

Neo-Functional Peace: The European Union Way of Resolving Conflicts*

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The European Union has expanded its role in preventing conflicts and building peace, but its institutional practices remain insufficiently conceptualized. This article argues that, drawing from a strong self-perception toward a neo-functional interpretation of its own history, the EU uses 'neo-functional peace' as an approach for resolving protracted disputes, through deconstructing highly political issues into technical meanings in order to achieve mutually acceptable agreements. This article explores the EU's efforts to normalize relations between Kosovo and Serbia, and examines the reliance on aspects of neo-functionalism for building peace after protracted disputes. We argue that neo-functional peace has played a crucial role in normalizing political relations and reconciling some of the outstanding disputes between Kosovo and Serbia. Building on this case study, we suggest a theoretical concept of neo-functional peace as a useful means to conceptualize the EU's peace support practices.

Keywords: neo-functional peace; EU; conflict resolution; Kosovo; Serbia; implementation

Introduction

In the past ten years, the European Union has increased its role in resolving conflicts and building peace in its neighbouring regions and beyond. Since 2003, the EU has launched more than 30 Common Security and Defence Policy (CSDP) operations and EU representatives have taken part in hundreds of peace negotiations, both formal and informal (Blockmans *et al.*, 2010). The EU itself considers that by drawing on a unique range of instruments, it has already contributed to 'a more secure world' (European Commission, 2003). However, analysis of EU peacebuilding practice has placed EU practice almost entirely within traditional instruments of security governance, such as conflict prevention and mediation, crisis management, post-conflict stabilization and normative frameworks, such as human rights, human security and civilian protection (Merlingen and Ostraukaite, 2006). The EU peace support agenda is seen as an extension to the UN's understanding of building sustainable peace through restoring security, strengthening the rule of law, supporting democratic processes, delivering humanitarian assistance and supporting economic recovery (UN General Assembly and Security Council, 2009).

While the existing literature on EU peacebuilding examines the extent to which the EU seeks to, or succeeds in, exporting norms around democracy, human rights, open markets and the rule of law, less work has been done exploring the EU's focus on exporting its own internal approaches of conflict resolution to external contexts (see Tocci, 2007; Bergmann and Niemann, 2015). Chris Bickerton (2011, p. 2–3) argues that EU foreign

*We are grateful to the JCMS editors and the three anonymous reviewers for their valuable comments. This research was partly supported by a Marie Curie International Research Staff Exchange Scheme Fellowship within the 7th European Community Framework Programme (Grant no: PIRSES-GA-2011-295232).

policy should not be studied from the perspective of international politics, but should be 'understood through a study of its internal functions within the fragmented and incomplete political order of the EU'. In line with this argument, we argue that the EU's peace support operations should not only be studied through the lens of liberal peacebuilding frameworks, but should also be seen as self-mirroring of its internal dynamics of neo-functional integration and consolidation. Thus, 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.

This article begins with discussion of how the existing literature on EU peacebuilding and on EU foreign and security policy disregards neo-functionalism, notwithstanding its repeated use as an explanatory framework by senior EU politicians when invoking their own history as a model for other world regions. Most recent work published in this journal (Economides and Ker-Lindsay, 2015; Bergmann and Niemann, 2015) situates the EU's peace-making efforts within the Europeanization context and engages insufficiently with the neo-functionalist assumptions that underline EU peace support practices. The article makes the case for using neo-functionalism as a framework to explain the EU's strategy for dealing with protracted disputes. Despite its overshadowed academic relevance, neo-functionalism continues to be an underlining frame of reference and culture of practice among EU policy-makers and bureaucrats (Council of the European Union, 2009). Therefore, it is crucial to explore empirically the effectiveness and situational adaptation of neo-functionalism to guide the EU's external actions and peace support policy.

The second and central part of the article conceptualizes the EU's neo-functionalist peace efforts based on a study of the EU's approach to normalizing relations between Kosovo and Serbia. Kosovo is a representative case of the EU's approach to resolving disputes in the context of enlargement and neighbourhood policy. The analysis focuses on EU negotiators' application of a neo-functionalist logic, through the combination of technical and political negotiations in an attempt to resolve questions of sovereignty, inter-state relations, minority protection and regional integration. Recently, Robert Cooper (2015), who led the technical dialogue, summarized the 'EU method' in the dialogue between Kosovo and Serbia as 'seeking peace through practical cooperation rather than through grand rhetoric about the brotherhood of mankind ... This is the method invented with the Coal and Steel Community'. This article examines neo-functionalism's potential to conceptualize the EU's attempts to deconstruct sensitive political questions into acceptable piecemeal agreements which pave the way for wider solutions, and it explores the contextual factors that were conducive to allowing such a neo-functional approach to emerge.

We argue that the EU's neo-functionalist approach has played a crucial role in initiating the normalization of relations between Kosovo and Serbia, and in resolving a range of outstanding political disputes. Building on the Kosovo case, the article outlines a number of constitutive features that encapsulate this neo-functional approach, including suitable background conditions; the path-breaking role of technical dialogue and low politics; the emergence of high-level political dialogue as a spillover effect of technical dialogue; ambiguous meaning and co-existence of multiple intentions; and the prioritization of process over outcomes and impact. The article shows how neo-functional peace can be driven by local actors and can preserve for external actors a process-driven facilitation role rather than the imposition of a particular external model, thus potentially providing

a compromise between liberal and critical approaches to peacebuilding. The article traces these aspects of neo-functional peace through policy discourse analysis and interviews with EU and local officials.

I. The EU Peace Support Agenda: Making Space for Neo-functionalism

In the past two decades, EU engagement in external affairs has used a combination of instruments related to peacebuilding, crisis management, conflict prevention, development aid, conditionality and enlargement or associative policy (European Commission, 2003, p. 1). While this is often referred to as a 'comprehensive approach', the EU does not have a clearly defined peace support concept. The literature on the EU peace support agenda is dominated by liberal peacebuilding frameworks, which focus on the importance of remaking security structures, building state institutions, liberalizing the economy, promoting civil society and the rule of law (Blockmans *et al.*, 2010). The UN's comprehensive approach to conflict prevention is defined by the UN itself as

operational and structural measures for the prevention of armed conflict and address[ing] its root causes, including through strengthening the rule of law at international and national levels and promoting sustained economic growth, poverty eradication, social development, sustainable development, national reconciliation, good governance, democracy, gender equality and respect for, and protection of, human rights. (UN Security Council, 2014, p. 2)

However, Richmond *et al.* (2011) argue that the EU's peacebuilding framework does not yet represent a coherent intellectual project and relies on existing liberal peacebuilding projects, such as that of the UN. European Security and Defence Policy (ESDP) operations have focused on aspects of liberal peacebuilding, such as civilian assistance, rule of law and policing reforms, considered to be part of the stabilization and democratization agenda (Merlingen and Ostrauskaite, 2008; Visoka, 2016). Discussions on EU crisis management often reproduce debates on UN peacekeeping, peace enforcement and peacebuilding (see Schroeder, 2011, p. 130). This is evident in the EU's civilian peacebuilding framework, consisting of civilian protection, disaster relief, rule of law, civilian administration and social services (Merlingen and Ostraukaite, 2006, p. 47). The EU's engagement in building peace from the perspective of liberal peacebuilding provides some explanatory basis for EU practices; however, it does not provide an adequate framework to analyse the choices made by EU actors or the strategic tools that policy-makers invoke to resolve disputes or build peace.

The EU's approach to constructing peace is different to that of other international actors, mainly due to the contextual factors regarding how it has transformed internally, how its complex institutional and multi-layered governance works and what capacities, norms and practices it invokes in dealing with external situations (White, 2004, p. 15). The EU's strong self-perception in this regard is, however, not sufficiently analysed. The EU is often considered a normative and civilian power that intends to resolve problems through co-operation, engagement, non-military means, economic instruments, normative conditionality and multilateralism (Manners, 2002). This does not exclude EU attempts to build its military capability and interventionism, or its pursuit of its own interests in trade relations and development aid; nor does it rule out the politics of pre-emptive securitization (Merlingen and Ostrauskaite, 2008). The EU's motivation for supporting peace processes abroad is related

also to stabilizing surrounding regions and mitigating threats to internal security (European Commission, 2003, p. 10). Most importantly, the EU's ability to project its own 'normalness' in the realm of norms, institutions and practices constitutes an important capability for the EU to mirror its internal collectively perceived self, to influence political processes in its border regions and beyond (Lucarelli and Manners, 2006).

At the heart of the EU's self-declared 'comprehensive' approach lies an embedded assumption that, in many cases, the most suitable framework to resolve regional conflicts and insecurity is the externalization of neo-functionalism, which, from the perspective of key EU actors, was the main impetus for the formation of the EU and consolidation of peace in Europe (Tocci, 2007). However, neo-functionalism has not been used sufficiently to analyse the EU's peace support actions. The domination of new alternative accounts, such as liberal intergovernmentalism and trans-governmentalism, in explaining the EU's common foreign and security policy, as well as the complex unfolding of EU enlargement, development, and peacebuilding policies, have overshadowed neo-functionalism's space in exploring developments in EU peacebuilding (Ojanen, 2006). An exception is Schroeder (2011), who has developed an account of the internal horizontal organization of EU security governance. However, the externalization of a neo-functionalist approach to resolving disputes and constructing peace remains under-researched across different epistemic debates on the EU. There is a tendency to avoid neo-functionalism, because it can be associated with technocracy based on universal blueprints, privileging of external knowledge and imposition of frameworks for governing societies. Critical scholars have urged a shift from technocracy as a method of resolving conflicts and seek greater space to support local peace processes, based on local needs, interests, customs and culture (see Mac Ginty, 2012). While technocracy in peacebuilding risks creating homogeneity of peacebuilding tools when deployed inadequately, external assistance can have a facilitative and peace-enabling role if it is deemed suitable by local actors and if it manages to transform local hostilities through dialogue and peaceful means (see Richmond, 2014).

As a middle-range theory, neo-functionalism accounts for the incremental convergence of self-interest through economic and technocratic co-operation in a particular sector, which then can spill over to other sectors and enable broader political co-operation and integration (Haas, 1958). Neo-functionalism, notwithstanding the limits of its explanatory power, remains an important part of the explanation of the EU integration process, the expansion of political and economic co-operation and the institutional setting of the EU (Jensen, 2014, p. 60). In the EU context, neo-functionalism has been useful in explaining European political and economic integration (Jensen, 2014, p. 65). In the security sector, neo-functionalist logic explains the externalization of internal security, such as justice and home affairs with peacebuilding in the Balkans, illustrating how the linkage between internal and external security is a logical consequence of the process of European integration' (Politi, 1997, p. 10). The increased role of the European Commission in merging peace, development and security speaks to the neo-functionalist evaluation of EU governance of external security. Neo-functionalism, therefore, is not only relevant for theorizing regional integration, but can also help us understand the EU's peace support practices.

One useful pathway to escape the perennial disagreements between neo-functionalism and intergovernmentalism is to avoid the agency-structure aspects of these theories, pull out their constitutive elements and observe how they are used by EU Member States and EU institutions in advancing the EU's peace support agenda. Central to neo-functionalism are spillover effects, elite socialization, loyalties, harmonization of policies and new

forms of interdependencies (Jensen, 2014, p. 62–3). Spillover signifies deepening and expansion of co-operation from one sector to other sectors, which requires both political and technocratic commitment (Schmitter, 2004). Neo-functionalism explains sectoral transactions, creates a gradual entanglement of relations between state and non-state actors and shows a pathway to the creation of co-operation and joint higher authority (Haas, 1958). It makes space for the agency of technocrats and political representatives, whereby elite socialization is seen as a consequence of these interactions, which may result in the formation of new political goals and mutual commitments while preserving national self-interest. Nevertheless, neo-functionalists are aware that ‘integration can turn into disintegration’ if pragmatic projections and interest maximization are not reinforced by other political forces (Haas, 1968, p. xxiii).

There are neo-functional elements in the EU’s peace support agenda. The Concept on Strengthening EU Mediation and Dialogue Capacities explicitly states that EU involvement in mediating conflicts abroad is based on its ‘own experience as a project of peace’, combined with a wide range of political and financial resources and technical expertise (Council of the European Union, 2009, p. 6). Our interviews with EU officials confirmed that their organizational culture contains aspects of neo-functionalism in all areas of operations, including the everyday problem-solving negotiations, issue-linkage and spillover effects (Interview with a former EU official, June 2015). The EU’s comprehensive approach to external conflicts is mainly carried out by experts working for EU institutions, with partial autonomy from the EU Member States. The internal culture – especially the conversion of political aspects into technical solutions – is evident in the EU’s engagement through technical co-operation in conflict prevention, peacebuilding and crisis management (European Commission, 2010). For example, the guiding principles for the implementation of the EU’s Instrument for Stability (IfS) reflect a neo-functional view in highlighting ‘linkages between internal and external dimensions of security policy ... enhanced integration between cooperation instruments and political actions’, and such interventions tend to involve experts from the EU Member States (European Union, 2014, p. 5). The EU’s neighbourhood and enlargement policy is another example of the EU’s neo-functional assumptions impacting its comprehensive approach to ensure that in the process of EU integration, countries in the Western Balkans and across the eastern border of the EU resolve outstanding regional and internal issues related to sovereignty disputes in the region, using the pre-accession instruments through technical and financial assistance to try to resolve both country-specific and cross-border issues (Keil and Arkan, 2015).

This potential application of neo-functionalism to EU peace support actions needs more analysis, through detailed examination and conceptualization of these practices. In this article, we use Kosovo as an illustrative case study for conceptualizing neo-functional peace, which represents a unique convergence of a number of factors. Kosovo represents the first significant case of the EU’s consolidated involvement in resolving regional conflicts, which is situated in the context of the EU enlargement process and takes place in the country where the EU has deployed its largest ever CSDP operation, the EU’s Rule of Law Mission in Kosovo (EULEX). These factors increase the EU’s ability to use neo-functionalism as an approach to building peace. Most importantly, Kosovo has become a major case study to theorize the EU’s foreign policy and peacebuilding practices, and shares characteristics with other unresolved issues in the Western Balkans 2011, as well as aspects of contested statehood with the EU’s eastern neighbourhood (Bono, 2010; Economides and Ker-Lindsay, 2015; Bergmann and Niemann, 2015). Hence, it is important to expand these perspectives and show

how the EU has applied neo-functional techniques in normalizing relations between Kosovo and Serbia, where it has sought to resolve, through technical approaches, outstanding and sensitive political issues.

II. The EU's Approach to the Normalization of Relations Between Kosovo and Serbia

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 affirmation of Ahtisaari's proposal. This effectively pushed Kosovo to declare independence in February 2008 in co-ordination with the US and major European powers, and to implement unilaterally the Ahtisaari proposal under international supervision (Visoka and Bolton, 2011). While the situation in the north of Kosovo had been tense since the end of conflict in 1999, the declaration of independence affected it further – as evidenced by increased resistance among local Serbs, increased attacks on EULEX police and NATO peacekeepers – and triggered boycotts of the Kosovo government (UN Security Council, 2008; Crisis Group, 2008). Kosovo Police intervened in July 2011 to establish their authority in the northern customs points, which in turn triggered further resistance and low-scale violence. It was under these conditions that the EU chose to take a pro-active role and facilitate a dialogue between Kosovo and Serbia.

The origin of the EU-facilitated dialogue for the normalization of relations between Kosovo and Serbia was situated in another accidental historical factor, which, according to Nye (1965), needs to be taken into account when exploring neo-functional processes. Following Kosovo's independence in 2008, Serbia sent a question to the International Court of Justice (ICJ) for an advisory opinion on the accordance of Kosovo's declaration of independence with the international law. In July 2010, the ICJ ruled that 'the declaration of independence of 17 February 2008 did not violate general international law' (International Court of Justice, 2010, p. 8). Later that year, in its annual session, the UN General Assembly passed a resolution accepting the ICJ advisory opinion and called on the EU to facilitate a normalization process between Kosovo and Serbia, which was seen as serving peace, security and stability in the region, as well as the promotion of co-operation, the advancement of the EU integration progress and improvement of people's lives (UN General Assembly, 2010). 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 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, 2014). Ulrike Lunacek (2012, p. 150), a former European Parliament Rapporteur on Kosovo, argued that '[t]he 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, 2011c). 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, 2011c). 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. A former senior EU official, Stefan Lehne (2012, p. 8), argued that '[d]espite its name, the dialogue was not technical but highly political in character, as each of the issues discussed had its status-sensitive aspects'. 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 (Interview with a Kosovo government official, January 2015). 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 (Interview with a former EU official, June 2015). The EU tackled these sensitive issues under the mutually acceptable discourse of the rule of law as a key condition for EU integration (see Cooper, 2015).

Reducing the 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 EU held that 'the road to the European Union requires a number of things from everyone. It requires a lot of work on the technical issues that need to be addressed and it also requires us to move forward in a political direction with the whole of the European Union' (European External Action Service, 2011a, p. 2). 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 (Interview with a former EU official, June 2015). This neo-functional 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 (Interview with a Kosovo representative in the technical dialogue, April 2014). 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 co-operation 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 (Agreed Conclusions: Freedom of Movement, 2011; Agreed Conclusions: Civil Registry Book, 2011). 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 embargos (Agreed Conclusion: Customs Stamp, 2011). The agreement on integrated border/boundary management (IBM) 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 (IBM Agreed Conclusions, 2011). The Agreement on Regional Representation and Cooperation (2012) 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 (European External Action Service, 2011b). 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 co-operation 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 others' capitals, which paved the way for establishing *de facto* diplomatic relations in accordance with diplomatic norms and practices (Interview with a former EU official, June 2015).

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, 2011c). To achieve this the EU had to overcome deep disagreements among its Member States on Kosovo's political status (see Economides and Ker-Lindsay, 2010). 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 normalisation 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, p. 6)

The dialogue was, however, not simply a typical confidence-building exercise. The choice and design of incremental steps, following neo-functional 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 (Interview with a former EU official, June 2015). 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 in 19 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 (Crisis Group, 2013). 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 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 (Interview with a Kosovo-Serb civil society activist, May 2014). 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, p. 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 and 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, p. 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; Crisis Group, 2013). 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 (Agreed Conclusions: Freedom of Movement, 2011). 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' (Agreed Conclusions: Customs Stamp, 2011, p. 1). 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 (IBM Agreed Conclusions, 2011). 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' (Conclusions of the Chair: Liaison arrangements, 2013, p. 1). 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 (Interview with a former EU official, June 2015). 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, p. 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; Government of Kosovo 2015). Both Kosovo and Serbia ran into domestic legal and institutional complications, especially in cases which required legislative change. There is some evidence (but still limited to date) that the agreements have improved people's lives (BIRN, 2015). 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.

Conclusion: Toward a Neo-Functional Peace

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, p. 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. As it draws on a very strong self-perception within EU elites of the institution's own history, it is an approach which is likely to reappear. 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.

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