

## Credibility and Compliance

### The EU's Common Foreign and Security Policy (CFSP) Risks Forfeiting Its Leverage in the Western Balkans

*Solveig Richter / Dušan Reljić*

EU foreign ministers reiterated their support for the enlargement process at a meeting of the External Relations Council on 8 December 2008. The promise to accept the Western Balkan countries for membership in the European Union, once they have met the criteria, has been for a long time the most effective instrument of the CFSP in this conflict-burdened region. The Western Balkans are of particular relevance to the European Union: The CFSP was created and developed in the context of the European Union's attempt to transform the conflicts in this part of Europe. It is in this region where the European Union's resolve to achieve the status of a sovereign and equal actor in international affairs is permanently being tested.

The European Union's latest update of the enlargement strategy for the countries of the Western Balkans, published in November, reflects an ongoing dilemma: On the one hand, the credibility of the EU's enlargement agenda is a necessary precondition to maintaining the leverage of the EU's CFSP on the Western Balkans. On the other hand, internal problems mainly linked to the Lisbon Treaty and a rising enlargement fatigue in the EU member countries undermine the EU's most effective incentive. Compliance with the EU's requirements is closely dependent on the credibility of the prospective membership. So, while scepticism concerning the feasibility of the admission of new countries is increasing, the EU's CFSP risks forfeiting its achievements in the Western Balkans.

The Communication from the European Commission to the Council and the European Parliament concerning the Enlargement Strategy 2008–2009 starts off by stating that enlargement is one of the EU's most powerful tools. The Commission goes on to emphasise that enlargement “serves the EU's strategic interests in stability, security and conflict prevention” and that it has “helped to increase prosperity and growth opportunities, to improve links with vital transport and energy routes, and to increase the EU's weight in the world.” In spite of such massive significance attributed to the enlargement policy, EU senior officials acknowledge that they find it increasingly difficult to maintain the enlargement agenda. If the EU really intends to retain influence on candidate countries

(Turkey, Croatia and the Republic of Macedonia) and the potential candidate countries (Bosnia-Herzegovina, Montenegro, Serbia and Albania), it must find additional means to keep the membership prospects visible, credible and tangible. Should the prospects for membership peter out, other political options and other external actors will unavoidably gain traction. The chances of the creation of a *pax Europæana* in South-east Europe, a region fraught by a torrent of conflicts and wars in the last 20 years, will be considerably diminished. This, in turn, will undermine the EU's ambition to mature in the role of an autonomous and recognised international actor.

### **The “hour of Europe”: The EU's normative power in the Western Balkans**

After the initial shots were fired in June of 1991 in the first of an ensuing series of wars for Yugoslav secession, the then foreign minister of Luxembourg, Jacques Poos, announced that the “hour of Europe” had come. He led a European “troika” sent from Brussels to the region with the task of ending the biggest outbreak of violence on the European continent since the end of Second World War. The Europeans, he proclaimed, would resolve the conflicts in this part of Europe. However, since then, the United States has essentially determined almost all outcomes, thereby creating a *pax Americana* in this region.

Nevertheless, the attempts to solve the conflicts in the Western Balkans provided the impetus for the advancement of the CFSP and, thus, has equipped the EU with the means to become a sovereign international actor. Simultaneously, the Western Balkans was the laboratory in which the CFSP was tested. In fact, the true “hour of Europe” only began in 1999/2000 when the EU offered the Western Balkan states the prospect of membership linking this promise to democratic changes within the countries and a commitment to peaceful conflict resolution in the region. Since then, the

aspirations of these post-communist and post-conflict states to join the community has resulted in the adoption of a huge set of reforms facilitating conflict transformation politically managed by the EU. Throughout this process, the normative power of the EU – and its promise of membership – has been the most important precondition for a positive impact of the CFSP instruments. This interdependence between enlargement and the CFSP is specific to the Western Balkans. It explains to a large extent the positive impact of the EU, but it is not applicable to other regions where EU membership does not play a role. However, presently, three main internal and three main external factors challenge the impact of the CFSP in the Western Balkan region.

### **Internal factors: Lisbon, bilateral questions and Kosovo conundrum**

The internal strife in the EU after the Irish refusal to endorse the Lisbon Treaty threatens the external capabilities of the EU legally and politically. The link drawn by, among others, Nicolas Sarkozy and Angela Merkel between the ratification of the Lisbon Treaty and further enlargement sends a chilling message to the Western Balkan countries. It is not their efforts in fulfilling the conditions imposed on them by the EU, but rather the outcome of the EU's internal political friction that appears to be the decisive factor regarding the “when” – and even “if” – of their membership.

Bilateral questions between Member States and (potential) candidate states have emerged as inevitable items of the EU's external agenda. Individual Member States have shown a tendency to instrumentalise the enlargement and the CFSP for their own national interests. The strong stand of countries like Greece, and to certain extent also Bulgaria, towards the Former Yugoslav Republic of Macedonia (FYROM), and Slovenia towards Croatia, and Cyprus towards Turkey, is negatively affecting the political agendas of the candidate countries. It may therefore endanger the EU's

capability of transforming the regional conflicts and keeping those countries concentrated on the reform agenda.

The Kosovo conundrum produced a split in the EU, with a group of Member States opposing the US-led drive to end this conflict by recognising the province's secession. In December 2008, the EU deployed its Law and Order mission in Kosovo (EULEX) under the European Security and Defence Policy (ESDP). However, a separate set of rules had to be agreed between the United Nations and Serbia for those parts of Kosovo that are mostly inhabited by Serbs. Whereas Pristina insists that EULEX is coming to advance Kosovo's newly proclaimed statehood, Belgrade points out that the mission is neutral with respect to the status of the region, which Serbia still considers part of its territory. In spite of the fact that Western diplomats consider this confusing situation to be of a temporary nature, Kosovo's existing ethnic and territorial division has now been effectively further deepened. A lasting resolution to the conflict does not look any likelier now than previously. However, the EU is now – politically and legally – directly accountable for the situation on the ground and for the future of the region. Brussels has promised to produce a study regarding Kosovo's potential relationship with the EU by the end of 2009. Nonetheless, until all 27 EU Member States have recognised Kosovo's independence (presently, 22 have), the EU is obliged to remain neutral concerning Kosovo's international status.

### **External factors: United States, Russia and Islamic states**

In addition, the EU's ambition to be the "driving force" of further conflict transformation in Kosovo, Bosnia and Hercegovina and other parts of the region is challenged by three external factors.

The Western Balkan region remains of considerable interest to the United States, particularly in the context of the struggle against transnational terrorism. US politi-

cal objectives in Bosnia and Hercegovina, Kosovo, FYROM and elsewhere in the Western Balkans do not always coincide with the interests of some EU Member States. This has the potential to aggravate internal differences within EU foreign policy by pressuring these Member States to take sides regarding policy decisions taken by the US that concern the Western Balkans. The most prominent example is Washington's decision to promote the independence of Kosovo. The differences between the EU and the US even continued as regards EULEX, the largest and politically most ambitious ESDP mission until now. The US was initially reluctant to support an agreement between the UN and Serbia in November 2008, which opened the way for the deployment of EULEX. A case in point is also the US' recognition of FYROM under its constitutional name – Republic of Macedonia. This name is vehemently opposed by Greece (Athens considers Macedonia to be a larger region encompassing also parts of northern Greek territories), meaning that the EU as a whole is obliged to continue using the name FYROM.

Russia re-gained its profile in the region recently. This was demonstrated in the framework of the Kosovo status negotiations and the declaration of independence. It also emerges in questions about energy and economics (e.g., gas pipelines and other energy projects, direct investments). Regarding EULEX, the EU had to compromise with Moscow. Using its leverage in the UN Security Council as one of the veto powers, Russia provided the necessary support to Serbia by gaining a status-neutral deployment of EULEX. Moscow offers potential allies in the region competing cooperative ties. For instance, Russia will not abandon attempts to sustain a "special relationship" with Serbia, even if the present government in Belgrade places priority on EU membership. In Bosnia and Hercegovina, Russia is pressing for the abolishment of the so-called Bonn powers of the UN High Representative, which can suspend the rule of locally elected officials and bodies in that

country. The end of the High Representative's supervision is supported by the Bosnian Serbs, but mostly rejected by the Bosnian Muslims. They fear that the ethnic and administrative division of the country will become irreversible if the external custody is abolished prematurely.

Through their financial power and cultural influence, Saudi Arabia and some other Muslim countries are changing the political, cultural and religious landscapes of Bosnia and Hercegovina, Kosovo, Albania and FYROM. Their influence is growing through the religious education, often received abroad, of an increasing number of young men and women and the gradual replacement of the traditional, local form of Islam by a far more conservative approach oriented towards Wahhabism. Thus, fertile ground is created for the further rise of a political Islam in the region.

### Ways to reinvigorate the CFSP in the Western Balkans

If the EU intends to extend the "hour of Europe" in the Western Balkans, it is necessary to reinforce the credibility of the membership promise as a necessary precondition for sustaining the impact of its CFSP in the region. Western Balkan states should feel that the point of no return has been achieved so that they have no choice but to concentrate on the internalisation of the *acquis communautaire* with greater intensity. The following options should be considered:

- ▶ Starting a debate as to whether the granting of candidate status should be extended to all potential candidate countries in the near future, even if actual membership might occur only in the mid-term. This would be an ambitious and contested choice. However, it is necessary in the meantime to keep the enlargement process alive by focussing on clear and feasible conditions concerning the subsequent individual step of each country. The EU should not extend the accession criteria with new require-

ment as a means of slowing down the accession process.

- ▶ Making the EU tangible for visitors, particularly for students, entrepreneurs and professionals from the Western Balkans, by abolishing visa requirements for them.
- ▶ Starting political action within the EU at an early stage to discourage Member States from "hijacking" the EU's enlargement agenda with the purpose of prevailing in their particular conflicts with potential future member countries. This could either be an active conflict mediation effort handled by each EU Presidency and/or the obligation of these countries to refer the cases to other conflict-settlement bodies, independent of the enlargement process.
- ▶ Including Western Balkan states and civil society in EU's dialogue platforms with Muslim countries and organisations to establish transparent political, cultural and religious exchanges.

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**SWP**  
Stiftung Wissenschaft und Politik  
German Institute for International and Security Affairs

Ludwigkirchplatz 3-4  
10719 Berlin  
Telephone +49 30 880 07-0  
Fax +49 30 880 07-100  
www.swp-berlin.org  
swp@swp-berlin.org

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