The EU's Role in the Western Balkans

A Normative Approach

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Abstract

This paper analyses the role of the European Union in the Western Balkans from a normative perspective. First, it presents the concepts that have been forwarded in the academic debate as representative for the European Union's role in its external relations, namely EU as a civilian and military power, and contrasting them with the concept of normative power. Then, it will give an overview of the historical developments of the Western Balkans since 1990s and the EU's strategies for this region. In the third chapter, an analysis of the normative role and impact of the EU will be made, continuing with the fourth chapter with an analysis of Serbia, taken as a case study for this thesis and finally, I will conclude in this thesis that the European Union has a normative role in the Western Balkans.

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Introduction

The Western Balkans[1] area has a special importance for the European Union, as its geographical, cultural and historical closeness to the borders of the EU created a special context that fosters the relations between the two parties. The tumultuous past shared by the countries in the Western Balkans has reverberations to the present times, and there are numerous challenges that they face today. As a result, the European Union developed a complex policy towards this region, especially since the 1990s in an effort to accelerate its development and allow it to stand among other democratic and stable states.

Since 2003, the EU has included these countries in the category of potential candidates for integration, but it has kept this issue in rather vague and undecided terms. But the EU continued to devote time and resources in this area. Concrete steps have been taken with the upgrading the status from potential candidate countries to candidate countries for Serbia, Montenegro and the Former Yugoslav Republic of Macedonia. Furthermore, Croatia will become a member state of the EU in 2013. Clearly, this promise has been played as a "carrot" by the EU to increase its own leverage and authority in the region in order to compel these countries to accept EU's conditions. Other instruments used by the EU in its relationship with the Western Balkans are represented by economic assistance and trade relations, through the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme and trade preferences, which are an integral part of the EU's approach towards the region. The launching of initiatives such as the Stability Pact for South Eastern Europe and the Stabilization and Association Process led to considerable positive changes in the Western

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[1] The Western Balkans refers to the following countries: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo under UN Security Resolution 1244, Montenegro and Serbia.

Balkans countries. Furthermore, the European Union has launched civilian and military missions in the Western Balkans, with its European Security and Defence Policy (ESDP) being tested on the Balkan ground. Since then, the EU has launched a number of six missions, four civilian and two military operations, and of which three of them are still ongoing.[2]

Yet, a different perspective on the EU's role in the Western Balkans is brought by Delevic, who highlights the fact that, whereas the countries of this region, due to their troubled past, seek in the EU membership status an insurance for peace and security, the EU feels that is "owing" to this particular region for its failure to stop the conflicts.[3]

Therefore, it can be argued that there are many dimensions of European Union's involvement in the Western Balkans, and each of them reveals the general objective and efforts undertaken by the EU. However, when pondering the European Union's role in the international affairs, and consequently in the Western Balkans, the answer is not a straightforward one. The European Union is not just a provider of financial assistance, markets and know-how or only about sending civilian and military missions. It can be argued that there is more than meets the eye, and careful consideration must be given to this aspect. The EU is also bringing change in this region, by promoting its norms, something that has not been accomplished by any other actor and that requires a completely distinct approach. As Rosecrance has argued in 1998, the European Union's achievement is "normative rather than empirical", suggesting that the EU has become a "new type of international actor".[4]

In this thesis I will analyse the foreign policy of the European Union towards the Western Balkans with an emphasis on the case of Serbia. The question that arises is what is the role of the European Union in the Western Balkans region? Can the EU be considered as a

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[2] Website of the EU External Action, consulted at 10.05.2012, at http://consilium.europa.eu/eeas/security-defence/eu-operations?lang=en

[3] Milica Delevic, "Regional Cooperation in the Western Balkans", *Chaillot Paper, Institute for Security Studies,* no. 104, July 2007, p. 31- 32, consulted at http://www.iss.europa.eu/uploads/media/cp104.pdf

[4] Richard Rosecrance, "The European Union: A new Type of International Actor", in *Paradoxes of European Foreign Policy,* ed. Jan Zielonka, Kluwer Law International, 1998, p. 19-22

normative power in the Western Balkans and its actions as being normative? In this case, which are the norms promoted by the European Union and what is their overall impact in the countries of this region? In order to give an account of the role of the EU in the Western Balkans, this thesis will use Manners' concept of Normative Power Europe (NPE) with an emphasis on the norms, instruments and the challenges in this region.

My research will be based primarily on the detailed analysis of the legal documents of the European Union. Furthermore, I will examine a wide range of publications and official reports of the EU and its representatives, national governments of the Western Balkan countries, as well as other international organisations, NATO and United Nations in particular, regarding the EU civilian and military missions in the Western Balkans. First, I will look into the historical background of this region of Europe, and in particular of Serbia, and its past relation dynamics with the countries of the European Union for a better understanding of the root causes of the problems faced by the Western Balkans nowadays and its difficulty to address them consistently and effectively.

Furthermore I will take into consideration the media news covering the EU presence in the Western Balkans, the discourses at the political level and official statistics especially concerning the figures regarding trade and economic assistance. In more general terms I will analyse the dissonance that exists between the discourse at the EU level about its involvement and role in the Western Balkans and the results measured in the progress achieved in these countries since 1990s. Additionally, an important part will include a review of the most relevant literature in this area, in order to have a comprehensive view of the role played by the EU in the Western Balkans.

Chapter 1: The concept of NPE and the academic debate

This chapter[5] seeks to introduce the concept of Normative Power Europe (NPE) and its validity for explaining the EU's foreign policy in the Western Balkans. Moreover, it will present the academic debate around it, touching both the arguments in favour and against this concept. Also, first I will look into two other concepts with which the concept of NPE has been frequently compared to, namely the concepts of civilian power and military power, and their connection with the concept of NPE.

1.1   EU: no longer civilian, not yet a military power

The EU was born and subsequently evolved as a primary economic-based organisation, whose greatest advantage rested in its ever expanding market. This feature continues to be one of the most powerful tools of the EU, one that represents an engine that fuels the development of the other EU sides. Sovereign countries to give up and pool their most defining prerogatives, foreign policy and defence, was a difficult idea to conceptualise and put it into practice. But, this is what has happened starting with the Maastricht Treaty and the creation of a common foreign and security policy. In the following years, this policy has further developed with the creation of various programmes, institutions, agencies and investing top-rank officials with representative attributions. As a clear development is visible within the Union in this respect, questions about the place and the role of the EU in the international arena began to preoccupy academics and policy-makers altogether. So, what is the defining feature of the EU in its interactions with the outside world and how can we

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[5] This chapter was originally submitted as a part of the Term paper for the course Jean Monnet Module of European Integration at Central European University, 2012

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conceptualise it? One of the most popular quotes on this issue, one that has been extensively used, pertains to the Belgian official Mark Eyskens, who argued in 1991 that the EU is an "an economic giant, a political dwarf, and a military worm".[6] This unflattering pinning regarding EU's role and capacities in international relations has been widely debated afterwards, but clearly does not precisely capture the complex nature of the European Union. In response to these growing concerns, different concepts have emerged in order to explain EU's role in relation to the other international actors. In this thesis I will further look into three of these notions, namely the concepts of civilian power, military power and normative power Europe.

The concept of "civilian power Europe" was first to emerge to explain the nature of the EU and was based on EU's impressive economic and diplomatic advantages. Even if Francois Duchene introduced this concept in the early 1970s, it is still a widely accepted and debated concept, one reason being the "vagueness" that characterizes the definition of this concept.[7] The term civilian refers to the means used to achieve certain objectives, such as trade, aid, assistance or diplomatic instruments, as opposed to military instruments. In addition to the civilian instruments, Smith argues that the EU as a civilian power involves also the ultimate ends of the policies, usage of persuasion and a civilian way of making foreign policy.[8] Drawing on Twitchett and Maull's definitions of a civilian power, Manners concludes that there are three attributes of this concept, namely the use of economic means for reaching the national goals, use of cooperation when dealing with international issues and use of supranational institutions for international development.9 Hence, the concept of civilian

[6] Craig R. Whitney, "War in the Gulf: Europe; Gulf Fighting Shatters Europeans' Fragile Unity", The New York Times, January 25, 1991, consulted at http://www.nytimes.com/1991/01/25/world/war-in-the-gulf-europe-gulf-fighting-shatters-europeans-fragile-unity.html?pagewanted=all&src=pm
[7] Jan Orbie, "A Civilian Power in the World?: Instruments and Objectives in European Union External Policies", in *Europe's Global Role. External Policies of the European Union,* ed. Jan Orbie, Ashgate, 2008, p. 5
[8] Karen E. Smith, "Beyond the civilian power debate" [online], Lon*don: LSE Research Onlin*e, 2005, p. 65, at http://eprints.lse.ac.uk/812/1/BeyondPDF.pdf
[9] H. Maull "Germany and Japan: The new Civilian Powers", *Foreign Affairs,* Vol.69, No.5, 1990, p.95-106, and K. Twitchett (ed), *Europe and the World: The External Relations of the Common Market,* (New York: St. Martin's

power was relied heavily on the impressive economic power of the European Union, as well on other peaceful means to achieve results.

The development of EU military power was born out of the bitter failure to address the Yugoslav conflict, and started with the creation of the European Security and Defence Policy (ESDP) at the Cologne European Council in June 1999. In this process, France and Great Britain had the main role, although for different reasons, as their decision meant that the EU was ready for a step that would fundamentally change the nature of the European Union. At Saint Malo, the representatives of France and the UK agreed that the EU must be able to "play its full role on the international stage", by having "capacity for autonomous action, backed up by credible military forces".[10]

A concrete action was taken at the Helsinki European Council, where the most important aspect was the decision to have the capability to deploy 60.000 troops within 60 days, which could be operational for a minimum one year. The decision to develop the military dimension has certainly led to criticism and further debate. Some of the voices against it were related to the fact that the EU is engaging in counter-balancing US hegemony by developing separate military capabilities from those of NATO, thus undermining the transatlantic relation.[11] Hence, adding a militarised arm to the EU has led to the creation of this concept, but this particular power is perhaps the most contested. Clearly, notwithstanding the fact that this policy is further developing, nonetheless, the EU's military power is still rather small. Offering an account of EU's military strength, Moravcsik argues for a European Union that is the second military power in the world after the United States, and considers it

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Press), 1976,p.1-2, quoted in Ian Manners, "Normative Power Europe: A contradiction in terms?", *Journal of Common Market Studies*, Vol. 40, No. 2, 2002, p. 236-7

[10] Joint Declaration at the British-French Summit, Saint-Malo, consulted on 01.04.2012, at http://www.consilium.europa.eu/uedocs/cmsUpload/French-British%20Summit%20Declaration,%20Saint-Malo,%201998%20-%20EN.pdf

[11] Christopher Layne, "It's Over, Over There: The Coming Crack-up in Transatlantic Relations", *International Politics*, Vol. 45, 2008, p.335-6, doi:10.1057/ip.2008.6

instead a civilian superpower.[12] Furthermore, with the development of military instruments, it has been argued that the EU no longer has an "alternative vision of international relations" and therefore the concept of EU as a civilian power is "definitely dead".[13] However, the debate regarding civilian and military power Europe is still ongoing, as scholars find new arguments and empirical evidence to support their claims for the EU's role on the international stage.

1.2   The concept of Normative Power Europe

The conceptualization of the European Union as a normative power (NPE) has been made by Ian Manners in 2002 and since then this concept has generated considerable academic debate, arguing both in favor and against. The main argument of this concept is that the EU represents a normative power simply by its unique nature that has an "ideational impact", which makes it prone to act normatively, and that it has the power to change what is considered by others as normal at international level.[14] According to Manners, this uniqueness of the EU is founded on three main intrinsic characteristics, namely the historical context in which the EU developed, its hybrid polity and political-legal basis of EU constitution.[15] The EU norms that lay at its basis for its normative actions are identified to be five key norms, namely peace, liberty, democracy, rule of law, human rights, and also a number of four "minor" norms, namely social solidarity, anti-discrimination, sustainable development and good governance.[16]

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[12] Andrew Moravcsik, "Europe: Rising Superpower in a bipolar world", in *Rising States, Rising Institutions. Challenges for Global Governance,* eds*.* Alan Alexandroff, Andrew Cooper, The Centre for International Governance Innovation, 2010, pg. 157-9
[13] Smith, "Beyond the civilian power", p.76-77
[14] Ian Manners, "Normative Power Europe: A contradiction in terms?", *Journal of Common Market Studies*, Vol. 40, No. 2, 2002, p. 238-9, consulted at http://www.princeton.edu/~amoravcs/library/mannersnormativepower.pdf
[15] Manners, "Normative Power Europe", p.240-1
[16] Ibid*,* p.242-3

Based on Manners conceptualization of the EU, numerous authors have been engaged in discussions on the normative power of the UE, attracted by its novelty and power. Drawing on Manners' concept, Forsberg adds four mechanisms of normative power: persuasion of others, through informational diffusion; invoking norms, when there is a breach in respecting them; shaping the discourse and the power of example.[17] Furthermore, De Zutter takes a comprehensive approach in analyzing four steps in order to identify a normative power in internationals relations: first to examine its power capacities, second refers to analysis of three elements, namely awareness, universality of norms and role in norm-diffusion, the third step looks at its identity and the fourth step considers its impact of norms.[18] Thus, the normative power concept benefited from the contributions of scholars, who are engaged in addressing its weaknesses and improving the concept with new insights.

Therefore, the EU is fundamentally different from all other actors of the international relations and contains the grains of a normative power role in its own construction project. Consequently, Manners stresses the fact that what is important when considering the role of the European Union in the world is "not what it does or what it says, but what it is".[19] The European Union is thus, just by being a normative entity, above the state-centred views, strategic interests and power struggle which characterize the international scene.

The concept of normative power Europe also attracted considerable criticism. The aforementioned views on the EU's unique role are contested by Zielonka, who analyses the EU's unique role on the international stage by making a comprehensive comparison between the EU and three other major international actors, the US, China and Russia. He concludes that the EU's claims of being different from a normative point of view are not so far from the

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[17] Tuomas Forsberg, "Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type", *Journal of Common Market Studies*, Vol. 49, No. 6, 2011, p. 1196-7, DOI: 10.1111/j.1468-5965.2011.02194.x

[18] Elisabeth De Zutter, "Normative power spotting: an ontological and methodological appraisal"*, Journal of European Public Policy*, 17:8, 2010, p. 1115-7, consulted at http://dx.doi.org/10.1080/13501763.2010.513554

[19] Manners, "Normative Power Europe"*,* p. 253

claims made by the other three actors, with which the EU shares a number of important characteristics, leading him to deem all of them as "empires in denial".[20]

In a similar manner, by examining the development of the United States regarding its normative claims and military power preponderance and comparing it with the EU, Diez argues that the EU is not the only normative actor, and finds similarities in the practice of creating the third parties as the "other".[21] Furthermore, Diez draws attention that reflexivity should characterise the normative power debate in order to make the EU as a normative power "stand out".[22] Accordingly, both authors argue that the EU not only does not have a unique role in international affairs, but it resembles other countries as well.

Offering a neorealist account of the foreign, security and defence policies, Hyde-Price argues that, when it comes to strategic interests, the EU cannot be considered a normative power, but as an instrument of hegemony used purposefully by its member states in order to modify the "near abroad" according to their interests.[23] Likewise, Youngs, by analysing the EU's promotion of human rights, says that the EU's strategic interests are achieved within the framework of its normative external role, therefore the two notions are in co-existence.[24] In the same logic of argumentation, Smith argues that the EU, having many types of power, can act both in a normative and in a strategic way, without being "mutually exclusive".[25] Hence,

[20] Jan Zielonka, "The EU as an International Actor: Unique or Ordinary?", *European Foreign Affairs Review*, 16, 2011, p. 297-99, consulted at
http://www.kluwerlawonline.com/document.php?id=EERR2011021&type=toc&num=1&
[21] Thomas Diez, "Constructing the Self and Changing Others: Reconsidering `Normative Power Europe'", *Millennium - Journal of International Studies*, 33: 613, 2005 , p. 635-6, consulted at
DOI: 10.1177/03058298050330031701
[22] Diez, "Constructing the Self", p. 614-5
[23] Adrian Hyde-Price, "Normative power Europe: a realist critique", *Journal of European Public Policy*, 13:2, p. 226-227, http://dx.doi.org/10.1080/13501760500451634
[24] Richard Youngs, "Normative Dynamics and Strategic Interests in the EU's External Identity", *Journal of Common Market Studies*, Vol. 42, No. 2, 2004, p. 419-21, consulted at doi: 10.1111/j.1468-5965.2004.00494.x
[25] Michael E. Smith, "A liberal grand strategy in a realist world? Power, purpose and the EU's changing global role", *Journal of European Public Policy*, 18:2, 2011, p. 144-5, consulted at doi:10.1080/135011763.2011.544487

these realist views consider that the EU is still seeking to achieve its interests, by embedding them into a normative framework.

It is important to note that Manners presents his concept of normative power Europe in the larger debate revolving around the notions that portray EU as a civilian or as a military power. According to him, the normative power concept differs from the civilian power with regards to the "Westphalian culturation" change and from the military power by the "conflict conciliation processes" that are used.[26] Manners also argues that the conceptualization of the European Union as a normative power is an additional view to the ones of civilian and military concepts.[27] When Manners examines the effects of militarization, he considers that it endangers the EU's normative power if it is pursued without "critical reflection", taking into account the limits drawn by the European Security Strategy.[28] Therefore, the EU must be aware of the danger of using its military strength in detriment to its normative power, as it risks losing its normative power. In contrast, Thomas Diez considers that civilian power and normative power closely connected and even that the civilian power can be seen as a "form of normative power".[29] In response to Diez, Manners says that the concepts are different and he even presents six main distinctions between the two of them.[30] Manners explicitly tries to circumvent the terms "civilian power" and "civilising" because of their close relatedness to the image of a state and the history of Europe in particular, while another approach is needed account for "what it is, does and should do" the European Union.[31] Furthermore, with regards to the military power of the European Union, Manners considers that it does not impede its

[26] Ian Manners, "Normative power reconsidered", CIDEL Workshop Oslo "From civilian to military power: the European Union at a crossroads", 2004, p. 3-4

[27] Ian Manners, "Normative Power Europe, p. 253

[28] Ian Manners, "Normative power Europe reconsidered: beyond the crossroads", *Journal of European Public Policy*, 13:2, 2006, p. 183, http://dx.doi.org/10.1080/13501760500451600

[29] Diez, "Constructing the Self", p. 617

[30] Ian Manners, "The European Union as a Normative Power: A response to Thomas Diez", Millennium-Journal of International Studies, Vol. 35, 2006, p. 175-177, consulted at http://mil.sagepub.com/content/35/1/167.full.pdf

[31] Manners, "Normative power reconsidered", 2004, p. 2

normative power if the process of militarization is done in a "reflexive manner".[32] Taking a different approach, Bjorkdahl's opinion is that the militarization of the EU is necessary in order to enforce its norms, and that the concepts of normative and military EU need to be connected so that it could address the new types of security challenges in the world.[33]

A critical perspective is brought by Merlingen, who argues that the concept of normative power should also be analysed at level of "micro-level processes" in order to account for this concept, basing his argumentation on post-structuralism research.[34] Additionally, Forsberg argues that the concepts of "normative" and "power" have various meanings leading to numerous problems and considers that the best option is to think about the concept of normative power as an "ideal type".[35] Moreover, Bickerton applies the concept of legitimacy to give an account for the limitations of the normative policy.[36]

The academic literature regarding this normative power concept is therefore growing remarkably and is expected to also continue in the future. The question of EU's role as a normative power cannot find one single view among academics as scholars find new perspectives to this concept. This intense debate shows that the NPE cannot account for certain issues and needs further critical examination to address these divergent understandings of the concept.

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[32] Manners, "Normative power reconsidered: beyond the crossroads", 2006, p. 194-195

[33] Annika Bjorkdahl, "Normative and Military Power in EU Peace Support Operations", in *Normative Power Europe. Empirical and Theoretical Perspectives*, ed. Richard G. Whitman, Palgrave Macmillan, 2011, p. 103-4

[34] Michael Merlingen, "Everything is Dangerous: A Critique of 'Normative Power Europe '", Security Dialogue, Vol.38, 2007, p. 438-439, consulted at http://sdi.sagepub.com/content/38/4/435.full.pdf

[35] Forsberg, "Normative Power Europe, Once Again", p. 1199, consulted at http://onlinelibrary.wiley.com/doi/10.1111/j.1468-5965.2011.02194.x/pdf

[36] Chris J. Bickerton, "Legitimacy through Norms: The Political Limits to Europe's Normative Power", in *Normative Power Europe. Empirical and Theoretical Perspectives*, Richard G. Whitman (ed), Palgrave Macmillan, 2011, p. 25

Chapter 2: EU and the Western Balkans
A historical perspective

In order to have a better understanding of the particularities of the Western Balkans, in this chapter I will look into the historical background of this region, starting with the decisive events at the beginning of the 1990's, coupled with the end of the Cold War and the fall of communism. My objective is to present the initial crisis situation of the Western Balkans and the important transformations that took place until present times in this region. Thus, after laying down the premises of the situation existing in the countries of the Western Balkans, I will focus in the second part of this chapter on the EU's response to the rising problems of the region and its long-term strategy for these countries.

2.1   Western Balkans: from the powder keg to EU countries

The Balkans have been characterised as the "powder keg of Europe" due to the troubled history of the region favoured by the multiethnic composition of the society, nationalism and political disorder that led to the overall instability of the entire area.[37] The violent conflicts that emerged in this area, the fall of communism and the disintegration of Yugoslavia have demonstrated the fragility of the peace and stability in the Balkans.[38] Nevertheless, a great transformational process has been taking place since the aftermath of these conflicts, one that aims that the history will no longer repeat itself in this region. The international community has taken an active role here, being deeply involved in a common effort to erase the stark disparities that have abridged the link between the Balkans with the rest of the continent. In this respect, I will argue in this thesis that the greatest role is pertaining to the European

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[37] F. Stephen Larrabee, "Balkan Security after the Cold War: New Dimensions, New Challenges", in *The Volatile Powder Keg. Balkan Security after the Cold War,* ed. F. Stephen Larrabee, The American University Press, 1994, p. xi

[38] Larrabee, "Balkan Security", p. xii

Union, as the most important agent of change that has characterised this region in the last years. Not starting with the right foot when a faultless intervention was needed at the beginning of the 90's, in line with the great expectations raised by its nascent foreign and security policy, has certainly not hampered the EU in its efforts to ensure the peace in this region, but prompted it to open to these countries. The famous words of the President of the EU Council, Jacques Poos, arguing that "this is the hour of Europe" concerning the Yugoslav crisis have revealed the EU's hastiness in seeking to address the conflict without being fully prepared.[39] Moreover, this situation has even been described as the "greatest moment of foreign policy incompetence" for the Western countries due to the fact that the West failed to take the opportunities for putting an end to the conflict from 1989 until 1998.[40]

Looking at the crisis that has shaken this region at the beginning of the 1990's we can see that it was rooted in the many problems that have remained dormant under the external influence and the firm hands of its rulers. A composite state, the Socialist Federal Republic of Yugoslavia (SFRY) held together a diversity of ethnic groups, religions, countries and ultimately, divergent interests. These problems were exposed by Tito's death in 1980 and subsequently by the fall of communism and the end of the Cold War. Its six republics, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia, and its two Serbian autonomous provinces, namely Kosovo and Vojvodina reached a state of essential dissension between 1989 and 1991.[41]

Its disintegration in 1992 was a violent one, marked by wars among the constitutive republics, and has ultimately redesigned the state borders and brought new countries on the

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[39] Jacques Rupnik, "The Balkans as a European question", in *The Western Balkans and The EU: 'The hour of Europe'*, ed. Jacques Rupnik, Chaillot Papers, June 2011, Institute for Security Studies (EUISS), p. 18, at http://www.iss.europa.eu/uploads/media/cp126-The_Western_Balkans_and_the_EU.pdf

[40] William Zartman, "Yugoslavia 1989-1998", in *Cowardly Lions. Missed Opportunities to Prevent Deadly Conflict and State Collapse,* London, Linne Rienner Publishers, 2005, p. 138

[41] Christopher Cviic, "Yugoslavia: The Unmaking of a Federation", in *The Volatile Powder Keg. Balkan Security after the Cold War,* ed. F. Stephen Larrabee, The American University Press, 1994, p. 94-95

world map. The response of the international community has been hampered by considerations regarding the internal nature of the conflict, the different interests of the European countries and the fear of creating precedents for other movements based on ethnic claims.[42] The European Union's position regarding the Yugoslav conflicts was at first to take preventive measures against the breakup of the federation by sending the "troika" and monitors, but this approach changed in the light of different stances in the positions regarding the situation of Slovenia and Croatia, especially in Germany.[43] Thus, the divergent opinions of the EU's member states concerning the conflict represented one of the deterrents against a strong EU action. Germany's strong pressures on other EU member states resulted in the recognition of Croatia and Slovenia as independent countries from Yugoslavia.[44] An important shift in the EU's approach towards the situation of the countries fighting for their independence and the overall crisis therefore happened. Soon after, the other republics declared their independence, Macedonia in 1991 and Bosnia and Herzegovina in 1992. However, Montenegro went from uniting with Serbia and thus creating the Federal Republic of Yugoslavia in 1992 to a State Union in 2003 and finally deciding for its independence much later, in 2006.

But recognition of the states of former Yugoslav Republics was not a straightforward task, and the EU is still making efforts for durable solutions to be achieved by all parties involved. Thus, the situation of Kosovo is well known. Its request for independence is in direct opposition with Serbia's policy of preserving the unity of its territory, hence it is unlikely a resolution will be found to this antagonism in the near future. Since it unilaterally declared its independence in February 2008, Kosovo has been struggling to become a full

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[42] James B. Steinberg, "The Response of International Institutions to the Yugoslavia Conflict: Implications and Lessons", in *The Volatile Powder Keg. Balkan Security after the Cold War,* ed. F. Stephen Larrabee, The American University Press, 1994, p. 253 - 57

[43] Steinberg, "The Response of International Institutions", p. 235 - 36

[44] Ibid, p. 244

sovereign country and to gain recognition from the international community. Thus, currently Kosovo has a special status being placed under UN Resolution 1244 and has been recognised by a number of countries of the UN system. But, the fact that five countries in the EU, namely Greece, Cyprus, Spain, Romania and Slovakia, have refused to recognise Kosovo's independence is affecting the EU's credibility and casts a shadow of doubt over its ability to speak with a single voice in world affairs. Furthermore, the situation of Macedonia also remains an open case. This country faces considerable opposition from Greece, who contests its name and has thus far been successful in blocking Macedonia's membership into international organisations.[45] The numerous attempts to resolve this issue have failed, but a temporary solution has been found in altering Macedonia's name in the Former Republic of Macedonia (FYROM) to be used in international matters.[46] These conflicting positions are deeply ingrained in the cultural and historical origins of their respective nations, and therefore make it extremely hard to reach common grounds on such sensitive matters.

So, the task of the European Union in this region proves to be a difficult and lengthy one. One of the consequences of the disintegration of Yugoslavia was that it launched its former constitutive republics on a new path. This new direction meant that the countries in this region turned their faces towards Europe, opting to become European countries. In this regard, the European Union has developed a complex strategy especially concerning the countries in the Western Balkans, encompassing a wide range of instruments at its disposal, such as economic assistance, sending Special Representatives or launching civilian and military missions.[47] Furthermore, the greatest instrument of these is undoubtedly the inclusion

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[45] "Macedonia's Name: Breaking the Deadlock", *Europe Briefing* No. 52, International Crisis Group, January 2009, p. 1-2, at
http://www.crisisgroup.org/~/media/Files/europe/b52_macedonias_name___breaking_the_deadlock.pdf
[46] "Macedonia's Name: Breaking the Deadlock*",* p. 13
[47] Jacques Rupnik, "The EU and the Western Balkans", *Institute for Security Studies,* May 2009, p. 1, consulted at http://www.iss.europa.eu/uploads/media/The_EU_and_the_Western_Balkans.pdf

of these countries on the list with potential candidates for EU membership, thus being able to exert considerable influence over the Western Balkans region.

2.2 Learning form the past: EU's approach towards the Western Balkans

The EU's approach towards the Western Balkans is a rather complex one. First, it deals with the Western Balkans as a whole, as a region that is connected by historical, cultural and language ties. At the same time, the EU recognizes the uniqueness of each country and its specific needs, and has established bilateral relations with each of them. Certainly, a region that is so close to the EU's borders and that is not fully stabilized and democratic after the recent crisis, must therefore be thoroughly weighed and analyzed.

One of the first key programmes of the EU designed for the countries of the Western Balkans as well as Bulgaria, Moldova and Romania to help them on their European road was the Stability Pact for South Eastern Europe, launched in 1999 in Cologne. The Stability Pact's stated objective was to ensure the overall stability of the entire region through promoting "peace, democracy, respect for human rights and economic prosperity".[48] This regional approach of the Stability Pact, seeking to address the existing problems as well as to prevent them, instead of dealing only with these countries on an individual basis, was considered as a successful one.[49] Enjoying the support of other international organisations, such as the UN, OSCE, NATO, World Bank or IMF, and of third countries like Canada, Japan, Russia or the US, the Stability Pact promoted regional cooperation and the perspective of becoming members of the EU. This EU perspective for the Western Balkans countries was subsequently officially stated in 2003 at Thessaloniki European Council, by recognising them as potential candidate countries to the European Union.

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[48] Stability Pact, Cologne Declaration June 1999, consulted at
http://www.stabilitypact.org/constituent/990610-cologne.asp
[49] Bodo Hombach, "The Balkans – A difficult Journey to the Stability Pact", in *Stability Pact just around the corner,* ed. Albert Rakipi, Albanian Institute for International Studies, Tirana 2000, p. 13

However, the defining EU strategy for the Western Balkans is represented by the Stabilisation and Association Process (SAP). The 2000 Zagreb Summit launched the Stabilization and Association Process for the five countries in the Western Balkans, namely Albania, Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.[50] Thus, the European Union made a concrete commitment to the Western Balkans to help it through their deeply transformative process taking place after the devastating conflicts of the 90's. Also, it is clear that considerable efforts and painstaking reforms were expected from these five countries, as they were at the receiving end of these bilateral relations, in order to demonstrate their commitment to a European future and achieve the goals that were set in this Process.

The Stabilization and Association Process is a comprehensive strategy and concentrates on tackling the specific conditions that the Western Balkans is facing. Thus, its three main elements on which it is based are the Stabilization and Association Agreements (SAAs) considered as the most important part of the SAP, financial assistance through Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme and autonomous trade measures, ensuring favourable conditions to access the EU market.[51] Hence, this region benefits from a strategic and coherent approach which was designed to tackle efficiently the numerous existing problems faced by these countries.

By signing the Stabilization and Association Agreements with the Western Balkans countries, the EU has provided a clear path for each of them in order to assist these countries to their final objective, that is, EU membership. Furthermore, the countries needed to comply

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[50] Zagreb Summit Final Declaration, 2000, consulted at http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm

[51] Website of the European Commission, consulted on 06.05.2012, at http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/history_en.htm

first with a number of criteria regarding democracy, rule of law and human rights.[52] The financial assistance and the trade preferences had the role to support the EU's efforts and to speed economic recovery of these countries. The €4.650 million provided through the CARDS programme were used for reconstruction, supporting democratic reforms, economic and social development as well as for endorsing cooperation at regional and bilateral level.[53] The trade preferences offered by the EU to the Western Balkans mean that the exports of these countries are free of taxes and restrictions on quantity.[54] Therefore, according to the statistics, the trade between the EU27 and the countries from the Western Balkans has reached a level of 16,3 in imports from the Western Balkans, and 30,1 in exports to the Western Balkans, revealing a growth since 2009.[55] Thus, the offering of financial assistance and the trade stimulation represented an important part of the EU strategy for this region, seeking to contribute to its economic development and consequently, fulfilling of the economic criteria for a future accession process.

The efforts made by the EU on one side and the Western Balkans countries on the other side have started to pay off. Currently, the FYR Macedonia, Montenegro and Serbia are now candidate countries, while Albania, Kosovo and Bosnia and Herzegovina are still potential candidate countries.[56] Furthermore, in 2013 Croatia will be the first Western Balkan country to join the European Union. The 2011-2012 Enlargement Strategy has appreciated that the remarkable progress achieved by Croatia should be seen as an "incentive and catalyst" for the

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[52] Steven Blockmans, "EU Conflict Prevention in the Western Balkans", in *The European Union and Conflict Prevention. Policy and Legal Aspects,* eds. Vincent Kronenberger and Jan Wouters, T.M.C. Asser Press, 2004, p. 310

[53] Articles 1 and 2 of the Council Regulation (EC) No 2666/2000, Official Journal of the European Communities L306/1, consulted at
http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/general/2666_00_en.pdf

[54] COM (2003) 139 final, Annex I, consulted on
http://ec.europa.eu/enlargement/pdf/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/sap_composite_paper_annex1_en.pdf

[55] "EU bilateral trade and trade with the world", consulted on 10.05.2012, at
http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113477.pdf

[56] Website of the European Commission, consulted on 06.05.2012, at
http://ec.europa.eu/enlargement/countries/index_en.htm

other Western Balkans countries who aim at becoming EU members.[57] It is difficult to imagine that, only a few years back, this country was involved in a war to gain its independence. As they have made considerable progress, the countries of the Western Balkans were eligible for financial assistance reserved only for candidate countries, which also is very important to continue their reforms in all necessary sectors. Hence, the Instrument for Pre-Accession Assistance (IPA) has replaced CARDS since the latter ended in 2006. IPA is a complex instrument aimed at all potential candidates and candidate countries to EU membership and it is focused on five essential components, namely rural development and regional, human capital, cross-border cooperation and institution building.[58]

Therefore, in this chapter, in order to better understand the role of the EU in the Western Balkans I briefly presented the situation of the region in the 1990s and the EU's strategies towards the region. The consequences of the dissolution of Yugoslavia and violent conflicts in the region are easily identifiable in the overall situation of these countries, which faced numerous economic problems, political instability, a weak institutional system, generalised corruption and violation of the internationally recognised principles of human rights and respect for minorities. Thus, this was the setting in which the European Union sought to implement its initiatives in order to bring the necessary change in this region.

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[57] COM(2011) 666 final , "Enlargement Strategy and Main Challenges 2011-2012", October 2011, consulted at http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/strategy_paper_2011_en.pdf

[58] Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA), Article 3, Official Journal of the European Union, consulted at http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_210/l_21020060731en00820093.pdf`

Chapter 3: EU as a norm promoter in the Western Balkans

In this chapter I will use the concept of normative power to analyse its suitability to give an account for the role exercised by the European Union in the Western Balkans. In the first part I will make an analysis of the overall normative role that the EU is fulfilling in the Western Balkans, followed by the examination of the norms which are being promoted, instruments and the existing risks to this particular role.

The centre of the EU's relations with the countries of the Western Balkans is represented by the membership perspective that has been confirmed at the Feira European Council in 2000. Therefore, the assessment of the normative role of the EU in the Western Balkans must also take into account the process of enlargement in order to convey an accurate and complete analysis. The EU has included the countries of this region in the list of potential candidate countries for membership and used certain means, such as civilian and military missions or conditioned economic assistance, in order to promote the conditionality principle, for the respect of human and minority rights and cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), democratic principles and the rule of law. The final objective of these actions was first to stabilize and then increasingly bring closer the countries in this region. For this reason, it has been argued that it is not easy to distinguish between the enlargement and the normative influence of the EU.[59] However, this is exactly what Manners argues when examining the normative role of the EU, namely that this concept is being progressively more included in its external relations with third countries, as is the

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[59] Ana E. Juncos, "Power Discourse and Power Practices: The EU'S Role as Normative Power in Bosnia", in *Normative Power Europe. Empirical and Theoretical Perspectives,* Ed. Richard G. Whitman, Palgrave Macmillan, 2011, p. 9

case of enlargement.[60] The aforementioned argument is supported by Haukalla, who points out that, through the process of enlargement, the European Union is able to promote its norms in an "efficient and legitimate" manner by using the sticks and carrots strategy.[61]

3.1 Which norms for the Western Balkans?

Starting with his article in 2002 and the subsequently in his work, Manners has argued that nine norms are at the heart of the EU's normative role. Among these, only five are considered core norms, namely peace, liberty, democracy, rule of law and the respect for human rights, as their roots can be found in the constitutive documents of the European Union and which ultimately represent its legitimacy for a normative role.[62] Additionally, he explains that these norms are based on a number of three founding unique traits and this is exactly what is giving the European Union a normative difference in comparison with other international actors which promote their own norms.[63]

However, in this thesis I will focus on the democratic principles, human rights and rule of law as norms promoted by the European Union in the Western Balkans. The importance of the first two norms is highlighted by Panebianco and Rossi, who argue that the EU's strategy for this region centres on these norms and which are also enforced in the Stabilization and Association Process (SAP) and the Stability Pact for South Eastern Europe, as prerequisites for the stability and security in this region.[64] Additionally, human rights, democracy and rule of law are subsequently present in the Stabilization and Association Agreements (SAAs) and

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[60] Ian Manners, *The Concept of Normative Power in World Politics,* DIIS Brief, May 2009, p. 2, consulted at http://www.diis.dk/graphics/publications/briefs2009/b09_maj__concept_normative_power_world_politics.pdf
[61] Hiski Haukkala, "The European Union as a Regional Normative Hegemon: The Case of European Neighborhood Policy", in *Europe-Asia Studies*, 60:9, p. 1604, consulted at http://dx.doi.org/10.1080/09668130802362342
[62] Manners, "Normative Power Europe", p. 242 - 244
[63] Ibid, p. 240
[64] Stefania Panebianco and Rosa Rossi, "EU attempts to export norms of good governance to the Mediterranean and Western Balkan countries", *Jean Monnet Working Papers in Comparative and International Politics*, October 2004, No. 53, p. 9, consulted at http://aei.pitt.edu/6109/1/jmwp53.pdf

the Progress Reports and Opinions prepared by the European Commission. These particular norms have been also identified in the official discourse and they are constitutive for the EU's general approach towards the Western Balkans. In order to provide a clear view of the external action of the European Union for the future, the Commission has prioritised since 2001 the promotion of democracy and human rights in all EU's policies and strategies and also stating that the EU is "well placed to promote democracy and human rights".[65] Therefore, the EU views itself as a promoter of norms and has proceeded to include and protect them in its external relations.

The characteristics of these principles promoted by the EU have been set out in the literature and have sought to contribute to the understanding of the nature of normative power. Thus, Manners has explained that these norms must comply with the requirements of legitimacy, based on the authority of recognized international documents, coherence and consistence, referring to their implementation in a logical and homogeneous way.[66] Thus, the necessary legitimization of these principles is drawn from the international documents, such as the UN Charter, Paris Charter, Universal Declaration of Human Rights or European Convention on Human Rights, while a coherent and consistent promotion is expected to be ensured through the EU's High Representative, Catherine Ashton.[67]

Regarding the democratic principles, Smith argues that this is a relatively novel principle of the EU, being adopted only in 1991, especially due to the lack of a single definition or international agreements on the concept of democracy, which also makes

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[65] COM(2001) 252 final, "The European Union's Role in Promoting Human Rights and Democratisation in third countries", consulted at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0252:FIN:EN:PDF
[66] Ian Manners, "The European Union's Normative Power: Critical Perspectives and Perspectives on the Critical", in *Normative Power Europe. Empirical and Theoretical Perspectives,* ed. Richard G. Whitman, Palgrave Macmillan, 2011, p. 233-234
[67] Ian Manners, "The EU's Normative Power in Changing World Politics", in *Normative Power in a Changing World: A Discussion,* ed. Andre Gerrits, Clingendael European Papers, No. 5, December 2009, p. 12, consulted at http://www.clingendael.nl/publications/2009/20091200_cesp_paper_gerrits.pdf

difficult to legitimize actions to promote this principle.[68] Nevertheless, even if the existing international standards concerning democracy were not sufficiently developed, the EU has drawn its definition from them, but it has also tried to develop its own particular definition of the concept.[69]

The EU's definition of the human rights principle has been also rooted in the abundant international legal system and there has been a keen pursuit for the recognition of the international and European conventions regarding this principle.[70] However, in the constitutive Treaties of the EU the only rights declared were those related to the nascent common market, whereas official institutionalization of the human rights principle came with the Amsterdam Treaty, where article 6 stated that the principles of liberty, democracy, human rights and rule of law were at the basis of the European Union.[71] Thus, even through these principles have a long international historical development, they had a relatively late official recognition in the EU. Analyzing the promotion of human rights, Smith argues that the EU is distinguishing itself from other international actors through the methods used to promote it, namely an affinity for persuasion, political dialogue, human rights clauses in its agreements and a general unwillingness for punitive actions.[72] Clearly, this argument is supporting Manners' concept of a normative power and its distinctiveness in the international system, raising questions the conceptualization of the EU as being no different than the other actors.

The principle of rule of law is present especially in the context of the development of the European Security and Defense Policy and its applications in this area and it is a norm that

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[68] Karen E. Smith, *The European Union Foreign Policy in a Changing World,* Polity Press, Second edition, 2008, p. 142
[69] Ibid, p. 153-156
[70] Ibid, p. 124 - 125
[71] Ibid, p. 113 - 114
[72] Ibid, p. 141

is closely intertwined with the principles of respect for human rights and democracy.[73] This is visible in the EU's rule of law missions, launched in various parts of the world, such as EUJUST Themis in Georgia, EUJUST LEX in Iraq and EULEX Kosovo. The later, EULEX Kosovo is the most evocative example of rule of law norm in the Western Balkans, as it was the EU largest civilian operation launched in 2008, aiming to support Kosovo's institutional framework regarding justice, police and customs areas.

All these norms are constitutive for the EU's strategy towards the Western Balkans. In the general framework of the enlargement perspective in the Western Balkans, respect for democracy and human rights becomes binding to these countries, which cannot aspire to become member states without fully comply with these criteria. The Sarajevo Summit Declaration which launched the Stability Pact in 1999 has endorsed the principles of democracy, human rights and rule of law, considered as being at the basis for the successful accomplishment its goals.[74] Furthermore, the Final Declaration of the 2000 Zagreb European Council emphasizes particular norms for the Western Balkans, namely respect for human and minority rights, cooperation with ICTY, protection of refugees and internally displaced persons and also regional cooperation.[75] In the SAP it is clearly specified that, next to the perspective of a closer relation, it is considered a tool through which these states adopt the EU's norms and values.[76] The intended objective of these norms was clearly related to the violence of the Yugoslav crisis and the subsequent need to stabilise the region. Moreover, the SAAs signed with FYROM, Montenegro, Serbia, Croatia and Albania all include in their Article 2 as general principles the respect for democratic principles, human rights and rule of

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[73] Emma J. Stewart, "Mind the Normative Gap: The EU in South Caucasus", in Normative Power Europe. Empirical and Theoretical Perspective, ed. Richard G. Whitman, Palgrave Macmillan, 2011, p. 70
[74] Stability Pact, Sarajevo Summit Declaration, 30 July 2009, consulted at http://www.stabilitypact.org/constituent/990730-sarajevo.asp
[75] Zagreb Summit Final Declaration
[76] COM (2003) 139 final, "The Stabilization and Association process for South East Europe", Second Annual Report, p. 5, consulted at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0139:FIN:EN:PDF

law.[77] These are considered as a step forward to a future accession process for those that meet these necessary conditions. Consequently, the EU has regular Reports on the progress made by all six countries of the Western Balkans, including Kosovo on theses specific principles.[78]

Therefore, through these programmes the European Union reveals the importance of democratic principles, human rights and rule of law as key norms in its enlargement process, and thus succeeding in influencing third parties that aim to become member states. These norms have consistently been promoted in its initiatives and strategies launched for the Western Balkans and formed the foundation of this relation, regionally as well as bilaterally.

3.2   Norms Diffusion in the Western Balkans

The EU's methods to promote its norms have been classified and explored by Manners in his introductory article on NPE. He identifies a number of six diffusion factors, namely contagion, referring to the unintended spread of norms; informational diffusion, related to the various forms of EU communications; procedural diffusion, where there is a process of institutionalisation of the relations existing between the European Union and third actors; diffusion through transference, taking place when the relationship between the EU and other actors involves an exchange in trade or assistance; overt diffusion happens when the EU is physically present on the territory of the third countries; and the last one is the diffusion through cultural filter that refers to the impact of norms in third countries. [79] Therefore, these practices are making the European Union stand out from other international actors and support the claim of being a normative power.

The aforementioned factors of diffusion of the norms must be, however, tailored to the specific case of the countries of the Western Balkans. Thus, among the channels used by the

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[77] Website of the European Commission, consulted on 28.05.2012, at http://ec.europa.eu
[78] Website of the European Commission, consulted on 28.05.2012, at http://ec.europa.eu/enlargement/press_corner/key-documents/reports_nov_2010_en.htm
[79] Manners, "Normative Power Europe", p. 244 - 245

European Union here, we can certainly identify firstly the informational diffusion, through declarations and initiatives on the EU side concerning the Western Balkans states; secondly is the procedural one, taking into account the agreements that have been concluded between the EU and these countries; thirdly is the transference, as the EU enforces the respect of certain conditions in its relations with the countries; and the fourth identified factor is the overt diffusion, because the EU has been physically present on the territory of the Western Balkans countries through delegations or monitoring missions.[80]

Concerning the procedural form of norm diffusion, the most evocative example for the Western Balkans is represented in the Stabilization and Association Process and the Stabilization and Association Agreements as these represent the frame of the relations between the parties. Clearly, this institutionalised approach offers concrete advantages as the contractual conditions concerning the benefits and obligations for the parties are clearly stated in these agreements and are seen as a road map towards the final objective. With respect to the procedural and transference diffusion, Manners has argued that these are enforced through the principle of conditionality which is present in the agreements signed with other countries.[81] Thus, conditionality became an essential mechanism, through which the EU advocates for its norms in its relations with third parties in general, and with the countries of the Western Balkans in particular.

3.3 Instruments

The instruments used to promote norms need to be given special consideration as these are defining for the conceptualisation of a normative power. It has been argued that a normative power is one that attracts and entails the use of civilian means, rather than using coercion and military instruments. In his work Manners explains that there are three elements

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[80] Juncos, "Power Discourse and Power Practices", p. 92
[81] Manners, "Normative Power Europe", p. 245

that need to be considered when analysing the methods for norm promotion, namely persuasion, argumentation and the practices of shaming and prestige as these should confer the normative role its power of attraction.[82] Forsberg also considers that the normative power is characterised by normative means of power referring to persuasion and relying on the already existing commitments to which parties committed themselves.[83] Taking a legalistic approach, Tocci defines the means for promoting norms as instruments that must be "deployed within the confines of the law" and emphasises the importance of observing the international law and multilateralism.[84] Furthermore, Sjursen also outlines that legal principles must be respected when promoting norms if a normative power's actions are to be considered legitimate.[85] Hence, the instruments used by the EU to promote its norms must observe the law, because they are an essential part of its normative role.

The instruments employed by the EU for the promotion of human rights, democracy and rule of law are comparable. For instance, Smith argues that the European Union can use conditionality, aid and diplomatic means, as well as civilian and military missions to promote the norms.[86] Thereby, the Copenhagen criteria included in conditionality principle for the countries aspiring to become EU member states is an effective instrument for the promotion of these norms. As Noutcheva notes regarding this matter, an important aspect of the success of the conditionality principle is represented by the "references to political values and economic norms" of the European Union.[87] Thus, as part of the EU's objective to promote these norms in the region, the strategies represented by the SAP and SAAs, coupled with the

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[82] Manners, "The EU's Normative Power in Changing World Politics", p. 12

[83] Forsberg, "Normative Power Europe", p. 1194

[84] Nathalie Tocci, "Profiling Normative Foreign Policy: The European Union and its Global Partners", *Centre for European Policy Studies*, Working Document No. 279, December 2007, p. 6, consulted at http://aei.pitt.edu/7580/1/Wd279.pdf

[85] Helene Sjursen, "The EU as a "normative" power: how can this be?", *Journal of European Public Policy,* 13:2, March 2006, p. 244-245, consulted at DOI: 10.1080/1350176050045667

[86] Smith, "EU Foreign Policy", p. 128, 156

[87] Gergana Noutcheva, "Enlargement Policy towards Central and Eastern Europe, 1989-2007: Normative Intended", in *The European Union as a Normative Foreign Policy Actor,* ed. Nathalie Tocci, Centre for European Policy Studies, No. 281, January 2008, p. 3

Community Assistance for Reconstruction, Development and Stabilisation (CARDS) and the Instrument for Pre-Accession Assistance (IPA) as tools to sustain their implementation and also acting as an incentive for these countries are part of the instruments used by the European Union. Certainly, a more detailed account of these instruments is needed which will subsequently be considered in next subsections of this chapter.

3.3.1 Conditionality principle in the Western Balkans

One of the particularities of the enlargement process is that the aspiring countries must comply with a set of conditions known as the Copenhagen criteria. These criteria foresee the fulfilment of three elements, namely the existence of stable institutions that can guarantee democracy, the rule of law, respect for human rights and minorities; a market economy that can stay competitive within the Union and the capacity to comply with the obligations of the membership.[88] Therefore, by tying the accession process to these criteria, the European Union has created a very powerful tool for promoting its norms and which also ensures that the aspiring countries make efforts to observe them. Thus, the EU ensures a degree of uniformity in values and norms for all its member states as well.

Notwithstanding these specificities of the enlargement process, the conditionality principle is also included in other strategies for the Western Balkans countries. Thus, prior to their official recognition as potential candidate countries in 2003, this region has also benefited from essential initiatives, namely the Royaumont Process and the Regional Approach. Their objective was to help this region to put an end to the conflicts and to provide a framework for future relations with these countries. Whereas the Royaumont Process launched in 1996 was designated a supporting role for the execution of the Dayton Peace Agreements, the Regional Approach initiative, which was launched a year later, came with

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[88] Website of the European Commission, consulted on 19.05.2012, at
http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm

economic and political conditionality for the countries of the Western Balkans, comprising conditions regarding the respect for human rights, rule of law and democracy.[89]

The conditionality principle is also well established in the Stabilisation and Association Process for the Western Balkans. This strategy represents the framework of the relations between the EU with this region and in the light of a future integration perspective. As argued above in this thesis, the SAP is characterised by comprehensiveness, aiming to tackle the areas which are crucial for a sustainable development of these countries. Nevertheless, it encompasses the requirement to comply with certain conditions related to the human rights, democratic principles and rule of law. Furthermore, the Stabilisation and Association Agreements, which have been considered the counterparts of the Europe Agreements, focus themselves on fulfilling certain conditions by the signatory countries, namely the principles of human rights, democracy and rule of law, as well as those related to market economy, political dialogue, cooperation at regional level or financial assistance.[90]

The financial instrument of the SAP, the CARDS programme, is an essential part of the conditionality principle. The European Union has included as a prerequisite for receiving financial assistance the condition to respect human rights, democratic principles, rule of law and principles of international law, as well as being focussed on the support for creating the framework necessary to sustain these principles.[91] So, in order to benefit from the necessary funds for reforms and development available through CARDS, these principles needed to be observed, otherwise the assistance would have been stopped.[92] Hence, this conditionality principle meant that the financial aid was conditioned by the positive response from the

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[89] Website of the European Commission, consulted on 21.05. 2012, at
http://ec.europa.eu/bulgaria/abc/eu_works/enlargement/eu-and-the-western-balkans_en.htm
[90] Website of the European Commission, consulted on 23.05.2012, at
http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_e
u/sap/history_en.htm#sap_agreement
[91] CARDS Council Regulation (EC) No 2666/2000, consulted at
http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/general/2666_00_en.pdf
[92] Panebianco and Rossi, "EU attempts to export norms", p. 10

receiving party regarding the norms exported by the European Union. Consequently, the EU's assistance came with strings attached and the Western Balkans saw itself obliged to comply with the European Union's rules.

The legacy of the Western Balkans' violent past made that conditionality principle includes one specific requirement for this region. This condition is to cooperate with the International Criminal Tribunal for the Former Yugoslavia, which is included in the Stabilization and Association Process and necessary for the negotiations regarding the Stabilisation and Association Agreements. Bringing the war criminals of the Yugoslav crisis to Court and it was considered essential in terms of taking the necessary steps for the sustainability of every effort made to bring peace and stability in this multi-ethnic region, a process that needed a certain level of cooperation among the countries of the Western Balkans in order to comply with this requirement. Despite the resistance of the governments in the region to cooperate with ICTY, which even led to a stop in the negotiations, eventually the prospect of a European future represented a very strong incentive to comply.[93] However, there was registered a varying degree of compliance with the ICTY cooperation conditionality. Thus, while Croatia made significant efforts regarding cooperation with ICTY, Serbia and Bosnia and Herzegovina have proved to be more unwilling to comply with this condition.[94] Thus, the European Union succeeded to influence these countries into complying with this particular conditionality principle, even if it was met with considerable delays and reluctance for many years.

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[93] Florence Hartmann, "The ICTY and EU Conditionality", in *War Crimes, Conditionality and EU Integration in the Western Balkans,* eds. Judy Batt and Jelena Obradovic-Wochnik, Institute for Security Studies, Chaillot Paper, No. 116, June 2009, p. 67, consulted at http://www.iss.europa.eu/uploads/media/cp116.pdf

[94] Judy Batt and Jelena Obradovic-Wochnik, "Introduction", in *War Crimes, Conditionality and EU Integration in the Western Balkans,* eds. Judy Batt and Jelena Obradovic-Wochnik, Institute for Security Studies, Chaillot Paper, No. 116, June 2009, p. 9- 11, consulted at http://www.iss.europa.eu/uploads/media/cp116.pdf

3.3.2 Military instruments – contrary to normative power?

The EU has a diverse range of instruments at its disposal, among which the military ones need to be taken into account especially in the light of the creation of the EU's European Security and Defence Policy. According to Sjursen, in the framework of the dichotomy between the soft and hard instruments, the former cannot be considered as the only characteristics of a normative power, as there are cases, such as the crisis of Yugoslavia, when the use of force may be necessary in order to be a normative power.[95]

The launching of six civilian and military operations in the Western Balkans, along with missions in other parts of the world, marked an important stage in the development of the EU's foreign policy and capabilities. The development of the military dimension of the EU has led Manners to remind us of the danger that it poses to the normative power, but only if it is developed in an uncritical manner.[96] Furthermore, according to Diez, military power can be used to enforce civilian norms, however, he also emphasises the fact that, if the normative power increasingly uses military power for its purpose, than the former would not be able to distinguish itself from other types of power.[97] Taking a more pragmatically approach, Bjorkdahl considers that military power can be used as an instrument for the promotion of norms and envisages an European Union that can be "both normative and powerful".[98] Furthermore, she also argues that the EU's peace operations entail an ethical as well as strategic dimension, yet nevertheless, operations such as Concordia and EUPAT in Macedonia have acted as a channel for diffusion of norms of conflict prevention and human rights.[99]

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[95] Sjursen, "The EU as a "normative" power: how can this be?", p. 238-239
[96] Manners, "Normative power Europe reconsidered", p. 183
[97] Diez, "Constructing the Self", p. 620 - 621
[98] Bjorkdahl, "Normative and Military Power", p. 103
[99] Ibid, p. 111, 117

However, taking into account the aforementioned interventions in Macedonia, as well as the EUPOL Proxima mission, they demonstrate that the EU's normative role needs to involve these military dimensions, especially due to the country environment in which the EU intervened.[100] Analysing the EU's military mission in Bosnia and Herzegovina, EUFOR Althea, Juncos finds that this operation did not weaken EU's normative power as it enjoyed legitimacy both internationally, by UN and other actors, as well internal, by the population of the country.[101] Furthermore, as Smith argues, human rights considerations have been included in several of the EU's civilian and military operations as was the case of the EUPOL Proxima in FYROM and EUPM in Bosnia and Herzegovina, and the principles of democracy especially in rule of law missions, such as EULEX Kosovo.[102] [103]

Thus, considerable debate has been generated regarding the military dimension of the EU and its normative role. Undoubtedly, the increasing importance of the defence and security policy for the European Union must be taken into consideration when examining the effects on its normativity on the international scene. Nevertheless, this policy is somewhat at an early stage and it remains to be seen if it goes further than the "crossroads" of the European Security Strategy, as Manners points out.[104]

Taking a general view of this conditionality principle introduced in the Western Balkans by these EU initiatives and by the Copenhagen criteria, it has been argued that it has been characterised as positive conditionality as opposed to negative conditionality.[105] According to Tocci, positive conditionality is much more effective in promoting norms in third countries,

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[100] Andrea Ciambra, "Normative Power Europe: Theory and Practice of EU Norms. The Case of Macedonia", *Jean Monnet Working Papers*, No. 64, July 2008, p. 20-21, consulted at http://www.fscpo.unict.it/EuroMed/jmwp64.pdf

[101] Juncos, "Power Discourses and Power Practices", p. 93

[102] Smith, *The European Union Foreign Policy,* p. 136

[103] Ibid, p. 164-165

[104] Manners, "Normative Power Reconsidered", p. 183

[105] Nathalie Tocci, "The EU and Conflict Resolution: Promoting Peace in the Backyard", London, Routledge, 2007, p. 11, cited in Ana E. Juncos, "Power Discourse and Power Practices: The EU'S Role as Normative Power in Bosnia", in *Normative Power Europe. Empirical and Theoretical Perspectives,* Ed. Richard G. Whitman, Palgrave Macmillan, 2011, p. 92

whereas negative conditionality, such as sanctions, can have adverse effects on their local populations.[106] Notwithstanding these characteristics, as Noutcheva rightly points out, the conditionality principle represented the key instrument through which the EU advocated for its norms in the specific case of the enlargement process.[107]

3.4 Risks to the EU's normative role in the Western Balkans

In the existing literature regarding the concept of the EU as a normative power there has been identified a number of threats to normative action. Thus, in the literature there have been examined certain practices that pose problems for the EU's role as a normative power. First, the EU has placed the cooperation of the countries of Former Yugoslavia with ICTY in its conditionality principle for this region and on which their progress was considered. But, concerning this requirement the European Union has been blamed for lack of consistency in promoting its norms, due to the political interference in the assessment of the compliance with this condition.[108] This was the case of Croatia, whose positive assessment for the accession process had a political reason, not in accordance with the ICTY cooperation, which had a negative effect on the EU normative role and thus it ultimately leads to a weakening of the effectiveness of the norms promoted.[109] The same argument is present in Hartmann when analysing this conditionality principle, indicating that the political changes in this requirement has led to inconsistency in this application of this conditionality.[110]

According to Juncos, in the Western Balkans there is a securitization process through which the EU is trying to create true "European fortress" where the countries of this region are kept outside the EU, especially through the existence of the visa regime, as they were seen

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[106] Tocci, "Profiling Normative Foreign Policy", p. 6
[107] Noutcheva, "Enlargement Policy towards Central and Eastern Europe", p. 3,
[108] Juncos, "Power Discourses and Power Practices", p. 91
[109] Ibid, p. 90 - 91
[110] Hartmann, "The ICTY and EU Conditionality", p. 81

as a space of insecurity that contrasted the one inside the EU.[111] Moreover, Juncos also stresses that, the existence of "double standards" in the EU's normative actions, as the European Union has pushed for changes in police forces in the case of Bosnia and Herzegovina while this was not a requirement for its member states, has also been considered as one of the challenges for the EU's normative role in this area.[112] Furthermore, Youngs argues that, concerning the principle of democratization in the Western Balkans, there has been a general complaint about the lack of coherence in EU's strategic approach.[113] Therefore, there are clearly considerable risks that challenge the EU's normative role in the Western Balkans and they need to be taken into account for an accurate analysis of its influence.

The European Union has relatively recently institutionalised the human rights, democracy and rule of law principles, but nevertheless it has included them in its external relations and has conditioned these relations on the compliance with these. The EU's promotion of these particular norms in the Western Balkans proved consistency over time, being incorporated in the overall strategic action in this region. The Western Balkans countries had to comply with the conditionality principle and EU norms as the incentives, as well as the sanctions, were most important. They are aware of the fact that the progress towards the final objective, namely integration into the EU structures, largely depends on their commitment and fulfilment of the necessary conditions set by the European Union. Following the opening of the membership perspective, the EU gained considerable influence over these countries. The conditionality principle was certainly the most important tool to promote norms and was central to the entire enlargement policy. As Sedelmeier notes, the role of the EU as promoter of human rights and democracy has been enhanced by the enlargement

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[111] Juncos, "Power Discourses and Power Practices", p. 94 - 95
[112] Juncos, "Power Discourses and Power Practices", p. 91
[113] Richard Youngs, "Democracy promotion as external governance?", *Journal of European Public Policy*, August 2009, p. 908, consulted at http://dx.doi.org/10.1080/13501760903088272

process, and thus the EU portrays itself as an actor that seeks to promote and protect these particular norms in its external action.[114] Hence, the EU has a normative role in the Western Balkans as these countries have proved to be open to its influence. This is demonstrated by their interest in the EU rapprochement and membership perspective, taking the necessary measures to comply with the EU's conditionality principle. Thus, the EU's clear and comprehensive strategy towards this region contributed to this process. Furthermore, the instruments used are supporting this normative role, taking into consideration the deployment of several civilian and military operations. Nevertheless, there are certain risks to the normative role of the EU in the Western Balkans, where double standards, securitisation, lack of coherence and inconsistencies in norms promotions threatens this particular conceptualisation of the EU's role.

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[114] Ulrich Sedelmeier, "The EU's role as a promoter of human rights and democracy: enlargement policy practice and role formation", in *The European Union's Roles in International Politics. Concepts and analysis,* eds. Ole Elgstrom and Michael Smith, Routledge, 2006, p. 124

Chapter 4: Serbia as a case study

After the analysis of the EU's role in the Western Balkans using the concept of normative power, in this chapter I will examine the role of the European Union in Serbia through the same concept. The first part of the analysis looks at the involvement of the EU in Serbia, followed the second part which investigates the norms promoted, forms of diffusion and instruments, and finally the last part focuses on Kosovo and Serbia. This chapter shows that the role of the EU in the case of Serbia is generally in line with the normative role towards the Western Balkans region.

4.1   The European Union and Serbia

The dissolution of Yugoslavia that has led to the independence of its former constitutive republics represented a decisive moment for Serbia. From being the biggest republic of the Socialist Federal Republic of Yugoslavia (SFRY), Serbia went to a Federal Republic of Yugoslavia together with Montenegro and, in 2003 to a State Union, until Montenegro voted in a referendum for its independence in 2006. These changes have certainly posed important challenges for the country, which had to deal with problems of political instability and economic difficulties after the dissolution of Yugoslavia.

The EU's relations with Serbia are deeply indissolubly linked to its policy approach towards the entire Western Balkans region. Serbia it is also a party to the Stabilisation and Association Process, it was recognised as a potential candidate along with the other countries for EU membership in 2003 at Thessaloniki European Council and concluded as well a Stabilisation and Association Agreement in 2008. Nevertheless, the EU's approach has also a bilateral dimension through the SAAs that takes into account the particularity and situation of each country of the region. Therefore, the progress made by the countries towards a future

accession is judged on an individual basis, a strategy that is making each country to be responsible for its own pace of development and consequently towards the membership goal.

4.2   A normative role in Serbia

The specific principles of democracy, human rights and rule of law which are the norms that are promoted by the European Union in Serbia have been inscribed in the overall normative role in the Western Balkans. These are the same principles required by the Copenhagen criteria, which are specific for the status of potential candidates and candidate countries to the European Union, as well as included in the SAP and the SAA signed with Serbia. Thus, the article 2 of the SAA signed with Serbia in 2008 states that the principles of democracy, human rights, rule of law, as well as market economy and "full cooperation" with ICTY represents the very basis of the relations between the EU and Serbia.[115] Furthermore, the same agreement states that its objectives are to provide the necessary support and impetus for democracy, rule of law, market economy and the overall development of the country.[116]

Thus, the EU promotes these norms through the agreements concluded with Serbia as well as the conditionality principle, aiming to change the existing situation of the country after the events of the 1990s. Furthermore, it has determined the country to observe these principles and despite the setbacks, especially concerning the cooperation with ICTY, Serbia is clearly taking important steps towards change. These are visible in the efforts to cooperate with ICTY and the democratic changes in the country.

Concerning the diffusion of norms, in the case of Serbia these forms follow the same pattern as that identified for the Western Balkans region. Thus, it is clear that there is the technique of informational diffusion, the technique of procedural diffusion in the framework

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[115] Stabilisation and Association Agreement with Serbia, Article 2, consulted at
http://ec.europa.eu/enlargement/pdf/serbia/key_document/saa_en.pdf
[116] Ibid, Article 1

of the institutionalisation of the EU's relation with Serbia as represented by the case of the signing of the SAA and the European Partnership, also the form of diffusion through transference considering the CARDS programme, the trade preferences and conditionality principle, as well as the technique of overt diffusion, considering the presence of the EU delegation on the territory of Serbia.

Moreover, the instruments used to promote these norms are also comparable to the ones used for the Western Balkans region in general. The EU membership prospective and the use of conditionality principle have certainly been the key of the normative role in the Serbia, as it was for the region. The conditionality principle has also been consistently included in all strategies and programmes for Serbia. Without these incentives, considerable progress would not have been registered in the country, taking into consideration the internal challenges and overall economic and political situation of Serbia.

In this case of Serbia, this is particularly essential due to the various setbacks registered in this relation, which had repercussions on the overall progress of the country towards accession. One of these impediments has been the cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) based in Hague, as a result of the requirements needed to be fulfilled within the conditionality principle, and with which Serbia was slow to comply with. Therefore, the European Union has ended the negotiations for the signing of the SAA in 2006 and also blocked the Interim Agreement on Trade and Trade-related issues signed in 2008, as Serbia was failing to cooperate with YCTY, and only when the country took solid actions in this respect, they were finally signed and unblocked.[117] Thus, the European Union was clearly signalling to Serbia that compliance with the condition to cooperate with ICTY was a prerequisite for deepening of their relation and represented an obstacle in the process for a future enlargement.

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[117] Website of the European Commission, consulted on 21.05.2012, at
http://ec.europa.eu/enlargement/potential-candidates/serbia/relation/index_en.htm

Yet, the reasons for these failures to cooperate with ICTY must also be considered from the viewpoint of the other party. For example, the Serbia's population did not support cooperation with ICTY and was unwilling to recognise the violence committed by the Serbs in the crisis of the 1990s, thus leading to a generalised "culture of denial" at the entire level of society.[118] During this time, the EU feared that the country will fall in radicalism and nationalism and has decided used its influence over the country represented by the signing of the SAA, as well as trade and visa constraints in order to persuade Serbia on a EU track, keeping though an inflexible stance regarding the complete implementation of the SAA until the full cooperation with ICTY was met.[119] According to Hartmann, as a result of the Serbia's failures in fulfilling this condition and EU's compromises, the EU has made compromises and shown indulgence, leading to a rather inconsistent and unprincipled approach by the EU towards the requirement to cooperation with ICTY and finally affecting the conditionality principle's power to cause the necessary progress in the region.[120]

The financial instruments of the SAP, the CARDS programme has focused on assistance for economic development, good governance, the rule of law as well as for infrastructure and public administration.[121] However, since 2007 CARDS has been replaced by the Instrument for Pre-Accession Assistance (IPA) which is a tool for the future member countries in order to help them through the difficult period of implementing the required reforms. The IPA is divided into five components, namely transition assistance and institution building, cross-border co-operation, regional development, human resources development and rural development under which the financial assistance for Serbia ranges from €189.7 million

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[118] Jelena Obradovic-Wochnik, "Strategies of Denial: Resistance to ICTY cooperation in Serbia", in in *War Crimes, Conditionality and EU Integration in the Western Balkans,* eds. Judy Batt and Jelena Obradovic-Wochnik, Institute for Security Studies, Chaillot Paper, No. 116, June 2009, p. 33 - 34, consulted at http://www.iss.europa.eu/uploads/media/cp116.pdf
[119] Hartmann, "The ICTY and EU Conditionality", p. 74 - 75
[120] Ibid, p. 67 - 68
[121] Website of the European Commission, consulted on 27.05.2012, at http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/cards/bilateral_cooperation/serbia_en.htm

in 2007 to €214.7 million in 2013.[122] Moreover, Serbia is also a beneficiary of the European Instrument for Democracy and Human Rights (EIDHR).[123] This instrument, which was created in by the EU in 2006 to promote human rights and democracy through funding projects, programmes, grants is open to NGOs, civil society organisations, parliamentary bodies, intergovernmental organisations and natural persons.[124] Furthermore, concerning the area of trade issues, governed by the Interim Agreement on Trade and Trade-Related Matters, there is a clear development in this field, as the 2010 figures show that the European Union is the main trading partner for Serbia accounting for more than 50% of the total exports of the country and over €200 billion invested since 2000.[125]

Regarding the civilian and military instruments, the EU did not launched operations in Serbia. Although it must be taken into consideration that it did sent on the territory of Kosovo an EU Planning Team in Kosovo between 2006 and 2008 with attributions in the field of rule of law, as well as the EULEX Kosovo in the period between 2008 until 2012 for the support of Kosovo's institutional framework regarding the judiciary, police forces and customs.[126] On the specific situation of Kosovo and its relations with Serbia a closer examination is necessary which will be presented in the following pages.

4.3   Serbia and Kosovo

A very sensitive issue faced by Serbia is represented by Kosovo, especially after this province has declared unilaterally its independence in 2008. For Serbia, Kosovo represents an essential part of its national identity and it refuses any solution that takes into consideration a

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[122] COM(2011) 641 final, consulted at
http://ec.europa.eu/enlargement/pdf/how_does_it_work/miff_12_10_2011.pdf
[123] Website of the European Commission, consulted on 27.05.2012, at http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/cards/bilateral_cooperation/serbia_en.htm
[124] Website of the European Commission, consulted on 27.05.2012, at
http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm
[125] Website of the European Commission, consulted on 27.05.2012, at http://www.europa.rs/en/srbijaIEu.html
[126] Bjorkdahl, "Normative and Military Power", p. 123 - 125

territorial separation from this province. Yet, the fact that the population of Kosovo is represented 90% by Albanians and the violence they suffered during the era of Milosevic which resulted in an international intervention represent the reality of state of affairs in this province.[127]

Furthermore, Kosovo's independence is still not recognised by Serbia, but steps have been made towards a reduction in the tensions between the two. Currently, the status of Kosovo is that of a international protectorate under the UN Resolution 1244. Regarding Kosovo, on one hand the EU's position is this matter is complicated by the five countries that do not recognise the independence of Kosovo; on the other it is clear that finding a durable and mutually acceptable solution is a *sine qua non* condition for the peace and stability of the region and for accessing EU membership. Also, the EU's involvement within the region, and particularly in Kosovo, can be considered in the framework of the shared objective to transform the countries of the Western Balkans into future members of the European Union.[128]

The European Union has deployed since 2008 the EULEX Rule of Law Mission in Kosovo, which is also the largest EU civilian mission, sent in support of the Kosovar institutions in the field of the rule of law. Furthermore, there is also present a European Union Special Representative in Kosovo with specific attributions in the actual implementation of the EU's financial assistance, political advisory role for the Kosovo's government and oversee of the EU presence on its territory, as well as contributing to the general development of human rights and fundamental freedoms.[129] In addition, the European Union recognised that Kosovo has a membership perspective in 2008 as a potential candidate country. This

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[127] Judy Batt, "The Question of Serbia", *Institute for Security Studies,* Chaillot Paper, No. 81, August 2005, p. 33, consulted at http://www.iss.europa.eu/uploads/media/cp081-English.pdf
[128] Batt, "The Question of Serbia", p. 36
[129] Office of the EU Delegation in Kosovo, consulted at 29.05.2012, at http://eeas.europa.eu/delegations/kosovo/about_us/delegation_role/index_en.htm

recognition is very important for the relations between Serbia and Kosovo, as well as for the entire region.

In the framework of its relations with Kosovo and also being a candidate country, Serbia's future EU membership has been conditioned by a state of normalization of its relation with Kosovo, and therefore there is a strong incentive for Serbia to engage in dialogue and to further its bilateral relations with this unfinished state.[130] At EU top official level declarations, the Commissioner for Enlargement Stefan Füle has reiterated this as a "key priority" for Serbia, as well as reaffirming Kosovo's "European perspective".[131] [132] Through engaging Serbia into the road towards the accession process and a future membership, the European Union also seeks to find a mutually acceptable solution to both parties to the situation of Kosovo and reaching its objective for peace in the Western Balkans.

Serbia has made a remarkable progress in its process of development and this has been recognized in the 2011 Commission's Opinion regarding Serbian application for EU membership. In this Opinion, the EU has acknowledged the reforms made towards fulfilling political criteria, thus corresponding generally to the EU's standards, including the democratic principles, rule of law and protection of human rights and minorities and fulfilling the requirements of the SAP, as well as maintaining an open dialogue with Kosovo.[133] Furthermore, is declares the cooperation with International Criminal Tribunal for the former Yugoslavia to be "satisfactory", especially with the arrest of war criminals Karadzic, Mladic and Hadzic.[134] This has been certainly one of the essential elements of the EU – Serbia

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[130] COM(2011) 668 final, "Commission Opinion on Serbia's application for membership of the European Union", consulted at http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/sr_rapport_2011_en.pdf

[131] Stefan Füle, Opening remarks in EP debate on Serbia, Speech /12/240, 28 March 2012, consulted at http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/240&format=HTML&aged=0&language=EN&guiLanguage=en

[132] Stefan Füle, Address on Kosovo Inter parliamentary meeting, Speech /12/191, 14 March 2012, consulted at http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/191&format=HTML&aged=0&language=EN&guiLanguage=en

[133] COM(2011) 668 final, p. 5 - 7

[134] Ibid, p. 8

relations and required high political commitment, as well as a more general public support for the European Union. Concerning the economic criteria, the European Union recognizes the reforms made in terms of reaching a level of macroeconomic stability, decreasing inflation and progress in the living standards, whereas the Serbia's capability to assume the obligation of membership has also been analyzed and the progress in adopting legislation in line with the *acquis* of the EU taken into account.[135] The positive assessment of these Copenhagen criteria has prompted the Commission to recommend granting Serbia the status of a candidate country and also to recommend the effectively open the negotiation for accession provided that Serbia makes additional progress for the "normalization" of its relation with Kosovo.[136] Consequently, since March 2012, Serbia has obtained the status of candidate country to the European Union.

Therefore, this chapter has investigated the role of the European Union in Serbia through the concept of normative power Europe. Overall, the EU's role in Serbia can be appreciated as a normative one. The human rights, democracy and rule of law norms which are promoted here are consistently the same as those for the Western Balkans region, as well as the instruments used to promote them, with the mention that there EU has not launched military operations but only 2 civilian mission in Kosovo. Furthermore, EULEX Kosovo was a mission for the promotion of the rule of law in Kosovo, which enjoyed international legitimacy through the UN framework [137] and thus it was not endangering the EU's normative role. Nevertheless, the conditionality principle, which required for Serbia to fully cooperate with the ICTY, met the strongest resistance and challenges. It was shown that this situation had various reasons, but the EU was successful in compelling Serbia to comply. In a May 2011 statement regarding the arrest of Ratko Mladić, the European Commission President has

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[135] Ibid, p. 9
[136] Ibid, p. 11 - 12
[137] Vedran Džihić and Helmut Kramer, *Kosovo after Independence,* July 2009, 15-16, consulted at http://library.fes.de/pdf-files/id/ipa/06571.pdf

assessed the political will for this action as a "positive development for the rule of law in Serbia itself", reiterating thus the European future of the country.[138] Nevertheless, there have been arguments regarding practices of inconsistency on the EU side in the case of Serbia, which pose a real threat to EU's conditionality principle. Moreover, through the conditionality principle, the EU had a considerable contribution in the promotion of dialogue and reaching a level of normalization between Serbia and Kosovo. Therefore, Serbia represents a good case study for this thesis, being amenable to a comprehensive analysis of the norms and instruments which were also examined in the EU's role at a regional level.

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[138] Website of the European Commission, "Statement by President Barroso on the arrest of Ratko Mladić", 26/05/2011, consulted at http://ec.europa.eu/enlargement/press_corner/whatsnew/serbia_en.htm?Page=2

Conclusion

In this thesis the objective was to analyse the role of the European Union in the Western Balkans countries. For this purpose, I used three concepts existing in the academic literature, namely civilian, military and normative power Europe that offer explanations for the EU's role on the international scene. Through a comparative analysis of these three conceptualisations of the EU and their relevant literature, I advanced to concept of normative power Europe as the most appropriate for explaining the specific role of the European Union in the Western Balkans.

In order to give a full account of the normative role in the Western Balkans, this thesis outlined the historical aspects of this region, emphasising the breakup of Yugoslavia and its consequences for these countries. The legacy of the Yugoslav crisis is essential to a clear understanding of the European Union actions and strategies for this region. Subsequently, the thesis proceeds with a detailed analysis of the role of the EU in the Western Balkans, decomposing it in the elements that contribute to the support of the EU as having a normative role. Using the structure identified by Manners concerning the norms promoted by the EU, in this paper I explore three of them, namely democracy, human rights and the rule of law, in order to analyse EU's role in the Western Balkans. In this thesis it is indicated that the European Union has been consistent in its promotion of these norms over time and across its various programmes designed for the Western Balkans.

Placing my analysis in the general framework of the enlargement policy, as this policy is especially suitable for the EU to act as a normative power, I focus on the certain particularities of this process to investigate the EU's role. The Stabilisation and Association Process opened to the countries of the Western Balkans the membership perspective, and acts

as the main framework for the relations between the EU on one side, and the Western Balkans on the other side. The SAP is also the frame for the promotion of the EU norms in the countries of this region. The main tool for this process is the conditionality principle, introduced for the first time in the Western Balkans in 1997 by the Regional Approach, implementing thus the economic and political conditionality. Furthermore, as countries aspiring to EU membership, they also needed to comply with the specific Copenhagen criteria. In this context, the EU's promotion of norms has found in the Western Balkans an open and receptive environment.

However, findings suggest that despite the considerable EU leverage in these potential candidates and candidate countries, there were certain elements that proved to be reluctant to observe the EU's conditionality principle. This was the situation with the requirement of cooperation with the International Criminal Tribunal for the Former Yugoslavia and where the Serbian case is relevant. Nevertheless, as presented the case study of Serbia, the compliance with this condition was finally a positive one.

Furthermore, the analysis of the instruments used to promote norms focuses as well of the civilian and military missions launched by the EU in this region. In a broader framework of the ample debate in academic literature concerning the effects of the EU militarisation over its normative role, the findings suggests that in the case of the Western Balkans these EU operations did not weaken its norms. On the other hand, the evidence shows that there are certain practices of double standards, incoherence or securitisation are indeed affecting the EU's normative role. Thus, while their impact is not a considerable one, it does damage the norms promoted in the Western Balkans.

Therefore, my contribution lies in the detailed analysis of the EU's role in the Western Balkans through the concept of normative power. Moreover, further research is needed for a comprehensive analysis of this matter.

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