

Jean Monnet Center of Excellence Research Report

I would like to thank the Jean Monnet Center of Excellence and the selection committee for their award of the 2016 Doctoral Student Research Grant. The 2,000 euros, along with funding received from the FIU Foundation, funded dissertation-related fieldwork in Belgium, Kosovo and Bosnia and Herzegovina (BiH) during May and June of 2016. These awards allowed me to interview close to three dozen international and local government officials about the impact of transitional justice on the development of the rule of law in Kosovo and BiH. As both Kosovo and BiH continue on their paths to membership in the European Union (EU), transitional justice continues to be an important issue for both citizens in these countries and officials in Brussels.

For instance, in both Kosovo and BiH, the EU is supporting the development of comprehensive transitional justice strategies, which would complement the prosecutorial work completed by the International Criminal Tribunal for the Former Yugoslavia and local courts. Unfortunately, in both countries I was told by local officials that these strategies will not receive the local political support for implementation unless the EU puts more pressure on local officials, i.e., links it to their eventual memberships. Yet, after meeting with EU officials in Pristina and Sarajevo, there is a very clear sense that the EU does not want to assume the role of sovereign in either country. According to the EU, it will support and encourage adoption of these plans, but it will not take on roles previously exercised by the United Nations in Kosovo or the Office of the High Representative in BiH. Whether this will be enough is doubtful, and the unresolved past creates uncertainty about whether Serbia, BiH and Kosovo will be able to come to terms with their inter-connected pasts before joining the EU. Right now, the ethnic divisions that

precipitated the conflicts of the 1990s remains and in some cases has increased. Absent EU leadership, reconciliation efforts in the Balkans may languish and be disconnected.

Important findings were also discovered related to the EU's largest civilian rule of law mission (EULEX) in Kosovo. As part of the EULEX mandate, which began in 2009, the EU has struggled with prosecuting serious crimes, particularly war crimes. In addition to failing to make serious progress in this area, as demonstrated by the EU's and Kosovo's need to create a Specialists Chambers for war crimes in The Hague this year, it also failed to take its responsibility for capacity building seriously. After more than six years in Kosovo, EULEX has only helped the Kosovo State Prosecutor hire one local prosecutor for war crimes. While blame does not rest solely upon the EU, assessments of the EU's accomplishments in Kosovo are mixed at best.

These, along with several other important trends, were only able to be uncovered and understood by being in-country, talking with local and international officials and witnessing conditions. The Jean Monnet Center's support for this fieldwork was invaluable in providing the opportunity to accomplish these tasks and work toward completing my dissertation next year.