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**REFRAMING LEGITIMACY PROBLEMATIQUE:
EU CONFLICT RESOLUTION IN KOSOVO AND NORTH CYPRUS**

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Abstract

The paper attempts to bring the local agents in conflict zones to the fore in order to discuss whether and in what ways the EU constructs a legitimate agenda of conflict resolution not only for the international community and its own citizens but also in the eyes of the actual recipients. In this sense, it frames legitimacy *problematique through the local recipients' point of view* where the EU foreign policy is actually set to act. By doing this, it sets out the ground to bridge the gap on the one hand between EU foreign policy and fledgling theories of legitimacy beyond democratic nation-state. On the other, it brings insight from recent conflict resolution studies which call for 'peace from below' through genuine local contribution and consent for the EU conflict resolution. The paper aims at determining the effects of the local support and consent for the EU as the major conflict resolution actor on the broader peace and reconciliation process by comparing two grand projects of EU conflict resolution: Kosovo and North Cyprus. Based on field interviews, local news and documentary analysis, the paper takes variety and plurality of local stakeholders' perceptions into account. The paper argues that the EU is deprived of the 'ecumenical value' of legitimacy as the local actors are increasingly less inclined to consent the European agenda and withdraw support for the EU policies/representations on the ground.

European Union as a Conflict Resolution Actor

Starting in early 1990s, studies on conflict resolution have gained a new dimension due to the widespread claim that nature of conflicts has been transformed. It has been widely argued that new conflicts are not only about foreign policy, security or interests of a country but “about statehood, governance, and the role and status of nations and communities within states” (Holsti, 1996: 20-1). They derive from sustained perception of injustices and deprivation from basic needs of a certain segment of population within a state. Usually, protracted and systematic dispossession of main rights and needs leads to ethno-political mobilisation inside an established state. Naturally, such conflicts involve “struggles for access, for autonomy, for secession or for control” between ethnic or religious groups within a state (Miall, et. al. 2004: 31). It has also been argued that resolving such conflicts depends on creation of ‘sufficiently strong and effective formal institutional frameworks’ which are responsible and capable enough to meet the demands of all local communities even in the absence of external support (Rocha-Menocal 2010). Since the reluctance or incapability of state to grant such a framework is the reason of conflict, usually third parties are required to intervene in order to introduce new institutions or rearrange the existing ones to establish peace between communities.

Third party involvement is claimed to be necessary in order to address structural causes within the conflict societies such as underdevelopment and lack of democratic governance (Richmond 2010). Conflict resolution by third parties is, often, considered as a long-term strategy with a focus on local-capacity development and self-governance (Wyeth and Sisk 2009). The objective is ‘transforming the society by strengthening human security and addressing fundamental grievances, horizontal inequalities and other root causes of conflict’ (Rocha-Menocal 2010). Today ‘establishing security, renewal of government institutions, possibly sowing the seeds of democracy, and socio-economic rehabilitation and development’ are considered the main components of conflict resolution (Voorhoeve 2007: 23). Increasingly, these objectives are realised through a very popular agenda among conflict resolution community: building sound states based on good governance, i.e. respect for representation and economic development, which in Oliver Richmond’s terms culminated into liberal peacebuilding practices (Richmond 2010). In this regard, practices of conflict resolution combine all the efforts of social, economic and political levels and activities concerning mediation, negotiation, peace-building, state building, reconciliation and structural change.

The presence of the EU in the field of conflict resolution has mainly shaped within these emerging new international patterns of conflict resolution as a holistic long term strategy. Conflict resolution has become an area for which the EU particularly developed an interest and special

instruments as one of its most prominent symbols of international actorness and power especially after the war in Kosovo (van Ham and Medvedev 2002). The Treaty of European Union (Art 21(2)) reinstated the main foreign policy objective of the Union as preserving peace, prevention of conflicts and strengthening international security. With this aim in mind, the EU seeks to contribute to the transformation of international organisations, international law and principles related to practice of conflict resolution. The Union builds regional interests, creates geographical focus areas, tailor specific policies that directly intervene into the daily policy-making of local leaders with an aim to extend Europeanness (seen as a moral and political responsibility) and to secure the European zone of peace (strategic objective). The favoured approach of ensuring solution to the conflicts and maintaining peace is long-term structural engagement with conflict zones. At the heart of its approach lies 'liberal peacebuilding' through creation of democratic state apparatus, human and minority rights, citizen participation through creation of sustainable civil society building and market economies as remedies for under-development and repression which are considered as root causes of intra-state conflicts.

By engaging in conflict resolution this way, the EU is not only involved in re-definition of physical borderlines but also ideology, discourses, institutions, attitudes and agency of the parties to the conflict (Diez 2004). In reality, the EU gets involved in direct contractual relations, which are tied to strict conditionality and aims at altering perceptions of national identity and even creating new layers of identity (through Europeanization) and institutional rights (through offering integration) in order to bring a decisive settlement and facilitate reconciliation (Diez, 2003). In other words, through transferring the internal structures and values of third countries in return for benefits of integration, the EU aims at locking them in commitment for reform on democracy, human rights, rule of law and market economy and therefore solving long-lasting conflicts. While doing so, Europeanisation and EU integration prospect have become strong tools of conflict resolution between states (border conflicts) and between majority and minority populations (ethno-national conflicts) in the East Europe, the Balkans and Cyprus.

How legitimate is the EU agenda of conflict resolution through conditionality, integration perspective and state-building? To what extent the EU established an authority that relies on locally sourced legitimacy in conflict resolution? The answer for these questions first requires a reflection on the sources and objects of legitimacy of EU conflict resolution (or broadly EU foreign policy). The paper departs from the argument that whilst the EU has evolved from humanitarian aid provider to exercising top-down state-like responsibilities (with an ability to coerce for compliance and even exercising executive roles in some cases) in conflict-torn regions, constructing a legitimate authority in the eyes of local stakeholders has never become a major concern for the Union.

Moreover, the existing literature on EU conflict resolution mostly remains ignorant on the dynamics of interaction between locals and the EU on the one hand and among local groups on the other hand. Rather, the relationship between the local dynamics and the EU agenda of conflict resolution is usually subordinated to the analyses of the EU's normative power or the asymmetric power relationship between the local elites and the EU (due to conditionality power) and the mere presence of enlargement prospect as a positive impact on the emergent peace in the conflict zones. However, in practice, the EU method of conflict resolution mean that the EU chooses to establish top-down influence on local authorities' decision making and daily lives of local communities as a form of social and political engineering in conflict areas. The widespread claim in the literature and policy circles promotes the idea that EU external relations in its different forms are based on normative power, i.e. 'doing good' 'through rightful conduct' underestimates the agency of local actors who are the direct recipients of EU policies. Placing legitimacy into the right framework is necessary in order to reveal the actual source of the EU power and authority (or lack thereof) in the field of conflict resolution.

In this sense, the paper frames legitimacy *problematique through the recipients' point of view* where the EU foreign policy is actually set to act. With an attempt to bring the local agents to the fore, it discusses whether and in what ways the EU constructs a legitimate agenda of conflict resolution not only for the international community and its own citizens but also in the eyes of the actual recipients by generating consent and support from local groups. Relying on the emerging theories of legitimacy beyond nation-state, the paper offers a framework for analysis for the EU agenda of conflict resolution in two protracted cases of ethno-national mobilisation and secessionism: Kosovo and North Cyprus. Both cases display unresolved claim to independence based on similar grounds. However, the EU's reactions to Kosovo and North Cyprus considerably differ in terms of approach towards secessionist claim and level of engagement with the separatist side throughout the course of conflict. In case of Kosovo, the EU supported right to independent statehood, albeit reluctantly, and engaged in state-building on the ground with a distant possibility of EU integration. In North Cyprus, until recently, the EU denied any direct relationship with the authorities in the North Cyprus. The EU has consistently rejected any right to independent statehood for Turkish Cypriots and its main policy of conflict resolution, i.e. enlargement, encouraged reconciliation and reintegration under common state. Against this backdrop, it is likely that local actors in Kosovo would be supportive of the EU agenda while in North Cyprus security concerns and utility calculations (especially in the presence of a strong kin country, i.e. Turkey, supporting the secessionist side) would be determinant factors to affect consent and support for EU conflict resolution agenda. As revealed in the paper, dynamic and complex relations between the local

actors and the EU suggest deviating conclusions. One of the main reasons is that local constituency is varied and each group has its own agenda and power to alter, accept or challenge the EU on the ground. Based on analysis of three different types of local actors, i.e. political elite, civil society organisations, and public opinion, the paper offers a detailed insight into the complex construction of locally sourced legitimacy and subsequent impact of the EU on the overall conflict transformation.

The paper is divided into four sections. First section discusses the centrality of local actors and relevance of legitimacy framed through their perspectives. Second section offers an analytical framework derived from political theory and especially from theorisation of legitimacy for transnational governance actors. Third section aims at applying the framework to two grand projects of EU conflict resolution: Kosovo and Northern Cyprus based on the fieldwork conducted in last two years. Last section summarises the findings and argues how local stakeholders assert themselves as prominent factors of EU conflict resolution by consenting, adopting and/or rejecting, challenging the EU agenda of conflict resolution.

Legitimacy of EU Conflict resolution: for whom?

The EU conflict resolution goes beyond traditional peacekeeping which gives physical security prominence over long-term state and capacity building for societal reconciliation. The Union acts rather with a logic of 'institutionalisation first' (Schneekener 2011) that 'is directed at constructing or reconstructing institutions of [local] governance capable of providing citizens with physical and economic security' and approximate these institutions to European standards (Chesterman 2004). Often, the EU institutions find themselves increasingly in direct intervention into the daily social life as its long term conflict resolution agenda unfolds within local context. Through offering market access and membership which are conditional upon implementation of certain norms and institutional structures, the Union establishes a hierarchical control which is beyond democratic principles of representation and accountability. In some cases like Kosovo and Bosnia, the EU practice of liberal peace building has impacts on executive, judiciary and legislative aspects of local governance. Although the EU seemingly favours co-existence of indigenous political structures, usually locals are required to adapt to European-style liberal democracies. The EU claims that it avoids imposing its own agenda by leaving those countries free to progress at their own speed of adaptation while it constantly pressurises them to further their efforts to reform institutions in order to get various benefits that the EU offers (i.e. integration, trade preferences, financial aid, reputation etc.). In this sense, the EU agenda of political, economic and social transformation of conflict zones can rather be called 'constructive engagement' which is based on deployment of a wide variety of measures with an aim to transform local structures and societies ergo conflicts by bringing them in

line with 'Western-style' states. In this sense, practices of institution-building as a part of conflict resolution become what is acceptable and deliverable by the EU rather than what is needed and expected by the local constituency.

Interestingly, an outstanding part of the scholarly debate on the EU's foreign policy especially in its prominent area of conflict resolution has been ignorant on the local factor by emphasising the peculiarity of the EU's identity and instruments. More specifically, the EU was defined as 'normative power' due to ideational and value-based aspects of EU's external relations (Manners 2002; Manners 2006). After Manner's contribution, others followed the suit to discuss the EU's peculiarity as an actor and the distinctiveness of the European vision of world politics. Abundance of characterisations that are attributed to the EU such as civilian power, transformative power, soft power, norm-maker, cosmopolitan polity and many others tells us that the Union is deliberately narrated as a special subject of international politics. This academic construction of normative power and variations are also diffused into the formal policy documents as well as the popular discourses of the EU officials. As a result, legitimacy of the EU's power projection and authority in conflict regions is considered as a natural outcome of the effects of being a normative power and a role model.

However, EU's self-declared legitimacy as claimed to stem from its normative, value-laden nature is called into question by external partners and third countries (Lucarelli and Fioramonti 2010) and criticised due to its neo-imperialist connotations (Nicolaidis and Howse 2002) (Tocci and Hamilton 2008). Diez's contribution to the discussion is perhaps the most insightful by demythicizing normative power discourse. The author argued that the EU just constructs 'a particular self of the EU (and it is indeed perhaps the only form of identity that most of the diverse set of actors within the EU can agree on), while it attempts to change others through the spread of particular norms' (Diez 2005: 614). In short, it is now well-established argument that '[t]he representation and continuous reproduction of the EU -by EU actors- as a 'force for good' has created a sense of self-fulfilling prophecy' (Pace 2008: Loc 2783). The European values and normative European practices have become a desire, an etiquette of a specific image that the EU wants to project to the rest of the world rather than what is readily approved by the external world (Lucarelli and Fioramonti 2010). In this sense, the major problem associated with the existing literature claiming 'distinctiveness' of the EU foreign policy is the failure to separate the desired role and identity of the EU from the legitimacy as conceived and conferred by the external recipients of EU policies.

Some authors have recently offered a more realistic and intersubjective understanding of the EU's role in conflict resolution. Given the prominence of self-construction of the EU as a distinct normative power, many authors questioned whether such a discursive exercise of self-identity

construction would amount to actual power to transform and resolve various conflicts in the neighbourhood through the means of Europeanisation, conditionality, accession or association (Coppieters, Emerson et al. 2004; Tocci 2005; Diez, Stetter et al. 2006; Albert, Stetter et al. 2007; Noutcheva 2009). Some authors have found out that the limited positive influence is a result of the inherent practices of Othering the external parties through a hegemonic construction of the Self as normative (Diez and Pace 2007: 2). Others have demonstrated specific actors and circumstances outside the EU's control could have various effects on the transformative power of integration and association on the conflict resolution among which locals are worth paying close attention (Diez, Albert et al. 2008) (Coppieters, Emerson et al. 2004). The locals have the ability to cooperate with other external organisations and powers as to engender diplomatic, material and even military support for their own claims (Tocci 2005; Noutcheva 2009). Overall, many authors have attested through theoretically and empirically sound studies that contrary to the common expectation, there is not a straightforward relation between incentives, conditionality-socialisation and integration and transformation of conflicts¹. These studies share the main conclusion that the way in which local forces perceive normative power of the EU and their ability to resist the EU's agenda precludes the automatic impact of integration and/or conditionality-socialisation on conflict resolution (Diez, Stetter et al. 2006).

However, the EU's power in the hierarchical relationship with local actors is still allowed to define the scope conditions of EU-local actors relations in these works. In other words, these approaches which consider the impact of local forces, perceptions and separate agendas in conflict resolution rely on a top-down framework. As a result, the role of locals remain as secondary or intervening factors between the EU polices and the aimed successful conflict resolution outcome. Existing studies which reveal the indirect link between conflict resolution and various EU policies focuses on the acceptance or rejection of the normative EU as a framework and policies of EU conflict resolution by local actors. For instance, Diez and Pace state 'the reality that is enabled by this power [i.e. normative power] is a good or bad one depends on the normative stance of the evaluator [i.e. locals in conflict resolution]' (Diez and Pace 2007: 2). Similarly Noutcheva notes '[i]f a foreign policy action is truly normative, it will be accepted as such by the domestic players experiencing its effects and they will submit voluntarily to the normative pressures for change. Even in the absence of a universal normative agenda, an action can still be considered normatively legitimate, if domestic actors accept as normal the behaviour expected by the norm concerned and do not challenge

¹ Here, the author relies on the definition provided by Diez et.al. in defining transformation which is conceptualised as contribution of the EU to move the conflict towards either a less intense stage or to trigger new positions of the conflict parties that exacerbate the incompatibility of their claims and positions vis-à-vis each other and solution Diez, T., M. Albert, et al. (2008). *The European Union and border conflicts : the power of integration and association* Cambridge, Cambridge University Press (Kindle Edition).

external adaptation pressure to that end' (Noutcheva 2009: 1074). Contrarily, if the normative identity and agenda of conflict resolution is not accepted by locals, then, in the short or medium term 'the potential effectiveness of the EU's contractual ties and conditionalities ... depends pivotally on the benefits on offer and the costs of compliance with contractual obligations' (Tocci 2005: 12).

Therefore, the models offered by a few authors who take local behaviour into consideration reflects on the issue only by looking into conditionality-socialisation pair which work through either change of action through rationalist calculations of locals thanks to presence and withdrawal of benefits or long term endogenous change and alterations of identity and interests (see e.g. Coppieters, Emerson et al. 2004: 35). In this understanding, local context unfolds to facilitate or hinder the conflict transformation by accepting or rejecting the normative EU actorness and normative policies. Local factors remain as medium variables used in explanation of conflict transformation up or down in the ladder of conflict securitisation while the level of analysis is the EU (see e.g. Diez, Stetter et al. 2006: 568). While top-down approaches provide excellent insight into the hidden dynamics of integration and conditionality on conflict resolution/transformation by rejecting the assumed natural link between integration/association and conflict resolution, the EU has the actual control of the whole process in which local actors can act autonomously but still with a limited room for manoeuvre vis-à-vis the EU, i.e. by either accepting or rejecting the EU's normative reproduction of itself. Moreover, local actors are usually assessed only through political elites and governments which are treated as uniform in terms of demands and interests.

Here, it is argued that a reversed approach from local groups to the EU would reveal new patterns that change the course of EU conflict resolution in its neighbourhood. There are questions which left unanswered by top-down approaches. Despite the lack of local perceptions of the EU as normative, how can we account for the uninterrupted reference to the EU by a variety of local actors in domestic settings? Do those references remain uniform and shared by political elite, emerging civil society and public? Is self-interest of local groups -thanks to the benefits offered by the EU- sufficient to explain highly securitised environment of protracted conflicts where people prefer physical security and maintenance of distinct identity to economic benefits? Is it possible to talk about long term socialisation given the EU has persistent problems and shortages in delivering promised outcomes? In this sense, there is the possibility that perceptions of normativeness are irrelevant for the local actors if they are included in the process of standard setting and implementing or if they perceive the EU's performance satisfactory. The paper argues that throughout the process of conflict transformation/resolution, the locals do not go through a linear process of rational adaptation (cost-benefit calculation) and socialisation. They constantly receive, process and interpret the different and often conflicting agenda of a variety of thirds parties and

even different EU institutions. While the idea of EU integration is accepted, the normativeness of EU institutions on the ground might totally receive agnostic responses from local actors since locals are more interested in their performance or even desire it to leave the ground since it is morally rejected regardless of the normative discourse adopted by the EU. Similarly, local actors might adopt a counter normative agenda to challenge the EU's authority and normative claims and compel it to change its specific policy especially when expected outcomes are not delivered for a long time. In other words, the options available for locals to impact upon the conflict transformation/resolution of the EU are much more variegated than discussions in top-down approaches. It is worth highlighting that rational adoption of the EU agenda due to benefits and long term endogenous adaptation are not totally irrelevant. As stated by Pace, the EU as 'force for good' might be a tool for the EU to resolve the conflicts 'to the extent that it is shared by conflict parties'; however, it needs to be constantly produced and reproduced (Pace 2008). However, the locals' role does not only fluctuate between acceptance and rejection of the EU's normativeness and therefore triggering successful or failed conflict transformation (or fake or partial compliance) (see e.g. Diez, Albert et al. 2008; Noutcheva 2009).

In this sense, the paper contends that legitimacy 'illustrates the potential gap of values and interests' that 'often characterises the difficult relationship' between the external (i.e. the EU) and local actors (Schneckener 2011). It is defined as a difficult relationship because as the EU applies its policies of conditionality, capacity and institution and building to transform conflict regions, it 'affects directly or indirectly local power structures' by deliberately favouring some groups and isolating the others (Schneckener 2011). What is usually ignored or underestimated is the fact that the EU interferes with an existing local order pre-existing the conflict –usually different from the EU perception of state and democracy. In this sense, the critiques of 'liberal peace' assert that the current widespread practices of conflict resolution that assume 'a universal consensus over the causes of the conflict' tend to offer 'liberal renditions' which 'are generative of a hierarchical conception of subjectivity that places primacy with the liberal European-self' (Jabri 2010: 55). By nature of their engagement the EU inevitably become 'embedded in local politics. Ulrich Schneckener states that external actors pursue their own strategies of conflict resolution 'in parallel and, occasionally, in direct competition for resources and political attention' (Schneckener 2011: loc 4857). They get dragged further and further into locally driven practise and power politics, rooted in tradition, culture and history ... Moreover, the modes of governance introduced by outsiders will often be instrumentalised and eventually manipulated by dominant local elites for their own interests' (Schneckener 2011: loc 5200-5210). In other words, the EU does not build new institutions

upon tabula rasa; it practically changes or rearranges local institutions according to its own agenda of transforming causes of the conflict.

Therefore, concept of legitimacy that is placed in the perspective of actual addressees of EU conflict resolution agenda would first provoke a debate on Eurocentric definitions of borders, identities, insiders and outsiders by looking into not only discursive construction of political spaces by the EU itself but also power relations and consent between the EU as policy maker/implementer and addressees. Presence of a strong legitimate power would increase the prospect of transformation of conflict environment towards peaceful co-existence in line with the EU agenda and policies. Legitimacy's centrality is better understood in its absence which triggers institutional and reputational collapse and change. As a result, legitimacy as an inter-subjective phenomenon or as appealing to the grounds, i.e. to the actual recipients of policies introduces a dialogical relationship between the EU and the local actors in the conflict zones. Second, analysing the legitimacy of EU conflict resolution grounded in the actual recipients' (i.e. local stakeholders') consent and recognition enables one to ask questions regarding the sustainability of the public authority exercised by the EU in conflict zones. Understanding legitimacy where a power relationship exists would answer 'why people have expectations they do about a power relationship, why institutions of power differ systematically from one type of society to another, why power is exercised more coercively in some contexts than in others. Above all, it helps explaining the erosion of power relations, and those dramatic breaches of social and political order that occur as riots, revolts and revolutions' (Beetham 1991: 6). Therefore, legitimacy of the EU in conflict resolution framed through local consent and support is not only about analysing the traumatic or interesting events in a society living through a protracted conflict but engaging with the support or challenge raised for the EU, and the causes and consequences of the behaviour of the local addressees within the particular context of conflict resolution (Beetham 1991).

Legitimacy: A Framework of Analysis

Sources and mechanisms of legitimacy have long been debated at domestic and international level and remain unsettled especially beyond legitimacy's sanctuary, i.e. democratic nation-state. Here, legitimacy is approached as social credibility and acceptability in line with the emerging studies on legitimacy applied to non-state actors at global/transnational level. Legitimacy is defined as 'a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions'. In this sense, it 'rests on the acceptability and credibility of the organisation to those it seeks to govern. Organisations (regulators) may claim legitimacy, and may perform actions and enter into

relationships in order to gain it. But legitimacy is rooted in the acceptance of that organisation by others, and more particularly in the reasons for that acceptance. These reasons lie in the congruence of the regime to a person's beliefs or expectations' (Black 2008: 16). In this sense, it can be claimed that legitimacy is a way to express that power is structured and exercised in a mutually accepted manner by the rulers and people. 'Enhanced order, stability and effectiveness' are the results of possessing legitimate power since subordinates recognise and express their consent for the power as a moral choice. In this sense, legitimacy ensures secured consent from the subjects and confer right to rule and to demand obedience from them. The power gained through such social recognition is called authority. Maintenance of reproduction of this authority is closely related to power relations existing between the rule-maker and the subjects.

Lately, legitimacy concerns have been expanded to global/transnational governance institutions which have emerged as new powerful actors of international arena with extended authority in rule-making that was formerly considered an issue of sovereign states. The expansion of governance incorporated public, private actors and public-private partnerships entails to international rule setting, rule implementation and provision of services (Rosenau Vaillancourt 2000; Börzel 2002; Hall and Biersteker 2002). Naturally, novel competences and authority of global governance institutions also stretched the notion of constituency which now involves many groups composed of individuals, private actors, civil society and international organisations which form a dense network of relations among themselves (Steffek 2007). As a result, legitimacy of global governance institutions have become a concern because they impose 'intrusive rules' and 'publicly attach significant consequences to compliance or failure to comply with them' (Buchanan and Keohane 2006). As a result, legitimacy has become a necessary requirement for sustainable authority beyond democratic states. As governance beyond state resemble more and more domestic decision-making and implementation, sources of legitimacy are more discussed in reference to acceptance, voluntary rule following and normative consent similar to consent and support generation at domestic stage (Keohane ; Bernstein 2004; Zürn 2004; Buchanan and Keohane 2006; Hurrell 2006; Hlavac 2008).

Looking at the EU's leverage in relation to local decision makers and social-economic change it inscribes in conflict zones, the EU's authority also becomes subject to legitimacy as a part of governance beyond state. Through which factors the EU would be able to generate acceptability and credibility for its governance in conflict zones? In order to attain an insight into the complex local reasoning and political claims making vis-à-vis the EU agenda of conflict resolution, a model of which is categorised along two dimensions is offered here: *normative-empirical fusion* and *specific-diffuse support*. Firstly, normative-empirical fusion refers to overall consent from local stakeholders for the EU's conflict resolution agenda which is presented and justified with a reference to humanitarian,

normative and legal framework by the EU. As a normative concept, legitimacy would depend on meeting certain norms, rules and values (Haunss 2007). As an empirical concept, legitimacy requires ability to find support expressed through direct consent from the relevant audience. However, normative and empirical sources of legitimacy are inseparable; namely, if legitimacy provides right to issue rules and demand compliance, beliefs of the recipients (empirical sources of legitimacy) cannot be separated from the normative conditions when it is ought to be legitimate (normative sources of legitimacy) (Buchanan and Keohane 2006). Usually, the two aspects are considered to have an organic link as co-constituents of legitimacy. To quote from Buchanan and Keohane's discussion on legitimacy of global governance institutions '[w]hen people disagree over whether the WTO is legitimate, their disagreements are typically normative. They are not disagreeing about whether they or others *believe* that institution has the right to rule; they are disagreeing about whether it *has* the right to rule' (Buchanan and Keohane 2006: 405). Therefore, the dialogue between empirical and normative sources would confer legitimacy a social as well as principle-laden basis by emphasising the consent of the addressees and by defining substantial normative criteria that informs the beliefs of the audience. Compliance by locals with the EU agenda, therefore, cannot occur purely out of self-interest but presence of consent. Functions that various EU institutions desire to perform to bring a solution to the conflicts cannot be accomplished if local groups do not give consent for the EU's involvement in conflict resolution after evaluating through moral and normative criteria. However, the nature of consent is more important than the presence or absence of it. In other words, role of local consent in conflict resolution depends on how the local stakeholders interpret and appropriate the EU agenda.

Secondly, the way in which consent is expressed by local groups is important. David Easton defines specific ways of expressing consent as 'support' within political systems. Support for various representations, policies and institutions of the EU on the ground is considered as an active channel of legitimation for the EU. Easton offers a useful analytical distinction that can be applied in case of support from local groups for the EU. Support can exist at two levels: diffuse support, i.e. support for the EU as a framework² and specific support, i.e. support for its ground representations (the Commission, special groups among the MEP's dealing with the conflict, ESDP missions, special representatives etc.) and particular policies (integration, trade preference, financial assistance, visa liberalisation, facilitator of bi-communal mediation, conditionality etc.).

Specific support means temporary support for an incumbent institution and/or particular policy; therefore it is 'object-specific'. It is related to the satisfaction that the relevant body of

² EU as a framework refers to the broad perceptions of the EU by locals autonomous from the specific policies and representations of the EU for the conflict case. It is the broad ideational and institutional constellation of the EU as a layer of governance and identity for locals. See pages 25-27 in Coppieters, B., M. Emerson, et al., Eds. (2004). Europeanization and Conflict Resolution: Case Studies from the European Periphery, Academia Press..

audience has when they evaluate the perceived outputs and performance of policy-makers. The criteria for evaluation are their own needs, demands, and priorities. If 'the perceived decisions, policies, actions, utterances or the general style' of the authorities fulfil the constituency's needs and demands, the particular policy-makers or institutions are endowed with specific support or consent that is 'contingent on popular demands being expressed and explicitly satisfied' (Easton 1975). On the other hand, diffuse support is closely related to genuine trust and belief in the overall institution, actor or regime; and provides sustainable authority independent from specific support. Easton notes diffuse support 'consists of a reservoir of favourable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effects of which they see as damaging to their wants' (Easton 1965). Diffuse support rather seeks to bring the system values and the actor identity into the picture instead of action oriented focus of specific support. It represents a general attachment to the authority while the specific support for policies might rise and fall. In this sense, it is more long lasting than specific support; but once it is tarnished it is difficult to restore. The diagram below summarises and adapts the analytical categories of support as distinct but inherently related paths of expression of consent by the local groups in the conflict zones.

	Diffuse	Specific
Object of Support	<ul style="list-style-type: none"> • EU as constellation of norms or EU as an uniform actor 	<ul style="list-style-type: none"> • Ground representations of the EU • Implementation of various conflict resolution policies (financial aid, preferential trade agreements, territorial administration etc)
Supportive discourse	<ul style="list-style-type: none"> • EU(ropean) values, gaining international recognition/ reputation through EU(ropean) identity • Emphasis or affirmation of Europeanness, Wuropean model or Europeanisation 	<ul style="list-style-type: none"> • Material and policy specific benefits, EU's efficiency, performance, political will and capabilities • Comparison with third parties

The usefulness of separating support for the EU and its ground actions is supported by Schneckener's emphasis on the gap and inconsistencies between 'headquarter level' where decisions are made and 'field level' in third party conflict resolution. Field level is more dynamic

through a variety of interaction between local groups and the EU's different representations; however, headquarter decisions define the main policies (Schneckener 2011). This approach would allow assessing the local perceptions on the EU both as a normative and ideal whole which is endowed diffuse support because of what it (is perceived to) represent(s) for local groups and also as a policy-maker in Kosovo and North Cyprus which is specifically supported because of its perceived good performance. It also allows us how change in one type of support would affect the other type and the overall legitimacy of the EU. Moreover, although processes of socialisation and brewing moral support and trust might be crucial to understand in the long term, current evaluations of relevant local groups are necessary and help us to acknowledge the dynamic nature of legitimacy.

The rest of the paper addresses construction of consent for the EU's engagement in conflict resolution by local actors and support for the EU agenda of conflict resolution by looking at EU as a framework and specific policies targeting resolution and reconciliation in Kosovo and North Cyprus in order to explain how groups have power to adopt, reject and/or challenge the EU conflict resolution agenda by not only accepting and rejecting EU normativeness and economic benefits. The local groups are successful in altering content of 'normative EU' through uploading new meanings, appropriating it only for certain groups, building-up expectations and withdrawing support in case of undelivered outcomes and as a result, compel the EU to struggle to remain credible and relevant as a conflict resolution actor.

Case of Kosovo

The protracted conflict in Kosovo has been standing along the EU's border for more than ten years. Kosovo conflict represents more than a struggle over a small territory at bay of Europe between its Albanian and Serbian inhabitants. From the very start, the EU and international community had to deal with redefinition of fundamental principles of international system such as in relation to the concept of sovereignty and governance, human and minority rights, conflict resolution, supervised independence of a disputed state and issue of legitimate intervention and UN system. After the failure of Comprehensive Settlement Plan (Ahtisaari Plan) at UN Security Council, Kosovo unilaterally declared independence. Despite the lack of agreement on final status and decisive settlement between Serbia and Kosovo, the EU has become the main actor to bring gradual settlement of the conflict through 'alternative means' in Kosovo since 2008. Long-term strategy of the EU involve state-building project which was actually inherited from UN Interim Administration (UNMIK) through a rule of law mission and close financial and technical support for decentralisation and extension of enlargement policy to Kosovo. Given high levels of commitment to conflict resolution through

multiple instruments, the EU's legitimation as an actor and policy-maker on the ground is directly related to the EU's authority, absence of which would result in serious entropy for the EU's different institutions in Kosovo that is costly for the EU not only financially but in relation to the foundational claims of its broader conflict resolution role worldwide.

In this paper, discussion on legitimacy of EU conflict resolution in Kosovo is not comprehensive of all instruments employed by the EU due to multiplicity of such mechanisms. Two areas are selected for further discussion that are reflective of local consent and support building. First area refers to normative-empirical fusion of consent building for EU agenda of multi-ethnic state building and reconciliation in Kosovo. In this sense, the attempts to build supra-ethnic new Kosovar identity is discussed in relation to the use of evolving principle of humanitarian concern and integration prospect by the EU as a normative framework and how is engineered by majority Kosovo Albanians to distort the intended content of Kosovar identity through a 'local interpretation' of normative agenda. Second area is related to the main EU policy of creating a democratic rule of law state in post-independence period in Kosovo by deploying EULEX mission. Diffuse and specific support for EULEX is evaluated through its accountability to Kosovars and its performance vis-à-vis its local groups dominant expectations and preferences.

Consent for Kosovar Identity Building through extending European to Kosovo

Kosovo is the starting point of claims that has shaped much of the initial discussion on the EU foreign policy cooperation as well as the EU's increasing importance as a security provider, force of stabilisation, and role model in state and nation building in its neighbourhood. The EU has employed fundamental principles such as human rights, approval of (or replicating the practice of) the international community and most importantly 'reproduction' of the EU through spreading its 'rules, political organisation, modes of governance' (Renner and Trauner 2009: 451) in order to justify its conflict resolution agenda. The EU like the rest of Western community has built a claim on the right to individual security of Kosovo Albanians in order to dismiss the accusations against the logic of the Western community's involvement in Kosovo by forcefully separating it from Serbia. In this sense, idealpolitik not interest oriented realpolitik was the driving force to justify the initial intervention (Medvedev 2002) and subsequent independence of Kosovo as sui generis case of secession. Secondly, the EU accentuated long-term conflict resolution through state building practice especially from 2005 onwards. During the Vienna status negotiations, the EU's role in Kosovo has evolved from main donor towards political commitment as the main conflict resolver. The highly despised UNMIK inheritance forced the EU to persistently refer to post-UNMIK credentials of its future presence in Kosovo in order to demonstrate centrality of local ownership which was missing in the practices of

UN administration. Two joint reports published in 2005 by Solana and Rehn clearly acknowledged that although Kosovo would 'require for some time a continued international presence' in the future, the EU presence after UNMIK 'shall, however, not be EUMIK' (Solana and Rehn 2005b). Thirdly, besides humanitarian concerns and conflict resolution as a part of broader multilateral settings, the Commission introduced European perspective for the first time in 2005 by stating its willingness to offer 'political contribution to resolving outstanding issues' in order to generate local consent for its broadening conflict resolution agenda in post-status period. In its communication 'A European Future for Kosovo', the Commission stated that the same path offered to the Western Balkans is also open to Kosovo implying Stabilisation and Association Process (SAP) would be also extended to Kosovo with an indefinite intention to integrate Kosovo into the EU³.

Creating reconciliation between all ethnic groups through a new Kosovar identity construction was placed at the centre of the state and democracy-building objective in Kosovo. The EU hoped that opportunity of future membership would create leverage for implementing all accession related conditionality as happened in Central and Eastern Europe enlargement and that would create a new Kosovar identity, democratic and stable institutions for resolving the internal conflicts. In this sense, democratic, economic and institutional reforms are supported in the 'new neighbours'⁴ of the EU with an aim to integrate these countries into the Union, and facilitate internal democratisation and conflict resolution through promotion of values and models underlying the EU⁵.

Given multifarious international actors offering conflict resolution policies, the EU as the main third party to resolve the conflict has gained the strongest lever in the form of membership prospect compared to other third parties. In framing Kosovo conflict resolution along strictly normative lines signalling future embracement of Kosovo in Europe, the EU succeeded to generate broad based authorisation from majority Albanians. The initial emphasis on local ownership by clearly separating the EU's future presence from unpopular UNMIK just provided right arguments for local authorities and public in line with their expectations even before status negotiations ended. Local politicians media started to emphasised that 'the EU does not aim to replace UNMIK, but to assist Kosovo authorities to build a democratic, tolerant and multiethnic Kosovo'⁶ as a supporter of independence.

Especially, potential integration of Kosovo with the EU signalled the pinnacle of the local support from the majority of Kosovo Albanians. Membership prospect is underlined by bilateral hands-off approach towards democratisation and good governance (take it to achieve sustainable conflict resolution and membership into the EU as a payoff at the end of the process or leave it and

³ Communication from the European Commission, A European Future for Kosovo, COM 156, 2005.

⁴ European Commission, 2000, Communication on Strategic Objectives, 2000-2005 (COM(2000)154).

⁵ See Joint Action (2000/717/CFSP) on the Meeting of Heads of State or of Government in Zagreb, Official Journal of the European Communities, L 290, 17/11/2000:0054.

⁶ Koha Ditore, 14.02.2008, **UNMIK will be replaced by Kosovars, not the EU**

eternally live at bay of Europe). In fact, the EU's conditionality-membership-state building agenda inscribed a novel European identity in Kosovo through 'accepting' its (future) Europeanness. The new idea of being European and a potential member is used by especially Kosovo Albanian politicians in order not only to legitimise the demanding conflict resolution agenda of the EU to their public but also to mark the end of Kosovo's protectorate status. From local authorities and public's point of view, the mere presence of membership prospect as an independent state is not only a matter of sovereignty but also identity and international reputation. By opening up integration prospect, Kosovo -which was once considered outside or at bay of Europe- has become as a potential insider which is not yet European fully, but through incorporation of European values, can in the future turn out to be. By this way, the EU has managed to ensure initial consent of local authorities and public; and encouraged them to act in line with the Comprehensive Settlement Plan which forestalled post-independence supervision by the EU. In other words, the EU has become a part of 'existential discourse' in Kosovo where 'EU policies matter not simply because of the value attached to their anticipated outcomes, but rather as gestures of great symbolic importance affecting domestic legitimacy and international credibility' (Papadimitriou and Petrov 2012: 6).

Reflections of such an indirect function are visible within the discourse and policies of Kosovo authorities in relation to state building, reconciliation and conflict settlement. By using evident references to the EU, politicians are able to create an agenda of democracy and multi-ethnic tolerance. Thaçi's speech on International Roma Day is a clear example of how EU as a framework of tolerance and ideas can be employed by domestic elites. The Prime Minister stated that

Kosovo belongs to everyone and it is the homeland of all of its citizens. Therefore, Kosovo needs to be united in its diversity, towards including all communities in our society and putting aside our differences⁷.

By talking about Kosovo state as a mini reflection of the EU where differences are put aside and all groups regardless of their origin are 'united in diversity', Kosovo's Prime Minister evidently brings an EU dimension by to the desired statehood in Kosovo. It is not only the current political leadership of Kosovo who expressed consent for conflict resolution project through state-building and membership. General support for future place of Kosovars into the Union remains high especially among Albanian population which sees European integration as a national goal that should supersede narrow policies of incumbent governments⁸. The broad support that the EU gained from

⁷ Speech by **Prime Minister Thaçi: Kosovo belongs to everyone – it is the homeland of all of its citizens, 8 April 2010, Priština/Prishtinë**. Available at <http://www.kryeministri-ks.net/?page=2,104,1340>.

⁸ Interview with Adem Gashi, KIPRED, May 2011, Priština/Prishtinë.

local groups for the overall is shaped by the meaning attached to Europeanisation by a variety of local groups. The most evident example of such a broad based consent is visible in Kosovar as a new category of identity for Albanians. While Kosovar as a national category does not exist for many inhabitants and the word Kosovo only denominated a name for a place ten years ago whose residents were either Albanian or Serbian, today Kosovar, as much as it equals to European, is a new identity category. The new Kosovar identity that is based on values, principles of diversity, tolerance and 'modernisation' has gained prominence also among intellectuals, youth in Kosovo and politicians and pushed clientalism, tribal, ethnic or personal ties of traditional Albanian society into marginalisation. Today, when Kosovo Albanians refer to Kosovar identity, they at the same time define themselves as 'the young Europeans'. By as a result, Kosovo's place in Europe is unquestionable for the majority. Hasimja in his article 'The Kosovar Identity Engineering' argues the long and painful process of complying with EU conditionalities is an internal feature of European identity and it should be acceptable in Kosovo as a part of identity creation:

in the case the creation of the sub-national or national identity, the creation of the identity precedes the behaviour in accordance with that identity, whereas in the case of European identity, the behaviour (and the formal procedures) precedes the creation of the identity in order to lay the necessary political foundation for the process (Hasimja 2008: 84).

In this sense, Kosovar identity creation as a top down process resulting from Europeanisation of Kosovo is seen worthwhile to support and even to give up Albanian identity of Kosovo Albanians. The emerging Kosovar identity is full of references to Europe and European Kosovo which demonstrate the consent for broader state-building through Europeanisation agenda of the EU in Kosovo. Migjen Kelmendi, a journalist and long supporter of a European Kosovar identity claimed that 'Kosovar' can become another word for 'European [...] because both concepts were not ethnically generated' (Kelmendi 2008: 88). Therefore, it is possible to claim that firm local consent flourished for normative/humanitarian conflict resolution as declared by the EU in Kosovo. Kosovar identity is seen as the only way to 'foster a fruitful communication with the tradition of European democracy' (Kullashi: 12) and emancipate Kosovo from ethnic hatred and victimhood. Therefore, the EU's normative substantive framework is given a novel meaning through diffusion of not only institutional and economic structures as a technical process but also through transmission of societal values.

However, to what extent, consent and support for EU framework (values and Europeanisation) has been conducive for reconciliation and conflict resolution? In other words, does such consent for the EU conflict resolution engagement qualify the EU with sustainable and

uninterrupted authority to generate decisive settlement and reconciliation? The consent endowed by locals for creation of new Kosovar identity as a means of reconciliation has so far failed to concur with the EU vision of supra-ethnic Kosovar society. Rather, Kosovar identity is portrayed through Kosovo Albanian suffering which now deserves a place in EU after years of asylum seeking, illegal immigration, and diaspora-forming in Europe. Moreover, the political limbo regarding the Kosovo's international status together with lack of ethnic co-existence and initial exclusion of Kosovo Serbs from emerging local institutions marred the 'European' component of Kosovar identity. More clearly, since multi-ethnic state-building rationalised by majority Kosovo Albanians as the only way towards independence, Kosovar identity is not based on a supra-ethnic category but on transformation of Albanian identity of Kosovo Albanians through 'de-mythicizing of the motherland (Albania) [which] is accompanied with the construction of a local neo-mythology' by centralising Kosovo as the centre of history and nationhood independent from 'all-Albanian phenomena' (Hasimja 2008: 83). Often, acceptance of Kosovar identity is a result of rationalisation of Europeanisation by the majority as the only path towards independent state and self-rule. Kosovo Albanians were aware of the fact that independent Kosovo would only be possible through commitment to the EU framework of ideas and values. In other words, to attain the goal of independence, Kosovar Albanians had to accept the existence of Kosovar identity inclusive of peoples of Kosovo including Serbs, Turks, Bosniaks, Roma and others. The consent for the framework of EU ideas, norms and values is based on what politicians, opinion makers and majority of public agreed on to promote the goal of independence. The legitimation provided to the EU's overall presence and identity and support for its normative agenda conveyed through conditionality-state building axis is created only through input of Kosovo Albanians and sustainability of this consent is conditional upon the convergence between Kosovo Albanian and EU vision of reconciliation.

When the EU confronts with the majority understanding of Kosovar state through addressing co-concerns of Kosovo Serbs, it faces rejection and denial of its authority from majority Albanians. Most evidently, limited implementation and hostile opinion towards decentralisation by local Albanians demonstrates how Kosovar identity is denied for Serbs in Kosovo. For Kosovo Albanians, the issue of decentralisation is required by the internationals as a bitter price for independence⁹. A substantial number of Kosovars consider the process of decentralization as 'controversial' and 'ethnically motivated' in order to forge *de facto* division of Kosovo. It was claimed that "decentralization is not even taking place to satisfy the interests of the Kosovo Serbs but the demands of Belgrade's policy which is against any kind of stability in Kosovo" (cited in Dugolli,

⁹ Authors' interview with Fatmir Curri, Head of European Integration Unit. Kosovo Civil Society Foundation, 13 May 2011, Prishtina/Prishtinë.

Çollaku et al. 2007). Kosovo Albanian political elite do not favour anything less than full sovereignty in the entire Kosovo including Serbian enclaves and north Mitrovicë/ Mitrovica. Some members of PDK (the governing party) also stated that decentralization was the first step towards Kosovo's partition and seen as a potential threat for the territorial integrity of Kosovo¹⁰. During the latest flared tensions between Kosovo government and Kosovo Serbs of the north of Kosovo also showed that if the EU rejects assisting dominantly Albanian government in imposing forceful integration of Serb areas into Kosovo state, it risks fundamental challenges from not only government officials but from media, civil society and public as well. Endowing the new state of Kosovo with references to multi-ethnicity and democratic governance through power sharing between 'politically equal' communities drawn directly from EU ideal actually legitimised Kosovo Albanian monopolisation of the new state¹¹.

As Kosovo Albanians were more prepared to integrate with the EU independent from Serbia, the inimical relations between Kosovo Albanians and Kosovo Serbs (for whom Kosovo is a part of Serbia) have been further deepened. It is worth highlighting how far Kosovo Serbs remain from accepting the project of creating a civic Kosovar identity and integration of Kosovo with the EU. The head of largest Serb party –Independent Liberal Party (SLS)¹² - in Kosovo Petrovic stated that 'the concept of Kosovar means a person who lives in Kosovo. This is a literal translation from Albanian and it is not the name of nationality or ethnicity for the people of Kosovo'¹³. In the perception of Kosovo Serbs, like the rest of the 'Western community', each statement by the EU to integrate Kosovo and Serbia separately with the EU triggered another reaction from Serbs in the form of self-imposed isolation and further marginalisation from the idea of supra-ethnic Kosovar identity. Failure to genuinely address co-demands of Kosovo Serbs along with Kosovo Albanians generated harsher reactions from minority Kosovo Serbs towards the EU. Civil disobedience and resistance to 'anything that comes from internationals' is interpreted a move to favour Pristina government. Often, being asked about how much they feel 'Kosovar' is sufficient to offend Kosovo Serbs as Sasa Ilic, the head of Centre for Peace and Tolerance and the umbrella organisation for Kosovo Serb civil society KPAN confirmed. Ilic clearly rejected the existence of Kosovar identity by stating that 'Kosovar? Who is Kosovar? There's not an identity called Kosovar. There are Serbs and Albanians in Kosovo and Metohija'¹⁴.

¹⁰ Author's interview, PDK, May 2011, Pristina/Prishtinë.

¹¹ Acceptance and support for European future does not prevent Kosovo Albanian youth to mock Kosovo flag which mimics the EU one with blue background and six stars (six ethnic groups) on top of yellow silhouette of Kosovo map as 'mickey mouse flag'. Author's interviews, May 2011, in Pristina/Prishtinë.

¹² SLS only has contact with Serbs living in the southern enclaves. The party established itself firm in the last elections and its leader serves as Deputy Prime Minister and Minister of Local Government in the government.

¹³ Interview with Slobodan Petrovic, December 2011, available at: www.sls-ks.org

¹⁴ Author's interview, Sasa Ilic, CPT, May 2011, Gracanica.

Overall, monopolisation of European identity building through support for multi-ethnic Kosovar identity by majority Albanians together with the failure of the EU to differentiate Kosovo Serbs from Serbia failed to set the framework for reconciliation in Kosovo. Although the EU's message addresses everyone in Kosovo, Kosovo Serb recipients have never authorised and normativised the EU on the ground similar to Albanians. Contrarily, the EU's conditionality-membership agenda has created an invisible wall for Kosovo Serbs as it was more and more appropriated and monopolised by Kosovo Albanians as a path towards Kosovo's independence. Different interpretations of power sharing by Albanians and Serbs through decentralisation and problems of implementation is the most evident example of how majority authorises the EU through uploading its own meaning to the normative/humanitarian agenda and provides consent for the EU only if it promotes Kosovar state and nation which is defined as dominantly Albanian. Today, the failure to convince Kosovo Serbs to truly integrate with state of Kosovo can be explained by their estrangement from the new Kosovar identity which is only appropriated by only Kosovo Albanians. In practice, Kosovar identity monopolises European values and future for the majority community in Kosovo contrary to the EU's emphasis on the centrality of supra-ethnic identity-building.

EULEX: Sustaining Eternal Kosovo Protectorate?

How the initial consent for the EU agenda is expressed through diffuse and specific support for the main EU institution, i.e. EULEX, on the ground? EULEX is not only the main representation of the EU in Kosovo but also the biggest ESDP mission in terms of its mandate, staff and budget. However, contrary to expectations and high level declarations from Brussels generated local challenges even before EULEX was fully deployed in December 2008. Failure to meet high demands from local groups to improve rule of law in Kosovo, EULEX today is challenged on both foundational and performance grounds.

With the declaration of independence, the issue of self-determination and sovereignty is resolved once for all for Kosovo Albanians. After the independence, the previous protectorate status of Kosovo under UNMIK is rejected and maintenance of sovereignty and self-sufficiency has become the priority of the local government. Independence of Kosovo as acknowledged by the majority of the EU members was considered as the major difference that distinguished EULEX from UNMIK. Prime Minister Thaçi stated that protectorate status of Kosovo was over in order to emphasise Kosovo would not be willing to accept another external rule:

[A] new chapter in Kosovo's history has started. The process of the independence supervised by the internationals has been successfully concluded. Now a new chapter is opening. We are becoming more sovereign and we should act with less supervision. In this process, we will be supported by the

international institutions, like EULEX is now doing – but which will have an advisory role. Kosovo does not look for confrontation with them but for their cooperation, because we are partners¹⁵.

President Sejdiu claimed that the period with supervision should end soon implying that EULEX would have a shorter life than UNMIK¹⁶. Such statements from high-level government officials has become widespread after 2008 and demonstrated the expectation that the EU is accepted in Kosovo only as a supporter and partner of independent state rather than an overarching supervisor similar to UNMIK. The statements of the Head of EULEX de Kermabon also supported commitment of Brussels for local ownership and support for Kosovo authorities on the ground:

After independence, we are engaged in local ownership and accountability. This implies that the Government of Kosovo will be charged with addressing problems and will be responsible for what happens. We are here to support the Government through monitoring and advising¹⁷.

In short, before deployment of EULEX, it seemed that all local groups and the EU shared a common understanding and mutual objectives for Kosovo's future. For Kosovars, the mandate of EULEX was defined in the Ahtisaari Plan, according to which UNMIK would transfer all its responsibilities and cease to exist, the ESDP mission would 'mentor, monitor and advise Kosovo authorities in the area of rule of law and would have certain executive functions in the judiciary, police, border control and customs. However, due to resistance of Serbia against EULEX deployment and failure of UNSC to accept Ahtisaari Plan, a new deal, known as Six-point Plan¹⁸, has reversed EULEX's mandate and placed the ESDP mission under status neutral role and extended UNMIK's mandate¹⁹. Namely, instead of supporter of rule of law and police in an independent Kosovo, EULEX would 'fully respect Security Council Resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations'²⁰. As a well-known fact, Security Council Resolution 1244 refers to the sovereignty and territorial integrity of Federal Republic of Yugoslavia which is now Serbia. Six point Plan has also given extensive rights to Serbia to control policing, customs, justice,

¹⁵ PM interviews, 31 July 2010 [accessed march 2011]

¹⁶ Zëri, 25.04.2008, **Sejdiu: EU mission will have a shorter life than UNMIK**

¹⁷ Koha Ditore, 13.03.2008, **Kermabon: EULEX will expand throughout Kosovo in 120 days**

¹⁸ Six controversial areas -police, justice, customs, borders, Serb orthodox religious heritage, transportation-infrastructure- are considered within the scope of reconfiguration UNSG (24 November 2008). Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo. **S/2008/692**..

¹⁹ According to the Report of SG on UNMIK 12.06.2008 (S/2008/354), the UN clearly stated that after the independence declaration, Resolution 1244 as adopted under UN Charter remained in force until it was annulled or replaced by UNSC. However, with declaration of independence Kosovo government rejected the exclusive mandate of SGSR under UNMIK and exclusive executive and legislative functions were transferred to Kosovo government and Assembly although it would act under international supervision (Muharremi, 2010). There is no mentioning of UNMIK in Kosovo Constitution except Ahtisaari Plan foresaw 120-day transition of UNMIK's responsibilities to ICR/EUSR after independence.

²⁰ Statement by the President of the Security Council, UN Doc. S/PRST/2008/44 (26 Nov 2008)

infrastructure, border and transport in Kosovo Serbian dominated areas (Dzihic and Kramer 2009: 16).

As EULEX started to act under UNMIK authority, its overall image, credibility and accountability has started to be seen identical to UNMIK by local groups. Especially, EULEX's neutral status was criticised by all groups, political authorities, public and civil society as undemocratic and unconstitutional because Kosovo was not a part of talks between Serbia and EULEX/UN that redefined the mandate of the mission.

Moreover, Local authorities argued that EULEX was invited to Kosovo by incorporating its mandate into Kosovo Constitution in line with Ahtisaari Plan; as a result, concessions to Serbia were clearly considered in breach of the initial promise and against sovereignty of new state. The Chairman of Assembly Jakup Krasniqi overtly challenged the new mandate by stating that "[w]e consider that the pressure exercised on Kosovo institutions from the UN and Brussels is undemocratic and against the Constitution of Kosovo. Any attempt to change what is written in the Constitution is vain" since 'the right to change the Constitution belongs explicitly to the Assembly of Kosovo'²¹. The contested start hindered the pre-existing willingness of local authorities to cooperate with the mission. Kosovo President Fatmir Sejdiu challenged the decision by asserting "Kosovo has its constitution and does not need new documents".²² It was not only the political leaders who objected the new plan. As stated by Instituti Ballkanik i Politikave (IPOL) all political leaders, political parties, civil society organisations, academic institutions were strongly against the Six-point Plan claiming that it meant a direct violation of Kosovo Constitution (IPOL 2009). Opposition parties also joined the argument that six-point plan is unacceptable for Kosovo. As far as the deployment of EULEX in Kosovo is concerned, this should be in line with the Constitution of Kosovo and the Ahtisaari Plan²³. Even before EULEX was made operational, reactions from ordinary Kosovo Albanians were culminated into demonstrations with slogans 'down with EULEX' (IKS 2008).

Set under such contentious mandate infringing 'independent Kosovo, the mission faced difficulties in mingling with local institutions and enjoying firm support from public. The EU has shouldered extensive commitments in Kosovo which was unprecedented in its civilian mission record. Pushing an image that would be qualitatively different from UNMIK, Kosovar public expected that EULEX would address problems that UNMIK could not or did not want to tackle such as contributing to the local capacities, providing public security and helping to establish rule of law, especially in terms of fighting against corruption and clientalism embedded in Kosovo political system and bureaucracy by the civil society and public. Kosovo Albanians felt 'confused and

²¹ Koha Ditore, 12.11.2008, **Krasniqi: UN and Brussels pressure is undemocratic**

²² New Kosovo Report, Kosovo united against six-point plan. 15 November 2008

<http://www.newkosovoreport.com/200811151406/Politics/Kosovo-united-against-six-point-plan.html>

²³ Koha DDitore, 13.11.2008, **Haradinaj: EULEX deployment only in line with Constitution of Kosovo**

ignored²⁴ as they were left with an ambiguous situation after declaration of independence. Major deficiencies of EULEX resulting from the confusion surrounding its mandate on the ground have prevented it to establish an identity and visible and effective authority. First of all, reconfiguration of EULEX has created duality in mission's mandate clearly separated along ethnic lines and decreased specific support for its ability to bring rule of law to Kosovo. The practical problems that would stem from this duality were mentioned by Inicativa Kosovore për Stabilitet (IKS)- a local think tank supported by the European Commission at the beginning of the mission's deployment

How can EULEX remain status-neutral and simultaneously deliver on its mandate to support the implementation of the Ahtisaari Settlement? How can EULEX provide 'mentoring, monitoring and advice in the area of the rule of law' when it does not recognise Kosovo laws and Kosovo authorities as the only legitimate source of legislative power? How can EULEX effectively fight organised crime when it fails to deploy throughout Kosovo? (IKS 2008)

Existence of two competing constitutional orders in Kosovo, namely the fact that EULEX has to work under both Kosovo Constitution which incorporates Ahtisaari Plan and UNMIK/Yugoslav law, has tarnished EULEX's ability to install rule of law. After the mission was deployed, it soon became clear that the implementation and decision on applicable law has become a daunting task for EULEX. In practice, the mission's role and mandate varies depending on who the EU is dealing with on the ground. Each judge is given the choice to choose the body of applicable law in dealing with cases²⁵. Accordingly, whilst Albanians are subject to Kosovo Constitution and EULEX legislation in Albanian dominated areas, Serb regions reject authority of Kosovo institutions and in the north judges applies a mixture of Yugoslav codes or UNMIK law adopted between 1999 and 2007 (Grevi, 2009). In other words, it would be difficult for people to know in advance which body of law would be applicable in their situation before opening a case or between their detention and indictment²⁶. The lack of standard body of law is essentially against the logic of rule of law which is main objective for EULEX to develop in Kosovo. This is a well-known fact by Kosovo public thanks to wide coverage of national newspapers. For people the situation 'has even led doubts that the pledge of leaders for rule of law is only media advertisements'²⁷.

Second, major challenge from local groups in relation to EULEX's performance stems from the EU's reluctance to fight against organised crime and corruption which is more fundamental and marred diffuse support for the overall raison d'être of EULEX. After the initial commitment to closely

²⁴ Zeri, 30.09.2008, Blerim Shala, 'Confused and Ignored'

²⁵ Author's interviews, EULEX, Prishtina/Prishtinë, May 2011.

²⁶ Author's interviews with several CSOs in Kosovo, May 2011, Prishtina/Prishtinë.

²⁷ Koha Ditore, 14.12.2008, **A state without a legal framework**

tackle lack of rule of law by EULEX, the mission chose to emphasise its technocratic virtues over political willingness to bring rule of law in Kosovo. However, opposition parties, public and civil society organisations argue that expectations from EULEX were bigger especially in the field of fighting against violation of law by local officials²⁸. The gap between the expectations of Kosovar public and what the EU intends to deliver is expanding as the EULEX repeatedly states that its mandate is narrower than UNMIK and is not running the state for Kosovo²⁹. More importantly, failure to bring efficient outcome in corruption fight is not about lack of capacities for local groups. Perceived lack of political will to engage with root causes of underdevelopment of rule of law in Kosovo has so far been detrimental to support for EULEX. The most evident example of this perceived reluctance to destabilise the current political elite's authority by public and civil society is in the area of fight against corruption by high-level politicians. The public and civil society are highly aware of high level organised crime and corruption; especially since April 2010 when EULEX Police has raided Ministry of Transport, Post and Telecommunications and arrested Minister Limaj and the head of the Procurement Office Krasniqi for charges of corruption. Following statements by Acting Chief Prosecutor of EULEX Police in the aftermath of raid on the Ministry, Kosovo public was convinced that that EULEX would continue investigations to decipher further suspects in other ministries. Since April 2010, there were no other investigations although six other ministries were named by the Chief Prosecutor.

The situation has created a perception that the EU hesitates to use its executive power against high-level state officials in order to deal with root of lack of rule of law in Kosovo. Civil society is seemingly the most critical of EULEX in terms of its real ability to tackle corruption and genuine interest in intervening in government's decisions³⁰. IPOL stated in a report evaluating EULEX performance that '[s]ince April [2010], EULEX's inability to fulfil its mandate has become evident (IPOL 2010). Lately, the charges against Limaj were suspended regarding corruption allegations and he is currently being accused of war crimes. The move is seen as a way to escape from further investigation of high level corruption related to Limaj case in order not to destabilise the political balance in Kosovo as stated by Adem Gashi from KIPRED³¹. Public reactions to recent investigations of EULEX on war criminals including Limaj and arrest of former KLA fighters even triggered a cycle of demonstrations against EULEX calling it to deal with current problems of corruption and organised crime rather than dealing with past crimes. The uneasy relationship between EULEX and Kosovo

²⁸ Zeri, 02.04.2008. **Haradinaj says he expected more from EULEX in the first 100 days**

²⁹ Similar claims have been repeated in EULEX Kosovo website as well as in the EUSR and Commission's Liaison Office's websites.

³⁰ Author's interviews with CSOs in Prishtina/Prishtinë, May, 2011.

³¹ Author's interview with Adem Gashi, Prishtina/Prishtinë, May 2011

Albanian public in relation to KLA member arrests reveals the clash between the image of KLA as freedom fighters for the public and EULEX's attempt to reveal their war time crimes and try them.

The EULEX's perceived inability (i.e. lack of formal monitoring mechanism and clear benchmarks for measuring progress) and unwillingness to follow corruption allegations also point to the uneasy relationship between the Kosovo government's authority and EULEX. Divisive statements between the government and EULEX mission were issued by Kosovo government. Regarding fight against corruption and arrest of senior officials the Prime Minister Thaçi asserted that the arrests sent out a message that 'Kosovo's institutions were at war with the international institutions' and claimed that the International Civilian Representative Pieter Feith had interfered in the judicial system³². Prime Minister's statement was supported by the speaker of the Assembly Jakup Krasniqi calling the raids of EULEX to ministry as a 'spectacle' and questioned why EULEX had not 'simply asked for the necessary documents'³³. The arrest of Limaj has also become a battleground between EULEX and the Kosovo authorities, i.e. the Assembly and the government, where the latter could manipulate legal rulings and draw a picture of EULEX as creating unconstitutional demands in the eyes of public and gain political/legal victory. EULEX's asked the Assembly to adopt a resolution to call Constitutional Court in order to clarify immunities of the members of the Assembly (in order to try and sentence Limaj). After its rejection by the Assembly on the grounds that it does not have an authority to adopt such a resolution, EULEX's attempt to organise parliamentary groups to demand the same resolution were publicly criticised by Assembly speaker as 'unlawful and unconstitutional' intervention into the Assembly³⁴. Government officials criticised EULEX as politicising arrest of the minister and creating 'unnecessary confusion' for public³⁵. At the end, Thaçi requested clarification from Constitutional Court after increasing pressures by claiming that the issue would contribute to Kosovo's Euro-Atlantic integration to justify publicised intervention of EULEX³⁶. Few months later the Constitutional Court decided that MPs could be detained and arrested even when they were performing their duties but failed to extend the ruling to ministers³⁷. The decision was interpreted by the opposition and public as a clear intervention by the government to the decision that aimed to create a ground to eliminate the opposition and Thaçi's rivals by making use of EULEX's demand to clarify immunities of MPs to carry on with fight against corruption. Similarly, EULEX's ineptitude and subsequent renunciation to deal with arrest of governor of Kosovo's Central Bank, strong allegations against PM Thaçi by Council of Europe in relation to war crimes and obvious fraud charges during 2010 elections all fortified public and civil society's lack of trust in EULEX's commitment to use its

³² Balkan Insight News Report, "EULEX: Limaj Could Face a Long Jail Term," BalkanInsight. 7 May 2010

³³ Op. cit. Balkan Insight.

³⁴ Zeri, 09.07.201 and Koha Ditore, 14.07.2011.

³⁵ Koha Ditore, op.cit.

³⁶ Koha Ditore, 21.07.2011.

³⁷ Koha Ditore, 22/23.09.2011

power given to the mission by Kosovo Constitution and international community to address real problems of state-building in Kosovo.

The constant incoherence between EULEX public statements that is determinant to bring rule of law to Kosovo and actions falling short of its commitment signals to the public and civil society that EULEX is ready to give concessions to the corrupt political clique and not determined to use its executive powers even politicians in order not to risk instability. Put differently, when the attempts of EULEX 'hit the wall of resistance' by Kosovo government, it 'always ends up with concessions to corrupt officials and continuation of illusion of stability' in Kosovo³⁸. This obsession of EULEX with short term stability over long term democracy and rule of law in Kosovo indirectly empowers the clientelist political clique at the top of Kosovo's local governance in the eyes of public. This has contributed to the perception that EULEX lacks coherent and effective performance due to 'the loss of mission's sense'³⁹. As a result, first the EU's credibility and real commitment to rule of law in Kosovo is called into question given the failure to make a make any decisive move against corruption on foundational challenges. The lack of EULEX's political will to fight against corrupt elite has 'contributed to a public perception that there is a strong partnership between the illegitimate local political elite in power and international stakeholders. This 'local-international partnership' is perceived as being untouchable and unchangeable by the standard democratic instruments, as well as immune from being held accountable' (Deda and Kursani 2012). Rise of '*Lëvizja Vetëvendosje*' (Self-determination Movement), which was known with its anti-UNMIK, anti-colonial demonstrations to politics as third party in the Kosovo Assembly (despite widespread fraud and vote theft at last elections in favour of government party PDK) during EU's mandate as the main actor of conflict resolution can only be explained by diminishing diffuse support for the EU framework among Kosovo Albanians. The movement directed its actions to EULEX as the main international authority in Kosovo today by claiming that the mission installed itself as 'the supreme instance of authority and kept the last word on every matter and lack of accountability of has made EULEX a reclusive, hegemonic and irresponsible power'⁴⁰.

Second, the EU's commitment to integrate Kosovo into the EU seems less credible as the EULEX's performance to aid state-building in Kosovo has failed to contribute 'member-state building'. As the EU constantly criticises lack of democracy and rule of law in Kosovo as *sine qua non* condition for a candidate country, local stakeholders continue to see EULEX as an integral part of the problem. Mounting criticisms of Kosovo civil society is even noted by EULEX 2012 Programme Report which states '[r]elations between local activists and EULEX have not always been easy. However, as

³⁸ Author's interview with staff from Ministry of European Integration , May 2011 Prishtina/Prishtinë

³⁹ Author's interview with Muhamet Hajrullahu, BIRN, May 2011 Prishtina/Prishtinë

⁴⁰ Author's interview with Albin Kurti, May 2011, Prishtina/Prishtinë.

the EU continues to emphasise its 'programmatic approach', a theme constantly repeated in EULEX reports, and mentoring, monitoring and advising focus rather than executive capabilities as a remedy for local corruption and crime, the mission will be criticised for punching below its weight and below Kosovo people's expectations.

Case of North Cyprus

Role of the EU in Cyprus has started with Republic of Cyprus's (RoC) membership application in 1990 on behalf of the divided island. In 1995 the EU decided to launch structural dialogue with the Republic of Cyprus and shortly after decided to open up accession negotiations at Luxembourg Summit in 1997. After 1995, interest in Cyprus conflict has increased inside the EU institutions and among member states. It was increasingly hoped that the prospect of accession negotiations would increase the willingness of both sides to negotiate with goodwill and break the long impasse of UN mediation. Towards the end of the decade 1990s, this hope turned into a firm belief that dominated the opinion among member states as well as the international community.

Looking at the process today, many are convinced that the EU's intention to become a catalyser in a comprehensive settlement did not occur due to the wrong calculations of the EU and over-reliance on the Greek Cypriot goodwill (Tocci 2004; Ker-Lindsay, Faustmann et al. 2011). Still, use of accession as a conflict resolution tool is a unique case because none of the other accession countries were divided politically and institutionally and none of them displayed such a polarised opinion on the EU membership. As normally expected, the EU would not justify its conditionality and pre-accession aid in a candidate country since the accession countries are already willing to join and work towards meeting the EU criteria. In Cyprus, the EU spent a great deal of effort to convince Turkish Cypriots that membership would be beneficial for the whole island and especially for the north. Moreover, after the referendum in 2004 on both sides of the island for renowned Annan Plan, the EU's stance towards Turkish Cypriot side has evidently changed through informal but direct institutional links and further support of other local groups favouring reconciliation. The EU accession process triggered system wide psychological change in TRNC and enabled profound political changes by empowering opposition in the north starting in early 2000s, which would be impossible without the close involvement of the EU. The EU's legitimacy is first discussed as consent-making for the EU engagement in conflict resolution through the example of mass demonstrations and democratic change in North Cyprus before accession. Then, it focuses on specific policy of the EU towards North Cyprus, i.e. ending the isolations of Turkish Cypriot community through financial aid and direct trade instruments in order to assess diffuse and specific support for the EU on the ground.

Consent for EU Integration and Reunification in North Cyprus

When Greek Cypriot administration applied for EU membership as the only recognised government on the island, the reaction of the EU was cold and refraining from any intervention to aggravate the delicate situation on the island. In June 1992 Lisbon Meeting, the European Council explicitly linked accession of Cyprus with the island's situation by stating that 'there is inevitably a link between the question of accession and the problem which results from the de facto separation of the island into two entities'⁴¹. One year after, the Commission issued its opinion (Avis) on the Republic of Cyprus's membership application suggested a reassessment in light of the results of UN talks. The Avis stated that 'as soon as the prospect of a settlement is surer, the Community is ready to start the process with Cyprus that should eventually lead to its accession' (Para. 48) (Hakki 2007). The turning point in the EU's role in Cyprus was Corfu European Summit under Greek Presidency in June 1994. The Council decided to involve Cyprus for the next phase of enlargement. While the conclusions stated the Union 'reaffirms that any solution of the Cyprus problem must respect the sovereignty, independence, territorial integrity and unity of the country, in accordance with the relevant United Nations resolutions and high-level agreements', it did not reinstate the previous link between the parties' positions towards UN talks and accession⁴². In other words, the implicit conditionality of solution before accession was started to gradually erase from Corfu Council onwards until the implicit conditionality was totally withdrawn in 1999 Helsinki Council.

The change in the EU's position can be mostly attributed to bargaining inside the EU, especially the role of Greece as already a member state. Starting from 1993 Greek Presidency, Greece applied considerable pressure even through blackmailing to block the upcoming enlargement totally if Cyprus would not be included in the next phase of negotiations (Tocci 2004). As a result, relations of Turkish Cypriot political leadership with the EU was initially established on perceptions of threat and resistance to the EU's involvement in the Cyprus issue. These perceptions were reflected on the on-going peace settlement process in two forms both of which worked to the detriment of UN negotiations and conflict resolution. First, political leadership's reaction culminated into a shift in the existing policy towards solution principles. As the EU policy turned to embrace Cyprus even without a settlement on the island, the leadership in the north started to pursue an increasingly marginal, isolationist policy drifting away from the basic UN parameters of bi-zonal bi-communal federation. For instance, on-going shuttle talks under UN auspices between the parties revealed that the issue of political equality became a major concern for the Turkish side. 1997 Glion

⁴¹ Council (26-27 June 1992). Lisbon European Council Presidency Conclusions. Lisbon Bulletin of the European Communities.

⁴² Council (24-25 June 1994). Corfu European Council Presidency Conclusions. Corfu, Bulletin of the European Communities. **No 6/1994.**

meetings started and ended under the shadow of Luxembourg Council decision to give RoC date for accession negotiations. As a result, TRNC President Denktaş started to propound 'existence of two separate peoples and two administrations' on the island. Following the start of accession negotiations with RoC in March 1998, the tone was hardened further; Denktaş claimed that "acknowledgment of the existence of two fully functioning democratic States on the island" should be the basis of the negotiations⁴³. The EU was accused of destroying the previously agreed UN parameters; therefore leaving no other choice to the Turkish Cypriots to demand recognition. The previous discourse (at least at rhetorical level) in the north supportive of bizonal and bi communal federation between two communities was completely replaced by TRNC's right to take part in the international community 'as a sovereign and democratic state'⁴⁴.

Second, as Greek Cypriot leadership came closer to the EU, the threat perceptions of Turkish Cypriot leadership created a novel strategy of seeking closer ties with Turkey. As a counter-challenge to the Greek Cypriot-EU 'cooperation', joint declaration between Turkey and TRNC stated that

[t]he Turkish side will consider the start of accession negotiations between the Greek Cypriot administration and the EU, based on the unilateral application of the Greek Cypriot side for full membership in contravention of international law, as the complete abolition of the framework and parameters for a solution which have emerged during the negotiating process in Cyprus. Each and every unilateral step to be taken by the Greek Cypriot Administration towards the EU membership will accelerate the integration process between Turkey and the Turkish Republic of Northern Cyprus⁴⁵

The integration of TRNC with Turkey was sought through closer economic and political links such that agricultural bank credits were lent to Turkish Cypriots under the same conditions of Turkish citizens and the same economic and social rights of Turkish citizens were offered to Turkish Cypriots. It was agreed to establish a common economic area that would allow free flow of goods, services, capital and investment, joint defence in case of common military threat⁴⁶.

The EU moves considerably hindered UN negotiations rather than co-opting nationalist leadership in the north for almost one decade. When the EU decided to add Cyprus into the list of candidate countries, it was claimed that the historic reality of the Union as a peace project between European states could be a role model for the island. However, when negotiations started the EU did

⁴³ UNSG (16 June 1998). Report of the Secretary General on his Mission of Good Offices in Cyprus. New York, UN. **S/1998/518**.

⁴⁴ Declaration by the Association Council between Turkey and TRNC, 31 March 1998 available at Turkey Ministry of Foreign Affairs <http://www.mfa.gov.tr/default.en.mfa> [accessed 20 March 2010].

⁴⁵ Turkey-TRNC Joint Declaration 20 January 1997 available at Turkey Ministry of Foreign Affairs <http://www.mfa.gov.tr/default.en.mfa> [accessed 20 March 2010].

⁴⁶ Joint Statement By The Co-Chairman Of The Turkey-TRNC Association Council State Minister Şükrü Sina Gürel And TRNC Minister Of Foreign Affairs Taner Etkin - November 14, 1998

not directly engage with 'illegal government' in the north. Lack of consent from Turkish Cypriots side forced the EU to act against its own principles. For instance, when TRNC government rejected to become a part of Greek Cypriot delegation, the EU accepted that a considerable part of the island's population which Republic of Cyprus is considered to represent would be left outside negotiations. Towards the end of 1990s, the discourse inside the EU started to soften towards Turkish Cypriots especially after 1997 Luxembourg Summit when Turkish Cypriots and Turkey ceased all relations with the EU and UN peace process was stalled due to Turkish Cypriot intransigence. After Luxembourg Council, Brussels started to emphasise that the Union could contribute to the settlement of the Cyprus problem by facilitating a fair solution for both sides. This view became the dominant discourse adopted by all member states, the Commission, and the Parliament. 1998 Progress Report stated that

The objective (of the EU) remains a bi-communal, bi-zonal federation on the basis of a comprehensive political settlement in accordance with UN Security Council Resolutions. A political settlement would allow the provisions of the Accession treaty to be implemented throughout the island. Progress towards accession and towards a just and viable solution to the Cyprus problem will naturally reinforce each other. The Union reaffirms its full support for the search for a solution under the aegis of the UN.⁴⁷

Besides being an example through its political culture as a consensual and reconciliatory decision making body, it was claimed that the EU would offer both formal (through Union treaties and accession act) and informal (shaming and blaming of other member states and EU institutions would act as a deterrent) guarantees for both communities under a reunified state and obstruct the majority Greek Cypriots to violate the EU norms and principles. The commitment from both communities to respect the EU law and principles would create a neutral space beyond the narrow and mutually-exclusive interests of Greek and Turkish communities on the island and guarantee the final settlement of this protracted conflict.

By the beginning of 2000s, local civil society and opposition parties in TRNC gradually became more vocal in their support for reunification and EU membership. Especially, civil society which had been forced to remain apolitical and survive in isolation increasingly turned to become a crucial element of political opposition in the Turkish Cypriot community and placed itself the centre of the political action demanding democratic change in decades of nationalist leadership. People's support for the traditional leadership's policies in the north declined tremendously after the EU changed its tough policy of co-opting the nationalist government and addressed Turkish Cypriot public. In this sense, the Union conveyed a clear message that membership would mean reintegration into the

⁴⁷Commission (1998). Regular Report on the Cyprus' Progress towards Accession Brussels.

international community, economic development and recognition of distinct Turkish Cypriot identity.

Although political mobilisation among non-governmental associations and organisations existed for a long time, opposition in the north could not disseminate the idea of reunification under certain guarantees to the broader public until EU integration came into the picture. Civil society and political opposition remained isolated and marginalised from ordinary Turkish Cypriots. It was the EU's normative approach linking conflict resolution and enlargement that has gained widespread support from marginalised pro-solution groups in North Cyprus and for the first time allowed them to use the framework offered by an external actor to reach broader public. The meaning uploaded to the EU as an ideal actor and as an opportunity which could facilitate a negotiated solution has converged with the message conveyed by the Union and helped to transform the primordial role of local civil society in terms of passive participants of bi-communal cultural events to a more politicised role mobilising the Turkish Cypriot public and offering an autonomous space against the traditional ruling elite. It was not the specific policies of the EU towards the Turkish Cypriot community (which did not exist anyway except reunification under EU membership) but the presence of the EU ideal and the pressing deadline of accession that played a decisive role for the actions of pro-UN solution groups in north Cyprus. In the past, other third parties offered various solutions (Mirbagheri 1998) that offer benefits to both parts but none of them convinced Turkish Cypriots to abandon independence claim. Political activism and influence of local civil society was enabled through the prospect of EU membership when they incorporated the EU membership into their agenda and directly linked the EU accession and a decisive solution on the island. As Adamides and Constantinou state the EU's enabling impact provided the elite [outside the nationalist government] with reference points to legitimise conflict-diminishing policies without the elite having significant domestic political costs' (Adamides and Constantinou 2011).

As a result, mass demonstrations in the streets of the northern sector of Nicosia were triggered after the EU invited the Greek Cypriot government to join the Union with or without Turkish Cypriots in December 2002. On 12 July 2001, forty one associations, opposition parties and trade unions organised a rally with 3000-4000 participants under the banner "This Country is Ours" ('Bu Memleket Bizim Platformu'). The demonstrators protested against the economic situation in the north and called for a more positive attitude towards the EU and bi-communal reconciliation. Following this, in August, the opposition grew stronger. NGOs, political opposition, business associations and trade unions totalling 91 organisations joined 'The Common Vision of Turkish Cypriot Civil Society' platform emphasising the urgency of resolving Cyprus problem before the accession to the EU. The protests were repeated until CTP (leftist pro-solution party in the north)

was elected to form the government and the divide along Green Line was ended by opening checkpoints for Cypriots' passage to the 'other side' in 2003. With the inclusion of opposition political parties, trade unions and business groups, pro-solution voices reached masses in the north and achieved to become a 'political variable' in the Cyprus conflict by appropriating EU membership for their causes. After the new government became a part of negotiations, the Turkish Cypriot side's official discourse towards the EU quickly improved. CTP evidently pursued a firm position that the island should be reunified before Greek Cypriot membership into the EU and a flexible stance of CTP during the UN negotiations in Burgenstock in early 2004. Government was also actively lobbying inside to convince Turkish Cypriots in favour of reunification. In a joint statement of CTP and other pro-solution parties, it was stated that accepting Annan Plan in the referendum would mean reconnecting north Cyprus to the world through the EU window. The message was: 'Come join us to reconnect north Cyprus to the world!'⁴⁸

How can support for reunification under a common state where majority would be composed of Greek Cypriots be explained? The mass movements organised by civil society and opposition demanded Turkish Cypriots to assume the role of masters of their own country and promised the EU membership would be the only way to achieve this goal (Hatay and Bryant 2008). Whilst the EU membership in general was interpreted as a strategic gain by the Greek Cypriot leadership (Anastasiou 2008; Ker-Lindsay, Faustmann et al. 2011), for Turkish community, the stakes of being left outside of the EU were much higher compared to the Greek Cypriot side. In other words, the young generation demanded 'a normal life' and increasingly convinced that under the EU co-existence with Greek Cypriots would be a nearer possibility than independence⁴⁹. The EU represented economic development and prosperity, ability to produce and trade with the world. However, widespread support for the Annan Plan in the north can not only be explained by the calculated economic utility of membership especially if economic aid from Turkey and the inheritance of security concerns of minority Turkish Cypriot community under a common state are considered. Trust and belief in the EU's potential role in the process of resolving the conflict cannot be underestimated. Bülent Kanol the head of Management Centre stated that, the civil society leaders always believed that peace building should always involve 'multi-track and dialectic social forces from the bottom'. However, realising this goal was only possible in early 2000s thanks to the approaching EU membership. Kanol stated that 'encouraged by the unprecedented initiatives that were brought up by the EU, Turkish Cypriots became mobilised for peace, security and democracy during years before referendum⁵⁰. As a result, people renounced fifty years of independence

⁴⁸ Yenidüzen, 13.04.2004, CTP-BG Merkez Kurulu Basın Açıklaması.

⁴⁹ Author's interviews with Turkish Cypriot university students in the UK, 2012.

⁵⁰ Author's interview, Bülent Kanol, Management Centre, February 2012, Nicosia.

demand when the EU came into the picture and supported reunification under a federal state because the EU represented an ideal, the end of complete isolation from the rest of the world and a status for their distinct community. Being an EU citizen would end the isolation of Turkish Cypriots and allow them to enjoy the benefits and freedom as Cypriots. Their basic cultural and social rights would be under protection of the EU which respects diversity and equality. The EU promised representation of Turkish Cypriots in regional or communal groups inside the Union. This would also mean some political status that the Turkish Cypriots had tried to achieve and failed through demanding independence. For the majority of Turkish Cypriots, the EU citizenship was accepted as a way to restore their unique Cypriot identity which had been long diluted or tainted by the 'motherland Turkish' identity and settlers from Anatolia. Erol Kaymak, Professor at the International Relations at Eastern Mediterranean University in North Cyprus also argued in favour of the centrality of the EU for pro-settlement movement

it [Turkish Cypriot mobilisation in favour of solution and Annan Plan] was all about the European Union, the ideas and symbols that the Union represented for Turkish Cypriots at that moment. That is to say economic, political and social security, stability and existence as a part of the international community were associated directly with the EU⁵¹.

Overall, the initial EU policies in Cyprus caused hardening of Turkish Cypriot position vis-à-vis the UN efforts of conflict settlement. As a result, the EU was compelled to soften its approach by more emphasising the political and economic benefits of reunification under EU umbrella by directly targeting Turkish Cypriot public. As a result, EU framework was normativised and authorised by Turkish Cypriots during the accession negotiations phase despite the disapproval of nationalist political leadership. Consent generated by the opposition parties, civil society, business groups and trade unions exhibited a common stance by approving the membership prospect and conveying the message of the EU to the broader public as the only way to regain an international status, economic, political and social security and recognition worldwide. In this sense, the EU agenda of conflict resolution through membership has generated an unprecedented movement for transforming almost fifty years of conflict in favour of settlement and reconciliation. However, initial consent created in the north was rather wasted in the post-accession period due to complications triggered by contextual local factors and the EU inability to fulfil its commitments to North Cyprus. Next section turns to analyse the main policy of the EU towards North Cyprus in post-accession phase and assess if this consent was transformed into diffuse and specific support for the EU on the ground.

⁵¹ Author's interview, Erol Kaymak, EMU, 2012, Nicosia

Lifting Isolations of the North

The result of the referendum on the most comprehensive settlement plan offered for Cyprus conflict was rather unexpected for the EU and the international community. The referendum was held under the pressure of EU; however, failed to generate approval of Greek Cypriots. Immediately after the referendum, Enlargement Commissioner Verheugen stated Turkish Cypriots must not be punished because of their positive vote. The Commissioner signalled a new regulation to be issued by the Commission to 'end the isolation of the North' and stated that the Commission is ready to take various measures for that aim⁵². Obviously, the EU did not want to lose the momentum gained on the northern side of the island after the accession of Greek Cypriots into the Union. On 7 July 2004, the Commission, acting upon invitation from the Council, proposed 'comprehensive measures to end isolation of Turkish Cypriot Community'. The Commission stated

As the Turkish Cypriot community expressed overwhelming support for the UN Plan to reunify Cyprus, it would have been unfair, to say the least, to leave it out in the cold. The Commission is therefore happy to propose an aid and trade scheme, which, if adopted by the Council, will foster the economic development of the northern part of the island. It will also build new bridges between the two communities and thus keep alive hopes of the reunification of Cyprus⁵³.

As a result, the EU also intensified the tangible policies in the form of extending direct relations to authorities in the north and economic offerings to Turkish Cypriot side independent from the south in order to materialise the previous commitment that the EU would contribute to the northern part of the island through economic gains (development and trade) and political advantages (lifting isolation of Turkish Cypriots). The Commission adopted a proposal known as Financial Aid Regulation (FAR) and Direct Trade Regulation (DTR) after Cyprus's membership. FAR established financial support in order to generate economic development for the Turkish Cypriot community and to improve contacts between the two communities through distribution of 259 million euros in aid. DTR which initially accompanied FAR set the rules for direct trade from the north to the EU. The aim of the proposal was 'to facilitate trade between areas [north of the island] and Member States other than Cyprus' through preferential treatment for products origination from the north. The proposal was welcomed by the Turkish Cypriot leadership and public as an alternative step towards integration after failed reunification plan

⁵² Embargoed! (22 April 2005) "Testimony: A World of Broken Promises." <http://www.embargoed.org>.

⁵³ Commission (7 July 2004). Commission proposes comprehensive measures to end isolation of Turkish Cypriot community. [IP/04/857](#). Brussels.

FAR was put into force in 2006 with an aim to directly allocate the aid to the beneficiaries (local bodies, civil society, non-governmental organisations, business groups, foundations). The aim of the financial aid is to support harmonisation of legislation in the north with the EU law, confidence building measures, economic development, and infrastructure building with an outlook to withdraw the suspension of the *acquis* in the north after a settlement. The economic integration of both sides was the ultimate aim of the regulation (Art 1)⁵⁴. Most important development in the form of direct relations with the authorities was the establishment of Turkish Cypriot community Task Force within DG Enlargement and Programme Support Office (EUPSO) in Nicosia's northern sector in order to implement the aid regulation. However, the Greek Cypriot government, now a member state in the Council, claimed that DTR would be an indirect recognition of TRNC and would hinder incentives to seek a UN solution in the north. As a result DTR failed to pass Council veto of Greek Cypriot administration as a member-state.

Despite some major handicaps of implementation due to the continuing Greek Cypriot veto on some issue areas that the aid could be invested, FAR largely contributed to infrastructure development in the north. The aid is allocated with a view that the suspension would be withdrawn upon a settlement. In general, business groups and public favoured the aid; albeit the calls for more investment in the rural sectors and SMEs, if the EU really wanted economic development and sustainability in northern Cyprus, is widespread⁵⁵. More importantly, part of the aid allocated for preparing the Turkish Cypriot community to harmonise with the *acquis* is considered as a well working cooperation between TRNC and the EU. Although the EU does not recognise any authority in the north, the Turkish Cypriot institutions undergo an intensive harmonisation process and new legislation like a candidate country. In line with this aim, assistance concentrated mainly on the preparation of the Programme for the Future Application of the Acquis (PFAA in order 'to provide a framework for the identification and prioritisation of specific areas of the *acquis communautaire* where assistance will be provided in preparation for reunification'⁵⁶. The Turkish authorities provide full support for the initiative and work pragmatically along the Commission officials as stated by the head of the EU Coordination Centre -the local counterpart of EUPSO and Task Force:

the Turkish authorities are willing to work pragmatically along the Commission officials to get optimum technical and financial assistance for harmonisation of law without being stuck with 'a title' or

⁵⁴ Council (27 February 2006). Council Regulation establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community and amending Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction. [EC No 389/2006](#). E. Council. Brussels.

⁵⁵ Author's interviews with local beneficiaries and business groups in TRNC, February 2012, Lefkoşa/Nicosia

⁵⁶ Commission (8 July 2009). Communication from the Commission to the European Parliament and to the Council Third Annual Report 2008 on the implementation of Community assistance under Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community. [COM\(2009\) 286 final](#). E. Commission. Brussels.

'recognition' for relations. We see this process as a social and political transformation process and integration with the EU. The Turkish Cypriot side expects the EU to assist and encourage them in line with the spirit of the promise to lift the isolations of the Turkish Cypriots⁵⁷.

The EU's ability to implement the generous promise of lifting the isolation of Turkish Cypriots, however, is not near to implementation. Direct Trade Regulation has become the most evident case of the EU's inability to implement policies once Greek Cypriot government blocks institutional decision-making for Turkish Cypriot side. As a result DTR has become a stringent knot in relations between the EU and Turkish Cypriot authorities. The Greek Cypriot veto would be hardly surprising for someone who is aware of Cypriot conflict; but more interestingly it revealed a turf war between the Council and the EP on the one hand, and the Commission on the other. In August 2004, Legal Service of the Council issued its opinion which declared support for the Greek Cypriot argument. After the entry into force of the Lisbon Treaty, many in north Cyprus and in Brussels hoped that with the EP's co-decision making role in trade agreements, a breakthrough change could happen. In September 2010, the Legal Affairs Committee of the EP issued an opinion on the Proposal which mostly shares the opinion of the Council's Legal Service. Currently, the proposal was also removed from the agenda of the Parliament due to this opinion⁵⁸. On the other hand, Commission remains convinced the proposal falls under Article 133. It was even claimed that political pressure from Greece and Greek Cypriots might end up a court case between the Greek Cypriot government and the Commission. The issue remains extremely polarised while pro-Greek Cypriot views inside the EU claim that the proposal would create a Taiwan in the Mediterranean and solidify the status quo, pro-Turkish Cypriot views claim the process of rapprochement will start and the elements of mistrust will diminish⁵⁹.

Whilst the value of the goods traded from the north via the Green Line continued to rise reaching an approximate increase amounting to 1 million euros each year since 2004⁶⁰, it might be difficult to understand the criticisms of Turkish side. The limbo in Brussels created extreme sense of mistrust and disappointment on the side of Turkish Cypriots. Although the lack of progress in terms

⁵⁷ Author's interview, Erhan Elçin, Head of EU Coordination Centre of TRNC, Lefkoşa/Nicosia.

⁵⁸ Author's interview with Erhan Elçin, the Head of TRNC EU Coordination Centre, February 2012, Nicosia.

⁵⁹ UKParliament (January 2005). The European Union dimension Cyprus and the EU. Select Committee on Foreign Affairs <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmfaaff/113/11306.htm#n184>.

⁶⁰ After the Greek Cypriot rejection of referendum, before the date of membership of the island as a divided country, the Council attempted to regulate the *de facto* external border (Green Line) separating the north and south sectors of the island. Citing the necessity of regulating *de facto* border of the EU, i.e. Green Line, the Commission stated that since the Green Line is not an official external border of the Union, special rules 'concerning the crossing of goods, services and persons' were necessary in order to prevent 'illegal immigration and threats to public order'. Art 1 and 2 of the Regulation stated 'on the condition that they [goods] are wholly obtained in the areas not under effective control of the Government of the Republic of Cyprus' ... 'shall not be subject to customs duties or charges having equivalent effect'. The regulation has become a tool to encourage trade between two sides of the conflict.

of direct trade issue is due to Greek Cypriot uncooperative attitude, Turkish Cypriot business associations criticise the EU's lack of political engagement with the issue which is interpreted as passively siding with the Greek Cypriot side. One message repeatedly delivered by Turkish Cypriot authorities and business groups is that there are political, legal and humanitarian implications of isolation of Turkish Cypriots as well as economic ones. Firstly, most of the business associations and NGOs argue that if they accept GLR as the only way to trade, they would accept the Greek Cypriot view that direct trade is not a necessary step in the economic development of the northern part of the island. Moreover, they claim that financial aid cannot alone establish stable economic development in the north, free and direct trade has to follow aid. Secondly, the EU's 'passive-aggressive attitude' in direct trade issue is condemned as illegal. This argument is based on the UN Secretary General's call that the international community should ban the isolations of the north after the referendum without prejudicing the UNSC resolutions 541(1983) and 550(1984) which ruled out TRNC's declaration of independence by calling international community to adopt a policy of non-recognition. Lastly, suspension of the *acquis* in the north in line with Protocol 10 cannot be used as a basis to abduct the EU citizenship rights of Turkish Cypriots such as integration with the EU economically⁶¹. The authorities stated engaging uninterrupted trade with the Union would only enable them integrate with the EU law in real sense and contribute to the economic development of the north both of which were agreed as necessities for a common solution. Direct trade would not only decrease the cost of reunification but also help Turkish Cypriots to feel as a part of the EU⁶².

In this sense, political authorities and business groups try to lobby the EU by calling the EU to take action in line with the norms and principles in this issue. KTTO claimed direct trade constitutes an integral part of EU norms and principles of freedom to conduct business and the Union shall contribute to these principles in north Cyprus which is a part of the EU. KTTO claim that only through direct trade the Turkish Cypriot economy would flourish free from psychological and non-tariff barriers imposed by the green line trade. In one of the pamphlet KTTO published clear reference to the EU principles and integration shows the level of convergence between moral claims made by the EU to convince local actors in favour of the benefits of EU membership and the right to development through direct trade: Trade is what brought the EU together; trade is what will bring Turkish Cypriots and the EU together; trade is what will bring Cyprus together, Cyprus needs the Direct Trade Regulation NOW!⁶³. Lately, many civil organisations including Turkish Cypriot Businessmen Association organised a protest event in Brussels declared that they would continue to struggle to

⁶¹ Protocol 10 of the Accession Treaty of RoC abandons implementation of the *acquis* in the north until a unanimous decision is taken. The same protocol states nothing 'shall preclude measures with a view to promoting the economic development of the areas' outside the effective control of the RoC.

⁶² KTTO (no date, collected from KTTO on 9 February 2012). *Why Do We Need Direct Trade? Simply to 'Trade'!* Nicosia.

⁶³ *Ibid.*

raise awareness in Brussels and pressurise the EU to take step to incorporate Turkish Cypriots as EU citizens. Dressed up all in white as 'ghosts', they wanted to convey the message to Brussels that they are 'forgotten EU citizens treated as ghosts'⁶⁴.

Overall, similar to Kosovo case, local stakeholders concur that performance failure is a result of the EU's reluctance to take decisive action rather than structural deficiencies, which generate not only decline in specific support but also in diffuse support which risk foundational challenges towards the EU as a conflict resolver.

EU Conflict Resolution in neighbourhood: at the edge of delegitimation?

The paper attempted to address legitimacy of EU conflict resolution as a source of power ergo authority in conflict resolution. It argued that legitimacy shapes across maintaining a delicate and often pragmatic balance between normative-empirical sources and diffuse-specific support for the EU. Such a balance would be determined by shared understandings between the EU and various local groups, and intersubjective institutions and practices of conflict resolution. In this sense, the paper argued that legitimation of the EU is a practice, not shaped by mere declaration of norms. By relying on theories of legitimacy from political theory and global governance, the paper argued that legitimacy of the EU is based on two pillars: consent generated through interpretation of the EU's declared normative agenda by a variety of local groups (normative-empirical fusion) and diffuse and specific support for specific ground representations. Consent is engendered through filter of local evaluations that are directed to the EU in its totality or what EU as an actor represents for local groups in conflict resolution whereas support is more shaped by performance on the ground. Study of two grand projects of EU conflict resolution in its neighbourhood revealed that interaction and bargaining between local groups and the EU has a significant impact on the EU's authority sometimes more than structural conditions.

The EU's leverage (through conditionality and enlargement prospect) and cooperative attitude towards local parties (especially elites and civil society) make it a preferred conflict resolver by local groups. In other words, seemingly the EU does not have problems of initial authorisation to get involved in conflict resolution. In this sense, the EU's 'difference' is its unique ability to offer membership even as a distant prospect. The EU has achieved to generate consent and cooperation of local groups that is conducive for democracy-building and reconciliation in Kosovo and North Cyprus. Yet, failure to generate decisive settlement and reconciliation in these conflicts is due to wavering legitimacy of the EU. More specifically, consent of locals are limited and conditional in

⁶⁴ Protest organised by Turkish Cypriot Young Businessmen Association, Forgotten EU Citizens, 29 June 2012, <http://www.giad.org/>.

Kosovo and wasted by wrong strategy of allowing RoC to join the EU before settlement in North Cyprus. It was also found out that the EU's normativeness is only relevant when conflict addressees are united in terms of willingness to settle the conflict and when the EU's message can be delivered to masses by 'peace entrepreneurs' on the ground as seen during accession negotiation in Cyprus. Otherwise, it is tailored for the purposes of local political leaders and the majority community to achieve their own vision of settlement. In Kosovo where the population is ethnically heterogeneous the EU acquired consent only from majority community in Kosovo which has been fragile and conditional upon the EU's support for dominantly Kosovar Albanian identity of the new state. As a result, the EU has contributed indirectly into isolation and marginalisation of Kosovo Serbs, forging divisions between Albanians and Serbs and therefore hindering the process EU conflict resolution agenda in Kosovo, i.e. ethnic reconciliation and decentralisation. In North Cyprus, also due to the tangibility of integration, EU presence has gained consent from homogenous Turkish Cypriot population by addressing not political and identity concerns of Turkish Cypriots more than any other third party in the history of conflict resolution on the island. It helped to unify divergent local groups such as business groups, leftist political parties, civil society and public in favour of settlement and reconciliation.

However, the process of continuous involvement in institution building and societal transformation includes 'extended periods of bargaining' between the EU and various local actors which goes beyond the initial consent for the EU agenda (Narten 2009). Over the long term, the impact of these bargains between the local groups and the EU might alter the initial authorisation as local elites, public and other groups might challenge the EU for undelivered outcomes, would like to open up the terms of conditionality and force the EU to change its policy based on counter-normative claims (arguing that the EU practice is hegemonic, anti-human rights, discriminatory, cynical etc.) while the EU strives for remaining relevant and credible on the ground.

As the case of Kosovo suggests when the lack of performance is not only attributed to lack of capabilities but also to the EU's reluctance to risk short-term stability, performance failure for specific policies is detrimental to the legitimacy of the EU. In other words, lack of specific support triggers more foundational challenges against EU's overall presence. EULEX's evasion from questioning the overtly corrupt and illegitimate local structures has even created a ground for new movements rising from bottom to the politics by simply demanding an end for UNMIK's and EULEX's imperial/colonial presence in Kosovo. As the EU continues to criticise the local structures of judiciary, customs and police that its mission is responsible for their betterment, local civil society and public have difficulties in understanding EULEX's failure to take decisive action. In other words, no matter how much the EU argues that lack of rule of rule of law is one of the main challenges for Kosovo's EU

integration, the local groups would continue to hold EULEX equally responsible for the current situation as much as the Kosovo government. While the EU makes rule of law for Kosovo institutions the main problem that needs to be dealt with, failure to tackle absence of rule of law and abundance of corrupt authorities is seen as a failure of the EU.

The same path of declining specific and subsequently diffuse support for the EU policy of integration of Turkish Cypriots to the EU by lifting isolations is valid for North Cyprus albeit to a lesser extent and with different symptoms. The policy to prepare North Cyprus for future integration so far generated support from local authorities, business groups and civil society. The nature of bilateral relations with TRNC authorities excludes executive mandate which makes the case of North Cyprus different from Kosovo. Local groups are committed to cooperate with the EU pragmatically without expecting recognition. The extent to which the EU can rely on its performance legitimacy of *acquis* harmonisation and financial aid given the increasing demands for meeting the commitment to lift the isolations of the north depends on whether the EU has a long term strategy to bring settlement to Cyprus conflict. However, since the accession of RoC, Turkish Cypriots remain convinced that the EU cannot bring any better policy under the restraining conditions of EU decision-making with Greek Cypriot government's veto power. Moreover, local authorities, business groups, civil society and public also argue that the EU is not prepared to take political steps to prevent Greek Cypriot side from blocking integration of the North with the EU further. The perception of the EU as an incapable actor after accession of RoC has affected future peace process in two ways: first as resistance against the EU to take an active role in UN negotiations due to its perceived inability to present an impartial position. Turkish Cypriot authorities and civil society often reiterate that the situation revealed the weaknesses of the EU institutions which were taken hostage by the Greek Cypriot unfounded fears and cannot present a neutral ground for conflict resolution⁶⁵. Second, indifference or lack of hope by Turkish Cypriot public towards peace process and nationalism and Euroscepticism to resist reunification under bi-communal bi-zonal federation has been on the rise since 2004 in North Cyprus. A general lack of belief in a future settlement dominates the public opinion in the north (UNFICYP 2007; Kaymak, Lordos et al. 2008; Sozen 2012). For instance, many people invested in the private property which is contested between the sides believing that the island would never become unified and they would not be required to relocate. Civil society and pro-settlement forces were seen as engaging in hopeless endeavour since the EU is now seen as 'on the side of the Greek Cypriots' who have no incentive to negotiate with Turkish Cypriots with goodwill by the ordinary Turkish Cypriots⁶⁶. More importantly, parliamentary and presidential elections in 2009 and 2010 respectively brought nationalist and traditionally pro-independence parties back into

⁶⁵ Author's interviews in Lefoşa/Nicosia, February 2012.

⁶⁶ Author's interview, Bülent Kanol, Head of Management Centre, February 2012, Nicosia.

the power. Without a hope for settlement, the public signals a general acceptance of the definitive division of the island; the EU helped to establish and maintain a new status quo on the island.

Conflict resolution is 'non-linear interactive process' as shown in the complex relations between local groups and the EU (Narten 2009). It is hardly possible to treat local constituency as uniform body which can be convinced to cooperate with the EU agenda of conflict resolution through simply normative discourse and material benefits. During the long-term process, the EU finds itself under pressure from local groups to change some strategies in order not to lose grip on the ground. Lack of sustaining the initial consent and maintaining local support for field policies has so far turned the initial local consent into suspicion for the EU's role, apathy for reconciliation and even more foundational challenges targeting EU's intrusive/corrective powers as colonial practice in its two grand projects of conflict resolution where the Union has invested its best policies and instruments of conflict resolution.

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