What can Practice theory tell us about the International Peace Mediation of the EU? :
The case of Serbia-Kosovo Negotiations

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Introduction

Over the last two decades, the European Union (EU) has developed a comprehensive set of tools for conflict resolution and crisis management. International peace mediation (IPM) is one of these tools. Although the EU has performed mediation services on numerous occasions (in the Russian-Georgian war, in the Aceh crises in Indonesia, in Yemen, Nepal, Sri Lanka, as well as in the recent dialogue between Serbia and Kosovo, to name just some) the institutionalization, standardization and professionalization of this practice is still very much in the nascent phase. The same applies for the scholarship on the EU’s IPM practice, as well as for the general scholarship on peace mediation. This is thus the field to which we hope to contribute with the present study. In general, we hope to elicit the characteristics and the nature of the EU’s practice of IPM. In particular, we are interested in examining how it compares to practices which are generally conceived as IPM, while simultaneously making an inquiry into the influences that shape and transform it.
We plan to structure our analysis with the help of practice theory, which has recently entered the discipline of international relations. Drawing on Michel Foucault, Pierre Bourdieu and Anthony Giddens many international scholars argue that various international practices need closer examination. They argue that the advantage of this approach lies in the unique ontological position of practices. Practices are, they believe, situated in an intersection between agents and structures (they are neither agents nor structures) and between material reality and ideas (they are neither completely material nor solely dependent on social meanings and discourses). If this is indeed the case, then the overwhelming value of the practice approach rests in its ability to transcend these deeply rooted paradigmatic cleavages within the field of IR.

Having all this in mind, the paper proceeds as follows. First, in order to lay the ground for the subsequent analyses, we briefly revisit the development of the practice approach in IR. In the second section, we examine IPM in general while defining and framing it in terms of the practice approach. In the third section, we define our main analytical concepts along the lines of Bourdieu’s approach to practices. Namely, we draw on his concept of habitus. Empirically, these analytical concepts are examined against the recent mediating role the EU played in the negotiations between Serbia and Kosovo.

1. Practice Perspective and International Relations

The practice turn has made its way into the study of IR and it promises to yield many good results.¹ An increasing number of scholars are ready to recognize it as one of the most serious approaches capable of encouraging dialogue among the discipline’s contrasting paradigms. It should be borne in mind, however, as Adler and Pouliot point out, that there is no such thing as a single “theory of practice”, but rather, a variety of theories which place their focus on numerous international practices.²

¹ The turn to practice in IR can be traced back to the late 1980s when poststructuralists such as James Der Derian, Michael Shapiro and Richard Doty set out to approach the world politics through the lens of Foucauldian “discursive practices”. The trend continued when another French sociologist, Pierre Bourdieu, began to inspire IR scholars. As a result, Richard Ashley, Didier Bigo, Stefano Guzzini, Jef Huysmans and many others started to put international practices at the center of their analyses. However, we can only speak of “practice turn” in IR as of the early 2000 when, drawing on the similar developments in social theory, Iver B. Neumann issued a call to “return practices to the linguistic turn.” Many scholars responded, creating thus far an admirable body of work. Emanuel Adler and Vincent Pouliot saw the practice approach as an opportunity to cast a fresh eye on the security communities, as well as to contribute significantly to the theoretical development of the concept. Jennifer Mitzen found useful analytical tool in Anthony Giddens’s concept of ontological security, who also preferred to places analytical focus on “doing”.

Iver B. Neumann was among the first IR scholars who, drawing on the similar practice movement in the social theory, issued a call for the discipline to turn towards the study of practices. In his 2002 article, he observed that too much analytical attention has been put on narrative practices, whereas scholars have largely neglected the study of concrete social actions. This realization has turned him into an avid advocate of the “return of practice to the linguistic turn”. Accordingly, while studying the change of Norwegian diplomacy, he focused on the interplay between discourses and practice, arguing for their mutually reinforcing relationship.

The next impetus towards anchoring the practice approach into the study of IR came in 2008. This time the social practices itself came to dominate the analyses, leaving little or no space for discourses. In this regard, Emanuel Adler used the practice approach to demonstrate how the characteristics and actions of communities of practice influence the spread of security communities. Although also focusing on the practices of security communities, Vincent Pouliot, has attempted to elicit the characteristics and the nature of logic of practicality in a theoretically more crisp way. Pouliot centered his attention on métis—a background knowledge that is an inseparable part of any practice. He conceptualized métis as a tacit, inarticulate and automatic knowledge, which is located within practices, rather than behind them. However, by subscribing to this rigid understanding of background knowledge, Pouliot significantly narrowed the empirical space that can be accounted for with the practice approach. The impression is that his theoretical model, although strong in presenting the philosophical background of practice approach, is well suited only for highly repetitive and routinized practices. As we will see, IPM is not one such practice.

A greater theoretical sophistication of practice approach was developed in Adler and Pouliot’s joint works. They have offered a convincing definition of practice as well as an analytical apparatus for its empirical examination. Furthermore, the two scholars have also engaged with the question of practice transformation since they recognize that there is a tension between patterned recurrence or practice and the possibility for its change. Recognizing the analytical value of their joint contribution, in the subsequent

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3 See: Neumann 2002.
4 Neumann 2002, 627.
5 Neumann 2002, 651.
8 Pouliot borrows the term métis, as well as conceptual baggage behind it, from James C. Scott. See: Scott 1998.; Pouliot 2008,
9 Pouliot 2008, 270
10 See: Adler and Pouliot 2011a, b.
sections, we examine it in more detail and partly relay on it to develop our own theoretical argument and to conduct the empirical analyses.

2. Defining IPM within the Logic of Practicality

Bearing in mind that in forty-six percent of all post-Cold War crises the role of the third party mediator was substantial, it becomes clear that IPM is a recognized and useful way of settling international disputes.\(^\text{11}\) Although the UN and individual states are seen as traditional mediators, the value of IPM is now also being acknowledged within the framework of the EU’s foreign policy.\(^\text{12}\) However, the literature does not provide us with a clear definition of IPM. On this issue, Jacob Bercovitch notices that each case of IPM differs and thus the phenomenon cannot be effectively analyzed in a systematic manner.\(^\text{13}\) Nonetheless, he offers a compelling definition which sees IPM as “a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law.”\(^\text{14}\)

In order to conceive of IPM within the logic of practicality, we draw on Alder and Pouliot’s concept of *competent performances* which they define as “socially meaningful patterns of action, which, in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and discourses in and on the material world.”\(^\text{15}\) Accordingly, we look at IPM through five aspects that they suggest are essential for the definition of any practice. These are (1) the performative aspect; (2) the patterned aspect; (3) the competent or incompetent performance; (4) reliance on background knowledge; (5) the discursive (ideational) and material aspect.

The performative aspect refers to a process of doing something or an action without which that something would not otherwise exist.\(^\text{16}\) In the case of IPM, this is best exemplified through the actions that take place before, during, and after mediating processes. Usually, these are: enabling communication channels, drafting the negotiating agenda, opening ceremonies, negotiation sessions, reaching a settlement, as well as closing press conferences and the implementation of the agreement.

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12 Varela June 2011, 4.
14 Bercovitch 2009, 341.
15 Adler and Pouliot 2011b, 4.
16 Adler and Pouliot 2011b, 6.
The patterned aspect refers to the reproduction of similar behaviors with the same meanings within the same social context. Adler and Pouliot argue that “iteration is a key characteristic of practices – and the condition of possibility for their social existence”\(^\text{17}\). However, since there is no distinct community of international peace mediators, patterned recurrences of IPM cannot be observed.

The third aspect refers to practices being performed either competently or incompetently, whereby the public is ‘the success rate judge’. The research shows that participants in IPM are well aware of the role of public and tend to pay significant attention to it, especially if the peace negotiations are regarded as high level ones.

Background knowledge, the fourth aspect of practice, refers to an “unspoken know-how learned in and through practice”\(^\text{18}\). Since IPM is not a patterned, professionalized practice, it is difficult to refer to one general pool of background knowledge that constitutes it. Therefore, we argue that each case of IPM requires an examination of the multilayered “unspoken know-how” that structures the mediator’s performance.

The fifth aspect brings together the ideational and material sides of practice. On the one hand, it is hard to dispute that the material capability of both the mediator and the conflicting parties matters greatly in all phases of IPM; on the other, the mediating process unfolds in the framework of either shared or imposed meanings, values and ideas.

To summarize, while IPM subscribes to three aspects of Adler and Pouliot’s analytical framework (performative, ideational and material aspects and competent or incompetent performance) it does not square well with their requirement of patterned recurrence of practice or the background knowledge behind it. This analytical problem will be addressed in more detail further down in the article.

3. The First Habitus: The Impact of the Normative Framework of IPM on the EU’s IPM Practices

Previously, we suggested that if some of the peacebuilding activities can be recognized as IPM then the general normative framework of IPM must have an influence on the way in which the EU performs these

\(^{17}\) Adler and Pouliot 2011b, 6.

\(^{18}\) Pouliot 2008, 270.
activities. In line with the practice approach, we have labeled this influence as the first *habitus* of the EU’s peace mediation practice. Tracing this *habitus*, however, was not an easy task due to the fact that there is no internationally recognized general normative framework of IPM. Since in terms of institutionalization, standardization and professionalization IPM is still very much a young practice, concrete cases of it can take many different forms. However, some core aspects of IPM are still widely recognized and in the remainder of this section we examine their impact on the EU’s practice of IPM. In order to do this, we rely on the three key questions emphasized by Bercovitch: (1) the question of impartiality, (2) the question of flexibility, and (3) the question of applied strategy. We use Bercovitch as a “coping strategy” for an indirect access and reconstruction of *habitus* that pertains to the core IPM characteristic since this practice lacks standardization and thus concrete artifacts upon which to draw.

The principle of impartiality is a condition *sine qua non* in domestic mediation; however, in the case of IPM this is not as clear. In IR scholarship two camps can be identified. First, there are those who emphasize that IPM is, above all, a neutral assistance. Christopher Moor thus argues that peace mediation is “the intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute”. Second, there are those who stress that, since IPM is used for settling political rather than legal disputes, pursuing the requirement of impartiality is a futile activity.

The second principle against which we suggest the concrete cases of IPM should be measured is flexibility. Again, since IPM is used for political rather than legal disputes, it is generally accepted that too much regulation would hinder a mediator’s creativity and, as a result, the overall success of the mediation. This is not to say that mediators should not be prepared and trained for the endeavor they take up, but strict rule following could hamper their ability to successfully react to unpredictable situations. Thus, as argued by Zartman and Touval, IPM is and should be an *ad hoc*, non-coercive and enabling activity.

Mediators employ different strategies depending on the nature of the conflict at hand. A widely accepted typology of the IPM strategies is outlined by Bercovitch, who differentiates between three fundamental

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19 Bueger 2013, 7.
22 Young 1967, 34.
24 Bercovitch and Gartner 2007, 338.
mediation strategies. The first is a communication-facilitation strategy, also known as an interest-based and problem-solving mediation, and it implies that the mediator channels information to the parties and enables cooperation but has no control over the substance of mediation. The role of the mediator is thus more facilitative and tends towards promoting the ownership of the process by the parties themselves. The second, more interfering, type is a procedural strategy. The mediator here has formal control over the process of mediation in such a way that it is he who determines the structure of the meetings, the distribution of information, the communication processes and the situational power of the parties’ resources. The third is the directive strategy or power-based, deal-brokering mediation. Here, the mediator brings its own power to the fore by providing incentives for the conflicting sides to compromise or by threatening with punishments and promising rewards. There is also a fourth strategy, often mentioned in the Mediteur papers, labeled as transformative or long-term mediation. In this model, the aim of the mediator is to intervene in order to change the relationship between the parties, as well as their perception of themselves and the other party. According to this logic, conflict resolution is a long-term process, which happens through the empowerment and recognition of a broad variety of actors in conflict societies.

In the remainder of this section we examine how all these core aspects of IPM are reflected in the EU’s peace mediation in three cases: Indonesia (Aceh) 2004-2008 Georgia 20008-2012, and Kosovo-Serbia 2010-2013.

4.3. The Case of Serbia-Kosovo Dialogue

The opportunity for the EU’s first “consciously labeled” peace mediation opened in 2010 when the UN General Assembly adopted the Resolution to set up talks between Serbia and Kosovo. Officially, the talks started in 2011 and they were imagined as a dialogue on technical issues aimed at incrementally reaching peaceful solutions for the ongoing tensions. As for the EU, the negotiation process was seen as an

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27 Bercovitch 2009, 345.
30 Herrberg 2012b, 22.
31 UN 9 September 2010.
opportunity for the greater stabilization of the Western Balkans. From the analytical perspective of this study, it is important to highlight that the possibility of accession to the EU by both Serbia and Kosovo, constitutes an important factor in the overall mediating process.

To date, there have been a total of twenty five rounds of talks between Serbia and Kosovo. In nine of these, parties to the conflict have negotiated through the specially appointed officials, while the EU has assigned the role of mediator to the independent personality, Sir Robert Cooper. However, the profile of the dialogue was elevated after the Serbian 2012 elections. The High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, was appointed the leading mediator, while the conflicting parties chose to be represented by their respective prime ministers. They have met in this formation sixteen times. The issues that have been discussed and agreed upon range from the problem of registry and cadaster books, the recognition of university diplomas to politically more sensitive problems such as telecommunication, regional trade and freedom of movement.

If we examine this case of the EU’s IPM through the lens of the principle of impartiality, the following can be observed. On the one hand, both parties have a special relationship with the mediator. Down the road, both Serbia and Kosovo hope to become EU member states. To a large extent, it is this political orientation of the conflicting parties that has determined their willingness to engage in the peace process as well as their readiness to accept specific types of settlements. The EU, on the other hand, is well aware of these circumstances, and it uses them as a leverage tool in its mediating endeavors. Additionally, for its own political and security reasons, the EU has a vested interest in seeing these two parties reach a lasting settlement. The EUHR Ashton pointed out that “the objective of this dialogue is to help both parties achieve progress on their path to Europe”.

Not least important is also the fact that 23 out of 28 EU member states recognized Kosovo as an independent state, whereas Serbia still regards it as an integral part of its territory. For all these reasons, it is hard to perceive the EU as impartial mediator in the Serbia-Kosovo negotiation process.

Formally, the EU has presented its mediating role between Pristina and Belgrade along the lines of an interest-based, problem-solving mediation model. Since the negotiations were supposed to be limited to technical issues rather than dealing with hard political questions, the EU has officially limited its role to providing a negotiating table in Brussels. And indeed, there is no strong evidence that the EU’s has

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32 This article was submitted in September 2013.
suggested any concrete solution. When the parties reached agreement on certain issues, this was presented as the result of their own good will. Nonetheless, it was clear from the outset that all agreements had to be within the confines of the EU legal framework. To illustrate, after the fifth round of talks, when the initial agreement was reached on the issue of civil registry, freedom of movement and recognition of university diplomas, Mr. Cooper emphasized that “there are a few issues that are ready or very close to agreement, agreements that would be fully in accordance with the EU aquis and in line with international standards”. After the seventh round it was stated that the parties “agreed to return to the issue at their next meeting with a view to reaching an agreement, in the context of the EU’s overall strategy for the region”. Furthermore, the agreement reached during the ninth round on the regional representation and cooperation was represented as proof that “both parties confirm their commitment to the fundamental EU values of effective, inclusive and representative regional cooperation.”

It is thus clear that, although not explicitly, the EU’s inherent bias in performing IPM directed its strategy in the Serbia-Kosovo dialogue towards a procedural and power-based mediation. This is particularly obvious in its use of the soft carrots and sticks strategy - the EU tied the progress in negotiations to the progress of both sides on their respective roads towards EU membership. When, in April 2012 the sides reached the historical agreement on the issues of integrated border management, representation of Kosovo in regional organizations and the protection of religious and cultural sites, the Commission issued a recommendation to the EU member states that negotiation be opened with Serbia on EU accession and with Kosovo on Stabilization and Association Agreement. In June, also as a reward for reaching mutual agreement, the EU decided to open the talks within these frameworks.

Because of the highly institutionalized relationship between the EU and the conflicting parties, it can be argued that the EU also employs the transformative mediation strategy. It intervenes with the aim of the long-term transformation of the parties, of their perception of one another and thus of their relationship. Of course, the broader framework of this transformation is that of the EU’s norms, values and culture.

On the issue of flexibility, without closer insight into the concrete process of negotiation, little can be said. However, by conditioning the agreement between the parties with their prospective membership in the EU it cannot be said that the EU was overly flexible. On the other hand, the EU has demonstrated patience over the course of negotiations and readiness to elevate their level once it was certain that no further

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34 Council of the European Union, 2 July 2011.
progress could be made. Additionally, smaller working groups were encouraged to give their input as well as to suggest and work out the details of the agreements.

4. The Second Habitus: The Analyses of The Concept on Strengthening EU Mediation and Dialogue Capacities

Over the last decade, EU institutions have become increasingly active in peacemaking operations in general, and IPM in particular. The EU’s approach to IPM was developed within the framework of Common Foreign and Security Policy (CFSP) and Common Security and Defense Policy (CSDP). However, there was not focused attention on this peace instrument until 2009, when the EU adapted The Concept on Strengthening EU Mediation and Dialogue Capacities. Before this document, only an oblique reference to IPM was made in the EU’s official meetings and documents.

In this section, we analyze the Concept and point out the specificities of the EU mediation. Accordingly, we use the Concept as the first entering points into the analyses of the EU’s “second” IPM habitus. We conceptualize the habitus as the aggregation of rules, norms, identity and culture specific to the EU. We first look at the text because it brings to the fore the discursive element integral to the practice in general, and habitus in particular, and because we believe that the way in which practice is imagined and understood makes a strong impact on how it is practiced and rationalized. In the words of practice theory, we use the Concept as an artifact - a material aspect of practice that assists its constitution and development.36

From the first glance at The Concept, it is clear that the EU approaches IPM through the prism of its own historical experience, more precisely, through the values developed in its integration process. Accordingly, its opening sentence goes as follows: “The EU, as a global actor committed to the promotion of peace, democracy, human rights and sustainable development, is generally seen as a credible and ethical actor in situations of instability and conflict and is thus well placed to mediate, facilitate or support mediation and dialogue processes.”37

It can be argued that the EU’s peace mediation is “infected” with two inherent biases (constitutive of its second habitus): (1) willingness to engage in IPM is the result of the EU’s endeavors to further its political and economic influence, interest and related gains; (2) the concrete practices of mediation are often

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36 Bueger 2011, 182.
37 The Concept, 2009, 2.
burdened with the EU’s strong normative commitment to human rights and the general approach to peace in positive terms, as something more than mere absence of war. These biases are reflected in The Concept’s definition of mediation: “Mediation is usually based on a formal mandate from the parties to a conflict, and the mediator gets involved both in the process and substance of the negotiations by making suggestions and proposals” (emphasis added). Mediation is thus consciously defined within the conceptual confines of power-based and interest-based strategies, allowing the mediators to conduct it with EU’s interests and values in mind. Furthermore, in order to institutionalize this kind of understanding of IPM, facilitation - where the role of mediator is diminished and impartiality increased - is defined as a distinct peacebuilding activity.

From the vantage point of this study, perhaps the most interesting section of The Concept is the one dealing with the guiding principles behind the EU’s approach to IPM. There are five of these principles: (1) coherence; (2) comprehensiveness; (3) assessment of risk; (4) promotion of transitional justice and human rights; (5) promotion of the participation of women. These principles are not constructed in relation to some universal impartial values necessary for the resolution of the sensitive issues among conflicting sides. Rather, all of them are tailored with the EU’s interest and values in mind. The principle of coherence thus refers to IPM being conducted in the broader context of the EU’s policy objectives and external relations. Comprehensiveness requires that it be part of the EU’s broad toolbox in the area of conflict prevention and crisis management. As for the assessment of risk, the Concept explicitly suggests that, in the situation where the EU’s credibility might be compromised by the tensions between its commitment in the area of human rights and international law and short-term conflict management objectives, other actors might be better positioned to address the conflict in question. Furthermore, the promotion of transitional justice requires the EU mediation efforts to be fully in line with principles of international human rights and humanitarian laws, and that they must contribute to fighting impunity for human rights. The principle of promoting the participation of women in the practice of IPM is also specific to the values that the EU upholds, and thus reflects more the internal efforts of the EU to have more gender-balanced bureaucracy than any universal principle of IPM.

Pending conclusion

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38 The Concept, 2009, 3.
In order to enhance its international standing, over the past two decades the EU has embarked on the process of developing various conflict resolution and crisis management tools. International peace mediation (IPM) is one of these tools. However, this peace practice is still very much in the nascent phase lacking more comprehensive institutional grounding, as well as higher level of standardization and professionalization. Also, the IR scholarship rarely touches upon this issue.

BIBLIOGRAPHY


