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Essay Topic: Critically assess to what extent the Member States' role in the former Yugoslavia provides a key explanation for the subsequent development of the CFSP and the ESDP

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Introduction

The EU has evolved in favor of bolstering capabilities to implement its foreign interest objectives. In the effort to develop a security and defense identity, the Common Foreign and Security Policy (CFSP) and the Petersberg tasks have culminated in a new strategy found in the European Security and Defense Policy (ESDP). This paper seeks to assess the extent to which Member States' role in the former Yugoslavia provides a key explanation for the development of ESDP. It makes the argument that the ESDP today was directly shaped by the turn of events in the Western Balkans to the extent that ESDP was built exactly for such situations; and yet, for this very reason the ESDP has not been developed to such an extent that it can be effective for preventing new forms of conflict.

This assessment will be divided into three parts. The first part will examine the environment in which the ESDP exists today by looking at the CFSP, the Petersberg tasks, and the Helsinki Headline Goals. The second part will look at the sequence of events in the former Yugoslavia and illustrate how the steps towards consolidating ESDP closely followed one conflict after another. The third is an assessment of the ESDP's extent of implementation capabilities. This paper concludes by arguing that the Member States' involvement in the former Yugoslavia did push the development of ESDP, yet not to an extent that the ESDP stands alone as a formidable conflict deterrent.

The ESDP Today Within the CFSP Framework

Various treaties through European Development Co-operation (EDC) and European Political Co-operation (EPC) have culminated in Maastricht's second pillar, which establishes provisions for "common strategies", "Joint Actions", and "common positions" (Europarl.europa.eu 2007a). According to this arrangement, policy requires unanimity among Member States in order to become active and, among them CFSP remains just one of many mechanisms through which the EU and other Member States may pursue foreign interests. The main actors in the CFSP are the European Council, who defines the trajectory and common strategies, and the Council of Ministers, who provides the institutional structure.

The ESDP today has developed out of the CFSP structure and a series of important declarations and treaties: the 1992 Petersberg Tasks, which provide a mandate for "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis

management, including peace-making" (Europarl.europa.eu 2007b); the 1999 and 2004 Headline Goals, which combined established the ground force component to the ESDP; and the European Security Strategy (ESS), which calls for consolidating "A Secure Europe in a Better World". The ESDP makes the CFSP more binding by giving the EU the capacity to project its rhetorical declarations through the institutionalization of Joint Actions and required administrative budget, rather than relying on individual Member State negotiation or funding. Together these institutionalizations remove previous barriers for the EU to act.

The ESDP capabilities today are built around the military obligations associated with the EU's peacekeeping agenda, or "soft power in a uniform" (Whitman 2007b). The European Rapid Reaction Force (ERRF) calls for 60,000 troops deployable for at least one year. Also the 2004 Headline Goal calls for the development of 15 multinational European Battle Groups (EU BGs) that serve rotating terms of active duty, with two deployable at any given moment. Rather than a standing army, these developments must be seen as a policing force to support diplomatic missions. 16 ESDP operations have been engaged from 2003 to 2005, spanning several continents well beyond the European region (Whitman 2007b). The 2003 Operation Concordia in Macedonia was the ERRF's first mission and, by many accounts, successfully quelled civil unrest in the face of potential violent political and ethnic divisions.

There are two points that distinguish ESDP today. Despite the development of armed soldiers, the EU has preserved its emphasis as a peace keeping force, a civilian power, and not a traditional military power. Rather, the soldiers are viewed as an option for policing its foreign policies. Also, the fundamental difference with CFSP/ESDP and national foreign policy is that its framework does not establish interaction with foreign powers, rather it is a process by which Member States agree on foreign policy objectives through building multi-lateral institutions (Whitman 2007b).

Events in the Former Yugoslavia and their Influence on the EU

A critical component for understanding what the ESDP is today and assessing the degree to which it has succeeded in its humanitarian and peacekeeping goals falls to examining the conditions through which ESDP developed. Here I will argue that the events in the Former Yugoslavia directly influenced the succession of treaties and negotiations to the extent that Member States built this policy exactly for situations like the catastrophe in the Western Balkans. This section will examine three periods of development, from 1989-1992 when Yugoslavia began to crumble, from 1992 to 1999 when repeated conflicts underscored

problems with the EU's diplomatic strategy, and from 1999 to the present, where a clear shift in EU strategy can be seen and a path forward has been established through ESDP process. Each period has specific characteristic developments of CFSP and other foreign policies that illuminate the evolution of ESDP capabilities. As events on the ground grew increasingly more embarrassing for Member States, so too their resolve to offer a solution increased. The influential events discussed include specific wars within the Western Balkans as well as treaties signed amongst Balkan States as well as bilateral agreements between Balkan States and the EU.

Period One: Initial Member State Involvement in the Collapse of Yugoslavia

In the Early stages of Yugoslavia's post-communist transition, certain Member States allied themselves with specific republics of the Yugoslavian Federation. Robert Dover argues that Western influence at this time "precipitated" Yugoslavia's "descent into civil war" (Dover 2005: 298). For example, Germany's enthusiasm for national self determination after reunification lent sympathies to Croatia's nationalist movement while other states supported Serbia on the grounds of a historical memory of an allied fight against Axis powers. Bolstered by international support, their independent drives for national sovereignty erupted in war. At once, Member States became entrenched in Yugoslavia's crisis through formal or informal networks, bi-lateral negotiations, and pledges for humanitarian support. Meanwhile the EU, working under the old EPC framework that lacked military measures, was pursuing a cease-fire and monitoring missions; eventually an arms embargo was established at the Carrington Conference. Dover further argues the fact that both sides in the first Yugoslavian conflict signed successive cease-fire agreements while "flouting" them through continued battles was an early sign of the EU lacked the capabilities to meet its own expectations (2005: 304). This shame for the EU prompted Member States to begin working towards producing "common" military and security provisions.

Lessons learned from this first period of the Yugoslavian conflicts include a growing awareness that bi-lateral negotiations were detrimental and that "common" positions must be maintained for the EU to gain credibility and succeed in its foreign policy objectives. These shortcomings, coupled with concerns for Eastern expansion, were met by the Member States advancement of common strategies towards foreign policy as defined by the second pillar of Maastricht as well as the Petersberg Tasks. However many states were still moving slow to

form a common position towards the quickly crumbling Yugoslavia. William Wallace (2005:437) succinctly summarizes the atmosphere in the EU:

Foreign ministers were also preoccupied by the fraught atmosphere of US–EC negotiations (and intra-EC differences) in the final stages of the Uruguay Round. When the Yugoslav crisis broke in June 1991, many of the most sensitive issues in the IGC remained unresolved. Ministers assembled to discuss the principles of future common policy, but found themselves disagreeing over immediate actions. The Luxembourg foreign minister, as President of the Council for the first six months of 1991, unwisely declared that: ‘This is the hour of Europe, not of the United States’.

But Europe's hour would show that soft power alone through diplomatic and economic tools is ineffective at resolving crises.

Period Two: Successive Wars in the Western Balkans

Europe's hour came and went as NATO, led by American forces, initiated a bombing campaign designed to bring the governments at war to the negotiating table, drawing the first period of Member State involvement to a close. Still far from deploying military forces of its own, the EU responded by promoting itself as peace keepers. This EU mandate was met by the French and UK "peace support" operations, which managed to fulfill the expectations under the current institutional framework. However, their role was hardly taken serious on the ground, leading to an eventual UNPROFOR kidnapping. The EU's relative weak deployment capabilities drove the EU into a quagmire.

The 1995 Dayton Accords are a hallmark of the second period of Member State involvement. Intended to "establish security and rebuild a functioning Bosnian state" (Cousens and Cater 2001: 33), the Accords created two levels of local government: a central government with its capital in Sarajevo and two regional entities, one in the Croat-Muslim federation with 51 per cent and the other existing as Republika Srpska with 49 per cent representation. The accords delegated de juri institutional and legal authority over BiH to a network of intergovernmental organizations (IGOs) (Chandler 2000: 71). This unfortunate arrangement succeed in its first goal of establishing security but not in its second goal of rebuilding a functioning state.

I have argued that in four areas, political representation, civil society, free-market economy, and rule of law, Dayton has failed to bring Bosnia closer to democracy: 1) hard line nationalist remain in office and the de facto power lies in the hands of regional, ethnically composed authorities; 2) NGO's were never permitted to be autonomous, plus frequent turnover meant inconsistent support from IGO's or incompleteness of projects; 3) neo-liberal economic agenda lacked adequate reform strategy; privatization turned into a thriving black market; little investment into infrastructure; 4) criminal networks remained well connected to police forces and judiciary members; salary disparity and corruption in the International Police Task Force, such as charges of human drug trafficking, eliminated trust in the international police force under Dayton (Jackson 2007). Although Dayton remained in control of the institutional composition of Bosnia, Dayton has been failing to bring Bosnia closer to an independent democracy.

Dayton represents many blows to the EU's foreign policy objectives and capabilities, each with specific consequences. A prominent lesson was that Europe could no longer rely on Americans to fight in their backyard or, worse, that American interaction could go in directions that the EU might not necessarily agree with. Yet the EU still lacked military capabilities to defend its own vital interests independent of NATO. A second lesson was that national objectives and the EU's intergovernmentalism still hampered the implementation of common policy. A final characteristic lesson of this period is that the EU must develop more credibility in order to secure its foreign objectives. A steady decline in de facto common strategy and ambling Dayton characterize the EU's role in the Western Balkans during the second period, yet the EU remained intent on preserving its identity as a civilian power.

Period Three: Critical Changes to EU Foreign Policy

Explosive changes to the EU's role in the Western Balkans occurred around 1999 when mounting hostilities in Kosovo turned to war. Member States had failed again to prevent armed conflict in their own back yard. In this third period, two important foreign policies were developed: Stabilization and Association Process (SAP) along with a Stability Pact for South Eastern Europe (SP), both of which offered accession commitments, and the ESDP, a policing force. First I will treat the SAP and second explain how ESDP was designed to be an armed guarantor of the EU's negotiations.

EU bolstered its economic package to the Western Balkans through the SAP, a negotiating process leading to Stability and Association Agreements (SAA), which are road

maps vital to EU-accession (Phinnemore 2003: 79). SAA were a renewed attempt by the EU to wield its economic leverage specifically in the Western Balkans. It is important to observe that the EU's push in the direction of SAP shows a renewed interest in maintaining its status as a civilian power. Denisa Kostovicova notes, "coming closer to Europe with EU's assistance through the SAP presupposes the establishment of the rule of law, democratic and stable institutions and a free economy, coupled with the principle of regional cooperation. Therefore, the SAP itself is presumed to exert a major stabilising impact on the region" (Kostovicova 2004: 8). The SAP includes an "all-encompassing definition of security, including good governance, economic well-being and respect of human rights" (Kostovicova 2004: 9).

The SAP was revamped in Cologne and bolstered by the SP, signed by many members throughout the Balkan Peninsula. The SP was designed to integrate the Balkan states both among themselves and with the EU so that the region as a whole could be on board towards a general path of Europeanization. Further, "its activities are organised around three tables dealing with democracy and human rights, economic reconstruction and development, and security issues... Not unlike the SAP, the Stability Pact considers stability in complex terms as a function of sustainable democracy, economic well-being and a secure environment (Kostovicova 2004: 12). The SP "acts like a facilitating mechanism rather than an implementing agency" (Kostovicova 2004: 12).

In 2003 the, the Greek EU presidency held a summit at Thessaloniki designed to renew pledges made to the other Balkan countries. However, Dimitrios Triantaphyllou argues that the summit produced "a fog of uncertainty" around potential accession (2003: 75). A growing deepening versus widening debate was taking root in the EU, and the effects of so many new former communist states were still unknown.

The second major policy produced in this third period is the ESDP. When the Kosovo conflict broke out, it became, again, painfully obvious that the Member States could no longer rely on their history of slow, intergovernmental procedures for providing the military security necessary implementing foreign policy. Lucia Montanaro-Jankovski calls this new symbiotic relationship an "umbilical cord between the Balkans and ESDP" (2007:141). After the conflicts, the European Council summit at Helsinki produced the EU Civilian Headline Goal and EU Military Headline Goal, which established an institutional framework for Joint Actions as well as the necessary budget for troops. At once a decision making system for policing the EU's foreign policy had taken shape as the ESDP (Muller-Brandeck-Bocquet 2002).

The other attempt to resolve inter-institutional disputes was provided through Joint Actions, legal acts that must be unanimously agreed upon by all Member States. A resolution to prior capabilities problems, Joint Actions were an attempt to prevent further disputes among Member States over responsibility. They were a direct response to the bi-lateral tendencies characteristic of the second period, and the individual responsibilities for the costs of war, including funding and casualties. Joint Actions proved the institutional framework for common actions.

Budgets were further addressed by the ESDP. Through the 1990's, "'administrative' expenditure would be charged to the EU budget, while 'operating' expenditure would either follow the same principle or be charged to Member States 'with a scale to be decided'" (Deighton 2006:43), leading to inter-institutional disputes over funding and responsibility for operation. The Amsterdam treaty attempted to solve the problem of operating costs by delegating funding to the EU budget, but this did not include operations "having military or defense implications" (Deighton 2006: 44); as such institutional tension remained between the Council and the Parliament. The Inter-Institutional Agreement (IIA), passed in 1999, was another attempt to streamline CFSP funding, whereby the Council drafted yearly budgets to be sent to Parliament. Later refinements and "budgetary conciliations" finally gave shape to the ESDP's operational capabilities (Deighton 2006: 46).

The third period of Member State involvement in the Western Balkans can be characterized by several fundamental attempts to streamline the EU's ability to act with common resolve. The outbreak of violence in Kosovo served as a final catalyst to spur the EU to fund troops with the capability to defend its foreign policy objectives.

The ESDP capabilities today evolved out of the Member States' involvement in the Western Balkans. The EU's successive failures in the Western Balkans produced changes in the EU's foreign policy to the extent that it was developed an entirely new security identity in the form of armed EU soldiers capable, in very limited ways, of defending the EU's vital interests. The ESDP was first tested in the Western Balkans, and today three of its missions are in the region with plans to extend its influence as it has already done with missions in conflict zones beyond Europe.

The Extend of ESDP's Security

There exist a number of criticisms of the CFSP/ESDP's current status. Despite inter-institutional innovation, large Member States can still pursue bi-lateral negotiations with

foreign states; Member States may be bound by Joint Actions, but they are not restricted from making bi-lateral agreements. Another criticism can be found in Kostovicova's assessment of ESDP's "credibility gap", where she argues that NATO remains the preeminent security enforcer, and the EU's policing missions have been viewed in their mission areas to be less effective than other deterrents (Kostovicova 2004: 17). Before those are addressed, it is important to clarify what is expected of the EU.

In the debate on how to assess the EU's foreign policy, Dover places the arguments into two camps. On the one hand, authors like Christopher Hill argue that the EU should be judged against the effectiveness of a sovereign government with assessments only being made compared with the expected response of a government with similar capabilities. Dover points out that such analysis misses an opportunity to assess the way policy is developed within the EU that is "both intergovernmental and requires unanimity" (2004: 300). On the other hand, authors like Martin Holland's research suggest that effectiveness should be measured through establishing the expectations on the EU to act and then measuring the ability and quality of any responses in reaction to these expectations. (2004: 301). Dover concludes by finding "high levels of effectiveness when there is a small gap between capabilities and expectations and the opposite when there is a large gap" (299).

The EU's credibility gap is enhanced by two factors. The EU still has not decided upon an emphasis of crisis prevention or crisis management. The outbreak in Macedonia indicates that it is still too early to expect prevention from CFSP; the ESDP is currently incapable of addressing non-traditional security risks such as organized crime. Rather, in relative terms, the ESDP has proven itself effective at staging policing missions in post-conflict areas. Adding to the credibility deficit, Kostovicova observes that the opinion on in Macedonia indicates that NATO is the "security guarantor", rather than ESDP, and that the fighting may have been quelled for reasons completely unrelated to either ESDP or NATO presence anywhere in the Balkans (2004: 17). Further, she argues, Concordia is recognized as a "self-serving" test case; "Kosovo's Prime Minister Bajram Rexhepi has been unequivocal about a lack of trust in the EU to provide security to Kosovo, and assessed 'an American role in Kosovo's military and political future as vital'" (2004: 17). EU capability projections in the future will widen or deepen this credibility gap.

Finally, an assessment of the extent of ESDP capabilities must address what is at stake for the EU. Ettore Greco argues that the ESDP is challenged by three factors: spillover conflicts, expanding economic infrastructures, and its reputation (2004:62-64). The test cases

will define the EU's role as an international actor and its ability to balance dependence and power with the US (2004: 64).

The CFSP and ESDP, having developed through a series of inherited crises in the Western Balkans and periods of advancement, has enjoyed moderate successes building on major failures (Wallace 2005: 430). The EU's new international role has had two chances recently to prove its utility: Iraq and Iran. In the case of Iraq, Member States were divided into an Old Europe and a New Europe as they failed to produce a common policy for this crisis. Concerning Iran, the EU has failed to produce a common strategy on how to deal with their uranium enrichment program. Together, these examples indicate that ESDP was tailor made for the situation developing out of the Western Balkans, and not necessarily compatible with crises beyond Europe.

Conclusions

How far did the events in the former Yugoslavia push the development of the ESDP? The ESDP, after a decade of conflict, appears to be on the right track for the Balkans. This essay has shown that the development of current CFSP and ESDP frameworks developed out of the extent to which Member States were involved in the successive crises in the Western Balkans. It has finally begun to establish itself as a credible guarantor of the EU's foreign policy interests, but has much room for improvement, specifically in the field of conflict prevention and in non-traditional security threats that emerge out of mismanaged post-conflict management. The ESDP has produced Joint Actions and bound Member States to the EU's interest, yet despite these deep innovations to the EU's common positions, CFSP and ESDP do not bind them completely. Certain Member States have continued to pursue bilateral negotiations abroad. Iraq and Iran stand as preeminent examples that the ESDP today was both tailor made for Europe's back yard and has room for improvement if Europe seeks to assert itself as an international actor. Today, the EU remains a civilian power and has not developed a conflict prevention identity through military credibility.

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