

European Union Foreign Policy Vis-à-Vis the Western Balkans: An Ongoing Puzzle

by

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One of the major challenges to European Union foreign policy (EUFP) since the demise of the Cold War has been the violent dismembering of the former Yugoslavia. Speaking as a foreign policy consultant – in other words, a hands-on opinion maker – and as a Kosovar Albanian who came of age in the thick of this violent crisis, I strongly feel that the 1990s were characterised by consecutive failures in EU foreign policy.

Arguably, the European Union's (EU) impotence in dealing with the Yugoslav crisis sprang from the mentality epitomised by the following quote from the Former British Prime Minister Edward Heath - when referring to Bosnia, Heath stated: '...if people wished to murder one another, as long as they did not do so in his country, it was not his concern and should not be the concern of the British government'.¹ What Heath said was what most of Europe's leaders believed² at the time.

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During that time, the EU lacked cohesion and the tools to deal with the crisis but above all, they lacked political will.

Since the Kosovo war, the EU has increased its capabilities in dealing with conflict prevention. In addition, the EU has developed vestiges of a common policy with regard to foreign, trade and development within the framework of the Stabilisation and Association Agreements (SAA). Furthermore, the EU set its feet firmly on the ground with the enlargement prospect and the strict conditionality attached to the accession process. However, the inability of the EU to take a common position regarding the recognition of Kosovo's independence once again revealed that sharp divisions still prevail among EU Members.

When it comes to issues such as human rights, humanitarian aid etc the EU has indeed built up a mutual trust, increased communication and the political will amongst its members. But, when it comes to issues that impinge on individual national interests things start to fall apart. It happened with the former Yugoslavia during the recognition processes of Croatia and Slovenia where Germany decided to go on its own way. Similarly nearly two decades later the same problem emerged with the recognition of Kosovo where filibustering countries such as Cyprus blocked any possibility of recognising Kosovo en bloc - clearly disregarding the principle of the 'common position' set out in the Treaty on European Union (TEU).

The lack of unity arose and persists because some of the EU Member States consistently aim towards 'protecting' their national interests in relation to the Kosovo problem - Slovakia, Spain, Romania, and Cyprus in particular have their own internal problems in relation to ethnic minorities. The fact that the Serb minority in Kosovo enjoys unprecedented rights under the Kosovo constitution could be seen as a problem for such countries with large minority groups. Checkel for instance has questioned why 'the EU promotes one conception of

minority rights vis-à-vis candidate countries, but refuses to apply this same standard to its own member states?'³

The EU involvement in the Western Balkans prior to 1999

One of the most obvious examples of the EU's reactive rather than preventative policy to the crisis prior to 1999 was the decision to exclude the Kosovo problem from the Dayton Peace Accords (DPA).⁴ Hence, the EU attitude supports the hypothesis that 'foreign policy disasters often happen because policymakers and their advisers apply valid theories to inappropriate circumstances'.⁵ Consider for example the EU/US behaviour during the Dayton talks, in which by appeasing a Serbian regime guilty of gross human rights violations they ignored the Kosovo crisis, leaving it out of the DPA. This appeasement made the Serbian regime more aggressive in the following years towards Kosovo's population. In fact, Milosevic was quite convinced that however badly he behaved the west would support Yugoslavian sovereignty and not interfere even in case of war.

Although the EU's cohesion had improved since DPA, the Kosovo crisis confirmed gaps in EU unity and capability. The decisions to threaten and then use force in order to stop the Serbian atrocities first in Bosnia and then in Kosovo⁶ were born in Washington, not in Europe.⁷

Richard Holbrook had pointed out that 'unless the United States is prepared to put its political and military muscle behind the quest for solutions to European instability, nothing really gets done'.⁸

The EU involvement after the Kosovo war: lessons learned?

The Kosovo war that led to the NATO bombing of the Serbian Military targets in 1999 sent an emphatic warning to EU nations that internal stability would be seriously threatened should they continue to take a passive rather than an active role in the region.

The most significant fact here is that the EU for the first time had explicitly framed the Kosovo conflict as a European crisis.

Unfortunately, it is ten years since the war ended and the region itself is still lagging behind. Although the EU signed the SAA with Serbia in May 2008, both the SAA and the Interim Trade Agreements (ITA) were immediately suspended because of Belgrade's lack of cooperation with the Hague Tribunal.⁹ As regards Kosovo, the signing of the SAA is very problematic, given that some of the EU Member States have yet to recognise its independence.

Enlargement fatigue

Since the Thessaloniki European Council in June 2003, the EU repeatedly has confirmed its commitment to bring the WB within its structures. Starting from this background, the 'inclusion/exclusion dilemma'¹⁰, as far as the WB countries are concerned, seems resolved, although it is not yet clear when they will become fully-fledged EU members. As a high EU official recently said to me: because some of the EU members feel that they accepted Romania and Bulgaria prematurely, the bar for the admittance of the WB has been raised.

Another controversial puzzle in respect to EUFP vis-à-vis the WB is the much-debated issue of visa liberalisation. The EU seems to have made its political decision as far as visa liberalization for the WB is concerned. However, by excluding the two nations (namely Kosovar Albanians and Bosnian Muslims) who have suffered the most during the conflict the EU is risking stability in the region. **"Is the EU suffering now from what I call 'visa liberalisation fatigue'?"**

EU Conditionality as a foreign policy tool vis-à-vis the WB

When it comes to the Union enlarging into the WB, the EU has put 'conditionality' at the heart of its relationship with the region and regional cooperation as a key condition for the WB countries.

Yet the EU 'offers and withholds carrots but does not carry a big stick'.¹¹ This unfortunately can be at times unproductive. The EU for instance has given too many carrots to Serbia over the recent years while scarcely using its stick. The EU's 'give give give' approach without asking much in return has in effect convinced the Serbian elite that they could use the card of 'pro European integration' while at the same time pursuing their anti EU policies with regard to Kosovo independence and regional cooperation.

Serbia has persistently obstructed the development progress of Kosovo by blocking Kosovar products reaching their destination via Serbia openly breaching CEFTA agreement of free trade (which was meant to be the stepping-stone towards further European integration). To cap it all, they discouraged the Serb minority in Kosovo particularly in the north from integrating within Kosovar society and cooperating with EU mission in Kosovo (EULEX).

Another striking aspect of the principle of conditionality is that individual EU Member States often use it as a tool to achieve their national interests. As is the case of Netherlands regarding Serbia's SAA and Interim Trade Agreement, Greece concerning the name of Macedonia, and Slovenia with respect to its border dispute with Croatia. When it comes to concluding accession talks with Croatia, the EU shows that it could still pull the rug from under Croatian membership. This is because they certainly do not want to carry another 'Cyprus' problem within EU.

It is clear that some EU members maintain power and willingness to take decisions on a purely national basis, thus clearly disregarding their commitments for 'common positions' set out in the TEU.

Despite the obvious element of enlargement fatigue the WB membership prospective seems to have been solved. Yet, this cannot be taken for granted as

long as the EU suffers from enlargement fatigue and the Member States use the membership conditionality as a tool to pursue their bilateral issues.

In conclusion, so long as the EU fails to devise functional institutions, in particular, on common defence and foreign policy and in effect speaks with a single voice on its foreign policy vis-à-vis the Western Balkans, I am afraid, the 'puzzle' will remain unsolved.

Disclaimer

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1 Edward Heath quoted in Mary Kaldor, *Human Security: Reflections on Globalization and Intervention* (Polity Press, Cambridge, 2007), p. 56.

2 Richard Goldstone' chief prosecutor for the Yugoslav and Rwanda tribunals, in *Ibid.*

3 Jeffrey T. Checkel, 'Constructivist Approaches to European Integration', ARENA Working Paper, No. 06, February 2006. p. 23.

4 Summary of the Dayton Peace Agreement on Bosnia-Herzegovina, 30 November 1995. Available at: <http://www.state.gov/www/regions/eur/bosnia/bossumm.html> [last accessed 15 September 2008]

5 Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, NY: Cornell University Press, 1997), p. 20,

6 It should be noted however, that it was not until the Kosovo crisis exploded that the Union decided to act, see, Cristina Churrucá, 'The European Union's Common Foreign Policy: Strength, Weakness and Prospects' p.3

7 S. Lehne, 'Has the "Hour of Europe" come at last: p.112

8 Philip H Gordon, 'European uncommon foreign policy', *International Security*, Vol. 22, No. 3, (Winter, 1997-1998), pp. 74-100. p. 74.

9 B92, 'EU: No new elements to allow interim deal', B92, (Online)29 July 2008,

10 Karen E. Smith, 'The outsiders: the European neighbourhood policy', *International Affairs* 81, 4, 2005, pp. 757-773.

11 Frank Schimmelfennig and Hanno Scholtz, 'EU Democracy Promotion in the European Neighborhood: p. 5.