



The EEAS and the Western Balkans

Eva Gross and Alessandro Rotta

Abstract

This paper analyzes the performance of the EEAS in the Western Balkans to date. It identifies political deadlocks, particularly over Kosovo's status, and the weakening pull of EU membership as a catalyst for reform as the main challenges the EU must address. The paper argues that the EU's first tangible success was the initiation of the Belgrade-Pristina dialogue. In order to maintain the positive momentum this has generated, the EU must improve the coherence between its political and operational instruments, thus increasing its collective political impact vis-à-vis local but also international stakeholders. The authors make three suggestions for maximizing the future impact of the EEAS: continue to invest in political leadership on the part of the HR/VP; connect the EU's global strategic work with regional and local political challenges in order to improve its coordination with its strategic partners; and work to improve the political and operational links between Brussels and the field.

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by Eva Gross and Alessandro Rotta*

Over the past decade the EU has made great strides in combining its diplomatic, economic and operational instruments in pursuit of a global role. The launch of the European External Action Service (EEAS) in 2010 promises further improvements. These relate in particular to the increased coordination and integration of policy fields (such as external relations, development, and the EU's relations with its neighborhood) and instruments (such as development instruments, partnership agreements, civilian and military crisis missions and the EU's political representation in third countries) that have been conducted largely separately to date. Such integration, it is hoped, will improve EU foreign policy in three ways: first, it will make policy formulation and decision-making more coherent and integrated; second, it will improve the EU's politico-strategic position in relation to external partners that will interact with an EU that is more strategic, political and therefore more capable; and third, it will improve the EU's representation and policy implementation on the ground.

The Western Balkans has long been a special concern for the EU. The wars in the former Yugoslavia throughout the 1990s provided the impetus for the creation of a common foreign, security and eventually also defence policy as well as its implementation in the field; and the prospect of EU enlargement to the Western Balkans, formalized in 2003, represents a key policy tool for the EU - and one that sets the Balkans apart from other regions where the EU engages as a foreign policy actor. EU membership represents the region's political destination, and the EU engages heavily through its political, economic, military and civilian instruments. When it comes to the use of EU foreign policy instruments in the region, there is an additional distinctive feature. The Western Balkans represents the only theatre of activity where the EU explicitly claims a political and operational lead in a dense international field where the EU, NATO, and the US work towards common goals.

1. The Western Balkans: outstanding policy challenges

At the same time, and despite more than a decade of international and European engagement, the Western Balkans is host to a number of interlinked policy challenges. These put the EU to the test in terms of both its policy coherence - recalibrating accession and Common Security and Defence Policy (CSDP) instruments and

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objectives, for instance - and its ability to work with others - national political elites, other local stakeholders and international interlocutors. How effectively the EU can tackle these challenges, in particular through its newly created institutional structure, will go some way towards determining the extent to which the EEAS can deliver as a new and improved foreign policy instrument in the Western Balkans - and elsewhere.

Policy challenges facing the Balkans, and the EU as an actor in the region, vary in urgency and in tractability. Taken together, they collectively challenge the EU's assumption that the enlargement perspective alone can automatically resolve conflict and provide an impetus towards improving governance and the rule of law. **Croatia**, as the frontrunner for EU accession, is likely to join the EU in 2013. Similarly, **Montenegro** was granted candidate status in 2010 and has a clear indication of requirements that the government needs to meet in order to open membership negotiations. While the EU and its member states continue to grapple with 'enlargement fatigue' and while there are outstanding issues to resolve, these cases are relatively uncontested when it comes to the direction and the end goal of EU policy. **FYROM** and **Albania** face larger challenges with respect to democratic governance and, particularly in the case of the latter, the rule of law. These negatively impact their accession prospects. In the case of FYROM, the name dispute with Greece further delays the country's Euro-Atlantic integration with little political movement towards a softening of positions.

After stalled progress with the International Criminal Tribunal for the former Yugoslavia (ICTY) that hampered relations with the EU, **Serbia** appears to be slowly moving forward on the path to EU accession after the arrest of Ratko Mladić in May 2011. But, democratic consolidation, economic crisis, nationalist policies and the process of coming to terms with the past continue to pose challenges. Finally, Serbia plays a crucial role with respect to Kosovo's status, which means that the country holds an important position in the region's political dynamics - and this, in turn, has implications for the EU's ability to influence political change in the region.

The picture looks much bleaker in those countries that experienced war and ethnic conflict during the 1990s and that continue to find themselves in an incomplete post-conflict transition stage. The challenges facing these countries and, by extension, the EU, include contested status and borders; nationalist policies and institutional deadlock; ongoing challenges of transitional justice and reconciliation; and organized crime. Democratic consolidation and EU accession remain a distant prospect - and the promise of EU membership does not seem to present enough of a 'carrot' to induce a change in behavior.

Kosovo represents a challenge of incomplete statehood. Externally, it faces the quest of attaining full international legitimacy. Since declaring independence in 2008, Kosovo has been recognized by 22 out of 27 EU member states. This has negatively affected EU unity and effectiveness, also when it comes to its CSDP mission, EULEX Kosovo. Bilateral relations with Serbia continue to hamper progress on Kosovo's status negotiations. Equally significant are the internal challenges facing Kosovo, namely weak institutions and organized crime. In **Bosnia and Herzegovina** progress towards EU accession is at a critical stage. The 2010 elections not only demonstrated the persistence of nationalism, but also the lack of a European perspective by Bosnian elites. Outstanding constitutional reform coupled with nationalist policies exacerbate

this state of affairs and reinforce the impression that the 'pull' of EU membership alone is not sufficiently strong to induce domestic change. The density of the EU's presence that includes two CSDP missions, EUPM and EUFOR Althea, and the post of High Representative/EU Special Representative (HR/EUSR) attest to the political and operational lead the EU claims for itself. But, as in all countries of the Western Balkans, the EU is not the only external actor but rather cooperates and coordinates its policies with the larger international community. More specifically, this means the UN, NATO and the US, which retain significant influence throughout the region.

In light of these multifaceted challenges, and the continued presence of a number of international actors in the field, the EEAS should perform a number of tasks that would help maximize EU presence and impact in the Balkans. First, the EU is called upon to inject political momentum in current political stalemates; support and enforce the rule of law; strengthen its political lead; and complement its operational contributions - that is, technical assistance, economic and operational support through EC assistance and CSDP operations - with a political approach that can impact and shape the political developments in the region. An evaluation of the EEAS thus should pay attention to two dimensions of policy-making and implementation: that of EEAS leadership, namely the role of the HR/VP in successfully claiming an EU political lead and to produce results when it comes to breaking political deadlocks and stalemates; and that of the EU's ability to coordinate its various political and operational instruments and commitments.

2. The EEAS and the Western Balkans: the challenges of leadership and of coherence

When it comes the EEAS, the state of play in the Balkans presents a mixed picture and some unfulfilled potential, despite the fact that the region encapsulates the potential for the new service and the High Representative of the Union for Foreign Policy/Vice-President of the Commission (HR/VP) to prove their added value. In theory, the Western Balkans represents a theatre where the HR and VP hats reinforce each other. HR/VP Ashton can use and access policy instruments from different baskets and maximize the EU's clout as a result. Similarly, the Western Balkans is a region where the EU rather than its member states have a political lead. Finally, it is perhaps the only region where the US has largely (with the notable exception of Kosovo) delegated the provision of security and political lead to the EU. As a consequence, there are fewer opportunities for internal division between the EU and its member states but also of transatlantic divergences that may derail or divide the EU, and a greater potential for the EU and its partners to work jointly towards common goals.

a. Leadership

When it comes to enhancing EU leadership through the EEAS there are some positive signs. Appropriately, it was in the Western Balkans that the EEAS achieved a first meaningful success: in September 2010, Serbia was persuaded by the HR/VP (in conjunction with individual EU member states) to agree to sponsor, together with the EU, a joint UN General Assembly (UNGA) resolution that called for technical negotiations between the governments in Belgrade and Pristina. This in turn kicked off the Pristina-Belgrade dialogue, which also represents an EU-sponsored and EU-led

endeavor and can in itself be seen as a testimony of an (initial) EEAS success. These two achievements, as well as the HR/VPs engagement in Bosnia and Herzegovina, show that the Western Balkans remains high on the EU's political agenda and that a concerted effort is taking place to reinvigorate not just the accession perspective for the countries of the region but also to break political deadlocks - even if engagement in Bosnia has not yielded similarly positive results as have been observable in Serbia.

At the same time, the desired effect of increased political leadership towards the region, particularly below the level of HR/VP and concerning the impact of the EU's presence on the ground has not yet been achieved. This is partly due to delays caused by the slow set up of the new institutional structures. Cumbersome institutional alchemies in Brussels were unlikely to project an image of improved consistency and effectiveness in the field at the best of times. But, the location of the Western Balkans at the crossroads of foreign and enlargement policies have had additional implications for the functioning of the EU delegations in the region, and the EU's coherence in the field as a result.

b. Coherence

While the EU has taken appropriate 'branding measures' by providing delegation staff with a common EEAS e-mail address, EU delegations in the Western Balkans are cut across tight administrative divisions. Accordingly, political sections respond to the EEAS, while operations sections (holding the keys of EU funds) respond to DG Enlargement. While the operational implications of this division should not be overestimated, the lengthy launch of the EEAS has so far resulted in complicating rather than simplifying EU operations and representation in the region.

CSDP missions in the Western Balkans present an added dimension to the EU's quest for greater coherence but also for the success of its individual policy instruments. In Kosovo, the EU has launched its biggest mission to date, EULEX Kosovo; whereas in Bosnia and Herzegovina the EU continues to concurrently operate a civilian and a military CSDP operation, EUPM and EUFOR Althea. Aligning mission objectives with the EU's broader political aims has posed a challenge for the EU in the past, and it is unclear to what extent the EEAS will be able to offer improvement. In Brussels, the EEAS seems to replicate rather than ameliorate a traditional pattern: crisis management structures, rather than being mainstreamed, remain separate from geographic directorates. The link between Brussels and the field represents another challenge for coherence, and one that the EU has not fully addressed to date.

Here lies perhaps the greatest contribution of the EEAS to an improved EU presence and consistent political leadership in the region: it could fill the gaps caused by the dysfunctional links between the EU civilian and military CSDP operations in the field on the one hand and EUSR/IHR and EC delegations on the other. Lack of coordination in the field was in turn replicated in Brussels by the division between the Council and the Commission and, within the Council, between CSDP and political structures. The case of Kosovo in many ways represents a test case for the EEAS and its emerging structures but more broadly for EU foreign policy. It demonstrates both the intricacies of combining technical assistance and political incentives and of aligning EU instruments in pursuit of a coherent approach.

3. Kosovo: a litmus test

The case of Kosovo epitomizes EEAS dilemmas so far. EU policy consistency in and towards Kosovo has so far been partially marred by disagreements over the independence of Kosovo. Only 22 EU member states have recognized Kosovo (with little prospects of this changing), and this has placed constraints on the EU, including its CSDP mission, and opened the EU up to charges of inconsistency and inability to affect political change in Kosovo. Disagreements over status issues have also delayed the prospective reconfiguration of the EU's presence to better reflect the post-Lisbon arrangements. And, although Kosovo is a clear political priority for the EU, Brussels has not yet addressed this challenge effectively and rapidly.

Implications for the EU on the ground have included the diminished profile of the EUSR's office, which until May 2011 was controversially placed under the same hat as the status positive International Civilian Representative (ICR). It has also forced the EU rule of law mission, EULEX Kosovo, into a sometimes problematic status neutral framework. EU member states finally agreed on unstitching the EUSR and ICR hat by appointing an interim EUSR from May to July 2011, which means that the EU is moving one step away from the dysfunctional EUSR-ICR double-hatting. However, the main step will be to name a new head of the Commission's office to embody the political clout currently vested in the EUSR. For the moment, divergences among member states on whether or not to drop references to UN Security Council Resolution 1244 for dealing with Kosovo¹ are also impairing agreement on how to refer to the new EU presence: while it will not be called an EU delegation (suggesting the acceptance of statehood), it is unclear whether member states that do not recognize Kosovo will accept to call it an EU office and drop the reference to a liaison function). While the exact name of the office may appear trivial, the symbolic value of upgrading the EU presence would be high and would send a powerful signal to local counterparts, improving the EU's clout and consistency.

As mentioned earlier, CSDP missions in the Balkans would greatly benefit from increased EU political leadership in the region and in the specific political settings in which the missions operate. This is certainly the case of EULEX Kosovo, the largest civilian operation ever launched by the EU that is mandated to improve the effectiveness, sustainability and standards of Kosovo's rule of law institutions. While much of the work needed to fulfill such a mandate is of a specialized and technical nature, conceptualizing EULEX Kosovo's work as technical assistance misses the point. In order for technical assistance to be politically accepted and implemented, the EU needs a more consistent and robust political voice that can complement EULEX activities. This is particularly important when it comes to relations between EULEX staff and local counterparts and to fulfilling critical portions of its mandate, such as investigations on war crimes and organized crime cases.

Kosovo is also a test case for a more consistent and robust EU voice in coordinating with other international actors, namely the US. This is an important element of the EU's

¹ The resolution, which represented the framework for UN rule in Kosovo, remains a bastion of status neutrality, and hence a necessary reference for non-recognizers. Other countries, by contrast, consider it obsolete and suggest that by dropping it the EU may increase its political and leverage vis-à-vis Pristina.

engagement since the US, unlike in other parts of the Balkans, continues to master significant influence over local counterparts, and this has both political and policy implications. On the political side, US support to controversial decisions by Kosovo institutions can weaken EU conditionality, and allow authorities in Pristina to navigate the divergences among their international sponsors to their advantage. In addition, the US lends specific policy advice and technical assistance on crucial areas, such as border management, the judiciary and law making, and this has often competed with rather than complemented EU efforts in the same areas. Needless to say, in a setting that places a premium on EU integration, including alignment with European standards, such inconsistencies take on an added dimension.

As mentioned above, one recent positive affirmation and the first tangible success of the HR/VP is related to the Belgrade-Pristina dialogue and should contribute to enhancing the EU's credibility in the Balkans. While bringing the parties around the table under the EU's aegis can be considered as an achievement in itself, dialogue sessions currently appear to have slowed down, despite their mildly encouraging start. In the spirit of the UNGA resolution, the dialogue focuses on concrete issues, supposedly unrelated to status. However, the EU may soon discover that there are no easy wins in this dialogue without tackling status questions head-on, and may find its soft power bumping on the hardening of positions in Pristina and Belgrade.

4. Conclusion. The EEAS and the Western Balkans: a Tale of Unfulfilled Potential?

In conclusion, the analysis presented above raises important conceptual and practical questions about the EEAS in general, the EEAS in the Western Balkans and, even more specifically, in Kosovo. The lengthy, or perhaps thorough, construction of the Service has produced delays in getting the institutions to work. This makes an analysis of the value added of the new structures tentative at best, although the record to date allows for some tentative conclusions.

First, it is not clear how the EEAS will fare in the complex political setting of the Western Balkans. The political role and leadership of the HR/VPs will continue to be crucial. While the example of EU engagement with Serbia on the dialogue is promising, it is not clear whether this will be the exception or the rule. Further progress for the EU now depends on whether the initial success in launching the dialogue will be matched by concrete successes regarding agreements between the parties.

Second, there has been a tendency to neglect political and strategic work on the ground - with reference to Kosovo's incomplete status, for instance - in favour of an emphasis on technical assistance. At the same time, the EU has extended more efforts when it comes to broader (and, perhaps, tentative) strategic discussions about the EU's international strategic partnerships, including those with its most important partner, the US. Again, the case of Kosovo has shown that there is a need to link global and local deliberations so that they can benefit specific policy areas.

Third, and final, the performance of the EEAS in the Western Balkans, to date, questions the extent to which the new structures can bridge the division between

Brussels and the field, given that the shortfalls that were observable pre-Lisbon Treaty remain in place. Improving the place of CSDP operations within this new institutional set up poses an additional test case for EU coherence.

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