

# **EVALUATING THE EU CAPABILITY ON CRISIS MANAGEMENT THROUGH EUPM MISSION IN BOSNIA AND HERZEGOVINA AND EULEX MISSION IN KOSOVO**

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## **Abstract**

In recent years the EU has expanded its capability of actorness in the international arena. Through assistance or mediation it has attempted to be involved in some conflictual hot spots of the world today. The Western Balkan is the region in which the EU has developed a more complexed foreign policy, puzzling from stabilization assistance to full integration process. This approach complies with the European Security and Defence Policy (ESDP), which in turn completes the set of policy instruments available for the broader concept of the Common Foreign and Security Policy (CFSP). Based on these two institutional approaches this paper will examine the EU capability on crisis management through its first mission, EU Police Mission in Bosnia and Herzegovina (EUPM) and its greater one still ongoing, EU Rule of Law Mission in Kosovo (EULEX).

In this regard the paper will try to explain how is developed the crisis management capability of the EU and how is it shared among the policy-maker institutions? How successful have been these EU policies toward the Western Balkans? Which are the results and which will be the future of its role in these two countries? In addressing these questions, this paper will draw from the theoretical perspective discussing about how crisis management is seen from IR and which is the institutional frame that is based, followed by a comparative and detailed analysis of the two missions, tracing the commons and the opposites of each other. Summarizing at last, the outcomes of this study, will try to contribute in the researching fields of European Studies, Crisis Management Studies, Integration Studies and Policies or Balkan Studies.

**Keywords:** *Crisis Management, European Union, CFSP, EUPM, EULEX*

## **Introduction**

For several decades the Western Europe and its major ally the US looked toward the URSS as the major concern for the security of Europe. By the end of the Cold War, a new era for the European security agenda, was starting. The dissolution of URSS and the violent break-up of Yugoslavia found EU unprepared institutionally and politically. In the same time a radical change was happening, the transformation of EU into a political union. In this regard the EU seemed to be unable to act unanimously for conflict transformation and/or prevention, against the struggles in the former Yugoslavian countries. Indeed, it was the Yugoslav catastrophe in the 1990s that originally challenged the EU to demonstrate that it can be more than a trade pact and induced it to develop far-reaching ambitions in the international arena. In due course, the "Balkan impulse" led to the construction of the European Security and Defence Policy (ESDP) in 1999 later renamed as Common Foreign and Security Policy (CFSP) and since then the EU's conflict prevention and crisis response capacities have undergone significant operational and institutional developments, and have added further tools to meet the EU's political objectives in conflict prevention, crisis management and post-conflict reconstruction.

CFSP is meant to provide the EU with the means to respond to global and regional security threats, and to enable the EU to better realise the goals it set for itself in the 2003 European

Security Strategy. To date, the EU has undertaken no fewer than 18 CFSP operations, some of them underway, of varying nature and range. Although the geographic reach and ambition of the EU and its evolving CFSP is global rather than confined to a particular region, the Western Balkans hold a special place in European security because much of the impetus to create the CFSP came from the conflicts in former Yugoslavia during the 1990s and the EU's inability to formulate an appropriate response. In this context this paper is going to evaluate the capability of the EU on crisis management through the first mission of CFSP, the EUPM and the last still ongoing the EULEX.

At first, the study will be analyzing the EU crisis management ability through CFSP from theoretical perspectives, in finding basic assumptions from IR theories. Following the study, it will analyse the CFSP from an institutionalist approach, showing the mechanism in which this policy is framed from different levels and roles of EU institutions, and the next parts of the study will analyse these two missions, tracing out the complexity of development and effectiveness of each, showing at first the historical/political background in which these missions were aimed to deal and then explaining the results of them. The conclusions will show our findings of the study, being able to have an explanation of our basic research question and making possible in the same time, to trace these findings in the contemporary debates of EU integration, especially its approach toward the Western Balkans through the CFSP's crisis management capability.

### **Theorizing CFSP**

Theorizing EU ability of crisis management through the CFSP instruments is still an underdeveloped field of research. This is due to the fact that the research that exists is mostly diplomatic history based on journalistic accounts of the key events, citing official documents about institutional developments and anecdotal, politically loaded or otherwise speculative evidence about motivational factors (Chrysochoou 1999). There has been very little attempt to frame the foreign and security cooperation between member countries of the EU within a broader historical context and examine whether those factors that help to understand the emergence of the EU capability on crisis management could also explain other comparable phenomena. As Chrysochoou (2001, 63) mentions. 'In short, a lot of research on the CFSP has been theoretically weak and empirically superficial... it has been neither systematic nor cumulative, and has suffered from presentism and the lack of a focused debate'.

Recently, many more sympathetic accounts of the EU's rise as a military actor in international politics have been produced. For example, Charles Kupchan (2003, 151) has argued that the EU is developing into a peer competitor of the United States. He notes that a new discourse is emerging to portray integration as a way to acquire power and project the geopolitical ambitions of Europe as a whole. He is less explicit about why this is happening, but points to the tendency for integration to accelerate. In general, such accounts often regard the emergence of the CFSP as some kind of natural outcome of past trends without providing any systematic study of the mechanisms that explain the process of European defence integration.

Realists cannot easily explain how major European powers would give up their sovereignty in military matters or be able to act in a coherent way through the EU. Kenneth Waltz (1993) explicitly predicted that the EU would be rather insignificant in world politics and a more likely outcome of balancing tendencies in Europe would be a coalition of states around Germany. Barry Posen (2004, 2006) has nevertheless explained the emergence of the CFSP through a structural-realist lens, interpreting it as a weak form of balance of power behaviour. However, he adds some other factors to his explanation, such as European identity, which are not easy to derive from the structural-realist standpoint. Other realists do not reject the balance of power theory, but regard it as irrational in the present-day unipolar order. These theorists dismiss the idea that EU defence integration might be considered a sign

of balancing behaviour and rather see it as a reaction to the decreased presence of the United States in Europe and its reduced willingness to solve Balkan-style problems for its European allies (Brooks and Wohlforth 2005, 91). By contrast, the neo-functionalists that are typically associated with the liberal theory of international relations did not foresee integration extending to military matters, but rather believed that the EU would remain a civilian actor. In the view of Haas, the spill-over effect would not create pressure for defence integration. For him, the spill-over of integration from one field to another was not based on economic determinism but rather on changes in the attitudes of key decision-makers and interest groups (Schmitter 2005). Yet, the neofunctionalist theory remained underspecified. In fact, it is possible to discern different logics of spill-over (Niemann 2006). Although theoretical analysis of the CFSP is scarce, we can identify and develop explanations of its emergence that can be linked to broader IR theories, but the analysis of this study will follow to explain the institutionalist dimension of the EU crisis management, through the Commission and the Council Secretariat.

### **The Institutional Approach**

The creation of the EU's crisis management architecture has been an amazingly swift process that has considerably enhanced the EU's options for pursuing its external policy goals. In rapid succession, the European Council meetings between 1999 and 2001 fleshed out the basic architecture of the crisis management capability in the Council Secretariat. By 2003, the first ever EU crisis-management mission – the EU police mission (EUPM) – had deployed to Bosnia and Herzegovina (BiH) with the task of monitoring, training and inspecting the Bosnian police forces. Between 2003 and 2006, 16 further missions with military, rule of law, security sector reform, police and monitoring mandates were sent to crisis regions across the globe (Hansen 2006). At the same time, the European Commission also considerably expanded its conflict prevention and civilian crisis-management activities within its development and external relations policies.

In terms of competences, the EU's activities in the crisis management and peacebuilding sphere are divided into first-pillar Community actions and second-pillar civilian and military crisis-management missions. While the former generally take the shape of longer-term institution-building projects, the latter are mostly short- to medium-term military or civilian missions aimed at operational capacity-building. Having at its disposal both military and civilian instruments (short-term missions as well as longer-term projects), the EU is widely seen to be in a unique position to provide an integrated approach to peacebuilding (Wallace 2005, 491).

Therefore the two main institutional actors of EU crisis management, the Council and the Commission, have both expanded their competences and activities in this field.

#### *The Commission*

The long-standing experience of the European Commission in the realms of crisis prevention and post-conflict reconstruction is currently nearly eclipsed by the highly visible deployment of second-pillar ESDP missions. Moreover, European Commission assistance to countries at risk of violent conflict remains the bulk of stabilisation, relief and rehabilitation as well as development assistance programmes pursued by the Union (Commission 2001c). In addition to the Community's traditional long-term strategy of preventing conflicts through development, political dialogue and trade, the European Commission has considerably expanded its activities in the areas of direct conflict prevention and crisis management in recent years. Within the Commission's general remit to develop and consolidate democracy, to promote the rule of law and to foster the respect of human rights and fundamental freedoms enshrined in Art. 130 TEU, the link to crisis response activities has become particularly prominent: measures to promote good governance, the rule of law and

democratisation are increasingly carried out in the context of preventing conflict and dealing with its consequences(Commission 2001a).

The European Commission, having been for most of its existence profoundly uninterested in security issues, has subsequently assumed competences in the security field that range from security-sector assistance programmes to the funding of security- and defence-related research(Commission 2004b). The further integration of clearly security-relevant policies into the Commission's external assistance programming progressed by bringing conflict prevention concerns into traditional policy domains. Through slowly but steadily expanding its range of activities over the past decade, the European Commission has a vast number of instruments and funding mechanisms in the field of peacebuilding at its disposal today.

### *The Council*

In contrast to the Commission, the European Council and especially its, General Secretariat, has constructed a whole new security architecture from scratch that today comprises civilian, police and military mission support and strategic planning capabilities. Despite serious and continuing military-force generation delays and initial lags in building up the civilian part of its crisis management infrastructure, the Council deployed 16 civilian and military ESDP operations with a wide variety of mandates between 2003 and 2006(Council 2004a). With mission mandates quickly expanding from traditional military stabilisation and police advisory roles to the rule of law, security sector reform and civilian monitoring tasks, the Council's new crisis-management architecture has had to rapidly diversify and consolidate its organisational base(Council 2003d).

The Council, faced with the task of instituting a completely new function within its structure, has both improvised with new structures and quickly exported the resulting organisational solutions to new policy fields. During this difficult transition from being a 'political' body to becoming an 'operational' one, the Council Secretariat has thus pursued the logics of both exploration and patchingup. Following a first explorative phase in which the Council built up its civilian crisis-management architecture and deployed its first police missions, it transposed the instrument of civilian short-term crisismanagement missions into a broader range of uses. Starting out with only a moderate planning capability for police missions, the Police Unit, the Council rapidly expanded the conceptual scope and range of civilian crisis management to include a whole new host of civilian ESDP operations(Darwin 2004).

These different kinds of Council missions all belong to a single generic model of civilian crisis management: they are modelled on the concept of short-term advisory and training missions, which first gained ground in Europe in the context of, for instance, the early Western European Union's Police Advisory Mission to Albania (MAPE) between 1997 and 2001. In subsequent years, this organisational solution of a short-term civilian police mission was exported to the fields of civil administration, security sector reform, civil protection, monitoring and the rule of law.

In the end, the Council Secretariat has been able to increase substantially its standing and competence base for civilian crisis management. In contrast, regardless of the comparative advantages of resources, experience and established organisational structures on the side of the Commission, its activities have received considerably less attention. Observers have characterised this process as the "second-pillarization" of EU crisis management(Bono 2004).

## **The EUPM**

### Planning

The launch of the EUPM made the EU's commitment to develop autonomous, civilian crisis-management capabilities operational. It was the Union's first ever crisis-management operation within the framework of the CFSP. The planning of this mission was "an important learning experience for the EU and the first test of its crisis management concepts,

procedures and instruments”(Council, Commission 2003). Thus, the lessons drawn from its establishment are relevant for not only police operations, but also for other civilian and military crisis-management operations.

The EUPM officially started on 1 January 2003 with a three-year mandate, although the Planning Team was preparing the transition from the IPTF mission from 2002(Council 2002). The Planning Team and the Police Unit (within the Council Secretariat) were in charge of the formulation of the concept of operations. It has to be noted that the EU did not have any ‘manual’ for crisis management procedures at that time, but was in the process of drafting these procedures(Council 2003a). It effectively had to ‘learn by doing’ the tasks of how to launch an operation from scratch. Nevertheless, the planning of the EUPM demonstrated the convoluted character of the decision-making process surrounding the launch of an EU operation, with several bodies involved in Brussels from the working group level to the Council of General Affairs and External Relations. Thus the launch of an operation is also complicated by two other factors: financial arrangements and non-member states’ contributions. As regards the first issue, although the financing of the EUPM was agreed among the member states without too much trouble, some problems arose concerning the operational costs of the mission(Misroli 2003). As regards personnel, this operation was staffed with around 500 police experts from the 25 member states and from 9 non-member states(Merlingen 2005, 9).

#### The Legacy

The EU expressed its readiness to take over from the UN police mission, the IPTF, in early 2002. The IPTF, which had been working on the reform of the police structures in the country for seven years (1996–2002), was an executive police mission with police officers in the field to support the implementation of the rule of law in BiH. One of its main tasks was to carry out a “certification process” with the objective of creating an independent and legitimate police force under the rule of law(Celador 2005). The EUPM was conceived as a mission of a different nature. Allegedly, once the certification process had been finalised, what was needed in BiH was not an executive mission, but a mission to monitor and advise the process of reform of the Bosnian police forces, placing the emphasis on institution-building and sustainability, and bringing the country closer to its prospect of joining the EU. From the outset, the EUPM sought to detach itself from the IPTF’s legacy, which proved to be difficult. First, the certification process had not been completed, and that caused some troubles for the EUPM. Second, the EUPM did not establish new programmes, but took over most of the IPTF ones. Third, most of the EUPM’s personnel in the first rotation (police officers and civilian experts) had been previously employed by the IPTF. The head of mission had also been the former IPTF head of mission. This arrangement was meant to facilitate the transition from the IPTF to the EUPM, by taking advantage of the IPTF’s experience. In practice, it was difficult to change the officials’ mindset from one day to another(Osland 2004, 553). This problem of focus was not sorted out until the summer of 2004 when a conference in Neum (BiH) was held. From then on, the EUPM started to adjust its organisational structure to a more programmatic management approach based on monitoring, mentoring and inspecting, and it introduced a benchmarking system.

#### The effectiveness

The EUPM operated as the leading project in the field of police reform, as part of the programme of rule of law reform launched by the high representative in BiH, with the aim of creating independent, professional and sustainable police forces. The goal of the EUPM was “to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice”(Council 2002). The EUPM had strategic objectives in four areas, the development of police independence and accountability, the fight against organised crime and corruption, the financial viability and sustainability of the police forces

and the enhancement of institutions and capacity-building. These objectives were pursued through programmes on seven themes: Crime police, Criminal justice, Internal affairs, Police administration, Public order and security, SBS and SIPA.

The role of the EUPM in the country became even more important following the preparations for BiH to initiate negotiations on the Stabilisation and Association Agreement. The EUPM, together with the high representative/EUSR, advised and participated in the negotiations on the police restructuring. The EUPM had the mission of educating, instructing, assisting, monitoring and advising local police. That is, the EUPM pursued a longterm, institutional reform programme aimed at producing a change in the police structures (Merlingen 2005, 8). It was not just about providing a quick relief to a crisis situation, but strengthening institutions, capacity-building and the sustainability of the Bosnian police forces. In dealing with the reform of the Bosnian police forces, the EUPM encountered several problems arising from the difficult local circumstances in which the mission had to operate. According to Osland (2004), “the EU may learn some hard lessons regarding resources, mandate etc. connected to the institutional establishment of the EUPM. Nevertheless, it is the legacy of the war in BiH that represents the greatest obstacle to the success of the EUPM” (Osland 2004:553). This legacy includes organised crime, corruption and hardliner nationalism (Osland 2004). The EUPM’s activities (2003–05) took place in the context of an ethnically fragmented country with an unsettled political situation and a fragile economy. On the other hand, some of the weaknesses of the EUPM projects can be reduced to the fact that they did not take into account the local circumstances in which the projects were to be implemented. As Merlingen & Ostrauskaite (2005) note, “the challenge of devising reform programmes that take account of local circumstances and locally defined needs has so far not been taken seriously enough by ESDP police reformers” (Merlingen 2005, 13). The EUPM’s mandate ended on 31 December 2005. The Council then decided to extend the mission for two more years. The subsequent mission launched in January 2006 till December 2007, which was more limited regarding its personnel and objectives: it focuses on assisting police reform, combating organised crime and supporting the capacity-building of the SIPA and SBS, which seems a more realistic mandate (EUPM 2006). The new EUPM mission had a stronger, more proactive role in the fight against organised crime, assisting the local authorities in planning and conducting organised crime investigations, following from the seven principles agreed among the EUPM, EUFOR and the EUSR. Following its last extension and presence as monitoring, the EU closed its last operations on 30 June 2012.

## **The EULEX**

### *The Planning*

EULEX was established in February 2008 (Council Joint Action 2008) but it became fully operational only on 9.12.2008 (Dzihic and Kramer 2008). Anticipating that the status talks would have some results that would at least lead to a significant transfer of responsibilities from UNMIK to the European Union, the European Union had already established a European Union Planning Team (EUPT) in 2006. It was clear from the beginning of the status negotiations that the formal solution of the status issue must be followed by a fundamental reorganisation of the international community’s operations in Kosovo and, therefore, those of the EU. According to the international plans, after the declaration of independence UNMIK was to be succeeded by an international mission undertaken by the EU, as it was detailed in the Ahtisaari plan. The EULEX was conceived as the EU’s biggest ever civilian foreign mission and is intended to support Kosovan institutions in the area of the rule of law, and its mission objective was (i) to initiate planning to ensure a smooth transition between selected tasks of UNMIK and a possible EU crisis management operation in the field of rule of law and other areas that might be identified by the European Council and (ii) to

provide technical advice for the EU to contribute to support and maintain dialogue with UNMIK as regards its plans for downsizing and transfer of competences to local institutions(Council 2006a). The legal basis for the mission was created in a Joint Action resolution of the European Council of 4 February 2008. One fundamental difficulty facing the EULEX mission from the outset was the fact that the “reconfiguration” of UNMIK – in other words, the reduction of personnel of the UN mission and the redistribution of tasks and competences with EULEX in the transitional period – was only vaguely conceived and above all suffered from a lack of legal clarity. The mission includes around 3,200 police and judicial personnel (1,950 international, 1,250 local) and began a four month deployment process on 16 February 2008. In September 2012, EULEX's mandate was extended to 2014.

### The Legacy

The deployment of EUPTK was made within the framework of Resolution 1244 and was legally based on an invitation made by UNMIK SRSG Jessen Petersen who in a letter dated 4.4.2006 to the EU Secretary-General/High Representative had welcomed the EU's engagement in the discussions on the future international engagement in Kosovo and had invited the EU to deploy EUPT to Kosovo(Council 2006b). No formal consent from the Kosovo authorities was required at that time, as the PISG were operating under the legal authority of Resolution 1244. As of March 2007, when the Ahtisaari Plan was submitted to the United Nations for consideration, EUPTK became very active in discussions between UNMIK and the Kosovo authorities concerning the transfer of responsibilities and necessary amendments to existing legislation and changes to administrative structures, which would reflect the Ahtisaari Plan. While status talks were continuing at the political level, joint UNMIK-PISG working groups, supported by representatives of EUPTK and the International Monetary Fund, revisited existing legislation in accordance with the Ahtisaari Plan to make sure that, once the Plan is endorsed by the Security Council, a quick and smooth transfer of responsibilities would be possible.

Soon after the Ahtisaari Plan was submitted to the United Nations, it became evident that a consensual solution to the Kosovo status was not possible and that the Ahtisaari Plan would not be endorsed by the Security Council. It also became very clear that the US would strongly support a unilateral declaration of Kosovo. Divisions among EU Member States on the question whether to recognize an independent state of Kosovo emerged and five EU Member States declined to recognize Kosovo in the event of a unilateral declaration of independence (Commission 2008). Despite US political pressure, and the support of most EU Member States, for Kosovo to declare independence and to unilaterally assume the legal obligations under the Ahtisaari Plan, there was a clear risk that following Kosovo's declaration of independence, due to internal divisions in the EU, it would become impossible for the EU to agree on and deploy the ESDP Rule of Law Mission as envisaged by the Ahtisaari Plan. It would also expose the EU as being incapable of speaking with one voice in foreign and security affairs concerning a territory which is geographically in Europe(Council Joint Action 2008). This dilemma was resolved by the European Council of Foreign Ministers who rushed through the joint action establishing EULEX before Kosovo's declaration of independence, thus at a time when at least no EU member would object to the establishment of EULEX. The adoption of the joint action establishing EULEX under Arts. 14 and 25 of the Treaty Establishing the European Union was only possible in view of the agreement that EULEX would only be staffed on a voluntary basis and thanks to the possibility for constructive abstention under Art. 23 (1) of the Treaty Establishing the European Union. The mandate of EULEX as set out in the joint action is almost identical with the provisions of the Ahtisaari Plan on the CSDP Rule of Law Mission. EULEX's task is to monitor, mentor and advise Kosovo institutions in all areas related to rule of law and to investigate, prosecute, adjudicate and enforce certain categories of serious crimes(Dzihic, Kramer 2008,9)

### The effectiveness

The European Union Rule of Law Mission in Kosovo (EULEX) is the largest civilian mission ever launched under the Common Foreign and Defense Policy (CFSP). Its mission is to assist Kosovo authorities, judicial authorities and law enforcement agencies in their progress toward sustainability, accountability, multi-ethnicity, freedom from political interference, compliance with internationally recognized standards, and compliance with European best practices (Eulex Report 2010)

These important aims define a shared vision for the future of Kosovo's rule of law institutions, a vision that EULEX would help to achieve. Moreover, it sets out an agenda for Kosovo's European perspective. The initial mandate was for 2 years but the mission is foreseen to be terminated when the Kosovo authorities have gained enough experience to guarantee that all members of society benefit from the rule of law (CFSP 2010). Meanwhile, EULEX mandate was extended. EULEX officials have noted with optimism that the new cooperation will have new and positive results.

Its main bodies of activity are composed by the Justice Component, the Customs Component and the Police Component

#### - Justice Component

One of the central aims of the Justice Component of EULEX is to improve and strengthen Kosovo's judiciary to make it fully multi-ethnic, impartial, free from political influence and capable of holding fair trials according to international standards and best European practices. The Justice Component comprises about 420 people. Of this, around 70 people work in the prison system and there are more than 50 judges and around 30 prosecutors (Eulex 2011).

EULEX judges have accepted 185 criminal cases from UNMIK. These cases are complex cases that involve criminal preliminary proceedings, investigations, indictments, trials, appeals, extraordinary legal remedies and new trials. During 2010 the European Council noted with satisfaction the achieved results in promoting the rule of law by EULEX in Kosovo in a difficult environment of the judicial system and rule of law, including criminal prosecution and trial of criminal, sensitive and important cases mission played a significant role in strengthening stability in the region in accordance with its European perspective (Džih and Kramer 2008).

In theory it seems very simple, maybe a goal can be achieved very quickly. But it is questionable how EULEX doing its job, has changed the situation of the judicial system in Kosovo, and which is the contribution of EULEX in this regard? The judicial system remains fragile and as such should be changed and reformed in order to have greater effectiveness in its work and to overcome obstacles and resolve cases that are still waiting to many years to make a decision and to reach their conclusion. The issue of judicial reform is not taken seriously until now. Unfortunately, there isn't enough political will to any of the actors involved to speed up reforms in the judiciary. Already, it has become an urgent need to restructure the courts. Courts in the north that were closed in 2008, are not fully operational (ibid). EULEX judges and prosecutors in Kosovo have a duty to assist the judicial authorities for their principle towards sustainability and accountability and in further developing and strengthening an independent multiethnic justice, ensuring that these institutions are free from interference policy and respect the standards that are internationally recognized and European best practices (Eulex 2011).

#### - Customs Component

A very important component which directly affects the reduction of the level of organized crime is a component of EULEX Customs. Currently the customs component consists of 175 international and 27 local staff. Customs still remain a weak point that needs improvement. Kosovo still has large contraband which is multiethnic, but in fact it seems that most of it happens in the north of Kosovo and this problem should be solved as soon as possible.



### - Police Component

The EULEX Police Component has a total strength of approximately 1.400 International police officers, deployed all over Kosovo. The personnel are structured according to their respective tasks in three departments: Strengthening Department, Executive Police Department and Special Police Department. The Police Component is part of the overall EULEX support to the Kosovo authorities in the rule of law area.(EULEX 2012). Police Component is the largest component and which is considered as the most successful in its work. The personnel are structured according to their respective tasks in three departments: Strengthening Department, Executive Police Department and Special Police Department. As in all of Kosovo, also in the north EULEX has component of monitoring, mentoring and advising Kosovo Police. But EULEX also has some corrective powers in relation with the performance of KP, as part of it's executive mandate. Police investigations and operations that fall under the executive mandate of EULEX (high-level corruption, organized crime, war crimes, etc.) are being executed by EULEX police. Since this mission is still ongoing there is no date for its ending, although many believe that it will last till the end of 2014 and after that a new mission based on model of EUPM 2, with less executive functions but with more advising and monitoring functions, which will trace the integration future of Kosovo.

### **Evaluating the missions**

Analyzing the EU capability of crisis management through its first mission the EUPM and its largest EULEX can be evaluated in different ways. Taking account the analyze of this study we can find out many commons with each mission but also there are many different approaches from which they can be seen. In the first stance I argue that at the first mission, EUPM, the EU can be evaluated as "learn by doing" for the fact that it had the task of planning and implementing. The 'first mission' factor also introduced a degree of pressure on the operationalisation of the mission because from the planning to the implementation stage, "it had to be a success". Problems with the planning, coordination and an ambiguous mandate can be explained in this way. The EU is still very much in the process of building its civilian crisis-management capabilities. In the case of the EUPM, there was a long lead-time to prepare the mission, but the EU will not always have so much time. Thus, the EU needs to streamline its structures and speed up its crisis management procedures to be able to respond in an effective manner to international crises. To overcome fragmentation at the decision-making level as well as on the ground, a holistic approach to crisis management is also required. As far as shortfalls in personnel and finance are concerned, the main difficulty in this respect has been the lack of strong commitment from the member states to provide the necessary resources to the EU civilian crisismanagement operations – although it is worth noting that these hindrances have also been experienced by other organisations such as the UN and OSCE

In the case of EULEX there are a complex of components that influenced the mission since its preparatory phase to the implementation one and the fact that the outcomes cannot be well evaluated due the mission is still ongoing. Although by taking account the current continuity I argue that at first stance the EU faced many problems from Kosovo disputed status to the preparatory of unilateral declaration of independence and the strong influence of UNMIK in the fields that the mission was going to exercise its functions. During the preparatory phase it was created the EU Planning Team of Kosovo(EUPTK), which would exercise the transition of executive functions that UNMIK had to the new EULEX mission.

Another issue that affected the preparatory phase was the negotiations of Kosovo status. The EU was able to come up with a common decision for the unilateral independence of Kosovo, due the fact that its role through the EULEX mission should have been neutral.

After its official starting, the mission faced many problems relating the limited coverage of the government of Kosovo, mainly in the north, the low citizens support due the previous international organizations activity, mainly by UNMIK, problems relating corruption and organised crime an furthermore. All this issues that the mission started to deal were seen as challenges for the real outcomes that would have been perceived, but also they have fitted the political factor and the society in general with real state-building capacities and democracy to manage this transition toward the future process of integration of Kosovo in the EU. In sum, a better system for integrating the lessons learned is required if the EU wants to improve its still 'fresh' policing capabilities in order to play a distinctive role in crisis management.

### **Concluding Remarks**

To evaluate the EU capability of crisis management implies different methods and approaches. First who have to evaluate the theoretical approach, wich in our case showed the incomplete capability of the IR theories to explain the formation of a common defence and security policy of the European Union, but also explained many assumptions that comply with different explanations for its further evolution. By taking account its newly applicability we have seen that after the first police mission (EUPM) in Bosnia and Herzegovina, there has been a boom of ESDP missions through many countries were a post/preventing-conflict assistance was needed.

Another aspect of this study was the evaluation of the institutional frame of the EU wich showed the implications between the Commission and the Council. Both this EU bodies, implies different mechanisms in the process of decission-making and in the implementations for each mission. We have seen that in some cases an interactions between them traced out the best outcomes needed for a certain purpose, and in other cases it seemed a narrowly "collision" of their actions.

The EUPM and EULEX missions, that were taken account for our study, can show that both have implied to a certain degree a transformation in the EU capability as a global security actor, and of have improved the actual regional security enviroment of the Western Balkans and further.

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