX were realistic, considering the human and financial resources at the disposal of EULEX, as well as the support of the Kosovo society for their work. Some more critical views of the interviewees state that EULEX mission was an EU experiment in Kosovo.

The ultimate output of the work of EULEX would provide Kosovo citizens with a safe and secure environment. If as stated and aimed EULEX would strengthen the Kosovo rule of law institutions and build their capacities, would eliminate political influence from these institutions, would resolve the assigned cases of different crimes and corruption, necessarily those who have been involved in wrongdoings would be imprisoned and the law-abiding citizens would be protected from the criminals. This state of affairs then would provide for a sense of security and safety for Kosovo’s citizens. However, almost 50% of the interviewees believe that EULEX with its work did not provide more safety or security to Kosovo citizens.

Findings on EULEX results and achievements in Kosovo after a decade of its presence in Kosovo as presented above, undoubtedly led to the question whether EULEX should continue further its mission in Kosovo. The prevailing opinion of the interviewed Kosovo citizens is that EULEX should leave Kosovo. More than 40% consider that after a decade EULEX has nothing to show anymore in Kosovo in terms of support for the rule of law institutions. Nevertheless,
over 30% of the interviewees see the possibility for the extension of EULEX mandate further if reformed. In addition, over 10% of the interviewees believe that EULEX should continue its work in Kosovo. Some more critical interviewees consider that any extension of EULEX mandate in Kosovo is just a waste of time and money.

Finally, the interviewed Kosovo citizens asked if they consider that, the EU could use EULEX as an example for its future CSDP missions. The biggest and most costly EU CSDP mission seems not to have convinced Kosovo citizens that the EU is up for this job. Over 60% of those interviewees believe that EULEX is not a good example for future EU CSDP missions. On the contrary, one of the interviewees argues that EULEX is exactly the example for the EU not to fail again elsewhere. Some even contest the entire idea of the EU CSDP mission deployment and propose to invest in the education of the post-conflict society’s youth. On the other hand, some interviewees see the added value of the EU CSDP missions and consider that if the EU remedies shortfalls drawing from EULEX’s experience, the CSDP missions are useful for post-conflict societies, to support the affected countries in post-conflict stabilization.

From what has been deliberated above, in almost all the questions posed to Kosovo citizens for their assessment of the work of EULEX, nearly in all, they have responded negatively at the rate of at least 50%, showing in this way their dissatisfaction. As a result, it can be concluded that EULEX did not implement its mandate and failed to meet the expectations of the Kosovo citizens.

5.1.1.2 Assessment of the experts from Kosovo Civil Society, Kosovo Institutions and EULEX officials on the results and achievements of EULEX

Comparing with the Kosovo citizens the experts from the Civil Society, Kosovo Institutions and EULEX officials, depending on the field they have monitored or functions they have exercised were able to satisfactory and comprehensively reply on most of the questions of the questionnaire specifically designed for this target group. Experts from all three entities were able to respond on the implementation of EULEX’s mandate. Moreover, they provided insights they encountered during their work directly with EULEX or the Kosovo rule of law institutions, which received support from EULEX. Furthermore, they were able to analyse the social, institutional context and environment EULEX operated, as well as to assess the strengths and weaknesses of EULEX and provided recommendations for future EU CSDP interventions in post-conflict settings.
EULEX as many other CSDP civilian missions, had one key task, MMA of the Kosovo rule of law institutions. Views of the interviewed experts on this task of EULEX were divers. The CS experts have a split opinion on the achievements of EULEX with MMA tasks. Majority of the interviewees, consider that EULEX successfully implemented the MMA tasks. However, the others view EULEX MMA tasks as redundant and not needed in Kosovo, since Kosovo was fed-up from other organizations with advice and capacity-building from 1999 until 2008; hence, EULEX MMA was a drawback for Kosovo institutions. The writer of this thesis can confirm these last statements. The Kosovo institutions are suffocated with the advice and capacity-building from different international agencies and projects. This is not to say that Kosovo institutions do not need advice and capacity-building; support of the many agencies are very similar content-wise and overlap, thus do not help much Kosovo institutions, but it occupies a lot of their time. The KI experts have similar views with the CS, these experts consider that EULEX was successful with the MMA tasks, or partially successful. On the other hand, EULEX officials interviewed perhaps surprisingly none of them explicitly believes that EULEX was successful with the MMA tasks. In general, they consider that EULEX was partially successful with this task.

An important task of EULEX was to ensure the maintenance and promotion of the rule of law, public order and security in Kosovo. Generally, the public in Kosovo is not aware of EULEX’s contribution on this task. Some critics emphasize that EULEX has failed to ensure public order in northern Kosovo and to establish the rule of law. However, the CS experts generally believe that EULEX underperformed in this task. The KI experts seem to have the opinion that is more positive on this task of EULEX stating that EULEX brought some sense of trust and hope for positive changes in Kosovo. While EULEX officials have mixed opinions on this task, mainly stating that EULEX was partially successful in this task and that, EULEX could not perform better in the given environment and the circumstances it operated in Kosovo.

One question that could not be avoided for the experts, same like for the Kosovo citizens, is the issue of political interference in the rule of law institutions in Kosovo. EULEX mission was mandated to ensure that the rule of law institutions in Kosovo work free from political interference. All CS experts uniquely agree that EULEX has failed in this task. One of the CS experts noteworthy considers that it was utopia of the EU CSDP planning team to have assigned this task to EULEX, as the latter could not perform this task. On the other side, the KI experts have a split opinion on this topic. Some believe that EULEX failed in ensuring work of the Kosovo rule of law institutions free from political interference. The prevailing opinion of the
KI experts is that EULEX should have done more in this task. Whilst from EULEX officials interviewed, only one considers that EULEX has helped in defusing political interference in the Kosovo rule of law institutions. His other colleagues are more prone to believe that this was an impossible task for EULEX.

The core task of EULEX, for many Kosovo citizens, CS, KI and of the EU presumably was to investigate, prosecute, adjudicate and enforce serious crime cases, war crimes, terrorism, organized crime, corruption and financial/fraud cases. Kosovo’s public focus and the biggest expectation from EULEX was to deliver results in this task, same time, this was the biggest opportunity for EULEX to excel. Nevertheless, according to most of the experts from the CS, KI and EULEX officials this opportunity slipped from EULEX’s hand to show its ability, determination and strength. Some argue that this task was huge, beyond what EULEX could handle and that the EU planners did a mistake when assigning this executive task to EULEX. However, the established opinion is that despite the difficulties EULEX tried to do its job, but unfortunately, most of these cases were not finalized with an enforceable judgment. The CS experts agree that to some extent EULEX investigated criminal cases, but then failed to prosecute, adjudicate and enforce them. Lack of the results of EULEX in this task, especially after 2011, lead the CS to believe that EULEX became an obstacle in fighting crime and corruption in Kosovo rather than a support. Similarly, the majority of the KI experts concur with the CS considering that EULEX was not successful in delivering this task. Next to CS and KI experts, EULEX officials in some instances during the research interviews were even more critical of EULEX, than the latter. While admitting their failure in this task they consider that EULEX was trying too much with little resources. Even though EULEX had 3,000 staff, they claim that EULEX had too little investigators, analysts, judges and prosecutor, as well as that EULEX staff was not specialized nor had particular field expertise for this task. Assignment of this authority to EULEX was only for the purpose to magnify this mission as the biggest CSDP mission and to test if the EU was up-to the level for this type of responsibility for its future interventions.

Another important task of EULEX was to strengthen cooperation and coordination through the whole judicial process, especially in the area of organized crime. Cooperation and coordination of the judicial process in organized crime are of particular importance since it does not concern only Kosovo, but it stretches even further to European and other countries. Kosovo is a transit route for different types of crime such as smuggling of the migrants, trafficking of human begins’, money laundering, transportation of narcotics, etc. Therefore, this task of EULEX was
not important only for Kosovo, but to protect as well the security of the EU and its citizens. Generally, the experts from the CS, KI and EULEX officials believe that EULEX did not accomplish this task. The experts consider either that EULEX failed in this task or achieved a minimal or partial result, while some claim to not have the exact information on this task of EULEX.

Linked with EULEX task above, is the other task of EULEX, investigation of the financial crime, fraud and corruption associated with money laundering and other financial crimes. The big flow of money in Kosovo is evident, far more than what are the Kosovo’s state economic capacities and development. Therefore, it is apparent that EULEX had lots of work to do in Kosovo. However, the interviewed experts from the CS, KI and EULEX officials consider that EULEX did not meet the expectations. The opinion of the experts on the achievements of EULEX is this task is divided. Some consider that EULEX was successful, partially successful or has failed. However, the majority of the experts either are not informed or have limited information on the results of EULEX in this task. The fact that the majority of the experts interviewed have no information or little information on this task of EULEX, including EULEX staff, indicates that perhaps EULEX responsible unit for this task was not transparent enough, or maybe the nature of their work did not allow sharing more information. The missing evidence on the results in this task was disappointing for the Kosovo public that had a huge interest in this topic.

Like many other international organizations in Kosovo, EULEX was tasked as well to help in combating corruption in Kosovo. One of the ways to do so was to support the institution established for this purpose and implementation of the policy framework. EULEX task was to support the Kosovo Anti-Corruption Agency in implementation of the Strategy and the Action Plan. Nevertheless, according to an expert from the CS specialized in this topic, there is no record or a tangible result to prove EULEX’s contribution in this task. Moreover, it is surprising to note that the majority of the experts of the CS, KI and EULEX officials have no information on the work or results of EULEX in this topic. The only EULEX official, that had some insight into this topic stated that the Kosovo Anti-Corruption Strategy and Action Plan are useless documents. It is worrisome, to understand that there is so little information for one of the tasks of EULEX which is considered as crucial in fight against corruption, support for the Agency and in implementation of the Strategy and the Action Plan. From what was stated here above, easily can be concluded that EULEX largely ignored this task.
While in the paragraphs above I have presented the findings on the tasks that show support of EULEX to Kosovo institutions; however, EULEX itself had the responsibility to respect international human rights standards and apply gender mainstreaming in its activities. Some CS experts claim that EULEX promoted international human rights standards and gender mainstreaming but in fact, they never implemented them. Example of this practice they argue can be found in the employment policy, 80% of the employees were men; Kosovo citizens were intercepted without being informed after a due process; as well as the lengthy procedures in courts that the affected parties had to endure. Therefore, in their view, EULEX is not the best example Kosovo institutions should draw from either for human rights protection or gender mainstreaming. While the experts from the KI and EULEX officials believe that EULEX has respected to some extent the human rights standards in their work and ensured gender mainstreaming.

Furthermore, noteworthy EULEX was assigned another responsibility, to support the EU facilitated dialogue between Prishtina and Belgrade. However, questions were raised among the Kosovo public, but of the experts as well, if a rule of law mission should be engaged in the implementation of the agreements reached in political negotiations. Opinions of the experts from the CS, KI and EULEX officials in this topic are divergent, ranging from the very positive role of EULEX, to negative responses stating that EULEX never should have been involved in this issue. Some of the experts who presented more critical views consider that the engagement of EULEX in dialogue issues between Prishtina-Belgrade was a twist of the EU to cover-up absence of EULEX’s results in the rule of law in Kosovo. Further, this assignment of EULEX from some is viewed as confusing since they claim that the Kosovo public did not know if EULEX would deal with the rule of law anymore. Moreover, they believe that the EU policymakers intentionally assigned this task to EULEX in the absence of the results in the rule of law.

Another challenging task of EULEX was the witness protection programme. Their work on investigation and prosecution of the serious crimes in Kosovo would have not been possible without witness protection programme. However, not much is known about this unit from the Kosovo public and either from EULEX officials and as some claim that is exactly the point, that not many people, know about this programme. Nevertheless, as a researcher and due to some circumstances that have unfolded with some of EULEX protected witnesses I have deemed important to investigate this issue and assess the extent of the success or failure of EULEX with this task. Furthermore, this issue was raised as well from the Britain’s Minister
for Europe in the UK parliament in 2014 questioning the ability of EULEX to investigate and prosecute the alleged war crimes in the absence of qualified staff to deal with the witness protection programme. The experts from the CS, KI and EULEX officials have different views on this task of EULEX. They have expressed concerns and disappointment, specifically holding EULEX responsible for the establishment of the Special Chambers of Kosovo in Hague, due to its failure to protect witnesses in their witness protection programme.

Further, as we have discussed before EULEX was tasked to establish the rule of law in the entire territory of Kosovo. Whereas, EULEX did not face the problem to deploy its staff and exercise its mandate in the majority of the Kosovo’s territory, in northern Kosovo where the majority of the Serbian community is concentrated, faced difficulties. This community opposed the deployment of EULEX in that part of Kosovo considering EULEX supporter of the Kosovo authorities and of the independent Kosovo (from Serbia). Generally, the CS experts recognize the difficulties EULEX had in its efforts to establish the rule of law in northern Kosovo, and point to limited results. In addition, they argue that EULEX priority was not the rule of law in that part of Kosovo, but the political stability; therefore, no results were achieved. The KI experts interviewed are unique when stating that no results were achieved by EULEX in northern Kosovo. In the same manner have responded EULEX officials, as well.

For any EU CSDP mission to be successful the first precondition is to have the acceptance and support of the receiving state and society. In the absence of that support from the Kosovar society and of the Government of Kosovo implementation of EULEX mandate would be impossible. Generally, it could be observed that the Kosovar society, except for a small fraction, and the Government of Kosovo welcome the presence of EULEX. All CS experts, without exception, shared the opinion that both Kosovo citizens and the government have provided a friendly and maximal conducive environment for EULEX to implement its mandate. Moreover, they highlight that EULEX had no security threats to deliver its mission. In the same vein, the KI experts have responded, convinced that EULEX had the necessary political and practical environment, to implement its mandate. EULEX officials, on the other hand, have a split opinion on this matter. While some believe that the environment for implementation of EULEX mandate was conducive, others only partially agree with this statement.

Further, the experts from the CS, KI and EULEX officials were asked to share their opinion if EULEX managed to meet the expectations of the Kosovars. The responses of the experts were divergent and multi-dimensional that enriched the knowledge and views on EULEX and CSDP
missions. The majority of experts concur that the Kosovo citizens are not satisfied with EULEX performance. One specific viewpoint of one CS expert worth mentioning is that EULEX did not work to meet the expectations of the Kosovo citizens in the rule of law; they rather served as a shield for corrupt Kosovo politicians. The KI experts join with the revolt of the Kosovo citizens and claim that the expectations of the latter were not met. More diverging assessment; however, was presented by EULEX officials. Largely, their views vary from that EULEX has failed, partially or little has met the expectations of the Kosovo citizens. One important statement was recorded from one EULEX official who criticizes the mission for raising the expectations of the Kosovo citizens, through imprudent public statements, promising to arrest and sentence all corrupt politicians, which fuelled the expectations of the Kosovo citizens.

Extending from the paragraph above one of the biggest expectations of the Kosovo citizens from EULEX was to arrest and sentence the high profile politicians involved in crime and corruption. Aware of this Kosovo citizens expectation, EULEX was particularly vocal on this issue and promised to arrest and prosecute as they called ‘Big fish’s’ Kosovo high profile politicians, even though of course they did not say this bluntly. Majority of the experts from the CS, KI and EULEX officials agree that EULEX has failed in this task. The reasons were different, but the results were missing.

The experts from the CS, KI and EULEX officials were asked to comment on the expectations of the Kosovo citizens from EULEX. Namely, if the expectations of the Kosovars were higher than what EULEX could deliver. The majority of the CS experts do not agree with the statement that the Kosovo public expectations from EULEX were too high, on the contrary, they believe that their expectations were realistic. The KI experts concurred with this view. EULEX officials in majority oppose the statements of the experts from the CS and KI. Majority of the interviewed EULEX officials consider that the expectations of Kosovo citizens were higher than what EULEX could achieve. The writer of this thesis is of the view that neither EULEX lacked the capabilities, nor the expectations of Kosovo citizens were high, the problem was in the lack of management and leadership skills, as well as, organizational problems that lead to underperformance of EULEX.

One turbulent event in 2014 in Kosovo, repeated in 2017, flamed the debate in Kosovo when EULEX officials accused their colleagues of taking bribe, and the mission itself for malpractice. The experts from the CS, KI and EULEX officials seem clearly to have been grossly affected by these events. The majority, almost with one voice, agreed that the
information for internal corruption and malpractice within EULEX had an utterly distressful effect for the public. The responses were different such as who will trust EULEX anymore, what example they have set for Kosovo judiciary, etc.

Moreover, aside from the Kosovo citizens, CS and KI opinions on EULEX achievements; the EU institutions had their doubts and concerns about this mission too. The European Court of Auditors in a report in 2012 notes that the effectiveness of EULEX in strengthening the rule of law in Kosovo was not at the desired level. The experts from the CS, KI and EULEX officials were asked to share their views on the Auditor’s report. Majority of the interviewed experts think that EULEX did not consider the recommendations from the report of the European Court of Auditors. Worth mentioning, one CS expert claims that EULEX was only improvising and did not take into account recommendations of the Auditor.

Following a decade of EULEX’s engagement supporting the strengthening of the rule of law institutions in Kosovo, a legitimate question is posed, if these institutions are more efficient and effective, than they were in 2008 before EULEX’s deployment. The perception is that the efforts of EULEX were enormous considering its resources and lengthen of the mission’s presence in Kosovo. However, for more specialized information and knowledge on the developments and results on this topic, the experts from CS, KI and EULEX officials were interviewed. Some of the experts believed that the Kosovo rule of law institutions are more effective and efficient in 2018 than they were in 2008; however, this is not the result of EULEX’s contribution, but the organic and natural development of these institutions. Nevertheless, some experts claim a partial contribution of EULEX in the process of strengthening the Kosovo rule of law institutions. However, the more sceptical experts believe that neither EULEX nor the natural development made the Kosovo rule of law institutions more effective or efficient.

Dealing with the serious crimes was one of the key aims of EULEX, and the main field the executive power was used, through investigation, prosecution and adjudication of cases. EULEX cannot claim to have resolved many cases of this nature, despite the many efforts. However, still, there are interviewees from the Kosovo citizens and experts who claim or believe that EULEX implemented its mandate. However, as stated even before two parallel realities cannot exist. If EULEX has implemented its mandate, in theory at least, and logically, would mean that cases of serious crimes as one of its main goals would decrease. Nevertheless, since cases of crime and corruption, as demonstrated through this thesis research, did not
decrease in Kosovo, again logically would lead to conclude that EULEX did not achieve its goals. Therefore, generally, the experts from the CS, KI and EULEX officials agree with the stance that the serious crime cases in Kosovo did not decrease and that no tangible result was achieved in this task. These experts have tried to identify the reason why this was the case, but could not explain why there were no results.

Further, the contribution of EULEX to well established, functioning and independent rule of law institutions in Kosovo, working in compliance with international standards and best practices, effective and efficient, without political interference or discriminatory practices, independently without external aid, would be the noticeable and real difference in Kosovo. The review so far of the findings and local and international reports, especially the European Commission country reports for Kosovo, do not point towards the conclusion that there was a noticeable or real difference in the Kosovo rule of law institutions, as a result, of EULEX’s support. Most of the experts from the CS, KI and EULEX officials acknowledge this situation and agree with the statement that EULEX did not manage to make any noticeable or real difference in Kosovo.

Having presented the findings on EULEX performance and the results achieved, after a decade of its work in Kosovo, the next question to be asked was if EULEX mission is still needed in Kosovo (beyond 2018). The majority of the experts from the CS, KI and EULEX officials interviewed consider that EULEX is not needed anymore in Kosovo. Of note, only one EULEX official believes that EULEX should continue its work with the current mandate. Others argue for the transformation of EULEX if the mandate is extended beyond 2018; however, they claim that it should not be expected that EULEX could bring any new or real value.

The incoherence of the EU foreign policy, concerning the recognition of Kosovo’s independence, declared in 2008, came across during the literature review for this research; nevertheless, the EU member states agreed to deploy a CSDP mission in Kosovo. Therefore, it was appealing to investigate if this dichotomy had any effect in the implementation of EULEX mandate. Generally, most of the experts from the CS, KI and EULEX officials have no information on this topic or do believe that the EU disunity over Kosovo’s status should have influenced the work of EULEX. Except for one of EULEX’s official that had direct daily communication with Brussels, the other colleagues had only superficial and limited knowledge on this topic. The mentioned EULEX official responsible for reporting to Brussels claims that the disunity of the EU member states had a huge influence on EULEX. All the work EULEX
did, he stated, was done with the view of what 28 member states think of, and if they would disagree. This approach made the work of EULEX very difficult. This meant that whatever work EULEX officials were doing they had to be careful and think what would be the reaction of each EU member states. Furthermore, he believes that this issue put a strain on the human resources of EULEX, and influenced the effective implementation of its mandate.

On the other hand, the success of any EU CSDP mission is in the EU political cohesion, financial and logistical resources, yet the backbone of these missions are its people. Thus, the question, did EULEX staff possessed the qualifications, skills and expertise to implement EULEX mandate. The experts from the CS, KI and EULEX officials generally agree that the seconded staff to EULEX did not meet the required professional criteria that would enable them to implement successfully EULEX mandate. Some of the arguments they have mentioned to be the reason of this state are that the seconded staff to EULEX were the officials the EU member states wanted to get rid-off, so they sent them to Kosovo. Also, they claim that it was obvious that EULEX seconded staff from the countries that recently joined the EU; their performance was less qualitative than of the other staff. Nevertheless, some of the experts warn that generalization should not be made, since in some cases the EU member states have seconded the very best staff, and in some other cases was the opposite. Therefore, the issue of human resources warrants the attention of the EU CSDP mission planners, to ensure that in the future, flaws noticed with EULEX mission staff, are not repeated.

Following several low scale interventions until 2008, EULEX was the flagship of the EU to show the maturity of the EU foreign policy intervention through CSDP. Hence, no wonder that the expectations from EULEX were huge since the results of this mission would, in theory, lay-down the foundations for large-scale EU CSDP missions in the future. Therefore, the assessment of EULEX performance is important to be examined, to determine if the EU CSDP missions are suitable mechanisms in crisis management for post-conflict situations. While the EU through EULEX was provided with the opportunity to deploy in Kosovo and established its presence, assessment of its capabilities is the last element to complete the puzzle to measure the EU international role in crisis management. The responses of the majority of the experts from the CS, KI and EULEX officials, in general, disapprove the idea that EULEX should be used as an example for future EU CSDP missions.

Lastly, as I have stated earlier the EU CSDP missions are an expression of the EU’s ambition in foreign and security policy. Deployment of over 30 CSDP missions worldwide in less than
two decades is a major development for a new security actor in crisis management; however, their achievements are debatable. In this thesis, I have used EULEX mission as a case in point to show the relevance of the EU CSDP and if the missions are suitable security mechanism that can contribute to international security. On a positive note, the majority of the experts from the CS, KI and EULEX officials consider that the EU CSDP missions are suitable security mechanisms that can contribute to international security. They believe that the EU CSDP missions can play an important role in preserving peace and security in the world. Nevertheless, they have highlighted clearly that these missions should not be deployed only to show the EU presence, but to have a lasting impact in the state and society where the intervention takes place.

To conclude this part, the experts have provided some recommendations on how the EU can or better said should improve in the future CSDP missions, based on EULEX experience; however, the most important message they give was that the EU CSDP missions are considered a valuable security mechanism for post-conflict situations.

From what was presented above there is a marked dissatisfaction with the work of EULEX from the majority of the interviewed experts from the CS, KI and EULEX officials in most of the tasks that were part of EULEX mandate and consider that EULEX did not produce any noticeable or real difference in Kosovo. Therefore, most of them consider that EULEX presence in Kosovo is not needed, beyond 2018. The incoherence of the EU member states towards recognition of the political status of Kosovo it was proven that had effects on the work of EULEX staff, which confirms the knowledge on the link between disunity of the EU member states in foreign and security policy and the effects in implementation of the EU CSDP missions mandate. More important, serious flaws on EULEX human resources management were identified, that need to be addressed by the EU CSDP planners, and not repeat them in the future. Furthermore, it was made clear that EULEX mission is not the model the EU should use in its future CSDP missions. Nevertheless, the experts suggest that the EU should pursue its vision of the CSDP and that the EU CSDP missions are suitable security mechanisms for post-conflict situations, providing that the EU will use EULEX as an example to improve its shortfalls. In the end, the EU CSDP missions should produce a lasting impact in the state and society where the intervention is made.
5.1.2 Answers to research questions and hypotheses

In this sub-section, through the information and knowledge gathered from the EU institutions documents relevant for CSDP missions and EULEX, interviews with the research participants and writers of this thesis own observations; as well as based on the literature review and theoretical framework on the EU CFSP and CSDP, research questions have been answered and hypotheses tested.

Implementation of the mandate (functional aim) of an EU CSDP mission is its main goal and the indicator for the impact on the given state and society where the intervention took place. However, Tardy (2015) claims that it may be that the mandate of certain CSDP mission is implemented, but with little benefit or impact on the ground. Nevertheless, in this part, the focus is to assess if EULEX has implemented the mandate as assigned with the Council Joint Action 2008/124/CFSP, and its subsequent amendments.

The first task of EULEX was to MMA Kosovo rule of law institutions. From section 5.1.1.1 and 5.1.1.2 we could learn that less than 50% interviewed experts from CS, KI and EULEX officials consider that EULEX implemented successfully this task. Even though generally there is a positive opinion about EULEX MMA tasks, some of the experts from the CS and KI considered them completely redundant, since, in their view, Kosovo was fed-up with advice from other organizations before establishment of EULEX. Nevertheless, the experts conclude that this task was partially implemented.

Further, with regards to maintenance and promotion of the rule of law, public order and security task, while Kosovo public is not aware of EULEX contribution, the opinion of the experts from the CS, KI and EULEX officials is divers. More than 50% of the experts consider that EULEX was either successful or partially successful on this task, comparing to 40% who believe that EULEX has failed. However, from the interviews of the experts, it can be drawn that EULEX was partially successful in this task.

One major task of EULEX and an important issue discussed in this thesis was the political interference in Kosovo rule of law institutions. EULEX was assigned this delicate task, very difficult to measure its implementation or impact. Nevertheless, as elaborated in sections above, 60% of Kosovo citizens interviewed for this research consider that EULEX has failed to prevent political interference in Kosovo rule of law institutions. Similar views have expressed as well experts from the CS, KI and EULEX officials. Over 70% of them consider
that EULEX has failed in this task. Therefore, it can be concluded that EULEX did not implement this task.

Moreover, the core task of EULEX was investigation, prosecution, adjudication and enforcement of criminal cases in Kosovo. The primer focus of the people in Kosovo, CS, KI and of the EU was the successful implementation of this task. Unfortunately, big expectations turned out to be a big disappointment. Nearly 80% of Kosovo citizens and 60% of experts from the CS, KI and EULEX officials interviewed concur that EULEX has failed in this task.

Another important task in the mandate of EULEX was to strengthen cooperation and coordination of the judicial process, especially in the area of organized crime. Only four out of fifteen interviewed experts from CS, KI and EULEX officials consider that EULEX was successful in implementation of this task. The other interviewees either consider that EULEX has failed in this task, had minimal or partial results, or had no exact information on EULEX performance in this task. Therefore, there is no clear evidence that EULEX has completed this task.

In addition, EULEX was tasked to investigate financial, fraud and corruption associated with money laundering and other financial crimes. Same like with the cooperation and coordination of the judicial process task, there is limited information on the result, if any achieved with this task as well. Despite the big flow of money in Kosovo, far more than what are the Kosovo state economic capacities and the development, no case of this nature was resolved by EULEX in a decade of its work. Thus, this leads to the conclusion that EULEX did not implement this task.

Moreover, EULEX was tasked to support Kosovo rule of law institutions to fight corruption. In doing so, they were supposed to assist the Kosovo Anti-Corruption Agency to implement the Anti-Corruption Strategy and Action Plan. Ten out of fifteen interviewed experts from the CS, KI and EULEX officials have no information on the work or results of EULEX in this task. As such, this research shows that there is no proof to substantiate implementation of this task by EULEX.

Auxiliary, to the tasks to support Kosovo rule of law institutions, EULEX was mandated as well to respect international human rights standards and ensure gender mainstreaming in its activities. While only 40% of experts from the CS, KI and EULEX officials consider that EULEX was successful in this task, over 30% opposes such claims, and more than 25% either
are not informed or sure that EULEX completed this task. Thus, no clear evidence that this task was implemented.

Furthermore, EULEX provided support for the EU-facilitated dialogue between Prishtina and Belgrade. This task of EULEX was subject of lively debates especially of the CS in Kosovo on the aims and appropriateness of this task for EULEX. Nevertheless, despite the criticism for this task and concerns raised if a rule of law mission should be involved in the facilitation of political agreements, more than 50% of the interviewed experts from the CS, KI and EULEX officials have assessed positively the role of EULEX in this task. Hence, it can be concluded that EULEX has implemented this task.

Lastly, EULEX had a challenging task of witness protection programme\textsuperscript{30}. Generally, there is no much information on this task of EULEX; however, only 20% of the interviewed experts from the CS, KI and EULEX officials believe that EULEX implemented this task. Whereas, the other 80% consider that EULEX did not implement this task, implemented partially or they have no information. Therefore, it cannot be concluded that EULEX has implemented successfully this task.

From the insights provided above the answer to the sub-RQ1: Did EULEX mission in Kosovo implemented its mandate, is negative. Only one task of the mandate was found to be implemented successfully and two partially, while all other tasks were not implemented as revealed by this research. Therefore, this confirms also the statement of the Capussela (2015) an EU official assigned in Kosovo who has stated that EULEX stands no chances to meet the expectations in implementation of its mandate (pp. 250-251).

Further, as elaborated through this thesis the Kosovars, the security consumer of EULEX support, had high expectations from this mission. Frustrated with the enervated UN mission in Kosovo after almost a decade of its establishment, Kosovars were seeking for an EU mission that would support them in strengthening the rule of law in Kosovo. The EU CSDP interventions aim to provide stability for the recipient state and peace and security for the security consumers, its citizens. In the understanding of the Kosovars, EULEX support in strengthening the rule of law in Kosovo meant the capacity-building of the Kosovo rule of law institutions and fighting crime and corruption associated with the high political profile. While

\textsuperscript{30} Same like the dialogue facilitation task, EULEX task for witness protection program was reflected only with the Council Decision (CFSP) 2018/856 of 8 June 2018 amending Joint Action 2008/124/CFSP, even though EULEX exercised this task even earlier.
the first would provide security and assist Kosovo in its path towards EU accession, the second would remove the corrupt political elites and their affiliates, and allow for the democratic and economic development of Kosovo. These expectations were further fuelled by EULEX officials at the beginning of the mandate in 2008 promising to uproot crime and corruption in Kosovo. Of course, this thrilled Kosovars who were eagerly looking forward to prosperous economic, good governance and the rule of law Kosovo, aiming to be a part of the EU. Moreover, considering the long-standing and high level of the rule of law in European countries (e.g. Germany, France, United Kingdom, etc), coupled with huge human and financial resources, in 2008, nobody in Kosovo had even the slightest doubt that EULEX would not achieve its goals. However, it seems that EULEX’s statements for a rigorous fight against crime and corruption did not translate into action. Over 70% of Kosovo citizens interviewed state that EULEX did not meet their expectation to improve the rule of law in Kosovo.

Furthermore, 80% of the CS experts consider that based on the capacities and commitments EULEX did not meet the expectations of the security consumers in Kosovo. Similarly, 60% of the experts from the KI consider that a strong mission composed of 28 EU member states did not meet the expectation of the Kosovars. On the other hand, EULEX officials interviewed for this issue, as a provider of the security, 60% consider that the expectations of the Kosovars from EULEX were higher than what EULEX could deliver. Nevertheless, the assessment of this research question is based on the views and opinions of the Kosovars, the security consumers of EULEX support. Therefore, the answer to the sub-RQ2: Were the expectations of the security consumers in Kosovo met by EULEX, is negative. Considering the responses of the security consumers in Kosovo and drawing from the answer from sub-RQ1 on the level of implementation of EULEX mandate safely can be concluded that EULEX did not meet the expectations of the Kosovars. Moreover, this state of affairs confirms the suspicions of the Bassuener and Ferhatović who claim that the CSDP missions serve the “Union’s efforts to brand itself as a distinct actor in international security affairs, including peace building and post-conflict stabilization, are more for its own purpose than for the host society or, put differently, security consumers” (Bassuener & Ferhatović in Merlingen & Ostrauskaitė, 2008, p.186).

In addition, well established, functioning and independent rule of law institutions of Kosovo, working in compliance with the international standards and best practices was the goal of EULEX. The sustainable Kosovo rule of law institutions able to function independently and
professionally without further international support would be the noticeable and real difference in Kosovo, and the legacy of EULEX.

The answers provided by the Kosovo citizens interviewed point that EULEX did not make any real difference to improve the rule of law in Kosovo. According to them the level of crime and corruption did not decrease since the deployment of EULEX, war crime cases were not resolved, cases of organized crime associated with money laundering were not addressed, political influence in the rule of law institutions remained the same, security did not improve, and lastly EULEX did not manage to establish the rule of law in the entire territory of Kosovo. Moreover, 65% of the experts from the CS, KI and EULEX officials consider that there is no noticeable or real difference in Kosovo in terms of the functioning of the rule of law institutions in Kosovo, after a decade of EULEX’s presence. Hence the answer to the sub-RQ3: Did EULEX make any real difference on the ground to improve the rule of law in Kosovo, is negative. The writer of this thesis can confirm that EULEX engagement did not produce any qualitative effect in the rule of law institutions in Kosovo. Just to mention one exemplar case, referenced before in this thesis, so-called ‘Pronto’ case investigated and intercepted by EULEX, where high profile politicians talk for the employment of political militants’ in-state jobs through nepotism, have been acquitted of charges by Kosovo court. This decision has frustrated many people in Kosovo, but the same time shows that EULEX has failed to ensure the rule of law institutions in Kosovo are free from political interference. Furthermore, the European Commission regular country reports for Kosovo do not point to positive results in the rule of law in Kosovo.

The EU CSDP intervention through EULEX in Kosovo a small country in the European neighbourhood was a test to show the maturity of the CSDP, capabilities as well as the cohesion of the EU member states, to improve the Kosovo rule of law, and security in general. EULEX was the most prominent civilian CSDP mission deployed so far and expression of the EU ambition. It had a distinctive mandate and executive authority in Kosovo like no other mission before. As such, this mission was supposed to set an example of the EU abilities in implementation of the CSDP missions. EULEX had all the means, human and financial, to meet its ends, at least in theory. Achieving these goals in Kosovo, through EULEX, it would be evidence of the EU capability and an incentive to deliver security and stabilization in the post-conflict settings elsewhere. This would further improve the image of the EU as an international security actor in crisis management. However, the biggest and most costly EU CSDP mission seems no to have convinced Kosovo citizens that the EU is up for this job. Over
60% of Kosovo citizens interviewed consider that EULEX is not the model the EU should use as an example for its future CSDP missions. Likewise, the interviewed experts from the CS, KI and EULEX officials are generally disapproving of the idea that EULEX is used as a model for future CSDP missions. Over 70% of the experts support this opinion and consider that EULEX is the perfect example of a failure, an example of the rule of law mission the EU should not deploy in the future. Therefore, the answer to sub-RQ4: Is EULEX mission in Kosovo an example of good practice that the EU should use for its future interventions, is negative.

To conclude, all the insights and knowledge generated with the answers in the four sub-RQ above have provided in-depth explanations on the assessment of the results of EULEX, which established the bases for determination on the relevance of the EU CSDP in crisis management. EULEX being one of the biggest and most extensive CSDP mission was instrumental in providing this assessment. Therefore, the answer to RQ: Are the results of EULEX mission in Kosovo, implementation of the mandate, meeting the expectations of the security consumers, the real difference on the ground and if EULEX is an example of good practice, determinant to show the relevance of EU CSDP in crises management, is positive.

The sub-RQ1 has informed that EULEX did not implement the mandate. This raises the question for the EU CSDP crisis management planners if the mandate assigned to EULEX was far more extensive than what the capacities of EULEX were. Then, perhaps the EU with EULEX showed big ambition without assessing properly its capabilities, thus assigning these complex tasks for EULEX it was a premature decision. As such, this research warns that the EU CSDP planners should think through, assess properly and decide reasonably on the mandate and tasks for the future EU CSDP missions. In this context, the executive task assigned to EULEX was mostly criticised, especially by EULEX officials, while MMA task was generally positively assessed. Therefore, it can be stated that the EU CSDP still is not ready to ensure that its missions can cope with such executive responsibilities.

Furthermore, the sub-RQ2 establishes that EULEX did not meet the expectations of the security consumers - Kosovo citizens. It seems that the EU CSDP planners have made some wrong steps with EULEX. In addition, to the extensive mandate mentioned earlier, there was no proper planning of an information strategy for the security consumers, which left the latter to create their one views of what EULEX will provide to Kosovo. Moreover, when they deployed in Kosovo their communication strategy was not well thought through, promising things that they could not deliver. Further, there were statements of EULEX officials interviewed; who
claim that EULEX used only 20% of its capacities and that there was political interference from Brussels in their work. As such, the EU CSDP planners have a lot to learn for the next crisis management interventions. Timely and adequate development of the information and communication strategy for the security consumers will ensure that they will have realistic expectation from the CSDP intervention. This, of course, should be balanced with the buy-in strategy, which is the prerequisite to ensure the presence of the CSDP missions in the post-conflict theatre; however, the promises for the security consumers should be as reasonable as possible, compliant with the mission capacities. In addition, of course, what is worthy of the CSDP crisis management mission if they use only 20% of its capacities, as well as, how the EU thinks to be a credible crisis management actor if it intervenes politically in rule of law issues assigned to its CSDP missions.

In theory, at least, the EU CSDP interventions should make some positive and lasting changes for the state and society where its missions are deployed. Ten years after EULEX deployment in Kosovo hardly any positive or meaningful change can be noted, as confirmed by sub-RQ3. Here again, I mention the extensive mandate of EULEX and the communications strategy. If the mandate would have been more focused and resources concentrated for a particular field, for example, support of the judiciary, and with cleverer communication strategy, perhaps EULEX stood better chances to have a real impact in Kosovo’s state and society. Therefore, this should be a lesson learnt for the future CSDP crisis management missions, to focus its mandate in one particular task and succeed, rather than extending in many tasks and risking failure in all altogether.

The EU builds on the knowledge gained and experience from the past missions and makes efforts to bridge the gaps identified, ensure more resources, plan and equip better the future CSDP missions. While EULEX can be used to analyse all the shortcomings of this mission and generate knowledge for the future interventions, EULEX mission as such cannot be used as a model, as was found in sub-RQ4. Another lesson learnt for the EU as well, is that the intervention in the European neighbourhood in an area well known for the EU, a small country with a small population may have created the impression that this intervention through EULEX would be straightforward. However, most probably the EU has overlooked its capacities and structural problems such as human resources or strategic planning, thus did not meet the intended goals. Therefore, none of the future missions should be identified or announced as a flagship of the EU CSDP, before concrete and reliable results are achieved.
As such, this research has demonstrated that the assessment of the results in the implementation of the CSDP mission’s mandate, meeting the expectations of the security consumers, making a real difference on the ground and setting the example for future CSDP missions, is determinant to show the relevance of EU CSDP in crises management. Therefore, this thesis concludes that the EU has used the opportunity and established its presence through EULEX in Kosovo; however, this mission did not make any real difference on the ground. Hence, from the assessment of the strengths and weakness of the biggest CSDP mission so far it cannot confirm the relevance of the EU in crisis management. If we use Kosovo as a particular example, the EU cannot be compared with results the other crisis management actors have achieved NATO (KFOR), UN (UNMIK) or the OSCE, in the same context and in the same timeframe, but in a more rudimental environment. However, this is not to say that the EU should give up of its CSDP vision, as one of the interviewees has put-it; however, the EU has a long-way ahead to remedy all its shortfalls and show its relevance in crisis management.

The conclusions above leads us to the first hypothesis which states, the ability of the EU to remedy the consequences of the crisis, to restrain its spread and create an environment for a longer term solution through CSDP missions signifies EU as a meaningful actor in crisis management. The EU through EULEX as demonstrated with this research did not achieve the intended results to remedy the consequences of the crisis. The rule of law issues’ have been a concern in Kosovo since the end of the conflict in 1999 and remain in 2018. In this context, the security-development nexus introduced by the Lisbon Treaty, and reinforced with the Agenda for change (European Commission, 2011) and the new European consensus on development (European Commission, 2017), should be discussed here. The EU security development-nexus approach aims to integrate the efforts for societal security and development to ensure long-term stabilization of fragile states. As I have presented in section 3.1.4 the EU had a great role in the reconstruction of the post-conflict Kosovo within the UN umbrella and with different other instruments and projects. However, the EU efforts could have been better coordinated to bridge the security-development nexus and reinforce the coherence of the EU external action (Council of the European Union, 2007). Perhaps the EU rule of law mission should have been deployed immediately after the conflict in Kosovo, to assist Kosovo along with the post-conflict reconstruction. Intervention at the early stage may have been far more advantageous at least for two reasons, first at that early stage of the post-conflict the criminal structures associated with Kosovo politics did not exist; and second, the EU would have the opportunity to shape and later develop itself the foundation of the rule of law system in Kosovo.
An EU intervention almost a decade after the conflict, taking over support for the rule of law system developed by another crisis management actor (UN) and when the criminal networks were well established and sophisticated, made the EU efforts in Kosovo to strengthen the rule of law through EULEX, a mission impossible. In terms of the restrain of the spread of the crisis consequences, it was mentioned that EULEX generally has failed to address or prevent criminal cases that have effects beyond its borders. As stated above, in the previous sections Kosovo is a transit route for different criminal activities human trafficking, smuggling of migrants as well as small arms and light weapons, trafficking of narcotics, etc. Moreover, there is a big flow of money, beyond the capacities of Kosovo economic development, which raises suspicions of money laundering. The lack of EULEX results in addressing these criminal activities not only undermines the Kosovo state, but it provides for its spread to European countries, and beyond. Furthermore, the lack of any real impact on the rule of law institutions in Kosovo did not create an environment for a longer-term solution. Example to the point, as I have mentioned earlier, the Kosovo court has acquitted the accused in so-called ‘Pronto’ case, investigated and intercepted by EULEX, despite the evidence.

Therefore, in the absence of the abilities to remedy the consequences of the crises, restrain its spread or to create an environment for a long-term solution through CSDP missions the EU cannot be considered a meaningful crisis management actor. As such, the first hypothesis cannot be confirmed.

The second hypothesis reads **the positive transformation of the rule of law system and the real impact in Kosovo state and society shows the relevance of EULEX.** Through this thesis it was evidenced that EULEX did not contribute to the reform or positive transformation of the rule of law system or had any real impact in Kosovo state and society. To use the statements of some interviewees, EULEX was a waste of time and money. While the latter may be stated to be regretful, EULEX has caused another major negative impact on the security consumers. EULEX made them lose the trust in the international organization, and trust that Kosovo alone can improve the rule of law if this was not possible with the support of 28 EU member states. Hence, missing concrete results in the rule of law system and having no concrete impact in the post-conflict state and society, shows the irrelevance of EULEX. Therefore, the second hypothesis cannot be confirmed either.

Finally, drawing from the research findings presented, discussions and arguments we can give an answer to thesis central research question: **If the EU CSDP missions are a suitable**
mechanism in crisis management for post-conflict situations. The case study on EULEX has shown that the EU CSDP missions are perceived positively and generate hope and expectation for the post-conflict states and societies. Therefore, the security consumers warmly welcome the CSDP missions with the hope that highly developed EU countries (e.g. Germany, France, United Kingdom, etc) will help them in overcoming consequences of the conflict, provide an environment for societal and economic development, and stabilize the state, that in turn would ensure not to relapse again into conflict. However, the EU capabilities in the crisis management despite the development of the policies, instruments and resources, still did not reach the level to deserve the welcoming of the post-conflict states and societies. The EU is a strong brand, but this is mainly because of its trade and financial instruments, something that we cannot claim for the CSDP, at least not at the present. EULEX case study has identified numerous weakness related to CSDP that unable this EU foreign policy instrument to show its best. First, EULEX case has shown the EU’s incoherence, although the member states agreed to deploy EULEX, not all members recognized the political status of the state and society they aimed to assist. Further, the EU established a large mission in a small state of Kosovo, with the hope that this mission will show the strength and competence of the EU CSDP. However, soon after it was realised that EULEX had an extensive mandate, which included executive competences that the latter could hardly accomplish. Moreover, the structural problems such as human resources, lack of the standard operating procedures for different issues, inability to provide witness protection, etc, were evidence of the CSDP shortfalls in crisis management. Then, an allegation for internal corruption and malpractice within EULEX exposed the EU foreign policy to the worst extent possible. Practically, a CSDP mission sent to strengthen the rule of law institutions of the post-conflict state and stabilize its institutions was itself found in a situation accused of alleged corruption and malpractice. Furthermore, this research identified incoherence in applying different EU instruments. As I have stated, the EU has supported Kosovo post-conflict reconstruction and provided aid through different project immediately after the conflict, but this was not the case with crises management mission. This fact also diminished the EU efforts for security-development nexus. Moreover, evidence shows that the EU through EULEX was not comparable with the results achieved by the other crisis management actors in Kosovo UN or OSCE, while comparison with NATO (KFOR) would not be appropriate. Therefore, EULEX case as a flagship of the EU CSDP did not prove that the CSDP missions are a suitable mechanism for post-conflict crisis management. As such, this finding is viewed in the light of the suspicions some of the EU foreign policy experts and authors have expressed. Namely, they consider that the EU member states deploy CSDP
missions only for their political interest, to show the visibility of the EU and demonstrate the EU contribution to international security and that the primary role of these missions is not to impact crises but to prove the European integration and balance interests of the member states. Nevertheless, this cannot completely downplay the values of the CSDP, or to exclude the right of the EU to remedy its shortfalls, as well as to extend further the CSDP vision and strengthen its capabilities, and prove in the future interventions its worth as a crisis management actor. Therefore, if the EU manages to remedy the CSDP missions’ shortfalls identified so far, this EU instrument, can be considered as a suitable mechanism in crisis management for post-conflict situations.

5.1.3 Limitations and further research

This research has employed the case study method, more particularly the instrumental case study which facilitates understanding of something else. Namely, in-depth research of EULEX mission in Kosovo facilitated the understanding of the EU CSDP as a crisis management actor. Even though the qualitative approach was chosen as the best model for research, based on the Tardy (2015, p. 38) who claims that many critical facets of peace and security cannot be quantitatively measured; however, this of course, does not dismiss the merit of the quantitative approach. Moreover, EULEX was chosen as a single case study, this could be seen as another limitation. However, because of its potential to generate knowledge on the EU CSDP mission, being the biggest and most extensive CSDP civilian mission so far, I hold that validated the approach. Nevertheless, research of more than one CSDP mission and their comparison of the results could produce potentially valuable insight for the CSDP too. In addition, another observation can be made about to timeframe chosen for the research 2008-2018. Even though, the writer of this thesis and the thesis supervisors agreed that a decade of the function of a CSDP mission is mature enough to have a holistic research one it. However, EULEX mandate was extended beyond 2018, until June 2020, with the possibility of further extension. Thus, if EULEX mandate is extended further, research on a longer period may produce different findings than this dissertation. Furthermore, the analytical framework probably could have been set up differently to draw from other schools of thought such as the European Studies for example, even though the International Relation framework was able to identify and expose the reasons and drivers for CSDP missions’ deployment. Lastly, this research was guided from the perspective of the security consumers and the impact it had on the ground. However, the research guided from the perspective of the EU institutions or the EU member states may produce completely different results. As previously stated, regardless of the results achieved
sometimes the mere fact that a CSDP operation is launched is considered a success for the EU, as well as if these missions further the European integration, and serve for the socialization process to strengthen the EU identity. Moreover, for the EU member states deployment of the CSDP missions, despite the results, can be considered a success if this strengthens their national foreign and security policy and influence. Therefore, the research of EULEX from the prism of the security consumer and the assessment from the EU institutions or its member states may produce very different results.

This thesis has generated also several topics for further research on CSDP and EULEX itself, which adds substantial value to this thesis. Initially, through this research, it was noticed that the research interviewees expressed their views and compared the results and achievements of EULEX, with the UN mission (UNMIK) established in Kosovo. Therefore, it would be interesting to research contribution of all crisis management actors in Kosovo since 1999 and to assess what was the role of the EU in general compared to other actors, and of the CSDP in particular. Furthermore, one of the major shortfalls of EULEX during the research was found to be the structural problems of the CSDP in terms of human recourses, specifically the quality of the staff seconded to EULEX from the EU member states. As such, it would be valuable to assess the work and output of the seconded and contracted staff either of EULEX or of other CSDP missions. Findings of such research would establish what is the most cost-effective for the EU, the big number of the seconded staff or the small number of the contracted staff in CSDP missions who bring results for the EU CSDP missions. In addition, another important research topic is linked with EULEX mission. Findings of this thesis are based mainly on the perception of the security consumers, on the success or failure of EULEX; it would be valuable also to have an assessment of EULEX from the perspective of the EU member states or EU institutions and compare with the results of this thesis. Another, important topic identified in this thesis is the effects of incoherence in the implementation of the CSDP mission mandate. A EULEX official during the interviews has stated that different interest of the EU member states have put a huge burden on EULEX staff in terms of reporting. Namely, EULEX staff

31 Regarding human resources, another noteworthy issue was brought. During this research, it was stated that some of EULEX judges did not possess the required qualification or expertise. Therefore, one of the interviewees suggested that the EU CSDP planners select the judges for future CSDP missions in cooperation with the European Court of Human Rights, to ensure the quality of the staff deployed. In addition, transfer of the staff from UNMIK to EULEX, while the former was largely perceived from the security consumers as unsuccessful mission, was a mistake of the EU according to the interviewees of this research. Moreover, EULEX faced difficulties with the translators who were leaking confidential information that harmed mostly the witness protection programme, thus, the CSDP planners should have consideration for language capacity building of its staff.
during their reporting from Pristina to Brussels had always to have in their mind the views of
different member states on EULEX and adjust the reports accordingly. As such, a further study
on this issue may shed light on this element of the CSDP work. Furthermore, through this
research the writer of this thesis was made aware of the political interference from Brussels in
the work of EULEX. Namely, EULEX staff have disclosed that there were instructions from
the Brussels for EULEX staff working in the judiciary for the number of cases that had to have
the sentencing judgment. Of course, this was unacceptable for EULEX judicial officials, as the
judgments in court are based on the evidence presented and administered, not on the political
instructions from the Brussels. Thus, research of this political element of the interference in the
CSDP rule of law missions would be valuable knowledge, for the future CSDP rule of law
missions. Further, while there were issue raised for the quality of the seconded staff, questions
have been reside for the management of EULEX as well. Namely, EULEX head of missions
either have been diplomats and persons with a military background, with little or no knowledge
on the rule of law, according to the interviewees of this research. This is confirmed as well in
a report issued by KIPRED (2013). Therefore, it would be interesting to study the profiles of
the head of missions in the CSDP missions and assess their performance. Perhaps, these studies
would be helpful for the CSDP mission planners to choose the adequate profiles of the head of
missions for future CSDP missions. Lastly, some of the interviewees and some EU experts that
the writer of this thesis has discussed with about EULEX have opposed this type of intervention
of the EU in Kosovo. The EU experts consider that the rule of law in Kosovo should have been
supported in the framework of other EU instruments, not of the CSDP. While some of the
interviewees consider that, the EU should have not deployed a CSDP mission in Kosovo, but
rather to invest in the education of the young lawyers in European universities. They consider,
this could have proven to be a better strategy to ensure quality and integrity of the future
Kosovo judges and prosecutors, and would be far less costly than EULEX. As such, I believe
that a study on this issue merits the attention of the researchers interested in the EU CSDP
missions.

32 During the interviews some of EULEX officials were disapproving to take instruction from Brussels on the
number of court cases that had to have a sentencing judgment. But on the other side, they would say, that perhaps
this is understandable in one way since EULEX is a political mission after all. However, this understanding derives
from the lack of knowledge of the foundation of the rule of law system. Justice system is a separate pillar of the
governance, independent from the legislative and executive. Furthermore, how one could justify such an
intervention, while EULEX was mandated to ensure rule of law system in Kosovo free from political interference.
If the Brussels insisted to employ such a policy with EULEX, what is the difference then from the Kosovo political
elite that intervenes in Kosovo rule of law institutions.
5.1.4 The future role of the EU in crisis management

The main motive for this thesis was to study and reflect a historical episode of the EU achievements through one of its foreign and security policy instruments. This episode represents one of the many activities and initiatives of the EU identity formation and the quest to become a global security actor. The current trends in world politics will continue to evolve and the instability in different parts of the world, especially in its neighbourhood Middles East, North Africa and East (Ukraine), will provide opportunities for the EU to engage in crisis management alone or along with other crisis management actors.

Furthermore, these interventions should be viewed from the perspective of challenges for the EU internal security. The instability and emerging situations may prompt more extensive involvement of the EU, before and after the crisis, to avoid scenarios such as the Arab spring that produced the refugee crisis and destabilized the security situation particularly in a number of the south EU member states, Greece, Italy and Spain.

In this regard, the EU Global Strategy has stated clearly its aims for the future involvement of the EU in security governance issues. Among others, the strategy states that the EU must be able to respond rapidly, responsibly and decisively to the crisis. Furthermore, it emphasises the integrated approach of the EU to conflicts and crisis which suggests engagement in all stages of the conflict, from early action and prevention, and whenever possible to stay in the post-conflict area long enough for the peace to take root. Moreover, the strategy fosters the multilateralism in crisis management interventions. Therefore, it is important for the EU to increase its cooperation with the other crisis management actors, UN, OSCE, NATO, AU and other, to contribute in international security, but same time to learn from more experienced crisis management actors.

This research has shown that the EU crisis management capabilities still lack behind other crisis management actors such as UN or the OSCE, for the obvious reason, that the latter have the long-standing experience, and were able to sophisticate their structures and develop detailed SOPs.

Nevertheless, despite the results achieved with EULEX, the fact that the EU has deployed over 30 CSDP missions so far worldwide shows the EU exposure and involvement in crises management. If the EU builds on its achievements and draws from the lessons learnt from the mission’s deployed so far and bridges the identified gaps, while strengthening further its
capacities, the EU CSDP missions will be able shortly to make a real impact on the state or society where the interventions take place. Particular emphasis should be devoted to the development of human resources capacities, management – leadership of the missions, assignment of reasonable mandates and tasks, and integrity of the personnel.

However, there is one issue that warrants the attention of the EU policymakers. If unexpected and more complex crisis management situation unfold such as Afghanistan, Syria, Libya that seriously threatens the EU and wider world, and requires long-term engagement, the question is if the EU is able to respond timely and effectively to such crisis. Hence, in the continues changing environment in the world with asymmetric security threats, the EU should invest more in crisis management, before and after the crisis occur, to ensure and preserve the security of its citizens and the EU member states.
6. CONCLUSIONS

The EU has transformed its vision into action as an important security actor sharing the responsibility for international security along with the other actors. Through CSDP, the EU channels the Lisbon Treaty commitments and echoes its identity, values, norms and culture. The CSDP missions deployed in crisis areas are the means through which the EU contributes to crisis management at the international stage. Deployment of over 30 missions and operations in a less than two decades yields for an extraordinary success of the EU foreign and security policy (Hyde-Price, 2007; Toje 2010; Ginsberg & Penksa, 2012; Kaunert & Zwolski, 2013; Shepherd, 2015). At the same time many experts and researchers of the EU CFSP and CSDP warn on the impact these missions have. Moreover, some scholars specialized in the EU foreign affairs dismiss completely the relevance of the CSDP for the EU and suggest that the latter is returned to its traditional foreign policy tools (Cameron, 2007; Keukeleire in Bindi 2010; Larivé, 2014; Haesebrouck, 2015).

Europe has made remarkable changes following the end of the Second World War. Leaving behind the rivalries of the past, and turning to cooperation, the Europeans foster the perspective for a peaceful and prosperous old continent. In this positive development, the context was instrumental. The rivalries between the USA and the Soviet Union provided an enabling environment for European cooperation. While the first initiatives were connected with security-defence issues, the major big steps were made on economic cooperation. However, soon the political cooperation began and the Europeans established forums where they discussed their internal political issues and attempted to forge unified foreign affairs positions with the rest of the world. The 1970s marked the first step of the joint efforts of the Europeans in foreign affairs with the exterior. Nevertheless, the dramatic changes that unfolded with the end of the Cold War, required from the Europeans to shift their cooperation at a higher level and adapt to the new security environment. In this setting, the Europeans had to consider their security community and position themselves in the international security stage.

The EU and its CFSP was established with the Maastricht Treaty, and was further evolved with other conferences and treaties, adopting new tools of action and strengthening the structures. However, the unfortunate circumstances in the neighbourhood in Balkans wars exposed the EU and tested its abilities in conflict prevention and crisis management. The EU did not have neither the capacities nor the stomach to deal with this issue; rather other actors were engaged and pacified the situation. This event depicted the scarce resources and abilities of the EU to
mount any serious action in the theatre of crises and showed the redundancy of its traditional diplomatic tools. Therefore, the European leaders, British and French governments gathered in St. Malo summit in 1998 to initiate a new framework of cooperation in the framework of the European Security and Defence Policy. This initiative foresaw the establishment of the security and military structures and force build-up. However, not all member states agreed on the militarization of the EU; therefore, in 2000 the civilian crisis management capabilities and bodies were established claiming that the Union can play a constructive role in peacebuilding as well.

Once the capabilities were built and the structures were in place the EU needed a vision for its security and the outside world. In 2003, the EU adopted the European Security Strategy, which provided that vision and sent the signal to the world for its commitment to contribute to international security. This contribution started already in 2003 with the deployment of the first CSDP mission. From then onwards the EU would rapidly increase the number of the CSDP missions and operations and will stretch geographically far beyond the European continent. Furthermore, two important events the adoption of the Lisbon Treaty in 2009 and the EU Global Security 2016 signified a further step of the EU in security governance issue. These amazing developments marked the EU presence in theatres of crisis, contributing alone or along with other security actors in crisis management. However, the extent of the EU contribution to crisis management is widely debated. An assessment of the CSDP missions to date shows that the EU favours small-scale missions in response to issues which are low on the international political agenda, inefficient, driven by member states interests, motivated by political visibility and the perceived need for the Union’s response to insecurity. Moreover, the theories on CSDP drivers and the EU foreign policy show that the member states choose to deploy CSDP missions not to provide benefits for conflict-affected state and society, but based on the calculation of risks and costs, missions which are closer to home, possibilities for learning, consensus-based, and the possibility to show the EU feet in the international stage.

Having reflected the EU development and constraints, and the debates on the relevance of the CSDP missions and its drivers, below I discuss findings of this research and provide a response, whether the EU CSDP missions are a suitable mechanism in crisis management for post-conflict situations. Aside from the general review of all CSDP missions so far, a particular case, EULEX mission in Kosovo was researched in-depth, through the prism of the security consumer. Assessment of EULEX as one of the flagship of the EU CSDP, biggest civilian
mission, most costly and one of the longest-running, generated knowledge to explain the strengths and weaknesses of the CSDP as a tool of the EU CFSP.

The case study displayed several shortfalls of EULEX, which evidence the weaknesses of the EU CSDP. Namely, EULEX was deployed within the European continent, in a small state with a small population, where the Europeans have been involved before politically and economically. Thus, in theory, deployment of this mission and acquiring results should have been a straightforward issue for the EU, and a great opportunity for the latter to excel as a crisis management actor. This view is based on the fact that EULEX was deployed almost a decade after the conflict in Kosovo, when major work on the framework of the institutional building, the rule of law and post-conflict reconstruction, was completed by other crisis management actors. Therefore, EULEX was deployed in a fairly stabilized context and its role was only to further strengthen the rule of law institutions of Kosovo, compliant with the international standards and European best practices.

After a decade of its work in Kosovo, this research found that the results of EULEX were disappointing. With this statement, agree fairly the majority of the interviewed Kosovo citizens, experts from the Civil Society, Kosovo Institutions, EULEX officials, the writer of this thesis and are confirmed by different local and international reports. The reasons were different, but the results are not justifiable. Namely, EULEX had the human resources, at least numerically, finances and what is most important the buy-in of the Kosovo state and society. Kosovo citizens and institutions welcome the mission, and have hoped that through EULEX assistance, Kosovo would progress towards EU integration. In 2008, this seemed real and possible, in 2018, it is a distant memory of a good plan that never saw its successful end.

With the extensive mandate and executive powers, EULEX had unlimited access to Kosovo rule of law institutions, in some cases even had exclusivity. From this perspective and with the strong support of the Kosovo citizens, it was fairly realistic that EULEX would achieve positive results. Unfortunately, this did not happen. This research has shown that EULEX did not even formally implement its mandate. Along with non-implementation of the mandate, the missing results of EULEX have caused a major disappointment for Kosovo citizens, which lost their hope for improvement of the rule of law in Kosovo. Moreover, EULEX intervention did not create an environment for a long-term solution in the rule of law in Kosovo. This fact is confirmed by the European Commission regular country reports for Kosovo. The accusations
for alleged corruption and malpractice within EULEX made even the most optimists in this mission lose their trust, and in addition, negatively exposed the entire EU foreign policy.

Nevertheless, this research has identified several concrete shortcomings of EULEX, and the EU CSDP in general, that enabled EULEX to achieve results and the EU its goal.

First of all, the research results show that the EU member states incoherence in foreign and security policy proved to harm the mandate implementation of the EU CSDP mission. Even though the EU member states agreed to deploy EULEX in Kosovo, they have a diverging stance on the political status of Kosovo. Five EU member states do not recognize the independence of Kosovo from Serbia. A EULEX official has revealed the fact that different positions of the member states on Kosovo political status has put a strain in the work of EULEX and has affected the efficiency of EULEX staff during regular reporting to Brussels. Therefore, it is suggested that the member states increase their coherence in CSDP interventions.

Furthermore, the EU CSDP has fundamental problems with information and communication strategies. This research has shown that the citizens of Kosovo even after a decade of EULEX’s presence in Kosovo do not have sufficient information on the work and its mandate. Also, EULEX officials communicated to Kosovo public what they wanted to hear, that they would uproot crime and corruption in Kosovo, promising things beyond the capabilities of EULEX, with the sole aim to ensure the buy-in for the mission. This is a major dearth for the EU as an international security actor that requires immediate attention.

EULEX suffered from a lack of human resources. Namely, through the research, was questioned the quality and expertise of the seconded staff from the EU member states. Also, irregularities were identified; officials without necessary qualifications were assigned to key positions within EULEX. Moreover, some interviewed experts have claimed that a number of EULEX staff consisted of civil servants from the EU member states they wanted to get rid-off. However, the most surprising information was that EULEX did not have enough judges and prosecutors, as well as investigators and analysts. Thus, the legitimate question posed is how an EU CSDP mission can achieve any results without the needed expertise and resources. Besides, the alleged corruption and malpractice cases within EULEX exposed the limits of the EU CSDP to assess and ensure the integrity of its staff. Lastly, it should be mentioned that the transfer of the officials from UNMIK to EULEX was perceived as a mistake by the experts, and had a major negative impact on the trust of the Kosovo citizens. The writer of this thesis considers that no other CSDP missions should be deployed until these problems are fixed.
Moreover, as stated above, EULEX mandate was very broad. Perhaps it was too ambitious from the EU to assign such a mandate, or maybe the EU CSDP planners lacked the skills and the experience to assess and determine realistic mandates. The research has shown and the EU experts agree that EULEX never stood a chance to implement its mandate successfully. Even though, as previously mentioned, the implementation of the CSDP missions mandates not necessarily leads to a real impact in the area of the intervention. Therefore, this thesis has concluded that if EULEX mandate was more focused in a particular area of the rule of law such as support for Kosovo court system only, it could be that EULEX would have achieved some tangible results.

Besides, one specific task was assigned to EULEX through its mandate to ensure Kosovo rule of law institutions function free from political interference. The interviewed EULEX officials’ themselves have suggested this task to be a utopia, that EULEX could never complete. The writer of this thesis maintains that the EU Special Representative office in Kosovo, was better positioned to influence Kosovo authorities, to depoliticise the rule of law institutions. Further, another concerning issue was identified during the research. It seems that there was political interference from the Brussels towards EULEX. A EULEX official has revealed that the EU officials have instructed EULEX judiciary officials on the number of cases that had to end with the sentencing judgments. This was an aggravating finding, which completely dismisses the EU as a normative power, and undermines the EU values. Thus, in the future, the Brussels officials should refrain from interference in the independence of judges and prosecutors in CSDP missions.

Furthermore, the research found that EULEX work was very much dependant on the political environment in Kosovo and the EU facilitated dialogue between Prishtina and Belgrade, in Brussels. Some experts interviewed claimed that EULEX did not file any indictment against Kosovo politicians involved in crime or corruption when it was perceived that Brussels talks would be affected or the political stability in Kosovo. As such, the experts conclude that EULEX sacrificed the rule of law in Kosovo for political stability. Also, the experts have stated that EULEX had blackmailed Kosovo state officials, through phone interception recordings to push them into political negotiations in Brussels, but they did not use the same recordings for indictments. The writer of this thesis is the witness of this fact. Namely, EULEX interceptions of the corrupt Kosovo politicians were made public only after the prescription of the legal deadline for the validity of these recordings, which then were not admissible for the court, thus Kosovo prosecutors could not make any use of them. Therefore, with justification, it cannot be
concluded, if the real aim of EULEX was to support the Kosovo rule of law institutions or had other hidden agendas. The evidence gathered for this research from expert interviewees and presented thus far leads towards that direction. This situation confirms the theory, that the CSDP missions are not deployed for the benefit of the state and society in crises, but the interest of the EU member states. As such, the CSDP rule of law missions in the future should refrain from interference in local politics and ensure the rule of law, as well as to ensure that there is a real impact on the post-conflict setting.

Also, another concerning issue according to the experts was the leadership of EULEX. The heads of the mission appointed were usually diplomats or military personnel. They claim that this profile is not suitable for the CSDP rule of law missions. Hence, they suggest that these missions should be headed by individuals that have rule of law background, as the diplomats and especially the military personnel, do not have the needed knowledge and understanding of the rule of law.

Further, EULEX was criticised by the Kosovo public for its involvement in the technical implementation of the agreements in the EU facilitation dialogue between Prishtina and Belgrade. This involvement of EULEX confused the Kosovo citizens as they were not able to understand if EULEX is dealing anymore with the rule of law in Kosovo or not. Moreover, assigned resources of EULEX in dialogue talks in Brussels, limited further its resources to deal with the rule of law. Nevertheless, the experts interviewed have assessed this task as the only one completed successfully by EULEX and its effects positive. Therefore, refocusing on another task, which was not part of the original mandate of EULEX, proved to be the right decision of the EU.

EULEX had another difficult task related to witness protection programme. This was not an easy task according to experts interviewed, as it had many flaws and an UK minister has warned on the limited human resources in this programme. Without this programme, it would be unimaginable that the cases of war crimes would be resolved in Kosovo. However, one witness, in one of the major trials in Kosovo for war crimes was found hanged, and other parties interested to witness have been intimidated. As a result, the majority of the war crimes in Kosovo have remained unresolved. Hence, the establishment of the Kosovo Special Court Chambers in Hague, to deal with the war crime cases in Kosovo, according to interviewed experts is a direct result of the inability of EULEX to deal successfully with these cases. Therefore, the EU should seek to strengthen this component for its future CSDP missions.
Furthermore, one issue that was highlighted by the experts interviewed was the executive mandate of EULEX. Their view is that the EU wanted to magnify EULEX with this mandate to show that this is its biggest CSDP mission, to experiment with this authority, and if successful replicate it in future CSDP missions. However, the experts argue that the EU will not have other CSDP missions with an executive mandate in the future; since EULEX showed in all likelihood that, the EU CSDP is not mature enough for such a task. Thus, without acquired resources and expertise, the EU is advice not to assign such a mandate to other CSDP missions.

Moreover, another important finding of this research is that EULEX used only some 20% of its capacities. A EULEX official interviewed stated that if EULEX was to utilize 60% of its capacities Kosovo would be the safest place on the planet. Therefore, this issue warrants the EU to increase its oversight capacities, to ensure the efficiency of the CSDP missions in implementation of the mandate.

Considering what was stated above and discussions the writer of this thesis had with some EU experts, they contest the EU intervention in Kosovo through EULEX in the framework of the CSDP. According to their opinion, the EU should have applied other instruments in Kosovo that could have proved to be more effective than EULEX. Their view goes along with the statement of the European Commission who considers that the CSDP (civilian) intervention are trivial, and as such, hardly can induce any systematic change in the affected society. Besides, some of the interviewed experts have concurred with this opinion, and have suggested that perhaps it would have been more effective if the EU would invest in the education of young Kosovo lawyers in European universities, that would join later-on the judiciary.

Moreover, another issue related to the EU CSDP intervention in Kosovo requires attention. The Lisbon Treaty has institutionalised the concept of security-development nexus. Even though the CSDP civilian missions among others aim for long-term stabilization of the post-conflict settings, this research has revealed that the CSDP mission (EULEX) is not comparable with the successful EU aid and post-conflict reconstruction of Kosovo. The EU was involved in the rule of law through EULEX almost a decade after the end of the conflict, when other actors have already established the rule of law institutions in Kosovo. Hence, the argument is that the EU to attain as much as possible results in post-conflict interventions should deploy jointly aid programmes and CSDP missions, to ensure coherence and consistency of the EU external action.
Therefore, EULEX case study has shown that the EU CSDP has major deficiencies in managing civilian CSDP mission. Consequently, it can be concluded that the EU still did not acquire the capabilities nor has the know-how to handle bigger CSDP missions. As such, EULEX did not prove the relevance of the EU in crisis management.

However, despite the criticism, EULEX as found in this research, has implemented one task of the mandate, that of facilitating the implementation of the agreements between Kosovo-Serbia signed in Brussels, which will enhance the confidence-building between the parties. Further, EULEX implemented partially the MMA task that increased the capacity-building of the KI rule of law officials. Besides, EULEX implemented partially the task of ensuring the maintenance and promotion of the rule of law, public order and security, meaning that some results were achieved in maintenance and promotion of the rule of law, public order and security. Lastly, one expert interviewee has stated that one contribution that can be attributed to EULEX is the transfer of the knowledge to its local staff, who now work for Kosovo courts and are among the most competent Kosovo judiciary staff.

Also, it is important to note that the Kosovo citizens and the experts interviewed have acknowledged that the CSDP missions generate hope and sense of safety for post-conflict societies, who see the EU as a capable actor to make lasting changes in their society. Therefore, this does not necessarily mean that the EU cannot reach the level in due time to meet the expectations of the security consumers in the future CSDP interventions, once sufficient capabilities are acquired and lessons learnt from the previous experiences are addressed. The majority of the interviewed Kosovo citizens and experts share this view. Therefore, this thesis concludes, that if the EU manages to remedy the deficiencies identified with EULEX case study, and if there is the will of the EU member states to invest further in the CSDP missions, this EU instrument would be a suitable mechanism in crisis management for post-conflict situations.

Likewise, it should be recalled that this research was conducted from the prism of the security consumers, and the achieved impact on the ground (Kosovo). Research from another perspective, for example of the EU institutions or the EU member states may very well produce completely different results on EULEX mission in Kosovo. While the research of EULEX from the prism of the security consumers assessed the results of EULEX in providing security and stabilization through the improvement of the rule of law in Kosovo, the assessment from the prism of EU institutions could be if EULEX was launched successfully, if it furthered the
European integration, and served for the socialization process to strengthen the EU identity; and for the EU member states if EULEX deployment strengthened their national foreign and security policy and influence. Therefore, the assessment of EULEX results from the prism of the EU institutions, or the EU member states, can be different from the results of this dissertation.

Finally, this research has established that the drivers for the EU CSDP intervention in Kosovo were rather to achieve political interests of the EU member states acting in the Union’s framework, an EU external action to show contribution for international security and a good opportunity for learning; than to have a real impact and support Kosovo towards better rule of law and sustainable security.
7. BIBLIOGRAPHY


122. Øhrgaard, C. J. (2018, July 30). International relations or European integration: Is the CFSP sui generis? Rethinking European Union Foreign Policy. Manchester University
Press. Retrieved from
https://www.manchesteropenhive.com/view/9781526137647/9781526137647.00008.xml


https://www.researchgate.net/publication/269093699_NEGOTIATING_KOSOVO%27S_FINAL_STATUS


253
147. Tabak, N., & Xharra, J. (2014, November 7). Scandal and Suspicion at the EU’s Kosovo Mission: Evidence of corruption inside the EU’s rule-of-law mission in Kosovo may not


Annexes

Annex A: List of the interviewees

1. Kosovo citizens

*Prishtina region*

Interview no. 1. Interview with a citizen. CPR1. 15 December 2017.

Interview no. 2. Interview with a citizen. CPR2. 15 December 2017.

Interview no. 3. Interview with a citizen. CPR3. 15 December 2017.

Interview no. 4. Interview with a citizen. CPR4. 15 December 2017.

Interview no. 5. Interview with a citizen. CPR5. 15 December 2017.

Interview no. 6. Interview with a citizen. CPR6. 15 December 2017.

Interview no. 7. Interview with a citizen. CPR7. 18 December 2017.

Interview no. 8. Interview with a citizen. CPR8. 20 December 2017.

Interview no. 9. Interview with a citizen. CPR9. 5 January 2018.

Interview no. 10. Interview with a citizen. CPR10. 23 February 2018.

*Mitrovica region (north and south)*

Interview no. 1. Interview with a citizen. CMI1. 6 January 2018.

Interview no. 2. Interview with a citizen. CMI2. 6 January 2018.

Interview no. 3. Interview with a citizen. CMI3. 6 January 2018.

Interview no. 4. Interview with a citizen. CMI4. 6 January 2018.

Interview no. 5. Interview with a citizen. CMI5. 18 January 2018.

Interview no. 6. Interview with a citizen. CMI6. 17 February 2018.

Interview no. 7. Interview with a citizen. CMI7. 17 February 2018.

Interview no. 8. Interview with a citizen. CMI8. 17 February 2018.
Interview no. 9. Interview with a citizen. CMI9. 17 February 2018.

Interview no. 10. Interview with a citizen. CMI10. 17 February 2018.

*Gjilan region*

Interview no. 1. Interview with a citizen. CGN1. 16 January 2018.

Interview no. 2. Interview with a citizen. CGN2. 16 January 2018.

Interview no. 3. Interview with a citizen. CGN3. 16 January 2018.

Interview no. 4. Interview with a citizen. CGN4. 16 January 2018.

Interview no. 5. Interview with a citizen. CGN5. 16 January 2018.

Interview no. 6. Interview with a citizen. CGN6. 27 January 2018.

Interview no. 7. Interview with a citizen. CGN7. 27 January 2018.

Interview no. 8. Interview with a citizen. CGN8. 27 January 2018.

Interview no. 9. Interview with a citizen. CGN9. 27 January 2018.

Interview no. 10. Interview with a citizen. CGN10. 27 January 2018.

*Peja region*

Interview no. 1. Interview with a citizen. CPE1. 2 February 2018.

Interview no. 2. Interview with a citizen. CPE2. 2 February 2018.

Interview no. 3. Interview with a citizen. CPE3. 2 February 2018.

Interview no. 4. Interview with a citizen. CPE4. 2 February 2018.

Interview no. 5. Interview with a citizen. CPE5. 2 February 2018.

Interview no. 6. Interview with a citizen. CPE6. 2 February 2018.

Interview no. 7. Interview with a citizen. CPE7. 2 February 2018.

Interview no. 8. Interview with a citizen. CPE8. 2 February 2018.

Interview no. 9. Interview with a citizen. CPE9. 2 February 2018.
Interview no. 10. Interview with a citizen. CPE10. 2 February 2018.

Prizren region

Interview no. 1. Interview with a citizen. CPZ1. 9 February 2018.

Interview no. 2. Interview with a citizen. CPZ2. 10 February 2018.

Interview no. 3. Interview with a citizen. CPZ3. 10 February 2018.

Interview no. 4. Interview with a citizen. CPZ4. 10 February 2018.

Interview no. 5. Interview with a citizen. CPZ5. 10 February 2018.

Interview no. 6. Interview with a citizen. CPZ6. 10 February 2018.

Interview no. 7. Interview with a citizen. CPZ7. 10 February 2018.

Interview no. 8. Interview with a citizen. CPZ8. 10 February 2018.

Interview no. 9. Interview with a citizen. CPZ9. 10 February 2018.

Interview no. 10. Interview with a citizen. CPZ10. 9 February 2018.

2. Experts

Civil society

Interview no. 1. Interview with a Kosovar Institute for Policy Research and Development (KIPRED) staff. CS1. 16 February 2018.

Interview no. 2. Interview with a Kosovar independent journalist and political analyst. CS2. 6 April 2018.

Interview no. 3. Interview with a Kosovo Law Institute staff. CS3. 10 April 2018.

Interview no. 4. Interview with a Democracy Plus (D+) staff. CS4. 12 April 2018.

Interview no. 5. Interview with a Balkan Investigative Reporting Network (BIRN) staff. CS5. 12 April 2018.
Kosovo Institutions

Interview no. 1. Interview with a Kosovo Ministry of Internal Affairs official. KI1. 10 April 2018.

Interview no. 2. Interview with a Kosovo Customs official. KI2. 10 April 2018.

Interview no. 3. Interview with a Ministry of Justice official. KI3. 19 April 2018.

Interview no. 4. Interview with a Kosovo Police Officer. KI4. 27 April 2018.

Interview no. 5. Interview with a Kosovo Judicial Council official. KI5. 3 May 2018.

EULEX officials

Interview no. 1. Interview with a EULEX official, political affairs office. EULEX1. 18 April 2018.

Interview no. 2. Interview with a EULEX official, executive division. EULEX2. 8 May 2018.

Interview no. 3. Interview with a EULEX official, strengthening division. EULEX3. 19 July 2018.

Interview no. 4. Interview with a EULEX official, executive division. EULEX4. 10 May 2018.

Interview no. 5. Interview with a EULEX official, strengthening division. EULEX5. 25 May 2018.
Annex B: Citizens interview questionnaire

1. What do you know about EULEX? 
   *Did Kosovo citizens had sufficient information on the mandate of EULEX and on its work?*

2. What were your expectations when EULEX was established in 2008?

3. What is your opinion did corruption, organized crime, financial crime and other forms of crime decreased since EULEX is in Kosovo?

4. In you view, are the Kosovo rule of law institutions: police, courts and customs more efficient and/or function better now (in 2018) than before 2008?

5. Is there less political interference in the rule of law institutions: police, courts and customs now (in 2018) than before 2008?

6. How successful was EULEX in arresting and sentencing so called ‘Big fish’s ’ involved in crime and corruption?

7. Did EULEX in your opinion managed to establish rule of law in the entire territory of Kosovo?

8. There have been some allegations for internal corruption in EULEX, what are your views on this?

9. In your opinion, did EULEX meet the expectations of the Kosovars’ to improve the rule of law?

10. Some argue that expectations of the Kosovars’ from EULEX were higher than what EULEX could deliver, what is your view on this?

11. Are Kosovars’ now more secure after a decade of EULEX’s presence?

12. What is your view, should EULEX still continue its mission in Kosovo?

13. Should the EU use EULEX as a good example for its future interventions?
Annex C: Experts interview questionnaire

1. In your view, did EULEX succeed in its monitoring, mentoring and advising task in the area of rule of law in Kosovo?

2. How successful, in your opinion was EULEX in ensuring the maintenance and promotion of the rule of law, public order and security in Kosovo?

3. Did EULEX managed to ensure that all Kosovo rule of law institutions: police, courts and customs, are free from political interference?

4. In your view, did EULEX properly investigated, prosecuted, adjudicated and enforced cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes?

5. Did EULEX contribute to strengthening cooperation and coordination throughout the whole judicial process, particularly in the area of organised crime?

6. What was the contribution of EULEX in fight against corruption, fraud and financial crime?

7. How do you assess the role of EULEX in implementation of the Kosovo Anti-Corruption Strategy and Anti-Corruption Action Plan?

8. Did EULEX in its activities respected international standards on human rights and gender mainstreaming?

9. How do you assess the role of EULEX in Prishtina – Belgrade dialogue?

10. How successful was EULEX in providing witness protection?

11. How successful was EULEX in establishing the rule of law in Northern Kosovo?

12. Did Kosovo authorities provide the environment for EULEX to implement its mission?

13. What is your opinion, are Kosovars’ satisfied with EULEX’s performance?

14. Did EULEX arrested, prosecuted and sentenced so called ‘high profile’ individuals/groups involved in crime and corruption?

15. Were the Kosovars’ expectations from EULEX higher than what EULEX could deliver?
16. Do the allegations for internal corruption within EULEX (Ms Maria Bamieh’s case) undermine the EU’s efforts in Kosovo and the trust of the public towards EULEX?

17. What is your opinion, on the European Court of Auditors report (2012) which stated that EULEX is not efficient in fighting crime and corruption in Kosovo?

18. How do you assess, are the rule of law institutions in Kosovo now (in 2018) more efficient and effective than before 2008?

19. Did the results of EULEX made a noticeable and/or real difference in Kosovo?

20. Did the level of corruption, organized crime, financial crime, terrorism cases, etc., decreased in Kosovo since the establishment of EULEX?

21. Do you think that EULEX mission is still needed to support Kosovo rule of law institutions?

22. In your opinion, did the disunity of the EU member states on Kosovo’s status had an influence on the work of EULEX?

23. What is your assessment, did the staff seconded to EULEX by the EU member states meet the required level of competence for this type of intervention?

24. In your view, should EU’s engagement in Kosovo be used as an example for future EU CSDP interventions?

25. In general, do you consider that the EU CSDP missions like EULEX are suitable security mechanisms that can contribute to international security?
Index

A

Ahtisaari · 56, 58

B

Bindi · 40, 41, 42, 69, 83, 88, 91, 99, 258, 268, 275
Booth · 43, 268
Bretherton and Vogler · 40, 41, 108, 111
Buzan · 43, 76, 267

C

Cameron · 34, 41, 59, 64, 65, 66, 108, 258, 268
Capussela · 195, 245, 268, 305
CFSP · vi, vii, viii, x, xvii, 20, 21, 26, 30, 41, 50, 57, 58, 69, 70, 71, 72, 73, 82, 84, 85, 97, 99, 102, 107, 108, 109, 110, 111, 154, 170, 173, 174, 180, 225, 243, 245, 258, 260, 267, 268, 274, 275, 276
Crisis management · x, 32, 81, 84

E

EEAS · xvii, 22, 31, 67, 69, 82, 85, 86, 109, 110, 172
EPC · x, 20, 29, 30, 59, 60, 61, 63, 69
ESDP · 21, 22, 30, 31, 66, 87, 225, 274
European Security Strategy · xvii, 22, 30, 41, 225, 259, 269

G

Ginsberg and Penksa · 41, 71, 76, 103, 110, 112

H

Haesebroeck · 34, 258, 273

K

Keuleleire · 41, 42, 47, 83, 88, 91, 99, 258, 275
KFOR · xvii, 28, 55, 147, 148, 153, 177, 207, 250, 253

Kurowska · 32, 40, 41, 48, 84, 110, 201, 268, 274

264
| Page Dimensions: 612.0x792.0 |

<table>
<thead>
<tr>
<th>L</th>
<th>Larivé · 31, 41, 42, 258, 275</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>Merlingen and Ostrauskaitė · 48</td>
</tr>
<tr>
<td>N</td>
<td>NATO · xviii, 28, 46, 51, 54, 55, 58, 66, 83, 84, 88, 89, 90, 92, 97, 100, 102, 103, 111, 141, 191, 207, 226, 250, 253, 256</td>
</tr>
<tr>
<td>neorealism · 22, 33</td>
<td></td>
</tr>
<tr>
<td>O</td>
<td>OSCE · xviii, 55, 83, 84, 97, 120, 153, 191, 197, 198, 207, 226, 250, 253, 256, 257</td>
</tr>
<tr>
<td>R</td>
<td>Rational choice institutionalism · 22, 71</td>
</tr>
<tr>
<td>S</td>
<td>Security-development nexus · vi, 24, 31, 42, 46, 47, 48, 49, 81, 141, 250, 253, 264, 269, 275</td>
</tr>
<tr>
<td>Security-development nexus · 46</td>
<td></td>
</tr>
<tr>
<td>Shepherd · 41, 258, 278</td>
<td></td>
</tr>
<tr>
<td>Social constructivism · 22, 33, 34, 71</td>
<td></td>
</tr>
<tr>
<td>T</td>
<td>Tardy · 32, 35, 38, 47, 48, 75, 81, 84, 85, 86, 90, 92, 98, 102, 179, 201, 220, 243, 253, 262, 278, 292, 295</td>
</tr>
<tr>
<td>Toje · 31, 35, 40, 41, 68, 101, 109, 112, 258, 278, 304</td>
<td></td>
</tr>
<tr>
<td>U</td>
<td>UN · ix, xviii, 25, 46, 54, 55, 56, 57, 58, 82, 83, 88, 89, 90, 97, 99, 100, 102, 105, 115, 127, 141, 180, 181, 191, 197, 213, 219, 226, 246, 250, 251, 253, 254, 256, 257</td>
</tr>
<tr>
<td>W</td>
<td>White · 59, 61, 62, 63, 64, 65, 279</td>
</tr>
</tbody>
</table>
Povzetek v slovenskem jeziku

Uvod


Po drugi svetovni vojni sta imeli za varnost v Evropi prevladočo vlogo ZDA in Sovjetska zveza. V Evropi se številni s tem niso strinjali in so si prizadevali za povrnitev nadzora nad staro celino. Na srečo je obdobje po drugi svetovni vojni nudilo dejansko okolje za tovrstna prizadevanja, zlasti ker se je zdelo, da so nova rivalstva med zahodom in vzhodom, med ZDA in Sovjetsko zvezo neizogibna. V tem kontekstu je Evropa začela iskati možnosti sodelovanja, ki bi Evropo na mednarodnem prizorišču popeljalo na zasluženo mesto. Konec hladne vojne in razpad strukture dveh polov v svetovnem redu sta povsem spremenila ravnovesje sil v svetu.

Kot odziv na spremembe v političnem in varnostnem okolju poznih osemdesetih let je bila leta 1992 s podpisom Pogodbe o Evropski uniji (PEU) ustanovljena Evropska unija (EU), ki je s pogodbo določila oblikovanje skupne zunanje in varnostne politike EU (SZVP). Operativna veja SZVP, skupna varnostna in obrambna politika EU (SVOP), v mnogih pogledih izraža notranjo in zunanjo integracijo Evrope. Navznoter odraža vrednote, želje in varnostne interese držav članic, navzven pa si prizadeva izboljšati in dokončati zunanjo politiko EU na področju povečevanja varnosti Unije ob in izven njenih meja.

Eden od ciljev EU na področju zunanje in varnostne politike je bil postati globalni varnostni akter in prispevati k ohranjanju miru, preprečevanju konfliktov in krepitvi mednarodne varnosti, zato so v središču doktorskne disertacije dosežki EU na tem področju. Po drugi svetovni vojni je Evropa začela sodelovati na področju zunanje politike, vendar je konec hladne vojne zanjo predstavljal nove varnostne izzive. Evropa je morala misliti na svojo lastno varnost.
in hkrati načrtovati zunanjo varnost, da bi lahko zagotovila notranjo varnost Unije. Da bi doseгла omenjeni cilj, je uporabila različne instrumente, med katerimi so diplomacija, pomoč, trgovina itd. Vendar je bila zaradi hitrega razvoja v zadnjem desetletju 20. stoletja EU prisiljena udejanjiti svoje projekcije zunanje varnosti. Zato je EU s SZVP razvila svojo politiko, sposobnost in organizacijo in se aktivno vključila v reševanje kriznih razmer po vsem svetu in s tem prispevala k mednarodni varnosti in zaščiti interesov Unije.


Zaradi hitrega ritma in velikega števila misij EU v okviru SVOP se zastavlja vprašanje njihovega učinka in trajnih sprememb v postkonfliktnih državah in družbah. Splošna ocena civilnih in vojaških misij, ki so bile predmet disertacije, je ugotovitev, da EU daje prednost manjšim misijam v primeru vprašanj, ki so na mednarodni politični agendi manj pomembna, misije so pogosto neučinkovite, izvajajo jih predvsem zaradi interesov držav članic in politične prepoznavnosti in jasne potrebe, da se Unija ustrezno odzove na situacije, ki ogrožajo varnost. Poleg tega teorije o gonilnih silah SVOP in SZVP EU kažejo, da se države članice odločajo za napotitev misij SVOP, kar pa ne pomeni nujno koristi za družbo ali državo, ki jo je prizadel spopad.

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Odločitev za misijo temelji na preučevanju tveganj in stroškov misije, bližine doma, priložnosti za učenje in na podlagi konsenza, saj za EU hkrati predstavljajo priložnost, da se pojavi na mednarodnem prizorišču.

Disertacija predstavlja poglobojeno raziskavo o dosežkih ene od misij v okviru SVOP, misije EULEX, ki je potekala v obdobju med letoma 2008 in 2018. Odločitev, da bo predmet študije misija EULEX, je bila sprejeta, ker je bila to do zdaj največja in najobsežnejša civilna misija v okviru SVOP, zato je služila kot vzorec za oceno prednosti in slabosti SVOP kot orodja SZVP EU in nadalje relevantnosti EU za krizno upravljanje v pokonfliktnih situacijah.

Raziskovalni problem

Na področju mednarodne varnosti je EU eden izmed akterjev kriznega upravljanja. EU pa ni najbolj znan ali močan ponudnik kriznega upravljanja, vendar pa ima v primerjavi z drugimi akterji nekoliko več strokovnega znanja in nekaterih drugih prednosti.

Civilne misije in vojaške operacije so pomemben sestavni del SVOP EU in najvidnejša dejavnost EU na področju mednarodne varnosti. Študija zunanje in varnostne politike EU kaže, da so dejavniki, ki vplivajo na vzpostavitev misij EU v okviru SVOP, kompleksni in so rezultat več dejavnikov. Do zdaj nobena posamezna teorija o mednarodnih odnosih ni uspela pojasniti omenjenih dejavnikov. Medtem ko neorealizem poudarja pomen državne moči in porazdelitve moči v mednarodnem sistemu, želi EU z napotitvijo misij sodelovati pri delitvi moči v mednarodnem sistemu. Institucionalizem racionalne izbire predpostavlja, da so operativni stroški kolektivnih ukrepov nižji, kot če bi država članica EU kot taka sama sledila svojim interesom. Po tej teoriji se države članice EU odločajo, da na misijah delujejo skupaj in tako prihramijo sredstva za doseganje svojih ciljev. Poleg tega družbeni konstruktivizem poudarja evropsko identiteto, njene norme, vrednote in kultura pa spodbujajo misije EU v okviru SVOP. Zato države članice EU s skupnimi misijami zastopajo svoje vrednote in gradijo identiteto EU.

Krizno upravljanje je pomembno orodje, ki ga EU uporablja za doseganje svojih ciljev na področju zunanje varnosti in politike. Na splošno se krizno upravljanje navezuje na ukrepe za preprečevanje kriz, odzivanje na trenutne krize ali pomoč pri krepitvi reda in miru. Večina operacij kriznega upravljanja je pravzaprav takojšen odziv na krize in oziroma ali prispevek h krepitvi dolgoročnega miru v razmerah relativne stabilnosti.

Krizno upravljanje je dejavnost, usmerjena v zagotavljanje varnosti, v smislu, da imajo upravljane krize varnostno razsežnost, čeprav izbrani varnostni ukrepi morda presegajo
tradicionalne. V praksi so najpomembnejše aktivnosti kriznega upravljanja varnost, preprečevanje konfliktov, vzpostavitev pravne države, reforma varnostnega sektorja itd. Ti ukrepi se nanašajo na odziv na grožnje, ki niso neposredne in takojšnje, ter na projekcijo varnosti zunaj območja EU s pomočjo pri stabilizaciji regij in ranljivih držav, ki bi lahko predstavljale neposredno grožnjo ali destabilizacijo družbe v Evropi (Tardy, 2015, str. 33).

Misije za krizno upravljanje so inherentno kompleksni ukrepi, saj so odvisne od podpore držav članic EU, tako od politične podpore kot od materialne. Ti posegi so zapleteni, lahko so tudi v nasprotju z varnostnimi prednostnimi nalogami udeleženih držav. Po drugi strani pa se lahko države članice EU odločijo za druge načine izpolnjevanja lastne zunanje politike, gospodarskih interesov, solidarnosti z zavezniki, kot da bi podprli državo v krizi. Poleg tega nekatere misije temeljijo na zunanjih dejavnikih, ki so na primer lahko potreba po prepoznavnosti EU, večji vpliv države članice v regiji ali odziv na javni pritisk zaradi humanitarnih izrednih razmer. Druge težave, ki so se pojavile med izvajanjem misij kriznega upravljanja, se nanašajo na razporeditev podpornih struktur in kakovost človeških virov. Kljub vsemu je krizno upravljanje ambiciozen trud, ki budi upanje in pričakovanja, da se bo kriza rešila. Zaradi kompleksnosti krize pa lahko seveda tudi razočara in ne uspe.

4. februarja 2008 je EU s Skupnim ukrepon Sveta 2008/124/SZVP38 ustanovila misijo EULEX na Kosovu. Cilj misije je bil nudenje pomoči kosovskim organom pregona pri krepitvi večetničnega pravosodnega sistema, policije in carine. Osrednje naloge misije EULEX so bile nadzor, mentorstvo in svetovanje kosovskim institucijam pravne države pri vzpostavljanju institucionalnih praks, ki podpirajo splošno demokratizacijo države. Poleg tega EULEX ohranja izvršilne funkcije v zvezi s preiskovanjem in pregonom hudih in občutljivih kaznivih dejanj na področju vojnih zločinov, organiziranega kriminala in korupcije na visoki ravni, pa tudi postopkov lastništva in privatizacije.

EULEX je bil ustanovljen kot del širših prizadevanj EU za ohranjanje miru in varnosti na Zahodnem Balkanu in za podporo kosovskim oblastem pri izvajanju reform, ki so potrebne na poti do evropske integracije. Poleg tega je bila napotitev misije EULEX na Kosovo deležna kritik zaradi neuspešnih poskusov EU preprečevanja nasilnih konfliktov na Balkanu, zlasti med vojno na Kosovu v letih 1998-99.

EULEX je v mnogih pogledih edinstven in kaže raven ambicije EU s civilnimi misijami križnega upravljanja v okviru SVOP. Govorimo lahko o štirih tipičnih značilnostih, po katerih se EULEX loči od vseh drugih dosedanjih misij. Na prvem mestu je obsežnost misije: misija EULEX je vključevala približno 3000 oseb (mednarodnih in lokalnih). Tudi sama sestava udeležencev misije EULEX je edinstvena, saj je to prva civilna misija v okviru SVOP, v kateri so sodelovali predstavniki zunanjih ali tretjih držav, kot so ZDA, Turčija, Kanada itd. Druga posebnost je mandat misije EULEX, ki je bil izjemno obsežen in v mnogih pogledih brez primere v okviru civilnega SVOP. EULEX je prva popolnoma integrirana misija za krepitev pravne države, ki sega na področja pravosodja, policije in carine. Poleg tega je EULEX prva civilna misija, ki ni imela samo tradicionalnih nalog nadzora, mentorstva in svetovanja, ampak hkrati tudi posebne izvršilne pristojnosti. Tretjič je EULEX zaradi svoje velikosti in posledičnih zahtev upravljanja na terenu centraliziral celo vrsto pomembnih horizontalnih nalog na svojem sedežu v Prištnini. Sem sodijo programiranje, javna naročila, kadri, usposabljanje in najboljše prakse, človekove pravice in politike spola itd. In četrtič se EULEX razlikuje po temeljitem programskem pristopu, ki je bil zasnovan na podlagi zastavljenih ciljev in ciljev misije. Ta pristop je sestavljen iz podrobnega niza dejavnosti programa, ki jih spremljajo indikatorji uspešnosti za policijski, pravosodni in carinski sektor. Poleg tega je EULEX največja in ena izmed najdlje trajajočih civilnih misij v okviru SVOP, pa tudi ena najdražjih.

Misije EU v okviru SVOP so ključno orodje s katerim se EU lahko predstavi kot pomemben mednarodni varnostni akter. Istočasno zunanjega politika EU in misij v okviru SVOP vpliva na zunanji svet in vzbuja upanje in pričakovanja pokonfliktnih družb in držav, da bo konec konflikta in oziroma ali bo prišlo do stabilizacije njihove države.

Kot je bilo že zgoraj omenjeno, je križno upravljanje na splošno zelo kompleksno, zato je takšna tudi ocena pozitivnih ali negativnih učinkov posredovanja EU v okviru SVOP. To ni preprosto, kar se je pokazalo že v preteklih izkušnjah. Vendar nas je teorija naučila, da vsak akter križnega upravljanja med drugim v veliki meri želi spremeniti konfliktno ali pokonfliktno državo ali družbo. Zato je treba analizirati vpliv misij EU v okviru SVOP.

EULEX je največja, najambicioznejša in najodmevnnejša misija v okviru SVOP doslej. Gre za eno najdražjih in najdaljših misij, poleg tega pa naj bi bil vodilni projekt posredovanja EU izven njenih meja. Zato se misija že sama po sebi razlikuje od vseh drugih misij EU v okviru
SVOP, lahko služi kot vzorec za oceno relevantnosti SVOP EU za krizno upravljanje na splošno.

Cilj disertacije je torej odgovoriti na osrednje raziskovalno vprašanje: ali so misije EU v okviru SVOP primeren mehanizem za krizno upravljanje konfliktnih razmer?

Raziskovalna vprašanja

Raziskava je temeljila na iskanju odgovorov na naslednja raziskovalna vprašanja (RV):

- Ključno RV: Ali je misija EULEX na Kosovu dosegla želene rezultate, je opravila svojo nalogo, so bila pričakovanja uporabnikov varnosti izpolnjena, je bila na terenu zaradi misije opazna razlika in ali je EULEX primer dobre prakse, odločilen za prikaz relevantnosti EU v okviru SVOP za krizno upravljanje?
- Pod-RV1: Ali je misija EULEX na Kosovu dejansko opravila svojo nalogo?
- Pod-RV2: Ali je misija EULEX izpolnila pričakovanja uporabnikov varnosti na Kosovu?
- Pod-RV3: Ali je misija EULEX na Kosovu dejansko dosegla konkretne spremembe, da bi se na Kosovu okrepila pravna država?
- Pod-RV4: Ali je misija EULEX na Kosovu primer dobre prakse, ki jo mora EU uporabiti v svojih prihodnjih posredovanjih?

Da bi lahko našli več pojasnil, disertacija temelji na dveh hipotezah, ki temeljita na predpostavki pomembnosti in učinkovitosti zunanje in varnostne politike EU ter misij v okviru SVOP:

H1. Sposobnost EU, da odpravi posledice krize, omeji njeno širjenje in ustvari okolje za dolgoročnejšo rešitev s pomočjo misij v okviru SVOP, pomeni, da je EU pomemben akter kriznega upravljanja.

H2. Pozitivna preobrazba sistema pravne države in dejanski vpliv na kosovsko državo in družbo kažeta pomembnost misije EULEX.
Raziskovalna metodologija


Koncept raziskave


Študija primera

Teorija razlage obstoječih ukrepov zunanjke in varnostne politike EU bi bila resnično abstraktna in amorfnih brez študije primera, ki temelji na primarnih virih in oprijemljivih podatkih (Ginsberg & Penksa, 2012, str. 6). Zato je empirični del raziskave disertacije študija primera misije EULEX. Študija primera je po Georgeu in Bennettu (2005, str. 5) “natančen pregled vidika zgodovinskega pojava, ki se uporabi za razvoj ali preizkušanje razlag, ki bi jih lahko

**Raziskovalna orodja**


**Analiza dokumentov**


**Polstrukturirani pogovori**

postopek zagotavlja način zbiranja informacij in podatkov, ki jih raziskovalec ne more neposredno opazovati. Izvedeni so bili polstrukturirani kvalitativni intervjuji z elito: z uradniki misije EULEX (5 vprašanih)39, z uradniki kosovskih institucij (5 vprašanih)40 in kosovske civilne družbe (5 vprašanih)41. Razlog za izvedbo intervjuja z elito je, da so uradniki misije EULEX ključni pri zagotavljanju varnosti v smislu pravne države, medtem ko uradniki Kosova predstavljajo prejemnika varnostne asistence. Po drugi strani je bila izbrana civilna družba, ker sodeluje in vpliva na razpravo o misiji EULEX. Pogledi omenjenih treh skupin vprašanih predstavljajo bistveni prispevek raziskave.

Da bi zagotovili celosten pregled nad rezultati misije EULEX in bi se izognili elitističnemu pristopu, je bilo intervjuvanih po 10 državljanov iz vsake od petih regij Kosova, ki so Priština, Prizren, Peč, Mitrovica in Gjilan42. Želeli smo preučiti njihove zaznave in prepričanja v vlogi uporabnikov pomoči za krepitev pravne države in splošne varnosti, ki jo je zagotavljala misija EULEX. Stik z udeleženci intervjuja je potekal preko uradnega e-poštnega naslova ali osebno.

Opazovanje udeležencev

Spradley (1980, str. 53-62) poudarja, da je opazovanje udeležencev kvalitativna metoda, ko raziskovalec postane član skupine, sprejme navade, kulturo in običaje te skupine z namenom celovite vključitve. Ker pa sem se rodil, živel in delal na Kosovu, ni treba posebej poudarjati, da zelo dobro poznam kosovsko kulturo in običaje, pa tudi njene družbene norme, uradne jezike, tako da sem lahko sam priča dinamiki in družbenim procesom na Kosovu. Ker sem bil del družbe in sem poslušal in sodeloval v razpravah, redno spremljal medije in delo civilne družbe v misiji EULEX, sem lahko doživel in zaznal resnične občutke kosovske družbe do misije EULEX. Poleg tega sem se lahko družil z uradniki misije EULEX in so kosovskimi uradniki in spoznal razvoj in izzive ter izvajanje nalog misije EULEX in hkrati sem se seznanil, kaj so kosovski uradniki pričakovali od misije EULEX in njenih naporov.

Etična vprašanja

Izrael in Hay (2006, str. 2) trdita, da “etično vedenje pomaga zaščititi posameznike, skupnosti in okolje ter nudi potencial za povečevanje dobrega na svetu”. Zato je bila raziskava izvedena

39 Vprašani 4 moški in 1 ženska, od teh 2 britanska državljan, 1 španski državljan 2 kosovska Albanca.
40 Vprašani 4 moški in 1 ženska, vsi Kosovski Albanci
41 Vprašani 3 moški in 2 ženski, vsi Kosovski Albanci.
42 Vprašanih 41 moških in 9 žensk od katerih jih je 34 iz Kosovske albanske skupnosti, 7 iz Kosovske srbske skupnosti, 6 iz Kosovske turške skupnosti, 2 iz Kosovske bosanske skupnosti in 1 iz Kosovske romske skupnosti.
na treh ključnih načelih “etičnega kodeksa”: prostovoljna privolitev, anonimnost in zaupnost. Vsi udeleženci raziskave in vprašani so bili že na začetku obveščeni o predmetu raziskave in cilju študije. Za sodelovanje v študiji je bila potrebna prostovoljna privolitev in vsi udeleženci so bili seznanjeni, da avtor disertacije zagotavlja njihovo anonimnost in zaupnost podatkov.

Rezultati raziskave

Izvajanje mandata, zlasti njegovih nalog, je glavni cilj misije EU v okviru SVOP in pokazatelj vpliva na dano državo in družbo, kjer je posredovanje potekalo. Zato se v tem delu osredotočamo na oceno, ali je misija EULEX opravila svoje naloge\textsuperscript{43} in sicer na podlagi ugotovitev med raziskavo opravljenih intervjujev, literature, medijskih člankov in poročil.

Prva naloga misije EULEX je bil nadzor, spremljanje in svetovanje (NSS) pri vzpostavitvi pravne države na Kosovu. Iz odgovorov udeležencev raziskave sem lahko razbral, da manj kot 50 % vprašanih strokovnjakov med vrstami uradnikov CD (civilna družba), KI (Kosovske institucije) in EULEX meni, da je EULEX to nalogo uspešno opravil. Čeprav na splošno obstaja pozitivno mnenje o nalogah NSS misije EULEX, so nekateri strokovnjaki CD in KI ocenili, da je bila naloga popolnoma odveč, saj je bilo po njihovem mnenju Kosovo že pred ustanovitvijo misije EULEX nasičeno z nasveti drugih organizacij. Tako strokovnjaki menijo, da je bila naloga le delno opravljena.

Poleg tega kosovska javnost ni opazila dosežkov misije EULEX pri spodbujanju in krepitev pravne države, javnega reda in varnosti. Mnenja strokovnjakov CD, KI in EULEX pa se razlikujejo od mnenja javnosti. Več kot 50 % strokovnjakov meni, da je bila misija EULEX pri tej nalogi uspešna ali delno uspešna, 40 % jih meni, da je bila misija EULEX neuspešna. Vendar je iz razgovorov s strokovnjaki mogoče razbrati, da je bila ta naloga misije EULEX delno uspešna.

Ena glavnih nalog misije EULEX in pomembno vprašanje razprave udeležencev raziskave je bilo politično poseganje v kosovske institucije pravne države. Misiji EULEX je bila dodeljena zelo občutljiva naloga in njena izvedba ali vpliv sta težo merljiva. Kljub temu 60 % vprašanih državljanov Kosova meni, da misiji EULEX ni uspelo preprečiti političnega vmešavanja v kosovske institucije pravne države. Podobna stališča so izrazili tudi strokovnjaki CD, KI in

EULEX. Več kot 70 % jih meni, da je bila misija EULEX pri tej nalogi neuspešna. Zato je mogoče sklepati, da misija EULEX omenjene naloge ni uspešno opravila.

Glavna naloga misije EULEX je bila preiskava, pregon, sojenje in izvrševanje kazenskih zadev na Kosovu. Primarno so bili kosovski državljani, CD, KI in EU močno osredotočeni na uspešnost te naloge. Žal se velika pričakovanja končala kot veliko razočaranje. Skoraj 80 % kosovskih državljancov in 60 % strokovnjakov CD, KI in EULEX se je strinja lo, da misija EULEX pri tej nalogi ni bila uspešna.

Naslednja pomembna naloga misije EULEX je bila krepitev sodelovanja in usklajevanje sodnih postopkov, zlasti na področju organiziranega kriminala. Samo štirje od petnajstih vprašanih strokovnjakov CD, KI in EULEX menijo, da je bila misija EULEX uspešna pri izvajanju te naloge. Ostali vprašani menijo, da misija EULEX naloge ni uspešno opravila, ali so imeli minimalne ali delne rezultate ali pa so o uspešnosti misije EULEX imeli netočne podatke ali pa jih sploh niso imeli. Zato ni jasnih dokazov, da je to nalogo misija EULEX opravila.


Med drugim je bila naloga misije EULEX podpreti kosovske institucije pravne države v boju proti korupciji. Pri tem naj bi pomagali kosovski agenciji za boj proti korupciji pri izvajanju protikorupcijske strategije in akcijskega načrta. Deset od petnajstih vprašanih strokovnjakov CD, KI in EULEX nima informacij o delu ali uspešnosti misije EULEX pri tej nalogi. Raziskava pokaže, da ni dokazov, ki bi govorili v prid izvajanju te naloge misije EULEX.

Dodatno je misija EULEX morala при nalogah krepitve kosovskih institucij pravne države spoštovati mednarodne standarde na področju človekovih pravic in zagotoviti enakost spolov. Medtem ko le 40 % strokovnjakov CD, KI in EULEX meni, da je bila misija EULEX pri tej nalogi uspešna, jih več kot 30 % tej trditvi nasprotuje, več kot 25 % pa nima podatkov ali pa je prepričanih, da je misija EULEX to nalogo opravila. Jasnih dokazov, da je bila naloga opravljena, ni na voljo.
Poleg tega je bila naloga misije EULEX s pomočjo EU krepiti dialog med Prištino in Beogradom. Naloga misije EULEX je bila predmet živahnih razprav, zlasti CD na Kosovu, predmet razprave so bili cilji misije, razpravljali so tudi o vprašanju, ali je omenjena naloga sploh primerna za misijo EULEX. Kljub kritikam in pomislekom, ali misija za krepitev pravne države lahko sodeluje pri spodbujanju političnih dogovorov, je več kot 50% vprašanih strokovnjakov CD, KI in EULEX pozitivno ocenilo vlogo misije EULEX pri izvajanju te naloge. Zato je mogoče sklepati, da je misija EULEX to nalogo uspešno izvedla.

Nenazadnje je imela misija EULEX zahtevno nalogo programa za zaščito prič. Na splošno o tej nalogi misije EULEX ni na voljo veliko podatkov. 20% vprašanih strokovnjakov in uradnikov CD, KI in EULEX meni, da je misija EULEX to nalogo opravila. Medtem ko ostalih 80 % meni, da misija EULEX te naloge ni opravila, da jo je opravila le delno ali pa o tem nimajo nobenih podatkov.


Poleg tega so prebivalci Kosova, uporabniki varnosti, ki naj bi jo zagotavljala misija EULEX, od te misije veliko pričakovali. Zaradi razočaranja nad misijo ZN na Kosovu so po skoraj desetih letih želeli misijo EU, ki bi pomagala krepiti pravno državo na Kosovu. Cilj posredovanja EU v okviru SVOP je bil zagotovitev stabilnosti v državi prejemnici pomoči ter zagotovitev miru in varnosti za uporabnike varnosti, torej njene državljane. Za prebivalce Kosova je pomoč misije EULEX pri krepitvi pravne države na Kosovu pomenila krepitev zmogljivosti kosovskih institucij pravne države ter boj proti kriminalu in korupciji predvsem v visoki politiki. Medtem ko bi prva zagotavljala varnost in pomoč Kosovu na poti k pridružitvi EU, bi druga poskrbela za umik skorumpirane politične elite in z njo povezanih oseb ter omogočila demokratični in gospodarski razvoj Kosova. Ta pričakovanja so dodatno podprli uradniki misije EULEX, ki so na začetku mandata leta 2008 obljubljali, da bodo odpravili kriminal in korupcijo na Kosovu (Palokaj, 2010). To je bilo po godu Kosovcerv, ki so se veselili gospodarskega napredka, dobrega upravljanja in pravne države na Kosovu s ciljem, da bi postali del EU. Zaradi uglednih evropskih držav, ki imajo dolgoletno demokratično ureditev
(npr. Nemčija, Francija, Združeno kraljestvo), skupaj z izdatnimi človeškimi in finančnimi viri leta 2008 nihče na Kosovu ni podvomil v uspešnost misije EULEX pri doseganju zastavljenih ciljev. Vendar se zdi, da misija EULEX svojih namer o odločnem boju proti kriminalu in korupciji ni udejanjila. Več kot 70 % vprašanih kosovskih državljanov navaja, da misija EULEX ni izpolnila njihovih pričakovanj o izboljšanju pravne države na Kosovu. Povrh tega 80 % strokovnjakov za Kosovo v CD meni, da misija EULEX na podlagi zmogljivosti in zavez ni izpolnila pričakovanj uporabnikov varnosti na Kosovu. Podobno 60 % strokovnjakov KI meni, da obsežna misija, ki jo je sestavljalo 28 držav članic EU, ni izpolnila pričakovanj Kosovcev. Po drugi strani pa 60 % uradnikov misije EULEX, ki so odgovarjali na to vprašanje in so zagotavljali varnost, meni, da so Kosovci od misije EULEX pričakovali veliko več, kot bi misija EULEX lahko zagotovila. Tako je torej odgovor na vprašanje pod-RV2: 

**Ali je misija EULEX izpolnila pričakovanja uporabnikov varnosti na Kosovu**, negativen. Glede na odzive uporabnikov varnosti na Kosovu in na podlagi odgovora na vprašanje pod-RV1 o stopnji izvajanja mandata misije EULEX lahko z gotovostjo sklepamo, da misija EULEX ni izpolnila pričakovanj Kosovcev. Poleg tega to stanje potrjuje sume Baussnerja in Ferhatoviča, ki trdita, da so misije SVOP namenjene »prizadevanjem Unije, ki se želi uveljaviti kot akter v mednarodnih varnostnih zadevah, vključno z vzpostavljanjem miru in pokonfliktno stabilizacijo in služijo bolj Uniji sami kot družbi gostiteljici ali povedano drugače, uporabnikom varnosti (v Merlingen & Ostrauskaité, 2008, str. 186).

Cilj misije EULEX so bile vsekakor dobro uveljavljene, delujoče in neodvisne kosovske institucije pravne države, ki bi delovale v skladu z mednarodnimi standardi in najboljšimi praksami. Trajnostne institucije pravne države, ki zmorejo delovati neodvisno in strokovno brez nadaljnje mednarodne pomoči, bi predstavljale na Kosovu opazno in resnično spremembo in zapuščino misije EULEX. Odgovori vprašanih kosovskih državljanov jasno kažejo, da misija EULEX ni bistveno vplivala na krepitev pravne države na Kosovu. Po njihovem mnenju se raven kriminala in korupcije od začetka misije EULEX ni znižala, primeri vojnih zločinov niso bili rešeni, primeri organiziranega kriminala v zvezi s pranjem denarja niso bili obravnavani, politični vpliv na institucije pravne države je ostal enak, varnost se ni izboljšala in nenazadnje misiji EULEX ni uspelo vzpostaviti pravne države na celotnem ozemlju Kosova. Več kot 65 % strokovnjakov CD, KI in EULEX meni, da na Kosovu po desetletju prisotnosti misije EULEX ni opaznih sprememb v delovanju institucij pravne države na Kosovu. Torej je odgovor na vprašanje pod-RV3: 

**Ali je misija EULEX na Kosovu dejansko dosegla konkretnе spremembe, da bi se na Kosovu okreplila pravna država**, negativen. Avtor disertacije lahko
potrdi, da prizadevanja misije EULEX niso imela kakovostnih učinkov na institucije pravne države na Kosovu. Misija EULEX na Kosovu ni uspela preprečiti političnega vmešavanja v institucije pravne države. Poleg tega redna poročila Evropske komisije za Kosovo ne kažejo pozitivnih rezultatov glede pravne države na Kosovu.

Posredovanje EU v okviru SVOP v obliki misije EULEX na Kosovu, ki je majhna država v evropski soseščini, je bil test zrelosti SVOP, zmogljivosti in kohezije držav članic EU za izboljšanje pravne države in varnosti Kosova na splošno. EULEX je bila doslej najvidnejša civilna misija v okviru SVOP in je izražala ambicije EU. Njena naloga na Kosovu je bila, da uvede spremembe in izvršilo oblast kot še nobena druga misija doslej. Kot taka naj bi bila vzorčni primer sposobnosti EU za izvajanje misij v okviru SVOP. Misija EULEX je imela na voljo vsa sredstva, človeška in finančna, da bi lahko vsaj teoretično dosegla zastavljene cilje. Doseženi cilji misije EULEX na Kosovu bi bili dokaz sposobnosti EU in bi hkrati pomenili spodbudo za zagotavljanje varnosti in stabilizacije tudi v drugih pokonfliktnih okoljih. To bi še dodatno izboljšalo podobo EU v vlogi mednarodnega varnostnega akterja na področju kriznega upravljanja. Vendar pa se zdi, da največja in najdraža misija EU v okviru SVOP ni prepričala kosovskih državljanov, da je EU pripravljena na to nalogo. Več kot 60 % vprašanih državljanov Kosova meni, da misija EULEX ni model, ki bi ga EU lahko uporabila kot zgled na prihodnjih misijah v okviru SVOP. Prav tako vprašani strokovnjaki CD, KI in EULEX na splošno nasprotujejo ideji, da se misija EULEX uporablja kot model za prihodnje misije v okviru SVOP. Več kot 70 % strokovnjakov podpira to mnenje in meni, da je EULEX odličen primer neuspeha, primer misije za zagotovitev pravne države, ki naj ga EU ne bi več uporabila v prihodnosti. Torej je odgovor na vprašanje pod-RV4: Ali je misija EULEX na Kosovu primer dobre prakse, ki jo mora EU uporabiti v svojih prihodnjih posredovanjih, negativen.

Tako vsa spoznanja in znanja, ki smo jih pridobili na podlagi odgovorov štirih zgornjih vprašanj pod-RV, predstavljajo poglavljen sprememba ocene rezultatov misije EULEX, ki predstavljajo podlago za določanje relevantnosti SVOP EU za krizno upravljanje. Misija EULEX, ki je bila med največjimi in najobsežnejšimi misijami v okviru SVOP, je bila za to oceno ključnega pomena. Torej je odgovor na ključno vprašanje RV: Ali je misija EULEX na Kosovu imela želene rezultate, je opravila svojo nalogo, so bila pričakovanja uporabnikov varnosti izpolnjenih, je bila na terenu zaradi misije opazna razlika in ali je EULEX primer dobre prakse, odločil en za prikaz relevantnosti EU v okviru SVOP za krizno upravljanje, pozitiven. Odgovor na vprašanje pod-RV1 kaže, da misija EULEX ni opravila svoje naloge. Zato se načrtovalec kriznega upravljanja EU v okviru SVOP postavlja vprašanje, ali so bile
naloge, dodeljene misiji EULEX, veliko obsežnejše od dejanskih zmogljivosti misije EULEX. Morda je EU z misijo EULEX pokazala veliko ambicijo, pri čemer pa ni pravilno ocenila svojih zmogljivosti in je bila kompleksna naloga zanjo preuranjena odločitev. Raziskava zato opozarja, da bi morali načrtovalec SVOP EU dobro razmisliti, pravilno oceniti in se smiselno odločiti za mandat in naloge prihodnjih misij EU v okviru SVOP. V tem kontekstu so izvršilne naloge, dodeljene misiji EULEX, večinoma naletele na kritiko, zlasti med uradniki misije EULEX, medtem ko so bile naloge NSS na splošno ocenjene pozitivno. Zato lahko trdimo, da SVOP EU še vedno ni pripravljena zagotoviti, da bi se njene misije lahko spopadale s tovrstnimi izvršilnimi pristojnostmi.

Poleg tega odgovor na vprašanje pod-RV2 razkriva, da misija EULEX ni izpolnila pričakovanj uporabnikov varnosti. Zdi se, da so načrtovalec EU v okviru SVOP naredili v misiji EULEX več napačnih korakov. Poleg tega omenjena obsežna naloga ni imela ustreznega načrta strategije za informiranje uporabnikov varnosti, zaradi česar so slednji lahko sami oblikovali svoja stališča o tem, kaj bo misija EULEX zagotovila Kosovu. Ko so se napotili na Kosovo, njihova strategija komuniciranja ni bila dobro premisljena, kar je bil že znak, da ne bodo uspešni. Načrtovalec EU v okviru SVOP se mora za naslednje posredovanje za kritno upravljanje še veliko naučiti. Pravočasen in ustrezen razvoj strategije za informiranje in komunikacijo za uporabnike varnosti bi zagotovil realna pričakovanja posredovanj v okviru SVOP. To je seveda treba uskladiti s strategijo dogovora in odobritve, ki je predpogoj za zagotovitev prisotnosti misij v okviru SVOP na pokonfliktnem prizorišču, vendar morajo biti obljube uporabnikom varnosti čim bolj razumne in skladne z zmogljivostmi misije. Teoretično bi morali vsaj ukrepi EU v okviru SVOP prinesti nekaj pozitivnih in trajnih sprememb za državo in družbo, kamor so napotene njene misije. Deset let po začetku misije EULEX na Kosovu praktično ni mogoče opaziti nobene pozitivne ali pomembne spremembe, kar potrjuje odgovor na vprašanje pod-RV3. Znova ponavljam, da govorimo o obsežni nalogi misije EULEX in strategiji komuniciranja. Če bi bila naloga bolj osredotočena in sredstva skoncentrirana na določeno področje, na primer na podporo sodstvu in s pametno strategijo komunikacije, bi morda imela misija EULEX boljše možnosti, da bi resnično lahko vplivala na kosovsko državo in družbo. Zato bi to morala biti lekcija, ki se jo je treba naučiti za prihodnje misije za kritno upravljanje v okviru SVOP, da bi svojo nalogo osredotočili na eno samo določeno področje, kar bi pomenilo uspeh izvedbe, namesto da bi nalogo razširili na več področij, ker bi bilo tako tveganje za neuspeh preveliko. EU gradi na pridobljenem znanju in izkušnjah preteklih misij in se trudi premostiti nastale vrzeli, zagotoviti več virov, boljše
načrtovanje in opremo za izboljšanje prihodnjih misij v okviru SVOP. Medtem ko lahko misijo EULEX izkoristimo za analizo vseh njenih pomanjkljivosti in nova znanja za prihodnja posredovanja, misija EULEX ne more služiti kot model, kot je bilo ugotovljeno v odgovoru na vprašanje pod-RV4. Druga lekcija, ki se jo je naučila tudi EU, je, da je posredovanje v evropski sosečini na območju, ki ga EU dobro pozna, v majhni državi z majhnim številom prebivalcev sicer res ustvarilo vtis, da je tovrstna misija EULEX dokaj preprosta. Najverjetneje pa je EU spregledala svoje zmogljivosti in strukturne težave, kot so človeški viri ali strateško načrtovanje, zato ni dosegla zastavljenih ciljev. Zato nobene od prihodnjih misij ne bi smeli opredeliti ali razumeti kot vodilne misije EU v okviru SVOP, preden bodo doseženi konkretni in zanesljivi rezultati.

Raziskava je pokazala, da je ocena rezultatov izvajanja nalog misije v okviru SVOP bistvenega pomena za ugotovitev pomembnosti vloge SVOP EU v kriznem upravljanju. Ocenjuje se, v kolikšni meri misija izpolnjuje pričakovanja uporabnikov varnosti, katere spremembe je misija dejansko uveljavila na terenu in ali predstavlja dejanski zgled za bodoče misije v okviru SVOP. V disertaciji je predstavljena zaključna ugotovitev, da je EU izkoristila priložnost in s svojo prisotnostjo v okviru misije EULEX posredovala na Kosovu, vendar misija ni bila učinkovita in ni bistveno spremenila situacije. Na podlagi ocene prednosti in slabosti največje misije v okviru SVOP dosegel tudi potrditi relevantnosti EU v kriznem upravljanju. Vendar to ne pomeni, da bi se morala EU odpovedati svoji viziji SVOP, kot je izjavil eden od vprašanih44 je pa pred EU še dolga pot, da odpravi vse svoje pomanjkljivosti in zasede pomembno vlogo v kriznem upravljanju.


44 Pogovor z uradnikom misije EULEX, Priština, 25. 5. 2018.
razlogov, prvi razlog je, da v zgodnji pokonfliktni fazi kriminalna struktura v povezavi s kosovsko politiko še ni obstajala in drugi, da bi EU lahko sama oblikovala in kasneje razvila vzpostavitev pravne države na Kosovu. Ker je EU posredovala skoraj desetletje po konfliktru in je prevzela sistem krepitve pravne države drugega akterja za krizno upravljanje (ZN), ko so bile kriminalne mreže že dobro uveljavljene in izpopolnjene, so bila prizadevanja EU na Kosovu za krepitev pravne države v okviru misije EULEX praktično nemogoča. Omenjeno je bilo, da je bila misija EULEX pri omejevanju širjenja posledic krize na splošno neuspešna pri obravnavi in preprečevanju kazenskih primerov, katerih vplive je čutiti tudi izven meja. Ker misija EULEX pri obravnavi in reševanju omenjenih kaznivih dejanj ni bila uspešna, situacija ne predstavlja grožnje samo za kosovsko državo, ampak se lahko širi v sve evropske države in tudi širše. Ker misija ni imela praktično nobenega dejanskega vpliva na institucije pravne države Kosova, ni uspela ustvariti okolja za dolgoročnejšo rešitev. Zato je na mestu ugotovitev, da EU ni sposobna odpraviti posledic kriz, omejiti njihovega širjenja ali ustvariti okolja za dolgoročno rešitev z vzpostavitvijo misij v okviru SVOP, zato ne more imeti vloge pomembnega akterja kriznega upravljanja. Hipoteze ena zato ni mogoče potrditi.

Druga hipoteza pravi, da pozitivna preobrazba sistema pravne države in dejanski vpliv na kosovsko državo in družbo kaže pomembnost misije EULEX. V tej disertaciji je bilo dokazano, da misija EULEX ni pripomogla k reformiranju ali pozitivni preobrazbi sistema pravne države niti ni imela dejanskega vpliva na kosovsko državo ali družbo. Nekateri vprašani so mnenja, da je bila misija EULEX izguba časa in denarja. To pa ni samo obžalovanja vredno, ampak je treba dodati, da je imela misija EULEX še en velik negativen vpliv na uporabnike varnosti. Zaradi misije EULEX so izgubili zaupanje v mednarodno organizacijo in ne verjamejo niti, da lahko Kosovo samo okrepi pravno državo, če mu to ni uspelo niti s podporo 28 držav članic EU. Ker torej ni konkretnih rezultatov pri krepitvi sistema pravne države in ni dejanskega vpliva na pokonfliktno državo in družbo, lahko rečemo, da je vloga misije EULEX na Kosovu povsem nerelevantna. Zato tudi druge hipoteze ni mogoče potrditi.

Na koncu lahko na podlagi predstavljenih ugotovitev raziskav, razprav in argumentov odgovorimo na osrednje raziskovalno vprašanje disertacije: Ali so misije EU v okviru SVOP ustrezen mehanizem za krizno upravljanje konfliktnih razmer? Študija primera EULEX je pokazala, da misije EU v okviru SVOP pokonfliktno države in družbe pozitivno sprejemajo, saj budijo upanje in pričakovanja. Zato uporabniki varnosti odprto sprejemajo misije v okviru SVOP, verjamejo, da jim bodo visoko razvite države EU (npr. Nemčija, Francija, Združeno kraljestvo) pomagale pri odpravljanju posledic konfliktka, zagotovile okolje za družbeni in
gospodarski razvoj ter stabilizirale stanje v njihovi državi, s čimer bi zagotovili, da se konflikt ne bi več ponovil. Vendar EU kljub razvoju politike, instrumentov in virov v kriznem upravljanju ne razvija sposobnosti za reševanje, kot bi si zaslužile pokonfliktnje države in družbe, ki računajo na njeno pomoč. EU ima velik ugled in je močna blagovna znamka, vendar je to predvsem zaradi njenih trgovinskih in finančnih instrumentov, česar ne moremo trditi za SVOP, vsaj ne v tem trenutku. Študija primera EULEX je odkrila številne pomanjkljivosti SVOP, zaradi katerih se ta zunanjepolitični instrument ni mogel pokazati v najboljši luči. Najprej je primer misije EULEX pokazal neskladnost EU, čeprav so se države članice strinjale z napotitvijo misije EULEX, pa vse države članice niso priznale političnega statusa države in družbe, v katero so napotili pomoč. Nadalje je EU napotila veliko misijo v majhno državo Kosovo z upanjem, da bo ta misija pokazala moč in kompetence SVOP EU. Vendar se je kmalu izkazalo, da je imela misija EULEX obsežno naloge, ki je vključevala tudi izvršilne pristojnosti, ki pa jih je le s težavo izvajala. Poleg tega so bili strukturni problemi, kamor sodijo človeški viri, pomanjkanje standardnih operativnih postopkov v primeru različnih težav, nezmožnost zagotavljanja zaščite prič itd., zadosten dokaz neustreznosti SVOP za krizno upravljanje. Z raziskavo je bila ugotovljena neskladnost pri uporabi različnih instrumentov EU. Kot sem že navedel, je EU podprla obnovo pokonfliktnega Kosova in zagotovila pomoč v okviru različnih projektov takoj po konfliktu, vendar to ne velja za misijo kriznega upravljanja. Zaradi tega dejstva so bila okrnjena prizadevanja EU za povezavo med varnostjo in razvojem. Misija EULEX kot vodilna pobuda SVOP EU ni dokazala, da so misije v okviru SVOP primeren mehanizem za pokonfliktno krizno upravljanje. Na to ugotovitev lahko gledamo v luči sumov, ki so jih izrazili nekateri zunanjepolitični strokovnjeni in avtorji EU. Menijo namreč, da države članice EU vzpostavljajo misije v okviru SVOP le zaradi svojega političnega interesa, da bi krepile prepoznavnost EU in prikazovale prispevek EU k mednarodni varnosti in da glavna naloga teh misij ni reševanje kriz, ampak dokazovanje Evropske integracije in uravnovešanje interesov držav članic. Kljub temu pa to ne more v celoti omagati vloge SVOP ali izključiti pravice EU, da odpravi svoje pomanjkljivosti, razširi vizojo SVOP, okrepi svoje kapacitete in s prihodnjimi posredovanji dokaže, da je cenjen akter kriznega upravljanja.

**Sklep**

EU je udejanjila svojo vizijo vloge pomembnega varnostnega akterja, ki si deli odgovornost za mednarodno varnost skupaj z drugimi akterji. EU preko SVOP usmerja svoje zaveze in odraža svojo identiteto, vrednote, norme in kulturo. Misije v okviru SVOP napotene na krizna območja so orodje, s katerim EU prispeva h kriznemu upravljanju na mednarodnem prizorišču.

Evropo so po koncu druge svetovne vojne zaznamovale velike spremembe. Če samo omenimo, da so države končale medsebojno rivalstvo in začele sodelovati, je jasno, da je Evropa začela pisati novo poglavje mirne in uspešne stare celine. Ključnega pomena za pozitiven razvoj so bile okoliščine. Nerešljivo se je namreč zdelo rivalstvo med zahodom in vzhodom, med ZDA in Sovjetsko zvezo, kar je Evropi omogočilo krepitev sodelovanja znotraj celine. Kljub temu so dramatične spremembe, ki so se pojavile ob koncu hladne vojne, od Evrope zahtevali višjo raven sodelovanja in prilagoditev novemu varnostnemu okolju. V tistem trenutku je morala Evropa misliti na svojo varnostno skupnost in se umestiti na mednarodno varnostno prizorišče.

Prvič je EU prispevala k mednarodni varnosti že leta 2003 z napotitvijo prve misije v okviru SVOP. Od tedaj je EU hitro povečevala število svojih misij in operacij v okviru SVOP, ki so geografsko segale daleč preko meja evropske celine. Veliko se razpravlja o tem, kako velik je prispevek EU h kriznemu upravljanju. Ocena dosedanjih misij v okviru SVOP kaže, da EU kot odziv na težavo daje prednost manjšim misijam, ki so na mednarodni politični agendi manj pomembna, misije so pogosto neučinkovite, izvajajo jih predvsem zaradi interesov držav članic in politične prepoznavnosti in jasne potrebe, da se Unija ustrežno odzove na situacije, ki ogrožajo varnost. Poleg tega teorije o gonilnih silah SVOP in SZVP EU kažejo, da se države članice odločajo za napotitev misij SVOP, kar pa ne pomeni nujno koristi za družbo ali državo, ki jo je prizadel konflikt. Odločitev za misijo temelji na preučevanju tveganj in stroškov misije, na bližini doma, priložnosti za učenje in na podlagi konsensa, saj za EU hkrati predstavljajo priložnost, da se pojavi na mednarodnem prizorišču.

Po predstavitvi razvoja in omejitve EU ter razprav o pomembnosti misij v okviru SVOP in vzrokov zaene v nadaljevanju predstavljam ugotovitve raziskave in odgovor na vprašanje, ali so misije EU v okviru SVOP ustrezen mehanizem kriznega upravljanja v pokonfliktnih razmerah. Poleg splošnega pregleda vseh dosedanjih misij v okviru SVOP je podrobno raziskan posebni primer, ki ga predstavlja misija EULEX na Kosovu. Ocena misije EULEX, kot enega vodilnih projektov EU v okviru SVOP, največje civilne misije, naj德拉žje in najdaljše misije, je prineslo spoznanja za ugotovitev prednosti in slabosti SVOP kot orodja SZVP EU.

Študija primera je pokazala na več pomanjkljivosti misije EULEX, kar razkriva šibkosti SVOP. Misija EULEX je namreč potekala na evropski celini, v majhni državi z majhnim številom
prebivalcev, v katero se je Evropa že prej politično in gospodarsko vključevala. Teoretično bi zato morali biti napotitev misije in njena uspešnost za EU preprosti in za slednjo bi morala predstavljati odlično priložnost, da se uveljavi kot akter kriznega upravljanja. To temelji na dejstvu, da je misija EULEX potekala skoraj desetletje po konfliktu na Kosovu, ko so večji del oblikovanja institucij, krepitev pravne države in pokonfliktno obnove opravili drugi akterji kriznega upravljanja. Zato je bila misija EULEX napotena v dokaj stabilno okolje, njena vloga pa je bila samo še nadaljnja krepitev kosovskih institucij pravne države v skladu z mednarodnimi standardi in najboljšimi evropskimi praksami.

Raziskava razkriva, da so rezultati uspešnosti misije EULEX po desetih letih prisotnosti na Kosovu razočarali. S to izjavo se strinja večina vprašanih kosovskih državljanov, strokovnjakov in uradnikov CD, KI in EULEX in avtor disertacije. To pa potrjujejo različna lokalna in mednarodna poročila. Razlogi za neuspeh so bili različni, vendar neuspeh ni opravičljiv. Misija EULEX je namreč imela vsaj številčno na voljo veliko človeških virov, financ in najpomembnejše, to je odobravanje kosovske države in državljanov. Kosovski državljani in institucije so misiji izrekli dobrodošlico, saj so verjeli, da bo s pomočjo misije EULEX Kosovo stopilo korak bližje integraciji v EU. Leta 2008 se je to zdelo resnično in izvedljivo, leta 2018 pa je vse postalo le oddaljen spomin na dobrotvarno črtbo, se niki uresničil.


Je pa ta raziskava na splošno odkrila številne konkretne pomanjkljivosti misije EULEX in SVOP EU, ki so preprečile uspešnost misije EULEX.

Osnovna težava SVOP EU so strategije obveščanja in komuniciranja. Raziskava je pokazala, da državljeni Kosova tudi po desetletju prisotnosti misije EULEX na Kosovu nimajo dovolj informacij o njenem delu in nalogah. Poleg tega so uradniki misije EULEX kosovski javnosti...
286

pripovedovali, kar je želela slišati, to je, da bo misija EULEX izkoreninila kriminal in korupcijo na Kosovu, in tako so dajali obljube, ki so daleč presegale možnosti misije EULEX, to pa so delali samo z namenom, da so zagotovili odobravanje misije. To je velika težava EU v vlogi mednarodnega varnostnega akterja, ki ji je treba nameniti posebno pozornost.

Težava misije EULEX je bila neustreznost človeških virov. Med raziskavo smo namreč spraševali o kakovosti in strokovnosti napotnih kadrov držav članic EU. Zato je povsem na mestu vprašanje, kako bi lahko misija EU v okviru SVOP dosegla kakršnekoli rezultate brez potrebnega strokovnega znanja in virov. Avtor disertacije meni, da ne bi smeli vzpostaviti drugih misij v okviru SVOP, dokler ne rešijo te težave.


Misija EULEX je imela v svojem mandatu eno specifično nalogo in sicer zagotoviti, da se politika ne bi vmešavala v delo institucij pravne države na Kosovu. Že vprašani uradniki misije EULEX so namigovali, da je reševanje te naloga utopija, ki je EULEX nikoli ni mogel rešiti. Pisec disertacije trdi, da bi lahko drugi organi EU, ki so prisotni na Kosovu, kot je na primer posebni odposlanec EU, bolje vplivali na kosovske organe oblasti, ki bi depolitizirali institucije pravne države.


Po mnenju strokovnjakov je bilo vprašljivo vodstvo misije EULEX. Imenovani vodje misije so bili običajno diplomati ali vojaške osebe. Strokovnjaki trdijo, da to ni bil profil, primeren za
misijo krepitve pravne države v okviru SVOP, zato predlagajo, da bi tovrstne misije morali voditi posamezniki, ki imajo izkušnje na področju pravne države, saj diplomati in vojaške osebe nimajo potrebnih znanj in razumevanja pravne države.

Kosovska javnost je kritizirala misijo EULEX zaradi njene vključenosti v tehnično izvajanje sporazumov EU za spodbujanje dialoga med Prištino in Beogradom. Vpletenost misije EULEX je zmedla kosovske državljanje, saj niso mogli razumeti, ali se EULEX še ukvarja s pravno državo na Kosovu ali ne.

Poleg tega so sredstva, ki jih je misija EULEX namenila za dialog v Bruslju omejila njena sredstva za krepitev pravne države. Kljub vsemu so vprašani strokovnjaki to nalogo ocenili kot edino uspešno opravljeno nalogo misije EULEX, njen vpliv pa kot pozitiven. Osredotočanje na drugo področje, ki ni bil del prvotne naloge misije EULEX, se je izkazalo za pravod odločitev EU.

Misija EULEX je imela še eno težko nalogo in sicer program za zaščito prič. Po mnenju vprašanih strokovnjakov naloga ni bila lahka, saj je imela v programu več primerov. Brez tega programa pa si ne moremo predstavljati reševanja vojnih zločinov na Kosovu. Vendar je večina vojnih zločinov na Kosovu ostala nerešenih, zato mora EU poskušati okrepiti to področje za svoje prihodnje misije v okviru SVOP.

V nadaljevanju smo strokovnjakom zastavili vprašanje o izvršilni pristojnosti misije EULEX. Po njihovem mnenju je EU s tovrstno pristojnostjo želela povečati pomembnost misije EULEX, da bi poudarila, da je to njena največja misija v okviru SVOP, zato je preizkusila omenjeno pristojnost in če bi se izkazala za uspešno, bi jo ponovno dodelila tudi v prihodnjih misijah v okviru SVOP. Vendar strokovnjaki trdijo, da EU v prihodnosti ne bo več imela misij v okviru SVOP, ki bi jim dodelila izvršilne pristojnosti, saj se je v misiji EULEX pokazalo, da SVOP EU še ni dovolj zaraža za to. Zato EU svetuje, da se brez pridobljenih sredstev in strokovnega znanja takšnih pristojnosti ne dodeli drugim misijam v okviru SVOP.

Na podlagi zgoraj navedenega in na podlagi pogovorov pisca disertacije z nekaterimi strokovnjaki EU s področja varnosti, pisec ugotavlja, da se strokovnjaki ne strinjajo s posredovanjem EU na Kosovu z misijo EULEX v okviru SVOP. Po njihovem mnenju bi morale EU na Kosovu uporabiti druge instrumente, ki bi se lahko izkazali za bolj učinkovite kot EULEX. Njihov pogled je enak izjavi Komisije EU, ki meni, da je (civilno) posredovanje v okviru SVOP povsem trivialno, zato bi težko privedlo do kakršnihkoli sistemičnih
Sprememb v predmetni družbi (Merlingen in Ostrauskaité, 2008, str. 32-40). Poleg tega so se nekateri vprašani strokovnjaki s tem mnenjem strinjali in pripomnili, da bi bil morda učinek večji, če bi EU vlagala v izobraževanje mladih pravnikov na evropskih univerzah, ki bi se pozneje pridružili kosovskemu pravosodju.

Pozornost je treba nameniti še enemu vprašanju, povezanemu s posredovanjem EU v okviru SVOP na Kosovu. EU je institucionalizirala koncept povezave razvoja in varnosti. Čeprav si civilne misije v okviru SVOP med drugim prizadevajo za dolgoročno stabilizacijo pokonfliktnih razmer, je ta raziskava pokazala, da misija v okviru SVOP (EULEX) ni primerljiva z uspešno pomočjo EU in pokonfliktno obnovo Kosova. EU je bila v krepitev pravne države z misijo EULEX vključena skoraj desetletje po koncu konfliktta, ko so drugi akterji na Kosovu že vzpostavili institucije pravne države. Zato bi morala EU za čim boljše rezultate pokonfliktnih posredovanj združiti programe skupne pomoči in misije v okviru SVOP, da bi zagotovila koherentno in konsistentno ukrepov EU izven svojih meja.

Študija primera misije EULEX je razkrila, da ima SVOP EU velike pomanjkljivosti pri upravljanju civilne misije v okviru SVOP. Posledično je mogoče sklepati, da EU še vedno nima niti kapacitet niti znanja za izvajanje misij v okviru SVOP. Tako EULEX ni dokazal relevantne vloge EU v kriznem upravljanju. Pomemben pa je podatek, da so vprašani kosovski državljani in strokovnjaki povedali, da misije v okviru SVOP ustvarjajo upanje in občutek varnosti v pokonfliktnih družbah, ki EU vidijo kot sposobnega akterja, ki lahko doseže v njihovi družbi trajne spremembe. To pa ne pomeni, da EU ne zmore pravočasno doseči potrebne ravni, da bi izpolnila pričakovanja uporabnikov varnosti v bodočih posredovanjih v okviru SVOP, pridobiti mora zadostne kapacitete in se naučiti lekcij preteklih izkušenj.

V zaključku disertacije je ugotovitev, da če bi EU uspela odpraviti v študiji primera EULEX ugotovljene pomanjkljivosti misije EULEX in če bodo države članice EU še naprej vlagale v misije v okviru SVOP, bo ta instrument EU primeren mehanizem za krizno upravljanje v pokonfliktnih situacijah.

Za zaključek je bilo s to raziskavo ugotovljeno, da so bili vzgibi za posredovanje EU v okviru SVOP na Kosovu bolj namenjeni doseganju političnih interesov držav članic, ki delujejo v okviru Unije, z zunanjim delovanjem EU za dokazovanje prispevanja k mednarodni varnosti in kot dobra priložnost za učenje, kot da bi resnično vpeljali spremembe in krepili pravno državo in trajno varnost na Kosovu.