

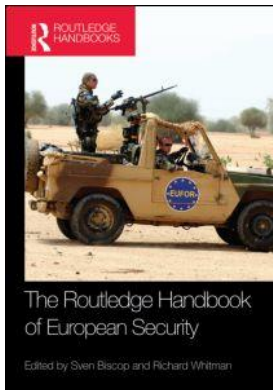
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The CSDP in the Western Balkans

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PART III

Policies

12

THE CSDP IN THE WESTERN
BALKANSFrom experimental pilot to security
governance*Michael Merlingen*

In 1990 realist international relations scholar John Mearsheimer (1990) wrote about the impending return to instability and interstate competition in Europe. His prediction was prompted by the end of the Cold War, which he regarded as one of the pacifiers and stabilizers of the continent. In the absence of the bipolar divide, Europe was destined to return to its own past, which was characterized by competitive security policies in a multipolar regional order. The Western Balkans had for centuries been an important European arena in the international struggle for power. If the realist scenario had been right, the region would once again have become a source of geopolitical competition among major European and non-European powers. Yet history unfolded according to a different scenario. To make sense of it, this chapter draws on the concept of governance. Mearsheimer's scenario is based on a view of states as sovereignty-bound actors which are primarily concerned about their military power. Governance scholars argue that the EU has partly transcended the sovereign state (Kirchner and Sperling, 2007; Sperling, 2009; Webber *et al.*, 2004). It is in some sense a post-Westphalian community of action. Its internal relations are those of a mature security community in which war has become unthinkable. Its foreign policy in its neighbourhood is structural in orientation (Keukeleire, 2004). It is a long-term policy embedded in contractual relations and aimed at transforming conflict-prone and underdeveloped countries into well-governed market democracies. Brussels' transformative diplomacy works by transferring EU rules and practices to target countries. This makes EU foreign policy a form of extra-territorial governance (Lavenex and Schimmelfennig, 2010; Schimmelfennig and Sedelmeier, 2004).

The chapter proceeds as follows. It first identifies the mixed motives driving EU policy towards the Western Balkans. It then conceptualizes CSDP missions as an instrument of EU external security governance before providing a brief overview of the activities and achievements of the five CSDP missions that the EU has deployed in the Western Balkans. Next the chapter discusses the other main EU governance policies in the region. In the two sections that follow the chapter first identifies the main successes and limitations of the EU's Balkan

policy and then explains its mixed record. The chapter ends by providing five recommendations on how to improve the EU record in the region. Throughout the chapter, the empirical focus is on those three countries in which the EU deploys or deployed CSDP operations: Bosnia, Kosovo and Macedonia.

Ethics and strategic interests: the normative, political and security objectives of EU policy in the Western Balkans

The EU is often described in normative terms as a cosmopolitan actor. Unlike sovereignty-bound states, the post-Westphalian EU is committed to the diffusion of the universal norms and values that it embodies, including peace, the rule of law and human rights. In Ian Manners' (2002: 252) influential view, the EU is a normative power primarily because of what it is or represents rather than because of what it does. In the Western Balkans, the limits of this conceptualization of EU foreign policy are readily visible. There the EU's role in changing the norms and functioning of domestic institutions, inter-ethnic relations and civil societies has been heavily dependent on its civilian and military actions, including the conditional offer of material incentives. Another normative approach is better suited to make sense of EU foreign policy in the Western Balkans. The notion of ethical foreign policy squarely places the emphasis on the actions of the EU rather than on its presence in international affairs (Aggestam, 2008). Yet this approach, too, is insufficient to explain the role and impact of the EU in the Western Balkans. Irrespective of official discourse, the record shows that EU policy has been driven both by other-regarding normative and egoistical material motives. While the conceptualization of the EU as a post-Westphalian community of action is useful to analyse EU policy in the region, the concept has to be broad enough to allow for non-normative sources of policy.

An important impetus for EU actions in the Western Balkans has been related to self-centred policy objectives. The EU has sought to protect itself against transnational threats emanating from the former Yugoslavia and to strengthen its international identity. As a post-Westphalian actor the EU no longer seeks to maintain a protective shell around its territory. It is committed to keeping its borders open to transnational flows of tourists, goods, services and capital. Yet as borders have become porous, new non-traditional security threats and new referent objects in need of being secured have emerged. This is reflected in EU policy towards the Western Balkans. The violent breakup of Yugoslavia in the 1990s and the associated prospect of failing states were considered by European authorities to pose serious security problems for the EU. They allowed organized crime to take root in the region and to penetrate the EU with its illicit activities such as trafficking in drugs and small weapons. They caused large refugee inflows and illegal migration that put strain on societal identities and social cohesion in EU states and taxed their labour markets and welfare systems. They threatened to create safe havens for terrorists from which they might launch attacks against the EU. The CSDP missions in the Western Balkans and EU policy towards the region more generally have been partly a response to these threat assessments. They have been motivated by the objective to promote the security and well-being of EU citizens, even when this has come at the expense of the interests of Western Balkan citizens. For instance, until recently most citizens of the region faced unwelcome visa restrictions when they wanted to travel to the EU.

Another self-centred objective underpinning EU policy in the Western Balkans has been about EU identity. A stronger international identity is a means for the EU to raise its status or prestige, which is a currency of international influence. Also, the identity card plays well with European publics who are otherwise disenchanted with many aspects of the EU. The

Western Balkans have played an important role in the EU's branding strategy. Its disastrous performance as conflict preventer and peacemaker in the former Yugoslavia severely damaged its reputation as an international actor. An important objective of the CSDP missions in the Western Balkans has been to show to EU publics and the world that the EU has finally got its act together and that, therefore, it has to be taken seriously as an international security provider.

Other-regarding policy goals, too, have been present in EU policy towards the region. Brussels has showed border-crossing solidarity with the victims of genocide and mass atrocity crimes both by welcoming refugees and by its actions in the region. It has advanced human security, including through conflict prevention and the promotion of human rights and economic development. More important still in the long run is that the EU has committed itself to giving all Western Balkan countries a European perspective. While the promise acts as a carrot that, when linked to policies of conditionality, gives the EU a powerful instrument to shape the institutional and policy trajectories of the countries concerned, there is more to the policy than self-interest. The enlargement promise is grounded in the conviction on the part of the EU that it has a moral obligation to make amends to the region for its foreign policy failures there in the 1990s. Brussels genuinely wishes to extend its peace project to the Western Balkans. There is thus a non-negligible element of cosmopolitanism in EU policy towards the region. To conclude, EU policy towards the Western Balkans has been driven by mixed motives. It has been both rational in that it has promoted the security and political interests of the EU and appropriate or reasonable in that it has been in accordance with certain standards of justice or fairness.

EU external governance in the Western Balkans

The EU has evolved a number of instruments to influence third countries. They include the EU enlargement policy; policies of conditionality without the carrot of membership such as the European Neighbourhood Policy (ENP); and the extension of EU-based policy networks to third countries. The CSDP is yet another EU external governance tool. One of its purposes is to deal in a cost-efficient manner with transnational security threats and the associated blurred boundary between internal and external security (Krahmann, 2005; Lutterbeck, 2005). On the one hand, civilian CSDP missions are an instance of the externalization of domestic law enforcement and judicial functions. EU police officers replace, train or support their local counterparts in post-conflict societies. EU judges and lawyers operating under the CSDP flag do the same for local judiciaries. On the other hand, military CSDP operations are an instance of the 'politicization' of soldiering. Troops are asked to carry out civilian tasks as peacebuilders and security sector reformers. The point is that CSDP missions (military and civilian) tackle transnational security threats by contributing to the stabilization and reconstruction of post-conflict societies. Just like other governance policies, they do so by extending to them EU rules, norms and practices.

The CSDP operations

The early CSDP deployments in the Western Balkans have been the main testing ground for the functionality and viability of the brand-new CSDP, including the EU's ability finally to transform itself from a mere civilian power into a military actor. If the EU showed itself incapable of getting the CSDP right in its own backyard, its aspiration to be a global security player would for the foreseeable future remain unfulfilled. Also, more so than elsewhere,

the impact of EU policy in the Western Balkans has depended on the success of its CSDP missions. Especially important for the EU's policy objectives of extending peace and market democracies to the region have been the EU military operation in Bosnia and the civilian mission in Kosovo. In short, the stakes of the missions in the Western Balkans have been considerably higher than those of EU missions elsewhere.

The EUPM in Bosnia (January 2003–June 2012)

In Bosnia, the violent disintegration of Yugoslavia reached its apex. The three-year-long civil war involved massive human rights violations, including widespread ethnic cleansing. The police acted as an instrument of ethnic repression. The war was brought to an end by a US-led NATO air campaign. The 1995 Dayton peace accords established an internationally supervised power-sharing arrangement among the three major Bosnian ethnicities – the Bosniaks, Croats and Serbs. To oversee the transition to peace and democracy, the accords established the Office of the High Representative (OHR). A United Nations (UN) International Police Task Force was set up to build a professional and accountable Bosnian police. While the UN police officers had achieved much by the time their mandate expired at the end of 2002, the international community felt that the local police needed further international control and guidance. The EU volunteered to take over from the UN.

The EU police mission (EUPM), which was finalising its closure at the time of writing in the summer of 2012, was tasked to reform the local police in accordance with best European and international practices. Police experts and political advisers monitored the conduct of locals, mentored them on best practices and provided them with policy and strategic advice. At its peak, the mission had 540 internationals. In its first three years of operation, the EUPM pursued a wide range of reforms. It ran seven capacity-building programmes. They comprised about 120 reform projects (Merlingen, with Ostrauskaite, 2006; Mühlmann, 2008). Many EUPM projects were funded by the European Commission. After 2005, the mission mandate zeroed in on two main objectives. First, the EUPM was to support the consolidation of the highly fragmented Bosnian police system. This proved difficult as the territorial reorganization of policing has been politically controversial among Bosnians. Second, the mission was tasked to enhance the capacity of the local police to combat organized crime. To achieve this goal, it built an in-house capacity to improve police–prosecutor relations. They were a choke point in its previous efforts to upgrade local law enforcement. Also, the EUPM zeroed in on improving local police accountability. Among other things, it supervised the exercise of political authority over the police and the conduct of officers during crime-busting operations. Police corruption, misconduct and political interference in operational policing decisions have been among those factors hampering the fight against organized crime. After 2009, the refocused mission mandate emphasized the fight against corruption and organized crime.

The Bosnian police has come a long way since the days of the civil war, especially in police-technical terms. The EUPM played an important role in this development, notably regarding the development of policing competencies and standards of professionalism of the rank and file and mid-level police managers. Among other things, it succeeded in making the local police more accountable (e.g. by setting up, training and mentoring internal control units that investigate police misconduct); and more professional and effective (e.g. through developing new curricula for police training and through restructuring the country's criminal investigation departments) (Juncos, 2007; Merlingen, 2009). In terms of the broader political framework of policing, the EUPM had less impact. This is especially true of the

de-politicization (and de-ethnicization) of the senior police management, a process which touches on issues such as police forces having their own independent operational budgets, the clear legal and practical separation of interior ministers and police commissioners and the enforcement of laws on merit-based recruitment and promotion of police officials.

EUFOR Althea (December 2004–)

In the wake of the Dayton peace deal, NATO was put in charge of keeping the peace in Bosnia. In December 2004, the 7,000-strong EUFOR Althea took over NATO's peace-keeping tasks. It has been the largest-ever military CSDP operation. It relies on NATO capabilities and assets under the Berlin Plus agreements. Its Operation Commander is NATO's Deputy Supreme Allied Commander Europe (D-SACEUR). The transition from NATO troops to EUFOR was smooth. EU military planners benefited from the alliance's extensive experience on the ground. Also, the capabilities and assets the EU wanted to borrow from NATO were already in place. Cooperation between the two sides has been good ever since. Denmark, Cyprus and Malta are the only EU states that have not participated in the force. Altogether 33 countries contributed to Althea when it was deployed.

Althea's main function has been to ensure a safe and secure environment in Bosnia. Initially, EUFOR focused on deterring possible spoilers of the Dayton peace accords, notably the ethnically and institutionally divided armed forces. Another key focus of EUFOR's earlier activities was compellence – the initiation of military action (peaceful or violent) in an attempt to stop adversaries from continuing to engage in undesirable action (Art, 2007). The first Force Commander used his troops proactively and at a high operational tempo. His aim was to disrupt the local networks that obstructed the efforts of the international community to bring to justice individuals indicted by the Yugoslav war crimes tribunal. For instance, early on in its deployment EUFOR conducted a large-scale operation to seize control of all underground military facilities in the country where war crimes fugitives were believed to hide (Bertin, 2008). Also, the Force Commander adopted a forceful approach in combating organized crime. The phenomenon was thought to be linked to the support networks of indicted war criminals. Interpreting his mandate liberally, the General drew on EUFOR's own armed police force and regular troops to carry out country-wide anti-organized-crime operations. Often he did not bother to inform either the local police or the EUPM. This resulted in confusion both in the EU family and among Bosnian authorities over who was in charge of improving local law enforcement. Also, it created some bad blood between Althea and the EUPM. The latter complained that the 'executive' approach of the military undermined its capacity-building approach based on local ownership. Finally, Brussels designated the EUPM as the lead actor on the issue of combating organized crime.

As peace took root in Bosnia and inter-ethnic relations were increasingly channelled through and moderated by democratic political institutions, Althea's deterrence and compellence functions became obsolete. On the military front, a milestone in this development was the national defence reform at the end of 2005, which established unified, democratically controlled armed forces. Responding to the evolving situation on the ground, the EU gradually reduced Althea to around 2,000 troops. They are backed up by over-the-horizon reserves. The slimmed-down EUFOR has strengthened its reassurance function. Liaison Observation Teams (LOTs) have been its main means. They consist of small groups of soldiers who live in local communities. LOTs are used throughout Bosnia to build close relationships with locals and to reassure them that the EU will not allow a return to conflict. In 2010, the EU reinforced Althea's contribution to the training of the Bosnian armed forces.

EUFOR set up a specialized training and capacity-building unit whose mobile teams focus on medical evacuation, information systems, leadership and weapons training. At the time of writing, Althea has about 1,200 troops in theatre, with preparations in 2012.

EUFOR Althea has been a success. It has kept the peace in Bosnia and carried out civilian tasks that have improved public security and enhanced the professionalization of the Bosnian armed forces. Moreover, the operation has demonstrated that the EU can successfully run a sizeable peacekeeping operation. Althea's success has prompted a number of contributing EU states to call for its termination.

EUFOR Concordia (March–December 2003)

The separation of Macedonia from Yugoslavia proceeded peacefully. Yet relations between the Slav-Macedonian majority and the ethnic Albanian minority subsequently deteriorated. Macedonian Albanians were discriminated against in the fields of culture, education and language (Brown, 2000). When neighbouring Kosovo plunged into full-blown violence, Macedonian Albanians were radicalized. Ethnic fighting ensued between the Macedonian Albanian National Liberation Army (NLA) and government forces. Full-scale civil war was prevented by a joint NATO and EU diplomatic intervention. Under international pressure, the Slav Macedonians agreed to a peace deal. It gave the Albanian minority more rights and autonomy.

The Ohrid Framework Agreement was signed in August 2001. It called for the disbandment of the NLA. NATO deployed a force to assist in the process. Its follow-up operations were tasked to monitor the former crisis area in the northwest of the country where ethnic clashes had occurred and to advise the government on defence-related security sector reform. On 31 March 2003, EUFOR Concordia took over the monitoring tasks from NATO. The 350-strong Concordia was the first-ever EU military operation. All member states bar Denmark and Ireland took part in it. In addition, 14 non-EU states participated. Concordia could easily have been launched without recourse to NATO assets. An autonomous CSDP mission is precisely what France called for. However, Atlanticist EU members and Germany insisted, for political rather than operational reasons, that the EU force be run in cooperation with NATO under the Berlin Plus agreements. They wanted to signal to Washington that the CSDP was a supplement to NATO and not an ersatz alliance. Their view prevailed. Minor hiccups notwithstanding, cooperation between Concordia and NATO was smooth, both during the transition from NATO to EUFOR troops and once Concordia was up and running (Gross, 2009).

EUFOR Concordia was tasked to contribute to a stable and secure environment. The initial mandate lasted six months. To implement it, Concordia deployed Field Liaison Teams to patrol the former crisis area (Mace, 2003). The operation was extended for three months. This allowed for an uninterrupted transition from Concordia to the CSDP follow-on mission EUPOL Proxima. Concordia was a success in that it kept the peace in the country. Yet given the stable situation on the ground, this was no big achievement. Concordia's significance lay elsewhere. The EU peacekeeping force mattered because it was a successful test of the military CSDP and the Berlin Plus procedures.

EUPOL Proxima (December 2003–December 2005)

Police reforms were a central plank of the 2001 Ohrid peace accord. The Slav-dominated police had a record of misconduct. Its violence often targeted the Albanian minority (Abrahams, 1998). Against this backdrop, the EU deployed its second CSDP police mission.

Proxima had a one-year mandate. It was to contribute to the consolidation of law and order; the reform of the ministry of the interior; the development of a civilian border police; and confidence-building measures between the police and the Albanian minority. In view of the short mandate, the mission leadership initially decided against project-based reforms. However, the resulting absence of strategic focus threatened the achievement of the mandate. Also, personal rivalry undermined the effectiveness of the mission. There was little coordination between, on the one hand, the head of Proxima and, on the other, the EU Special Representative (EUSR) and the head of the Commission Delegation. Under pressure from Brussels, the mission was re-engineered. It established 5 reform programmes, which together comprised 28 projects (Merlingen, with Ostrauskaite', 2006). They ranged from the organization of workshops on detecting forged travel documents to the production of policing manuals on the investigation of human trafficking. The programmatic approach reinvigorated the mission. But it came too late. Proxima only had six months to implement its reform projects. This was not long enough to have an impact on Macedonian law enforcement. To save the mission from failure, the EU Council decided to prolong it for one more year.

Proxima 1 was deployed in over 20 locations in the former crisis area. It had a staff of about 180 international police officers. Proxima 2 had its personnel strength cut to about 120. At the same time, it was rolled out throughout the country. To make ends meet, the mission's new leadership was asked by Brussels to reduce the reform programmes to three. The projects were for the most part a continuation of the uncompleted activities of Proxima 1. Proxima 2 was followed by an EU Police Advisory Team of about 30 experts. They were deployed from December 2005 to June 2006. EUPAT was a bridging measure until the European Commission follow-on police reform project kicked in.

Proxima (1 and 2) made a difference on the ground. Among their noteworthy achievements were the improvement of the accountability of police officers to citizens and the upgrade of the interface between law enforcement and the judiciary (Ioannides, 2007; Flessenkemper, 2008). This said, the mission was more about symbolic and intra-EU politics than about reforming the local police. It was deployed about two and a half years after the Ohrid peace deal had been signed. In the meantime numerous international actors had successfully engaged the local police in reforms (Merlingen and Ostrauskaitė, 2005a). And yet the EU Council decided to maintain a CSDP presence in the country after EUFOR Concordia was terminated. On the one hand, it wanted to underline the EU's continuing political commitment to Macedonia. On the other hand, it wanted to signal to the European Commission that it intended to take a broad view of civilian crisis management. It staked out a large policy space for the CSDP in what the Commission has traditionally considered its turf.

EULEX Kosovo (December 2008–)

Kosovo is a poverty-stricken corner of Europe mainly populated by ethnic Albanians. In 1989, the Yugoslav government abolished the limited autonomy the province had previously enjoyed. Martial law was proclaimed. Instead of quelling ethnic unrest, this move fuelled it. Within a few years, Serb security forces and the Kosovo Liberation Army battled each other. At the beginning of 1999, an international conference was held in Rambouillet, France, to find a peaceful settlement. The West blamed its failure on Belgrade. NATO began bombing Serb targets in the province as well as in Montenegro and Serbia proper to stop the bloody repression of Kosovars. After an air campaign of about two and a half months, operation Allied Force achieved its objective. Serb President Milošević agreed to withdraw his military

forces from the province. In June 1999, UN Security Council Resolution 1244 transformed Kosovo into an international protectorate run by the UN Special Representative of the Secretary-General (SRSG), who also heads the UN Interim Administration Mission in Kosovo (UNMIK). In 2006, the UN Secretary-General appointed a Special Envoy to find a solution for the future status of Kosovo. Within a year, Martti Ahtisaari tabled a proposal to grant Kosovo independence. It was rejected by Belgrade. After international mediation failed, Kosovo unilaterally declared its independence in February 2008. It was recognized by the USA and the majority of EU members as well as assorted other countries. Although EU governments failed to agree on a common position on this issue, they did agree on dispatching a CSDP mission to Kosovo. The mission operates 'under the overall authority and within the status-neutral framework of the United Nations' (United Nations Security Council, 2008: 11; Council of the European Union, 2008d). Failure to dispatch a CSDP mission would have resulted in a mission composed of a coalition of willing EU states led by America (Koeth, 2010). This would have been a severe blow to the newly established credibility of the CFSP. The SRSG and UNMIK have been sidelined since Kosovo's declaration of independence.

EULEX Kosovo is an integrated rule-of-law mission tasked to construct an independent and multi-ethnic criminal justice and customs system in Kosovo. It has three main components, which deal with the police, judiciary and customs. The police component is the largest. In addition to general police development work, EULEX police investigates war crimes, corruption and financial crime, especially money laundering. EULEX judges and prosecutors investigate war crimes, organized crime and corruption. Case management is handled jointly with local judges and prosecutors. The customs component is the one least involved in executive tasks. It focuses on monitoring, mentoring and advising activities. The ministerial-level Joint Rule of Law Co-ordination Board is the main venue for official cooperation between EULEX and the Kosovo authorities on all key rule-of-law issues.

EULEX has a number of unique features. First, it is the largest-ever civilian CSDP deployment. It has an authorized strength of about 1,900 internationals and 1,100 locals. Twenty-six EU states contributed to the mission when it was launched. Second, EULEX is the first civilian operation with executive competencies. It is authorized to run independent police investigations, to conduct trials and to annul decisions taken by local authorities. Last but not least, it is the first CSDP mission with US participation. An informal deal was struck between Washington and Brussels in early 2007. Washington agreed to have US personnel serve in EULEX. Brussels agreed to deploy a CSDP police mission to Afghanistan. About 80 US police officers, judges, and prosecutors joined EULEX when it was launched.

The mission faces daunting challenges. Kosovo remains awash in weapons. The government in Priština has limited authority over the rule-of-law sector in predominantly Serb-populated North Kosovo, though in 2011 it stepped up its efforts to reinforce its presence there (see further below). Crime throughout the country remains rampant, especially money laundering, corruption and human trafficking (European Commission, 2008b, 2009a, 2011a). As in other ex-Yugoslav territories, political interference in operational policing decisions is common. The judiciary is regarded by the international community as the weakest of all of Kosovo's institutions (Organisation for Security and Co-operation in Europe, 2008; International Crisis Group, 2010). For instance, in 2008 the overstretched court system had a backlog of nearly 40,000 criminal cases. The backlog of civil cases, many of which are related to property claims, was even larger.

Two key challenges the mission faces are how to handle the very different expectations addressed to EULEX by Serbs and Kosovars and the lack of a coherent EU position on

Kosovo. For the Serbs, EULEX is there to protect endangered ethnic Serbian communities in a Serbian province. For the Kosovars, the mission is about helping the Kosovo government to build a functioning sovereign state. Reflecting these different expectations, the mission juggles with contradictory objectives. On the one hand, its mandate is to help build a viable, effective and democratic justice and customs system. On the other hand, the mission remains neutral as to the future of the political organization of Kosovo.

EU external governance policies beyond the CSDP

Since 2000 the EU has had a comprehensive and well-resourced strategic framework in place to provide policy guidance and financial assistance to the Western Balkan countries with a view to promoting stability, market democracy and regional cooperation. The Stabilisation and Association Process (SAP) was upgraded by the Thessaloniki European Council in 2003, at which the EU committed itself to giving EU membership to all concerned countries when they meet the accession criteria. The Stabilisation and Association Agreements (SAAs) are the centrepiece of the SAP. They establish close and comprehensive contractual relations between the EU and the Western Balkan governments. The SAAs are designed to help the countries approximate the EU *acquis communautaire* and to prepare them for participation in the EU single market. Throughout the SAP process, the Commission monitors and assesses the reforms in annual progress reports. When it deems a country to have approximated EU standards, it recommends to the Council of Ministers that enlargement negotiations be opened. In addition to the SAP, the EU initiated and was a principal participant in the Stability Pact for South Eastern Europe. Launched in 1999 and operative until 2008, it promoted democratization, economic reconstruction and security in the region and encouraged regional cooperation. In 2008, it was replaced by the Regional Cooperation Council. The EU remains active in the new body, which focuses on regional policy coordination. Last but not least, individual EU states have provided considerable bilateral assistance to Western Balkan states.

The SAP has been the main pillar of EU policy towards the Western Balkans. Its most powerful carrot has been EU membership. Also, the SAP has made a difference because of the EU funding it involves. From 2000 to 2006, CARDS (Community Assistance for Reconstruction, Development and Stabilisation) was the main instrument for financial aid to the region. It allocated €298.2 million to Macedonia, €502.8 million to Bosnia and €583.8 million to Kosovo. In 2007, CARDS was replaced by the Instrument for Pre-accession Assistance (IPA). From 2007 to 2010, it has allocated €302.8 million to Macedonia, €332 million to Bosnia and €426.4 million to Kosovo. Most of the funding has been channelled into economic development and institution- and capacity-building projects, with a special focus on the rule of law, border management and democracy promotion. Beyond the SAP, EU policy conditionality, which links concessions by Brussels such as visa liberalization and financial aid to certain domestic reforms, has been a powerful influence instrument (Trauner, 2009).

Successes and limitations of EU policy in the Western Balkans

Any overall assessment of EU policy in the Western Balkans has to take account of the fact that accomplishments and shortcomings are finely balanced. The EU record in the region may either be described as a glass half-empty or half-full. The assessment that follows avoids such an 'either-or evaluation' in favour of a nuanced assessment, focusing on the CSDP.

Beginning with the successes, CSDP troops have successfully kept the peace in Bosnia and Macedonia. CSDP police officers have made law enforcement more effective and accountable in Macedonia and Bosnia and they have started to do the same in Kosovo. EULEX judges and prosecutors help to strengthen the rule of law. In carrying out their tasks, the CSDP missions have prevented a return to conflict, promoted public order and contributed to good governance. Second, the CSDP operations have undoubtedly strengthened EU internal security. Through their security sector reforms, they have combated organized crime and the threats to the EU associated with it such as drug trafficking, weapons smuggling and illegal migration. The EU has further enhanced the impact of its Western Balkan CSDP interventions on homeland security by coordinating them with the external dimension of EU Justice and Home Affairs (Mounier, 2009). Third, the CSDP operations have helped repair the tarnished reputation of the EU in the region. Moreover, they have strengthened the visibility and political influence of the EU and given it additional diplomatic leverage in relations with the concerned governments. Overall, the CSDP has evolved from experimental pilot to an important instrument of EU external governance in the Western Balkans. EU policy has been crucial in transforming the region from a bad neighbourhood into a relatively decent one in which peace and democracy are well entrenched.

On the downside, the missions and EU policy more generally have faced a series of operational and political challenges. Beginning with the former, first, the civilian missions in Bosnia and Macedonia were initially hampered by their narrow mandates, which focused on just one component of the justice system – policing. The mandates thus ignored the functional interdependence between the various components of the justice system, notably between policing and the judiciary. The narrow objectives of the first generation of civilian CSDP missions reflected the decision by the EU to build up the civilian CSDP around discrete priority areas such as law enforcement and the rule of law. The second-generation mission in Kosovo no longer suffers from this problem. It has benefited from the EU's turn to multi-functional mission designs. Second, among the most bothersome issues for the civilian CSDP missions have been the cumbersome procurement procedures and difficulties in recruiting and retaining qualified personnel. European Commission red tape has caused many delays in the procurement of basic mission equipment such as computers and telephones. Insufficient recruitment mechanisms at the level of EU states and a patchy multi-layered training regime account for the fact that the missions in Bosnia and Kosovo have struggled to attract sufficient high-quality secondees to carry out their mandates. Third, both civilian and military missions have been affected by bureaucratic infighting among different branches of EU foreign policy and by related difficulties in coordinating action on the ground among different members of the EU family. Institutional politicking and turfing have degraded mandate implementation. They have also prevented the EU from making the most of its comprehensive foreign-policy toolbox in its efforts to transform the Western Balkans. The Lisbon Treaty tackles some of the challenges raised by points two and three through new rapid-funding procedures and the European External Action Service (EEAS). For instance, with the creation of the EEAS, which incorporates both heads of EU delegations and EU Special Representatives (EUSRs), the post of the EUSR in Bosnia was decoupled from that of the High Representative in 2011. In turn, the head of the EU delegation to Bosnia was double-hatted as EUSR, which will doubtlessly make EU policy towards Bosnia more coherent.

As to the political challenges faced by the EU in the three countries concerned, first, nepotism and undue partisan influence in the policing and the rule-of-law sectors remain rampant. Second, inter-ethnic tensions and ethnic polarization penetrate deep into the

criminal justice systems. Third, EU pressure notwithstanding, law enforcement and judiciaries have shown only a limited capacity and willingness to combat corruption and organized crime. Finally, given the political attention given to the concerned countries and the resources pumped into them, progress on the road to the EU has been slow. Although it signed an SAA with Brussels in 2007, Bosnia continues to be institutionally fragmented and politically divided. Not surprisingly, progress on the road towards the EU has been very slow and uneven (European Commission, 2011b). The constitutional changes advocated by the West to strengthen the central state and ensure the political and economic viability of the country remain elusive. Kosovo lags even further behind. More than ten years after the international community took charge of Kosovo, the country's political and economic survival remains dependent on its external benefactors. On key indicators of democratic development such as the rule of law, freedom of the media and corruption the country persistently receives low scores from the EU. Relations with Serbia and inter-ethnic relations in Kosovo remain prickly, as the (attempted) takeover by force of border checkpoints in North Kosovo in the summer of 2011 by Kosovar special police, and the tensions between Serbia and Kosovo and between the ethnic communities in North Kosovo that ensued, demonstrate. The EU, which had no advance warning of the Kosovar operation, succeeded in defusing the ethnic tensions, even brokering a deal on Kosovo customs stamp that has allowed the reopening of trade between Kosovo and Serbia. Yet the incident reinforces the impression that Brussels has, somewhat paradoxically, a greater moderating and Europeanizing influence on Serbia, whose government pursues a pronounced pro-EU course, than on Kosovo even though its footprint in the country is large. The country is destined to be a Western protectorate for the foreseeable future. Macedonia is most advanced on the road to the EU, though progress has occurred at a snail's pace. Already in 2001 it signed an SAA with the EU. In 2005, it was granted EU candidate status. However, it took the European Commission until the end of 2009 to recommend opening enlargement negotiations, which have not yet started. The country still faces ethnic tensions, with the nationalistic feelings of the Slav majority running high, fuelled by the dispute with Greece over the name 'Macedonia'. Moreover, the government has recently clamped down on the political opposition. In 2011, one prominent opposition leader was arrested and a number of opposition media outlets were forced to close as they faced tax-evasion charges, a fact which led the European Commission to conclude in its 2011 Progress Report on Macedonia that the 'diversity of the media landscape has been weakened' (European Commission, 2011c: 16).

Explaining the mixed EU record

What explains the successes and shortcomings of the CSDP in the Western Balkans? A principal reason for the relative success of the CSDP missions in the region is the fact that the consensus–expectations gap has been relatively narrow. The CSDP is often hampered by a 'lack of decision-making procedures capable of overcoming dissent [which opens] a gap between what the member-states are expected to agree on and what they are actually able to consent to' (Toje, 2008a: 122). This gap accounts for the fact that outside the Western Balkans the CSDP operational record lacks ambition (Witney, 2008: 41). EU policy towards the Western Balkans has been partly different because on this issue national interests have been more convergent than divergent. The lack of an actionable security strategy and a robust strategic culture have not prevented the EU from evolving a largely consensual assessment of the soft security threats emanating from the region,

from giving the CSDP missions clear and robust mandates to counter them and from mobilizing considerable resources (personnel, financial and diplomatic) to empower them to implement their mandates. A further reason is that the CSDP missions have benefited from the pronounced structure of inequality that binds southeastern Europe to the EU. The depth of these dependency relations sets the region apart from the relations the EU has with Eastern Europe, Africa and Asia, where Brussels' geoeconomic and geopolitical influence is held in check by limited ties or by alternative power centres such as the USA, Russia or China. The economic and political future of the Western Balkans squarely depends on the EU, which makes the countries concerned both more vulnerable to its pressure and more willing to comply with its demands. This has been a general empowering condition for the CSDP missions. A related, albeit more specific factor is that the missions have been able to leverage their influence by linking their reforms to broader EU membership and policy conditionality. Despite the turfing problems mentioned earlier, the CSDP missions and the Commission have generally reinforced their respective impact on the security sectors of their host countries.

Turning to the reasons for the shortcomings of EU policy in the Western Balkans, there is, first, the fact that the CSDP deployments in Bosnia and Macedonia were among the very first missions. They thus encountered teething problems, ranging from their non-holistic mandates to logistical problems. Second, a more persistent challenge to EU effectiveness has been domestic politics in the target countries, especially the continuing importance of divisive ethnic identities and the associated politicization of public life along ethnic lines (Freyburg and Richter, 2010). Local identity politics has limited the ability of CSDP missions to promote the professionalization of the criminal justice system and of the incentives-based policies of the Commission. Third, the EU's impact on the ground has been degraded by local scepticism regarding the legitimacy of some of its demands and policies (Noutcheva, 2009). For instance, Republica Srpska policy-makers have charged the international community, including the EUPM, that their insistence on the centralization of Bosnian policing hides an illegitimate political agenda aimed at changing the country's constitution through the backdoor. These charges have been particularly vocal when it comes to the EU given that its demands are not backed up by any *acquis communautaire* on the appropriate territorial organization of policing. In a similar vein, the deal struck by the EU and Serbia to allow Serb police station commanders in the north of Kosovo to report to EULEX and not to the Kosovo-Albanian-dominated Kosovo Police Service has been regarded as illegitimate by Kosovar authorities.

Fourth, the widespread perception in the three countries that the EU is reluctant to accept them as members and seeks excuses to push accession into a distant future has negatively affected Brussels' ability to fully leverage the membership carrot for advancing domestic reforms, including CSDP-driven reforms. The effectiveness of incentives-based policies relies on, among other things, a clear time horizon for when the benefits can be expected. Last but not least, EU policy towards the region has been hampered by intra-EU disagreements. In the case of Macedonia, the start of enlargement negotiations has been delayed by Greece, which has been locked with Macedonia in an emotional dispute over the latter's name. Athens claims the name Macedonia for one of its own northern regions and calls on its neighbour to change its name. In the case of Kosovo, EU accession policy and EULEX have faced a more fundamental problem. Brussels has been unable to formulate a coherent strategy on Kosovo (Koeth, 2010). On the one hand, EU states have underlined their willingness to give Kosovo 'a clear European perspective, in line with the European perspective of the region' (European Council, 2008: 16). On the other hand, Kosovo's

status remains controversial within the EU, notwithstanding the 2010 judgement of the International Court of Justice that Kosovo's self-declared independence is compatible with international law. EU states Cyprus, Greece, Romania, Slovakia and Spain do not recognize its sovereignty. The split has forced the EU to adopt a status-neutral position on the future of Kosovo. At the same time, the brief of the International Civilian Representative in Priština, who is backed by most EU states and double-hatted as EUSR, is to build up Kosovo as a functioning sovereign state. EU policy towards Kosovo, including EULEX, is thus characterized by a fundamental political contradiction. As long as it remains unresolved, Brussels' impact on the ground will suffer.

Conclusion

To conclude, the chapter provides five policy recommendations on how to improve the EU record in the Western Balkans. First, the EU prides itself in making the notion of local ownership and partnership a key pillar of its CSDP operations and its structural foreign policy. Yet action only partly reflects discourse. The gap engenders the risk that EU supervised nation-building ends up stunting the growth of local democracy rather than advancing it. Both in Bosnia and Kosovo, EU foreign policy, including the EULEX mission, has to do more to avert such a dysfunctional outcome. In Bosnia, the EU has been part of international nation-building policies that have marginalized local ownership to such an extent that some critics refer to the role of the international community in the country as faking democracy (Chandler, 2000). The EUPM did not live up, either, to its verbal commitment to the local ownership of Bosnian police reforms (Merlingen, 2007). The heavy expatriate footprint in Bosnia has fostered a culture of dependency. Domestic political elites act irresponsibly, failing to cooperate with each other in reforming the country and instead pursuing maximalist positions in the knowledge that if push comes to shove the internationals will preserve the peace and impose their solutions. Furthermore, policy-makers and citizens alike have become cynical about politics because they know that whatever the outcome of the local democratic process, in the end the final arbiters of what goes and does not go in Bosnia are the internationals. In Kosovo the heavy EU footprint, including that of the executive EULEX mission, engenders the same risks. It is up to the EU to avoid it and to act towards Bosnia and Kosovo and the other Western Balkan countries more as a partner than a suzerain. If it does insist, as it sometimes will have to, on policy conditionalities, it should not hide behind the technocratic rhetoric of best practice but assume political responsibility for its efforts to shape local politics, politics and policies.

Second, the EU should avoid piling up new or changing existing requirements that Western Balkan countries have to meet before they can join the EU. Unclear and proliferating conditions are perceived as a delaying tactic by the concerned countries, and they reduce EU leverage over them. Third, the EU should discontinue its CSDP operation in Bosnia, where there is no longer a need for crisis management. It should make the freed resources available for more urgent tasks, including in Afghanistan, where the EU police mission remains notoriously understaffed. Fourth and closely related, the EU should launch a new military operation in the Western Balkans to take over from the NATO-led Kosovo Force (KFOR). This would inject new momentum into the build-up of the military CSDP and show that the EU remains serious about becoming a military security provider by improving its record of military deployments that have recently been limited to mainly cosmetic interventions in Africa, which generate headlines but do not contribute to

sustainable improvements on the ground. The EU should make Bosnia and Kosovo a test case for its post-Lisbon foreign policy. The European External Action Service should make the region a priority to demonstrate that it can deliver on its promise to streamline and sharpen EU foreign policy across the divide between the intergovernmental CSDP and the communitarian enlargement policy.