



Critical Discourse Analysis (De-) Constructing EULEX Discourse

Violeta FERATI

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Edited by: Florian QEHAJA and Pëllumb KALLABA

¹ Violeta Ferati has graduated at the Fulda University of Applied Sciences (Germany) in the Master's Programme of Intercultural Communication and European Studies; whereas, her Bachelor studies she completed at the University of Prishtina at the Faculty of English Language and Literature. She has been a teacher and assistant lecturer. She holds the position of Executive Director at Caritas Kosova (CK). In the frame of the OSI Think Tank Internship Programme, she has worked for KCSS during the first half of 2012.

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List of Abbreviations

CDA	Critical Discourse Analysis
CSDP	Common Security and Defence Policy
CL	Critical Linguistics
EULEX	European Union Rule of Law Mission
EUSR	European Special Representative
GoK	Government of Kosovo
KP	Kosovo Police
PPIO	Press and Public Information Office

Introduction

Since its official endorsement on 4 February 2008 and becoming fully operational by 9 December 2008, EULEX has struggled to establish and later improve its image taking into account the complexity of the political setting by the time of its deployment due to irreconcilable perspectives on the international stage, namely of the UN and EU, whereby it is the latter's largest civilian mission ever launched under the Common Security and Defence Policy (CSDP). The definition of EULEX's role was an ongoing process that can be traced back in its discourse. This ambiguity of mandate is translated in many forms into operational challenges on the ground, thus affecting its relation with the local and international actors operating in Kosovo. Therefore, detecting the opaque relationship between EULEX vis-à-vis Kosovar institutions constitutes the objective of this occasional paper. The ambiguity of EULEX's mandate in a controversial and rather politicized context² bore consequences of perception on EULEX's role and its responsibilities within a complex governing system in Kosovo, which was not only unclear to the wider public but its own staffers, as well.

This occasional paper has the following key findings:

- EU – EULEX and EU – European are used interchangeably as being in full congruence with each other
- Due to the diversity of audience, 'double standards' are applied by EULEX which is apparent in their discourse which uses dual denominations (e.g. Prishtinë/Prishtina, Border/Boundary), or even addressing Kosovo institutions according to the UNMIK designation (e.g. PISG); or, in cases using full state designations (e.g. Ministry of Justice)
- Legitimization is ensured through referring to EU and its member states, EU values/best practices and international standards, whereby EU accession is used as an incentive
- Duality in discourse is reflected when addressing Albanian (in support of the Republic of Kosovo) and the Serbian community (status-neutral policy), which leads to defensive argumentation in discourse by re-explaining its mandate
- EULEX, despite claiming its mission is of a technical nature, paradoxically signals to the audience that it is playing a crucial role in political issues (visa liberalisation, dialogue, IBM)
- Initially EULEX did apply a "top-down" approach towards Kosovo Institutions defining themselves as experts; however, gradually a shift is evidenced to a more egalitarian approach by supporting their Kosovo colleagues, who are supposed to be in the driving seat of the process to ensure local ownership, whereby words implying cooperation are extensively used in EULEX discourse
- Multi-ethnicity is a re-occurring term in EULEX discourse especially when addressing or attempting to reach 'non-majority communities;' however, in cases ethnicity is underlined

² Please refer to the following article for more details on the political background during the establishment of EULEX deployment: "The European Union Rule of Law Mission in Kosovo (EULEX) from the Perspective of Kosovo Constitutional Law" http://www.zaoerv.de/70_2010/70_2010_2_a_357_380.pdf

in combination with Kosovo institutions (e.g. Kosovo Serb officer) or deliberately filtered in regards to violence (in the North)

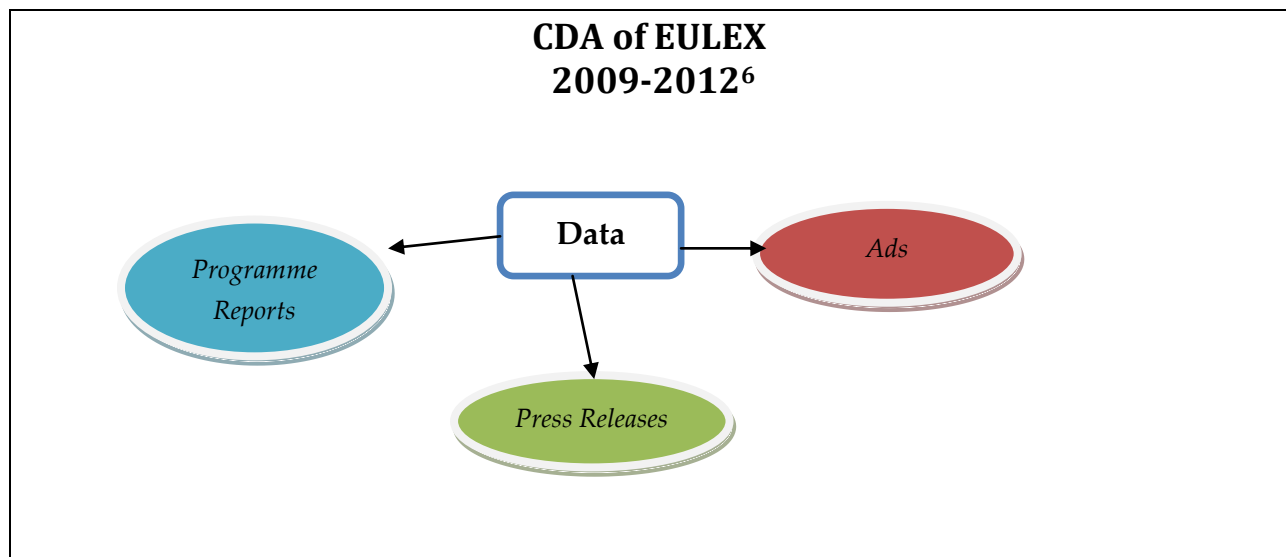
- The Prishtina-Belgrade Dialogue and the issue of the North signify crucial (political) importance in EULEX discourse; nevertheless EULEX strives to maintain its neutrality and display an increased presence/role in these issues, despite their technical nature
- Phasing out has become more frequent in the EULEX discourse; however it is stated that the 'desired end-state' has yet to be reached, which excludes the possibility of an imminent withdrawal. Meanwhile its mission has been reviewed
- Political division (within the EU) compels EULEX to act on the lowest common denominator, and thus understating its action and political implications which derive from those, which in turn is affecting the image of EULEX

Finally, this occasional paper will provide to the reader an explanation on the applied research methodology and the data that serves as a foundation in researching EULEX discourse. The following section gives a theoretical input on Critical Discourse Analysis (CDA). Consequentially, the described theory is applied concretely on the EULEX discourse. The communication of EU(LEX) is briefly tackled, which then in detail elaborates the diversity of EULEX communication towards the respective target groups in the context of Kosovo and how this is to be traced in its written discourse.

Methodology

The methodology used for the compilation of this policy paper is derived from an academic model which is well-framed and explained. It has been primarily based on the Teun Van Dijk's model known as the Socio-Cognitive³ Approach (SCA) with a focal approach consisting of discourse, cognition, and society serving as a means to systemize phenomena of the social reality. In this line, discourse is understood as a communicative event whereby social representations⁴ have a crucial role.

It is intended to focus on critical discourse analysis to trace tendencies of EULEX 'language in use' based on a desk research. Further, the focus is put on the frequency of terminology used in EULEX Programme Reports, themes addressed in press releases, especially on the micro-level of language and the writing style. As above-mentioned, the data for analysis was comprised of different informative sources made available by EULEX⁵ (see the illustration below).



³ Van Dijk defines socio-cognition as "the system of mental representations and processes of group members." It is the mental representations or models that have control over people's action, speech or writing and comprehension of social practices of other people. These are usually manifested in presenting us positively versus them, i.e. the other group in a negative perspective (Sheyholislami 2001: 3)

⁴ These social representations which can be defined as "collective frames of perceptions" serve as a bridge between the system of society and the cognitive system of individuals. In other words social representations are shared and common ideas (ideology) which influence cognition in action/interaction and are constructed, subject to change and sustain mutual dependency (Wodak et al 2008: 25-6). From the constructivist perspective reality is created through the communication and practice applied by international actors and the EU foreign policy. Therefore, discourse theory serves to scrutinize the 'discursive creation of meaning of the material world'; however discourse is: 'not just a structured set of constructed meanings, but also as a process of constructing meanings.' (Tomic 2011: 5/9.)

⁵ Interviews are excluded as an information source as EULEX does not possess a collection of transcribed interviews

⁶ EULEX was only operationally fully deployed in December 2008, although its endorsement was adopted in February 2008. Therefore, data is available starting only from 2009 and up to date (2012).

However, a dilemma arises on the linguistic and socio-cultural aspect, of whether the data analysis, which is written originally in English, conveys the same messages in the translated versions of press releases, programme reports, and advertisements since EULEX translates its entire public relations material into the official languages of Kosovo (Albanian and Serbian). Nevertheless, this particularity has not been the subject of this occasional paper; it may serve as an impulse for further research. For upcoming analyses in the field of CDA, it might be interesting to reflect on whether there is a difference of perception when comparing data that is translated from the source language (English) into the target language(s), in this case Albanian and Serbian, including as well the potential of cultural interference.

Moreover, this research is expected to serve as a reliable source for policy-makers, students, researchers, journalists and civil society activists willing to study in depth the discourse of EULEX Mission in Kosovo or EULEX actorness.⁷ The data has been gathered in an independent manner and from a non-partisan perspective. Thus, the critical analysis conducted in this occasional paper is a reflection of the frequency of statements that were transmitted by EULEX and in an attempt to reveal tendencies in the latter's discourse. As such, this is the first discourse research in Kosovo, especially related to EULEX, by which KCSS aims to trigger a debate on the role of EULEX, including its relation towards local actors, four year after its deployment.

⁷ Bretherton/Vogeler: 'the capacity to act, or actorness, is a function both of external opportunities, including those associated with the international legal and institutional framework; and the internal capabilities, which include the availability of policy instruments and the capacity and legitimacy of decision making processes.

Critical Discourse Analysis in Practice

1. CRITICAL DISCOURSE ANALYSES (CDA)

In order to provide the reader with an overview of what CDA is all about, initially the question ‘What is Critical Discourse analysis?’ is briefly answered. It should be noted that Critical Discourse Analysis is synonymously used with Critical Linguistics (CL). CDA theory⁸ derives from different theoretical backgrounds such as Rhetoric, Text linguistics, Anthropology, Philosophy, Socio-Psychology, Cognitive Science, Literary Studies and Sociolinguistics, as well as in Applied Linguistics and Pragmatics (Wodak et. al. 2008: 1). CDA is complex and challenging while it requires a multidisciplinary, multi-methodological approach by which the obscure relation between speech, social cognition, power, society and culture is revealed, going beyond mere observation, description and explanation (Fairclough in Van Dijk, 1993, 5). Due to the vast heterogeneity of theoretical approaches and methodology, the key practitioners of CDA suggest to define it as a “school” or “paradigm” (Wodak et al. 2008: 5).

The most common and generally accepted **definition of CDA** by researchers is:

*“CDA sees discourse – **language use in speech and writing** – as a form of ‘**social practice**’. Describing discourse as social practice implies a dialectical relationship between a particular discursive event and the situation(s), institution(s) and social structure(s), which frame it:*

...

***The discursive event is shaped by them, but it also shapes them.** That is, discourse is socially constitutive as well as socially conditioned – it constitutes situations, objects of knowledge, and the social identities of and relationships between people and groups of people (Fairclough and Wodak, 1997 in Wodak et. al. 2008: 5).*

Thus, CDA views discourse as a means to structure social life. It scrutinizes visible and opaque structural relationships of dominance, discrimination, power and control that occur in discourse, aiming at the critical exploration of social structuring revealed in the use of language⁹ (Wodak et. al 2008: 10). In addition to this, Fairclough (1993) describes CDA as a systematic exploration of “opaque relationships of causality and determination between (a) discursive practices, events and texts, and (b) wider social and cultural structures, relations and processes; to investigate how such practices, events and texts arise out of and are ideologically shaped by relations of power¹⁰ and struggles over power; and to explore ... the opacity of these relationships between discourse and society.”

⁸ “Discourse theories aim at the conceptualization of discourse as a social phenomenon and try to explain its genesis and structure” (Wodak 2008: 24)

⁹ Most critical discourse analysts would endorse Habermas’s claim that ‘*language is also a medium of domination and social force. It serves to legitimize relations of organized power. Insofar as the legitimizations of power relations ... are not articulated,...language is also ideological*’ (Habermas, 1967 in: Wodak, 2008: 10)

¹⁰ **Power** and **Ideology** remain central concepts for the CDA:

2. EU(LEX) COMMUNICATION

Language, besides being a means of communication, has further functions. As a 'social practice,' it incorporates ideology and power relations which reflect the relationship among people which is often opaque. Particularly through the use of CDA methodology, it is the aim of this occasional paper to visualize the relationship between EULEX and Kosovar institutions or actors in Kosovo.

Firstly, due to the Lisbon Treaty transformations, the EU aims to speak with 'one voice', communicating its widely known self-image that 'diversity is the EU brand,' which in fact is also lived via the EU functioning (Rasmussen 2009: 13). Particularly, the characteristic of EULEX in being the largest civilian mission ever launched by the Common Security and Defence Policy (CSDP) has provided a chance for the EU to consolidate its actorness on the international stage, which influences how EU foreign policy is perceived by others (Peters 2010: 17). In order to be more efficient and address the target group audience, the message conveyed needs to be 'tailor-made', as Malone put it (in Rasmussen 2009: 10): *'If we strive to be successful in our efforts to create understanding for our society and for our policies, we must first understand the motives, culture, history, and psychology of the people with whom we wish to communicate.'* To a certain extent the communicative process should flow in a two-way direction in the form of a dialogue, constantly responding to developments; which in turn requires flexibility.

According to civil society in Kosovo¹¹, EULEX has not enjoyed sufficient support by the Kosovar citizens and as such it needed to earn 'public trust' which remains a key challenge for the former. Nevertheless, it is argued that the latter did not manage to fulfil the citizens' expectations which are thus translated into non-confidence, a result of the mission's undefined mandate and the up to date intact rule of law enforcement. It needs to be underlined that EULEX discourse bears a complexity of interlocutors participating in the process of communication. On one hand, there are the actors responsible for communication, that is: the spokesperson of the High Representative and Press and Public Information Office (PPIO), located in Prishtina. Nonetheless, the PPIO is solely responsible for communication towards the public of Kosovo, following the motto 'local information for local consumption.' In concrete it maintains the website, organizes events and meetings with the local civil society, and produces press releases and TV advertisements. It is the first time that TV advertisements¹² are produced for ESDP operations. So far, there have been several produced, though these are considered to lack creativity, claimed to be self-produced by EULEX *"...their dry tonality underlines the unappealing, unemotional and technical parts of the EU's image. It is doubtful whether the spots' poor quality can stimulate efforts to gain support in Kosovo for the EULEX operation."* (Peters 2010: 17-19). The recent campaign with the motto: "EULEX does nothing in the fight against high level corruption", aside from the TV campaign, includes flyers (35,000), T-shirts and car air fresheners aiming to signal that fighting corruption is a never-ending story and that it

-
- a) Concept of power: as the chance that an individual in a social relationship can achieve his or her own will even against the resistance of others (Weber 1980 in: Wodak 2008: 9).
 - b) Ideologies are representations of aspects of the world which contribute to establishing and maintaining relations of power, domination and exploitation. They may be enacted in ways of interaction (and therefore in genres) and inculcated in ways of being identities (and therefore styles). Analysis of texts...is an important aspect of ideological analysis and critique ... (Fairclough, 2003 in Wodak et al. 2008: 9)

¹¹ For more details please refer to the Progress Report made in Kosova: <http://qkss.org/new/images/content/PDF/raporti-shabllon-design-english.pdf>

¹² For details please watch the most recent TV ad on: <http://www.eulex-kosovo.eu/en/videos/anticorruptionad.php>

is everyone's business.¹³ Besides the actors that are responsible for communication, on the other hand there is the target group(s) towards which the EULEX communication is directed and which will be elaborated on further in the upcoming section.

3. DIVERSITY OF EULEX COMMUNICATION TARGET GROUPS

The two abovementioned EU actors involved in communication target an audience that can be distinctively differentiated into EU public, Kosovar Albanians and both the Serbian community living in Kosovo and Serbia. Therefore, the discourse directed towards these groups does significantly differ, as a consequence of their respective, fundamentally different, standpoint(s) regarding the EULEX operation.¹⁴ Nonetheless, it needs to be underlined that in general, the main goal of the EU via its communication strategy is to strengthen its foreign policy image or EU actorness.

As indicated in their Programme Reports, the EULEX mission aims to support Kosovo's "journey" to a "desirable state" (EULEX Programme Report 2010: 6; 2009:7;) that contains sustainability, accountability, multi-ethnicity, freedom from political interference, compliance with internationally recognized standards, and compliance with European best practices. These are codified to be the six principle aims of EULEX. This "desirable state" is in the 2011 Programme Report then defined and referred to as the "end-state."¹⁵ Thus, the six principles will be the conditions to measure the success of EULEX – who might be regarded as the commander in this case that has set the 'rules.' In fact, it is alluded that EULEX will stay in Kosovo until the desirable state is reached; however, the indicators are of a qualitative nature and rather difficult to be measured. In its recent Programme Report (2012: 45), EULEX underlines that it is required to establish a benchmarking mechanism in order to evaluate its mandate's implementation progress that will serve as a success calculator.

4. EULEX WITHIN THE EU CONTEXT

Since five of the EU member states (Spain, Cyprus, Rumania, Slovakia and Greece) have not yet recognized the Independence of Kosovo, there are incongruent political positions and as such an internal division is created within the EU, which compels the latter to disregard or overlook the political dimension in its discourse about the EU(LEX) mission in Kosovo. In this context, the EU's action and communication is forcefully executed on the lowest common denominator (Peters 2010: 21). As a result of this, EULEX is presented by the EU as an 'apolitical and technical mission.' The transmitted message or non-message is that EULEX is not related to Kosovo's independence and that it is status-neutral and totally detached to any

¹³ For details see article: "EULEX Launched New Campaign Against Corruption" available at: <http://www.m-magazine.org/en/Kosovo/EULEX-launched-new-campaign-against-corruption--2597>

¹⁴ However, the ambiguity that followed the EULEX deployment and its compromised founding approach and authority turned out to have negative implications for the further contribution of the mission in terms of its recognition. Thus, as Shepherd (2009, p. 526) points out, 'for Pristina, EULEX is working in line with its March 2008 mandate to work towards the Ahtisaari plan, respecting Kosovo's constitution'. In contrast, 'for Belgrade, the deployment was made possible by a reconfiguration of UNMIK, which sees EULEX as status-neutral, deployed under UN auspices and not entitled to implement the Ahtisaari plan' (ibid., pp. 526– 527). This is an 'ambiguous recognition' of the EULEX mission by the various different actors. At the same time, this is the last stage of the implementation of EULEX recognition by all actors in Kosovo (Greičevci 2011: 11-2).

¹⁵ End-state definition: The specified situation at the successful completion of the final phase of a **military operation**. The set of required conditions that defines achievement of the **commander**. <http://www.definition-of.net/end+state>

discourse relating to this fact. Although the Kosovar media and public discussions are intensively dealing with the issue of status, EULEX is compelled to understate its political denotation by abstaining to participate in any of these discourses. Understatement, i.e. deliberately making a situation seem less important or serious than it is, is a re-occurring figure of speech and pattern in the EULEX discourse. For instance, the official visit of the EU High Representative in Kosovo, respectively the North was played down in EULEX official communication. In this context, EU's engagement in Kosovo, regardless whether political or technical, has been named to be activities, thus minimizing their political impact [e.g. "He was particularly interested to see the EU activities in North Mitrovice/a." Press Release 2010, May)]. In line with this, the visit of the Head of Mission to Belgrade is as well understated by using simple wording such as: 'In his meetings with the ministers, technical matters relating to the rule of law were discussed' (Press Release 2011, June) in order to minimize the importance of the meeting with high officials of the Serbian institutions – who were simply named ministers with a small letter instead of using the capital one.

When it comes to Kosovar law applicability, EULEX does not mention the political changes in 2008 despite referring to law that was adopted in and by post-independent institutions [*Illustration: ...the Law on Customs and Excise Code of Kosovo entered into force at the end of 2008. This Code is compliant with EU standards as it was inspired by the European 'Community Customs Code' (EULEX Programme Report 2009: 16)]. It is clear that legitimization is ensured by stating that the law is *compliant with EU standards* as it was *inspired* by the European Community Customs Code. As Greiçevci (2011: 12) points out: "Considering the fact that EULEX has to implement laws, this implies the implementation of either Kosovo laws or former UNMIK regulations. This has political implications and illustrates the fact that Kosovo's status influences the EULEX input and therefore it cannot be claimed that EULEX is simply a technical mission."*

Regarding political unsettled disputes, EULEX does take into account the current border issues of Kosovo vis-à-vis its neighbors, and as such they use both terms "Border" and "Boundary" (EULEX Programme Report 2011: 10) simultaneously as to include both perspectives, that of Kosovo (striving for territorial sovereignty and insisting on the usage of border) and Serbia (which does not consider to be bordering to Kosovo, insisting to use the terminology of boundary). It needs to be underlined that EULEX when referring to the IBM concept/agreement, explicitly states it to be the Integrated **Border** Management. However, EULEX has also coined a new profile of Kosovo Police Officers – namely **Kosovo Border Boundary (?) Police** (KBBP), which according to the structure of KP¹⁶ and Law on Police is a designation or structure that does not exist.

Notably (see Annex I) the terms EU and European are used (as in this case) interchangeable as if these terms are in complete congruence with each other. Similar to this interchange, EULEX put itself and the EU as being one and the same actor [e.g. "...grenades were thrown at EULEX police officers and ...direction of police officers from the European Union and those engaged in.."] (Press release, April 2009)]. Moreover, in a violent act against EULEX, the latter notes in its Press Release (2011, October) that: "*It was a criminal attack against the European Union's rule of law mission in Kosovo and, as such, is unacceptable.*" In this statement instead of writing EULEX, deliberate emphasis was put on the European Union, and while reading the text, one

¹⁶ For more details on KP see their web-site: <http://www.kosovopolice.com/?page=2,22>

gets the impression that it was a criminal attack against the EU. Thus, indirectly the message is sent if EULEX is attacked, then this automatically means an attack against EU.

In particular, EULEX puts greater emphasis on 'what it is' rather than 'what it stands for' which in academia is coined as 'European Infopolitik' which implies that the EU aims to disseminate such information. Bearing in mind the pluralism of audience and aiming to reach out to those, EULEX is compelled to repeatedly state that its *"mandate has been confirmed in the invitation by the Kosovo authorities and in a letter sent by the President of Serbia, Mr. Tadic, to the EU High Representative, Mr. Solana."*¹⁷ Agreed by Kosovo, Serbia and EU, this ensures the legitimacy of EULEX for operating in Kosovo (particularly the North). Recent sources have revealed the on-going discourse of including EULEX Mission in the Constitution of Kosovo in order to legitimize their presence even after the ending of supervised Independence.

A tendency for referring to EU standards, best practices and as such European values is apparent in EULEX discourse (Press Release 2009, September). Nonetheless, no specification is made as to what is implied as (European) best practice, despite frequently referring to it as being the norm. Furthermore, they refer to the Treaty of Lisbon, EU Charter of Fundamental Rights (Press Release 2009, December), underlining that their objective is: *"to promote stability, security and prosperity - hence European values;"* hereby cementing European values to be stability, security and prosperity (Press Release 2010, May). Regarding the construction of self-image (EU actorness) initially in 2009 (Press Release, September) EULEX alludes to being an EU institution which is signalled through this statement: *"...working closely with EULEX and other European institutions."* Two years later, EULEX mentions this explicitly that *"EULEX is an EU institution"* (Press Release 2011, June). Thus, EULEX intends to be recognized as an EU institution, and perhaps to link the integration perspective of Kosovo with its presence.

Remarkably, in 2011 for the first time EULEX underlined its phasing out; however, this not yet likely to happen due to the incompleteness in the rule of law sector [EULEX Programme Report 2011: 7 – *Illustration: "Progress of rule of law institutions and agencies will also mean progress toward a gradual phasing out of the mission. If today this scenario can just be seen "at the horizon" is simply because we are not there yet. The rule of law system is still in the making. Not all the pieces of the map are in their place"*]. Despite the discourse of phasing out, at the beginning of 2012 EULEX discourse is shaped by its restructuring which was finalized in June 2012. Recently the re-construction of EULEX self-image consists in be(come)ing 'stronger, leaner, more efficient' (Press Release 2012, March). Furthermore, EULEX declared that they will 'play a key role' in Kosovo-EU relations, through which it retains and/or increases its significance of being a key actor in EU-Kosovo relations, despite being technical in nature. From a EULEX perspective the Structured Dialogue, Visa Liberalisation Dialogue and Feasibility Study are related to the 'Rule of Law' and as such EULEX's 'strategic contribution' in this regard is justified (EULEX Programme Report 2012: 6).

5. EULEX DISCOURSE IN THE CONTEXT OF KOSOVO

Due to previous experiences (e.g. executive powers of the UN mission), Kosovo Albanians expected the solution of their problems to be defined by the international community. In line with

¹⁷ For details please refer to the press release <http://www.eulex-kosovo.eu/en/pressreleases/0010.php>

this, it is claimed that EULEX is insufficiently committed to the integration of Serbian illegal structures into the Kosovo institutions.¹⁸ As a result of this, EULEX, vis-à-vis the Kosovar Albanian public, is repeatedly underlining that its mission¹⁹ lies on supporting the Kosovar authorities via its Monitor Mentor Advice (MMA) methodology, having limited executive powers which are not elaborated in detail, just mentioned briefly (e.g. “It [EULEX] also implemented its executive mandate” Press Release 2009, September). In this context, EULEX (Programme Report 2012: 46) briefly summarizes its executive mandate to be tackling corruption, war and organized crime; dealing independently with sensitive cases. The ‘limited’ role is reflected on the EULEX website with the main slogan: “*supporting local ownership*,” through which they signal that the main responsible actor is the Kosovo Government. This is explicitly stated in the foreword of EULEX Head of Mission that the local people “own and control the process” (EULEX Programme Report 2010: 5). In this context, EULEX is urged to explain to Kosovars that their mandate and function are limited. Their argumentation can be defined as being defensive since it does not focus on its strengths. Due to political implications this is reasonable; nevertheless, in turn the image of EULEX is affected (Peters 2010: 23). In its 2012 Programme Report (45), EULEX for the first time speaks of ‘host’ rule of law institutions which up to now have not been part of its discourse. Herewith the message is transmitted that EULEX are the ‘guests’ of Kosovar institutions and as such greater local ownership is attempted and the responsibility for progress is transferred to the local institutions.

Moreover, a strong EULEX argument remains the stress on Kosovo’s EU accession which strategically encourages the reformation of the country and conformity with EU standards. Widely known, EU membership is considered to be the ‘golden carrot’ which heavily influences political and economical reformation in EU accession candidate countries (Grabbe 1999: 8). As mentioned above, EULEX referentially mentions EU values in order to legitimize EU(LEX) policy. A tendency was evidenced, that EULEX does as well refer to the EU Member States, explicitly their ‘full support,’ (Press Release 2009, September) in order to increase policy legitimacy, acceptance and thus diminish objections. EULEX in its recent discourse states that it will complement the EU agenda in Kosovo (EULEX Programme Report 2012: 6).

In its 2010 Programme Report (2010: 37) EULEX while referring to the law on Public Financial Management, explains that Kosovo Public Authorities²⁰ are either municipalities or the Provisional Institutions of Self Government (PISG), despite the new political reality in Kosovo since 2008. EULEX continues using the PISG term coined by UNMIK even two years after

¹⁸ For more details see KCSS Report: “Political Law Enforcement in Kosovo” available at: http://qkss.org/new/images/content/PDF/Zbatimi_politik_i_ligjit_ANG.pdf and online media article: <http://www.evropaelire.org/content/article/24278666.html>

¹⁹ Mission Statement (Art.2) EULEX KOSOVO shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognised standards and European best practices. EULEX KOSOVO, in full cooperation with the European Commission assistance Programmes, shall fulfil its mandate through monitoring, mentoring and advising, and while retaining certain executive responsibilities.

²⁰ Definition by the same Law: “Public authority” – means of the following: (i) any public body, authority or agency that exercises, pursuant to an authorization in a law or an UNMIK regulation, executive, legislative, regulatory, public administrative or judicial powers, and includes (ii) any department or other part or subunit of such a public body or authority. http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=141&Itemid=56&lang=en

independence, paradoxically referring to law that was adopted by post-independent state institutions (Government) and not PISG as EULEX names them. Moreover, in contrast to this, EULEX refers to relevant Ministries according to their proper institutional designation (Ministry of Justice -MoJ, Ministry of Internal Affairs - MoIA, Ministry of Economy and Finance - MEF), but simultaneously makes use of out-dated UNMIK terminology. The same is applied for other Kosovo institutions, in which cases EULEX uses the proper designation such as Kosovo Police (KP – a term which was introduced after the Declaration of Independence) (EULEX Programme Report 2009:12) or Assembly of Kosovo (EULEX Programme Report 2009: 151). In line with this, the political designation ‘Kosovo Government’ (EULEX Programme Report 2009: 75) is used only in 6 instances; whereas, in 27 cases solely the term government has been used in small letters. Here no indication is made of which precise government it is being referred to and deliberately no reference is made to the status of Kosovo, respectively the Declaration of Independence and consequently its designation as Republic of Kosovo. Nonetheless, it is peculiar that in the 2011 Programme Report EULEX for the first time speaks of ‘Kosovo partners’ which marks a shift in discourse since the tendency in other reports consisted in using the wording of ‘Kosovo counterparts’ and thus preserving neutrality.

There is a duality in the discourse of EULEX; despite its repeated statements that they are status-neutral, on the other hand it is EULEX that is supporting the Kosovar state institutions in their development and path towards the EU. A high frequency of words denoting cooperation (see Annex I e.g joint, together, coordination, conjunction) can be traced in EULEX discourse, directed towards Kosovo institutions which are determined as effective, and which in turn increases EULEX credibility and acceptance by the Kosovar (Albanian) population. Despite, the fact that EULEX never mentions the political designation of state institutions, there is one occasion where EULEX used the term ‘Republic of Kosovo’ (Press release 2012, April), however it was stated only in the form of a quotation, and as such it is not directly stated by EULEX. Nonetheless, this might be interpreted as a shift in discourse, which might be linked to potential upcoming changes in the status-neutral policy of the EU(LEX). Thus remarkably nowadays, EULEX in the second part of its 2012 Programme Report (2012: 44) speaks of Independence, the Constitution, the International Civilian Office and the Ahtisaari Plan, while depicting the political setting in which it was deployed at that time and the changes that have occurred since then. However, EULEX in the past would abstain to comment on issues which bear political implications.

As indicated in the chart, EULEX throughout the years has used the term “Expert” only in collocation with its staff and its own resources, whereas no combination of the word expert with local actors was traced. It has been evidenced that EULEX uses the term counterparts (EULEX Programme Report 2009:9) or addresses the lower levels mainly as an operational – technical aspect instead of specifically referring to institutions or actors, whether international or local ones. Thus, the macro-level and especially politics is omitted deliberately, avoiding the usage of political designations. For example: instead of law enforcing institutions or mechanisms, EULEX refers to the rule of law sector in general; e.g. ‘Kosovo’s rule of law managers’ (2009: 9). Nowadays, EULEX claims to be the expert especially referring to the justice sector, whereby EULEX retains the key role in this aspect and in a self-centric manner lists its undertaken actions. If compared, this differs from the developments EULEX presents regarding customs and police, whereby the local actors constitute the main focus (EULEX Programme Report 2012: 22).

EULEX discourse especially in the year 2011 is extensively characterized by the Prishtina – Belgrade dialogue. The agreements are referred to as being successful which is measured against European values with which the agreements are in congruence [e.g. “*..agreement reached in the Dialogue regarding..in accordance with European value..*” (Press Release 2011, September)]. Again, it is repeated that EU and European standards/values are used interchangeably as if they are one in the same. In the same Press Release, the message is conveyed that EULEX and the European Special Representative (EUSR) were part of the agreement settlement between Prishtina and Belgrade, since Kosovo authorities consulted them. Therefore, EULEX and EUSR might claim legitimacy to supervise/oversee the process of implementation that they hoped for. Implicitly, both actors welcome and support the agreement. Furthermore, EULEX in continuation promotes the dialogue in its discourse, pointing out that this is the only means to achieve a settlement of disputes (Press Release 2011, July). After the restructuring of EULEX (June 2012), the North and the Dialogue comprise the four key operational objectives (EULEX Programme Report 2012: 46).

EULEX reiterates the emphasis that its mission is fully supported by the EU, pointing out all 27 member states, including and giving credit to the High Representative. It reiterates to have the consent of the Kosovo authorities as well. However, it significantly differs from the discourse of 2009 in terms of not mentioning the approval of Serbia²¹ (see Press Release 2009, June statement: “This mandate has been confirmed in the invitation by the Kosovo authorities and in a letter sent by the President of Serbia, Mr. Tadic, to the EU High Representative, Mr. Solana.”)

Moreover, EULEX declares that: “It is about Kosovo prosecutors investigating cases with the help and support of EULEX colleagues where needed” (Press Release 2011, May). Here indirectly ownership is transferred to the local community, emphasizing that it is their responsibility. The term ‘EULEX expert’ is not commonly used by EULEX. Instead they use the egalitarian term of colleague. Contrastively to former EULEX discourse, the focus is put now on the Kosovo actors (prosecutors in this case). In most other cases their discourse was predominately focused on EULEX itself and their action. It seems that EULEX is gradually stepping back to a complementary role and giving space to the local actors to take the floor. The dilemma arises whether it can be understood that Kosovo actors’ (prosecutors) capacity is enhanced and that they are capable to be in driving seat. More recently, a EULEX press release (2012, April) underlined that there is a Joint Investigation Team of EULEX Police Organised Crime Investigation Unit and Kosovo Police Department of Organised Crime, which symbolizes that EULEX and KP officers are (or have become) egalitarian, an occurrence that was not typically to be found in previous EULEX discourse where the latter are the experts. KP is evaluated to have progressed a great deal and as such is considered as a EULEX counterpart (EULEX Programme Report 2012: 11).

EULEX discourse towards the Serbs and Kosovar Serb community is shaped by arguments in which they aim to persuade the latter that EULEX works in favour of their interest as well. EULEX also reaches out to the Serb public since they influence the Kosovar Serbs, in particular

²¹ Due to rejection of the Ahtisaari Plan, Serbia and other non-recognizing EU Member States conditioned the deployment of EULEX only under the Resolution 1244. Although foreseen by Ahtisaari’s Comprehensive Proposal for the Kosovo Status Settlement, EULEX is the only CSDP Mission which periodically reports to the UN Secretary General – making Kosovo’s case a joint responsibility for both the UN and the EU. <http://qkss.org/new/images/content/PDF/English%20version%20-%20Mapping%20the%20UNSCR%201244%20legacy%20in%20post-independent%20Kosovo%20between%20contestation%20recognition.pdf>

voices of opposition which claim that EULEX is implementing the independence of Kosovo. Therefore, EULEX is heavily engaged in preventing the dissemination of false information regarding their mandate and role vis-à-vis the Serb and Kosovo Serb public (Peters 2010: 25).

Through the repetition of promoting multi-ethnicity in Kosovo institutions, EULEX aims to signal that Kosovo Serbs are included in the future of Kosovo and any attempts to exclude their interests are condemned by EULEX. Reflected in the chart of the most frequent terminology (see Annex I) used by EULEX, the word (multi-)ethnic(-ity) is very often made use of. As mentioned to the above, diversity is the EU's brand. In line with this EULEX emphasizes the multi-ethnicity of Kosovo's population by concretely underlining the ethnicity of communities with the pre-determinant word Kosovo [e.g. Kosovo Serbian, Kosovo Turkish, Kosovo Bosniak (EULEX Programme Report 2009: 87)]. In addition to this, it seems as if EU(LEX) has coined a new term, namely the '(ethnic) non-majority groups/communities' (EULEX Programme Report 2009:17) which is an often re-occurring (54 times) term for minorities.²² Considering the audience addressed by EULEX discourse is diverse, when speaking of towns in Kosovo their designation is used in both Albanian and Serbian [e.g. Prishtinë/Priština (EULEX Programme Report 2009:30)]. However, throughout its 2012 Programme Report its uses only the designation Pristina, which might signal a shift in discourse as well.

In this context, when it comes to linking minorities (especially the Serbian community) to Kosovo institutions, EULEX deliberately avoids using those in one phrase. In cases 'Ethnic Serb officers' (EULEX Programme Report 2009: 13) is used instead of Serbian Kosovo Police Officer, and as such it is not specified that they are Police Officers working under Kosovo authority. In another case, Serb officer is used with the term Kosovo: "Kosovo Serb officer" (EULEX Programme Report 2009: 57), nevertheless not directly stating that they are Kosovo Police officers. As a result of this, the differentiation of police officers according to their ethnicity, especially the Serbian ones, might diminish their level of integration and possibly lead to further discrimination. Moreover, in its Press Release (2009, June), EULEX even claims that they will "rebuild a truly multi-ethnic police service" by which they might have signalled to the (Kosovo) Serbian audience that this is in their interest, but on the other hand for the Albanian audience this could be interpreted as if the KP has insufficiently tried to create a 'truly' multi-ethnic police. Paradoxically, EULEX itself states in its report that the KP is "an exemplary police organization, in the context of the Western Balkans and Europe as a whole," whereby up to 14% of police staffers are from Kosovo ethnic minorities (9 % of them are from the Serbian community).²³

Besides multi-ethnic police, EULEX elongated the word multi-ethnic and talks of multi-ethnic justice, giving the impression as if there is a difference between justice and a multi-ethnic justice, applicable only in the context of Kosovo (see *Press Release 2009, December*). Similarly to this, when talking of the Serb community in Kosovo vis-à-vis Kosovo institutions, EULEX does not explicitly mention Kosovo rule of law institutions, instead it underlines the services they deliver and that are accessible as well by the Serb community [e.g. "...needs of Kosovo Serb

²² See the Annex 1.

²³ For more details refer to the KCSS book (p. 82): "Monitoring and Evaluating the Good Governance in the Security Sector" available at <http://gkss.org/new/images/content/PDF/Monitoring%20and%20Evaluating%20the%20Good%20Governance%20in%20the%20KSS.pdf>

communities, ensuring that access to Kosovo rule of law services..." (EULEX Programme Report 2010: 65)].

In particular when it comes to addressing sensitive case of the North, northern Kosovo or Mitrovica, as it is used interchangeably in its press releases, EULEX aims to maintain its neutrality that is as well reflected in the language. For example "EULEX increase their presence in Mitrovica to support the local police", whereby no explicit mentioning of the Kosovo Police is made, although the statement alludes to it (Press Release 2009, January). And when speaking of violence in the North, ethnic specifications are filtered (e.g. "...violent actions of a small minority of people in northern Kosovo..."), aiming to diminish the negative associations. Political connotations (e.g. citizens) as well are omitted, generalisation is used instead, as for example: "All people are asked to stay calm" (Press Release 2009, January). Mostly the passive voice is used in its EULEX communication (e.g. giving recommendations or filing requests) which is done deliberately in order to omit the agent of action. Particularly in this context, EULEX discourse in 2009 was shaped by distancing themselves from any political dialoguing stating that: "It is up to the parties to resolve this issue through negotiation and dialogue." (Press Release 2009, April). However, in the upcoming years this discourse remarkably changed. However, in its press release (2012, February), regarding the Dialogue EULEX directly states: "*Head of Mission reiterated his full support to implementing the dialogue, emphasizing that EULEX stands ready to support any possible agreement reached.*" As such, it will support any agreement, which might also mean those that do (not) fall under their mandate. Contrastively, in 2009 their discourse was shaped by neutrality and non-involvement, surely conforming to the situation at hand (compare: "It is up to the parties to resolve this issue through negotiation and dialogue" (Press release 2009, August).

Especially when dealing with disputed political issues in the North, EULEX discourse is shaped by reassuring the Serbian community in Kosovo and Serbia that EULEX action is agreed by Serbian authorities in Belgrade, as evident in EULEX Press Release (2009, June) "...clearly communicated all those measures in meetings with the Serbian Minister of Foreign Affairs, Serbian Tax and Customs Administrations officials and a representative of the Minister for Kosovo where there were no adverse comments on the new measures to be established at Gates 1 and 31...no rejection of letters that the Head of EULEX Customs, sent to the Serbian Minister of Finance informing about the planned measures." It appears as if EULEX strategy is to increase its acceptance from the Serbian community in Kosovo through cooperation with Belgrade. As stated by the Head of Mission (Press Release 2010, October), the issue of the North has been a concern to EULEX throughout its mandate and was a priority in terms of local rule of law. In the context of the North this does not necessarily mean Kosovo law, as in the North there are various legal codes applicable from Yugoslav, UNMIK, Serbian and partly Kosovo in existence. Nonetheless, EULEX reiterates in its restructured mandate that rule of law in the North is its key objective (EULEX Programme Report 2012: 45).

Conclusions

The ambiguity of mandate, since its endorsement in 2008, as elaborated to above did have its implications on the EULEX deployment in Kosovo which is traceable in its discourse. On one hand, EULEX aims at status-neutral policy; however on the other hand, it does support Kosovo institutions. Referring to ‘technical matters,’ thus as reflected in its communication, EULEX discourse can be defined as being dualistic and rather over-balanced. The dualism is a consequence of the diverse audience EULEX addresses and strives to reach that have diverging perspectives on what EULEX is or what it should be. Hereby, tailor-made messages are designed in order to prevent the dissemination of false information, maintain credibility or establish acceptance. Defining the role of EULEX is therefore an ongoing process, adapting to circumstances, as demonstrated with the taking over of new tasks and its operational restructuring.

The terms EU and EULEX, including as well EU and European are used interchangeably as if being congruent deliberately signalling that there is no difference between these terms. However, due to the diversity of audience, a ‘double standards’ applicability is traceable in the dualistic EULEX discourse. This is as well as a result of the political division among EU member states which compels EULEX to de-emphasize its actions and the respective political implications. Despite its claimed technical nature, EULEX aims to increase its contribution regarding the EU agenda in Kosovo by becoming involved in political issues such as the North, IBM, the Dialogue and Visa liberalisation.

Several shifts of EULEX discourse are traceable, a reflection of changes that have occurred in the context in which EULEX is operating and accordingly its accommodation as a response to them (e.g. expert, dialogue, etc.). EU(LEX) communication is characterized by building upon its reputation as a strong international actor which has been affected by the political diverging standpoints about the Kosovo status and thus the deployment of the mission. As a consequence of this, EULEX has been compelled to execute a reactive and defensive communication towards its diverse audience underlining its technical aspect rather than political significance. This occasional paper, tackled from the CDA perspective, highlights the discursive creation of EU(LEX) image and relation towards its local audience and actors in the context of Kosovo.

Annex I

Annex I: Frequency of Terminology EULEX Programme Report 2009-2012²⁴

Terminology	2009	2010	2011	Remarks (or in combination with)
EULEX	454	275	307	<i>Executive functions of EULEX rarely or not at all mentioned</i>
Plan	214	95	103	<i>Action plan, planning, annual planning</i>
Ethnic	138	10	16	<i>multiethnic, reconciliation, ethnic non-majority communities,</i>
Cooperation	81	34	49	
Strategy	81	40	55	
Local/s	75	59	37	<i>CSO/NGO, judges, regulations, institutions, public authorities</i>
Effective	71	28	25	<i>Access, programme management, effective border</i>
Security	64	45	27	<i>National, special, enforcing, public</i>
European	48	29	37	<i>Institutions, Rule of Law Mission</i>
Proactive	48	5	7	<i>Measure s</i>
Accountability	44	8	13	<i>Transparency, policies, improve</i>
Rule of Law	44	43	87	
Joint	39	38	18	<i>Team, management, seminar, planning, future joint activities</i>
Political	37	5	11	<i>Circumstances, parties, interference, authority, affiliations, necessities</i>
Strategic	29	21	29	<i>Strategic framework, plan, objectives, operating framework</i>
Common	24	5	10	<i>System, concern, problems, common awareness, network,</i>
Sustainability	22	5	2	<i>NGO, accountability, freedom from political interference</i>
Expert	18	29	7	<i>Only EULEX experts mentioned, never in collocation with locals</i>
Counterpart	17	23	4	<i>Kosovo, national, legal department</i>
Human rights	16	9	6	<i>All related to the respect of HR</i>
Partnership	13	16	9	<i>International partners, CSO, government institutions, European Partnership</i>
Ownership	6	3	1	<i>Local, unauthorized ownership, under ownership of the Ks authorities</i>
Public Order	6	4	5	<i>Ensuring public order</i>
EU standards	5	None	3	<i>mostly referred to internationally recognized standards</i>
Democratic	2	2	1	
EU best practices	2	None	3	<i>mostly referring to European best practices</i>
Stability	1	2	None	<i>Social stability</i>

²⁴ 2012 not applicable due to the document format

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