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Petar Milutinović*

Institute of European Studies

Belgrade, Republic of Serbia

THE INEFFECTIVENESS OF THE “NEO-FUNCTIONALIST PEACE”: THE LIMITS OF THE EU PEACEBUILDING IN KOSOVO AND MALI

Abstract

The European Union (EU) implements the process of peacebuilding on the territory of the countries in its immediate surrounding and wider neighborhood. Considering that the EU's predominant facilitator technique in resolving contemporary long-term disputes represents the 'neo-functional peace' approach, this paper claims that in today's circumstances, by transforming high-level policy issues into their technical nature, as well as emphasizing the importance of flexibility of meaning and practical solutions, the 'neo-functional peace' contributes only to extended peace enforcement rather than peacebuilding. By comparing two case studies, this article questions the peacebuilding effectiveness of the 'neo-functional peace' approach by the EU in Kosovo and Mali, as

* E-mail: petar.milutinovic@ies.rs; ORCID iD: <https://orcid.org/0000-0001-8944-36222>.

the Brussels Agreement in 2013 and Algiers Peace Agreement in 2015 haven't achieved the comprehensive conflict settlement, but instead contributed to the prolongation of their contested statehood status and systemic rivalries. Thus, this paper tends to contribute further to conceptual and empirical research grounds regarding the very concept of 'neo-functional peace' and explore its effectiveness and situational adaptation in managing the EU's geopolitical actorness and its foreign and peace support policy.

Key words: *neo-functional peace; European Union; Kosovo; Mali; Brussels Agreement; Mali peace process.*

INTRODUCTION

Ahead of the adoption of the EU's *Strategic Compass* in early 2022, which contributes to the EU's common strategic culture by assessing contemporary threats¹, this paper will take into consideration the EU's current peace support policy efforts in conflict prevention and peacebuilding in the cases of Kosovo² and Mali. Introducing the *Strategic Compass'* main objectives, the EU's High Representative for Foreign Affairs and Security Policy/Vice President of the Commission (HR/VP) Borrell stated that nowadays “we are seeing the return of power politics and zero-sum conflicts with competition between states intensifying” (HR/VP Borell, 2021). More so, “the collapse of states” represents one of the main concerns recognized by the EU's main foreign policy official (Borell). Along with traditional security issues, such

¹ In order for the EU to operationalize its common strategic autonomy “A Strategic Compass for the EU” undertakes contemporary threat assessment and envisions practical actions. Among others, main threats on the regional level are “regional instability, conflict, state fragility, inter-state tensions, external influences, destabilizing impact of non-state actors” (Source: EEAS, “A Strategic Compass for the EU – Factsheet”, available at: [towards_a_strategic_compass-2021-11.pdf \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic_strategic_compass-2021-11.pdf) (accessed 29.01.2022).

² This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

as the “threats against the essential values of the state, territorial integrity and political sovereignty” (Attinà, 2016, 174), the non-traditional ones represent a challenge for the EU to assert itself as a more powerful and credible global actor in the current state of affairs in its conflict mitigation and crisis management efforts. In light of this, this paper’s main argument is that the EU’s practice and process-driven “neo-functional peace” approach proves to be unable to redefine and deconstruct the intangible needs and interests of conflicting parties involved in the long-standing disputes (*longue durée*) in Kosovo and Mali so as to establish sustainable and long-term assumptions of peace. Furthermore, at stake here are the very intangible needs and interests, that represent highly political and controversial issues, such as sovereignty, recognition and political autonomy (Visoka & Doyle, 2016). Yet, this approach shows evidence that it isn’t capable of redefining and deconstructing them in such a manner to pave the way for sustainable, resilient and durable peace in the abovementioned territories, but rather for provisional and day-to-day peaceful setting.

Furthermore, the European Union by using the concept of “neo-functional peace” approach in resolving these conflicts achieves mostly short- and medium-term peace goals of provisional nature in order to prevent the escalation of armed conflict in Kosovo and Mali. Even so, in the case of Mali it proves to be unsuccessful, being that the civil war and political crisis are ongoing, and that the goal attainment of the actors involved, and the conflict settlement are not completely resolved. In the case of Kosovo, the status of the frozen conflict remains to the present day. In these two cases, peace enforcement seems to be an adequate practical tool on the field since these governments lack their overall legitimacy, functional societies and domestic parties involved in the political and social dialogue. Actually, both Kosovo and Mali lack the functional democratic governments, having issues with the respect of the rule of law, a functional civil society, and domestic parties for inter-ethnic dialogue. Since the current post-conflict conditions prevail in Kosovo and Mali, the EU’s “neo-functional peace” approach presumably

leads to extended peace enforcement rather than peacebuilding. Hence, the EU's efforts in peacebuilding in the regions of Western Balkans and Sahel have experienced limited success due to the failure to comprehensively transform the inherited post-conflict state, politics and society in Kosovo and Mali. Actually, the post-conflict conditions helped to stall the achievement of lasting peace. This might demonstrate the need for a more fundamental peace than is internationally the norm – a new conflict resolution paradigm that hinges on the continued stabilization process of the Kosovar and Mali state and society.

The paper consists of two main parts. The first part will be more of an endeavor to make a theoretical research contribution to the concept of “neo-functional peace” approach by the EU with a critical assessment of it, whilst the second part will analyze the application of “neo-functional peace” approach in the cases of both Kosovo and Mali. In both of these cases the EU has deployed its rule of law and security missions on the ground and put efforts in facilitating conflict settlement in resolving the protracted statehood disputes in Kosovo and Mali highlighting the similarities and differences between the Brussels Agreement in 2013 and Algiers Peace Agreement in 2015 in managing the post-conflict setting and acquiring the goals of long-term peacebuilding.

“Neo-functional peace” approach as a plea for ongoing EU peacebuilding in Kosovo and Mali

Having in mind the EU's major role on the global stage, the contemporary circumstances of the EU's peace support policy efforts in resolving modern-day protracted disputes represent one of its key pillars in discursively representing itself as a global actor. One of its soft power assets are the very capabilities in peacebuilding and mediation in conflict resolution. The Union manifests its influence through the transposition and “export” of norms of democratic governance, respect for the rule of law and human rights and freedoms, and an open market economic system. Such a liberal peace process includes the concept of conflict prevention, mediation, crisis management,

post-conflict stabilization, as well as certain normative frameworks which enhance the functioning of the state.

The key argument has been based upon the preliminary insights of Visoka and Doyle (2016), who argue that the EU, through Common Foreign and Security Policy (CFSP) instruments, exports its *sui generis* method of resolving political conflicts into external contexts in the surrounding regions, namely the Western Balkan and Sahel regions. The authors' viewpoint is that “the EU's external actions are partly based on the externalization of its own self-perception of European peace formation to other contexts, whereby a model of neo-functionalism, widely shared by EU elites as a model to explain EU integration, is modified and applied to other political conflicts outside the EU” (Visoka & Doyle, 2016, 863). What guides EU's external actions and peace support policy is a concept of neo-functionalism, which represents a theoretical frame of reference and a practical conflict resolution method. The dispute between the Serbian government and Kosovar authorities around the issue of Kosovo's international recognition represents an outstanding example of the need for the EU to take the role of a mediator in applying the neo-functional logic, by using technical and political negotiations in resolving questions such as sovereignty, inter-state relations, minority protection and regional integration, at the same time supporting the conflicting parties to achieve good neighborly relations. In this case, “neo-functional peace” approach initiated the Brussels-led process of realizing the normalization of relations between the Serbian and Kosovar side, which proved to be conducive to the broader ripe background conditions; the primary role of technical dialogue and low politics; high-level political dialogue as a spillover effect of the technical one; different and ambiguous meaning and co-existence of multiple intentions; and prioritization of process over outcomes and impact (Visoka & Doyle). Driven by local actors and not imposed by external ones, “neo-functional peace” approach proved to be a peculiar compromise between liberal and critical approaches to peacebuilding.

Furthermore, EU’s “neo-functional peace” technique was fruitful in resolving a range of outstanding and sensitive political disputes by reaching the *First Agreement Governing the Principles for Normalization of Relations* (also known as Brussels agreement) in 2013, as a mutually agreeable solution leading to the *de facto* acceptance of the legal and political Kosovar authorities and expanding the autonomous self-governance of the Kosovo Serb community in Northern Kosovo. But the spillover effect that neo-functionalism proposes, namely the expansion from trade, customs and other technocratic collaboration to the broader political co-operation and regional integration haven’t yet occurred. The conciliatory nature of this agreement represents a key milestone in the EU integration process of both Serbia and Kosovo. Nevertheless, the aforementioned authors haven’t stressed out the significance of EU’s deployment of EULEX mission to Kosovo and its role in contributing to the provisional goal of peace enforcement, through liberal peacebuilding via EULEX civil administration and police, instead of the more needed genuine reconciliatory peacebuilding process, through raising mutual understanding and confidence between Albanian and Serbian ethnic communities and civil societies in Kosovo, via transforming the interests and converging the goals of the conflicting parties to become more convinced to redirect their loyalties, expectations, political activities and mutual commitments towards a single political and economic center – Brussels.

However, they did point out that there are critical uncertainties, which could reverse the normalization process. The main one could be on “how the implementation of agreements will reshape political and institutional life in Kosovo and what role it will have in fostering local peacebuilding and ethnic reconciliation” (Visoka & Doyle, 873). Moreover, they acknowledge that the “neo-functional peace” approach does not depoliticize contentious issues, but it helps reframe their meaning in a situational and flexible manner only temporarily, as a “transitory approach towards normalizing and reconciling relations” (Visoka & Doyle, 874). Therefore, the inherent limits of EU’s “neo-functional peace” approach in Kosovo represents its short sighted,

gradual and elusive peacebuilding practice. Instead, the actual process of peace enforcement has been developed on the ground by the EU and local actors involved, completely aware that non-cooperation between the opposed parties might negatively affect their self-interest and domestic legitimacy, thus likely putting the prospect of their EU regional integration at stake.

If what Visoka and Doyle (2016) argue when saying that “in order for neo-functional peace to work, the meanings of key contentious issues must be capable of deconstruction to isolate pragmatic short-term practical and technical measures, which can be agreed through facilitation rather than arbitration, and materialized through constructive incentives and threats” conveys the basic idea that the peace formation is a step-by-step process, then this suggests that the inherent aim of this process is to temporarily conceal the genuinely diverging and hostile interests with the predominant aim of conflict prevention instead of creating a qualitatively different, peaceful and open-ended standpoints. From the perspective of the EU, these new standpoints could be aroused by publicly stating that the free movement of people, goods, services and capital as well as ethnic and cultural identity will only be upheld and cherished within the EU integration process, contrary to the opposing arguments.

Also, regarding the EU’s role in mediating international conflicts, Bergmann and Niemann (2015) have analyzed the degree of EU effectiveness as a mediator in peace negotiations to the case of EU mediation in the Belgrade-Pristina dialogue. By using leverage and incentives, the EU managed to move parties toward agreement. Their paper conveys a message that the EU’s interventionist strategy, which may be appropriate to achieve short-term agreements, but not an adequate strategy to foster mutual confidence and trust between the conflict parties as a basis for long-term cooperation, points to a dilemma of EU mediation in the Kosovo-Serbia conflict. The EU’s strategy of formulation and manipulation can only be successful in the long run as long as the conflicting parties perceive the EU’s incentives as credible.

Regarding the second case of the crisis in Mali, Cold-Ravnkilde and Nissen (2020) have explored how the EU actorness is shaped by the daily practices of EU staff in conflict-ridden Mali, drawing on the Paris School's conceptualization of security practices as performative acts. Exploring how EU staff enact the EU's security role as put forward in its official policy objectives, they illustrate how, through processes of translation, EU actors in Mali adapt, deflect and modify the EU's shifting policy objectives. Furthermore, the growing popular discontent with both the Malian state and the international interveners creates a disjuncture between the EU's vision of security projects and its inability to perform security on the ground. Thus, while the EU's activities in Mali reinforce the idea of the EU as a security actor, the limited character and impact of the EU's activities on the ground also reinforce the idea of it as a limited or even ineffective actor which had limited transformative impact on the Malian security forces. Davis (2015) suggests that observers noted how the EU's role changed with its response to the crisis in Mali. Prior to the crisis, it was seen as a non-political donor focused on managing technical development aid projects. During the crisis, the EU emerged as a much more political actor, accepted by the government, rebels and international actors. Part of the changed perception of the EU as a political actor was its engagement on security issues, rather than only on more technical development aid. EU responses to the crisis in Mali developed within a counter-terrorism framework that includes addressing the root causes of conflict, even if it overlooks the important role development aid played in exacerbating conflict, rather than focusing narrowly on hard security responses. The author has shown that policy provisions are limited in what they reveal about what the EU actually does. There is no mention of the EU engaging directly in peace mediation in its policy, yet the EU's Special Representative for the Sahel was active in peace processes. Policy emphasizes EU's training mission mandate, yet it is also engaged in screening security sector personnel, identifying alleged human rights violators, claiming to promote reform through peace mediation and justice for human rights violations. The EU's lack of policy clarity in this area may account for these missteps and needs to be urgently

addressed as the EU continues to engage in fragile contexts. It needs policy on peace and justice to frame its interventions, to help avoid inconsistencies and most of all to ensure implementation.

With respect to the very concept of “neo-functional peace” and the theory of neofunctionalism, it is important to state that first formulated in the late 1950s and early 1960s through the works of Ernst Haas (1958) and Leon Lindberg (1963), neofunctionalism is based on the following basic assumptions: (1) integration is understood as a process rather than an outcome, which implies that integration evolves over time and unfolds its own dynamic; (2) decisions are taken by rational and self-interested actors that have the capacity to learn and change their preferences; (3) interaction is characterized by positive-sum games and incremental decision-making. From a neofunctionalist perspective, change is a function of spillover processes, encapsulating the hypothesis that “the establishment of supranational institutions designed to deal with functionally specific tasks will set in motion economic, social and political processes which generate pressures towards further integration” (Tranholm-Mikkelsen, 1991, 4). As Visoka and Doyle (2016, 865) rightly state, “neofunctionalism has been rarely applied to EU external policy”. Most frequently, neofunctionalism has been employed in the field of EU enlargement and neighbourhood policy (Özen, 1998; Macmillan, 2009; Renner, 2009). In addition, there have been isolated applications of neofunctionalism to EU trade policy and defence policy (Collester, 2000; Niemann, 2013). With respect to the EU’s activities in the field of conflict prevention and resolution, however, neofunctionalism remains an untapped resource for conceptualization and theorizing. Thus, Visoka and Doyle’s attempt to explore how neofunctionalism can be used “to conceptualize the EU’s peace support practices” (Visoka & Doyle, 2016, 862) is a worthwhile and very relevant endeavour.

Neofunctionalists considered support for the integration process amongst economic and political elites to be of great significance. Lindberg (1963) in particular attributed great significance to the role of governmental elites

and socialization processes. He drew attention to the proliferation of EU working groups and committees, which brought thousands of national and Commission officials into frequent contact with each other on a recurrent basis. This increased the likelihood of socialization processes amongst civil servants within the Council framework, not least due to the development of mutual trust and a certain esprit de corps among officials in Community forums (Lindberg, 1963, ch. 4). Thus, neofunctionalists challenged the classic intergovernmental vision of decision-making based on national strategic bargaining and postulated the existence of a “supranational” problem-solving process, “a cumulative pattern of accommodation in which the participants refrain from unconditionally vetoing proposals and instead seek to attain agreement by means of compromises upgrading common interests” (Haas, 1958, 66). Neofunctionalists implied that these processes, by fostering co-operative decision-making and consensus formation amongst agents of member governments, would eventually lead to more integrative outcomes (Lindberg, 1963, chs. I and IV; Lindberg & Scheingold, 1970, 119). Even though clear cause-and effect relationships are notoriously difficult to establish concerning these phenomena, most of the literature that touches upon socialization processes in EU external policymaking broadly corroborates the neofunctionalist assumptions above. Visoka and Doyle (2016, 868–869) also point to the impact of socialization processes on the mediation behaviour of EEAS and European Commission officials involved in the Kosovo-Serbia talks on part of the EU.

As pointed out by neofunctionalists, supranational institutions are concerned with increasing their own powers and thus become agents of integration because they are likely to benefit from the progression of this process. Once established, they tend to take on a life of their own and are difficult to control by those who created them. Supranational institutions may foster the integration process, for example, by acting as policy entrepreneurs, through promotional brokerage, lifting agreements beyond the lowest common denominator (Haas, 1964: 75; Lindberg, 1963, ch. 3), or through positions of

centrality and authority in the Union’s political system, capable of directing the dynamics of relations with various types of actors (Lindberg & Scheingold, 1970, ch. 3; Nye, 1970, 809). In addition, institutional structures (of which the central institutions are an important part) have an effect on how actors understand and form their interests and identities (Haas, 1958). Although overall the EU’s institutions may not have been able to play quite the same integrative role as in some internal policy areas, they have nevertheless provided a certain impetus for greater co-operation and integration among the Member States in external policymaking. This can be witnessed across the various external policy domains: external trade policy (da Conceição-Heldt, 2010; Delreux, 2011), development policy (Carbone, 2007; Grilli, 1993, 90, 98), external migration policy (Bürgin, 2013), enlargement and neighbourhood policy (Jones & Clark, 2008; Macmillan, 2009), external environmental and energy policy (Mayer, 2008; Renner, 2009), and even to some extent in the EU’s security and defence policy (Krause, 2003; Riddervold, 2016).

Hence, the EU tends to increase its scope of external policy involvement as a result of the “externalization” of its (economic) policies. As the EU is the world’s largest economy, inbound regulation is likely to produce externalities for third parties. Even in the early years of the Community, market integration and joint policy-making in the economic realm created some type of common external policy where none had existed before (Schmitter, 1969). That the EU’s internal policies have a substantial impact on third countries has been increasingly noted in the literature (Lavenex & Schimmelfennig, 2009). This argument has been taken one step further by Damro (2012, 683) who suggests that “the single market provides the material existence of the EU as market power Europe that externalizes its economic and social market-related policies and regulatory measures”. As the biggest trading block in the world, the EU is capable of externalizing various internal policies, especially on regulatory standards (which affects many EU external policies, including trade, enlargement, environment, migration and development policy). The EU thus tends to make use of the large size of its market, which gives it very

substantial bargaining power, in the attempt to get other actors to adapt to its policies and regulatory standards. The EU may also unintentionally externalize its policies simply because the size of the single market makes its standards attractive to others (Damro, 2012). As a result, third countries may seek to engage the EU in negotiations, which would also lead to an expansion of EU scope/action. The extent to which intentional and unintentional externalization have increased the scope of EU external action has not been sufficiently analyzed.

Second, successful regional integration tends to be perceived as attractive, and thus creates expectations and demands from outsiders (Schmitter, 1969). This is well grounded in neofunctionalist thinking where integration accelerates further integration. The magnetic force of European integration has been visible during the various rounds of EC/EU enlargement since the early 1970s (Grabbe, 2014). Given the considerable change in a substantial number of countries and the consequential strategic benefits for the Union that it has brought about, enlargement has frequently been held to be the EU's most successful foreign policy (Korte, 2013). Moreover, we witness that the growing institutionalization of CFSP and CSDP since the Lisbon Treaty has created additional demands vis-à-vis the EU to become more strongly engaged in preventing and managing violent conflicts like those in Ukraine, Syria or Libya. In other words, increasing expectations from outsiders create pressures for the EU to upgrade its diplomatic profile to manage and resolve various crises around the globe.

Third, and most removed from endogenous developments, external events and developments tend to spur further integration in terms of level and/or scope of European external policy-making. Two causal mechanisms can be offered here. (A) External events/crises to which the EU is supposed to react can have an integrative impact, even when the EU fails to perform adequately. For example, it has been argued that the EU's failure during the Yugoslav crisis in the early to mid-1990s exposed the inadequacies of the CFSP, which triggered a process of advancing this policy, including the development of a

military dimension (Nuttall, 2000, ch. 9). (B) Another logic is grounded in the nature of many international problems and their perception. Regional integration is often viewed as a more effective buffer against disadvantageous or uncertain external developments. This is related to the perception that many problems go beyond the governance potential of individual Member States. Transnational phenomena and processes of economic globalization, migration, environmental destruction or international terrorism require a common approach (for instance, of integration partners) and external policies in order to tackle them with some success (George and Bache, 2000, 39). This exogenous aspect is linked to, and further explained by, an endogenous one. European democratic nation-states depend on the delivery of economic, social and other well-being to their people. Increasingly, due to regional interdependencies and more global problems, they lose their power to deliver these goods. To circumvent the decrease in influence over their territory, national governments tend to co-operate more closely on the European level, also with regard to external policy-making (Wessels, 1997, 286).

“Neo-functional peace” approach in resolving protracted disputes in Kosovo and Mali

1. The case of Kosovo

Understanding the EU-facilitated dialogue for the normalization of relations between Kosovo and Serbia from a neo-functional perspective requires tracing key features that have shaped the process. The following five features were central: 1. The background conditions were ripe for both sides to initiate a peace process, whereby the normalization of relations between Kosovo and Serbia emerged as a key condition for advancing the stalled EU integration process for both countries. 2. Technical dialogue and agreements in areas of “low politics” permitted confidence-building, socialization and development of mutual commitments. 3. Technical agreements had a spillover effect which launched a high-level political dialogue and resolved numerous outstanding

sensitive political issues. 4. The ambiguous nature, technical language and transcendental meaning of agreements permitted progress on sensitive political issues, such as sovereignty and regional membership, without negatively affecting the self-interest and domestic legitimacy of parties. 5. The EU rewarded parties based on the process and commitment rather than outcomes and impact of agreements, which does not exclude the possibility for encapsulation, spillback and retrenchment of all sides in the peace process. The first feature of the Kosovo–Serbia Dialogue was the background conditions. The peace processes between Kosovo and Serbia in the past two decades are marked by several missed opportunities. Failed peace-making efforts paved the way for an international intervention, for a transitional UN administration and for protracted international involvement after Kosovo’s declaration of independence (Weller, 2009). Kosovo’s placement under UN transitional administration left its political status in limbo, with both Kosovo Albanians and Serbs unhappy with their inability to exercise full sovereignty over Kosovo. While Serbia wanted the return of Kosovo to Serbia proper, Kosovo Albanian representatives demanded immediate independence (Phillips, 2012). After two years of negotiations, in 2007 Serbia rejected the UN’s special envoy’s proposal for supervised independence for Kosovo, leading Russia to threaten to veto any UN Security Council’s affirmation of Ahtisaari’s proposal. This effectively pushed Kosovo to declare independence in February 2008 in coordination with the US and major European powers, and to implement unilaterally the Ahtisaari proposal under international supervision (Visoka & Bolton, 2011).

The EU had already, in effect, taken over the lead international role in Kosovo from UNMIK, through its Rule of Law Mission in Kosovo (EULEX), launched in 2008, just days before Kosovo declared its independence. Prior to taking a leading role in Kosovo, the EU supported the stabilization of Kosovo through institution-building and socio-economic development as well as supported Kosovo’s EU integration path, in spite of internal differences among EU Member States regarding Kosovo’s independence (Fagan, 2014). In this

regard, the EU's integration perspective for Kosovo has been the driving force for both Kosovo and Serbia to engage in dialogue. The Kosovo–Serbia dialogue represented a major test for EU diplomacy and its capacities for regional conflict resolution (European External Action Service, 2014). In policy discourse, the Kosovo–Serbia dialogue was presented as a major success of European foreign policy and evidence that the EU was a reliable partner of the UN (European External Action Service). Ulrike Lunacek (2012, 150), a former European Parliament Rapporteur on Kosovo, argued that “the process of EU-mediated dialogue between Kosovo and Serbia (...) is a good example of this transformative EU soft power”.

The second feature of the Kosovo–Serbia Dialogue was the conversion of sensitive political issues into technocratic process. The dialogue between Kosovo and Serbia started as a technical dialogue and later expanded to a high-level political dialogue. Between March 2011 and October 2012, the dialogue involved talks in areas such as regional co-operation, freedom of movement and rule of law, which were set by the EU as essential conditions for the region's integration (European External Action Service, 2011). After October 2012, the dialogue increased to a high political level, and since then both tracks have operated in parallel. At the outset the EU made it clear that “solving problems by dialogue is the European way and the objective of the talks is to promote co-operation and bring both Pristina and Belgrade closer to the EU” (European External Action Service). The issues that needed to be addressed as part of this dialogue between Kosovo and Serbia touched the most sensitive political issues for both Kosovo and Serbia, which had not been resolved by UNMIK or the parties for more than a decade. The essence of this process was to find a mutually agreeable solution, leading to Serbia's removal of its parallel institutions in Kosovo and *de facto* acceptance of Kosovo's legal and political authority in the territory of Kosovo, but also as an independent state in the region. Equally important and sensitive was the need for Kosovo to accept some influence by Serbia within Kosovo through integrating the existing parallel structures in Kosovo and expanding

the autonomous self-governance of the Serb community in Kosovo. The EU tackled these sensitive issues under the mutually acceptable discourse of the rule of law as a key condition for EU integration (Cooper, 2015).

Reducing political to the technical was made possible only by breaking down different aspects of the sensitive political issues into technical matters in a bid to find pathways that would enable progress (Cooper, 2015). The dialogue made progress because of the conciliatory nature of each agreement reached as part of technical dialogue, whereby each party benefited concretely from those agreements. This neofunctional approach was effective in addressing sensitive issues related to Kosovo's ability to operate as a functional state both domestically and in the regional context, as well as accommodating the grievances of the Serb community in Kosovo by expanding their ethnic autonomy. Senior political representatives from Kosovo and Serbia led this technical dialogue, supported by a number of experts and technocrats. Before each agreement was reached, several rounds of discussions were held both at the political level and in technical working groups to enable the facilitators to identify areas which could be included in the agreed conclusions. After agreement on the conclusions reached, follow-up meetings were held to discuss the state of implementation (BIRN, 2015). Apart from resolving the practical difficulties in the first instance, the technical agreements also reduce the costs of formal recognition, through the prior resolution of the practical relationship. The technical dialogue has resulted in a number of important agreements on regional cooperation and representations, integrated border management, regulation of customs steps, return of cadastral records and civil registry and recognition of university diplomas. The first technical agreements, dating from July 2011, dealt with freedom of movement and the practical difficulties caused by the fact that the civil registry and property records relating to Kosovo were held in Serbia. The “agreed conclusions” were written in technical language but had far-reaching political implications, such as the extension of Kosovo's authority in the north of Kosovo, the removal of Serb barricades across the northern border with

Serbia and recognition of Kosovo's travel documents by Serbia. The agreements on civil registry and cadastre dealt with an urgent need to establish a fully reliable civil registry and property record in Kosovo to facilitate the EU integration process, while for Serbia it provided an opportunity to use civil registry and cadastre records to create the conditions for the gradual restitution of Serb property in Kosovo. The agreement on customs stamps greatly assisted efforts to end illegal smuggling of goods on both sides of the border and marked the removal of trade embargoes. *The Agreement on Integrated Border/boundary Management* marks the de facto demarcation of the border between Kosovo and Serbia and also signifies Serbia's de facto recognition of Kosovo's territorial integrity. Furthermore, *The Agreement on Regional Representation and Cooperation* has enabled Kosovo to become a member of numerous regional organizations as a participating state, as well as to expand its scope of membership in other important European organizations, such as the Regional Cooperation Council, the South-East Europe Cooperation Process and the European Bank for Reconstruction and Development. The arrangement regarding exchange of liaison officers constitutes a step toward establishing direct diplomatic communication.

The third feature of the Kosovo–Serbia Dialogue was the spillover effect of technical agreements. After each agreement the EU outlined the need for continuing dialogue, for pragmatism and for new agreements. The technical dialogue has facilitated a high-level political dialogue and in turn, later, the political dialogue allowed new technical agreements. Taking as a starting point the early technical agreement on the freedom of movement, its implementation necessitated the agreement on customs stamps and free movement of goods between Kosovo and Serbia. These two agreements then created pressure to resolve the issue of integrated border management, to permit the ordinary flow of people and goods across the border. The agreements that dealt with Kosovo's regional trade necessitated the agreement on regional representation and co-operation. The agreement on regional representation and cooperation then removed UNMIK's role in representing

Kosovo at the regional level, strengthening Kosovo’s external sovereignty and further reducing the UN’s status-neutral role in Kosovo. The need to ensure better co-ordination in implementing all the technical agreements made it acceptable for both parties to exchange liaison officers based in each other’s capitals, which paved the way for establishing de facto diplomatic relations in accordance with diplomatic norms and practices. At the outset, the EU was very clear with the two sides from the start on the concept of the process: it would be a step-by-step process, going from easier to more complicated issues and it would not be open ended. The objective was the gradual normalization of the two sides’ relations, without prejudice to the two parties’ positions on status, and achieving progress for both in their respective EU path (European Union, 2013, 6). The dialogue was, however, not simply a typical confidence-building exercise. The choice and design of incremental steps, following neofunctionalist assumptions, created an internal process-driven dynamic for other technical reforms, as described above. This entailed prolonged discussions on technical issues that combined both politicians and experts from Serbia and Kosovo and area experts from the European Commission and EEAS. The agenda-setting was driven by the EU and in most of the cases the EU drafted the final text of the agreements but the parties shaped the content. The gradual process of negotiation on particular technical aspects had a spillover effect to other, more sensitive political discussions. Technical dialogue proved to be insufficient without upgrading the process to the highest political level that would ensure stronger political commitment, domestic legitimacy and faster progress in implementing the outcomes of the dialogue.

The key breakthrough in the Kosovo–Serbia Dialogue was the negotiation of the *First Agreement Governing the Principles for Normalisation of Relations* (also known as the “Brussels Agreement”), reached on 19th April 2013. This agreement came after the technical dialogue was upgraded to a political dialogue at the level of Prime Ministers and was facilitated by the EU’s High Representative for Foreign and Security Policy. Before reaching this

agreement, the high-level political dialogue included more than ten rounds of negotiations on the implementation of technical agreements and on agreeing a more comprehensive political deal. The Brussels Agreement contains 15 provisions that define the nature and scope of activities of the Association/Community of Serb majority municipalities in Kosovo and Kosovo police representation and authority in the north of Kosovo; regulate the organization and activity of judicial bodies and courts in the north of Kosovo; outline the organization of local elections in the north of Kosovo; and highlight mutual support for the EU integration path. The expansion of special territorial and ethnic rights for Kosovo Serbs was one of the key conditions for Serbia to co-operate with the EU-facilitated dialogue (Government of Serbia, 2015). This was secured by envisaging the formation of an association/community of Serb municipalities as an ethnic entity, preserving control over the governance, security and judiciary of the northern part of Kosovo, and by re-organizing Serb representation in the Kosovo parliament. This expanded autonomy for Serbs in Kosovo benefited the Government of Serbia in two aspects: first, by nurturing a domestic discourse that Serbia cares about its population in Kosovo; second, by opening the accession talks with the EU. Despite doubts, this association/community has the potential to serve as an institutional incentive and a mechanism for further advancing the integration of the Serb community in Kosovo, enhance inter-ethnic trust and increase communities' participation in public life (KIPRED, 2013). In return, Serbia agreed to dismantle its parallel structures in Kosovo after 15 years of operation. Kosovo had argued that there could be no normalization of the situation in the north of Kosovo as long as Serb parallel and illegal structures in the north of Kosovo were present, as they undermined Kosovo's authority (European Commission, 2014, 5–6). While the Brussels Agreement provided that the Kosovo Police would be the only legal and legitimate police authority in the north of Kosovo, it was agreed that a regional police commander should be from the Serb community. The Agreement ended the operation of Serb parallel courts in Kosovo, confirming Kosovo's unitary legal system as the only and sole legal authority in the country (BIRN, 2015). These balanced

concessions on both sides enabled the Serbian government to justify to its people its engagement in the dialogue as a means of ensuring the collective rights of Serbs in Kosovo (Government of Serbia, 2015). Furthermore, this policy of expanded autonomy has enabled Serbia to continue to hold indirect influence over Kosovo and its political institutions, via stronger representation of Serb political factions within local government and the Kosovo parliament (Janjić, 2015). For Kosovo this was considered a painful trade-off, but was seen as necessary to make progress on the issue of sovereignty and international recognition (Bassuener and Weber, 2013).

The fourth feature of the Kosovo–Serbia Dialogue was the ambiguous and multi-meaning language of agreements, which permitted each party to interpret them in their own terms. While Kosovo utilized them to strengthen sovereignty, Serbia utilized the agreements to improve and advance the rights of Serbs in Kosovo and enhance its EU accession agenda (Economides & Ker-Lindsay, 2015). The technical dialogue has not been apolitical in substance; both Kosovar and Serbian authorities have intentionally used the notion of technical dialogue to seek to minimize the perceived political significance of concessions that were needed in order to narrow differences between two parties (SEESOX, 2014, 3–4). If, however, a highly political vocabulary was used to describe the contentious issues, neither party would have been able to reach any agreement. The reduction of a highly political process to a technical process was purposefully done to avoid strong opposition among parties and civil society groups in Serbia and Kosovo. In Serbia, the dialogue is perceived by opposition groups to constitute a gradual recognition of Kosovo independence, while in Kosovo the opposition groups have considered the dialogue as harming Kosovo sovereignty and instituting an ethnic partition of the country (Janjić, 2015). The “agreed conclusions” were at the borderline of ambiguity and multiple meanings, intentionally chosen in this way to reduce the potential politicization of these issues and create space for both parties to sell to their domestic audiences these technical agreements as favourable deals in their national interest. A number of concrete examples illustrate how

these high-level issues were deconstructed to allow pragmatic decisions on technical grounds. The agreement on the freedom of movement provides that citizens of Kosovo and Serbia would cross the border not with passports but with ID cards, accompanied only by a written entry/exit document. In this way the question of recognizing the Kosovo passport was avoided, by using alternative national documents. Similarly, in the agreement on customs stamps, Serbia refused to accept a stamp that referenced a republic or statehood, but did agree to recognize one stating “Kosovo Customs”. In this way, Serbia accepted Kosovo Customs authority and legality, but avoided recognizing per se its statehood attributes. Another interesting example is the IBM agreement, which for Kosovo is referred to as integrated border management, while Serbia refers to it as integrated boundary management. The substance of this agreement is in favour of Kosovo sovereignty, as it is a de facto demarcation of the border, setting the permanent border crossing between two countries where each party recognizes the jurisdiction on their respective sides. *The Arrangements on Regional Representation and Cooperation* (2012) also allows Kosovo access to regional initiatives and organizations, but with a footnote attached to Kosovo’s name which states that its usage is without prejudice to UN Security Council Resolution 1244 and the ICJ advisory opinion on Kosovo’s declaration of independence. Despite this reference, Kosovo can participate at all regional meetings. Finally, the liaison arrangements do not contain any reference to Kosovo or Serbia but refer instead to “Parties”. A double meaning runs through the agreement to satisfy both parties. The Kosovo side refers to a Liaison Office and considers it a diplomatic representation, whereas the Serb side refers to a Liaison Officer and considers it only a technical and personal position (BIRN, 2015). Thus, the norms of diplomatic recognition were deconstructed into its practical protections for staff and offices. The first could be agreed, without agreeing the second.

The fifth and final feature of the Kosovo–Serbia Dialogue was the EU’s desire to reward intentions and rhetorical commitments, rather than tangible results and outcomes of the peace process. From the EU’s perspective, just

the fact that the parties are talking to each other and the dialogue has not failed completely constitutes a promising basis for success. Throughout the dialogue, the EU High Representative Catherine Ashton has invoked a discourse of praising the leadership of Kosovo and Serbian negotiators, particularly Prime Ministers Hashim Thaçi and Ivica Dačić, for their leadership, vision and courage in securing a peaceful and European future for both Kosovo and Serbia (European External Action Service, 2013). The EU has tried to promote positive conditionality and delivered some benefits irrespective of actual implementation. For example, the 2014 EU progress report on Serbia justified the opening of accession talks with Serbia on the basis of “its continued commitment to the normalisation of its relations with Kosovo” (European Commission, 2014, 1). Despite numerous achievements, the dialogue between Kosovo and Serbia was not without challenges. The agreements deriving from technical dialogue have only partially been implemented (BIRN, 2015). Each side has delayed the implementation of certain parts of agreements that were not seen to be in their best interests (Government of Serbia, 2015). Both Kosovo and Serbia ran into domestic legal and institutional complications, especially in cases which required legislative change. There are also a number of critical uncertainties, which can reverse the normalization process.

The main critical uncertainty is how the implementation of agreements will reshape political and institutional life in Kosovo and what role it will have in fostering local peacebuilding and ethnic reconciliation. Another critical uncertainty is the EU integration dynamics of Serbia and Kosovo, which serve as a key incentive for both sides’ engagement in the normalization dialogue. The rise of euroscepticism, refugee crises and regional instability has made enlargement unpopular within the European Union. Moreover, it remains uncertain what the endgame of the dialogue will be, especially the regulation of diplomatic relations between Kosovo and Serbia. Despite these difficulties, the progress made since 2011 compared to previous international engagement is clear, especially in opening the prospects for resolving key outstanding

issues. Nevertheless, these future uncertainties show that this neo-functional peace could experience setbacks but is a promising approach through which to view the EU's engagement in the resolution of protracted conflicts. Up to this day, the issue of Kosovo's recognition of *de iure* independence persists as a key challenge for the EU integration of Serbia and Kosovo (Magone, 2019). Still, there are certain aspects that EU and its most significant Member States need to undertake in the most resolute fashion. As Magone put it, “it is important that the EU first dismantles the networks of state capture and kleptocracy in these countries before allowing them to join” (Magone, 2019, 779).

2. The case of Mali

Of particular interest for the approach to the problems in Sahel is the number of separate EU missions that have been established under the umbrella of the EU's Common Security and Defence Policy. The Sahel Strategy has not paid particular attention nor has allocated meaningful funds towards security sector reforms in the core Sahel states. But the outbreak of the conflict in Northern Mali has made it clear that this approach will have to be changed practically from the start. In January 2012, an all-out offensive led by the *Mouvement National pour la Liberation de l'Azawad* (MNLA), a Tuareg group, broke out on the heels of retreat of some 200,000 Tuareg refugees from Libya which created enormous pressures on the regional authorities and worsened the overall economic and humanitarian conditions. It was in some aspect a continuation of the conflict in Libya, where the influx of trained warriors and abundant weapons from that conflict played a major role in the start of this offensive (Bello, 2012, 8). The MNLA's overarching goal is the independence of Azawad (northern Mali). Its combat alliances with other factions are purely tactical (Cristiani & Fabiani, 2013, 87). The Government in Bamako and then-president Amani Toure did not handle the looming conflict very well – their unwillingness to reach out to moderate the Tuareg leaders and weak institutional and military capabilities in Mali's northern regions were

a contributing factor to this outbreak of violence. This was somewhat representative of the long-term policies of president Toure to reach out the lower levels of northern Mali and Tuareg societies, thus flanking the established Tuareg “aristocracy” and tribal order through the divide and conquer strategy.

Whatever the impact of socio-economic distress was in the Sahel on the Tuareg rebellions, the situation of Mali – independent of France’s colonial rule since 1960 – serves as a case study to better understanding of the strong resentment felt by the Tuareg people against the government in Bamako and their demand to discontinue what they claimed to be the neglect, discrimination and dispossession of political and economic resources from the Tuareg living in northern Mali, which was remote from the power center of the state (Bøås & Torheim, 2013, 1281–1283). The rebellion started in mid-January 2012, when the MNLA militants attacked the Malian Army positions in the small town of Menaka in the Gao region. The town had been recaptured by the Malian Army that regained the town the very next day but the following weeks brought some success for the MNLA as it captured a number of towns in northern Mali. Poor handling of the crisis clearly visible from the MNLA gains raised the levels of dissatisfaction in the military. The ECOWAS tried to mediate and ease the crisis, but it had clearly set itself against the mutineers understanding that the conflict in the north had regional consequences and that Mali needed to have a legitimate government that would be able to win that conflict without turning Mali into military dictatorship (BBC, 2012). The ECOWAS effort in this direction was the deployment of its own intervention force, some 3,300 men strong to protect the newly established civilian government and to bolster security sector reforms (Bello, 2012, 7). This move only formalized the regional involvement in this conflict which had been waged on a bilateral and ad hoc basis up to that point. By April 2012, the MNLA fighters supported by the Ansar Dine had taken the historic town of Timbuktu. This started a months-long series of gradual defeats and retreats of the Army. Furthermore, the MNLA issued its proclamation of the Republic of Azawad on April 6, which created some fissures within the militant groups

since their end-goal do differ on religious and political levels. The European Union's primary response was to establish additional funding for the region and appropriate vehicles to deliver them. On July 2012, the EU launched the *Alliance for Resilience in the Sahel*, which included Mali, Mauritania, Niger, Burkina Faso, Chad, Gambia and Nigeria. The EU added 40 million euros on top of the initial aid packages, mostly for humanitarian reasons. In terms, with this move the EU once again used soft power approach, while the reasons for the armed intervention were steadily growing (Bello, 2012, 8). Parallel to this, the EU had established a new two-year mission under the CSDP, the EUCAP SAHEL Niger mission. It was launched formally at the request of the Niger's government and as an element of the EU's Sahel Strategy. It is a training mission for anti-terrorist operations of the local law enforcement and military units and has an effective role as a security sector reform mission. It consists of around 50 experts from European security forces and justice departments, with most of the experts based in Niger's capital Niamey with liaison officers in Mali and in Mauritania. The mission has been focused on supporting the regional commands to improve interoperability of Niger's security forces strengthening the local capacities to collect and share intelligence building teaching capacity at the security forces' training academies and ensuring that the armed forces act on a sound legal basis in their fight against terrorism and illegal trafficking.

By the end of 2012, militant groups gained much ground, but also showed poor state of the Malian Army. Poor state of the armed forces was once more revealed in January 2013 when rebel forces staged an offensive from the north, which captured the central town of Konna without much fight (Solomon, 2013, 14). Nominally, the Malian security forces are relatively small. Riddled with internal problems, it is easy to see how incapable it must be to fight a proper war (Cline, 2013, 627). The region became the ground for possible establishment of permanent territorial presence of Islamist fundamentalist groups and a breeding ground for regional terrorist recruitment and a launching pad against several countries (Bøås & Torheim, 2013, 1280–1281).

However, it became evident that the less religious MNLA was sidestepped and that the more fundamentalist groups entered the center stage. This is the key moment in stepping up the EU's involvement in the crisis, including the military role. It is, however, not only Western countries that expressed disquiet regarding the developments in northern Mali; the regional leaders also voiced similar fears. In October 2012, for instance, Nigerian President Goodluck Jonathan urged an immediate collective action to resolve the crisis. President Jonathan's position was understandable considering at least a hundred members of the Nigerian terrorist sect, Boko Haram, were being trained in jihad camps in Gao (Solomon, 2013, 16). The EU's Foreign Affairs Council meeting in October authorized the High Representative/Vice President of the Commission Catherine Ashton to explore via the EEAS and within the CFSP the additional roles that the EU could play on top of the existing Sahel Strategy. On October 19, the European Council endorsed the Union's support for the international military force presence in Mali. Prior to that, during late July 2012, the ECOWAS was ready to start its own military operation in Mali and now it had the backing by the EU. It must be stressed that the ECOWAS did pose legal possibilities to act in cases of internal humanitarian disasters, threat to peace and massive abuse of basic human rights, all of which were supported by the African Union as well (Bello, 2012, 16).

On January 10, 2013, jihadists from Ansar Dine and the MUJAO groups' vehicle columns started moving south down the Niger River, some 500km from Bamako, and in the process captured the town of Konna. Given the speed of the light vehicles with rudimentary weapon platforms and the lack of natural obstacles, they could have reached the capital of Mali within a day or two. As a direct and quick reaction to the call for help from interim President Dioncounda Traore, France launched the "Operation Serval" on 11 January 2013. Helicopter units from Burkina Faso and Mirage 2000D combat aircraft from the N'Djamena International Airport in Chad had strike advancing jihadi columns near the town of Mopti and the Sevare airbase. French troops stationed in Cote d'Ivoire entered Bamako some 24 hours after the

then- French president Francois Hollande had issued the orders. There was some element of surprise – jihadists hoped to gain a two-day advantage and probably to reach Bamako before the French military could intervene, but they overextended their columns and were stopped in their tracks. (Heisbourg, 2013, 11). Other states in the region, notably Nigeria, Burkina Faso, Benin, Senegal, Niger and Chad also deployed 1,750 troops with further 2,000 promised within a matter of weeks. The intervention force was also assisted by the neighboring countries, which closed their borders with Mali. Beyond this, Algeria allowed French jets to use its air space, while the United States assisted the French with refueling and along with Britain, provided assistance with logistics (Solomon, 2013, 17). If the jihadi offensive had been successful and had quickly routed the Malian army and entered Bamako, it would have seriously hindered the launch of a planned military operation to clear the North. It would have also further complicated the political situation in Mali – potentially leading to a new coup as the political impact of the new defeat of the Malian forces would have been huge. With a little surprise, within few weeks the more than 4,000 French troops succeeded in their declared missions: stopping the jihadist offensive that would fundamentally threaten the core of the Malian state and liberating the main population centers in the northern part of the country. After this phase had been completed by April 2013, the French presence was aimed at maintaining pressure on various jihadists groups.

In the meantime, the conflict evolved from terrorism to insurgency, and had broader, regional implications. The French included in their operation, on a quite symbolic level, some units of the Malian army – with the notable exception of the northern city of Kidal, where the French army worked with the MNLA that had defected from the jihadist groups by the end of the first phase of the operations (Hoebeke, 2013, 4). The ECOWAS troops from the MISMA mission that have been deployed since January 2013 had only a limited operational role. The MISMA mission filled with the ECOWAS troops does not seem sufficient to meet its tasks and so far, the French military presence is required. The ECOWAS

has no standing army or the capacity to take its members' national units with permanent readiness (Heisbourg, 2013, 5). It is clear that only a few European countries, namely France and the UK, have the capacity to fully conduct overseas operations. It is no wonder that the French Government had considerably more flexibility than the EU institutions in committing their forces into this intervention, and the “Operation Serval” is a perfect case in point. France has also national interests at stake – Areva's uranium mining in Niger and decades-long presence in the hotspots of the Francafrique. The EU's common security policy is configured to organize specific, niche missions that overlap civilian and secondary military roles. With the enactment of the Sahel Strategy it was clear that the EU would bring funds and specialty training to the regional security and military institutions. However, the formal invitation to the EU to set up a military training mission in Mali came in the form of a presidential letter from then-Mali's interim president Dioncounda Traore on December 24, 2012. After ironing out some internal disagreements (e.g. Denmark withdrew itself from deliberations), the European Council established the European Union Training Mission in Mali (EUTM Mali) on February 18, 2013 under the CSDP roof (EC, 2013). The EUTM Mali mission includes around 580 military personnel that have two complementary tasks. The first is the high-level advisory support for the rebuild of the Malian Army. A team of experts in the advanced liaison task-force (ALTF) is giving advice and overseeing a number of areas of military reform, i.e. operational readiness, logistics, human resourced, budgetary issues. The second is the establishment of a military boot camp in Koulikoro with the goal of training soldiers for the specific combat tasks. These training are suited for a battalion-level unit of up to 700 men, the so called *Groupement Tactique Inter-Armes* (GTIA). So far, the EUTM Mali has trained four such GTIA units for the Malian Army, but the goal has moved from the initial plans meaning that a total of 8 GTIAs should be trained (Barea, 2013, 12–13). Some 13 million euros have been dedicated for modernization of that camp with around 200 instructors based at the premises. Personnel from 23 EU states and 5 non-EU states, including Serbia, are participating in the mission. The overall operational control is usually done through the EEAS channels (including the EUMS) and

the Political-Security Committee relying on the previously established staff for the Sahel Strategy and its experience in local affairs. On the heels of this commitment the EU organized a donor conference for Mali in May 2013. Some 3.2 billion dollars have been committed to the Mali development, and around 500 million is coming from the European Commission (EEAS, 2014).

One of the main issues that the EUTM Mali has faced is the credibility of the higher echelons of the Malian Army, due to military coup in 2012, very poor combat record and general unreliability. This is why the French forces on the ground in the north are keen on using Tuareg fighters from the MNLA rather than the Malian Army units in some larger numbers. The EUTM Mali thus faces the job of not only rebuilding but also of changing the Army to reduce the long-term political risks. It is not clear how the foreign presence in Bamako will affect the role of the army in the political life (Lacher & Tull, 2013, 7). There is no question that the EU will continue with the EUTM Mali mission and other CSDP deployments in the Sahel region. This commitment was clearly stated by the Council of the European Union at in March 2014. While the Strategy was not changed, it emphasized that the regional approach to the ongoing crisis was the main goal for the EU, which welcomed the decision of the Heads of States of Burkina Faso, Chad, Mali, Mauritania and Niger to work on a permanent regional infrastructure for coordination of policies and efforts in order to ameliorate the crisis, both as an acute security challenge and long-term social challenge. In order to coordinate its own approach, the EU set up the position of the EU Special Representative for Sahel under the European External Action Service. Also, of particular concern are some broader issues, namely the further collapse of Libya as a functional state since the General National Congress dominated by Islamist factions chose to unilaterally extend its mandate in January 2014 and the growing strength of Boko Haram in Nigeria. Once again the fragmented focus looms over the European Union's efforts to help maintain some order in the region and there is virtually no way of knowing what comes next.

CONCLUDING REMARKS

This paper’s main argument is that the EU’s practice and process-driven “neo-functional peace” approach proves to be unable to redefine and deconstruct the intangible needs and interests of conflicting parties involved in the long-standing disputes (*longue durée*) in Kosovo and Mali so as to establish sustainable and long-term assumptions of peace. Furthermore, at stake here are the very intangible needs and interests, that represent highly political and controversial issues, such as sovereignty, recognition and political autonomy. Yet, this approach shows evidence that it isn’t capable of redefining and deconstructing them in such a manner to pave the way for sustainable, resilient and durable peace in the abovementioned territories, but rather for provisional and day-to-day peaceful setting.

Furthermore, the EU, by using the concept of “neo-functional peace” approach in resolving these conflicts, achieves mostly short- and medium-term peace goals of provisional nature in order to prevent the escalation of armed conflict in Kosovo and Mali. Even so, in the case of Mali it proves to be unsuccessful, being that the civil war and political crisis are ongoing, and that the goal attainment of the actors involved, and the conflict settlement are not completely resolved. In the case of Kosovo, the status of the frozen conflict remains to the present day. In these two cases, peace enforcement seems to be an adequate practical tool on the field since these governments lack their overall legitimacy, functional societies and domestic parties involved in the political and social dialogue. Actually, both Kosovo and Mali lack the functional democratic governments, having issues with the respect of the rule of law, a functional civil society, and domestic parties for inter-ethnic dialogue.

Since the current post-conflict conditions prevail in Kosovo and Mali, the EU’s “neo-functional peace” approach presumably leads to extended peace enforcement rather than peacebuilding. Hence, the EU’s efforts in peacebuilding in the regions of Western Balkans and Sahel have experienced

limited success due to the failure to comprehensively transform the inherited post-conflict state, politics and society in Kosovo and Mali. Actually, the post-conflict conditions helped to stall the achievement of lasting peace. This might demonstrate the need for a more fundamental peace than is internationally the norm – a new conflict resolution paradigm that hinges on the continued stabilization process of the Kosovar and Mali state and society.

“Neo-functional peace”, as introduced in this article, represents a useful way to conceptualize the EU’s approach to engagement in the Kosovo–Serbia Dialogue. The key principles of neo-functionalism, such as the interplay between technical and political, deconstructing of larger political issues into smaller technical decisions, spillover effects and shifting grounds of interests – when decontextualized and modified from their original usage to describe the EU integration process – are a useful means to conceptualize how the EU addressed the protracted conflict around the sensitive questions of sovereignty, recognition and political autonomy. This neo-functional approach does not seek to make progress by avoiding sensitive issues and focusing on something else; rather, it seeks to deconstruct the contentious issues into acceptable technical and everyday decisions. The EU’s neo-functional approach in normalizing the relations between Kosovo and Serbia has been effective in translating and breaking down sensitive political issues into technical issues, which were approached in such a sequence whereby agreement in one particular field necessitated finding consensual solutions in other fields. This sequential approach to the peace process has been first and foremost a practice and process-driven approach. “Neo-functional peace” is not a value-free approach to building peace. Its distinctiveness lies in its ability to transform disagreement by deconstructing language and practice and translating their meaning differently, by providing facilitative space through third parties. Technocracy in the context of “neo-functional peace” does not depoliticize issues, but it helps reframe, temporarily at least, the meaning of things in such a fashion that it enables the transformation of hostilities and building of interdependent co-operation. It is situational, flexible and

contingent to the availability of political will among parties to find technical solutions to political questions as a transitory approach toward normalizing and reconciling relations. “Neo-functional peace” is not a standardized peace. It does not take power away from local actors but it helps redefine it in a different and mutually acceptable manner. In certain aspects, the EU-led technical dialogue was more effective than the high-level political dialogue, because the negotiations were lower profile, public expectation and pressure was lower and practical breakdown of sensitive issues was more achievable. Nonetheless, they did make progress on very important and sensitive issues.

Another distinct feature of “neo-functional peace” is the extensive involvement of local actors and ownership of the process. While liberal and technocratic peacebuilding is often associated with the imposition of external blueprints and template-like solutions, and suppressing local alternative dispute resolution approaches, “neo-functional peace” can be different. “Neo-functional peace” can be a situational strategy, where the local actors are the main parties that decide on the form and substance of agreements and implementation. Although local ownership can create stalemates, it is often perceived as crucial for the legitimacy and sustainability of peace processes (Donais, 2009). Concerning the role of international mediators, the focus of “neo-functional peace” is on facilitation rather than imposition. As applied in the Kosovo case, the EU defines facilitation as “less directive, and less involved in shaping the substance of the negotiations” (Council of the European Union, 2009, 2). The facilitative role of the EU has proven to be more effective than the previous imposing nature of UNMIK in Kosovo. Nevertheless, conditionality and incentives for EU integration have certainly been key ingredients that have transformed the conflicting positions of actors. Therefore, neo-functional peace situated between international facilitation and local ownership can be an emancipatory problem-solving approach to bridge differences between liberal peacebuilding and peace formation. Although “neo-functional peace” has been effective in the Kosovo–Serbia Dialogue, it is not the content of that context which is transferable.

Its application in the Kosovo–Serbia case was contingent on both parties’ willingness to negotiate, as well as the presence of the EU’s comprehensive incentives. It is not therefore presented as a comprehensive explanation of the outcome, but rather as a means of conceptualizing the EU’s approach.

Its core philosophy is transferable, where, if conditions permit, political matters may be resolved and transformed through deconstruction. In order for “neo-functional peace” to work, the meanings of key contentious issues must be capable of deconstruction to isolate pragmatic short-term practical and technical measures, which can be agreed through facilitation rather than arbitration, and materialized through constructive incentives and threats. Its purpose is neither to ignore power politics nor to depoliticize the practical steps involved, but rather, by deconstruction, to isolate those areas where a process toward agreement can begin. It is this logic from its own history which makes “neo-functional peace” a useful way to think about EU peace support practices. However, the very limits of EU’s peacebuilding efforts are self-evident since neither in Kosovo nor in Mali a viable and enduring peace process was established, but rather contested peace enforcement which contributed to a contested statehood status of both entities.

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Petar Milutinović

Institut za evropske studije

Beograd, Republika Srbija

NEEFIKASNOST „NEOFUNKCIONALNOG MIRA“: OGRANIČENJA IZGRADNJE MIRA EVROPSKE UNIJE NA KOSOVU I MALIJU

Sažetak

Evropska unija (EU) sprovodi proces izgradnje mira na teritorijama zemalja u njenom neposrednom okruženju i širem susedstvu. S obzirom da dominantna medijatorska tehnika EU u rešavanju savremenih dugoročnih političkih i teritorijalnih sporova predstavlja pristup „neo-funkcionalnog mira“, u radu se tvrdi da u današnjim okolnostima transformisanjem pitanja visoke politike u njihovu tehničku prirodu, kao i naglašavanjem značaja fleksibilnosti značenja i praktičnih rešenja, „neo-funkcionalni mir“ doprinosi samo produženom sprovođenju mira (eng. peace enforcement) umesto njegovoj izgradnji (eng. peacebuilding). Upoređivanjem dve studije slučaja, ovaj rad postavlja pitanje efikasnosti „neo-funkcionalnog mira“ od strane EU na Kosovu³ i Maliju, s obzirom na to da Briselski sporazum iz 2013. godine i Alžirski mirovni sporazum iz 2015. godine nisu ostvarili sveobuhvatno rešenje sukoba već su doprineli prolongiranju osporavanog državotvornog statusa i sistemskim rivalstvima. Stoga, rad nastoji da dodatno doprinese konceptualnim i empirijskim istraživanjima samog koncepta „neo-funkcionalnog mira“ i istraži njegovu efikasnost i situacionu adaptaciju u realizaciji geopolitičke uloge EU posredstvom njene spoljne i mirovne politike.

³ Ovaj naziv je bez prejudiciranja statusa i u skladu je sa Rezolucijom Saveta bezbednosti Ujedinjenih nacija 1244 i mišljenjem Međunarodnog suda pravde o deklaraciji o nezavisnosti Kosova.

Glavni argument rada jeste da praksa i proces izgradnje mira od strane Evropske unije vođen pristupom „neofunkcionalnog mira“ nije u stanju da redefiniše i dekonstruiše nematerijalne potrebe i interese sukobljenih strana uključenih u dugotrajne sporove (longue durée) na Kosovu i Maliju u cilju uspostavljanja održivih i dugoročnih pretpostavki mira. Štaviše, ovde su u pitanju nematerijalne potrebe i interesi sukobljenih strana koji predstavljaju veoma politička i kontroverzna pitanja poput pitanja suvereniteta, priznanja i političke autonomije. Ipak, primenom „neofunkcionalnog mira“ ova pitanja nije moguće redefinisati i dekonstruisati na takav način da kreiraju put održivom, otpornom i dugotrajnom miru na gore navedenim teritorijama već pre utiru put privremenim i kratkoročnim mirnodopskim uslovima.

Štaviše, Evropska unija koristeći koncept „neofunkcionalnog mira“ u rešavanju ovih sukoba ostvaruje uglavnom kratkoročne i srednjoročne mirovne ciljeve privremene prirode kako bi sprečila eskalaciju oružanih sukoba na Kosovu i u Maliju. I pored toga, u slučaju Malija, primena ovog pristupa pokazala se neuspešnom budući da su građanski rat i politička kriza u toku, a da postizanje cilja sukobljenih aktera i rešavanje sukoba nisu u potpunosti rešeni. U slučaju Kosova, status zamrznutog konflikta ostao je do danas. U ova dva slučaja, čini se da je sprovođenje mira (eng. peace enforcement) adekvatan praktičan alat na terenu jer ovim vladama nedostaje njihov opšti legitimitet, funkcionalna društva i političke stranke uključene u politički i društveni dijalog. Zapravo, i Kosovu i Maliju nedostaju funkcionalne demokratske vlade koje nemaju problema sa poštovanjem vladavine prava, kao i funkcionalno građansko društvo sa domaćim političkim strankama uključenim u međuetnički dijalog.

S obzirom da na Kosovu i Maliju prevladaju trenutni post-konfliktni uslovi, pristup „neofunkcionalnog mira“ Evropske unije verovatno vodi „sprovođenju mira“ putem misija i intervenisanja umesto njenoj intrističnoj izgradnji. Zato su mirovni naponi Evropske unije u regionima Zapadnog Balkana i Sahela doživeli ograničen uspeh zbog neuspeha da se sveobuhvatno transformiše nasleđena post-konfliktna država, politika i društvo na teritoriji Kosova i Malija. Zapravo, post-konfliktni uslovi u ovim društvima onemogućili su ostvarenje dugotrajnog

pozitivnog mira. To ukazuje na potrebu za fundamentalnijim mirom nego što je međunarodna norma – nova paradigma rešavanja konflikta koja se nado-
građuje na nastavak procesa stabilizacije države i društva.

Njena osnovna zamisao je da se politička pitanja mogu razrešiti i transfor-
misati kroz princip dekonstrukcije, tamo gde uslovi to dozvoljavaju. Da bi
„neo-funkcionalni mir“ funkcionisao značenja ključnih pitanja visoke politike
moraju biti u stanju da se dekonstruišu odnosno izoluju posredstvom krat-
koročnih praktičnih i tehničkih mera, koje se mogu dogovoriti kroz posredo-
vanje, a ne arbitražu, i materijalizovati kroz konstruktivne podsticaje i pretnje.
Njena svrha nije ni da ignoriše politiku moći niti da depolitizuje praktične
korake koji su uključeni, nego da, umesto dekonstrukcije, izoluje one oblasti
u kojima može da počne proces pregovaranja ka sporazumu. To je ta logika
koja čini "neo-funkcionalni mir" korisnim načinom za razmišljanje o praksama
podrške miru od strane Evropske unije. Međutim, sama ograničenja mirovnih
napora EU su samoočigledna, s obzirom na to da ni na Kosovu ni u Maliju nije
uspostavljen održiv i dugoročan mirovni proces već osporavano „sprovođenje
mira“ posredstvom mirovnih snaga koje su doprinele prolongiranju spornog
statusa državnosti oba entiteta.

Ključne reči: neo-funkcionalni mir; Evropska unija; Kosovo; Mali; Briselski
sporazum; Mali mirovni proces.