

Zitierhinweis

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would provide a better understanding of the dynamics specific to the Turkish case.

At this point, the author invites her readers to look sceptically at the EU model's assumption that there is a unilinear trend and a positive correlation between civil society and democratization. However, such a critical stance is only useful if one also considers the theoretical and ideological basis on which the EU defines itself. Gramsci's conception of civil society cannot be taken in isolation from his comprehensive critique of capitalism. Any research that picks up a conceptual part of his critique and employs it in a capitalist and neoliberal context is theoretically inadequate. Moreover, a Gramscian perspective that depicts civil society as a site for a hegemonic and counter-hegemonic struggle of autonomous groups seems more appropriate for contexts where civil society is strong. In cases, where civil society is weak, groups of different interests are not autonomous but isolated, and the state becomes the main stakeholder. Therefore, a Gramscian conceptualization of civil society appears to be more easily operational in European contexts than in the Turkish one.

Last but not least, by taking Turkey as a case study, the book encourages political scientists to consider and re-evaluate different camps within civil society literature that see civil society either as an important actor and prerequisite of democracy, or as having an interdependent relationship with the state in an already consolidated democracy. That kind of (re)evaluation would open the ground for further discussion on the level of democratization in Turkey, as a case needing a different theoretical framework for a proper understanding of the nexus between civil society, state, and democratization.

I recommend this book to anyone interested in civil society discussions in general, and relations between the EU and Turkey

in particular. It deserves praise not only for filling a gap in the literature, but also for providing thoughtful research that raises further theoretical questions.

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Andrea Lorenzo Capussela, *State-Building in Kosovo. Democracy, Corruption and the EU in the Balkans*, London, New York: I. B. Tauris, 2015, 320 pp., ill., ISBN 978-1-78076-915-8, £ 29.95

By June 2016, the European Union wants to present a new Global Strategy on foreign and security policy. In that context it makes sense to take stock of the aspirations and the record of the Common Security and Defence Policy (CSDP). Andrea Capussela's book, which focuses on the CSDP contribution to state-building in Kosovo, provides a rare practitioner's perspective on this issue. Capussela came to Kosovo in the summer of 2006 as a corporate governance officer, joining the Kosovo Trust Agency to administer and privatize socially-owned enterprises on behalf of the United Nations Interim Administration (UNMIK). In 2009, he became the head of the economic unit of the International Civilian Office (ICO), the international oversight body established under the Ahtisaari Plan to monitor Kosovo's independence.

Initially, from 1999 to 2008, external state-building activities in Kosovo were conducted under the auspices of UNMIK. After independence in 2008, this role fell to the ICO and the European Union's rule-of-law mission EULEX. That mission is commonly considered the CSDP's flagship, being the biggest and most expensive deployment by Brussels so far. Capussela claims that the 'EU and its member states had both the interest and the means to sustainably improve governance in Kosovo.

The common foreign policy had emerged as Yugoslavia began its dissolution, and the Balkans remain its principle theatre: that on which its effectiveness will be judged' (99). But his own judgement is bleak: 'Erecting efficient and inclusive institutions was difficult but possible. These missions made only a feeble attempt instead, and then watched Kosovo limp with the indifference of Tolstoy's Napoleon at Borodino' (223).

Capussela starts his analysis with a theoretical reflection on state-building, criticizing technocratic approaches that fail to take into account the political economy. Advocating a New Institutional Economics perspective, he stresses that it can be entirely rational for elites to nurture and defend non-functioning institutions for the purpose of self-enrichment and clientelism. For institutions to be effective, they need to be context-specific, in line with the aspirations and political choices of society, and therefore often 'second best' (30). The analysis remains somewhat inconclusive as to whether positive institutional change is more dependent on 'the "empowerment" of a sufficiently broad segment of non-elite social forces' or whether, as the economist and economic historian Douglass North once claimed, 'transition is possible only if it proceeds through steps that are consistent with the immediate interests of the elite, which would otherwise prevent them or react violently' (27–28).

In any case the judiciary is a crucial element of state-building, as its quality heavily affects the enforcement power of the formal and informal political and economic institutions. 'This explains why both the UN and the EU invested heavily on Kosovo's judiciary', Capussela concludes (21).

Looking at UNMIK's legacy, Capussela argues that 'in 2008 Kosovo had rather good laws and institutions, often model ones, but they were undermined by a gravely ineffective system of checks and balances and by

arbitrary or pathologically uneven enforcement' (57). Importantly, he believes that UNMIK did not have sufficient determination to counter the organized crime and corruption which was in part connected with mafia-like power groups that had emerged from the armed struggle of the Kosovo Liberation Army.

Given UNMIK's dismal record, activities to strengthen the rule of law became the key task of EULEX. To this end, the mission was mandated not only with advisory functions but also with executive ones. EULEX police officers, judges, and prosecutors were embedded in Kosovo's judicial system where they had authority to exercise law enforcement functions in investigation units, prosecutors' offices and courts. In Capussela's opinion it is only the executive functions that could justify a CSDP mission of that size, expense and duration. By contrast, '[a]llocating the majority of the mission's active staff to the largely dispensable task of advising the police and customs service was a mistaken and irrational choice' (134).

Most importantly, in his assessment, the mission disregarded its mandate to fight serious crime, although initial efforts to do so had made it extremely popular with the Kosovo population. This verdict is backed by a deeper examination of the 12 most prominent high-level cases EULEX has dealt with, which include a € 1 billion motorway procurement, collusion in privatization, and allegations of forced organ trafficking and related homicides. Curiously, rather than including his evidence in the book, Capussela refers the reader to an online annex to his study which consists of a 91-page paper and 14 original legal documents (<http://eulexannex.wix.com/draft#>).

The key point of Capussela's criticism is that EULEX not only committed serious procedural errors, but, like UNMIK before it, also intervened in law enforcement

procedures when they were perceived to threaten stability. He assesses that '[w]ith one exception [...] all of the 21 serious errors committed by EULEX prosecutors (14) and judges (8) have one common feature, besides their gravity: they either went to the benefit of persons belonging to Kosovo's elite or protected important interests of it [...]. The pattern that emerges from these observations strongly suggests that, until about 2013, [when the EULEX leadership changed,] [...] [t]he mission generally sought not to encroach upon the interest of the elite' (annex, 77–78).

Capussela describes many more shortcomings of EULEX, including insufficient political backing from Brussels, weak management oversight and accountability, failure to adapt itself to needs assessments, cumbersome procurement procedures, a high turnover, and insufficiently qualified staff (118–48). Altogether, '[v]ast financial and political investments were made in the "flagship" of the CSDP, justified by important interests and proprieties of the EU: such investments are now largely lost, such interests unsatisfied, such priorities unmet' (148).

Overall, the book offers good food for thought, although some arguments are lengthy and not always consistent. In particular, there is a discrepancy between the theoretical and the empirical assessment. On the one hand, one could argue that the missions followed Capussela's theoretical reasoning, focusing on context-specific solutions and taking into account domestic

policy choices (thus ending up with second-best solutions and results—although, here, to an unhealthy degree). On the other hand, while a New Institutional Economics perspective is clearly useful, Capussela, quite contrary to his theoretical plea, insists that efficient ideal-type rule-of-law institutions should have been enforced by the missions much more rigorously. A key dilemma remains unanswered, and that is how to reconcile local ownership with ambitious external state-building interventions.

The overall picture Capussela paints, even if it might not be correct in all its aspects, suggests that the EU took on more than it could swallow. It deployed a mission without sufficient political backup, and this mission ended up partly governed by incompetence and partly by overt complacency vis-à-vis Kosovo's ruling elite. This not only compromised the mandate and the mission's achievements in less prominent fields of activity, but also the EU's credibility as guardian of rule-of-law principles. With all due respect to the policy dilemmas that external interventions create and the necessary compromises of *realpolitik* this entails, European missions must not be run so badly in the future. In Kosovo, a last great challenge will be to design an exit strategy for EULEX that ensures a proper and sustainable handover of its activities and cases to domestic institutions. Given the foreign and security policy challenges the EU is currently facing, the honeymoon for the CSDP is certainly over.

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