Kosovo as a Limitus Test of 'Normative Power' Europe or Embedded in Old-Style Cost Calculations Politics?

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Abstract

This research paper seeks to come out with an *exogenous explanation* of why the EU is following a different strategy toward a potential integration with full member rights for Kosovo, which is not included in a road-map for Western Balkans, at least not yet. To do so, the paper uses an intergovernmentalist versus constructivist theoretical explanations, where the first corresponds to the actions that EU undertakes based on cost calculations and other rational motives and the other builds on the presumed value-conflicting norms that precipitate or inhibit the process of Kosovo's integration in EU.

The main driving question that this research paper seeks to answer is: *"Does Kosovo integration process pose a challenge or opportunity for EU to build on its image as a 'normative power'?"* Our initial hypotheses suggest that Kosovo is perceived mostly as a challenge to EU absorbing capabilities, mostly because of the objections concerning its disputable (yet) statehood. Nevertheless, as it will be argued from an analytical (not normative angle), Kosovo fulfills all the criteria for full membership in EU in the due time, having made enough progress not only in the legal aspect (incorporation of *acqui*, strengthening of rule of law etc), but also politically, socially and culturally), adding to EU architecture a real value. Without Western Balkans in general and Kosovo as part of its own community of values, EU cannot be fully completed and it sets a setback on the rhetorical commitment and 'entrapment' (Schimmelfennig 2003) that promises a post-national belonging to these countries. Kosovo thus represents a real value for EU, yet to be understood and duly integrated.

Introduction

Kosovo's path toward full integration in the European Community is simultaneously a *déjà vu* of former Yugoslav republics path dependent processes, as well as a *sui generis* phenomenon of its own because of intrinsic characteristics that are embedded in its current legal and political status as a new state. In other words, Kosovo on one hand seem to be a replica of the other former communist countries of Central and Eastern Europe, which have gone through similar integration processes

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and shares many resemblances with the neighboring countries of Western Balkans. On the other hand, because of the refusal of some of the member states of EU to recognize the sovereignty of Kosovo as an independent republic and subsequently aspirant country for membership in the European family, Kosovo is caught in an *idiosyncratic web* that has had no parallels in other countries of CEE and Southeastern Europe.

The process nevertheless is an opportunity for Kosovars to finally come back to where they belong, which is the geographical, cultural and political Europe, but it is also a challenge for European institutions, not only because of Kosovo legacy and the disputable statehood process, objected by some EU countries, but also because of state-building capacities of this so-called multi-ethnic state, which paradoxically is rather homogeneous in comparable terms.

This research paper seeks to come out with an *exogenous explanation* of why EU is **following** a different strategy toward a potential integration with full member rights for Kosovo, which is not included in a road-map for Western Balkans, at least not yet. Also, Kosovo seemed to have been left aside on the process of visa liberalization process, which although is not directly connected to the integration process, most probably will leave Kosovo as the only country in the region outside the White Shenghen area, especially after Albania and B-H are excepted to soon sign the similar agreement that Serbia, Montenegro and Macedonia already did in December of 2009.

The paper uses an *intergovernmentalist* versus *constructivist* theoretical explanations for EU behavior vis-à-vis Kosovo, where the first corresponds to the actions that EU undertakes based on cost calculations and other rational motives and the other builds on the presumed value-conflicting norms that precipitate or inhibit the process of Kosovo`s integration in EU. In evaluating both frameworks, we can be able to determine which theoretical explanation better fits the explanation of EU: the EU as a rational actor, or EU as a 'normative power' (Manners 2002), and what can this tell us for the near future?

The main driving question that this research paper answers is: "Does Kosovo integration process pose a challenge or opportunity for EU to build on its image as a 'normative power'?" Our initial hypotheses suggest that Kosovo is perceived mostly as a challenge to EU absorbing capabilities, mostly because of the objections

concerning its disputable (yet) statehood. Nevertheless, as it will be argued from an analytical standpoint Kosovo fulfills all the criteria for full membership in EU in the due time, having made enough progress not only in the legal aspect (incorporation of *acqui*, strengthening of rule of law etc), but also politically, socially and culturally), adding to EU architecture a real value. We also advance the argument, that without Western Balkans in general and Kosovo as part of its own community of values, EU cannot be fully completed and it sets a setback on the rhetorical commitment and 'entrapment' (Schimmelfennig 2003) that promises a post-national belonging to these countries. Kosovo thus represents a real value for EU, yet to be understood and duly integrated.

Theoretical Framework: Intergovernmentalist vs. Constructivist Explanada

The intergovernmentalist scholarship in EU studies can be conceptualized as a proxy for Realism in IR and thus points at the states as the only significant actors. Hoffman has correctly observed that: "[a]ny international system would be likely to produce diversity rather than synthesis among the units" (Hoffman 1966; Rosamond 2000, p.76). This means that the units (states) would be unwilling to relinquish power, but they may bargain to increase their share of profits. Thus they create these institutions for the simple purpose of preserving their interests and increasing their possibilities of gaining more, rather than with the intention of delegating real, independent authority to them. The first intergovernmentalist tenets, firstly elaborated by Hoffman in 1960s-70s, especially during the era of Euro-skepticism which was a *spill-back* of European integration led by De Gaulles` archaic positions and the 'Luxemburg empty chair crises', had to come to a halt in 1980s where vigorous leadership of Jacques Delors led to a renewed optimism. Then again, with new crises of 1990s, and the debate between widening vs. deepening of EU, the intergovernmentalists came back under a reformed label of Liberal Intergovernmentalist, with Andrew Moravcsik as one of its most renowned spokespersons.

Therefore, framing the understanding of the European integration in this way, it 'revolutionized' the traditional explanation of realist and intergovernmentalist

views of the "perpetuity of power politics" and triggered a powerful "intergovernmentalist backlash" as a rival theoretical approach in explaining European integration (Rosamond 2000). Liberal intergovernmentalism, which is a kind of neo-intergovernmentalism, provides a rational explanation of the European integration and modifies some of the basic tenets of traditional intergovernmentalism of 1960s. Schimmelfennig, while talking for the LI theoretical approach, mentions at one moment (jokingly) that: "Liberal intergovernmentalism is a theoretical 'school' with no 'disciples' and a single 'teacher', Andrew Moravcsik" (Schimmelfennig 2005: 78-79). Of course, this is an oversimplified view of it, considering that Schimmelfennig himself has devoted an entire chapter in explaining the basic tenets of this theory and the works of many others. Rosamond describes this theory as a "two-level game" in explaining both the "national preference formation and an intergovernmentalist account of strategic bargaining between states" (Schimmelfennig, 2005: 79).

Turning to Moravcsik, he has described the European integration as resulting from national made choices "by national leaders who consistently pursued economic interests…, - that evolved slowly in response to structural incentives in the global economy" (Moravscik, 1998: 3). Furthermore, he emphasizes that: "economic interest, relative power, and credible commitments- account for the form, substance, and timing of major steps toward European integration" (Moravscik, 1998: 4). Therefore, Moravcsik offers a more 'realist' *explanada* of the integration process and he strongly believes that national states are the primarily actors of international politics. They act rationally and have given preferences before entering the 'bargaining table' where they negotiate only and with the sole purpose of preserving their interests and increasing their benefits. In relation to the role and power of the institutions, Moravcsik states that governments created and delegated sovereignty to these institutions only "to secure the substantive bargains they had made" and "for the express purpose of committing one another to cooperate" (Moravscik, 1998: 4). *Ergo*, the states remain in full control of the decision-making process and are not constrained in their choices by these institutions.

Not only these institutions do not act independently of the states that created them, but they reflect the will and interests of those governments. One famous quote of Moravcsik gives us a 'full' meaning of what LI is all about: "There will never be a

United States of Europe... I refuse to identify myself with those who promote the disappearance of the nation state...I seek instead a federation among strong nation-states" (Moravcsik 1998: 472). In this sentence it is actually hard to discern if it is only a wishful thinking by the part of the author or a realistic view of the present situation. Notwithstanding this 'slip' of Moravcsik, I still rely on the insights of LI for the purposes of finding a rationalist explanation of the current policy framework of EU versus the Western Balkans.

The *constructivist* turn in the EU studies on the other hand, builds on larger Constructivist framework in International Relations and focuses closely on the role of values, ideas and norms in affecting identity-related processes and politics. Thus EU architecture is imagined more in terms of the 'Ever Closer Union', a project in the making and conceptualized as a normative power rather than a cold calculation entity that bases its logic only on cost-benefit relationship and disregards the value laden angle. The authors that argue for EU as a 'normative power' (Manners 2002) stress the diffusion of specific values (like international pursuit of abolishing of death penalty that EU has undertaken on global level), rather than military projections that EU manifests in its behavior as a global player. Other authors have concurred with this view, when they have referred to EU as a 'Venus' vis-à-vis the American 'Mars' or a 'soft power' that bases its strength in spreading of certain ideas and norms, rather than obtaining them by 'hard power'.[2]

Constructivists scholars include a specific branch that deals with the power-shaping role of the institutions in the process of EU integration, the sociological institutionalists. *Sociological institutionalism* takes an ontological perspective on the institutions and shares many assumptions with Constructivists. Contrary to the "rationality" argument that drives the actors in creating and maintaining the institutions that rationalists posit, sociological institutionalists look at the institutions from a *cultural* perspective. The three main features that actually make sociological institutionalists quite distinct from the other institutionalists are: their broader definition of institutions "to include, not just formal rules, procedures or

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[2] Joseph Nye was the first to use these terms in literature to refer to the two different kinds of power manifestation.

norms, but the symbol systems, cognitive scripts, and moral templates that provide the 'frames of meaning' guiding human action"; "a distinctive understanding of the relationship between institutions and individual action, which follows the cultural approach"; and that, "organizations embrace specific institutional forms or practices because the later are widely valued within a broader cultural environment" (Hall 949).

Sociological institutionalists look beyond the 'rationality` argument as taken for granted and believe that the so-called 'rational action', is itself socially constituted, whereas the behavior of the institutions or the actors acting inside an institutional framework is often associated "with the transmission of cultural practices more generally" (Hall: 946-947). According to Hall, often institutions represent a set of norms and values, "because the later are widely valued within a broader cultural environment" (Hall 948). This is elsewhere elaborated as a "logic of appropriateness," which guides the behavior of actors and institutions, toward a normative perspective, versus that of "consensuality" (March and Olsen, ch.2), or "instrumentality" (Campbell, 34), which tend to be more rational-base explanations. The "logic of appropriatness" (as opposite to the *logic of consensuality*), often adds impediments to the actors involved to follow through their previous commitments, while conferring upon them a moral authority and increasing their attraction and desirability from the third parties.

Establishing the benchmark at Copenhagen

The end of Communism and the transition toward democracy and state-building in Central and Eastern Europe, led also to a renewable relationship with European Community and to seriously take into consideration the future perspectives of these countries. This took a definite answer with the Copenhagen European Council meeting of 1993 when it became possible the envisioning of a 'road map' for future candidates. Thus, enlargement was no longer a question of 'if', but 'when'.[3] The only pre-conditions to be met where the following: stability of institutions guaranteeing

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http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm

democracy, the rule of law, human rights and respect for and protection of minorities; the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; the ability to take on the obligations of membership including adherence to the aims of political, economic & monetary union.[4]

Thus the way was paved and the ball passed on the aspirant countries to meet the reform benchmarks and to properly make the homework before thinking of joining the European club. Further guarantees were given with the Thessaloniki summit of 2003 when a blueprint for the whole Western Balkan`s integration perspective was agreed upon. Kosovo is a new reality within the Western Balkan context, but this does not exclude it from the perspective of the region as a whole, with Kosovo naturally as part of it. The main homework of this new state has to deal with full compliance with Copenhagen criteria, whereas the limited sovereignty that it suffers for the moment is not necessarily something that goes against main driving principles of a supranational EU.

The Current Policies of the EU toward Western Balkans

The enlargement of the EU in 2004 to twenty-five members, with several more countries to join in the course of the next decade, it radically changed the nature of the EU. (Libescher 2004). This is reflected in the everyday business in Brussels, where an enlarged bureaucracy is keener to be criticized for a slowdown of daily operations and where agreements are harder to negotiate and agreed upon. If so, the question then remains why the EU has expanded and has even recognized the possibility of further accession if conditions are met by prospective countries? Moravcsik provides an answer when he writes that: "Just as occurred in the past, leaders of the current EU members are promoting accession because they consider enlargement to be in their long-term economic and geopolitical interest". He and Vachudova also stress that EU is gaining from enlargement in both "geopolitical stabilization" and "economic revitalization" of the European borderlands which in turn, is likely "to diminish nationalist conflict and make illegal immigration more

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[4] *Ibid*

manageable and reduce the costs of managing a border with potentially disorderly neighbors". In this regard, his liberal intergovernmentalist lenses offer a rationale of the EU is actually acting on pursue of their interests when they make the decision to further enlarge or not. And if the governments of the member states think that it is worthy to further enlarge at a given time and period, they go ahead with it after deliberating the issue in the Council.

On the other hand, it is true that not all members show similar stances and attitudes toward enlargement; the ones that are to gain more are the border states, because of the vicinity with the prospective countries. This is why, as Schimmelfennig emphasizes: "EU border states have a strong interest in enlargement." (Schimmelfennig 178). And this in turn, explains why most of the Southern states, led by France, gave their support to Bulgaria, Romania and the Southeastern candidates, while the Northern countries were more supportive of Vishegrad and Baltic states (Schimmelfennig 178). Equally we can draw similar inferences for Western Balkan countries, particularly Albania, which we emphasize in this paper. Italy and Greece, the two bordering EU member countries, seem to push more for the integration of the whole region *en block*. It was after all, the Thessaloniki Summit of 2003, which confirmed the EU policy for the Western Balkans. Recently, Greek primer George Papandreu has urged the EU countries to follow up with a road map that would see the Southeastern Europe fully integrated and member countries by 2014, a symbolic date for Europe.

In addition, if we look only from a rationalist LI perspective the previous 2004 accession of the ten new EU members, we fail to grasp the whole picture. Economically speaking, the accession of these ten new countries was not a very successful story for the older member states. Breuss has analyzed, - even before the accession took place, - that "[o]n average, the EU will become even poorer: measured in PPP, GDP per capita will be lower by 9 per cent" (Breuss 296). But he continues by also stressing that the EU Enlargement was a sound political project rather than an economic project. He mentions that "enlargement will end the political separation in Europe" (Breuss 296).

To shortly turn now at the applicant countries and the way they look at the dual partnership with member states, they often have found themselves in "weak negotiation position and accordingly have conceded much in exchange for

membership" (Moravscik and Vachudova 44). Although both parties will both benefit from the enlargement, the applicants are going to benefit even more and for this reason they are willing to concede a lot in the pre-accession negotiation period. According to this rationale, the applicant countries are having short term costs, but will have long term benefits, whereas the contrary can be said for the member countries. In this light, we may summarize that it is in the EU interest to prolong the pre-accession period of the 'aspirant' countries and in a way, force them to adhere to the strict conditionalities, before any further step is to be taken. Considering also the fact that candidate members, -not to mention those that have acceded already-, have much more comparative advantage in terms of financial aid, compared to the associated countries, it becomes clear that the gap is deepening along the way and that the Western Balkan countries cannot be expected to perform miracles in order to catch up with the rest.

Nevertheless, realistic or not, the EU has already well understood that "the membership carrot has become one of the main instruments of the EU to support its normative power" (Juncos 93). Considering the past failures of the EU in the area, notably the failure to take the lead in the Yugoslavian wars, or to intervene in providing stability in Macedonia, not to mention Kosovo and the 'inferiority' in which has found itself as compared to the strong interventionist policy of the U.S., the EU has to (re)establish itself as a major player in its borders. As Juncos reminds us: "one of the lessons of the Bosnian conflict was that "real wars" had not disappeared from the continent and that they could erupt only a two-hour flight away from Brussels" (Juncos 95). In order to maintain the momentum and not to let these countries fall in 'despair' and become flourishing areas of organized crime and trafficking, the EU is playing a difficult role and handing out promises as the only efficient mean at hands.

Nevertheless, without institutional and financial back-up, the rhetoric of the EU, starting with the Thessaloniki summit and onward, can turn into a kind of "double-bluff, in which the EU pretends to offer membership, while the countries of the region pretend to implement reforms" (Lehne: 121-122). This 'empty' rhetoric will serve for nothing, since at its best can only preserve the 'hopeless' status quo, whereas at its worst, it can provoke despair and unrest. On the other hand, in the case of the EU`s policy of "stick and carrots," the EU certainly uses more than soft

means of persuasion and temptation; it aims to alter the political behavior of other countries also through the use of coercion and/ or seduction. But, nevertheless the disputable policies of European Union, they remain the best hope to see things moving ahead and maintain the pace of reforms and democratization of the region. The European Commissioner for Enlargement, Olli Rehn, insisted that notwithstanding the failure of the draft constitution and the present political crisis, "the momentum for enlargement should continue based on the principles of consolidation, conditionality and communication" (EPCB S34/05). Enlargement, according to Rehn is a great success story and one of the most important EU instrument for stabilizing the region and showing itself as a "civilian power" (EPCB S34/05). The policies of the Union toward the Western Balkans can thus be seen as a way to maintain the momentum, preserve the stability and increase the pace of reforms on one hand and (re)establish the EU as a strong, powerful player in the region. These features are in line with the moral values embedded on the institutional framework of the EU and a way of promotion as an influential world player.

The EU's (lack of) Strategy towards the Region

Consensus has been established among European leaders over how the EU should proceed with enlargement. Speaking at the European Council on 14-15 December, Commission President Barroso,- repeating what Rehn had pointed out before,- explained that the pace of enlargement depends on the EU's capacity to integrate new members. "Consensus is clearly emerging around what I call the three Cs, consolidation, conditionality and communication," *(Enlargement yes...* 1) he said.[5] While the door to enlargement remains open, candidate countries must respect all the criteria. In reality, it is hard for these countries to adapt the criteria on their own, without a 'push' from the EU. And if they ever succeed in this impossible task, they might grow in Eurosceptics, like in the case of Croatia or Turkey.[6] The reasons might

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[5] Here we may discern some kind of coherence in the public declarations of the EU officials that may qualify as a build-up strategy toward the Western Balkans.

[6] In the case of Croatia, Croats began to pay more attention to the high unemployment rates in some EU member states, the inflationary problems that followed the introduction of the euro

be different, but the economic revival,- reached after adhering to the rigid criteria set by the EU,- in association with political costs that accompanies the process, might transform themselves in powerful anti-European levers that may set the integration process back in years.

Now, this is just a speculation, but even if it is a least likely outcome, it should be considered in the EU`s strategy toward the Balkans before the matters could precipitate. Also, considering the little economic cost that EU faces in the case of incorporation of the whole region (roughly the size of Romania) and the incentives that it can get, especially in terms of increasing its level of influence, should be enough for the EU to re-consider its current strategy (if any) toward the Western Balkans. Of course, it cannot be in the interest of the EU to let these countries shift their interests and its strategy has already taken some precautionary measures on preventing this. To be more explicit, the case of Kosovo, which is currently under the process of 'changing hands' from the U.S. backed up UNMIK to an entirely European made up force (EULEX) is a significant policy change in that regard that is part of coordinated moves from the EU to become more visible and engaged in the Western Balkans. Moreover, the EU has been leading the multinational efforts in BiH, through the incentive of prospective integration. More concretely, the Commission has submitted a Feasibility Study which has linked "the beginning of negotiations on an SAA with progress on 16 reform priorities" (Stefan 119). Also, the EU has helped build multiethnic peace and stability in Macedonia, granting this country the candidate status, notwithstanding some failures to comply with all the imposed criteria. This is in line with what Pippan has argued while talking about the possible course of action toward the region and has emphasized that "the accession of Albania, BiH, Croatia, FYROM and Serbia and Montenegro to the EU is a matter of when and how, rather than whether" (Christian 228).

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currency and the heated debate over the proposed EU constitution. They also grew bitter because of the Gotovina affair. Whereas in Turkey` s case I can quote its ex-foreign minister, Mr. Yasir Yasin when mentioning that "if the EU will not integrate us now, in the future we might not be interested." (Present author's notes in a conference about the future of Europe, organized in October 2006 in Budapest).

If all these policy approaches of the EU toward the region rise up to a clear cut strategy for the Western Balkans, or qualify only as snapshots that do not essentially try to change the status quo, this is a matter for debate and cannot be answered by taking an inductive analysis in such a short paper.

The EU's Policy toward Kosovo: Old-Style Realpolitique or Driven by Normative Considerations?

The title of this section must look a bit misguided because EU as a whole has rarely had unified (foreign) policy toward third parties. Most often than not, due to political protagonist aims or other geopolitical considerations, the member states have often had different opinions regarding such matters. For example, the stance toward Turkey or Russia, or the Mediterranean region has often been a source of divide between some of the member countries due to perceived national interests in stake, especially affecting big and powerful countries within EU, such as France and Germany. It seems that only the smaller states (like the Benelux countries) have consistently shown the biggest support for a unified foreign policy of the Union, since their voice would be heard more in such way. Regarding Kosovo, it is satisfactory that with the exception of only four countries (Greece, Spain, Cyprus and Slovakia), all the others have recognized it shortly after the proclamation of independence. Also in many statements, Kosovo is offered guarantees that it cannot be setbacks on the question of status, that the country will not be allowed to get divided and that its future is clearly in the European family.

On the other hand, some EU fears are also expressed recently where as it is estimated there are 14.200 asylum seekers from Kosovo in EU countries, or approximately five percent of the total number. To add fuel to this, is the mass migration toward EU of Albanians of Macedonia and Southern Serbia regions (Presheva-Bujanovc), which although are fleeing from majority inflected violence in these territories, the assumption (wrongly according to our view), from the EU is one that adds fear if the visa liberalization process would take effect with Kosovo proper. The puzzle in the minds of EU policy-makers remains what has to be done to prevent a mass fleeing of Kosovar citizens toward European countries. Thus a rational logic seems to prevail here from normative considerations and fears of falling back on

promises of integrating the whole [W. Balkans] region, where Kosovo is a natural part.

Conclusions

It is our contention that in the case of Kosovo, EU should show its full potential as a 'normative power'. EU lacks a unified common policy, which falls under the intergovernmental mechanisms of the 2nd pillar. In order not to be considered as an economic giant but political dwarf as it often used to be depicted in the past, it needs to reinvigorate its approach especially toward neighboring countries, partner countries and moreover, aspirant countries for membership. Kosovo is one of these. The integration process of Kosovo has no parallels in other countries of CEE and Southeastern Europe, because of state-building capacities of this so-called multi-ethnic state.

The EU has a chance to assert itself once again as a 'civilian power' as it was often referred in 1980s or a 'normative power', a common epithet to be used more frequently recently. Kosovo is both a challenge, where each of the member states see it only through rational lenses, in terms of a challenge and are willing to enter the 'bargaining table' only where they negotiate to preserve their interests and increase their benefits. The main interest and benefit in this context would be first stability, and then seeing Kosovo as an important piece of the network that connect the Western Balkan markets. Thus, a state which they are 'forced' to integrate in order to preserve the wellbeing of the entire region while enhancing its own interests. Or, otherwise Kosovo can be perceived as an opportunity, to show the world that EU takes care of its own 'backyard', it can enforce its normative framework through more carrots than sticks, and preserve and enlarge its image as a successful 'soft power', which continuously grows in size and importance. In this way Kosovo full integration goes parallel with Europeanization processes which is something that makes EU more than just a Commonwealth of free trade and builds on its distinct identity and value laden aspect.

Enlargement of EU members is a question of when and how and the leaders of the current EU members are promoting accession because they consider enlargement to be in their long-term economic and geopolitical interest, and

diminishing of nationalist conflicts, as well as building a community of values. The EU enlargement after all is a political project rather than a simple economic project. The EU current border states, especially the ones in the region, have a strong interest in enlargement perspective and they want to remap their identity toward an inclusive one and not just simply be part of a formal map. This can be the end of political separation in Europe. The EU has already well understood that the membership carrot has become one of the main instruments of the EU to support its normative power and should stick to the end with this strategy which leaves no country behind. In this line, we are convinced that Kosovo`s future is locked within a EU perspective, having achieved most of the formal and informal requirement that such process requires alongside.

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