



EPC-CPP-ELIAMEP Expert Workshop Report

The EU and the Balkans – Looking Back, Looking Forward

Athens 20 September 2006

Introduction

Opening the workshop, Fraser Cameron said that the EU is usually judged to have failed in dealing with the Balkan crises in the 1990s. This might not be entirely fair, however, because the EU then did not have today's capabilities. The Commission only had a handful of officials working on the region and the CFSP only came into existence in November 1993. It took time before the Member States recognised the benefits of cooperation in foreign and security policy. Neither the US nor NATO wished to become involved. Therefore the question is what the EU could have done differently with the possibilities it had at that time.

One participant suggested that had there been an agreement on a Balkan policy between the Member States, this could have made a difference. The EU lacked vision as well as political will towards the Balkans. Several participants criticised the EU for using humanitarian assistance as a substitute for political action. Moreover, the EU did actually have leverage through the recognition issue and lost it when it prematurely recognised Croatia. Yet some discussants felt it was unjust to blame Germany alone for this error as other Member States followed suit. The EU might have also overestimated its influence in believing that it could simply tell the nations of former Yugoslavia not to split up. The EU took too lightly the forces of nationalism and the determination of politicians to play this card. Others held the view that the fragmentation could hardly have been avoided given what was happening elsewhere in the communist world. Accepting the dissolution of the former Soviet Union but not of the former

Yugoslavia would have meant applying double standards. The EU was unable to counter-balance this trend as it had not sufficiently developed its own integration.

Other discussants suggested that the Kosovo issue should have been dealt with earlier even though this would not have prevented the break up of former Yugoslavia. It was also suggested that the EU should have taken more seriously the recommendations of the Badinter Commission (concerning criteria for recognition of new states) and followed them more consistently. Another speaker reminded the participants that most of the blame should be on the regional actors, especially on the Milosevic regime, and not on the EU.

There was an interesting debate on whether timely border changes in the Balkans would have made a difference and if the EU should have been more proactive in proposing territorial changes. One participant drew the attention to the contradiction between the splitting up of Eastern Europe and the integration of Western Europe. He did not think that the disintegration could not have been prevented because the actors were no longer acting on a rational basis. The events at that time were akin to nuclear fission. There was disagreement between the participants as to whether the Dayton agreement ending the war in Bosnia would have been reached if the Kosovo question had been put on the agenda. Most considered that it would not have been possible.

The recent past

Discussing the period since 1999 to the present there was agreement that the EU had played a far less significant role in supporting anti-Milosevic forces and promoting Serbia's democratisation process, compared to what was achieved by the Americans through both NDI and IRI funding. Many lamented the scarce resources available at the EC Delegation in Belgrade, the difficulty in generating EU funds to run projects and the general lack of knowledge and understanding of the region in Brussels in the early 90s. Some participants mentioned how the EU could have also played a useful role (but didn't) at a later stage post-1999, i.e. giving some guidance to Serbs on how to deal with Kosovo, Montenegro and the Former Yugoslav Republic of Macedonia (FYROM), and more generally with political and economic transition.

The Commission-funded Stability Pact for SE Europe (SP) came in for some criticism as having been oversold and thus created unrealistic high expectations. People at the time thought the SP would be the international community's main instrument for economic development and reconstruction of the region. Many stressed how the poor leadership of the SP over the first years of activity greatly affected its reputation. One of the problems was that the SP entered into competition and rivalry with the European Commission which controls its funding. More recently, this cooperation has improved. Some also noted that the SP cannot be held responsible alone for the poor results on the reconstruction front, as often the countries involved in the projects did not cooperate sufficiently. Undoubtedly the poorest achievements of the SP have been in the fields of democracy and human rights promotion, in comparison with more positive records on economic reconstruction and the fight against organised crime.

Looking at the FYROM success story in 2001 - in terms of conflict prevention – several reasons for the positive outcome were identified. First, the very useful role played by Javier Solana, and the constructive coordination with the EU Presidency and Commissioner Patten. Second, the prospect of EU membership was a very effective incentive. Third, there was very close EU-US cooperation (seen as the crucial element of the equation) in defining the terms of the Ohrid framework agreement and in its implementation on the ground. Fourth, Ohrid is the most viable framework agreement developed so far because it addresses root causes. Fifth, the international community was not dealing with a completely failed state. Sixth, despite some conflicting messages at times (always unhelpful) the international community was fully united on resolving the conflict in FYROM (with the exception of the name!)

A major failure of EU's policy at the time was to fail to prevent the steady flow of small arms from Albania to FYROM and Kosovo from April 1997, which had a crucial effect on the 1999 Kosovo war. It is fair to say that only after the US intervention in June 2001 the EU got more seriously involved. The US was the main broker in the Ohrid negotiations: they gave the Macedonians their assurance over settling the name's dispute (still pending) and participation in NATO's Partnership for Peace (PfP). At the same time one observer noted how the US relied mostly on the EU for the implementation of Ohrid while keeping an oversight on security: this division of labour has become the standard approach of the international community to the region. Equally the US is still perceived as a key player in the outstanding issue of Kosovo's final status. Once this issue will be settled the EU will likely be perceived as the main game in town, with all the countries of the region starting on their (long) road to

accession. The EU, however, is still not perceived as a security actor in the region, mainly due to its initial inadequate response. The recent ESDP deployments (military and police) in Bosnia and FYROM have not substantially changed this perception.

Given its potential, the OSCE's role in the Western Balkans is "a story of missed opportunities" according to one participant. The OSCE lacked resources, political direction, and vision. In particular it was felt that the OSCE Kosovo Verification Mission (OSCE-KVM), established in 1998, was a missed occasion. The KVM suffered from serious lack of human and financial resources; lost control and oversight to the contributing Member States and therefore was perceived as non-neutral. Some discussants highlighted how the OSCE played nonetheless a very positive role in the implementation of the two peace agreements (Ohrid and Dayton), as well as in the organisation and monitoring of elections. All agreed though that the OSCE never shaped any political development or played a proactive conflict prevention role in the region.

Some participants mentioned the importance for the EU to develop a responsible political discourse towards the Muslim population in the region (around 8 million, majority Sunni) to avoid fuelling tension and their alienation. While all stressed the largely pacific and law-abiding nature of this community, there is evidence of some fundamentalist subversive activity ongoing in the Balkans (Al Qaeda was in Albania at some point). However it was underlined that the areas of recruitment of Islamic activism are now the UK, Germany and France, and that most of the activists are second-generation born in Europe, therefore one could question where is the EU expertise in this field, or where is the successful European model in dealing with its disaffected Muslims?

Looking Forward

The afternoon session, introduced by Nicholas Whyte, was focussed on the future of EU-Balkan relations. The discussion started with an evaluation of the EU perspective for the countries of the Western Balkans and the usefulness of the EU's Stabilisation and Association Process (SAP). One participant claimed that the SAP is an extremely powerful instrument which has a profound impact on the countries of the Western Balkans because the EU is of strategic importance for them. He argued that the EU's influence rises and falls with the assertion of the membership perspective. Another participant said that at the informal meeting

of European foreign ministers in Salzburg in March 2006, the Thessaloniki message (whereby the future of the Western Balkans lies in the EU) should have been clearly reaffirmed, but this opportunity was missed.

During the discussions, the gap between short-term pressure and long-term gains in the SAP was underlined, considering that pressure is unhelpful if it is not balanced by EU deliveries on the ground, e.g. a relaxation of the strict visa regime. It was argued that the EU has to offer something to the people of the region to shape public opinion in its favour. Short- and mid-term stimuli are also needed to overcome the dilemma of three to four year electoral periods which politicians of the region are reluctant to use to undertake painful reforms if there are no tangible gains from EU membership.

Attention was drawn to the mismatch between funding for EU candidates and potential candidates: Bulgaria will soon receive much more funding than Serbia even though Serbia certainly needs much more help to prepare itself for accession. The clear distinction between candidates and potential candidates was seen as unhelpful, also with regard to the new pre-accession instrument (IPA).

Another discussant held the view that instead of complaining about the insecure EU perspective and falling behind in what they should achieve, the countries of the region should live up to the standards and make sure they are ideal participants of the accession process.

It was argued that the visa issue for the Western Balkans is on top of the Commission's agenda. There will not be a liberalisation but substantial facilitation of the regime. The Commission should receive the mandate to negotiate this issue by the end of the year.

Loukas Tsoukalis also evoked the question of enlargement fatigue among Europe's leaders and populations. According to some participants, the EU should do more to inform its citizens of the benefits of enlargement. While the Commission admits that there was a communication problem towards EU citizens, the problem was also political in the sense that politicians can offer different answers to the fear of globalisation (liberal, conservative etc.) and that they could spell out different visions of the EU's future. Currently the EU was suffering an identity crisis and it was unrealistic to expect major changes until the constitutional issue was resolved.

With regard to Serbia, which is the most isolated country in the SAP, one participant warned that the EU should stop sending mixed messages, i.e. on the one hand reaffirm Serbia's membership perspective and on the other hand speak of absorption capacity and privileged partnerships after Romania's and Bulgaria's accession. The EU should change its rhetoric, keep its promise and be credible and clear. One participant argued that it was too late for attributing responsibility to individuals and that making accession dependant upon the handing over of individuals was beside the point.

Concerning the question of Kosovo's independence and the EU's policy towards Serbia, a participant described three bad scenarios that could occur: an internal compensation process, further postponement of the resolution of the status question and a lowest common denominator outcome. Another participant argued that "sweetening the pill" for Serbia to make up for the possible loss of Kosovo was not a good formulation to start with because it left the impression that Serbia was selling out Kosovo. It would be better to ask about the benefits of EU accession for Serbia. The problem of regional cooperation in the post-status period was discussed, and how one could avoid that Serbia obstructs Kosovo's participation in regional cooperation agreements.

One contributor called for more outreach from the new Member States to the Western Balkans. The links between for example Poland and Slovakia and the countries of the Western Balkans are already quite strong and these should be reinforced, especially towards the Serbian population. Think tanks, NGOs etc. in the new Member States have knowledge to share and could facilitate the dialogue with the EU.

Turning to the role of NATO, one participant argued that there was no real debate on the future of NATO after its enlargement. The question of absorption capacity is discussed differently than in the EU mainly because the issues to be resolved are easier. The PfP is perceived as good by Serbian elites and it also has a positive perception in Bosnia and Montenegro.

With regard to the EU's role in DDR and SSR in the Western Balkans, a participant proposed a division of labour between the EU and the NATO. While the latter has more experience, the former is very active in this field. One could imagine NATO being responsible for the military side of SSR and DDR and the EU for the civilian aspects. However it was pointed out

that NATO is reluctant to get involved in areas where it is not engaged yet and the idea of a division of labour between the EU and NATO was difficult to envisage. With regard to Kosovo it was likely that NATO would provide the same kind of support to the EU after its take-over from UNMIK as it provides to UNMIK now. NATO would also secure the new border with Serbia and provide training and mentoring to the future national defence force in Kosovo.

On the issue of organised crime, not much progress has been made in the Western Balkans, according to one discussant. Therefore more and more executive powers are in the discussion for the future EU mission in Kosovo. This can be interpreted as a lesson learned from Bosnia. Another participant evoked the worrying issues of corruption and insufficient democratisation. With regard to the latter, the US is much more present and quicker to deliver than the EU. This is why the European Parliament has suggested the establishment of an EU democracy fund.

Concerning the question of a customs union it was pointed out that the Commission is sceptical. One discussant recalled that in the beginning the states of the Western Balkans did not even want to establish a FTA because this would have seemed like recreating Yugoslavia. The current network of free trade agreements will now be turned into one big agreement (SEEFTA), but no customs union yet. However, the trade between the South Eastern European countries is not nearly as important as between them and the EU.

A series of questions arose on the bigger picture of the enlargement process towards the Western Balkans countries: how do you maintain the momentum of reforms in these countries? How can one ensure that the EU maintains its leverage? What can be done if the countries do not reform? As someone commented, “You can bring a horse to the water, but you cannot force it to drink”.

What should the EU be doing in the next five years? How can one bridge the gap between SAA and membership (a 10 to 15 year gap)? The gradual measures of visa liberalisation are crucial in this respect and twining is useful. Indeed tangible benefits in the intermediary stages are important. There is also a need for more clarity on the EU steps and perspective and EU public diplomacy needs to be improved.

Participants agreed that the disputes and criticisms over Romania, Bulgaria and Turkey enlargement have been detrimental to the Western Balkans. There are also concerns of the future security situation in Kosovo after status finalisation. And there is concern over the fragmentation between Albanian parties in FYROM.

Conclusion

The workshop achieved a high degree of consensus on a number of key issues:

- that the EU could have done better in the 1990s but it learned relatively quickly from its mistakes
- that it was up to the people in the region to bring about reform, supported by the EU
- that the perspective of EU membership was critical in order to avoid any backsliding in the region – or even further conflict.
- that the new Member States could play a more important role in the region
- that all intermediate steps (more exchanges, visas, better communication, energy, etc) should be utilised to combat ‘enlargement fatigue’.

Annexes

1. Scoping paper by Fraser Cameron and Nicholas Whyte
2. List of Participants

The EU and the Balkans: Looking Back - Looking Forward

(Scoping Paper by Fraser Cameron and Nicholas Whyte)

Introduction

The Balkans have been the major testing ground of the EU's developing role in conflict prevention and crisis management. Most analysts are critical of the EU role in the 1990s but give it higher marks for greater commitment to providing a European perspective for the region since 1999/2000. There remain several issues to resolve, however, before we can speak of a peaceful, secure neighbourhood; and there is growing concern that the EU may renege on its commitments made at Thessaloniki in 2003. This paper looks back at some of the key aspects of the EU's role in the 1990s, looks forward to future challenges, and highlights a number of discussion points.

Looking Back

If ever a foreign minister wished he had not uttered a phrase it must be Jacques Poos who proudly declared in 1991 that this was "the hour of Europe". The unrealistic expectations of politicians – and the public – were soon to be swept away by the poisonous rivers flowing through the Balkans. But is it entirely fair to "blame" the EU – which was not then the EU but still the EC? Consider the following:

- a) the EC had little to offer Milosevic and the other regional leaders to stay together (Delors floated the idea of a beefed up trade agreement)
- b) there was no legal basis (or EU military capability) to intervene ; CFSP came into force only in Nov 1993
- c) there were serious divisions between Member States on how to proceed e.g. on the issue of the recognition of the independence of Slovenia and Croatia.
- d) Neither the US nor NATO wished to intervene

Overall Europe lacked the cohesion, shared political vision, determination and instruments to bring the crisis under control. **The first question, in light of the above, is could the EU have acted differently in 1991 and could it have made a difference?**

EU diplomacy (Vance/Owen), without sufficient US support, failed to achieve an agreement and the fighting continued until Washington decided to get directly involved. A combination of NATO bombing (and perhaps more importantly) US recognition of Republika Srpska led to acceptance of a peace deal at Dayton in 1995. The 1992-95 period was traumatic for transatlantic relations given the differences over tactics and strategy in the Balkans. **Was this divergence avoidable, and, if so, would a united approach have made a difference? Was the EU right not to recognize the inevitability of border changes? Could an interventionist force have prevented the conflict in B-H?**

The UNSC was also divided and acted in a totally irresponsible manner in declaring 'safe havens' in areas such as Srebrenica. Four years later the EU again failed to play a determining role in the Kosovo conflict. The EU's cohesion had improved but it still lacked agreement on political aims and still lacked the military capabilities to back up its diplomacy. The US led bombing campaign had a limited impact; the final deal (Ahtisaari/Chernomyrdin) ended the military conflict but was not followed up with the EU (or the US/UN) following through with a political plan. Playing for time was the name of the game. **Could the EU have done more to prevent the outbreak of violence in Kosovo?**

A Change in Attitude

This second failure was to have a powerful catalytic effect in pushing Europe to develop its own military capabilities. After Kosovo, the EU's Balkans policy became more coherent and proactive and the US-European relationship in the Balkans shifted towards greater equality. A number of factors were responsible for this development.

First, the EU had learned from the 1990s and had developed a common interest in the stabilisation of the region. There was now sufficient agreement on the objectives to develop a more ambitious policy. The EU had also drawn on lesson learned from the enlargement process to central and Eastern Europe; and had promoted the Stability Pact to foster regional integration.

Second, after the 1999 Kosovo military conflict had ended, the political situation in the region appeared to be generally improving. President Tudjman of Croatia died at the end of that year, and was replaced by more democratic forces in parliamentary and presidential elections in

early 2000. In October 2000, Milosevic was overthrown, removing a key obstacle to the region's stability.

Third, the CFSP had been greatly strengthened with the creation of the position of High Representative, and the appointment of Javier Solana, in 1999. He and Chris Patten, the European Commissioner for external relations, formed a good team and devoted considerable efforts to the region. The EU played a leading role in managing the 2001 crisis in FYROM and in mediating the constitutional dispute between Serbia and Montenegro. **But was it really worthwhile to expend such energy purely to postpone an inevitable separation by a few years?**

Over a period of several years three of the EU's seven Special Representatives dealt with Balkan issues. The EU had also begun to develop a civilian and military operational capacity that in the first instance was deployed in the Balkans. In spring 2003 the EU took over the police operation in Bosnia from the UN. In the summer of the same year it deployed its first military mission, taking over from NATO in FYROM, which in turn was followed by an EU police mission in December 2003. A year later, an EU force of some 7,000 replaced the NATO SFOR mission in Bosnia.

While an outright military confrontation is almost inconceivable today, the challenges of demilitarisation and building confidence between former antagonists remain. On a different security level, fighting organised crime still remains a formidable challenge to most of the countries with direct implications for the rest of Europe as well.

Finally, while generally much poorer and further handicapped by the recent conflicts, the Balkan states shared many features with their eastern and northern neighbours. Throughout the 1990s the EU's had accumulated vast know-how in promoting the integration of the central and east European countries into European structures. It was logical that this experience would strongly influence its developing approach to the Balkans. **Do participants agree with the above analysis?**

A new approach

In 1999 the EU decided that the Western Balkans needed a comprehensive new policy approach. They would continue to deploy their foreign policy and crisis management instruments in order to promote the stabilisation of the region, but they would also hold out

the promise of association, of integrating the Western Balkan countries into European structures. The policy provided for the conclusion of comprehensive treaties with each of the countries and it deployed important policy instruments, in particular in the areas of trade and assistance. Most importantly, the Stabilisation and Association Process (SAP) gave the countries the perspective of future membership in the EU. At first this commitment was expressed rather tentatively, but it gained greater clarity in the course of the following years. Some argue, however, that there should have been a more explicit membership perspective. (see International Commission on the Balkans)

A decisive meeting was the EU-Balkans Thessaloniki summit in June 2003 which clearly stated that the future of the Balkans would be in the EU and that progress in this direction would depend on the fulfilment of the same conditions and requirements that applied to other candidates. This was a reference to the 'Copenhagen criteria' setting down benchmarks for EU candidates relating to democracy, market economy and administrative capability. Moreover, Thessaloniki decided also to put several instruments of the enlargement process (partnerships, opening of Community programmes, administrative twinning, etc.) at the disposal of the West Balkan countries, thus further reducing the gap between the SAP and the pre-accession process.

The perspective of EU membership linked to the step-by-step implementation of the SAP has become the major source of the EU's influence in the region. **Do we all agree?** In its institutional application the SAP involves a series of steps, ranging from the establishment of taskforces, feasibility studies on an SAA, the negotiation, signing, and finally the ratification of the Agreement. This in turn opens the way to application for membership. At each of the steps of the SAP, progress is made dependent on the fulfilment of conditions formulated by the EU.

The annual reports by the Commission introduced in 2002 are a further way to regularly assess performance. In 2004, European Partnerships were also concluded to commit the countries of the region to a set of reform priorities. The assistance offered within the framework of the Community assistance for reconstruction, development and stabilisation (CARDS) programme, much of which is now devoted to institution-building, is also designed to support the same reform priorities. **The question arises about how the reform process might proceed if there is no EU perspective at the end of the tunnel? And what if the**

horse is led to the water but refuses to drink, e.g. lack of reform in Bosnia (police), Serbia (Mladic) or Albania (in general)?

Looking Ahead

Overall progress in the Balkans is very uneven. By far the most advanced country is Croatia with Albania lagging far behind. There are several explanations for the marked differences in progress. Historical factors, differences in capacity, constitutional issues and political commitment all play a role. The success of the accession process in central Europe rested to a considerable degree on the fact that the political elite in candidate countries was largely united in its commitment to European integration. Whatever the political complexion of the government, the EU always found a partner willing to take the necessary tough decisions and to move forward on the accession agenda. This is not yet the situation in the Western Balkans. All too often the political agenda is dominated by the nationalist past rather than the European future, with the settling of old scores rather than the tackling of concrete challenges.

Throughout the 1990s the Western Balkans was nearly always the top priority of EU foreign ministers. Today, the Middle East, Iraq, Afghanistan, the struggle against terrorism and WMD proliferation often have an equal or higher priority on the agenda. Competition for the attention of decision-makers, but also for the administrative and financial resources of the EU, has become fierce. Yet there can be no doubt that because of its geographical proximity and the EU's massive involvement over the past decade, the Western Balkans remain a central challenge for the EU's external relations. The stability of the region is intrinsically linked to that of the EU. If Bulgaria and Romania join the EU as planned in 2007, the Western Balkans will turn into an EU enclave on the Adriatic. As Bildt and Ashdown have argued, the EU will either succeed in absorbing this region successively into its own structures or risk importing instability in various forms, including through uncontrolled migration and illegal trafficking. The EU's credibility as an international actor thus depends to a large extent on its success in the Balkans. If it fails to ensure lasting stability in its immediate neighbourhood, it need hardly try elsewhere.

Questions for discussion:

Do we agree that the EU has internalised the importance of the Western Balkans to its own credibility as an international actor, or is this still an argument that has to be made? Is EU policy still too superficial and reliant on quick fixes? Is the perspective of

EU membership for Western Balkan countries now a hostage to the failed Constitutional Treaty process?

The EU perspective has certainly contributed decisively to state-building in Bosnia and FYROM. But the UN remains in the lead in the process of defining Kosovo's final status, and also (formally) in the process of resolving the FYROM name issue. What does this tell us about the EU's continuing limitations as an actor?

What are the likely problems resulting from an imposed independence status for Kosovo? The EU intervened decisively between 2000 and 2006 in the process of defining the relations between Serbia and Montenegro. But does the EU as an actor have anything at all to offer in the field of demilitarisation and security sector reform, or is this simply to be left to NATO?

If organised crime is such a crucial problem, why have the EU's police missions not been given mandates that reflect this?

Will the proposed improvements in visa facilitation for residents of the Western Balkans help the EU's very poor image in this regard? What steps can or should be taken towards full liberalisation (as already enjoyed by Croatia)?

Is it fair to say that the EU has been far less visible in democratisation than either the United States government or private donors? Is this inevitable?

How important would a customs union for the region be? What prospects for free trade?

Does the EU have the confidence and means to prevent any future conflict in the Balkans?

Annex 2:

EPC-CPP-ELIAMEP Expert Workshop
“The EU and the Balkans - Looking Back, Looking Forward”
20 September 2006
Divani Palace Acropolis Hotel Athens

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