# THE EUROPEAN UNION AND THE HANDLING OF THE ETHNICAL CONFLICTS. THE CONFLICT FROM KOSOVO

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*Abstract: The policy of the European Union of handling the ethnical crises concentrated almost exclusively on the Western Balkans. After the NATO intervention in Kosovo in 1999, the European Union played a more and more important role as regional peacemaker and mediatorof the inter-ethnical and religious conflicts from the former-Yugoslavia. Afterthe failureofhandling the crises from the middle of the 90`s, the capabilities of the European Union improved significantly, presently the Union being capable to enterprise both civilian and military operations which allows that the diplomatical efforts can be sustained. Extended at 28 member states with a greater political weight due to both the process of adherence and association but also asresultofthe development of its own identity and security policies, the European Union is presently a lot more capable from the diplomatical and military point of view to facethe new challenges.*

*Keywords: ideological conflict, crisis, security and defence, refugees, European identity*

## 1. Introduction

Once with the ending of the Cold War, one of the fundamental premises of the European architecture of security also changed. The threat of a mutual annihilation in the eventuality of a confrontation between NATO and the Warsaw Pact, the risk of a war between the European states became insignificant but the possibility of the start of conflicts of other type was not excluded completely.

NATO, the Organization for Security and Cooperation in Europe, the Western European Union, the United Nations and the Council of Europe, the main institutions of European security during the Cold War, survived easily to the ending of the ideological conflict. They needed to implement other policies of solving conflicts in order to face the challenges of the new context, firstly the conflicts of ethnical nature.

At the beginning of the 90`s, in the moment of maximum institutional uncertainty, the European Union and all the other international organization preoccupied with the European security dealt with the process of dissolving of the URSS and with the violent fragmentation of Yugoslavia. The failure of the international community to prevent the series of wars and humansufferings from Yugoslavia represents the clearest illustration of the fact that the traditional paradigmas for preventing conflicts and handling crises had become inadequate.

The European leaders believed that the states ofthe European Community could solve the Yugoslavian crisis from 1991. A decade of confrontations that ended with more than a quarter of a million casualties and 3 million refugees shows the measure in which Europe failded to handlethis crisis[1].

## 2. The crisis from Kosovo and the marginalization of the European Union

The crisis from Kosovo underlined the main two weak points of the European Community and later of the European Union in handling the conflict from the West Balkans in the 90`s. First of all, the European Union dealt with its own lack of experience as far as the ensurance ofthe European security is concerned. The external policy andof common security was not prepared enough to

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[1] Fancompret, Erik, *The dismemberment of Yugoslavia and the European Union (Antwerp, 2001), 172-174*

answer to a situation having the complexity ofthe Yugoslavian one. Secondly, the member states of the European Union had different positions and they were difficult to reconcile.

For example, France, an historical ally of Serbia, favoured a sollution in which the Yugoslavian federation would have remained intact. Italia supported this sollution, mainly because of the strong relations it had with the Yugoslavian government. On the other hand, Germany, that had recently been reunited, was affirmingits moral duty to support other states that had left the Communist regime.

The adopted positions in discussing the NATO action against Yugoslavia in Kosovo from the spring of 1999 there are two major lines: those that support the intervention of the Alliance, it was justified by the dramatical degradation of human rights in the province; the condeming of the bombardments is made, in principle, because of non-respecting the sovereinty of the Yugoslavian state, an action that can be discussed from the moral point of view and the legality that can only be given by the Council of Security of the United Nations.

In the conditions in which in 1998 the Government from Belgrade considered the activity ofthe Albanian Army of Liberation from Kosovo as a bigger and bigger threat at the address of tha national security it deployed important military forces in the province. The actions of the troops declanched an important humanitary crisis, especially from the prismaofthe problem of refugees – one estimates that approximatively 250.000 Albanians from the province left their houses out ofwhich approximatively 80.000 left the country. Supporting itself inlusively on the Resolution 1199/ September 23, 1998 of the CS ofthe United Nations that requested the withdrawal of the federal forces and the coming back ofthe refugees, things that did not happen, and as the negotiations seemed blocked NATO decided the start of bombardments in the spring of 1999 to force Belgrade to conform itself to these decisions[2].

The massive waves ofrefugees causedby the violence from Kosovo provoked the concern of the international community as did also the ones from the Albanian crisis but at a greater scale. In special conditions, the states can appeal at military means to approach the problem, in the sense of forcing the country of origin to change its behavior and in this way be eliminated the migration cause but the effects can be debatable[3].

The explanation for intervention must be rather looked at affective level and the level of responsability, the NATO members being "united by a feeling of shame, given the fact that they failed individually and collectively in conceiving coherent policies and engaging themselves in decisive actions in the four years of ferocious wars in the ex-Yugoslavia (1991-1995)."[4] Given Belgrade's ignoring of the taking of position of the international organizations – the United Nations, the European Union, the Organization forSecurity and Co-operation in Europe, NATO – and the increased concerns by o policy of ethnical epuration, the decision was made easy regarding the involvement of the military force of the Alliance in imposing Belgrade to stop any action in Kosovo, after the failure of the negotiations at Rambouillet[5].

The NATO operation against Yugoslavia had the gift to divise the membersof the concerts of power, generally that of the Council of Security and specifically to the group of contact, Russia and China protesting against the action. From the moral point of view, we find ourselves in front of two different ways of rapporting at the international policy. A point of view that sees

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[2] See, for example, Catherine Guicherd (1999), "International Law and the War in Kosovo", in Survival, 41 (2), pages 25-26. C. Guichard offers many pieces of information for a discussion concerning the intervention from Kosovo from the perspective of international right.

[3] This is what comes out from Barry Posen's research, an author attached to the realistical tradition. For Posen, the military means that the states have at their disposal would be, in order, the punishment for example through bombardments, the areas of security for the population in the area in which the population ussually lives or outside it, the forced truce in the area of conflict and, the war against the military power of the attacker, a war after which its political regime would be changed too – B.R. Posen (1996), "Military responses to Refugee Disasters", 77-79

[4] Adam Roberts (1999), "NATO's humanitarian war' over Kosovo", in Survival, 41 (3), 104

[5] For details regarding the deployment of the Conference see, for example, Marc Weller (1999), "The Rambouillet Conference on Kosovo", in International Affairs, 75 (2), 211-251.

sovereignty as untouchable, an intervention from the exterior can not be justified by the way in which sovereignty is exerted in internal business, and the point of view that opposes it is based on the universality of human rights, that are placed from the value point of view above other principles and the international community has the duty to try to monitor their appliance[6].

In the case of Kosovo, the North-Atlantic Alliance appealed at force to translate in fact a military perspective. The NATO action, that was made to protect human rights, should have been built on the imperative of minimizing loses, especially human casualties. The military operation of bombarding knew victims of the bombimgs, but also refugees, journalists or those who were found inside the Embassy of China and so on and so forth. With all the excuses presented, the Alliance continued the following of 5 objectives that were considered "non-debatable": the stopping of the killings by the Yugoslavian military and police forces, the retreat of the troops, the deployment of an international force led by NATO, the coming back of all refugees and a political decision for Kosovo.

The involvement of the Alliance in Kosovo without and explicit mandate from the Council of Security caused serious debates regarding the legality of this action. On one hand, one has affirmed that "the so-called doctrine of humanitary intervention can lead to an escalation of international violence, discord and disorder, diminishing the protection of human rights in the world.[7]" On the other hand, this conflict "was defined as an international crisis and a threat at the address of regional peace and security rather than a simple action of internal interest in more resolutions of the Council of Security.[8]"

The incapacity of the European Union to end the violences after it had affirmed strongly that it was a European problem led to its discredit internationally. The failure of the European Union in the ex-Yugoslavia was not due only to the fact that the organization was not capable but, from the political point of view, it was also not willing to enterprise common actions to end the violences

The lessons of the European failure were learned in time, though. A new architecture of security in which different international organizations can play their own role and take part at initiatives of collective cooperation and security appeared slowly. This new architecture supposes the existence of some institutions with mandates, instruments and policies that allow the more efficient approach of the current and potential provocations of security. In this reconfiguration, the European Union plays a central role. Extended at 28 member states, with a greater political weight also due to the process of adherence and association but also as result of the development of the own identity and policies of security, the European Union is presently more capable from the military and diplomatical point of view to approach the new challenges.

## 3. The construction of a European identity of Security and Defense

Through the Treaty of institution of the European Union (TUE), signed at Maastricht in 1992, the European Community radically transformed itself into an organization with clear political objectives. Apart of the so-called community pillar, the member states extended the institutional cooperation in other two domains – external affairs (the pillar Common Foregin and

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[6] A third point of view would be the hypothetical one sustained by Catherine Guicherd. This author sustains that the most adequate sollution in such situations would be the acknowledgment of the fact that the international legislation in the domain of humanitary intervention is incomplete, it needs to be developed. In this sense she proposes a common action of legiferation at European level, with the participation of the United States and Russia that could be extended globally afterwards – Catherine Guicherd (1999), "International Law and the War in Kosovo", in Survival, 41 (2), especially 20, 29-30.

[7] Jonathan I. Charney (1999), "Anticipatory Humanitary Intervention in Kosovo", in American Journal of International Law, 93 (4), 835.

[8] Ruth Wedgwood (1999), "NATO's campaign in Yugoslavia", in American Journal of International Law, 93 (4), page 829. Wedgwood offers as references the Resolution of the Council of Security 1199/23.09.1998 – preamble; the Resolution of the Council of Security 1203/24.10.1998 – preamble; and also the Resolution of the Council of Security 1244/10.06.1999 – preamble.

Security Policy-CFSP) and Justice and Home Affairs (the pillar JHA, renamed Police and Judicial Co-operation in Criminal Matters - PJCC in 1997). The Common Security and Defence Policy is added to these ones, created through the Treaty of Amsterdam (1997)[9]. As part of the Common Security and Defence Policy, the Policy of Common Security and Defence comprises the military operations and the civilian missions of the European Union. The European Security and Defence Policy offers the frame for of policies for a series of permanent political and military structures and for operations abroad. The policy was incorporated in the treaties of the European Union in 1999. After the attacks from September 11, 2001, USA attracted NATO almost totally in the war against terrorism. Most of the European Union countries redirected an important part of the budget for the defence of the European Union towards national defence which led to the prevention and the development of some capabilities of handling the crisis by the European Union[10].

The development of the institutional frame and of the political instruments necessary to obtain this independence was realised through the creation of the position of General Secretary of the European Council and High Representative for the External Policy and Common Security which surely led at that element of visibility/continuity that PESC lacked. From the numerous institutions involved in PESC and found under the authority of the Council of Europe, a few of them are are relevant directly for the EU operations of handling crisis. These are especially the Political and Security Committee, the Military Committee of the European Unions and the Military Command of the EU, all of these becoming permanent institutions according to the provisions of the Treaty of Nice (2001).
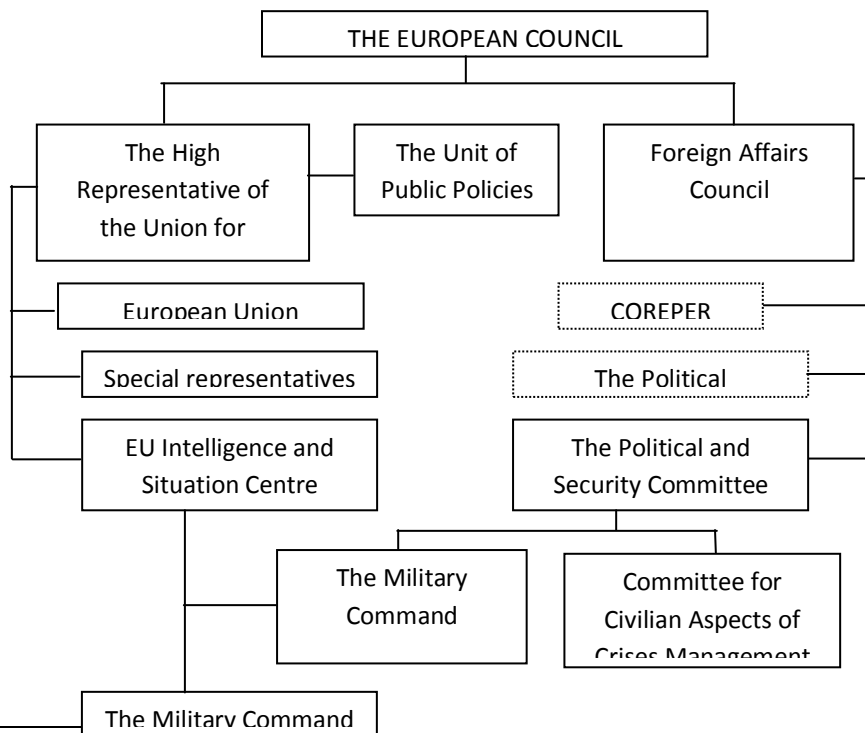


FIGURE 1. The institutional

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[9] The European Council from Helsinki (1999) used the expression Common Security and Defence Policy to underline the determination of the member states of the European Union to develop a distinctive European project in the political-military domain, it requires that it disposes of the own institutional infrastructure and a significant military capacity (Howorth, Jolyon, *Britain, NATO and the Common Security and Defence Policy: Fixed Strategy, Changing Tactics, 2000, 377*)
[10] Garden, Timoty, "EU Crisis Management: A British View", Paris, May 31, (http://www.tgarden.Demon.co.uk/writings/articles/2002/020531.eu.html)

infrastructure for handling crises[11]

Starting from 2003, the European Security Strategy established the strategy that sits at the base of the Common Security and Defence Policy while The Treaty of Lisbon offers judicial clarity regarding the institutional aspects and strenghtens the political and budgetary role of the European Parliament. As one of the most visible policies and having the most rapid evolution of the European Union, the Common Security and Defence Policy acquired a major strategical orientation – and an operational capacity – in less than a decade. Following the evolutions and the challenges with which Europe confronts itself in the domain of security and keeping into account the requests of the member states and of the citizens regarding an increased role of the European Union as provider of security, the Common Security and Defence Policy already evolves and will probably evolve in continuation according to the provisions of the Treaty of Lisbon.

The Common Security and Defence Policy (CSDP) is an integral part of The Common Foreign Security Policy of the European Union[12]. The special role of the European Parliament in the domains Common Security and Defence Policy as well as The Common Foreign and Security Policy are described at Article 36 from the Treaty of the European Union. The Parliament has the right to examine the Common Security and Defence Policy and to take initiative in approaching VP/IR and the Council in this matter (Article 36 of the Treaty of the European Union).

Starting from 2012, the European Parliament and the national Parliaments of the member states organized annually two inter-parliamentary conferences to debate upon matters linked to external policy and common security. The inter-parliamentary cooperation in these domains is foreseen at Protocol 1 of the Treaty of Lisbon that describes the role of national Parliaments within the European Union. The innovations brought by the Treaty of Lisbon offered the possibility to improve the political coherence of the Common Security and Defence Policy. Vp/IR occupies the central institutional role, ensuring the presidency of the Council of Foreign Affairs "in the configuration ministers of Defence" (the decision organism of the European Union in matter of Common Security and Defence Policy) and leading AEA. The political frameof consultations and dialogue with the Parliament evolves with the purpose of allowing the Parliament to play an integral role in developing the Common Security and Defence Policy. According to the Treaty of Lisbon, the Parliament is a partner that models the external relations of the Union and it approaches the challenge described in "The report concerning the putting into appliance of the European Security Strategy" from 2008: "The maintenance of the public support for our global commitments is fundamental. In the modern democracies in which media and the public opinion are essential in modelling the policies, the popular engagement is vital forthe maintenance of our commitments abroad. We display forces of police, judicial experts and soldiers in unstable areas from the entire world. The Governments, the Parliaments and the institutions of the European Union have the obligation to communicate the way in which it contributes at the security from home.[13]"

**Conclusions**

Judging the performances of the European Union starting from the 90`s, one can notice that only after the NATO intervention in Kosovo from 1999, the Union played a more and more important role as regional peacemaker and mediator of the conflicts in the Western Balkans, having variable results.

After the failure of handling the crises from the middleof the 90's, the capabilities of the

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[11] Luciana Alexandra Ghica, Marian Zulean, *The policy of national security*, Polirom Publishing House, Iasi, 2007, 261.

[12] See Title V ("The general dispositions regarding the external action of the Union and the special dispositions regarding the Common Security and Defence Policy" from the Treaty of Maastricht regarding the European Union; also see 6.1.1. regarding the external policy of the European Union

[13] http://www.europarl.europa.eu/atyourservice/ro/displayFtu.html?ftuld=FTU_6.1.2.html

European Union improved significantly, the European Union being presently capable to enterprise both civilian and military operations that makes that the diplomatical efforts can be sustained with authentical threats of force when it is necessary. The relative success of the European Union in the Western Balkans in the last period of the crisis must be seen in a more ample context in which the management of crises represents just an element from a more ample approach. The European Union should be the only institution to enterprise multidimenssional actions in the Western Balkans, offering support forthe development of the commercial exchanges, the economical reform, the defence of human rights as well as operations of handling the interethnical crises and military security. Even if the current operations of the European Union of handling the crises in the region are limited, they are significant for the future of the Union, as credible international actor with positive results and and significant successes[14].

The involvement of the European Union in such actions proves the success of the institutional reforms within the Union as well as the development of some credible policies and instruments of handling crisis is concerned. The external policy of the European Union proved that it can be efficient by promoting a multilateral approach both inside the Union and with other partners as well, and also by constructive and long term involvement in the zones of conflict[15].

By evaluating correctly the deficiencies of its policies up to the present, the European Union has to get involved in even more ambitious actions in the future, with a high degree of complexity also in other parts of the world.

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[14] The 2 un-knowns (knowns) in this case are the closing of Human Rights from Bosnia and Hertegovina as well as the result and the impact of the negotiations regarding the final status of the province of Kosovo
[15] Luciana Alexandra Ghica, Marian Zulean,  op.cit, 270-271