

Facilitated dialogue in the Balkans vindicates the EEAS

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When the prime ministers of Serbia and Kosovo reached their first agreement on the principles governing the normalisation of relations, they not only settled long-standing ethnic enmities in the north of the former Serbian province, they also handed Catherine Ashton a diplomatic victory she badly needed. This was proof of the added value of the European External Action Service (EEAS) as a new EU foreign policy actor.

Plagued by criticism for its slow start, weak internal organisation, failures to link up with certain Commission services, inflated salaries and holiday entitlements, the EEAS has come under fire recently from the European Parliament's Budget Committee, amid reports of irregularities in the procurement procedure of a private security firm's services to protect the EU Delegation in Kabul. None of this reflects well on the EEAS, especially given the wholesale review of the organisation and functioning of the Service by member states, the Parliament and other stakeholders that is currently underway.

Ever since the creation of the EEAS in January 2011, members of the Service, and indeed Ashton herself, have been at pains to show the added value of the new EU body. Success could only be defined in somewhat elusive terms: the constructive role played by the EEAS in the wake of revolutionary protests in the Arab world; the crisis response coordination by EU delegations in third countries hit by calamity or crisis (e.g. the Fukushima nuclear disaster), and the comprehensive approach to tackling complex security and development crises (in the Horn of Africa and Sahel region, for example).

Another success story was that Ashton, supported by the EEAS, was able to keep the 'P5+1' together in nuclear non-proliferation talks with Iran. Sadly, these talks fizzled out in April during the latest round of negotiations in Almaty, and perhaps with them the international consortium of the five permanent members of the UN Security Council + Germany - thereby tarnishing the image of the EU as a new peacemaker on the world stage.

But the agreement between Belgrade and Pristina is a clear-cut and resounding diplomatic success for the EEAS, enabling it to dispel some of this recent criticism.

Significantly, the new deal offers the possibility to close yet another chapter in the recent violent history of the Balkans. Bringing arch rivals Ivica Dačić, a former spokesman of the late Serbian strongman Slobodan Milošević, and Hashim Thaçi, former commander of the

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Kosovo Liberation Army – both now prime ministers of their respective countries – to the table for direct talks and towards an accord in barely seven months is no small diplomatic feat. It not only sends a strong signal to the countries in the region, but also to the UN, the US, Russia, China and other global players that the EU is serious about stabilising its immediate neighbourhood. And a worthy laureate of the 2012 Nobel Peace Prize.

Much credit for the positive outcome of the EU facilitated dialogue has to go to Catherine Ashton herself. Her leadership and dedication were critical to bringing about this important agreement. Declaring an end to the formal discussions when the parties failed to reach an agreement in the eighth round of the EU facilitated dialogue on April 2nd, Ashton sent Dačić and Thaçi home with the message that the onus lay with them. If they wanted Commissioner Füle and herself to advise the Council to open the door to closer relations with the EU, then they had about two weeks ‘to step over their own long shadows’ and rally their constituencies behind a compromise. Ashton gambled and won. Two more rounds of talks under her leadership were needed to hammer out a deal, sanctioned by the General Affairs Council of April 22nd. The agreement will partly define Ashton’s legacy as the first High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission.

To be fair, this was no solo effort. The first meeting of the dialogue foreseen in UN General Assembly Resolution 298 was in fact held on 8-9 March 2011, with the facilitation of a small team led by Robert Cooper, then counsellor of Ashton. Over the course of 12 months, Cooper chaired nine meetings at the level of heads of delegation. Further gatherings were held in various technical working groups. In this first phase of the EU facilitated dialogue, both sides struck agreements in a number of areas: civil registry; freedom of movement; acceptance of university and school diplomas; customs stamps and cadastral records; and integrated border management. The agreement on regional representation and cooperation of 24 February 2012 allowed Kosovo – under the new denomination ‘Kosovo*’¹ to participate and sign new agreements on its own account and to speak for itself at all regional meetings.

The EU facilitated dialogue was suspended for six months to take account of the May 2012 general and presidential elections in Serbia. The electoral victory of the nationalist SNS party led Ashton to ratchet up the pressure to strike a deal. The thinking was that any agreement concluded by the two countries’ nationalists would have the greatest chance of sustaining the pressures of domestic politics and time. Hence the decision to invite the political leaders themselves, and not just their envoys, to participate in the second phase of the EU facilitated dialogue. The main incentive Ashton used to wheedle Kosovo towards an agreement was the possible opening of negotiations on a Stabilisation and Association Agreement. Serbia was offered the prospect of starting membership talks with the EU. Both the Commission and the member states, most vocally Germany, backed Ashton by warning the parties that they would not hesitate to push back the April date for a Council decision if either failed to commit fully to the negotiations.

It is therefore not only the outcome that makes the EU facilitated dialogue stand out as a success, but also the characteristics of the diplomatic process itself: it was high level, high on

¹ “This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence”. The 26-word footnote had required close to two-and-a-half days of almost uninterrupted negotiations to finalise. It is striking that the agreement on the principles governing the normalisation of relations of April 19th, initialled by the prime minister of Serbia and approved by his government and the national assembly of Serbia, does not reproduce the asterisk when it mentions Kosovo. This seems to suggest that the name issue will only crop up in a regional context.

symbolism (e.g. the Ashton-Clinton trip to the Balkans at the outset of the dialogue in October 2012), high paced (the EEAS ran a tight schedule with high-level negotiation rounds every month), and high on drama (cf. Ashton's obvious disappointment that Dačić and Thaçi failed to conclude an agreement as a birthday present for her in March).

The facilitated dialogue also shows that, in spite of its image as a latter-day Eldorado marred by deep economic and financial crises, the EU still has enough power of attraction to convince third states to settle their disputes peacefully in return for the prospect of closer relations with the Union.