The European Union and the former Yugoslavia: the development of European foreign policy?

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The European Union and the former Yugoslavia: 
The Development of European Foreign Policy?

by
Lisa Hunt

A Doctoral Thesis

Submitted in partial fulfilment of the requirements for the award of the degree of

Doctor of Philosophy of Loughborough University

5th January 2004

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Abstract

The successive conflicts in the former Yugoslavia from 1991 onwards represented one of the most significant challenges for the European Union in the immediate post-Cold War context. This experience also coincided with the most intense period of development of the EU’s formal external competences. The aims of this thesis are to establish what actions the EU took in relation to four conflicts that broke out in the former Yugoslavia; to determine the extent to which the nature of this involvement changed over time; and to examine how the identified patterns of activity might be best characterised. The objective of this characterisation of the EU’s involvement in the former Yugoslavia is to consider how it has progressed, as distinct from other international actors, including its own member states. Four periods are considered corresponding with the conflicts in Slovenia/Croatia, Bosnia-Herzegovina, Kosovo and the FYR of Macedonia. The extent to which the EU’s policy towards the former Yugoslavia is evidence of an emerging European Foreign Policy is then considered, through a discussion of the extent to which key features associated with the notion of ‘foreign policy’ are identifiable in this particular case. In conclusion it is argued that by 2001 the EU had developed what can be characterised as a limited and context-specific, but nevertheless distinctive, foreign policy.
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List of Abbreviations

CARDS Community Assistance for Reconstruction, Democratisation and Stabilisation
CEE Central and Eastern Europe
CEEC Central and Eastern European Country
CFSP Common Foreign and Security Policy
CSCE Conference for Security and Cooperation in Europe
EAR European Agency for Reconstruction
EBRD European Bank for Reconstruction and Development
EC European Community
ECHO European Community Humanitarian Office
ECMM European Community Monitoring Mission
EEC European Economic Community
EMU European Monetary Union
EPC European Political Cooperation
ESDP European Security and Defence Policy
EU European Union
EUAM European Union Administration in Mostar
EUMM European Union Monitoring Mission
GAC General Affairs Council
HR High Representative
ICFY International Conference on the former Yugoslavia
ICRC International Committee of the Red Cross
IFOR Implementation Force
IGC Intergovernmental Conference
JNA Yugoslav National Army
KFOR Kosovo Force
KVM Kosovo Verification Mission
LDK Democratic League of Kosovo
MOU Memorandum of Understanding
NATO North Atlantic Treaty Organisation
NLA National Liberation Army
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>OBNOVA</td>
<td>‘Renewal’ Aid Programme</td>
</tr>
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<td>OHR</td>
<td>Office of the High Representative</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organisation for Security and Cooperation in Europe</td>
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<tr>
<td>RRM</td>
<td>Rapid Reaction Mechanism</td>
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<tr>
<td>SAA</td>
<td>Stabilisation and Association Agreement</td>
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<tr>
<td>SAP</td>
<td>Stabilisation and Association Process</td>
</tr>
<tr>
<td>SEA</td>
<td>Single European Act</td>
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<tr>
<td>SFOR</td>
<td>Stabilisation Force</td>
</tr>
<tr>
<td>TEU</td>
<td>Treaty on European Union</td>
</tr>
<tr>
<td>UCK</td>
<td>Kosovo Liberation Army</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commission for Refugees</td>
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<tr>
<td>UNMIK</td>
<td>United Nations Mission in Kosovo</td>
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<tr>
<td>UNPREDEP</td>
<td>United Nations Preventive Deployment</td>
</tr>
<tr>
<td>UNPROFOR</td>
<td>United Nations Protection Force</td>
</tr>
<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<tr>
<td>US</td>
<td>United States</td>
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<tr>
<td>VOPP</td>
<td>Vance-Owen Peace Plan</td>
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<tr>
<td>WEU</td>
<td>Western European Union</td>
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1. Introduction

The complex, violent and not yet fully resolved break-up of the Socialist Federal Republic of Yugoslavia represented probably the most dramatic and contentious challenge of the 1990’s in Europe. Steeped in a history of conflict and international - or more specifically - European, interference, the unravelling of the federation in such a violent and divisive manner was however, not inevitable. Yugoslavia’s violent demise occurred due to its timing, both in terms of what was happening internally and the changes that were taking place in the international system overall. It occurred due to a broad range of inter-linked factors ranging from post-Tito political uncertainty, the weakness of civil society, the cynical manipulation of pre-existing ethnic tensions for political gain, to the loosening of the uncomfortable but relatively more predictable Cold War international order. The end of the Cold War presented a range of challenges, of which (in the initial stages) Yugoslavia was just one, and considerably less urgent than others. In addition to the range of ethnic tensions exacerbated by disputes over the future division and control over the region was the fact that the Yugoslav construct managed to contain, relatively successfully, a series of threats to overall regional stability. One of the main challenges posed by the vacuum left by the federation’s demise has been to find a way to secure the region in the long-term, while at the same time acknowledging that Yugoslavia will never again exist as a single entity.

The international response to the crises in Yugoslavia is an integral and inextricable part of the narrative of more than a decade of conflict. No account is complete without a consideration of the constant part played by a wide range of international actors throughout. They not only responded to events but also were active participants in them, often making both direct and indirect contributions to shaping them. This has been a feature of centuries of Balkan history, but was particularly the case from the beginning of the 1990’s as an almost bewildering array of different types of actors at first stood on the side lines, unsure of their particular role and when it was either desirable or appropriate to get involved, and then, as the situation continued to deteriorate, scrambled to act in a highly incoherent, overlapping and chaotic manner. The then European Community(EC), however, had no such
hesitations – rhetorically anyway. Seeing the Yugoslav situation very much in the same light as the range of post-Cold War challenges it was attempting to address, it moved quickly to assume a leadership position in the international response to the impending break-up of the federation. It quickly slipped from this central position and thereafter was a sometimes easily overlooked participant in the broader international response. However, there is something very particular about how the overall European Union (EU) approach to the region has developed that eventually saw it arriving at a position where it was pursuing not only a policy suited to its own particular competences but one that was also useful and appropriate for the region. In the absence of any other guiding framework within which to pursue the longer-term stabilisation of the region, by the end of the 1990’s the EU was the only international actor in a position to be able to offer such a longer-term framework that might help contain the plethora of ethnic and geopolitical tensions that remained unresolved.

However, despite the high-profile beginning of the EU’s involvement in the successive conflicts in the former Yugoslavia since 1991, little effort has been made to consider both the nature of the EU’s specific involvement and how it has changed overtime with any sense of perspective. The sheer complexity of the Yugoslav crisis and the range of participation in it has meant that a clear sense of the EU’s overall role can tend to get lost. This is because the focus is not on the EU as an actor specifically, the time-frame considered is too narrow or the focus is on what went wrong in terms of the failures of the EU’s own institutional procedures.

The starting point of this thesis is that there is a valuable ‘story’ to be told about the nature of the EU’s own specific involvement in the former Yugoslavia over time and through the successive conflicts. In other words, it attempts to address the fact that what is missing is a sense of an overall perspective of what the EU has done over time and how it has or has not changed. What this involves is a certain re-focusing and synthesising of several over-lapping narratives, including that of the break-up of Yugoslavia, the overall international response and the process of EU political integration. The story can be told from the perspective of each of the actors involved in order to establish the nature of the involvement, how it changed and its relationship to the particular context. However, the EU’s connection to the region and the way it very slowly began to ‘find its feet’ is of particular interest as in many ways
it served as the test ground of what was possible *in practice*, as distinct from aspiration.

To that end the focus here will be on the substance of what the EU did or what was done in the name of the EU in relation to the four primary conflicts in the former Yugoslavia over a twelve-year time frame. The purpose of this is threefold: first, to establish what it was that the EU specifically did in relation to each conflict; second, to establish the extent and ways in which the nature of its involvement has changed over time; and third, how the identified patterns of activity can be characterised. A clear sense of when it was the EU that was acting will be achieved by restricting the focus to the actions of the EU’s institutions. At the same time, these actions will be placed in context with those of the other actors involved in order to highlight what exactly was specific and distinct about the EU’s response. The EU’s actions will also be located within the context of the development of the EU’s external competence and how it can best be characterised in this regard. The purpose is to establish the extent and nature of the any change in the nature of the EU-level policy towards the region over time.

Therefore, there are overall two broader contextual narratives that must be considered while isolating, analysing and locating the EU’s response. The first of these is that of the development of what will be described as *European Foreign Policy*. Chapter Two establishes what is understood by the notion of the EU’s external activity, both in formal and practical terms. It is argued that a broad range of activity needs to be considered, beyond the confines of the Common Foreign and Security Policy (CFSP) in order to really capture the full range of what the EU has done in the former Yugoslavia. Through an exploratory discussion of some of the key issues and relevant approaches, it then outlines ways in which the idea of the development and change in the nature of activity can be accessed in conceptual terms and establishes the premise that, despite not exhibiting certain key features of statehood, there are ways in which certain patterns in the EU’s external activity can be characterised as a developing and specific kind of foreign policy.

The second of these broader contextual narratives will be considered in Chapter Three, which will provide a broad overview of the context of the break-up of
the former Yugoslavia, and the nature of the roles of other actors involved. It will assess existing treatments of the EU’s involvement in this regard. Much has been written on the former Yugoslavia and the international response in general, as well as many useful analyses of the EU’s own involvement. However, there is a need for not just a specific focus on the substance of the EU’s own response, but also a focus on it over time in order to fully get a sense of perspective on what has actually happened and what it means.

Chapter Four will then link these two narratives and set out how the EU’s involvement in four phases of conflict will be dealt with, focussing on an account of the substance of the EU’s response to the crises, followed by an analysis of the types of action taken. Building on the discussions in the previous chapters, development will be measured in terms of the extent to which the discussed patterns of activity exhibit less reactive and more strategic features, the extent to which there is better linkage between the goal pursued and the actually available capabilities and finally any change in the nature of the function or role performed by the EU in this particular context.

Chapters Five to Eight will then deal specifically with the EU’s involvement in four conflicts which followed the onset of the break-up of the Yugoslav federation from 1991. First the initial reaction to the crisis in Slovenia and Croatia will be considered as a starting point. This much criticised and analysed period will here be discussed with a focus on what the EU did do in broad terms, and will serve as a unit against which subsequent developments can be compared in order to establish the extent of development, as will each of the subsequent chapters as they build upon each other. Second, the complex and contentious Bosnian conflict will be considered. Most accounts dealing with the EU and the international reaction to former Yugoslavia centre on a consensus of a failure in Bosnia. Here, however, it will be considered as evidence of the beginning of a development of a more appropriate response that feeds through into the third conflict in Kosovo. In this period, what will be identified as the particular EU response is further consolidated through to the response to the final phase of conflict in Macedonia. The phases of activity outlined will be informed by the two primary contextual narratives with the EU’s position being the central focus. It has been elaborated upon and given more focus through a
more detailed focus on a broad range of EU statements and documents in order to isolate the EU’s particular actions from the international reaction as a whole.

With the development of the EU’s external competence in formal terms and the need on the part of the EU to respond to situations as they arose, it will be shown that it was often the case that the policy pursued lagged-behind what it appeared the EU could or should have been able or willing to do. This often led to an uneasy mix of old and new instruments and approaches being used. Overall, however it will be shown that the EU focused more and more on the tasks to which it was best suited throughout the period under examination, despite some ill-advised forays into more ambitious and high-profile endeavours.

The concluding chapter will bring together the analyses of these patterns through the four conflicts and review the overall response of the EU towards the former Yugoslavia over twelve years and how it has changed. This will then be discussed more precisely in terms of the ways in which it has changed and specifically in terms of displaying what were earlier established as key features that allow the characterisation of the EU’s external policy as a *sui generis* European Foreign Policy (EFP).

**Note on place names and ethnic groupings:**

Throughout this text when referring to the entirety of what was once known as the Socialist Federal Republic of Yugoslavia it will specified that it is either the former Yugoslavia or the Yugoslav federation that is being discussed. Elsewhere, the Federal Republic of Yugoslavia (FRY) refers to what was left of the federation after the secession of Slovenia, Croatia, Bosnia-Herzegovina and Macedonia – in other words it refers to the overall entity centred on Belgrade that is today known as Serbia and Montenegro. Kosovo is referred to as Kosovo (rather than Kosova) throughout because it has become the default name for the region used by the international media and international community and does not presuppose the relative legitimacy of it over any other names for the region. Likewise what is officially known as the Former Yugoslav Republic of Macedonia or FYROM is more often refereed to as the FYR of Macedonia or just Macedonia in the text.
Describing the former Yugoslavia’s dispersed ethnic composition can be equally contentious and loaded and as at some stage in this thesis most of the major groups will be referred to it is necessary to clarify how they can be differentiated. For Croatia, the Croatian majorities are simply referred to as Croats and the significant ethnic Serb minority as the Croatian Serbs. In Bosnia-Herzegovina, the three main groupings are labelled the Bosnian Croats, Bosnian Serbs and Muslims. The Serbs refers to those from the Republic of Serbia. In Kosovo and Macedonia the Albanian minorities are referred to as ethnic Albanians, though it will be made clear where it is specifically the ethnic Albanian population of either region that is being referred to. The majority population in Macedonia is referred to as ethnic Macedonian.

**Note on referencing:**

Throughout Chapters Five to Eight all EPC/CFSP documents cited are referenced using their reference number in the European Foreign Policy Bulletin e.g. 26th March 91/093 *Statement by an informal Ministerial Meeting concerning Yugoslavia.*

The number following the date of the documents issue is the reference number in the European Foreign Policy Bulletin, with the year of issue coming first. The European Foreign Policy Bulletin brings together documents issued by the European Union in the area of foreign policy since 1985. It is accessible at http://www.iue.it/EFPB/welcome.html
2. The EU and European Foreign Policy

2.1 Introduction: From External Relations to Foreign Policy

By the beginning of the period under examination, the EU member states had been engaged in increasing levels of external or foreign policy co-operation for over thirty years. What is notable is that while the member states have consistently proved themselves reluctant to engage in any wholesale surrender of their sovereignty in foreign policy, security or defence matters, increasing levels of consultation and co-operation have become discernible. This is evident from the earliest foundation of the European Coal and Steel Community and the failed attempts to create a European Defence Community in the early 1950s. To a great extent, the evolution of the *acquis politique* was largely propelled by the more rapid development of the *acquis communitaire* and its resulting co-operative procedures and processes, creating a de facto need to provide some kind of political counterbalance to the strong collective economic presence of the EC in the international economy. The notion of political co-operation became unavoidable but the form it would take was never predetermined or designed.

Tracing the development of the formal competences of political cooperation gives some indication of direction and collective intention. Separated from practice this does not do justice to the range and dynamic of the EU’s external actions, relations and roles and their development and consolidation over time. An analytical framework is required that accommodates both the formal development of European Political Cooperation (EPC) and the fact that the broader range of EU external activity needs to be accounted for in order to arrive at a more rounded understanding of what it is that the EU actually does in international relations. The first step in accomplishing this is to establish what exactly is meant by EU activity in terms of what it encompasses. Once the extent and range of activity has been defined, it can then be better characterised and both a working definition and method of analysing the notion of change can be proffered. This chapter will first deal with the notion of an
EU external policy overall and discuss what it incorporates in formal legal terms, and also what it can be seen to do in practice. Having established the basic assumptions associated with the notion of EU external activity, how this activity can be characterised in terms of a *sui generis* foreign policy will be discussed.

2.2 The European Union’s External Policy

2.2.1 From EPC to ESDP: Formal Development

The pre-1987 system of European Political Co-operation\(^1\) as first outlined in the 1970 Davignon (or Luxembourg) Report entailed an informal and non-binding undertaking by the member states to consult with each other on important foreign policy matters, to exchange any relevant information and to make some attempt to harmonise and co-ordinate their views and approaches to international affairs. This consultation did not involve the EC institutions with the exception of the Commission, which was to be consulted on any matters relevant to it or its competences. It was an entirely intergovernmental process with all views or positions taken arrived at by consensus. Throughout the 1970s and 1980s the discussion and gradual development and consolidation of these procedures continued in a succession of reports and summit meetings. The 1973 Copenhagen Report made more explicit the undertaking to agree a common approach and deal with issues collectively. In the same year the Document on European Identity outlined the key elements of a ‘European’ identity in the world, namely representative democracy, rule of law, social justice, economic progress and respect for human rights. Thus articulated, these were some of the values that would underpin the EU’s external approach through into the new millennium.

The culmination of these proposals and discussions was Title III of the 1987 Single European Act (SEA). For the first time political co-operation was a significant component of an EC treaty, codified and given a legal framework and foundation. That said, the distinction maintained between EPC and the European Community
(EC) reaffirmed EPC's intergovernmental character. Under the SEA the 'High Contracting Parties', as opposed to the 'member states' who signed up to the EC Treaty amendments, were committed to consult with each other on foreign policy issues and problems of common relevance. Again, any common approach or viewpoint was to be arrived at by consensus. Also while the main actors in EPC were still to be the member states as represented by their foreign ministers under the leadership of the rotating EPC Presidency, the Commission was to be fully associated and equally charged with ensuring the 'consistency' of EC and EPC policy. The European Parliament also was given the right to be both consulted and informed of EPC matters.

The decision to launch a parallel Intergovernmental Conference (IGC) on Political Union in the Summer of 1990 to complement the IGC on European Monetary Union (EMU) was again reflective of the consistent need to reinforce the mechanisms for political co-operation alongside the more intense economic cooperation and its associated integrative processes. The result was Title V of the Treaty on European Union (TEU) and the launching of the Common Foreign and Security Policy (CFSP)\(^2\) under which the EU and its member states would seek to 'assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy which might in time lead to a common defence' (Article 2, TEU). The objectives of the CFSP were

- To strengthen the common values, fundamental interests and independence of the Union
- To strengthen the security of the Union and its member states in all ways
- To preserve peace and strengthen international security
- To promote international co-operation
- To develop and consolidate democracy and the rule of law, respect for human rights and fundamental freedoms

\(^1\) For more detailed accounts of the development of political cooperation see (Nuttall 1992), (Rummel et al 1992), (Smith H. 2002), (White 2001) or (Whitman 1998).

\(^2\) For more detailed accounts on the development and operation of the CFSP see (Nuttall 2000), (Regelsberger et al 1997), (Holland 1997) or (Cameron 1999)
The CFSP was the second of three pillars (with the European Communities and Justice and Home Affairs) that comprised the new European Union, all linked by the single institutional framework. The Commission was again fully associated but now had the power to itself generate policy proposals. Importantly also, the European Parliament was to be consulted on all matters and could expect to have all questions submitted answered by the Presidency. The commitment to consult and co-operate was stronger under the CFSP than EPC and the member states also undertook to avoid actions or statements that might impair the effectiveness of the Union in international relations. Notable also was the explicit introduction of defence and security matters to the CFSP agenda and linkage to the Western European Union (WEU). However, it was also made explicit that any EU-based arrangement would not impinge on existing arrangements or obligations, namely the NATO commitments of some member states.

The mechanisms for co-operation were further formalised in the form of two new mechanisms – common positions and joint actions. Once agreed (by consensus) member states undertook to ensure that national positions did not contradict the common position. In a similar vein, following the agreement on a joint action (by consensus in the Council following the recommendation of the European Council that a matter should be the subject of a joint action), the member states undertook to conform and co-operate with the implementation of the joint action. The arrangements for the financing of the CFSP involved both the Community and the member states, with administrative expenditure to come from the EC budget and operational expenditure directly from the member states. The pillarisation of the EU under the TEU, however confirmed the ultimately non-binding ties of even this more elaborate and enhanced form of political co-operation, keeping the CFSP at a safe remove from the provisions of the EC Treaties and most importantly the European Court of Justice.

The CFSP was further elaborated upon and amended in the Amsterdam Treaty. The most notable innovations were the creation of the Policy Planning and Early Warning Unit, the creation of the office of the High Representative (HR) for the CFSP and reform of the troika mechanism \(^3\) and the clarification and amendment of

\(^3\) This is whereby the current Presidency is now supported by the HR and the External Affairs Commissioner rather than the outgoing and incoming Presidencies, though there is recourse for the participation of the incoming Presidency also.
existing CFSP instruments. Joint actions would address specific operational matters and common position would define the EU’s general approach to an issue or region. A new instrument was introduced in the form of the common strategy which was intended to give more coherence and direction to EU policy. Common strategies would be adopted by the European Council. Reforms to CFSP decision-making rules were also introduced to help prevent the frequent logjams created by the absolute requirement for consensus to be reached on all matters. Once a particular course of action had been decided upon by consensus, it could now be implemented by qualified majority voting. However, member states could still veto (the so-called ‘emergency brake’) any measure should they have sufficient and explained need to do so. The notion of constructive abstention was introduced to allow a member state to abstain from vetoing in such a manner that it need not support an action or position but would refrain from impeding the will of the majority if it was not in violation of any crucial national interests. Importantly, the European Council was also given the power to discuss and implement common defence polices, though not to the detriment of NATO commitments. The EU and WEU structures were further integrated and the Petersberg Tasks were formally incorporated into the CFSP with the WEU as the actor charged with their fulfilment if so instructed.

Following the St Malo Declaration at the end of 1998 in which the UK and France made a joint call for the EU to develop a capacity for autonomous international action backed by credible military forces within the context of the Atlantic Alliance, further moves were made towards the development of the common European Security and Defence Policy (ESDP). The Cologne European Council meeting of June 1999 declared the intention of giving the EU the necessary means and capabilities to assume its responsibilities regarding the ESDP in the context of the Petersberg Tasks including the aforementioned capacity for autonomous action, backed up by credible military forces, the means to use them and a readiness to do so, in order to respond to international crises. This entailed the effective winding up of the WEU and the incorporation of its remaining defence-related responsibilities into

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4 The Petersberg tasks entail humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.
5 3rd June 1999 99/098 Declaration of the European Council on strengthening the common European policy on security and defence / Conclusions of the Cologne European Council
the EU, without prejudice to NATO commitments or to the status of neutral or non-WEU member states.

The ESDP has three components: dealing with military crisis-management; civilian (non-military) crisis-management (pertaining to the Petersberg Tasks); and conflict prevention. The ‘headline goal’ for the military component was agreed at the December 1999 Helsinki European Council: ‘co-operating voluntarily in EU-led operations, member states must be able by 2003 to deploy within 60 days and sustain for at least one year military forces of up to 50-60,000 persons capable of the full range of Petersberg Tasks’. This autonomous, EU-led military force was designed to act ‘where NATO as a whole is not engaged’ and ‘will avoid unnecessary duplication and does not imply the creation of a European army’. This was reinforced by institutional reforms under the Nice Treaty with the creation of the Political and Security Committee to replace the Political Committee and the creation of a Military Committee to advise the Political and Security Committee and the High Representative.

The civilian component of crisis management essentially entails the provision of expertise, personnel and aid in four key areas:

1. Police co-operation – provision of personnel for tasks ranging from restoring order in co-operation with a military force to the training of local police.
2. Strengthening the rule of law – provision of personnel and expertise.
3. Civilian administration – assistance with establishing or guaranteeing elections, taxation education, general utilities etc.
4. Civil protection – assistance to humanitarian actors through emergency operations and the rapid despatch of assessment teams or experts and larger intervention teams

The final component of the ESDP is conflict prevention and entails the commitment to make more systematic and co-ordinated use of the range of instruments available to

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6 11th December 1991 99/253 Conclusions of the Helsinki European Council - Helsinki
the EU to identify and combat the causes of conflict, to improve the capacity to react to nascent conflicts and importantly, to promote international co-operation.

Therefore, by the end of 2002 what exists in terms of what is set out in the Treaties, and in terms of the development of the outline of the ESDP, is a relatively comprehensive set of goals, instruments and procedures to enable the EU to ‘act’ internationally. However, it is more precisely the basis from which the Union can act or the framework within which it acts. It does not give an impression of what actually can and has been done in practice with these basic competences. It sets out the formalised procedures and structural divisions and responsibilities but not how they are used and what the resulting policy is. How the various procedures work and have been developed is significant in explaining how policy is made and why it takes one form rather than another, but there is still something quite interesting missing. As Karen Smith notes, procedural innovations such as the Joint Actions and Common Positions introduced first with the CFSP in the TEU, are not themselves instruments per se, but rather ‘mechanisms for making decisions to use foreign policy instruments’ (Smith K.E 1998; 68)). That is not to say that analysis in these terms is not highly significant and insightful, but rather that there is also a place for consideration of the content of the EU’s external policy. For this reason an appreciation of the formal basis for the EU’s external policy needs to be balanced with an appreciation of what is actually done in practice.

(ii) The EU’s external activity

A focus on the development of the Union’s external competence in terms of the CFSP pillar and the formal link of the EC institutions to it, as outlined above, does not pay due regard to the variety of the EU’s external policy and the range of actors involved in its various activities. However, there is an issue of complexity to be addressed in this regard. Just as it is not always sufficient to focus on the formal CFSP and its procedures in analysing the EU’s external activity or role, it is equally difficult to simultaneously account for, describe and analyse adequately every aspect of the often overlapping array that combines to make up the whole. While what can be described as a consensus has emerged that analyses of EU external activity need to
acknowledge the broader nature of the EU’s external policy\(^7\) (White 2001), (Smith, M 1998), (Whitman 1998), (Smith H 1995 & 2001), (Ginsberg 2001), it is also difficult here to operationalise a definition of ‘European Foreign Policy’ such as Hill’s that defines it as ‘the sum of what the EU and its member states do in international relations’ (Hill 1998; 18). ‘European Foreign Policy’ thus defined incorporates a huge combination of often overlapping activities, including those emanating from all the EU institutions, be they strictly EC and/or CFSP, and 12 to 15 national external policies.

The European Union engages in a broad enough range of activity in its own right to warrant a separate analysis, i.e. without incorporating the separate policies of the member states. The issue of how to account for the member states will be discussed in more detail below in terms of their role as actors within European Foreign Policy. What will here be described as European Foreign Policy (EFP) is better described as the sum of what the EU institutions do in international relations, separate from the member states and the member states acting within other fora. The member states as actors within EFP will be included in the EU policy. In other words, it is the EU policy that is specifically being addressed. The understanding is that the EU ‘acts’ alongside a wide range of other actors with whom it overlaps, sometimes more comfortably than others, and that it is important to see both what the EU policy is in its own right and also how it sits alongside that of other relevant actors in the particular context under examination. The result might be a narrow focus but this prevents national foreign policy positions being confused with that of the Union as a whole.

Leaving national positions aside, what remains is the still broad range of activity engaged in by the EU itself. By this is implied the full range of actions taken within the context of the CFSP, the role of the EC institutions, especially the Commission in the implementation of CFSP and also the actions taken by the EC acting within its own remit and external competence, in particular as regards trade and financial and development assistance. An analysis of the range of activity engaged in

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\(^7\) Whitman notes that the EU as established under the TEU encompasses both the treaty-based external relations of the Community pillar and the CFSP pillar with both being ‘explicitly directed towards the
adds more nuance and detail and can illustrate the extent to which formal competences are actually realisable, effective or appropriate. Alongside the formal development it is interesting to note the extent to which new procedures have actually been used or how alternative instruments have been seized upon and customised to make them more appropriate. Many of the formal developments outlined above are a response to practical experience and the codification and consolidation of instruments developed on a more ad hoc basis, for example the civilian crisis-management procedures of the ESDP. Many are also a response to the ways the EU has been found lacking in practice – not simply in terms of filling out its competencies to act like a state, but more to fulfil what it increasing perceived of as its role in particular circumstances. Looking at the range of activity and issues requiring attention just underlines the fact that it would be quite mistaken to focus just on the intergovernmental CFSP in trying to capture the range of activity and policy development. The question then remains of how this activity and its development over time can be characterised in order to move beyond a simple catalogue and permit a more systematic analysis.

2.2.2 The European Union and Conceptions of Foreign Policy

(i) Definitions of foreign policy

As traditionally conceived, foreign policy is primarily concerned with security issues and the pursuit of power in the international system. However, the expanding nature of the security concerns facing states and other actors in the post-Cold War contemporary international system is such that it is now necessary to be far more inclusive as to what can be described as foreign policy concerns. Likewise, the distinction between domestic and foreign policy is increasingly blurred, with domestic policies often having a wider external impact in an interdependent world than would previously have been possible and vice versa. White defines foreign policy as ‘that area of governmental activity which is concerned with relationships between the state outside of the Union accompanied by the commitment to a single institutional framework’ (Whitman 1998, 4)
and other actors, particularly other states, in the international system’ (White 1989; 1). It is formulated within the state but is directed at, and must be implemented in, the environment external to the state (White 1989; 1-5). Wallace cites four ways in which foreign policy can be characterised;

- A stable set of attitudes towards the international environment
- An implicit or explicit plan about a state’s relationship with the outside world
- A conscious image of what is or ought to be a state’s place in the world
- General guiding principles or attitudes determining or influencing decisions on specific issues (Wallace 1974; 14).

Foreign policy entails some kind of a guiding framework or plan; it is a deliberate course of action and it is implemented beyond a state’s borders. Here, however, it is easy to fall into the trap of describing what is essentially a rather ideal type of foreign policy. The policy-making process and often the policy itself is far more diffuse and changeable to be described in such absolute terms. The notion of policy itself is not always the ‘explicit plan of action tailored to serve specific purposes’ that it often purports to be and is seen to be but might also be described as ‘a series of habitual responses to events’ (White 1989; 6) combined with attempts at management and redirection in pursuit of perceived interests.

As Clarke notes, in hindsight policies can be made to appear more deliberate and consistent than they were at the time (Clark 1989; 28). It is also difficult, even undesirable, to set out what might be described as a definite deliberate and consciously formed and pursued policy in any sense. It is equally difficult to escape from the fact that foreign policy as a concept is intrinsically linked to notions of the deliberate and the strategic. As Webber & Smith note, foreign policy constitutes an attempt to design, manage and control foreign relations and cannot be detached from notions of strategy (Webber & Smith 2001; 2-3). Foreign policy, therefore, can be said to contain elements of the reactive and elements of the purposive or strategic, with the strategic giving some indication of general policy orientation and objectives.
The problem is how to characterise and analyse the external policy of a *sui generis* international entity such as the EU while doing justice to its uniqueness and also to the fact that it neither emerged from nor exists in a vacuum. There is nothing exactly like the EU’s foreign policy in the international system but it is not enough to simply state that it is *sui generis*. It is inevitable that EU policy will contain echoes of the state-system from which it emerged and in which it operates but at the same time the extent to which it will resemble state-type foreign policy must not be overestimated. What we require is an intellectual framework that does not rely on traditional conceptions of the state (Allen 1978; 156). Foreign policy behaviour needs to be studied for what it is (Allen 1978; 138) rather than what it should be or fails to be.

When European Foreign Policy is considered in terms of a ‘capabilities-expectations gap’ (Hill 1993), mistaken expectations can be the result of expectations of state-like behaviour from the EU when it lacks the capabilities to act as such. It can also be the result of an under-estimation of what it is that the EU is capable of in international affairs and an over-estimation of the ability of any actor to formulate, pursue and achieve predetermined objectives in an autonomous manner. So how can a state centric view be avoided? At best, we can avoid any presupposition that the EU is developing something analogous to an orthodox foreign policy but at the same time acknowledge that it does have an external policy that at certain times and in relation to certain issues exhibits certain features that can best be characterised loosely as foreign policy. It is possible to concentrate on what the EU lacks, namely key attributes of statehood such as sovereignty, legitimacy, a clear conception of ‘European’ interests and identity, and a definite ‘governing intelligence’ that directs policy. Hill cites the EC/EU’s shortcomings as lacking attributes of statehood and the crucial dimensions in foreign policy of supranationality and a defence policy, as well as the clear location of the governing intelligence implied in the term foreign policy (Hill 1992; 109-113). Peterson cites three defects in the CFSP: lack of identity, lack of identifiable European interests and weak institutions. He argues that the lack of a common identity or common interests are far more essential problems than weak institutions (Peterson 1998; 3-4). Hazel Smith on the other hand cites the six objections most commonly raised to the idea of an EU foreign policy (lack sovereignty, subordination to the member states, lack of centralised focus and single executive, lack of military...
capacity, capabilities expectations-gap and ineffectiveness) and successfully refutes each by demonstrating that none actually prevent the EU from having a foreign policy (Smith H 2001;1-8)

However, when it is acknowledged that states themselves face challenges to their sovereignty and autonomous policy-making capacity in an interdependent world and that the boundaries between what once would have been considered ‘high’ and ‘low’ political concerns are increasingly blurred, it becomes clear that traditional conceptions of what constitutes foreign policy and the type of actor that can have one cannot be considered cast in stone. As Winn & Lord argue

‘...what matters is not that the EU’s efforts should be identical with the external activities of other political systems – or that they should be invariant over time – but that they should satisfy a minimum definition of ‘foreign policy’ such as the following: purposive and sustained efforts to influence the international environment undertaken by a body that acts on behalf of a public, as opposed to purely private interests’ (2001;16-17).

EFP and state-type foreign policy are similar enough to permit a limited form of comparative analysis, yet different enough to confirm sui generis nature of EFP.

The EU does not have a single over-arching foreign policy such as that normally associated with states (Ginsberg 2001: 9) but it does engage in what Ginsberg describes as foreign policy activity (1989; 4). Joint foreign policy activity is a process ‘integrating the policies and actions of the member states towards the outside world’ but a joint foreign policy, on the other hand, is ‘a composition of mutually related joint actions that set forth a unified position intended to serve predetermined objectives’ (Ginsberg 1989; 4). What we are looking at is not the development of a single policy per se, but rather sets of common policies representative of when interests do converge over a specific issue combined with the competence and will to act in order to achieve them. As outlined above, the extent to

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8 High political concerns are usually associated with security, diplomacy or war, as opposed the relatively less sensitive ‘low’ political issues associated with economic policy (Smith K.E 1999; 3), (White 2001; 48).
which the EU’s external activity can be described as a foreign policy cannot be established by analysis of the EU’s formal competences alone or even through an analysis of policy emanating solely from the CFSP pillar. A more holistic and open approach is required. An analysis of the actual external activity itself will be more indicative of what the EU has done and can do in international affairs. While no attempt should be made to argue that the resulting policy entirely resembles what states have done and can do nor should it does not lead us to a dead-end. As long as it is acknowledged that there are certain features of foreign policy as a concept that cannot be ignored when analysing foreign policy, many of the other more state-centric features do not prohibit the characterisation of elements of the EU’s external activity as a type of foreign policy.

(ii) The ‘actor’ issue

The first question that arises when considering the EU’s external activity in terms of ‘foreign policy’ is whether it should simply be assumed that only a sovereign state acting on behalf of a discernible national interest can possess what can be described as a foreign policy in the first place? Hazel Smith has noted that, despite lacking in formal legitimacy and sovereignty, the EU still acts in some instances as if it did have them, and external third parties treat the EU as if it did have them (Smith, H 2002; 1). The second question involves how exactly to characterise the peculiar nature of the EU in international relations, both in terms of its collective ‘actorness’ and the range of actors that combine to make the variable ‘whole’. Again, the nature of the EU’s ‘actorness’ is evidenced by what it can and has done in practice. It also requires a more ‘holistic’ approach to the sources of activity than a narrow focus on the intergovernmental CFSP.

The effective ‘actorness’ of the EU can be seen to arise from the combination of all its constituent parts. However, it also depends on the issue in question and the balance of competence and the will and opportunity to use it in relation to a particular issue. As well as examining everything that combines to influence a particular position or action, an equally important task is an analysis of what actually emerges at the end of that process. This is indicative of what EU-level policy actually is rather than what it could be, should be or fails to be. When we begin to disaggregate the EU-
as-actor we are confronted not only with the member states and the EU’s constituent parts and agencies with their varying competences and legitimacy, but also the fact that the EU functions alongside and also in co-operation with a variety of other actors in the international system, in addition to and overlapping with its own member states. The potential for confusion is high, hence an initial focus on the substance of policy itself will allow for a clearer identification of who or what was acting in a particular instance and the collective non-unitary EU policy complete with its contradictions and inconsistencies.

Related to the issue of the state as the sole type of foreign policy actor is the issue of the state as the primary foreign policy actor within the EU. The intergovernmental nature of the CFSP leads to the temptation of focusing on the member states as the primary source of EU-level foreign policy activity. The member states are the most significant among a range of factors that influence EU policy. However, the primary interest and focus here is on the collective policy rather than a detailed examination of what goes into making it. As Whitman & Manners note the member states ‘conduct all but the most limited foreign policy objectives inside an EU context’ (2000; 243). The process is marked by the coexistence of attempts at collective action on the one hand and the persistence of national foreign policies on the other (Hill & Wallace 1996; 1). The European foreign policy option is an important addition to, but not a replacement for a national foreign policy competence based on a national determination of interest (Allen 1996; 289). However as Hill notes the CFSP ‘is sufficiently elastic to incorporate rather than deny separate national policies and to work alongside other intergovernmental organisations like the WEU, NATO or the OSCE’ (Hill 1998a; 49).

National foreign polices are themselves transformed by the changed international context and for the member states EU membership represents ‘not so much an opportunity or a constriction, but merely another forum for its foreign policy’ (Whitman & Manners 2000; 264). Given the range of participation in contemporary international politics, what is under examination here are the instances when the EU is the forum of choice for the member states as represented by the extent to which and ways in which they actually manage to act collectively, the instances and issues where the collective relationship is the more important for the member states
What we are looking at is not the development of a single policy that represents the congruence of all the interests of the EU's membership, but rather common policies representative of when the interests of the member states do converge over a specific issue combined with the competence and will to act in order to achieve them. This will be reflected in the extent to which the member states operate within the EU.

As outlined above, the range of EU institutions from the European Council to the Parliament have some part to play, not only in the formal CFSP but also and especially in the broader range of external activity. It is they that will be considered the sources of EU-level activity, activity that can be considered evidence of the emergence of a new type of foreign policy. What we are dealing with is not a single actor, but a multi-level system of external relations which "generates international relations – collectively, individually, economically, politically, rather than a clear-cut 'European Foreign Policy' as such" (Hill 1993; 322). As has already been discussed EU external activity has not only emanated from the CFSP pillar. Focus on the CFSP does no justice to the range of instruments used by the EU in its external relations nor the range of issues which require attention and a reaction on the part of the EU. First pillar or EC instruments give effect to second pillar policies; EC policies themselves have become "politicised" (Smith M 1998; 86) as overall, at all levels in the international system the distinction between political, security and economic issues has become increasingly blurred. Therefore there is a clear case for a high level of inclusiveness in the types of external activity to be considered and also the types of activity that might not be entirely hostile to the label 'foreign policy'.

The other issue pertaining to the 'actor problem' is the 'actorness' of the collective. According to Bretherton & Volger an actor will 'have an impact, formulate purposes and make decisions and thus engage in some form of purposive action' (1999; 20). However, 'actorness' is not only determined by the EU's own capability

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9 White has described European Foreign Policy as 'an interacting foreign policy system' comprised of three 'subsystems that constitute and possible dominate it'; the EC as established by the Treaties of Rome and under the TEU; all first pillar activities; and the national or separate foreign policies of the member states (White 2001; 24) The focus here is on EFP defined so as to include both the EC and CFSP i.e. the totality of the EU-level as distinct from separate member state foreign policies.

10 Politicisation is defined by Smith as 'The addition or accretion of political meanings, understandings and consequences to particular areas and instruments of policy' (Smith M 1998; 86)
or sense of purpose but also by pressures from the international arena at large. ‘Actor-
ness’ depends on the extent of opportunity accorded by the external environment to
the EU to act; the extent of internally determined capabilities and the strength of the
EU’s ‘presence’ in relation to the particular issue in question (Bretherton & Volger
1999). Where the balance of influence lies is not always clear. The extent to which
external activity is deliberate on the part of an actor or compelled by external factors
is an issue of similar importance at state level in a world marked by interdependence
and eroded sovereignty. At EU-level this issue is particularly pronounced. As
mentioned above, external activity contains elements of both the reactive and the
deliberate but for any kind of foreign policy what must exist is some degree of the
strategic or purposive to give direction to policy.

Bretherton & Volger describe the EU as an ‘intermittent’ actor (1999; 21) with the
extent of ‘actoriness’ determined by the extent of opportunity for the union to act in
particular circumstances, the extent of internally determined capabilities and the
strength of the EU’s presence in relation to the particular issue in question. The idea
of presence has been defined as ‘a feature or quality of arenas, of issue areas, and of
networks of activity, operating to influence the actions and expectations of
participants’ can thus be described as a ‘variable and multidimensional-presence
playing an active role in some areas of international interaction and a less active one
in others’ (Allen & Smith 1998; 48) The EU’s presence rests on a combination of
factors: credentials and legitimacy, the capacity to act and mobilise resources, and the
place it occupies in the perceptions and expectations of policymakers (Allen & Smith
1991; 97-98). The EU’s ability to make its presence felt or to take responsibility for
certain forms of international action (in other words to engage in purposive proactive
as opposed to purely reactive policy) depends on the strength of presence in relation
to the target of action and as much on institutional capacity and collective will as the
opportunities provided by the wider international system (Allen & Smith 1998; 53-
57). The presence of the EU also heightens expectations of what the EU can do or
achieve and leads to increased pressure for it to deliver. Therefore, in any
consideration of the EU in international relations it is not sufficient to focus just on internal capability and also not just on external opportunities or constraints.

(iii) Linking instruments and capabilities

Karen E. Smith defines foreign policy instruments as 'those means used by policy-makers in their attempts to get other international actors to do what they would not do otherwise' (Smith KE 1998; 68). The EU has a broad range of instruments at its disposal through which it can bring significant influence to bear in international relations. This is especially so if the source of instruments is not confined to those ascribed to the CFSP, but also those resulting from the EC pillar, as mentioned above. Towards the end of the period under examination, these even include the previously taboo military instruments in theory. However, despite possessing instruments under each of the key headings of necessary foreign policy instruments - diplomatic, economic, military and propaganda (Smith KE 1998; 68) - the EU still does not function as a state-like international actor. This is because of the imbalance of the EU’s relative strength in each of these categories, and also because of the goals instruments are mobilised in pursuit of. In traditional terms, the recourse to the use of military force as an instrument of foreign policy is related to the desire to maximise, or at least prevent the relative loss of, power and the preservation of national security vis-a-vis other actors (states) in the international system. To date, this has not been entirely relevant for the EU. However, over time the EU has acquired the competence to deploy the full range of foreign policy instruments, but in specific and restricted circumstances. What is highly relevant here is not simply the fact that the EU can deploy certain instruments but the extent to which it actually can agree to use them and does in fact use them in practice.

What the EU can do in international relations is based on, but not synonymous with, its formal capabilities and the range of instruments available to it. There have been discrepancies when there has either been a lack of internal will or consensus in

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11 Sjostedt cites several often quoted criteria for judging actor capability: a community of interests, a decision-making system, a system for crisis management, a system for the management of interdependence, a system of implementation, external communication channels and external representation, community resources and a mobilisation system. However, this approach does not
deciding to mobilise available instruments or resources leading sometimes to a ‘gap’ between declared intention or expectations and what the European Union eventually can and does do. The gap between the capability to decide to act in a certain way and the ability to follow-through is as significant as the inability to act due to the lack of required instruments or resources. However limited or ineffective the actual EU policy might be said to be, the extent of the EU’s ability to determine an appropriate course of action based on what can actually be achieved is a more realistic indicator of the extent of the ‘maturity’ of its foreign policy, than the extent to which it should or can achieve what an ideal state might aspire to.

Therefore, how the European Union actually uses the range of instruments available to it is highly significant. The actual instruments used and the way in which they are used is reflective of what the EU can decide to do collectively in relation to a specific issue. Whitman argues that what he describes as the EU’s ‘international identity’\(^\text{12}\) is synonymous with those instruments that are available to the EU to give expression to policy (Whitman 1998; 2). The policies pursued by the EU through these instruments represent recourse to common instruments and identify the ‘identity’\(^\text{13}\) of the Union as distinct from that of the member states (Whitman 1998; 2) and other actors. Looking at the collective policy itself allows us to what is possible when the various factors influencing policy internally actually do converge.

(iv) The context of European Foreign Policy

In addition to internally determined capabilities, the other issues of particular significance are the appropriateness of these capabilities and the extent to which the particular external circumstances with which the EU is attempting to deal condition what the EU can do. The levels of the reactive and the proactive in the EU’s external policy are determined to a large extent by the interplay between the nature of capabilities and the coherence of their usage on the one hand, and the nature of the

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\(^{12}\) International identity is defined as the ‘operations of the EU that are explicitly directed outwards from the Union’ (Whitman, 1998,2)

\(^{13}\) Whitman prefers to characterise the EU’s external actions in terms of an external identity rather than a ‘foreign policy’ in order to escape the restrictive and state-centric connotations of the term ‘foreign policy.'
particular constraints and opportunities afforded by the particular issue or situation with which the action or policy is attempting to address, on the other. Attempting to even access the ideas of the strategic and the reactive in external policy involves a consideration of the extent to which foreign policy is determined by the interplay of forces in the environment external to the state or a conscious effort on the part of policy-makers to design, control or manage international relations and affairs.\textsuperscript{14}

External activity is a mixture of both the strategic and the reactive but foreign policy on the other hand must contain the strategic and the purposive or deliberate. The interplay of the internal and external environments is two-way so the actor in question’s strategic actions will at least in part be a response to external events and circumstances. The relationship is a dynamic one and also continuous (Gerner 1999; 21) and some sense of perspective is required in order to capture it. One way of capturing this sense of perspective is through looking at the development of policy over time.

In addition to the overall operational context of foreign policy (comprising both the internal and external environments), there is also the issue of the psychological environment or context. In other words, some account must be taken of the role of perceptions, cognitive processes, attitudes and belief systems (Gerner 1991; 24) if we are not to assume an entirely monolithic and rational foreign policy actor. The notion of bounded rationality is of some use here in that it acknowledges the impossibility of fully rational decision-making but allows for a degree of rationality while allowing for the constraints\textsuperscript{15} that lead to a tendency to “satisfice” (Gerner 1991; 25), something that is simply inevitable in the pressured, uncertain and obfuscated environment in which foreign policy is both made and conducted. However, this is more what underlies policy and cannot be fully operationalised or analysed here. Here lies more of the value for the task in hand in looking at policy content or the actions of the relevant actor. What we are looking for is the extent to which there is some kind of self-knowledge or understanding on the part of the actor in question and the drawing of some distinction between elements of habit and past

\textsuperscript{14} For more on this issue see (Smith S 1986)

\textsuperscript{15} These include placed by time, resources, lack of perfect knowledge, the tendency to take short-cuts and to simplify issues and problems until they can be processed and understood based on past experience and the means available in which to attempt an approach or a solution (Gerner1991; 25)
practice in determining the way forward and a clear attempt to direct policy in a particular direction.

Helpful here is the concept of roles in international relations that allows us to characterise activity in such a manner as to be able to identify patterns more effectively. Roles occur at the point of convergence between structure and agency (Light 1994) (Walker 1987) and are representative of both the will, intent and capability of an actor and also the extent to which the external environment acts as a constraint or enablement in this regard, as well as the dynamic and mutually (and variably) influential relationship between the two overlapping environments (internal and external). Roles can be as performed by an actor and therefore reflective of the extent of capabilities. They can also be as externally prescribed or internally devised and therefore more reflective of internally or externally held and maybe not always entirely realistic or accurate expectations of what the actor’s function is in international relations (Rosenau 1987; 51). Rosenau defines roles as ‘sets of formal and informal expectations experienced and held by their occupants’ (1987;51). Holsti draws a distinction between national role conceptions (self-defined), role prescriptions (externally-determined) and role performance (actual attitudes, decisions and actions) (1987; 5-8). An actor’s own self-understanding of its role accompanied by clear attempts to fulfil that role will be indicative of the extent to which policy can be considered purposive or strategic. The gap between role performance and role fulfilment can be narrowed by a more precise linkage of goals and capabilities.

The roles or functions which the EU fulfils will also be significant in trying to identify patterns in the EU’s external activity. If we do not presume that an ‘actor can and should find for itself something approximating to a part played on a stage, namely a distinctive, high-profile and coherent identity’ (Hill 1993; 307) and that in considering the functions performed there is ‘no implication either of clearly demarcated tasks agreed by the rest of the international community, or of a mechanistic system where each unit repetitively performs tasks ‘ (Hill 1993; 310), we can identify patterns in external actions that indicate the role or function which the EU has performed. A sense of the purposive can be accessed in attempts to direct policy and the type of roles the non-unitary EU consciously aspires to perform. The actual role performed is evident from what is actually acted upon. Criticism of the EU as an
international actor often emerges from the gap between prescribed roles and the EU’s ability to fulfil them, although it is also the case that over-ambition in the EU’s own self-prescribed roles and its inability to then follow through effectively leads to as much criticism. As stated above, the gap between role performance and role fulfilment can be narrowed by better linkage between goals and capabilities, which in turn involves a degree of purpose and management.

2.2.3 Conclusion

There are certain inescapable facts that must be considered in an examination of any kind of foreign policy. Firstly, it obviously must be both externally directed and implemented. It also must entail some element of the strategic or purposive. However, these are not themselves absolutes and foreign policy will inevitably contain a mixture of the reactive and the deliberate as it does not exist in a vacuum but rather an increasingly interdependent world. The question is just how strategic can a certain course of action be said to be. When it comes to an analysis of EU’s activity these concerns are still relevant and of use despite their state-centric connotations. Elements of the EU’s external activity can be considered a sui generis foreign policy if combined with a qualified notion of purpose. What requires examination in this regard is the collective activity of the EU, regardless of source, while building in an acknowledgement of the non-unitary ‘actorness’ of the EU and the effect different sources has on the nature of activity. What we are looking for is the extent and nature of change over time. Rather than assuming any linear movement towards state or ideal-type foreign policy, it is more helpful to consider the extent to which activity can be described as reactive or deliberate, the extent of linkage between expressed goals and actual capabilities reflective of the degree of self-understanding on the part of the EU as to what it can and wants to do in international relations, and finally the roles that the EU can be seen to be performing and their connection to the previous two questions of strategy and self-understanding. The development of the EU’s external competence is one of the contexts within which the EU operated in the former Yugoslavia. The other is the broader context of the conflicts themselves and the overall international response. This will be outlined in the next chapter before moving on to consider how the notion of change or development in the EU’s activity
in the former Yugoslavia will be discussed based on the conceptions of foreign policy outlined here.
3. The Former Yugoslavia

3.1 Introduction

‘Consistently and conspicuously absent from Western reflections on the Balkans since the latter half of the 19th century has been any consideration of the impact of the West itself on the region. The great powers, or ‘the international community’ as they are now known, have always been ‘dragged’ into Balkan conflicts as apparently unwilling partners to local disputes whose nature has eluded them. The Balkans were thought to be impervious to the civilising processes which the European empires claimed to have introduced elsewhere in the world. Yet when the great powers extracted themselves from some Balkan entanglement, they rarely investigated the consequences of their intervention. (Glenny 1999; xxv)

As was noted in the introduction to this thesis, the EU was not ‘dragged’ into involvement in Yugoslavia at the beginning of the 1990s. Its involvement also continued beyond the initial reaction which it both led and dominated. The reasons for this are manifold, including the fact that western Europe, including the EU had had some level of involvement in the region for a long time. The focus in most analyses of the conflicts and the international response to them have tended to sideline or criticise the EU’s involvement, or to focus on the role and impact on policy-making procedures and processes. Less emphasis has been placed on what it was that the EU specifically did in relation to the region overall and the particular nature and appropriateness of this overall response. The EU had a direct and unique part to play, which developed over the course of ten years and fitted quite well into both the historical and more recent contexts.

When the build-up to war in Yugoslavia was already underway in the late 1980s and early 1990s, the attention of the EU, the United States (US) and other important international actors was on dealing with the changed circumstances that followed the collapse of communism in the 1980s, and on tensions in the Middle East. The challenge of German reunification, the rapidly proceeding pace of European
integration, the 1990 Gulf War and a concern to stabilise the unsteady former Communist block, all overshadowed the Yugoslav crisis at the outset. Yugoslavia was but one of the plethora of concerns thrown up in the wake of the Cold War. However it was to become an issue that challenged some of the fundamental principles and expectations of the system of international order and governance and for most of the international actors involved was a severe learning experience.

Despite the involvement of some of the most significant and powerful international actors ranging from the US to the United Nations (UN) and Russia, this ‘international community’ failed to prevent or satisfactorily resolve a conflict in Europe. The carnage of Bosnia and the entry of the term ‘ethnic cleansing’ into common usage have left an indelible mark on all involved. For that reason, much of the treatments of this period entail an attempt to understand or come to terms with what happened and why the international reaction was so confused. The wars in Yugoslavia cannot be fully understood in snapshots or without a sense of perspective. They also cannot be fully understood without an appreciation of the chaotic attempt to deal with them that became as much a part of the course of the conflicts as the internal Yugoslav factors that combined to cause and perpetuate them. The main challenge of studying this issue lies in the need to both accommodate and counteract its complexity.

In order to appreciate the nature of the EU’s involvement through the series of crises that followed the break-up of the Yugoslav federation, it must first be placed in its historical and more immediate context. This chapter will outline the background to the out-break of war in 1991. First the background to the conflict will be outlined. This will be followed by a brief discussion of the nature of international involvement overall and the emphasis in the predominant literature on the conflicts in the former Yugoslavia overall. Finally, the involvement of the EU will be placed in context and the gaps in the existing treatments of the EU’s involvement considered.
3.2 The Disintegration of Yugoslavia

Yugoslavia, in both its manifestations\(^\text{16}\), was pieced together by the western powers in the aftermath of two world wars. In both wars, the territory of the former Yugoslavia and its constituent ethnic groups played a significant and strategic role for both sides\(^\text{17}\). South Slavic unity was convenient for some, such as the Slovenes and Croats who viewed Yugoslavia as the lesser evil to complete absorption into, for example Italy, Austria or Hungary. During the Cold War, Yugoslav President Joseph Tito’s break with Stalin made the federation a focus of western attention again, as it became a favourite among the west’s communist enemies.

By the time communism fell across Central and Eastern Europe, things both inside and outside Yugoslavia had changed somewhat. The experience of coexisting in a single state with an ever more nationalist Serbian republic, combined with their own increasing ambitions for independence, was beginning to wear down both Slovenia and Croatia’s commitment to the federation. The autonomy the individual republics enjoyed since 1974 and the practice of economic self-management made them less and less dependent on the centre\(^\text{18}\). Beyond the federal borders the former belligerents of two world wars, whom almost all the republics had some fear or suspicion of, were now engaged in a process of peaceful integration, enjoying considerable economic and political power in a manner than now made them attractive rather than threatening\(^\text{19}\). The then European Community was actively promoting closer ties and association with former communist states across the continent including Yugoslavia. While Serbia began to consider a recentralisation of the federation in such a manner as to maximise its dominance over the other republics, the more Central European oriented republics of Slovenia and Croatia began

\(^{16}\) In the interwar and post World War II periods
\(^{17}\) For interesting accounts of the history of the region some of the classic texts include (Jelavich & Jelavich 1977), (Jelavich 1983), (Singleton 1985), (Lampe 2000), (Banac 1984) and (Glenny 1999)
\(^{18}\) Under the 1974 constitution all eight federal units enjoyed extensive autonomy from the centre in many respects, including the economy. Both Croatia and Slovenia were relatively successful in this regard which contributed to their potential viability as states independent of the centre. This autonomy was also accorded to the two autonomous provinces of Kosovo and Vojvodina who enjoyed almost all of the same rights and status as the republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia)
immediately to play a game learnt over centuries of foreign involvement in the region – that of internationalising their plight and seeking powerful external allies.

Though slightly unstable for years previously, the Yugoslav federation began to break up from 1987. The concerns over a threatened Serb dominated recentralisation of the country by the newly installed Milosevic regime in Belgrade, prompted the two most western-oriented and self-sufficient republics (Slovenia and Croatia) to cut their losses and try to break free and go it alone. The chain of events which triggered this crisis can be traced back over the longer-term history of the region, but more immediately from 1980. Tito’s death in 1980 left Yugoslavia under the control of a collective presidency comprised of representatives from all the various federal units, including the autonomous provinces. Without the dictator’s unifying influence a process of psychological as well as actual decentralisation continued into and throughout the 1980’s. Economic crisis in the wake of failed self-management facilitated this, which led to a greater need to deal with the problem at republican level. The 1974 constitution had sought to achieve a greater level of devolution in government, while at the same time subduing nationalist sentiment. It failed in this regard and its main effect was to decrease the dependence of the federation’s constituent units on the centre. The desire to loosen the central control only gained in momentum as the decade progressed and produced a set of nationalist ideologies and possible alternative governance structures that would eventually lead to the disintegration of the federation in 1991.

Ironically, this process had particular resonance in Serbia, a republic that traditionally became unnerved at the prospect of the dilution of federal power in favour of the republics or autonomous provinces. The main reason for Serbia’s resentment of the devolved system of governance introduced in 1974 was the reduction in influence the Serbian authorities now experienced over the significant number of ethnic Serbs living in Yugoslavia, but beyond the borders of Serbia proper (See Table 1). Serbia had already lost a significant amount of authority over its two autonomous provinces (Kosovo and Vojvodina) and their Serb populations under the 1974 constitution. However, the erosion of total federal rule was considered positive

19 To Slovenia and Croatia in particular but it would be too much of an oversimplification to suggest
in that it offered a solution to the scattering of the Greater Serbian\textsuperscript{20} nation throughout Yugoslavia; it offered the possibility of recentralising Yugoslavia along Greater Serbian lines. This seemingly contradictory process is best explained as ‘a Serbian drive to rule the other South Slavic nations under the label of a ‘federal’ Yugoslavia’ (Lukic 1994; 49).

Table 1. Ethnic Serbs Outside Serbia Proper

<table>
<thead>
<tr>
<th>Yugoslav Republic/Province</th>
<th>Percentage of Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serbia (Proper)</td>
<td>85.4</td>
</tr>
<tr>
<td>Kosovo</td>
<td>13.3</td>
</tr>
<tr>
<td>Vojvodina</td>
<td>54.4</td>
</tr>
<tr>
<td>Bosnia-Herzegovina</td>
<td>32.2</td>
</tr>
<tr>
<td>Croatia</td>
<td>11.6</td>
</tr>
<tr>
<td>Slovenia</td>
<td>2.2</td>
</tr>
<tr>
<td>Macedonia</td>
<td>2.4</td>
</tr>
<tr>
<td>Montenegro</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Source: (Woodward 1995; 34-35)

This rise in Greater Serbian nationalism increased throughout the 1980s and in the end was harnessed and manipulated for the political ambitions of a cynical elite and set in motion the chain of events that led to the outbreak of war in Yugoslavia. In September 1986 fragments of what came to be known as the ‘Draft Memorandum’ of the Serbian Academy of Sciences appeared in the mass circulation daily newspaper ‘Vercernje Vovosti’. The Memorandum was a total denunciation of the 1974 constitution and called for the reversal of Kosovo’s autonomous status and an end to the claimed persecution of Kosovo’s Serb minority. Texts such as the Memorandum and earlier petitions had, to an extent, the effect of creating by reaction the symptoms which they claimed to diagnose (Thompson 1992; 131). Therefore when Serbian nationalists began to make allegations about the treatment of Serbs outside Serbia proper, their audience with no touchstone of personal experience against which to measure them, were roused into supporting this nationalist agenda (Thompson 1992; that this was equally the case for all regions of the former Yugoslavia.

\textsuperscript{20} ‘Greater Serbian’ nationalism refers to the belief that all Serbs scattered throughout the region should be united under a Serb-ruled state.
Serbia was ripe for action. Significantly also, in 1986 there was a change in Presidency of the Communist Party of Serbia. The final incendiary factor that would bring Serbia into direct confrontation with the federation now came to prominence in the form of Slobodan Milosevic.

Slobodan Milosevic represented one of two options available to Serbia in the latter half of the decade. He represented the forces of chauvinistic nationalism and conservatism. The other, in the person of Serbian President Ivan Stambolic, was more liberal. At this stage it was not inevitable that extreme nationalism would be the political ideology to win out. It was Milosevic’s cynical manipulation of the nationalism of the grass roots and elements of the Serbian intelligentsia that secured his victory over public opinion. On the 24th April 1987, Milosevic was sent to Kosovo Polje in northern Kosovo to meet with disgruntled Kosovar Serbs in place of Stambolic. This brought him into direct confrontation with the intensity of sentiment amongst Kosovo’s Serbs and the wider sympathy and support for their situation. It was then that he realised that Kosovo could be the issue to mobilise the Serbian people as a whole behind him and propel him to power. For a man who expressed little interest in Kosovo before April 1987, he delivered explosive words to the crowds who gathered in Kosovo polje and greeted him as the hero of their cause. As Stambolic later observed he ‘he became aware that Kosovo was only the launch pad. The goal was Yugoslavia’ (Silber & Little 1996; 47). By the end of 1987 Milosevic had been installed as the Serbian leader in place of Stambolic. His victory was secured on the promise of strong leadership at a time of mounting economic difficulties and social unrest. He was a Party leader who addressed Serbian grievances and reminded of its historic task to reclaim Kosovo (Vickers 1998;230). As Pavlusko Imisirovic, a Serbian socialist democrat, observed:

‘With his chauvinist hullabaloo, Milosevic has succeeded in temporarily wearing down political mobilisation in Serbia, in confusing the masses, in exporting their dissatisfaction by turning existing social tensions against an imaginary outside enemy. Today his enemy is the Albanians, tomorrow it will

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21 Who had stunned many observers by converting from democratic and humanist socialism to racist nationalism (Denitch 1996. 118)
be the Slovenes, the Croats, the Moslems, indeed anybody who resists him
(Magas 1993; 235).

With the intention to remove Kosovo’s autonomy having already been
signalled as early as February 1987\(^{22}\), the necessary amendments to the Serbian
constitution were endorsed by the Serbian and provincial assemblies on the 28\(^{th}\)
March 1989. Under the amendments, Kosovo’s status reverted to that which it had
under the 1963 constitution when the region’s autonomy was declared a republican
prerogative and the limits of its autonomy were to be prescribed by the Belgrade
assembly. Kosovo was now granted restricted territorial autonomy, will all statutes
passed by the provincial assembly subject to the approval of the Serbian national
assembly.

Table 2. Population of Yugoslavia’s Successor States 1991 (in thousands)

<table>
<thead>
<tr>
<th></th>
<th><strong>FRY (Serbia &amp; Montenegro</strong>&lt;br&gt;inc. Kosovo and Vojvodina)</th>
<th><strong>Total</strong></th>
<th>10,394</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Serb majority</td>
<td>62 %</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Albanian minority</td>
<td>16 %</td>
<td></td>
</tr>
</tbody>
</table>

| Croatia               | **Total**                                                | 4,760     |        |
|                       | Croat majority                                           | 78 %      |        |
|                       | Serb minority                                            | 12 %      |        |

| Bosnia-Herzegovina   | **Total**                                                | 4,363     |        |
|                       | Bosniaks (Muslims)                                       | 44 %      |        |
|                       | Serbs                                                    | 31 %      |        |
|                       | Croats                                                   | 17 %      |        |

| Macedonia            | **Total**                                                | 2,034     |        |
|                       | Macedonian majority                                      | 65 %      |        |
|                       | Albanian minority                                        | 21 %      |        |

| Slovenia             | **Total**                                                | 1,963     |        |
|                       | Slovene majority                                         | 88 %      |        |

Source: (Lampe 2000; 368)

\(^{22}\) In the text of the Proposal of the SFRY Presidium for Constitutional Changes, without a mention of
the fact that Kosovo’s constitutional status could not be reconsidered without a total reappraisal of the
whole concept of Yugoslav federalism. Milosevic was aware that the Kosovo assembly would have to
pass any constitutional amendments and therefore launched a purge of the Kosovar Communist Party in
order to remove anyone who opposed him or his intentions. In November 1998 then, amendments were
passed by the federal assembly clearing the path for a new Serbian constitution (Silber &Little 1996; 64).
Already in September 1989 Slovenia had asserted the supremacy of republican over federal legislation through several constitutional amendments (Gow 1991; 296). On the 4th October 1990, Slovenia and Croatia jointly proposed the restructuring of Yugoslavia along more confederal lines. This would involve a loose alliance of sovereign states, with a single market and common foreign and defence policy supplementary to republican foreign policy and defence forces, not unlike the EU itself. It was clear that at this stage the federation still had a chance of survival if any common ground could be found between Serbia and its neighbours. Not surprisingly, Serbia rejected the confederal model, as it would result in its losing any control it had over regions across Yugoslavia that contained significant Serb minorities.

In March 1990 multiparty elections were held in Slovenia, followed in July by the declaration of the supremacy of its own legislation and the announcement of Slovenia’s intention to pursue its own foreign and defence policies. The republics local (federally controlled) Territorial Defence forces (TD) were brought under the Slovenian government’s peacetime control. A referendum held on the 23rd December 1990 returned an overwhelming majority in favour of secession from the federation and independence, failing the successful conclusion of an agreement on Yugoslavia’s future within six months. The previous day, Croatia’s new government, elected in a free multiparty election held there in the Spring, had also declared the supremacy of its legislation over the federal constitution. A referendum held in Croatia in May 1991 also returned an overwhelming majority in favour of independence. The Yugoslav National Army (JNA) began to attempt to disarm the local TDs in Slovenian and Croatia and resistance to the Croatian government was already beginning to solidify in the Serb majority territory known as the Krajina.

In the absence of any agreement on the constitutional future of Yugoslavia, Croatia and Slovenia declared their independence on 25th June 1991. Once members of the provisional Slovenian militia started taking control of posts on Yugoslavia’s western international border, the JNA rushed to intervene and quickly attacked. There was now a war to contend with and the speed with which it flared up illustrates the extent of tensions on the ground. That war broke out should not have surprised anyone. In Croatia, Serbs in the Krajina and in eastern Slavonia had been restless for years and active for at least two years. The Croatian government had not been in full
control of a significant area of the country for quite a while. In addition the supposedly neutral yet Serb dominated JNA was openly acting on behalf of Serb interests in all arenas.

### 3.3 An International Crisis

'Over two thirds of the more than 200,000 killed, were civilians or unarmed at the times of their death....most were targeted simply because their ethnic identity made them seem a present or future danger to the other ethnic group. So were the smaller number of women raped and the much larger number of refugees – over 3 million if we include Kosovo in 1999 - ... because of these events the very phrase 'ethnic cleansing has now passed into common English usage. Because of these events, unprecedented international intervention and media attention has followed the former Yugoslavia since 1992. The flood tide of Western publications concentrates on the tragedy of the cleansed in the instances where western intervention has confronted the cleaners. We find less attention paid where there has been no intervention' (Lampe 2000; 365-7)

Aside from the brutality of the Yugoslav wars themselves, much of the subsequent discussion and analysis has centred on the international reaction to and entanglement in them. The more high-profile representatives of various states and international organisations became more ubiquitous and visible than some of the main players in the region. They became actual participants in events and the reverberations and consequences of this involvement was to have far reaching effects and create a sense of frustration and crisis as the spiral of conflict persisted. It was not a simple case of an international reaction causing or even worsening the situation. Much of the subsequent analyses focus on what went wrong, what should have been done or was not done at all, blaming to varying degrees the Serbian leadership, a succession of mistaken moves (usually beginning with the recognition process launched by the European Union) or ‘ancient’ and intractable ethnic hatred. No one factor is entirely responsible on its own. It is all of them to varying degrees and it depends on the exact
region in question. As in all conflicts, there were broader contextual factors and more immediate triggers that often escalated swiftly due to already highly tense circumstances. In trying to account for an ‘international’ failure the temptation is to assume that the Yugoslav crisis sprang out of nowhere or that it was so historically entrenched as to be intractable.

This tendency to need to ‘make sense’ of the international involvement dominates the literature on this subject. In virtually all accounts it is covered in at least in some depth. It is present even in those accounts that have as their main focus the internal and historical contexts of the conflicts themselves. In addition, many accounts which discuss the region or parts of the region are based on a crucial sense of historical perspective in trying to account for what happened in the 1990s. Overall, however, the dominant emphases are on an EC failure in the initial phase, a general international failure in Bosnia and an attempt to come to terms with the implications of the NATO intervention in Kosovo in 1999. For the most part, not surprisingly considering its scale and complexity, most accounts are very Bosnia-based, as discussed below.

As mentioned above many of the accounts are still very much centred within the years 1990-1996 and were written within and focus broadly on the unfolding of the crisis and international involvement in it. The EU features most prominently throughout in relation to the recognition process and its consequences. The unfolding conflict in this period and the inextricable part played by the international reaction has been covered by many authors. Through many accounts the international reaction is as central as the progress of the conflicts themselves (Cviic 1995) (Woodward 1995) (Bennett, 1995) (Glenny 1996) (Silber & Little 1996) (Kaldor, 2001). In addition, even accounts that covered a wider time-frame and provide a solid sense of both the internal and historical context devote significant time to the analysis of the international involvement (Ramet, 2002) (Thompson 1992) (Cohen 1995) (Lukic &

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23 Also, interestingly the literature on the subject itself became influential in the conflict. US President Bill Clinton’s interest in the issue was stirred and indeed further informed by his reading of Robert Kaplan’s Balkan Ghosts (Holbrooke 1998; 22). Kaplan’s book, along with Rebecca West’s 1940’s travelogue Black Lamb and Grey Falcon, has done much to perpetuate the ‘intractable ethnic hatreds’ myth of the Yugoslav wars. Brendan Simms also remarks on a copy of West’s book marked ‘UNPROFOR use only’ in circulation at the UN headquarters in Sarajevo during the Bosnian conflict (Simms 2001: 179)
The literature on the conflict in Kosovo ranges from the more historically based texts (Malcolm, 1999) (Vickers, 1998) and those situating the contemporary conflict in context (Judah 2000) (Mertus 1999) to those focussing on the controversy surrounding the international response to the 1999 conflict (Ignatieff 2001) (Ali 2000) (Bellamy 2001) (Chomsky, 1999). Considerably less has been written on the conflict in Macedonia (Clement 1997) (Pettifer 2001) (Ackermann 2000), mainly due to its more recent nature but the less high-profile or contentious nature of the international involvement will probably mean that its does not ultimately receive the same amount of attention as earlier conflicts. The texts cited here are examples drawn from a wide literature on this issue. The point is that throughout the literature there has been a heavy focus on Bosnia and on the combination of internal and international factors in causing and determining the course of the conflicts. With just a few exceptions (Ramet 2002), there has not been much of a sense of perspective on the reaction of development of the conflicts throughout the 1990s and beyond. More importantly in relation to this thesis, there has been little focus on EU’s role in particular; this will be discussed in more detail below.

The experience of this involvement, especially in Bosnia, has led to much discussion and reconsideration of the roles and relevance of the international actors themselves in international affairs, each in turn having to go through some kind of process of re-examination, or even crisis in some instances. The focus here is on the EU, but the EU acting alongside and often in cooperation with a range of other actors. The confusion and lack of coherence in the international reaction resulted not only from the fact that there simply was no integrated international response but also from the overlapping membership of international organisations and sometimes contradictory actions. The dominant actors and a very brief characterisation of their involvement is outlined below:

(i) The United Nations

The UN first became directly involved in late 1991 with the appointment of Cyrus Vance as Special Envoy. The ceasefire secured by Vance in Croatia by early 1992 was secured by the deployment of a UN Protection Force (UNPROFOR), an
originally 10,000 strong peace-keeping force that was also later extended to Bosnia. A UN Preventative Deployment (UNPREDEP) was also positioned in Macedonia in 1993. Along with the EU, the UN led the international diplomatic effort into 1994 in the context of the joint EC-UN International Conference on the Former Yugoslavia based in Geneva. Successive UN Security Council Resolutions also provided the legitimacy and framework for harsh sanctions regimes and an arms embargo in relation to both the Bosnian and Kosovar conflicts. The UN also took the leading role in post-war Bosnia and Kosovo, leading the interim administrations and reconstruction efforts. The UN High Commission for Refugees (UNHCR) was also the primary aid agency working in the region and to the best of its ability and that permitted by circumstances, co-ordinated the international aid effort also. However, the inability of the UN in Bosnia to negotiate a settlement, the vulnerability and sometimes ineffectiveness of the peacekeeping force, allegations of assisting ethnic cleansings through assistance of refugees, and extremely ill-advised moves such as the creation of the doomed Safe Areas, along with other factors all combined to diminish the UN’s position in this context (Biermann 1998), (Mayall 1996), (Rose 1998). It has been most important in terms of providing a framework for the interim administration and reconstruction efforts and the provision and delivery of humanitarian aid.

(ii) NATO

Between 1990-2002 it has been NATO that has put the real ‘teeth’ into the international response, first with air strikes in Bosnia, the deployment of the implementation and the stabilisation forces in the aftermath of the Dayton Accords (IFOR and SFOR), the deployment of the extraction force in Macedonia to provide back-up to the OSCE-led Kosovo Verification Mission, the air campaign against the FRY in 1999, the deployment of KFOR in the Kosovo conflicts aftermath and finally assisting with the stabilisation of Macedonia from 2001. Having gone through its own development and redefinition of purpose and raison d’être after the Cold War, in Yugoslavia it has been the forum of choice for the kind of US-backed intervention

24 For more on NATO’s role in Kosovo see for example (Carpenter 2000) or (Daalder 2000)
which no other actor was capable of, even to the point of the launching of the 1999 campaign in the absence of a UN-mandate.

(iii) United States

At first reluctant to get involved under the Bush regime, the inability of the EU or the UN to resolve the situation on their own, and the less-isolationist position of the Clinton administration drew the US into the fray. From that point on it more or less dominated and managed to instil greater momentum into diplomatic efforts, combined with NATO action than had been possible previously. The US was responsible for the Dayton Accords which brought the Bosnian conflict to an end and along with the UK was the dominant force in the reaction to the Kosovo conflict in 1999. It also played an instrumental part in diplomatic efforts in Macedonia.

(iv) Russia

The Russian federation has played a key role in relation to both Bosnia and Kosovo, not simply as a pro-Serb power block but rather also as a sometimes useful counter-weight to US/NATO predominance. This was the case in Bosnia but was also very noticeable in Kosovo (Lynch 1999) with the central involvement of Russian representatives (at the level of the prime minister and President Yeltsin himself) in negotiating the terms to the cessation of the NATO campaign. The relatively uneasy participation in KFOR was also a significant break with the past.

(v) The Contact Group

First formed in 1992 as a mechanism for co-ordination and consultation between a power-block of states and dominated by the US, the Contact Group led the diplomatic effort that eventually culminated in the signing of the Dayton Accords. It also played a crucial role in Kosovo and constituted the de facto alliance of the states behind the intervention.

25 See (Holbrooke 1998) or (Peterson and Pollack 2003)
(vi) OSCE

The CSCE/OSCE performed less high-profile but very important tasks throughout the period under examination. It worked closely with the EU's missions in monitoring cease-fires and borders, was involved in the monitoring of sensitive elections and referenda throughout the region, assisted with the reconstruction and reform efforts in Bosnia, Kosovo, Macedonia and elsewhere, with its focus for the most part on assisting the development of democracy. Its most high-profile involvement was in the form of the Kosovo Verification Mission, deployed in late 1998 to monitor compliance with the October 1998 Holbrooke-Milosevic Agreement and had to removed in the run up to the NATO campaign which commenced at the end of March 1999. Its envoys were also present and involved in much of the diplomatic efforts, most notably in relation to Kosovo prior to and during the NATO campaign. The OSCE's involvement was both desirable and appropriate due to the broad base of its membership, especially in that it included Russia.

(vii) The EU member states

For the most part single member states were not usually involved on an entirely unilateral basis but more often within some kind of international organisation or forum and often not the EU. The main fora within which they operated were the UN (most notably in contribution of troops to UNPROFOR which influenced the approach to policy made at EU-level and elsewhere) and the Contact Group and NATO. There was of course the high-profile and controversial German recognition of Croatian and Slovenian independence, Greek blockage of the recognition of Macedonia, and French, German and British diplomatic efforts, amongst others things. For the most part, individual member states operated within a broader umbrella (though sometimes very broad and very loose), be it the EU, NATO or the Contact Group depending on what end it actually wished to pursue.

On the whole what is remarkable about the general international reaction is that with the exception maybe of the US and Russia, most other actions took place

26 For a rather scathing assessment of the British policy towards Bosnia see (Simms 2001)
within the context of some kind of over-arching multi-lateral context. Even the US and Russia rarely acted entirely alone, and even where they did it was within the context of a diplomatic process already underway, building on a previous action or process or with at least lip-service paid to the loose collaborative framework of the Contact Group. This in itself was part of the problem. What occurred in the former Yugoslavia was a confusing profusion of actors each making some attempt to deal with the crisis, often overlapping with each other and duplicating actions in a rather haphazard manner. Policy adopted within the context of one organisation or framework contradicted that of another, or more often hindered the adoption of a better approach. One example of this was the reluctance of states contributing to the UNPROFOR peacekeeping force to countenance a badly needed intervention for fear of putting troops on the ground in danger.

Where precisely the EU fits into this complex and inconsistent international response is difficult to establish. This is mainly because, apart from in the initial stages, it was not as high-profile as many of the other actors involved and from that point a sense of its particular role gets drowned out by the wider clamour. However, the case of the EU in the former Yugoslavia is particularly interesting for several reasons including the way it illustrates the extent to which the EU was the forum of choice through which to act for its member states in this context. In addition, it is also interesting as it shows how the Union operated in an increasingly multi-lateral manner in cooperation with other actors and the EU’s involvement in the region is a good example of the sustained practice of European Foreign Policy in a manner that challenged the EU on all levels: diplomatic, economic, political and eventually military.

3.4 The European Union

Yugoslavia was the first communist country in Europe to establish relations with the EC in 1967. A trade agreement was negotiated and signed by 1970 and a formal Yugoslav diplomatic mission was established in Brussels in 1973. Seven years later a wide economic cooperation agreement was signed. In 1989 the Yugoslav federation applied for formal association with the EC, despite the fact that the process
of the federation’s dissolution had been underway since the Serbian re-annexation of its two autonomous provinces began in 1987. The federal prime Minister, Ante Markovic, introduced an ambitious programme of economic reform and free elections in early 1990 in support of his government’s expressed hope of closer association with the EC (Pinder 1991; 75). May 1990 saw the extension of aid to Yugoslavia under the PHARE programme and the suggestion by the Commission that negotiations on an association accord might soon begin, though there was no clear indication of when that might exactly happen.

There was no sense of urgency as regards Yugoslavia. Its economy was not in bad shape in comparison with other post-communist states. It appeared to be relatively stable on the surface and the federal government was making moves to make it more democratic and more market orientated (Pinder 1991; 73-75). However, the federal government was losing more and more power to the republics as 1990 progressed and was itself coming under increasing Serbian dominance. The initial EU response focused on attempting to encourage the federation as a whole to maintain its integrity, an approach that was not entirely invalid in that the existence of the federation had managed to keep in check several difficult problems, most notably that of multi-ethnic Bosnia that had no experience of independent state-hood, and the geopolitical flashpoint of Macedonia. However, Yugoslavia was already falling apart at this point in such a manner that non-committal promises of potential association and assistance with development and reform were never likely to stop its progress alone.

The accumulation of circumstances made it inevitable that the EC would assume the leadership position in relation to the initial international response to the crisis. It came firstly out of the overall leadership position being assumed by the Community in the former communist East as a whole. It also came as a result of the point reached after decades of political cooperation which brought it to the point where is was in the process of negotiating on the creation of a Common Foreign and Security Policy. In addition, the whole post Cold War rhetoric talking of a ‘return to Europe’ positioned the EC as the most appropriate actor to respond. At this stage war was not inevitable, certainly not on the scale that it eventually occurred. As will be shown, the pace of events overtook the relevance of the approach based on the ‘return to Europe’ logic, but it was this approach that remained an integral component and

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indeed became the guiding framework within which the EU’s policy was to operate within with increasing self-awareness and coherence over the next ten years. It was the only component of the Union’s overall policy, but it became its basis and the framework within which other actions were increasingly conducted.

It is precisely the nature of the Union’s overall approach, specifically, that has been neglected. There have been snapshots and ‘stock-takes’ along the way dealing with the context of EC involvement in Eastern Europe in general (Pinder 1991), the initial reaction (Salmon 1992) (Nuttall) (Edwards 1992), the reaction through Bosnia (Edwards 1997) (Kintis 1997) (Cafruny 1998) and Kosovo (Duke, 1998) and little as yet dealing with Macedonia (Piana 2002). With few exceptions there has little sense of perspective on the overall response over the entire period involved. Most accounts such as those listed above dealing with the conflicts in general make some mention of the Union but mostly focus on a failure. Even where the EU’s involvement is given good consideration there is not a focus on the EU’s own policy in any kind of sustained manner or over a broader time-frame (Gow 1997) (Gnesotto 1994). Other more EU or EFP centred accounts focus on the effect that Union involvement had on political integration itself or the how the procedures and processes of the CFSP worked and changed (Winn & Lord 2001) (White 2001) or measuring the impact of EU actions on the conflict or the other actors involved (Ginsberg 2001). Most of the main texts dealing with EFP, from whatever perspective, make some mention of the experience of the former Yugoslavia. However, it has not been brought together to any significant extent in terms of the overall EU experience in the former Yugoslavia. An analysis of the EU’s involvement, in line with the issues discussed in the previous chapter concerning EFP offers a crucial sense of perspective in order to establish both the nature of the EU’s own particular involvement and the extent to and ways in which it has changed in practice over time.

3.5 Conclusion
The disintegration of the former Yugoslavia and the broader international response to it constitutes the specific context within which the EU operated, together with that of the development of its own internal capabilities. However, despite a clear context for the involvement of the EU there is a significant gap in the literature dealing with the former Yugoslavia itself, the international reaction and the development of EFP. Therefore there is a need to gather together and piece together an account of the overall approach of the EU in the former Yugoslavia, in its own right. As discussed in the previous chapter, the EU engages in a broad range of external activity, beyond the boundaries of the formal CFSP. The involvement in the former Yugoslavia is effectively EFP in motion and an analysis of it in terms of the substance of the policy pursued enables the identification of overall trends and patterns of activity. The following chapter will outline how exactly the accounts of EU involvement in the conflicts in the former Yugoslavia will be approached in this regard.
4. European Foreign Policy and the Former Yugoslavia

4.1 Introduction

The previous two chapters considered the contexts of the notion of European Foreign Policy and how it has evolved and can be approached, and the operational context of the former Yugoslavia and the problems raised. The following four chapters are concerned with an overview of the substance of the EU’s approach to the successive crises and an analysis of how it has or has not changed over time. The purpose is to provide a broad sense of perspective and not a hugely detailed tracking of every action and reaction. This chapter will briefly outline the approach that will be taken towards the accounts of the four conflicts in the former Yugoslavia that will follow. It will begin with a consideration of some of the conceptual issues considered in the previous chapter that will assist in the analysis of the EU’s external activity. An outline of the phases of conflict in the former that will be covered will then be provided, along with a discussion of how the notion of development or change can be accessed. Finally, the three central questions that will be asked of each of the four case studies will be outlined.

4.1.1 The European Union’s Foreign Policy - Analysing Change

Based on the discussion of the notion of foreign policy at both state and EU-level in Chapter 2, four main conclusions can be drawn that will be central to the analysis of the EU and its ‘foreign policy’ in the former Yugoslavia. First, the notion of an EU foreign policy is not synonymous with state-type foreign policy nor has it or will it ever become anything analogous to it. There are, however, certain key characteristics of foreign policy that are relevant to the analysis of the EU-level policy, despite their state-centric origins. The policy is

(a) be externally directed;
(b) be implemented in the environment external to the actor in question;
(c) entail a degree of the purposive or the strategic, or a guiding plan or framework;

Second, the EU as an international actor is non-unitary and the extent of its potential impact or relevance varies according to the issue in question and its capability to respond. Third, foreign policy as a concept is broader and more diffuse than traditionally conceived and in the case of the EU it is not sufficient to just focus on second pillar CFSP-related activities. Fourth, an analysis of the substance of EU external activity permits a degree of liberation from state-centric inhibitions and allows an acknowledgement of the fact that the EU actually engages in extensive (if not comprehensive) levels of international action without prejudicing it with criticisms of failing to live up to internal and external expectations.

Therefore, in order to restrict the scope of what will be examined in the case of the EU in the former Yugoslavia, the focus will be on the substance of the EU’s actions and reactions in relation to the various wars and crises. In other words, the output of the EU’s single institutional framework in relation to the former Yugoslavia will be considered in order to construct a broad overview of the substance of EU policy. EU-level output and activity will not be taken here to involve the member states in their own right but merely the collective policy representative of the extent to which they have chosen to operate within the EU institutions. A sense of the EU’s non-unitary nature will be maintained throughout. The relevant actions of the EU-level will be considered regardless of source. What this activity or patterns of activity amounts to will then be discussed, and also the extent and ways in which it has (or has not) changed over time. Building on the discussion in the previous chapter, the chronological accounts provided on the EU’s activity in the former Yugoslavia will centre on the following issues. Conclusions will then be drawn on the extent and nature of any change based on the three central questions outlined below.

(i) **Substance vs. procedure**

The central focus here will be on the substance of the EU’s policy in the former Yugoslavia rather than on policy-making procedures or processes. This is in
order to better isolate what it is that the EU actually did do in the former Yugoslavia and to better permit a characterisation of the resulting policy and its progress over time in terms of what it actually is and has done and could do, rather than how it was made or why it was not otherwise. That is not to say that a more behaviourist focus has no relevance but rather that in this particular instance the key questions of what the EU did in the former Yugoslavia, how the actual policy pursued can be characterised and how the nature of how it has changed can be captured is best accessed through an analysis of the range of actions actually engaged in. A sense of the dynamic of the process of policy-making and implementation is maintained as the development (or lack of) of policy is discussed and there is no deliberate attempt to 'black-box' the various factors influencing the resulting policy. However, the focus is very much on the 'output' end of the policy process.

(ii) Reactive or Strategic?

As noted in the previous chapter, external relations will contain elements of both the reactive and the deliberate. What distinguishes foreign policy from the mass of external actions and relations is a sense of a deliberate attempt to manage, in other words a sense of purpose or of the strategic. Both the notion of purpose and of the strategic must however be heavily qualified. Purpose implies the ability to identify and the ability actively to work towards preferred courses of action that would benefit a definable set of interests. Strategy goes further to imply the existence of an actual plan designed to serve specific objectives.

However, with foreign policy the notion of strategy is problematic. It is not simply a matter of setting up and applying a policy in a vacuum. Both the making and implementation of it will be subject to the influence of various internal and external factors that will effect both the form of policy and the extent to which it can be implemented in the external environment. Therefore initial 'purposes' or 'strategies' will change and be reconsidered and are therefore always to a degree reactive. The extent and direction of change will then itself be conditioned by past actions and policies and also by what is going on in the international system at the precise moment in question. However, in the case of the EU, what can be identified is the
extent to which some attempt to design, direct or proactively manage is inherent in its external relations. To a degree, this will be apparent in the expressed intentions. However, this is not enough, as the degree to which intentions are followed up with action, and importantly the necessary and appropriate type of action, is extremely significant. Aspirations to the strategic are not always realisable and do not constitute the policy actually pursued. The rationale for considering the extent to which the actual policy pursued can be described as reactive or strategic is to locate it better in terms of conceptions of foreign policy, without any presumption of the EU becoming more state-like.

(iii) Capabilities and instruments

An analysis of policy substance and the degree to which it exhibits features that might be associated with ‘foreign policy’ is not in and of itself sufficient for any kind of rounded analysis. As mentioned in the previous chapter, it is not sufficient to merely focus on formal competences in looking at the EU’s external activity, but neither is it desirable to completely ignore them. In examining the policy actually pursued, a clearer picture emerges of what instruments can and have been used and to what effect. This must then be considered in the context of the range of instruments actually available to the EU to give effect to its declared intentions or purpose. The extent to which a sense of purpose can be pursued will depend on the existence of and ability to mobilise the relevant and appropriate instruments in order to bring about the desired results. What will be examined is what the EU was actually capable of doing as a collective and the way the available instruments have been used as distinct from, but still in the context of, the formal evolution and design of the CFSP.

(iv) Context and roles

Of equal importance is the extent to which the context within which the EU operates influences the ability to follow a particular course of action, as discussed in the previous chapter. Analysis of the EU’s policy must to an extent be situated in context in order to consider it in terms of its appropriateness not only as regards the EU’s intentions and capabilities, but also in terms of the nature of the particular issue being addressed. It has already been noted that rather than a single over-arching
foreign policy the EU has common policies that vary in their extent and nature depending on the issue in question. Therefore a sense of context and the role of other actors is important. The EU’s interaction with other actors in the international system is significant, especially in the case of the former Yugoslavia. While the focus very much remains on the EU policy, this is still seen in its operational context in order to arrive at conclusions as to the relative importance of the EU’s actions in this instance and also the roles or functions that the patterns of EU activity show it to be performing.

**4.1.2 Policy Activity – the Former Yugoslavia**

The phases of activity that will be covered correspond roughly to the four primary conflicts in the former Yugoslavia that occurred between 1991 and 2002. While a section will be devoted to each, these sections are not intended to comprise self-contained and all-encompassing narratives of the individual conflicts. The emphasis in the analysis is on the what the EU attempted or accomplished and to trace the development of types of activity through from one conflict to another. A certain density of detail has to be sacrificed in order to provide a sense of perspective and a ‘taking stock’ of the evolution of policy substance over an expanded time-frame. What is offered is an overview that permits sufficient discussion of the main questions to be addressed.

It must also be stressed that none of the periods outlined below is considered to be self-contained. There are significant degrees of overlap and this in itself will be significant in discussing policy development. The four periods are identified by the issue or region which was the more high-profile target of activity. For example, there is no suggestion that Croatia did not continue to be a matter of grave concern after 1992. Equally, Bosnia continues to be problematic to this day. Unfortunately, a degree of over-simplification is inevitable. Also, while it is the contention here that there is a need to avoid normative analyses of the involvement in the former Yugoslavia, that is not to suggest that the EU does not deserve a great deal of the criticism levelled at it but rather to maintain more of a focus on the policy activity itself.
The purpose of considering these phases of activity is to ascertain the extent and nature of any change in the activity or patterns of activity. The question must then be asked how change will be characterised. Building on the discussion in the previous chapters this will centre on the central notion of purpose or strategy in foreign policy and the connected notions of the extent of linkage between goals and capabilities and the various 'functions' the EU served in this particular context. These issues will be addressed after an account of the activity in each period of time, with overall trends and conclusions being drawn in the concluding chapter, where the overall patterns of activity will be assessed in terms of the extent to which they are evidence of an emerging EU-level foreign policy. The underlying assumption is that the EU possesses a *sui generis* foreign policy despite the fact that it lacks the key attributes of statehood and is unlikely to seek to acquire them. The absence of statehood does not preclude the possibility of an EU-level foreign policy that is distinct and identifiable in its own right in international relations. What must be acknowledged is that this foreign policy can be more limited in its scope and objectives than more traditional conceptions of foreign policy and rather than a single over-arching EU-level foreign policy, there exist common policies that vary in their extent and potential according to the issue in question.

The following four phases of activity will be outlined in the following chapters:

(i) *Slovenia/Croatia*

This roughly covers the period 1990 to the beginning of 1992. Rather than merely re-telling a well-told story it is being offered here as a starting point and is important as a comparison point for subsequent activity and policy. Also, a more nuanced view of the actual substance of the then EC’s policy in this period often gets lost in the complexity of actors and events in the former Yugoslavia and the international community at large, as well as within the EU. More often cited as an example of an EC failure, it is argued here that while this may be true, the policy performed here contained the seeds of what was to remain the overall policy over the next ten years. This is often over-shadowed by the subsequent ‘failure’ in Bosnia.
(ii) **Bosnia-Herzegovina**

This period has been well-covered and represented a profound challenge to all actors concerned. It is very often used as an example of the EU’s failure to agree and act in line with a common foreign policy and also its inability to function as a coherent and effective international actor. As with the 1990-1992 period, it is also useful as a comparison point for subsequent activity. It is an excellent example of how the response devised to the situation was not directly in line with the plans for and actual codification of the EU’s external competence. However, treatments of this period often focus on what the EU failed to do or achieve and not on the surprisingly wide-range of activities actually engaged in. These may not represent a single, comprehensive, broadly effective policy that addressed all facets of the conflict, but as disappointing as the EU’s policy and ability to act may have been, it did still act and make attempts to manage things within the limitations of its capabilities. This section will begin in early 1992 and continue through to the implementation of the Dayton Accords and efforts to stabilise Bosnia up to the end of 1996.

(iii) **Kosovo**

After the perceived failure in Bosnia, the EU’s involvement in Kosovo from 1998 is often characterised by a decrease in expectations of what it could or should do, both internally and externally. However, as with the later years in Bosnia, it did still act and more importantly began to show signs of consolidating an understanding of the functions it was most suited to fulfilling, as determined by actual capability and also the opportunity afforded by the lack of an equivalent actor in the international system to offer a suitably attractive framework within which to encourage post-conflict reconstruction and stabilisation. This section will briefly consider the years leading up to the deterioration of the situation in Kosovo in 1998 and will focus on the reaction to events in 1999 and end with a consideration of the EU’s involvement in post-war reconstruction and stabilisation.

(iv) **Macedonia**
This section marks the culmination of the period under examination and thus the state of EFP here will be the real indicator of how it has or has not changed and the level and direction of momentum sustained. It may not mark a massive leap forward but it does stand in sufficient contrast to the early reaction of 1991, not necessarily just in the type of actions or the broad approach taken but in the sense that the EU did operate with a more clearer and defined (if limited) purpose, aided to an extent by a more realistic understanding of what it was most suited to working towards and achieving. It also showed more of the increasing ease with which the EU could work with other international actors, concentrating on its own appropriate tasks and also building on this by venturing into new areas such as the deployment of an autonomous peace-keeping force. This section will begin with the efforts made to help Macedonia maintain its own stability during the earlier conflicts and will go on to consider the reaction to the outbreak of hostilities in 2001 and conclude with the EU’s role in the stabilisation process. This will deal with the Stability Pact for South Eastern Europe and the Stabilisation and Association Process but will also look forward very briefly to the deployment of the EU force in Macedonia in 2003.

4.2 Characterising Change

Following the accounts of the EU’s activity in these regions in terms of what the EU actually did, located in the context of what it could do as permitted by its own capabilities and external circumstances, conclusions will be drawn at the end of each phase based on the following questions:

(v) Balance between the reactive and strategic

Rather than consider the notions of the reactive and the strategic in absolute terms, what will be considered is the extent to which the EU simply responded to events and the demands of other actors or the extent to which there was some apparent degree of self-understanding and foresight on its part as to the most effective and appropriate course of action to adopt. Expressed intentions are one source for
identifying the strategic, but this alone is not sufficient and is in fact misleading. Considered in conjunction with the following two questions, perceivable alterations in the degree of deliberate purpose in the EU’s actions will give some indication of not only change, but also its direction in terms of the EU’s developing ‘maturity’ as a foreign policy actor.

(vi) Goals-Capabilities linkage

A reason why the strategic is not always realisable is that there is an inadequate degree of linkage between goals and capabilities. The degree of linkage will reflect the ability to actually pursue expressed goals. It is not a matter of developing the necessary capability to pursue goals constructed in isolation. The process is two-way, with goals being modified to bring them more into line with actual capabilities and also with certain development in capability occurring to serve more ambitious objectives. However, both the extent of possible goals and capabilities are constrained by the influence of both internal and external factors. The extent to which goals and capabilities are connected and balanced will be indicative of the capacity to act purposively in international relations.

(vii) Nature of the functions/roles performed

The patterns of EU activity can be characterised by the dominant functions being performed by the EU. The notion of a role or function is linked to both internal capability and external opportunity. An analysis of activity (as opposed to just declared intentions or goals in isolation) gives an impression of the actual roles performed, reflective of what the EU is capable of performing and is in a sense ‘permitted’ to perform. However, it is not enough to consider roles performed in isolation. The roles prescribed to the EU, both by itself and its member states and other actors in the international system are significant. Without some sense of purpose combined with a degree of linkage between goals and capabilities, the EU will fail to fulfil its prescribed role so dissatisfaction and a capabilities-expectations gap emerges. The gap will narrow over time not simply just when the EU rises to the occasion and develops the capability to fulfil roles prescribed to it, but when the performed and
prescribed roles are more balanced. More realistic expectations will be associated with a clearer sense of purpose and more effective linkage between goals and capabilities. The role performed may then be more limited but it is more realistic.

4.3 Conclusion

What follows is an account of what the EU did in the former Yugoslavia between 1990 and 2002. Each phase of activity will be outlined in chronological order and will consist of an account of the substance of the EU’s policy and will be discussed in terms of its reactive or strategic nature and the nature of utilised capabilities as well as their operational context. Finally conclusions will be drawn as to the extent of overall change or development in the nature of the policy pursued through a consideration of the balance between the more reactive and strategic aspects of the policy, the extent of linkage between goals and actual capabilities and the nature of the functions or roles performed by the EU in this particular context. The conclusions that can be drawn from each stage will then be brought together in the concluding chapter in which overall patterns of change will be traced and characterised along the same lines as the individual phases, before a consideration of how they might be characterised in terms of a developing EFP.
5. Slovenia and Croatia

5.1 Introduction

As discussed in Chapter Three, the ties that held the already unstable Federal Republic of Yugoslavia together began to unravel by the early 1990s, it was one of a range of new and challenging issues to be confronted in the rapidly changing post-Cold War international system. Everyone, including the then EC and its member states, was still struggling to process and comprehend the changes and define and assert their own particular position within the new order. At the same time, new issues and new types of conflict required new and hastily devised approaches. For the EU the most pressing concerns were the need to absorb the reality and potential of the newly reunified Germany and to address the issue of how to deal with the many potentially unstable and under-developed former communist states on its Eastern borders. The EU’s overall initial response to the changes in the international system in the immediate aftermath of the Cold War set the tone for its reaction to the unfolding disintegration of Yugoslavia. Underlying much of the response was the fear of a similar disintegration of the former Soviet Union as it moved unsteadily from its communist past. With the international agenda so heavily loaded, the EU attempted to address the issues arising from the looming Yugoslav crisis and to stabilise the situation. It assumed for itself a leadership role for which it was not yet ready and whose character was not entirely appropriate to secure the short or medium-term placating of the situation.

This period of activity highlights, in the first instance, what could be done within the limits of pre-TEU EPC. A broad range of available instruments were mobilised and there were several significant innovations. In addition, and in response to the transformed international context, the EC’s own internal agenda was also heavily loaded during this short but intense period. While it attempted to prevent the unravelling of Yugoslavia, it also had the two simultaneous IGC’s on EMU and Political Union to contend with, as well as the launch of its enlargement project to the countries of Central and Eastern Europe (CEE’s). Therefore the highly declaratory and high-level diplomatic emphasis of EPC was conducted in relation to the former
Yugoslavia alongside more novel activities arising out of the often hastily devised approach to other changes in the EC’s internal and external environments. However, the role assumed by the EC as the anchor for stabilisation through assisted economic and democratic reform in post-Cold War Europe is highly significant for the path that future involvement in the former Yugoslavia would follow. The initial reaction is interesting because, although it is much criticised and dismissed as an outright failure, it does contain the seeds of an approach that would build on in later years.

5.2 The EU’s Initial Response

(i) 1990

At the beginning of 1990 Yugoslavia was still very much seen in the same light as the plethora of unstable states that emerged from the former Soviet block. The way to stability was perceived to be through political and economic reform in order to bring these countries into line with the western norms of democracy and market economics. The difference with Yugoslavia was of course that it was a complex multi-ethnic federation that struggled with considerable inter-ethnic and republican tensions since the death of Tito in the early 1980s. Following the Serbian moves to re-centralise Serbia by imposing direct control over its two autonomous provinces, by 1990 the already waning commitment of both Slovenia and Croatia to the federation quickly diminished. The autonomy the individual Yugoslav republics enjoyed since 1974 and the practice of economic self-management had enabled both republics to become less and less dependent on the centre. Both were relatively prosperous and self-sufficient in their own right. The process of secession from the federation began in 1989, when Slovenia asserted the supremacy of republican over federal legislation through several constitutional amendments. This culminated in the referendum held on the 23rd December 1990 which returned an overwhelming majority in favour of secession from the federation and independence failing the successful conclusion of an agreement on Yugoslavia’s future within six months. Despite suggestions for

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27 There were of course tensions prior to the death of Tito and before the creation of Yugoslavia after the second world war but Communist Yugoslavia did remain intact and relatively stable and functional, both economically and politically.

28 Under the 1974 federal constitution Yugoslavia was comprised of 8 federal units, the six republics of Croatia, Bosnia-Herzegovina, Montenegro, Slovenia, Macedonia and Serbia and the two autonomous provinces within Serbia (Kosova and Vojvodina) which enjoyed equal federal status. All units enjoyed considerable local autonomy.
possible restructuring of Yugoslavia little progress was made. On the 22nd December, Croatia’s new government (also elected in the Spring’s multi-party elections) also declared the supremacy of its legislation over the federal constitution.

Despite this extremely complex and precarious political situation the EC’s reaction was in line with the policies it adopted in dealing with other post-Communist states through central and eastern Europe. What was highly significant in this case was that there already existed a long-standing relationship between the EC and Yugoslavia to build upon. Yugoslavia was the first communist country in Europe to establish relations with the EEC in 1967. A trade agreement was negotiated and signed by 1970 and a formal Yugoslav diplomatic mission was established in Brussels in 1973. In 1989, the Yugoslav federation applied for formal association with the EC, despite the fact that the process of the federation’s dissolution had been underway since the Serbian reannexation of Kosova and Vojvodina began in 1987. At this point it was neither clear nor wholly inevitable that that would happen. Meetings between the Yugoslav federal foreign minister Budimer Loncar and the Commission (Matutes and Delors – separately) took place in April 1989, dealing mainly with the issue of economic reform (General Report 1989; Point 807). The following November at a meeting of the EEC-Yugoslavia Co-operation Council it was agreed that the EC was prepared to examine additional measures required to support reform and strengthen co-operation pending the conclusion of negotiations with the IMF on the improvement of Yugoslavia’s economic and financial situation. It was also agreed to anticipate the negotiation of a new (third) financial protocol, extend technical assistance to sectors of the Yugoslav economy and examine the possibility of involvement in existing EC programmes (General Report 1989; Point 808).

The federal Prime Minster, Ante Markovic introduced an ambitious programme of economic reform and free elections in early 1990 in support of his government’s expressed hope of closer association with the EC (Pinder, 1991:75). This was accompanied by a request for a review of EC-Yugoslav relations in light of

29By early October 1990 Slovenia and Croatia had jointly proposed the restructuring of Yugoslavia’s along more confederal lines, involving a loose alliance of sovereign states, with a single market and a common foreign and defence policy supplementary to republican policy. This model was rejected by Serbia as it would result in losing any control it had over regions across Yugoslavia that contained significant Serb minorities.
developments within the federation and in Europe more generally. Meetings with the Commission followed (Markovic to Brussels and Matutues to Belgrade) in April. The April Dublin Special European Council agreed that action within the framework of the G24 (PHARE) should be extended to Yugoslavia (amongst others) and that the EC would work for this at the upcoming G24 ministerial meeting in July. This was agreed and confirmed by the Council in September and negotiations proceeded with a view to concluding the third financial protocol.

Therefore, in the context of this pre-existing relationship it made sense that it would form the basis for continued relations after the end of the Cold War and that these relations would involve the Commission and would centre on the prospect of financial support to aid the reform of the Yugoslav economy and political system. There was as yet no sense of crisis regarding Yugoslavia. It was cast very much in the same terms as the range of recently post-Communist countries in Europe and the same guiding principles of supporting reform through the conditional provision of aid were applied. There was as yet little distinction between the Yugoslav case and that of the others. However, this very early approach displays what was within the EC’s capability and it was also not entirely inappropriate either. Closer association was the will of the federal leadership and efforts at reform were made. War at this stage was not inevitable, though it is extremely difficult to say whether or not the federation as a whole in the form in which it then existed could have survived given events that had already occurred. What was interesting was that this approach remained central to the EC’s response 1991, when the political situation began to deteriorate dramatically.

(ii) 1991

By early 1991 it had become apparent that the deteriorating situation required more urgent attention. Conducted very much in the context of support for the democratisation and economic reform of all of Europe’s former Communist states, the EC approach to Yugoslavia into 1991 was aimed to preserve the status quo and to

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30 PHARE (Poland Hungary Assistance for the Reconstruction of the Economy) was set up in 1989 to support the extensive reforms necessary in order to ensure the stable economic and political transition of post-communist countries. It included emergency aid as well as support for modernisation and restructuring and was the main channel for the EU’s financial and technical support to what ultimately was 14 CEECs.

31 The GDR, Czechoslovakia, Bulgaria and Romania
encourage stabilisation through reform. As early as February representations were made to both the federal and republican authorities urging a democratic and peaceful settlement to growing tensions and confirming the EC’s commitment to the unity and integrity of the federation within a fully democratic framework. In addition to this support for the integrity of the federation, it was also emphasised in March that reform-based political dialogue would enable the full development of the co-operation which already existed between the EC and the federal authorities.

With the Second Financial protocol due to expire in June, the Third Financial Protocol was proposed on the 3\textsuperscript{rd} April. In May Commission President Jacques Delors and EC President Jacques Santer (Luxembourg) travelled to Belgrade to communicate the EC’s commitment to the preservation of the federation and to the territorial integrity and international borders of Yugoslavia. In return, Delors promised to request additional aid from the EC in support of the federal reform effort and a peaceful dialogue on a constitutional solution to the disagreements among the republics (Woodward 1995; 220). The same month a referendum was held in Croatia that returned an overwhelming majority in favour of independence. The JNA began to disarm the local Territorial Defence forces in Slovenia and Croatia and resistance to the Croatian government was already beginning to solidify in the Serb majority territory known as the Krajina.

The EC –through a combination of both EPC and EC procedures and competences, continued to respond to events as they began to escalate in the same vein as before –increasing the emphasis on the need for dialogue to resolve tensions to its conditions for the provision of EC financial aid. The context of the pre-existing relationship the leadership role adopted by the EC in relation to the efforts to stabilise the rest of Central and Eastern Europe (CEE) , led the EC into adopting a leadership role in relation to Yugoslavia in the months that now followed, even as events overtook the relevance of the EC’s role in this regard. Influenced also by the coterminous negotiations on the formulation of a CFSP in the IGC on Political Union, there was an over-inflated expectation in all quarters (Nuttall 2000) as to what it was

\begin{footnotesize}
\footnote{28\textsuperscript{th} April 90/185 Conclusions of the Special Meeting of the European Council in Dublin}
\footnote{13\textsuperscript{th} March 91/083 Answer to oral question in the EP – Question No H-255/91 by Mr Blot concerning threats to the Croatians and Slovenes from the Yugoslav army}
\end{footnotesize}
that the EC could actually do at this stage of European integration. No one was prepared for what was to come next in Yugoslavia and the EC was not alone in, for the most part, merely reacting to the tidal wave of events over the rest of the year.

In the absence of any agreement on the constitutional future of Yugoslavia, Croatia and Slovenia declared their independence on the 25th June. Once members of the provisional Slovenian militia started taking control of posts on Yugoslavia's western international border, the JNA rushed to intervene and quickly attacked. There was now a war to contend with and the speed with which it flared up illustrates the extent of tensions on the ground. The immediate response to the outbreak of hostilities was one of alarm. The Luxembourg European Council, meeting the weekend after war broke out, responded quickly to the changed circumstances in Yugoslavia. The Troika of foreign ministers\textsuperscript{35} was despatched to Belgrade to try to secure a cease-fire, armed with a threat to suspend all EC aid should the warring parties not agree. A cease-fire was agreed and the Troika returned to report to the Council before it broke up the next day. However, nothing had been done to resolve the issues underlying the conflict and the cease-fire did not hold. On 30th June the Troika returned with a proposal for the restructuring of the federation and agreed another cease-fire (which also did not hold). On the 3rd July a joint EC-EU declaration condemned the continuing use of force and calling for an immediate halt to the violence, a return to barracks of all military forces and an immediate cease-fire and stated that the US and the EC would work together through the CSCE and with others in the international community to seek to defuse the situation\textsuperscript{36}. That it was the EC that took the diplomatic initiative makes sense in light of the overall context and the nature of the pre-existing relationship. The response was immediate, though conducted in a highly reactive manner and with little sense of constructive purpose other than to urge a cease-fire. It quickly became apparent that simple demands of this kind were not enough, even when supported by more concrete proposals for a way forward when the Troika returned for the second time. Additional measures were required.

\textsuperscript{34} 26th March 91/093 Statement by an informal Ministerial Meeting concerning Yugoslavia
\textsuperscript{35} Comprised of the foreign ministers of the previous (Italian), current (Luxembourg) and incoming (Netherlands) Presidencies
\textsuperscript{36} 3rd July 91/202 Joint statement on the situation in Yugoslavia
The willingness to organise a group of international observers to monitor a cease-fire was announced. On the 5th of July it was announced that such a mission would be organised to help stabilise a cease-fire and to monitor the implementation of an agreement. It was also announced that an embargo on armaments and military equipment was to be imposed on the whole of Yugoslavia by the Community and an urgent appeal was made to other countries to follow this example. In addition to diplomatic condemnation and persuasion, more direct sanction came in the form of the withdrawal of the aid promised to the federation in support of the reform effort. The second and incoming third financial protocols were to be suspended with the hope expressed that a normalisation of the situation in Yugoslavia would permit their reintroduction as soon as possible so as to contribute to the indispensable economic recovery of the country. Though the scope of measures and the nature of the issues that needed addressing would widen in later years, the EC's activity centres on these key types of diplomatic intervention and negotiation, sanctions and civilian cease-fire monitoring.

At the invitation of the federal government, the EC Troika (with Portugal now replacing Italy) met with representatives of all concerned parties to the conflict on Tito's formal holiday island of Brioni on the 7th July. At Brioni it was agreed that a peaceful settlement had to based on the acknowledgement certain key principles which included

- that it was up to the peoples of Yugoslavia to decide their future
- that there was an urgent need for negotiation in order to reconcile the rights of self-determination and the need to preserve the integrity of the Yugoslav state in accordance with international law in a manner that avoids further conflict

37 5th July 91/203 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia
38 Negotiation and consensus between the parties was seen as the way to proceed peacefully given the inherent ambiguity of the situation according to international law i.e. the tension between the right of self-determination and the right to the preservation of the integrity of the state. Speaking in the EP, Hans van den Broek representing the Dutch Presidency acknowledged that 'both rights are legitimate and important for the future of Europe as well as individual states' and while 'international law does not always provide clear solutions to such complex problems as we now face within Yugoslavia's frontiers' the view adopted at EC-level at this stage was that unilateral imposition of one group's right to self-determination was not acceptable in the Yugoslav case as it could not lead to a lasting and
that the federal authorities needs to exercise its full capacity, notably with regard to the JNA

that all parties should refrain from any unilateral action, including secession or the use of violence.\(^39\)

The basis of the agreement was a cease-fire. This was to be monitored by an unarmed mission of observers under the auspices of the (then) CSCE but directed, funded and largely comprised of EC representatives. Its purpose was to help stabilise the cease-fire and to monitor the implementation of the remaining elements of the agreement.\(^40\)

They were to monitor and assess the various elements and procedures involved in the cease-fire and to report any incidents or infringements commitment by any side, be they republican, federal or otherwise.\(^41\) Eventually labelled the European Community Monitoring Mission (ECMM) it was comprised largely of civilian and military personnel from the member states and the Commission (Edwards 1991; 168). It was introduced in Slovenia on the 15\(^{th}\) July and was extended to Croatia the following September. Though relatively ineffective in preventing fighting, it did provide an invaluable source of information and its very presence did deter various smaller, more local incidents from escalating. It also represented a significant innovation for the EC and that even within the limits of capabilities, something approaching the appropriate and necessary could be organised.

Also at Brioni, Slovenia and Croatia agreed to postpone the implementation of their independence declarations for three months to allow negotiations on Yugoslavia’s future to be held. These negotiations were to take place no later than 1\(^{st}\) August and the EC agreed to assist and facilitate the negotiating process.\(^42\) The JNA was to return to barracks in Slovenia and Serbia was to allow the Croatian candidate for the rotating chairmanship of the collective Yugoslav Presidency (Stipe Mesic) to take his seat after blocking the appointment earlier in the year. As a result, Mesic was appointed. The JNA did return to barracks in Slovenia and the war there effectively ended.

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\(^39\) Author’s interpretation of 7\(^{th}\) July 91/204 Joint Declaration of the Brioni meeting on the Yugoslav crisis

\(^40\) 7\(^{th}\) July 91/204 Joint Declaration of the Brioni meeting on the Yugoslav crisis

\(^41\) 9\(^{th}\) July 91/207 Statement in the EP concerning the situation in Yugoslavia

\(^42\) 7\(^{th}\) July 91/204 Joint Declaration of the Brioni meeting on the Yugoslav crisis
However, Slovenia was to prove the easiest of Yugoslavia’s problems to solve. Its ethnic homogeneity, relative prosperity and its non-strategic place in the Serbian authorities Greater Serbian agenda meant that it was easier for it to be abandoned and be allowed to separate from Yugoslavia. By July 1991, the Serbian government was keen to divert attention and resources to far more contentious territories in Croatia. They were therefore almost willing to use the Brioni Agreement as an excuse to abandon attempts to recapture Slovenia. The EC’s policy towards Yugoslavia had itself changed implicitly in the Brioni Agreement also. Preservation of the federation was not stressed as strongly as it had been before and it could be interpreted that some form of political entity agreed by all parties would suffice. The three month moratorium on Croatian and Slovenian independence implied that in the absence of an agreement that they could proceed, causing the break-up of the federation. Showing some flexibility in the approach drew the EC further into the mire of leading and overseeing the fractious negotiations on how exactly Yugoslavia would be dissolved, but without the ability to prevent the escalation of all-out war other than the threat and imposition of sanctions. In the highly-charged and tense situation within Yugoslavia this was not the way to persuade bellicose militias within the republics to desist.

A low-intensity war continued in Croatia throughout the Summer, concentrated in eastern Slavonia around Vukovar, and in the Krajina region along Croatia’s border with Bosnia. Despite threats that without full compliance with the Brioni Agreement the EC would not continue its efforts and assistance in dealing with the crisis\textsuperscript{43}, the 1\textsuperscript{st} August deadline for the commencement of talks came and went with little having been accomplished. On the 6\textsuperscript{th} August the EC foreign ministers expressed readiness to convene a peace conference should the federal authorities be unable (or unwilling) to do so. The basis of the negotiations carried out in such a conference would be based on two key principles:

- that any change of internal and international borders by force is not acceptable

\textsuperscript{43} Such as in 10\textsuperscript{th} July 91/209 Statement by the 82\textsuperscript{nd} EPC Ministerial Meeting concerning Yugoslavia which stated ‘Full compliance is essential for the European Community and its Member States to continue their current efforts of assistance in overcoming the Yugoslav crisis’
any solution should guarantee the rights of minorities in all the republics. In addition, the Commission was invited to examine whether it would be feasible to apply economic sanctions selectively and consequently allow the EC to punish those who violated cease-fires and did not abide by the above principles, while at the same time moving to actively improve economic and financial relations with those who did. In short, use of economic sanctions and incentives to differentiate between the conflicting parties and create more of an incentive to co-operate with diplomatic efforts. On August 27th JNA activity in Croatia in support of the Serbs was condemned and it was stated that the EC or its member states would never accept a fait accompli and that a forcible change of borders would not be recognised. A cease-fire was also called for. It was to be agreed by 1st September and would be monitored by ECMM. It was hoped that this would allow the EC to convene a peace conference and establish an arbitration procedure to work out some kind of a solution for the region’s future. In the absence of a cease-fire by 1st September the EC would consider additional measures including ‘international action’, though what exactly was meant by this rather vague statement was not elaborated upon.

However, that did not prove necessary as by the 2nd September the required cease-fire had been agreed and the next day it was announced that an EC sponsored peace conference would be convened, supplemented by an arbitration procedure. It was to be located in The Hague under the auspices of the Dutch Presidency and under the Chairmanship of Lord Peter Carrington, former British Foreign Secretary and NATO Secretary General and the vice-chairmanship of a Dutch and Spanish representative. Alongside the main negotiations, three working groups dealt with human and minority rights issues, the details of Yugoslavia’s institutional and constitutional future and economic co-operation. Negotiations were conducted on the basis of three basic principles

1. That there would be no unilateral or forcible changes of border
2. That the rights of all ethnic groups and minorities be respected
3. That full respect be accorded to all legitimate interests and aspirations

At the same time as announcing the convening of the conference the EC foreign ministers also reiterated their hope that the suspended financial protocols could be put

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44 6th August 91/243 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia
into effect as soon as possible, as soon as a normalisation of the situation would permit it\textsuperscript{46}. The maintenance of Yugoslavia in its present form was no longer stressed. It was now acknowledged that ‘New political arrangements will have to replace the present constitutional structure of Yugoslavia. To determine these arrangements peacefully and by common consent, taking into account the interests of all inhabitants of Yugoslavia, is the purpose of this conference\textsuperscript{47}. Later, it was also reiterated that any outcome that was the result of negotiations conducted in good faith would be accepted\textsuperscript{48}. This was a mammoth task to take on. In short, the EC-sponsored conference was to oversee the negotiations that would define the future political form of Yugoslavia, supported only by a small group of ceasefire monitors and the recourse to utilisation of economic ‘carrots and sticks’ to encourage cooperation and compliance.

The conference opened on the 7\textsuperscript{th} September, amidst some of the worst fighting to occur in Croatia. The brutality surrounding the fall of Vukovar and the entry of ‘ethnic cleansing’ into the conflict, and the destruction of the historic city of Dubrovnik are only two examples of the kinds of events that provided the back-drop to negotiations. Cease-fires came and went with a total of fourteen having been negotiated and broken by the conference’s conclusion (Edwards 1992) One of the reasons why cease-fires did not hold was that the negotiating parties did not have total control of the militias on the ground. It is worth noting that while a war proceeded between the Croatians and the Croatian Serbs (though actively supported by Serbia and the JNA), the EC was negotiating with the federal and republican representatives. Despite the emphasis in statements of principle underlying negotiation of the rights of ethnic minorities, not enough attention was paid to the problem of Yugoslavia’s nationalities scattered beyond the borders of their ethnic ‘homelands’, which was the very problem that made the Yugoslav crisis so intractable. In this atmosphere it was difficult for ECMM to perform its task and by mid-September the WEU’s response to the request that it explore ways in which ECMM activities could be supported (i.e. in

\textsuperscript{45} 27\textsuperscript{th} August 91/252 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia
\textsuperscript{46} 3\textsuperscript{rd} September 91/254 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia
\textsuperscript{47} Hans Van den Broek speaking at the opening of the Conference on Yugoslavia at The Hague 7\textsuperscript{th} September 91/258 Statement at the Conference on Yugoslavia
\textsuperscript{48} 19\textsuperscript{th} September 91/282 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia

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a peace-keeping/reinforced cease-fire monitoring role) was welcomed if not ultimately acted upon⁴⁹.

On the 3rd of October Serbia and Montenegro announced their intention to assume control of the collective Yugoslav presidency and certain tasks within the competence of the federal parliament. This and great concern for the increasingly indiscriminate use of force by the JNA and others in Croatia, injected new momentum into EC efforts to find a way to resolve the crisis peacefully. A more forceful approach was required, with a clearer sense of what the warring parties had to gain or lose by their decision whether or not to co-operate with The Hague conference. On the 6th October, the Council confirmed that those republics seeking independence would gain it, but within the context of an overall and negotiated settlement and subject to certain criteria. A deadline was set for midnight the next day for the implementation of a truce agreed at The Hague. Failing that, restrictive measures would be introduced against those who did not co-operate. The EC-Yugoslavia Cooperation and Trade Agreement would be terminated and would be renewed only with those making a constructive contribution to the peace process. A truce was agreed this time and the penalties averted. On 25th September UN Security Council Resolution (UNSCR) 713 imposed an arms embargo on the whole of Yugoslavia and invited the Secretary General to offer his assistance to the peace effort. Now, just over a week later the Council invited the UN to step up its engagement with the crisis and asked that the Secretary General consider sending a special envoy to Yugoslavia without delay⁵⁰. The pace and scope of events had overtaken the ability of the EC to deal with on its own - even in terms of intense diplomacy. The potential independence of the former Yugoslav republics was now clearly on the agenda, an acknowledgement of a status quo where two republics had only suspended their own independence declarations, and not one where there was a viable entity that could be preserved in any form much resembling the present one.

⁴⁹ See 19th September 91/282 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia. The WEU replied with four options ranging from basic logistical support to ECMM to a full-scale peacekeeping operation. No agreement to adopt any option was achieved. The WEU was put at Carrington’s disposal, who was to consult the Council Presidency in the event of his securing a durable cease-fire (Nuttall 2000). As we later see, the UN Secretary General’s envoy Cyrus Vance succeeded in negotiating the most secure cease-fire to date, as he arrived pre-armed with the likely prospect of the deployment of a large UN peacekeeping force in its aftermath.

⁵⁰ 6th October 91/296 Statement by an informal meeting of Ministers of foreign Affairs concerning Yugoslavia
Table 3: EC Assistance to Croatia 1991-1997 (EUR millions)

<table>
<thead>
<tr>
<th>Year</th>
<th>PHARE/OBNOVA</th>
<th>ECHO</th>
<th>Media</th>
<th>Democracy and Human Rights</th>
<th>Total EC Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>0.10</td>
<td>38.40</td>
<td>0.09</td>
<td></td>
<td>204.99</td>
</tr>
<tr>
<td>1993</td>
<td>0.30</td>
<td>21.15</td>
<td>0.31</td>
<td></td>
<td>39.01</td>
</tr>
<tr>
<td>1994</td>
<td>11.70</td>
<td>14.50</td>
<td>0.72</td>
<td></td>
<td>34.27</td>
</tr>
<tr>
<td>1995</td>
<td>10.30</td>
<td></td>
<td></td>
<td></td>
<td>28.67</td>
</tr>
</tbody>
</table>

Source European Commission DG External Relations

On the issue of recognising the independence of the Yugoslav republics, it must be noted that in the course of the Hague conference this was seen as a possibility only within the framework of an overall settlement for the whole of Yugoslavia and arrived at by negotiation and consensus. This was the basis of the plan for Yugoslavia’s political future presented by Lord Carrington on the 18th October. The plan allowed for a loose association of sovereign states, with a common economic policy, common institutions and decision-making bodies and a level of foreign policy co-operation. The republics would be sovereign and independent with a personality in international law for those who want this. This independence had to recognised within a general arrangement and within existing frontiers unless a different arrangement concerning frontiers is decided by peaceful means. The plan was accepted by each of the Yugoslav republics except Serbia. On the 28th of October it was made clear that should Serbia persist in refusing to support the plan the Hague conference would continue with the remaining five republics and would actively consider any desire for

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51 See European Commission, DG External Relation at http://www.europe.eu.int/comm/external_relations/see/croatia/index.htm
52 23rd October 91/320 Statement in the European Parliament concerning the situation in Yugoslavia. On this occasion the Dutch EPC President in Office, Dankert, went on to state ‘What the Community wants is a settlement of the Yugoslav question that entails the establishment of sovereign and independent republics with a personality in international law. There is no doubt that these republics will then be recognised. We have said that we would like to see this happening in the context of a free association of these republics.
independence as the end result of a process of negotiation. In addition, restrictive measures would be taken against non-co-operative parties (by implication Serbia in this instance)\textsuperscript{53}. These restrictive measures came on the 8\textsuperscript{th} of November in the form of economic sanctions and an invitation to the UN Security Council to consider the imposition of an oil embargo on Yugoslavia. These sanctions entailed

1. Immediate suspension of the application of the trade and co-operation agreement with Yugoslavia and a decision to then terminate it;
2. Restoration of quantitative limits for textiles;
3. Removal of Yugoslavia from the list of beneficiaries of the General System of Preferences;
4. Formal suspension of benefits under the PHARE programme and Yugoslavia was not to be invited to take part in the next G24 ministerial meeting on 11\textsuperscript{th} November;

Positive compensatory measures would then subsequently be applied for parties who do co-operate\textsuperscript{54}. It was decided to extend these benefits to Slovenia, Croatia, Bosnia-Herzegovina and Macedonia on the 2\textsuperscript{nd} December. In short, the basis for contractual links between the FRY and the EC were revoked and only re-established with those individual republics deemed sufficiently cooperative. This re-positioned the EC as benefactor and anchor to individual and, as yet, undefined parts rather than the whole.

However, despite the peace plan and the introduction of sanctions, the EC’s solitary efforts to deal with the crisis were coming to an end. By November the UN’s new Special Representative, Cyrus Vance, was conducting negotiations of his own in an attempt to secure first a cease-fire that would create better conditions for the negotiation of a durable settlement. Both the Croatian and ‘Yugoslav’ (Serbian and Montenegrin) presidencies expressed a willingness for a UN peace-keeping force to be deployed in Croatia and on that basis Vance succeeded in securing a cease-fire by January 1992, to be backed up by the deployment of 10,000 UN peace-keepers (UNPROFOR) on the ground in Croatia, substantially more than the couple of hundred unarmed monitors the EC could offer in its own right. Not that ECMM was to be entirely displaced by the deployment of UNPROFOR. Rather ECMM was seen

\textsuperscript{53} 28\textsuperscript{th} October 91/328 (Press) Statement concerning the situation in Yugoslavia
\textsuperscript{54} 8\textsuperscript{th} November 91/349 Declaration by an extraordinary EPC Ministerial Meeting on Yugoslavia
as still having value in playing a complementary role\textsuperscript{55} and in fact from this point onwards the EU’s role in Yugoslavia was at best complementary to the activities of other international actors rather than leadership.

The lead-up to the recognition of Croatia and Slovenia is the subject of some controversy\textsuperscript{56}. Eventual recognition was implicit in all the EC’s dealings with the former Yugoslavia since the Brioni Agreement, but it was not guaranteed and it remained conditional on a commitment to the peace-process. In this way, some diplomatic leverage was maintained. On the 16\textsuperscript{th} December the EC agreed to recognise the independence of those republics satisfying certain criteria. The adjudication was to be carried out by the Badinter Commission established to provide legal advice to the Hague Conference. The republics had to apply for recognition by the 23\textsuperscript{rd} of December and the conditions of recognition were to include:

- guarantees for the rights of ethnic and national groups and minorities;
- respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;
- the continuation of efforts to secure a durable overall settlement;
- the republic had no territorial claims against a neighbouring EC state and it would not use a name that implied such claims;\textsuperscript{57}

When the Badinter Commission returned its verdict, Slovenia was deemed to have satisfied all conditions but Croatia was judged not to have made sufficient guarantees for the protection of its significant majority population in its constitution. However,

\textsuperscript{55} 20\textsuperscript{th} November 91/373 Statement in the European Parliament concerning Yugoslavia

\textsuperscript{56} For various reasons Germany had been calling for the recognition of both republics since midsummer and by Autumn pressure was beginning to mount. By the end of November, the German Chancellor, Helmut Kohl, had promised both the Bundestag and President Tudjman of Croatia that he would grant recognition by Christmas. The ensuing chaos was not as a result of a rush of concerns for the Yugoslav peace process but rather for the upcoming Maastricht European Council and the maintenance of consensus among the member states at all costs. The implications of Germany breaking ranks and recognising Croatia unilaterally was not something the other member states wanted to confront coming up to such an important European Council meeting. There have been many allegations made of deals having been done to bring Germany into line, but as Simon Nutall argues, it is most likely that the only deal done was to keep the recognition issue off the Maastricht agenda in exchange for conditional recognition. After the EC had announced its intention to recognise those republics which the Badinter Commission judged to have qualified, Germany proceeded to recognise Croatia’s independence on 23\textsuperscript{rd} December but delayed establishing diplomatic relations until the 15\textsuperscript{th} January, the date the EU had said it would recognise successful applicants. See (Nuttall 2000) or (Crawford 1992)

\textsuperscript{57} 16\textsuperscript{th} December 91/465 Statement by an extraordinary EPC Ministerial meeting concerning Yugoslavia and also (Weller 1992; 587-589)
following Germany’s decision to proceed with unilateral recognition, both Croatia and Slovenia were recognised by the EC on the 15th January.

This marked the end of the first phase of the EC’s involvement in Yugoslavia, and also the first phase of the international reaction in general. From here on the EC/EU was to be one of several players on an international level, and in most respects not the dominant or significant one. However, even at this early stage the EC had begun to position itself as a potential anchor and support for democratic and economic reform, the end result of which would be enhanced cooperation and relations with the EC itself. This was the basis of diplomatic efforts and negotiations – and also the significant portion of the sanctions imposed. However, this all occurred in an almost entirely ad hoc and reactive way, building on the approach being employed towards post- Communist countries throughout Europe in this period. It represents what the EC was capable of but the absence of the ‘god in the car’ (Nuttall 1994; 13) giving any sense of guiding strategy or approach locked the EC into an approach of a particular character which prevailed in the coming years despite changes.

5.3 Characterising the Initial Reaction

(iii) The ‘hour of Europe’ and a particularly ‘European’ response

As argued throughout, the EC’s initial approach and reaction to the increasing instability in the former Yugoslavia was remarkably similar and arose out of the approach being adopted towards the range of Central and Eastern Europe’s recently post-communist states. In the case of Yugoslavia it built on an already well-established relationship and aimed to support economic and political reform through the provision of financial assistance and closer cooperation and association. Even as

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58 This refers to the Luxembourg Prime Minister’s Jacques Poos widely quoted statement in relation to the EC in the initial stages of the conflict: ‘This is the hour of Europe, not the hour of the Americans...If any problem can be solved by the Europeans, its the Yugoslav problem. This is a European country and it is not up to the Americans and not up to anybody else’ (cited in White 2001; 108). Reference to this statement is almost compulsory in that in light of what happened next it was shown to be ridiculous. However, as will be shown through this thesis there was something in the sentiment, if not the vastly over-inflated ambition. Not quite the hour of Europe or anything the EU at any stage of its development could deal with alone, this was a European problem to which a particular and significant EU contribution could be made.
inter-republic and ethnic tensions increased within Yugoslavia, the emphasis was on support for the preservation of the status quo and the maintenance of both Yugoslavia’s territorial integrity and its political structure. The instruments used to give effect to this policy were the promise of further financial and practical assistance for reform and the prospect of closer association in the future – and also the threat to and the actual withdrawal of these forms of assistance. In effect, therefore, while the high-level diplomacy of the Troika and the establishment of the Hague Conference under Lord Carrington were the more visible and high profile of political efforts to facilitate the peaceful settlement of the escalating crisis, the instruments drawn upon to actually attempt to persuade compliance were more novel and also EC specific. They also drew heavily on Community resources and instruments to give effect to EPC policy.

The centrality of sanctions to EC policy highlights the inevitable significance of the Commission’s role in implementing policy. The types of sanctions imposed are also in and of themselves significant. The EC took the lead in imposing an arms embargo on the whole of Yugoslavia. All other sanctions imposed involved the withdrawal of benefits extended to Yugoslavia related to the general process of reform and increased cooperation. The policy of differentiating between the republics is also interesting. Following November 1991’s comprehensive sanctions against the whole of Yugoslavia, the next month measures were introduced to compensate ‘cooperative’ republics for the same sanctions. The notion of selective sanctions were here a reflection of the particular circumstances of Yugoslavia but the multi-lateral and ‘collective’ character of their content as well as their imposition is significant. They represent not simply EU-level consensus to apply sanctions but also to draw on collective resources, instruments and pre-existing policies in determining what sanctions to apply. These are not the kind of sanctions any single or smaller sub-grouping of member states could apply unilaterally. They rely too heavily on the EC’s collective economic weight or ‘presence’ (Allen & Smith 1990) and also on a degree to the dynamic and pull of its integrative processes, both economic and political. This is not to imply that the sanctions were entirely effective but their form is significant in this context. The EC, dealing with a ‘European’ issue on its fabled ‘backyard’, adopted an approach that was a particularly ‘European’ one. This may only be
apparent in retrospect and in the content rather than the actual ultimate effect of policy.

Notable also is the emphasis throughout on the efforts to secure a negotiated settlement on the need for an agreement to be arrived at by consensus and for no change or action designed to bring about change to existing political structures or territorial boundaries should be effected without mutual consent. When it became clear that Yugoslavia was very unlikely to survive in its present form some effort was made to manage this through a shift in negotiating strategy towards the idea of heavily conditional independence for republics within a newly defined over-arching structure that maintained Yugoslavia's internal (unless agreed otherwise by mutual consent) and international borders. That no settlement or even durable cease-fire came out of the proceedings of the Hague Conference is reflective of very significant deficiencies in the approach taken, but equally of the complexity of the Yugoslav issue itself. It is also reflective of the fact that no single actor, be it state or non-state, was in a position to merely step in and deploy all the necessary means to defuse tension and resolve the conflict. Over-inflated expectations, created mainly from within the EU led to harsh criticism. What this period represents is a starting point — but not a clear-cut starting line. Already built into this initial approach are the pre-existing arrangements with Yugoslavia, the effect of the immediate post Cold-War context and the concern for the democratisation, stabilisation and economic reform of the former Communist block and the effect of the concurrent IGC's on EMU and Political Union that led to both over-statements of ambition and intention and less flexibility for the development of more comprehensive ad hoc approaches. The concern here is to characterise what the EC actually did and to trace the nature in any change in the nature of EC/EU policy from this point forwards.

(iv) Reactive/Strategic

See (Nuttall 2000). Nuttall argues that the member states would not agree to anything in practice that they would not agree to in principle in the coterminous IGC. However, the ongoing negotiations on the form the new CFSP would take and monetary Union led to increased bravado as to what could actually be achieved at Union level. As such, it was not even simply a straightforward case of a wide capabilities-expectations gap but a gap between over-inflated expectations based on capabilities not even yet agreed.
In terms of where the balance lies in this initial period between the reactive and the more strategic or purposive type of policy, it must be acknowledged that the approach was largely ad hoc and reactive, lacking a clear direction or coherent purpose. The initial framework out of which the EC responded and subsequently acted was, as noted above, the wider association and cooperation process with former-Communist Europe in general. The emphasis was on encouraging democratisation and market reform, using the prospect of building on the existing relationship and the developing closer ties to encourage the stabilisation of the political situation. This cannot be fully described as a strategy, more a guiding framework and while it was misapplied to a certain extent in this context it was not wholly inappropriate. No overarching, customised approach was devised to deal with this particular situation that might have been more appropriate. Other actions, more clearly within the remit of EPC (high-level diplomacy, the Troika’s efforts and the Hague Conference) were largely ad hoc and it is difficult to decide at times what was purely ad hoc and reactive and what was indicative of a healthy degree of flexibility and a willingness to deal with changing circumstances and issues as they arose. While sticking to its key negotiating principles, the basis of peace negotiations shifted from preservation of the federation to conditional and consensual dismemberment. In addition to the difficulty of distinguishing between the ad hoc and flexibility, is the difficulty of establishing the extent to which changes in approach were actually just the recognition of certain fait accompli in the making. The likely conclusion is that the policy pursued was a mixture of the ad hoc, natural readjustments, acceptance of likely fait accompli in the making that the EC did not have the capacity to prevent and some degree of deliberate effort to manage and direct the course of events. There were no clear guiding principles or no over-arching goals other than to contain the conflict and to facilitate negotiations towards a settlement.

(v) Goals/Capabilities linkage

The degree of clear linkage between goals and capabilities in this period was highly inadequate and is the main reason why the EC’s reaction and approach has been perceived as such a dismal failure. This was set up as an issue the EC could deal with – a European issue that ‘Europe’ was most suited to dealing with. That view was
not entirely mistaken. There was and is much in the fact that the EC/EU does have a distinct and appropriate part to play. The mistake was in the over-inflated nature of the goals and therefore expectations set and the inability of the EC to achieve them. As stated above, there were no clear goals set other than to stabilise the situation and to facilitate the negotiation of cease-fires and a settlement. However, the intention to lead and to go it alone could not be matched by a capacity to deal with every aspect of the situation. This particular issue required a more comprehensive approach than the EC was capable of at this point in time and this had a great deal to do with the complexity of the Yugoslav question itself. It was not a case of being the wrong actor to deal with situation. It was more a case of it being the wrong actor to attempt to deal with it alone. Constrained by the informal consultation procedures and declaratory diplomacy of EPC, the range of instruments used by the EC in this initial period represent the most that could be deployed. In addition to the usage of high-level diplomacy that involved the Presidency, the Troika and even the Commission, this period also saw the novel deployment of the civilian monitors of the ECMM, the arms embargo and economic sanctions and the enticement of the potential of closer cooperation and association in the future. By the autumn of 1991, the increased involvement of the UN was not only being encouraged but was being explicitly requested. By early 1992 Cyrus Vance had secured a cease-fire and the subsequent deployment of UNPROFOR in Croatia highlighted the fact that the EC’s lack of a military capacity did hinder its effectiveness in securing a durable cease-fire.

(vi) **Functions performed**

Considered in context, the roles or functions performed by the EC and its agents and representatives in this period can be characterised under the following main headings:

(a) **Mediator and facilitator of negotiations:**

In this first phase of the conflict, the European Community led and dominated the diplomatic effort. As has already been outlined, initial diplomatic intervention was staged by the Presidency and the Commission, followed then by the Troika and finally under the auspices of an EC-sponsored peace conference in the Hague. In this endeavour, the EC took on the mammoth task of overseeing discussions on the future form of Yugoslavia, first insisting on maintaining the status quo, then negotiating on
the basis of some kind of modified over-arching structure and finally setting in motion what was supposed to be the orderly and conditional dismemberment of the federation in the form of the recognition process. No other actor stepped forward to assume this role to this extent in this period. This effort is notable also in that represented some kind of attempt to address the fact that some order or framework was required in order to prevent chaos in the former Yugoslavia. It is unfortunate that subsequent moves such as the launching of the recognition process did seem to actually make things worse. The quick success of the UN envoy in securing both a cease-fire and a semblance of order with the back-up of UNPROFOR shows that this targeted and short-term focus back-up with more than sanctions and promises of aid and cooperation was also necessary. It was not a case of an either/or – both approaches were relevant. There was a need for more of a sense of how to deal with the situation in the medium to long-term and also to do what was necessary in order to actually help stop fighting immediately. As discussed above, there was little coherence or clear framework to the EC’s approach. In the immediate context ad hoc and over-ambitious attempts to facilitate the negotiation of a complex settlement were less relevant than the need to find a way to stop the fighting and escalation of conflict.

(b) Civilian cease-fire monitor:

ECMM is interesting in that represented a pre-CFSP deployment of a civilian EC force outside of the Community and a constant physical Community presence in the midst of the conflict area. ECMM conducted its activities under the auspices of the CSCE but was nonetheless ‘EC’ and did make a contribution in terms of diffusing some more minor small-scale incidents. ECMM was to remain a constant feature over the next ten years.

(c) Potential anchor for democratisation and reform:

This was at federal level prior to the outbreak of hostilities in June 1991, with promises of assistance and potential closer cooperation being offered as an incentive to both reform and to support the federal authorities in their efforts to maintain the integrity of the federation. This logic remained after June and was reiterated throughout negotiations, not least in The Hague conference. It formed the basis of the
EC’s approach of encouraging cooperation with efforts to establish peace by offering incentives and imposing sanctions – as elaborated below. This was not a function any other actor or state could perform alone.

\(d\) Imposition of sanctions/provision of incentives

During this period the EC was the vehicle for the system of multi-lateral economic incentives and sanctions that drew on the EC’s magnetism as a focus for the reform effort to encourage negotiation and more peaceful means for resolving the crisis. The sanctions in this period continued the logic of the provision of aid for reform and development under programmes such as PHARE, in that they were explicitly linked to the transition process. When aid was withdrawn, it was on the basis that it would only be restored to cooperative republics. This also implied the establishment of relations with individual republics in the aftermath of Yugoslavia. This gave the issue of sanctions/incentives an added element that could not be provided by any actor other than the EC at this time. That is not to over-estimate its impact. As argued above, it was more relevant to address the issue of the escalating conflict itself at this stage.

These are the functions that the EC was capable of performing and are not insignificant and do represent more than any one state could perform in isolation. However, in addition to these actual functions, in this period the EC was also temporarily assuming the role as the primary actor for dealing with European crises and both self-prescribed and also by other actors, such as the United States and the UN. The leadership role assumed was determined by the EC’s role in relation to post-communist CEE in general and the supposition that it was the actor most suitable to dealing with such a ‘European’ problem. It also arises from the transitional internal circumstances as the EC moved towards EU and EPC to CFSP. They reflect the extent of capabilities at the time in question and the fact that more is expected is reflective in part of the lack of a coherent and clearly defined purpose other than the overly ambitious goal of assuming the leadership position in dealing with the crisis. When considering the extent to which the functions of the EC/EU change over time the development in capabilities linked to a sense of purpose should imply some reorientation and change in the basic substance of the policy. Even with that taken
into consideration, it will also be interesting to note the extent to which later policy is very much built on the foundation of this initial reaction.

5.4 Conclusion – EFP on the Verge of CFSP

This phase of activity represents the starting point against which subsequent phases can be compared in order to draw some conclusions as to how the overall approach can be said to have changed or developed over time. During this short period the EC took on responsibility for a task that was not fully thought-out and for which it was not equipped to deal with alone. However, it still drew heavily on what were particularly EC instruments and drew on the EC’s own magnetism and presence in order to attempt to deal with the problem. This in and of itself is highly significant. Although pursued in an ad hoc manner, with insufficient linkage between goals and the capabilities to fulfil them – the actual functions performed by the EC were of such a nature that could not be performed to the same extent on another level. Hence, the policy performed is indicative of what the EC could do in relation to this particular issue at this particular point of time and the extent to which later years show how these functions are built on and added to is indicative of the particular sets of roles the EC/EU has to play in certain circumstances.
6. Bosnia-Herzegovina

6.1 Introduction

Between 1992 and 1996 the European Community underwent significant changes in terms of its competences as an actor in international affairs, not least in becoming the new European Union. The signing of the Treaty on European Union and the launch of the new Common Foreign and Security Policy suggested a new era of greater cooperation and ambitious and effective joint approaches and actions to international affairs. However, this was also the period when the Union was forced to climb down from the dizzy heights of over-inflated ambition in attempts to deal with the further deterioration of the situation in the former Yugoslavia. No attempt or claim was made concerning the Union’s ability to deal with the crisis in Bosnia-Herzegovina alone. What was pursued was still a relatively extensive policy, conducted in conjunction with and alongside other international actors. However, simply because it was not dominant does not mean that the Union did not play a significant role in this period.

There was no specific approach devised for the Bosnian conflict in particular. As the situation there began to markedly deteriorate in 1992, the EC’s activity was more or less a continuation of the approach towards the first phase of the conflict. Over the following years, the UN, NATO, the Contact Group and the United States all became involved in the muddled efforts to deal with this crisis. As the EC became EU in 1993, the focus of its activity did not expand from anything attempted previously but instead focused on acting as a mediator, providing aid for humanitarian purposes and supporting the actions and measures of other actors. This is despite the availability of new instruments and procedures designed to expand the scope of the EU’s presence in international affairs. If anything, what can be seen is the usage of the new instruments in similar kinds of activities. However, towards the latter stages of the conflict, more of a sense of a distinct EU approach can be discerned that built on what it had been capable of attempting and what it was most suited to achieving. This, for the most part, centred on a EU contribution to post-war reconstruction and stabilisation efforts.
6.2 The EC/EU in Bosnia 1992-1996

(i) 1992:

As 1992 began and the pace of what was to shortly become all-out war in Bosnia gained momentum, the EC was still preoccupied with ongoing concerns in and pertaining more specifically to its experience of trying to maintain order and secure peace in Croatia – namely its diplomatic endeavours bolstered by ECMM, continued support for the sanctions introduced the previous year and the promise of concrete reward (in the form of aid, increased co-operation and preferences) in exchange for a negotiated solution to the conflict. From the outset there was no specific or customised approach to the Bosnian conflict. In fact, the initial approach led directly from what had been set in motion in the efforts to resolve the issue of Yugoslavia’s future status and composition arising from the Slovenian and Croatian declarations of independence. Once this process had been concluded, the EC was no longer predominant in the international response and further action was taken either in conjunction with or in support of the initiative of other actors.

Following on from the greater success of the UN Secretary General’s envoy Cyrus Vance in securing a relatively solid cease-fire in Croatia, international and EC attention soon became increasingly diverted towards the more complex and intractable situation in Bosnia-Herzegovina. The early months of 1992 were dominated more generally by the efforts to implement and secure the cease-fire in Croatia with the ultimate deployment of the 10,000 strong UN Protection Force (UNPROFOR) as an interim arrangement to encourage the creation of a sufficiently stable condition so as to facilitate the negotiation of an overall settlement of the Yugoslav problem. The UN-brokered cease-fire was welcomed by the EC, as was the deployment of UNPROFOR which was assisted by close co-operation between the military liaison officers despatched in advance of the deployment and the ECMM

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60 As according to UN Security Council Resolution 740 (1992)
officials already on the ground. However, the overall settlement which the deployment of UNPROFOR anticipated and which Lord Carrington continued to pursue in the Hague Conference was to prove impossible for a further three years and even then managed to establish only an unsteady peace in the more westerly half of the former Yugoslavia. While the UN and the EC focused on the short-term stabilisation of the situation in Croatia, the implications for Bosnia of events in and concerning Croatia were many and significant.

Most significant in terms of the EC's action was the decision in December 1991 to recognise the independence of any former Yugoslav Republic satisfying the stipulated criteria. The prospect of the recognition of Slovenian and more importantly, Croatian independence confirmed that Yugoslavia as it had existed since the Second World War was very unlikely to survive and the issue of independent statehood for Bosnia was forced onto the agenda for the first time. In December 1991 the Bosnian government applied alongside Slovenia, Croatia, Macedonia and Kosovo for recognition without any clear sense of how Bosnia's ethnic diversity would be managed or placated. The problematic nature of this application was further reinforced by the declaration of the Bosnian Serb Republic of Bosnia-Herzegovina on the 9th of January 1992 encompassing the earlier declared Serb Autonomous Areas and with its capital and seat of government in Pale.

It was this uncertain and unpredictable atmosphere that surrounded the announcement on the 15th of January that the EC had decided that both Slovenia and Croatia had sufficiently satisfied the Arbitration panel conditions for recognition as independent states. In the case of Bosnia, there were important matters that still had to be addressed, namely the issue of demonstrating the desire for independence among the majority of those living within Bosnia regardless of ethnic origin. This was especially pertinent given the fact that it was clearly evident that the vast majority of

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61 Statements 10th January 92/007 Statement on Yugoslavia and 17th February 92/067 Statement on Yugoslavia
62 Kosovo was deemed not eligible to apply as it did not enjoy full republican status under the 1974 Yugoslav constitution. Kosovo and Vojvodina were classed as 'Autonomous Provinces' though functioned as de facto republics. Only former Republics were eligible to apply. Kosovo's status is further discussed in Chapter Seven.
63 15th January 92/009 Statement on the recognition of Slovenia and Croatia
Bosnian Serbs had no desire to be ‘stranded’ and/or cut-off from the Serbian mainland in an independent Bosnian state where they would be outnumbered by Bosnian Croats and Muslims. What, therefore, was required of the Bosnian authorities, was that a referendum be held to verify that the will of the majority was in fact independence, a referendum that the EC was keen to assist in the form of the despatch of representatives to monitor the poll, under the auspices of the CSCE. In the meantime attempts to reach some kind of negotiated settlement between the Bosnian Croat, Bosnian Serb and Bosnian Muslim leaderships were conducted in Lisbon in February led by EC Ambassador Jose Cuitleihro (representing the Portuguese Presidency). Agreement was reached on the recognition of the existing borders of the republic, along with some endorsement of the eventual formation of territorial units within Bosnia corresponding to ethnic/religious make-up of relevant areas (Silber & Little 199). However, the Bosnian President, Alija Izetbegovic, soon changed his mind and repudiated his surprising endorsement of ethnically based cantonisation.

The required referendum on independence was held in Bosnia on the weekend of the 29th February/1st March, with the resulting build up of ethnic tension spilling over into violence with an attack on a Serb wedding party and the entrenchment of ethnically-defined positions in the previously cosmopolitan Bosnian capital, Sarajevo. The referendum was boycotted by the Bosnian Serbs and was carried with the resounding support of the vast majority (Glenny 1999; 164) of Bosnian Croats and Muslims. Therefore this was technically a positive result, though was not reflective of the will of the majority in Bosnia. The EC responded to the violence in Sarajevo following the referendum with an expression of concern for the ongoing talks in the Hague conference on future constitutional arrangements for the region, as well as for the security and freedom of movement of international personnel on the ground.

This was followed on the 10th of March by a joint EC-US declaration on the recognition of the former Yugoslav republics, agreeing to co-ordinate their approaches to completing the recognition process based on the key principles of both the UN peace-keeping plan and the Hague Conference, namely: no change in the

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64 17th February 92/067 Statement on Yugoslavia
65 Leaders of the three main and ethnically defined parties; Bosnian Muslims - Alija Izetbegovic leader of the SDA or Party of Democratic Action; Bosnian Croats - Mate Boban leader of the Bosnian branch of the HDZ; Bosnian Serbs - Radovan Karadzic leader of the SDS or Serbian Democratic Party
66 2nd March 92/076 Statement on recent violence in Sarajevo
borders of the Yugoslav republics by force or in the absence of mutual consent; and strong protection for human rights and the rights of all national and ethnic groups in all republics. Positive consideration would be given to all requests pending the resolution of outstanding questions and full co-operation with the diplomatic process that could provide for a more peaceful development of the republic within its existing borders\textsuperscript{67}. However, without any appreciable understanding of how Bosnian independence could be managed given internal divisions and the lack of a comprehensive or overall settlement, it was announced on the 7\textsuperscript{th} April that the EC would recognise Bosnia as a sovereign and independent Republic. The US closely followed suit declaring its decision to also recognise Bosnia. The diplomatic initiative was still with the EC at this stage, as noted by the UN Security Council the same day when it urged all concerned to co-operate with EC efforts to bring about a cease-fire and a negotiated political solution\textsuperscript{68}.

Unlike Slovenia or even Croatia, what was being recognised in the case of Bosnia was by no means simply an unstable fledgling state but a region on the verge of chaos and the possibility of violence on a scale not seen on the European continent since the Second World War. The descent from instability to all-out war proceeded rapidly from early April when it became apparent that the EU, closely followed by the US, were intent on recognising an independent Bosnia in the mistaken belief that it would promote peace rather than remove its possibility. However, subsequent events and the EU’s reaction to them indicate that an increasing chaotic and violent situation quickly followed the decision. On the same day as the EU recognised Bosnia, the Bosnian Serb leader Radovan Karadzic proclaimed the independent ‘Serbian Republic of Bosnia and Herzegovina’ (Repulika Srpska), with its capital at Sarajevo also. On April 27\textsuperscript{th} the Yugoslav federation was reconstituted though now only was comprised of Serbia (including Kosova and Vojvodina) and Montenegro. This new Federal Republic of Yugoslavia (FRY) was not internationally recognised as the successor state to the former Yugoslavia. The activities of Serb irregulars and the JNA in north-eastern Bosnia and in the Drina Valley in eastern Bosnia marked the entry of systematic ethnic cleansing in Bosnia as the Bosnian Serbs and their allies moved to quickly ‘cleanse’ their desired territory of Croats, and more often Muslims. In May all

\textsuperscript{67} 10\textsuperscript{th} March 92/080 US/EC Declaration on recognition of the Yugoslav Republics

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pretence of JNA neutrality had been abandoned with the capture of Izetbegovic at Sarajevo airport.

Within days of the April 7th declaration on the recognition of Bosnia deep concern was being expressed at the deterioration of the situation. Statements were issued imploring the parties to desist and to make use of the peaceful diplomatic channels made available to them in the Hague Conference. It was reiterated that the territorial integrity of Bosnia was considered paramount (as was that of Yugoslavia a year earlier) and that no de facto situation created by violence would be recognised. Both the Serbian and Croatian governments were urged to use their undoubted influence over the combatants to demand restraint and a vehement protest was expressed to Belgrade over the activities of the JNA in Bosnia. A certain shift occurred then in the second week of May when the EU began to directly attribute the greatest share of the blame for the consistent deterioration of the situation to the JNA. The complete withdrawal of the JNA from Bosnia was demanded along with the reopening of Sarajevo airport and Belgrade was requested to respect the integrity of all borders of all republics and the rights of all minorities and national or ethnic groups.

At this stage, with the consistent deterioration of the situation it was becoming very clear that the methods of conflict 'management' devised for Croatia could not be simply extended to deal with Bosnia. Despite the efforts of Lord Carrington and Jose Cutileio to negotiate a cease-fire and constitutional arrangement that would actually hold, statements of principle, condemnation and even censure were as frequent as every escalation of violence with no apparent change in either. Having set the recognition process in motion, it was difficult to then restrain despite the unforeseen consequences. Diplomatic recognition supported by the facilitation of negotiations failed to hold back the onset of conflict, just as it had failed to end it in Croatia.

The only means by which the EC could encourage cooperation with more diplomatic processes was through the support for the introduction and implementation

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68 UN Security Council Resolution 749 (1992)
of sanctions. However, the types of sanctions imposed in 1991 were not entirely appropriate in this instance. One aspect of the EC/EU’s own particular approach within the overall sanctions regime was the beginning of a process of isolating the FRY (Serbia and Montenegro) internationally. In support of this the Member States began to recall their Ambassadors from Belgrade, the suspension of the Yugoslav delegation at the CSCE was demanded and it was announced that the increasing isolation of the Yugoslav delegation in other international fora would be pursued. Economic sanctions were also threatened, but the harsh economic and political sanctions eventually imposed did not come directly from the EC/EU this time, but in the framework UNSCR 757 on the 30th of May that imposed comprehensive sanctions on the FRY. The sanctions included:

- Ban on all trade with the FRY with the sole exception of goods destined for humanitarian purposes;
- Ban on the transfer of funds or any other financial or economic resources to any persons or bodies in the FRY except payments exclusively for humanitarian purposes;
- Comprehensive flight ban;
- Reduction in the level of staff at diplomatic missions and consular posts of the FRY;
- Prevention of FRY representatives in sporting events;
- Suspension of scientific and technical co-operation and cultural exchanges and visits involving the FRY.

The Council was consistently supportive of UN measures and declared itself ready to assist in any manner it could. In this instance broader based and harsher economic sanctions were required than those of the type imposed by the EC in 1991 and therefore were best imposed in the context of a UNSCR. Where the EU-level did have a part to play was in assisting the implementation of the sanctions, both within

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69 11th April 92/1551 Statement on Bosnia, 16th April 92/161 Statement on the activities of irregular forces and the JNA in Bosnia 4th May 92/193 Statement on the death of Belgian ECMMM monitor, 5th May 92/165 Statement on events in Sarajevo
70 11th May 92/167 Statement on Bosnia
71 Source UN Security Council Resolution 757 (1992)
72 15th June 92/226 Statement on the situation in Yugoslavia
and beyond the EU itself. The June Lisbon Council Conclusions\textsuperscript{73} welcomed discussions within the WEU on the possible means of support that could be undertaken within the framework of the UN Security Council's many resolutions and later. To this end, decisions by the WEU and NATO to monitor the implementation of UN sanctions at sea were welcomed\textsuperscript{74}. Later in the summer, as the diplomatic efforts to deal with the conflict were stepped up, as discussed below, new EC regulations were introduced to tighten the arrangements for transit traffic as outlined in UNSCR 757 and introducing a dual licensing regime. An active role was also played in sanction monitoring missions in neighbouring countries. A joint EC/CSCE mission visited Romania, Hungary, Slovenia and Croatia to identify the scope of the leakage problems and options for tightening controls.

Throughout the summer of 1992 the conflict raged unabated. The refugee numbers soared. The existence of several 'detention' camps was revealed in July and by the end of the summer the Bosnian Serbs were in control of most of their desired territory, with the notable exception of the Srebrenica, Zepa, Gorazde and Sarajevo areas. Izetbegovic was calling for the arms embargo to be lifted and for NATO air strikes in support of the Bosnian Muslims in order to prevent them being completely overrun. The humanitarian situation was grave with the hundreds of thousands displaced or under siege throughout Bosnia. In the absence of any international support for direct armed intervention on the ground, the emphasis remained on finding a political solution to the crisis while continuing efforts to allocate and deliver aid to those who desperately needed it. For the time being, the EC remained central to these efforts. Further financial assistance would be provided for urgently required humanitarian aid, with the Commission being charged with co-ordinating the EC's aid effort with the G24 countries. An additional ECU 120 million in aid was made available in addition to bilateral member state aid\textsuperscript{75} in July.

Into the summer of 1992 new momentum was injected into the political process; however any lasting agreement remained elusive. By mid-July agreement had

\textsuperscript{73} 26\textsuperscript{th} 27\textsuperscript{th} June 92/254 Conclusions of the Lisbon European Council/ Declaration on the former Yugoslavia
\textsuperscript{74} ibid.
\textsuperscript{75}
been reached in London on certain measures, including the withdrawal of heavy weaponry (to be supervised by UNPROFOR). Having stressed the complementarity of the activities of the EC and its appointed representatives and the representatives of other international bodies such as the UN (including co-operation between ECMM and UNPROFOR and the UNHCR as well as close diplomatic contact) and the CSCE and the ICRC, the EC now announced that it would actively favour close consultation between the EC conference, the CSCE and the UN with a view to broadening and intensifying present efforts to negotiate a settlement. In short, no attempt was to be made to either go it alone or to adopt a sole leadership position in attempting to address the Bosnian conflict. The EU’s subsequent activity in Bosnia mainly concentrated on the diplomatic and humanitarian fronts.

The culmination of this renewed momentum was the London Conference of 26th/27th August, co-hosted by the UK EC Presidency and the UN Secretary General. Attended by representatives of all the parties to the conflict as well as a broad range of representatives from the international bodies and third countries, the aim of the meeting was threefold

1. To ensure humanitarian help.
2. To restore respect for human rights.
3. To set in hand a process that will lead to a just, lasting and enduring peace.

On humanitarian aid, the EC confirmed its full support to the IRC and the UNHCR who were co-ordinating the aid effort. As the co-ordinator of the EC’s aid effort, the Commission was to liase with the UNHCR. In addition to the ECU 120 million granted in July, a further 120 million for the October-December period was to be agreed. Full support was also accorded to the expansion of UNPROFOR’s mandate to include escorting relief convoys and also the creation of a no-fly zone. On human rights, the EC demanded that all detention camps be shut and that humanitarian agencies be given immediate and unimpeded access to them. Full support would also

75 20th July 92/294 Statement on Yugoslavia
76 ibid.
be given to moves to create an international criminal court for the prosecution of war crimes committed in the former Yugoslavia.\textsuperscript{77}

As regards the peace process, most notable was the launching of a new joint EC-UN peace conference to be based in Geneva under the chairmanship of Cyrus Vance (representing the UN) and David Owen (representation the EC, replacing Lord Carrington). Just as at the Hague Conference, any negotiated settlement was to be based on certain key principles, namely non-acceptance of the forcible changing of borders (including internal partition) and the protection of minority rights within fixed internationally recognised borders.\textsuperscript{78} The immediate focus of the conference (International Conference on the former Yugoslavia or ICFY) was to be Bosnia with the emphasis on establishing the basis for a sustainable cease-fire and restarting negotiations. The basis of subsequent EU-UN negotiations was also established and would be reiterated through the difficult years ahead. These included the need for a cessation of hostilities, the principle of a negotiated solution freely arrived at, the unacceptability of the acquisition of territory by force or 'ethnic cleansing' and the right of refugees and others who have suffered losses to compensation.\textsuperscript{79} The London conference also confirmed the fact that sanctions and the international isolation of the FRY was the primary means by which to bring pressure to bear on uncooperative parties. In addition to stressing that existing penalties would be continued or even intensified, further measures were taken to ensure the effective implementation of existing sanctions, as already mentioned above.

Following the London Conference and as the ICFY swung into action, little had changed on the ground in Bosnia. Winter was looming and along with it the possibility of a major humanitarian catastrophe. Meeting in October the European Council underlined the importance of providing winter shelters and zones of safety for refugees and of ensuring the safe delivery of relief supplies by taking steps to speed up EC assistance.\textsuperscript{80} In addition an EC Task Force was despatched under the auspices of the new European Community Humanitarian Office (ECHO) to provide back-up to

\textsuperscript{77} The EU expressed support for an international criminal court throughout.
\textsuperscript{78} 16th September 92/319 Statement in the European Parliament
\textsuperscript{79} UN Security Council Resolution 859 (1993)
\textsuperscript{80} 16th October 92/354 Conclusions of the European Council / Statement by the European Council on the former Yugoslavia
relief workers on the ground, notably the UNHCR\textsuperscript{81}. Support for UNSCR 787 which provided for the necessary measures including military to be taken to ensure the safe delivery of humanitarian assistance.

### Table 4: EC Assistance to Bosnia-Herzegovina 1991-1997 (EUR millions)

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<tr>
<td>PHARE/OBNOVA</td>
<td>0.21</td>
<td>0.65</td>
<td>229.77</td>
<td>211.16</td>
</tr>
<tr>
<td>ECHO</td>
<td>495.26</td>
<td>145.03</td>
<td>142.45</td>
<td>105.00</td>
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<tr>
<td>Specific Actions</td>
<td>70.00</td>
<td>65.40</td>
<td>39.90</td>
<td></td>
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<tr>
<td>Democracy and Human Rights</td>
<td>0.70</td>
<td>4.80</td>
<td>4.80</td>
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<tr>
<td><strong>Total EC Assistance</strong></td>
<td><strong>495.47</strong></td>
<td><strong>216.38</strong></td>
<td><strong>442.42</strong></td>
<td><strong>360.86</strong></td>
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Source European Commission DG External Relations\textsuperscript{82}

Despite efforts in London and at the ICFY, no real will for peace had been demonstrated. Primary responsibility for the conflict and its brutality was deemed to lie with the Serbian leadership and the Bosnian Serbs, with their principal victims being the Bosnian Muslims. The Croatian authorities were also accused of carrying a share of the responsibility for attacks on Muslims. It was stressed that if there was a radical change of policy and genuine co-operation in the peace process, Serbia would be gradually readmitted to the international community. It was also stated that while the EC will continue to give priority to political means in order to resolve the crisis, the gravity of the situation now meant that it had no choice but to promote and participate in further initiatives which the international community might be obliged to undertake\textsuperscript{83}.

Overall, therefore, as Bosnia descended into all-out war in 1992 the EC slipped into a secondary role as regards the leadership of the international response. After the recognition process wound-down the EC’s activities focused on mediation and negotiations in partnership with the United Nations, the provision of humanitarian

\textsuperscript{81} General Report of the European Communities 1992 Point 737

\textsuperscript{82} See \texttt{http://www.europa.eu.int/comm/external_relations/see/bosnie_herze/index.htm}

\textsuperscript{83} 11/12\textsuperscript{th} December 92/450 Conclusions of the Edinburgh European Council/ Declaration on the former Yugoslavia
aid and support for sanctions and their implementation. As the CFSP was on the verge of coming ‘online’ in January 1993, it was already apparent that circumstances rendered the EC incapable of dealing with this situation alone. Co-operation with the UN in the attempts to secure a political settlement gave greater weight to the effort, backed up by the UN’s recourse to at least deploy a minimal military peacekeeping force on the ground in Bosnia. This was itself not enough to stop the conflict. In addition, the EC’s aid effort, led by the Commission was conducted in liaison with other international aid agencies, the most significant being the UNHCR. However, the problems with the delivery and allocation of aid in a conflict situation such as this were shared by all the agencies involved. The majority of the comprehensive sanctions imposed came from the UNSC, not the EC – though they were supported both at Community and member state level. In short, by the end of 1992, the EC did not even have the same basis for even a rhetorical positioning of itself as a distinct or highly significant player. What provided this in relation to Yugoslavia as a whole or Slovenia and Croatia, was not immediately relevant in the case of the Bosnian conflict. It was neither relevant nor appropriate to discuss association or reform issues when the basic structures of government and society were quickly disappearing. A more immediate and directly focused response was required, and not having any experience of such an approach to build on, this was not possible at this point in time. Other actors who were better positioned to perform the necessary tasks would assume responsibility for them while the EC/EU was confined to the activities it could and was required to perform.

(ii) 1993

As 1993 began, the EC had for the first time, in theory, the means to formulate and pursue a Common Foreign and Security Policy and greater expectations of a more concerted and effective approach. However, in practice the types of activities engaged in were little different that those conducted the previous year and the approach was ad hoc and responsive. In 1993 also, the EU was further pushed to the sidelines of the overall international approach with the US and the Contact group assuming the dominant position. Diplomatic efforts continued but the efforts of the EU and UN mediators floundered due to a combination of factors which included the absence of any effective means to compel a settlement other than sanctions and lack of support.
for peace plans by other actors. Otherwise, again the provision of aid and support for the widening sanctions regime were really all of any consequence that was engaged in.

The stated cornerstones of EC/EU policy towards Bosnia into 1993 were the attempts to establish the basis for a long-term solution to the problems and to reduce human suffering. The means by which these aims were pursued at the beginning of the year were the intense mediation between the warring parties in the ongoing ICFY and the provision of aid, bolstered by punitive economic and political sanctions. The intention was to first prevent the fighting from spreading, then to secure a basis for long-term peace and finally contribute towards the formation and recreation of a functioning society\textsuperscript{84}. The first relatively viable proposal for achieving this emerged from the ICFY in Geneva in the form of the Vance-Owen Peace Plan (VOPP). The plan contained three elements plus an interim agreement:

1. Constitutional principles for an independent Bosnia.
2. A peace settlement with a comprehensive system for monitoring the cessation of hostilities, disbanding of military units, troop redeployment, border surveillance, rebuilding of infrastructures and the securing of lines of communication etc.
3. A proposal for dividing Bosnia into ten cantons or provinces within its existing internationally recognised borders.

The provinces would be ethically defined for the most part and would enjoy considerable local autonomy under a central authority. Three would be Serb controlled, three Muslim, two Croat, one jointly Muslim and Croat controlled and finally Sarajevo that would be shared by all three groups. Most subsequent discussion followed from the third strand of the plan but for the next few months, having arrived at this point with some difficulty, as far as the EU and its member states were concerned the VOPP was the only show in town.

\textsuperscript{84} 20\textsuperscript{th} January 93/006 Statement in the European Parliament on the situation in the former Yugoslav republics
Despite accusations that the plan rewarded ethnic cleansing and that it resorted to fragmentary ethnic division in order to secure peace, the VOPP was deemed not to undermine any of the EC/EU's key negotiating principles – namely non-acceptance of forcible changing of internationally recognised borders and respect for the rights of ethnic and religious minorities. The VOPP was the best attempt yet to devise a workable political settlement; however the formulation of the plan was about as far as the EU and UN co-chairmen could take it. The only pressure that the EU could bring to bear on the warring factions was political and diplomatic, bolstered by sanctions. At EU-level the view was that there was no indication that military means would necessarily gain anything and could in fact endanger the emergency aid programme. The Bosnian Croats and Muslims supported the VOPP, although significantly less enthusiastically by the Muslims who conceded only in the (correctly held) belief that they could rely on the Bosnian Serbs to reject it. Diplomatic pressure was put on the Bosnian Serbs to sign the plan with threats of stronger sanctions and further international isolation being inflicted on Serbia and Montenegro in the absence of agreement. This pressure did lead Milosevic to encourage the Bosnian Serbs to sign (though he by no means supported the arrangements) which led in turn to a certain split between the Bosnian Serbs and Serbia. Karadzic did eventually sign reluctantly but this required the confirmation and ratification of the unrecognised Bosnian Serb Assembly in Pale which duly rejected it. By April the Bosnian Serbs had still not signed up to the VOPP. A new front opened up in the war when the simmering tensions between Muslims and Croats, who barely tolerated each other out of a common desire to fight back the encroaching Serbs, erupted into all out war. Bosnia now had a three-way conflict with the Muslims on the verge of being completely overrun, a prospect which instilled a new vigour into their resistance and only added to the viciousness of the war. However, the VOPP remained the sole option pursued by the EU with further commitment to the penalisation of the FRY by strengthening and better implementation and enforcement of these sanctions.

On 17th April a reinforced and extremely harsh set of sanctions were imposed by the UN and whole heartedly welcomed by the EU as a positive step in the right

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85 10th February 93/042 Statement in the European Parliament on the situation in the former Yugoslav republics  
86 5th April 93/143 Statement on the former Yugoslavia
direction against the Serb aggressor\textsuperscript{87}. As well as giving its full backing to the VOPP, UNSCR 820 goes on to give the Bosnian Serbs 9 days to sign up to the peace plan and cease all military activity or else the following sanctions would be added to those already imposed on the FRY:

- Ban on all transit traffic through Serbia and Montenegro;
- Freeze of all Serbian financial assets abroad;
- Ban on all forms of service apart from telecommunications, mail and legal services;
- Confiscation of all ships, aircraft and trucks abroad on suspicions of sanctions violations;
- Prohibition of shipping movements along the Montenegrin coast;

The centrality of sanctions and the UN mandate for any other form of action remained central to EU-level policy. The view was that the sanctions policy could yield positive results and any military action would endanger the humanitarian relief efforts and ECMM and UNPROFOR personnel on the ground. Earlier in April the WEU decision to strengthen enforcement of the existing UN embargo on the Danube had been welcomed\textsuperscript{88} and continued to be active in sanctions assistance missions (together with the CSCE) in advising the states neighbouring the FRY on tightening sanctions enforcement procedures in electing and curbing violations.

At this stage, the US government began to become more and more involved. Not entirely supportive of the VOPP or willing either to commit troops to an interventionist ground force, they began to advocate a policy of ‘lift and strike’ involving lifting the arms embargo for the Bosnian Muslims, in effect levelling the playing field (as the Bosnian Serbs had access to JNA resources and assistance from Serbia and the Bosnian Croats likewise from Croatia) and the launching (NATO) air strikes at Bosnian Serbs targets. Despite efforts throughout May to make some progress on the implementation of the VOPP despite the refusal of the Bosnian Serbs to comply, including an agreement on 18\textsuperscript{th} May for the implementation process to gradually begin in Muslim and Croat areas\textsuperscript{89}, it and EU efforts to reach a negotiated

\textsuperscript{87} UN Security Council Resolution 821 (1993) and 21\textsuperscript{st} April 93/153 Statement on Bosnia

\textsuperscript{88} 5\textsuperscript{th} April 93/143 Statement on the former Yugoslavia

\textsuperscript{89} 26\textsuperscript{th} May 93/209 Statement in the European Parliament on the situation in Bosnia-Herzegovina
solution would be increasingly sidelined from this point on. On 22nd May the Contact Group’s Joint Action Plan outlined five points of priority for immediate international action that largely reiterated the central aspects of what had constituted EU policy to date including commitment to sanctions, humanitarian aid, pressure on Belgrade to close the border with Bosnia (hence support and supply routes to the Bosnian Serbs), support for the establishment and protection of the UN Safe Areas and the setting up of a war crimes tribunal.

Despite now certain duplication and the echoing of much coming from the EU in the statements of other actors (and vice versa) – it was the EU that became increasingly eclipsed. With the sheer extent of the task in hand, it simply could not perform the range of activities with sufficient force in order to effect real change. There was of course the lack of a military capability, but this was not the only restriction in the EU’s ability to effect change. The lack of a military capability was combined with a lack of commitment to VOPP among other international actors – including the members of the Contact Group. An effort led by the major national state actors had in this instance more force, both due to the greater potential for the usage of more forcible means to compel a settlement (though this was no certain at this stage) and the fact that it represented the consensus of many of the most important and influential actors in the international system.

Despite the gradual demise of the VOPP, EU-level commitment to the production of a negotiated settlement held and consensus in the Council held for continued support for the arms embargo. It was felt that lifting the embargo would lead to an escalation of the war, a worsening of the humanitarian situation and would necessitate the withdrawal of international personnel and troops on the ground (who were for the most part European). This view was bolstered by the UNSC, which on the 29th of June also rejected even the partial lifting of the embargo and reiterated the need for the greater emphasis to be on a negotiated settlement. With the VOPP

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90 Comprised of US, Russia, UK, Spain and France
91 Sarajevo, Tuzla, Gorazde, Bihac and Srebrenica UN Security Council Resolution 824 (1993)
92 26th May 93/209 209 Statement in the European Parliament on the situation in Bosnia Herzegovina
93 23rd June 93/263 Answer to oral question No H-664/93 in the European Parliament
sidelined, a Serb-Croat proposal for a ‘Union of three republics’\textsuperscript{94} was adopted by the EC-UN co-chairmen as the basis for further negotiation. Welcoming developments, the Council also reaffirmed its commitment to making a contribution to the implementation of any settlement and to post-war reconstruction of Bosnia\textsuperscript{95}. Importantly, subject to the securing of a cease-fire and the signing of the new working plan\textsuperscript{96}, part of the provisions dealing with implementation involved the UN assuming responsibility for the civil administration and supervising the reconstruction of Sarajevo\textsuperscript{97} and the EU taking responsibility in a similar manner for Mostar. The EU declared itself to be ready in principle to take over administrative functions for the Mostar district and to appoint a civil administrator for the town who would work together with the local authorities and the other international institutions involved in implementing the peace plan (UN, NATO \{not at all certain at this stage\} ICRC, UNHCR etc). The WEU was also invited to consider what support it could offer to the operation regarding, amongst other things, the organisation of the local police force\textsuperscript{98}. This represented an element of novelty in a policy mostly unchanged despite the trials, tribulations, failures and opposition faced. However, this was still far from implementation. Also on the diplomatic front, by the end of 1993 earlier working settlements based on the Serb-Croat ‘Union of Three Republics/Owen-Stoltenburg’ plans, were repackaged to form the basis of an EU Action plan intended to jumpstart the floundering negotiations and also assist the safe delivery of humanitarian aid.

The most immediate concern was the need for urgent measures to be taken in advance of the winter months to ensure the necessary humanitarian aid was both allocated and delivered to those within Bosnia who required it most. The October 29\textsuperscript{th} European Council Conclusions expressed grave anxiety at the deterioration of the humanitarians situation and condemned all acts of deliberate aggression perpetrated

\textsuperscript{94} Comprised of Serb, Croat and Muslim majority republics within Bosnia’s internationally recognised frontiers
\textsuperscript{95} 14\textsuperscript{th} September 93/359 Statement in the European Parliament on development in the former Yugoslavia
\textsuperscript{96} Owen-Stoltenberg Plan or the Geneva Agreements – seems to be some resistance apparent in all statements to calling the plan OSP or to have it tabled as a replacement of the VOPP, clearly referred to as a Serbo-Croat plan supported and facilitated by negotiations in the ICFY but not yet an EU plan – eventually to be repackaged in December as the EU Action Plan.
\textsuperscript{97} This was not supported by the Bosnian Serbs so did not take effect.
on aid-convoys\textsuperscript{99}. While holding the parties to the conflict directly responsible for establishing the conditions essential for the continuation of aid, the European Council agreed to further support the convoying of humanitarian aid on the basis of several guidelines, which included:

- The identification and restoration of priority routes in particular Sarajevo;
- Obtaining the agreement of all parties to the preservation of humanitarian routes;
- The use of all appropriate means to support the convoying of humanitarian aid;
- Reinforcing UNPROFOR so that more troops are available to protect aid routes;

On the basis of these guidelines, the European Council then invited the Council to adopt detailed provisions for joint action while maintaining close co-ordination with the UN. At the same Council meeting, the search for a negotiated and durable solution to the conflict in Yugoslavia and the contribution to the implementation of a peace plan and support for humanitarian action was designated one of the five priority areas for the new CFSP\textsuperscript{100}. The humanitarian aid issue was the subject of two joint actions by the end of the year. In total ECU 48.30 million was allocated to the region in a rather cumbersome and time-consuming process for what was essentially emergency aid.\textsuperscript{101}

\textsuperscript{98} 27\textsuperscript{th} October 93/425 Answer to oral questions No. H-1068/93 and H-1034/93 in the European Parliament

\textsuperscript{99} 29\textsuperscript{th} October 93/441 Conclusions of the European Council/Statement on the situation in former Yugoslavia and on the convoying of humanitarian aid in Bosnia-Herzegovina

\textsuperscript{100} Along with the promotion of stability and peace in Europe, the Middle East, South Africa and Russia. 29\textsuperscript{th} October 93/440 Conclusions of the extraordinary Brussels European Council

\textsuperscript{101} The first came on the 8\textsuperscript{th} November that declared firstly the EU's willingness to increase both its financial contribution to the aid effort and to support its delivery through assisting in the identification, restoration and preservation of priority routes. This was to be done on the basis if consultation between the Presidency, the Commission and the co-chairmen of the ICFY, the UNHCR and UNPROFOR. The necessary budgetary arrangements would follow the production of a report following these discussions, while at the same time the Presidency would approach third countries for additional contributions to bolster the effort, both for the aid and its secure delivery in the form of greater participation in UNPROFOR (in conjunction with the UNSG). Full commitment to UNPROFOR was expressed and to strengthened member state participation and contributions, particularly in the areas of logistical support and engineering. This was followed by the Joint Action of 20\textsuperscript{th} December which outlined the promised budgetary arrangements with a total of ECU 48.30 million to be made available, half of which was to come from the EC budget. Implementation of the joint action was charged to the Commission within the limits of the ECU 24.15 million to be made available from Community resources. Decision on how
Therefore by the end of 1993, the EU’s diplomatic efforts in conjunction with the UN had not produced holding results in the face of opposition on the ground, perhaps due to the lack of anything more than punitive sanctions to encourage compliance and the fact that other actors were assuming a more high-profile and forceful role. The support for sanctions and the maintenance of the arms embargo held as the collective position but that became increasingly irrelevant. The aid effort also was not massively increased in effectiveness by new procedures. The overlapping efforts of the range of actors now involved increasingly drowned out the EU, rendering it ever-more sidelined, though never absent or insignificant. Over the remaining years under examination, the EU does begin to focus more closely on what it in particular could do that a particular state might not.

(iii) 1994

In 1994 the US, the Contact Group, NATO and the UN were the predominant actors attempting to deal with the conflict in Bosnia. The EU was now on the sidelines, concentrating on humanitarian aid and a failing diplomatic process. The interesting case of the assumption of responsibility for Mostar was even facilitated by US, not EU diplomatic efforts. The pace of events presented a challenge to all concerned. However, they completely over-ran the competence of the ICFY to keep up and eventually the EU’s efforts were eclipsed entirely. The EU Action Plan and the Owen-Stoltenberg plan went the way of all previous EU sponsored peace plans, as the warring parties struggled to agree on the detail of the plan when they could manage to come together to even negotiate at all as the situation deteriorated further. At the beginning of 1994 the horror of the siege of Sarajevo was to the fore of international concerns. The controversial market square bomb of February 5th\(^{102}\) was

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\(^{102}\) Considered controversial due to the disputed source of the bomb. It was claimed by some that the bomb was a Bosnian Muslim attempt to discredit the Bosnian Serbs further and attract international intervention. It is however, widely accepted that it was in fact Bosnian Serb forces that were at fault.
a turning point in the general international response. The NATO ultimatum of 9th February succeeded in persuading those laying siege to Sarajevo to pull-back within the stipulated 10 day deadline rather than face air strikes on any troops or weaponry remaining within 20km of Sarajevo and not under UN control. (Silber & Little 1996; 315-8).

In advance of this ultimatum the Council expressed its support for the use of all means necessary to end the siege of Sarajevo, including the use of airpower and saw this form of intervention as complementary to the implementation of the EU’s own action plan. Despite the fact that the action plan and the ICFY were getting nowhere, the EU still clung to it in the absence of any consensus on a military solution. However it was clear and also acknowledged that there was little hope of the plan leading to any kind of settlement or even of talks resuming in Geneva in the near future.

The three-way partition option was eclipsed by US-sponsored moves to restore the Muslim-Croat alliance that had disintegrated in 1993. The alliance was officially restored on the 2nd March in the form of the Washington Agreement which created the Muslim-Croat federation. The federation was very slow to be implemented but the Agreement’s most significant immediate effect was the cessation of hostilities between the Bosnian Croats and Muslims. The Washington Agreement was welcomed within the EU. More significant than the continued references to the EU Action Plan as the only viable way forward (which it clearly was not, in practice anyway), the decision to despatch a group of experts to Mostar was announced as a reaffirmation of the Union’s commitment to undertake the administration of the city and its district.

The success of the first NATO ultimatum in Sarajevo had set a precedent which changed the character of international involvement in Bosnia. This was to become most apparent in April in the response to the continuous Bosnian Serb attacks on the UN-declared Safe Area of Gorazde which lead to two rounds of NATO

103 7th February 94/050 Statement on Sarajevo
104 9th February 94/054 Statement in the European Parliament ‘prospects for the talks to be resumed tomorrow in Geneva are not very optimistic and we have scant hope that a lasting solution to the crisis can be found on the basis of the action plan’
105 Or it could also be interpreted as dressed-up two way Serb-Croat partition with enough minor concessions to the Bosnian Muslims to prevent their being totally subsumed within Greater Serbia or Croatia
106 9th March 94/094 Statement in the European Parliament on Bosnia-Herzegovina
airstrikes on the 10th and 16th April, followed by the taking hostage of some 150 UN personnel by General Mladic and his Bosnian Serb forces. This NATO action was fully supported at EU-level as an underpinning of the broader UN action that the NATO air strikes were designed to support (i.e. the prevention of further attack on a UN Safe Area enabling access for UNPROFOR and humanitarian aid)\textsuperscript{107}. However, a certain reorientation of policy is more clearly evident from this point on. The implications of Gorazde raised many questions about the UN peace-keeping presence which the EU had placed great emphasis on over the previous years. Progress had not been made in the ICFY on the basis of the EU’s own action plan. There was a need for reappraisal of how the Geneva negotiations should proceed. However, the diplomatic initiative was now coming from an international coalition that did not include the EU as an actor or even the UN in anything other than supporting capacity. Despite the similarity between the Contact Group plan and the EU’s own plan\textsuperscript{108}, the US dominated group and its propositions were dominant and was supported by the EU, with only the occasional reference to the EU’s plan and the desired centrality ICFY recurring in statements for the rest of the year.

In October the existing sanctions regime was adjusted to differentiate between the FRY and the Bosnian Serbs in order to compel a settlement. Two common positions on the 10th October declared that in line with the relevant UNSCRs economic and financial relations with those parts of Bosnia under Bosnian Serb control were to be reduced and certain trade restrictions on the FRY were to be suspended\textsuperscript{109}. Despite US support for the lifting of the arms embargo and its eventual decision not to play an active part in enforcing it, the EU’s position remained one of support for the embargo. The view was that a suspension of the embargo could only be contemplated if all other measures failed and that that point had not yet arrived. It could lead to an escalation of the war and consequently the withdrawal of UNPROFOR and further endangerment of the civilian population and any prospects for success the political process might have\textsuperscript{110}

\textsuperscript{107} 18th April 94/137 Statement on Bosnia
\textsuperscript{108} Both envisioning a two-way split between Bosnian Serbs and the Muslims/Croats within Bosnia’s internationally recognised borders
\textsuperscript{109} 10th October 94/241 Common Position pursuant to UNSCR 942 and 943 of 23rd September.
\textsuperscript{110} 16th November 94/291 Statement in the European Parliament on the situation in Bosnia-Herzegovina
Perhaps the most interesting aspect of the EU activity at this point was the execution of the EU's earlier expressed willingness to take responsibility for the administration of Mostar, as part of the Washington Agreement. Hans Koshnick was appointed as the administrator of the city on behalf of and under the direction of the EU. The Memorandum of Understanding (MOU) signed by the EU, WEU, the Bosnian Government, the Muslim-Croat Federation, the local administrations of east and west Mostar and the Bosnian Croats on 5th July set out the aims, structures and modus operandi of the EU administration (EUAM). The general aims of the administration included the reconstruction of the basic structures necessary for the functioning of society, both infrastructural and political and it was clearly stated that none of these arrangements would prejudice any more permanent arrangements concerning the status of Mostar in any wider political settlement for Bosnia (Article 1). The administration was to last for two years and would be conducted in close consultation and collaboration with the local parties (Article 9). Seven departments were established dealing with city administration, finance and taxes, reconstruction, economic and transport infrastructure, education and culture, public order, health and social services (Article 9). The area was to be fully demilitarised under the supervision of UNPROFOR before the operation commenced (Article 14). One of the important tasks involved the creation of a unified multi-ethnic police force for Mostar under the authority of the EU Administrator but was to be achieved involving the participation of a contingent of police provided by the WEU. This involved WEU police working alongside local police in Mostar (civilian and police component). The role of this police force was to train local police and to supervise them with a view to setting up mixed patrols to operate in both sectors of the city. The two years of EUAM in Mostar commenced on the 23rd July.

In conclusion, therefore, with the exception of Mostar in 1994 the EU was at its least visible in terms of activity that in any stage of the Yugoslav conflict to date,

111 On 31st October the Council approved the granting of ECU 80 million for the operation. Support for the town’s administration was subsequently confirmed by the Joint Action of 12th December. The same day a separate Joint Action extended the financial arrangements of previous joint actions until 31st December 1995. However, under what can be described as the EUAM Joint Action the decision on the total budget to be made available to the administration until the end of 1995 was delayed and instead an additional ECU 20 million was set for the interim all coming from the Community budget. The need for funds urgently to finance the interim period was the cited reason for what was evident operational expenses being financed as if it were administrative. See 12th December 93/329 Joint Action and 12th December 94/330 Joint Action.
CFSP or no CFSP. The Mostar example is interesting in that it sets the EU up as an entity of the appropriate kind to oversee international administration and reconstruction – something its multi-lateral composition renders it suitable for. However, on the diplomatic front arduous effort produced little of actual consequence or of distinction from previous years, accompanied with the same emphasis on sanctions and support for the arms embargo.

(iv) 1995:

Overall, the same can be said for 1995. However, by the end of the year a reinvigorated sense of purpose emerges on the part of the EU as it finds for itself a role in the context of the peace agreement that finally became more clearly visible on the horizon. The Mostar experiment proceeded into 1995 and with the rather slow and cumbersome arrangements for financing the operation, its limitations were apparent. The intention was not to make this kind of direct administration a general principle due mainly to the limitations on resources.112

Diplomatic activity in the first half of 1995 was also limited, with the international effort now led and dominated by the Contact Group and the United States. Despite attempts to present the Contact Group as a new mechanism to provide for European representation within an apparatus that combined the other major players in the international system (Russia and the US), there is no escaping the fact that the Contact Group was a state-led alliance that eclipsed communal EU-level efforts. A slight change in the sanctions regime was supported, with certain aspects of trade sanctions against the Bosnian Serbs being suspended in order to further encourage compliance with efforts to secure a settlement.114 Encouraged by the

112 17th January 95/021 Answer to oral question No H-768/94 in the European Parliament. The administration’s budget was finally set by the Joint Action of the 6th February. The total budget for 1995 was to be a maximum of ECU 80 million, all of which was to come from the EC budget. The Joint Action of the 4th December again deferred the decision on the sum to be made available until July 1996, stating only that it would come from the Community budget. See 6th February 95/052 Joint Action, 4th December 95/367 Joint Action and 4th December 95/365 Joint Action on continued support for the EUAM.

113 One example of this is 17th January 95/024 in the European Parliament P ‘in order to negotiate with the various factions, therefore, we had to put in place a diplomatic apparatus providing representation for the EU’ (authors own emphasis).

114 In line with UN Security Council Resolution 970, a Common Position was adopted on the 23rd January extending the suspension of certain trade restrictions imposed on the FRY under UN Security.
imposition from Belgrade of an embargo on the Bosnian Serbs, the EU now called for Serbian recognition of Bosnia and Croatian independence so that a political settlement could be reached.\textsuperscript{115}

However, as the dramatic events of the summer of 1995 approached it was clear that none of these efforts were having much of an impact. Moves in early summer to merge the self-proclaimed Bosnian Serb republic centred on Pale with the Croatian Serb territory known as the Krajina centred on Knin signalled the onset of a serious escalation of the conflict and a threat to the very territorial integrity of the former Yugoslav republics that the EU had stressed from the beginning. Declaring that such an action would be considered null and void, the EU called for all states that were part of the former Yugoslavia to accelerate the process of mutual recognition.\textsuperscript{116} With UNPROFOR under serious pressure and increasing danger, France and UK announced their intention to create a Rapid Reaction Force under its dual command (i.e. not answerable in the first instance to the UN) as a supplement to UNPROFOR. This was welcomed at Union level but this welcome was accompanied by the request that any reinforcement of UNPROFOR be accompanied by renewed negotiations and a focus on the mutual recognition of all the states that had emerged from the former Yugoslavia.\textsuperscript{117} Meeting just over a week before the serious onslaught on the UN Safe Area of Srebrenica by the Bosnian Serbs began, the Cannes European Council reiterated this support for reinforcing UNPROFOR. It also set out the Union’s immediate objectives in Bosnia. These consisting of requesting Carl Bildt to urgently explore ways of reopening dialogue with all the parties in Bosnia on the basis of the Contact Groups’ plan for Bosnia’s future and the need to secure mutual recognition between the republics (especially recognition of Bosnia by the FRY).\textsuperscript{119} The events of July and August 1995 overtook these intentions as the combined forces

\textsuperscript{115} 14th February 95/065
\textsuperscript{116} 2nd June 95/165 Statement on the merging of the self-proclaimed Serbia ‘republics’ of Krajina and Bosnia-Herzegovina
\textsuperscript{117} 13th June Statement in the European Parliament
\textsuperscript{119} Appointed to succeed Lord Owen as the EU’s representative to region and co-chairman of the ICFY with Stoltenberg.
\textsuperscript{119} 26/27th June 95/191 Conclusions of the Cannes European Council/ Statement by the European Council on the former Yugoslavia
(diplomatic and military) of the Bosnian Muslims, Croatia the United States and NATO succeeded in bringing a significant turnaround in the conflict.

Bosnian Serb forces began to shell the Muslim enclave and UN Safe Area of Srebrenica in the first week of July\textsuperscript{120} in response to minor Muslim incursions into neighbouring Serb villages. Protected only by a vulnerable group of Dutch UNPROFOR peacekeepers, the enclave was easily overrun. The UNPROFOR soldiers themselves came under attack both by locals who did not want them to leave and by advancing Bosnian Serbs forces who took some of them hostage. A Serb ultimatum of the 9\textsuperscript{th} July for Srebrenica to be evacuated led to limited NATO air strikes on the 11\textsuperscript{th} July, by which time most of Srebrenica’s population had already fled and several thousand had been killed. The security of UNPROFOR from this point could no longer be guaranteed and it clearly could have little success in preventing this kind of large-scale offensive. On July 14\textsuperscript{th} it was agreed that NATO air strikes would be used to protect remaining safe areas should it become necessary. On July 19\textsuperscript{th} the Safe Area of Bihac in Western Bosnia was attacked by a combined force of Bosnian Serbs and Serbs from the Krajina area of Croatia. On July 22\textsuperscript{nd} a large counter-offensive was launched by a combined force of Croatia and Bosnia’s Muslims and Croats. By the second week of August Croatia had regained control of the Krajina region and Izetbegovic was able to assume control of Bihac. Talk of a withdrawal of UNPROFOR became more pronounced. On August 28\textsuperscript{th} another bomb hit Sarajevo’s market square. The following day, having learned the harsh lesson of Srebrenica, all UN personnel withdrew from the remaining Safe Area of Gorazde. On August 31\textsuperscript{st} two weeks of comprehensive NATO air strikes began and they did not stop until all parties had signed up to a preliminary settlement and the shelling of Sarajevo had stopped on the 14\textsuperscript{th} September. On the 10\textsuperscript{th} October a sixty-day cease-fire commenced which facilitated negotiations that culminated in the signing of the Dayton Agreement in December.

The EU’s reaction to the summer’s events was minimal, consisting mainly of the expression of concern for the deteriorating situation and condemnation or support for the various actions. The diplomatic effort was dominated by the United States. As

\textsuperscript{120} For more on the events in Srebenica see (Rhode 1997).
the prospect of peace came in late September, despite lip service paid to the need for consultation between the international representatives, the EU's representative Carl Bildt was increasingly sidelined and excluded from crucial talks and decision-making. However, as the seeds of a peace agreement were sewn in Geneva and New York in the run-up to Dayton's proximity talks, the EU was already beginning to elaborate on the kind of role it could play in the future of Bosnia.

This view echoed that of the initial reaction to the impending break-up of Yugoslavia, describing the EU as the anchor of peace and stability in Europe and the only guarantor of the long-term development and stability of the western continent. In this vein, already in September the Presidency and the Commission were in contact with the US concerning the means by which the reconstruction of Bosnia would be tackled post-peace agreement. The EU's future function would involve rebuilding Yugoslavia, both politically and economically. This view was confirmed by the Council, meeting at the end of October. While setting out eight priority goals for Bosnia\(^\text{121}\), it went on to

'confirm its willingness to contribute to the international effort aimed at reconstruction of the regions devastated by the war once peace is established. To that end the EU will co-ordinate its actions with other members of the international community in order to provide long-term assistance with the objectives of supporting economic development, reinforcement of civil society and reconciliation and regional economic co-operation. In the perspective of peace the EU is developing its long-term policy towards the region, to help build stability and prosperity.'\(^\text{122}\)

This was supplemented by an undertaking to continue the provision of humanitarian assistance for 'as long as the need exists.'\(^\text{123}\)

\(^{121}\) The continuing existence of Bosnia-Herzegovina as a single state in its internationally recognised borders consisting of two entities: the Federation of Bosnia-Herzegovina and the Republika Srpska; 2) Bosnia must be a multiethnic state, a democracy founded on respect for the human person and the rule of law; 3) Basic human rights and the rights of minorities as enshrined in international law have to be fully respected and recognised; 4) Full respect for the rights of refugees and displaced persons in particular the right of voluntary return; 5) A framework for early, free and fair elections in Bosnia; 6) Economies based on market principles and regional co-operation; 7) Mutual recognition among all the states of the former Yugoslavia within their internationally recognised borders; 8) The establishment of the a process to define arms control, disarmament and confidence-building measures; Source- 31\(^\text{14}\) October 95/308 Council Conclusions on the former Yugoslavia

\(^{122}\) ibid.

\(^{123}\) ibid.
On the 11th December a Joint Action was adopted setting out the manner in which the EU would proceed with this intention to play a key and significant role in the implementation of the peace plan. The EU was willing to make a contribution both to the monitoring process involved in implementation of the agreement and also funding part of the expenditure necessary for the proper execution of the High representative appointed in London the previous week. ECU 10 million was allocated for this purpose for 1995. The EU would be represented by both the Presidency and the Commission in the deliberations on post-war reconstruction. 124 Meeting on 15th /16th December, the Madrid European Council confirmed and reaffirmed all these statements and actions, repeating that the EU was ready to make a contribution to the implementation of the civilian aspects of the peace agreement125. The former Swedish Prime Minister Carl Bildt was appointed to coordinate the EU’s involvement from Sarajevo.

Therefore, the EU concluded the year with the intention of participating in the post-war reconstruction and stabilisation of Bosnia in conjunction with the other relevant actors. This would be built upon in 1996, and indeed in following years. Rather than an actual action, per se, what this is indicative of is part of an evolving sense of what the EU’s particular contribution to Yugoslavia within the confines and relevance of its capabilities could be. It involved concentrating on the EU’s strengths (namely civilian activities), and also importantly, its strengths in an area where it in particular had a role to play as an actor.

(v) 1996

This approach formed the basis of policy into 1996. It is also interesting that much of it also echoed the original approach adopted in relation to the initial onset of Yugoslavia’s disintegration, with the exception that it was the consolidation of peace that was being now worked towards, as well as the prevention of further conflict. In light of the general process of implementing the Dayton Accords, on the 26th

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124 11th December 95/384 Joint Action on the participation of the Union in the implementing structures of the peace plan fro Bosnia-Herzegovina
125 15/16th 95/401 December Conclusions of the Madrid European Council.
February the General Affairs Council confirmed the Union’s commitment to the process, and stresses that the provision of reconstruction assistance and longer term measures were conditional on the full compliance of all parties with commitments made at Dayton and at the subsequent Rome Summit. This included the definition of future agreements with the countries of the region\textsuperscript{126}. In light of this, and in the context of the Dayton Accords, the so-called *Royaumont Process* or ‘Platform for the development of the process of stability and good neighbourly relations in South-Eastern Europe’ was launched.

The Royaumont Process constituted a regional approach to the former Yugoslavia’s outstanding problems and was ambitious in its overall purpose and yet limited in its focus and intent. It was intended to encourage regional co-operation and thus promote greater levels of tolerance and recognition of the value of co-operation over conflict. It was stressed from the outset that it was not an attempt to encourage the reconstitution of the former Yugoslavia in any form, nor to deal with the more taxing questions at the centre of the conflicts pertaining to minorities and disputed frontiers. It was more a ‘joint and continuing effort to strengthen stability and good-neighbourliness in South-East Europe’ and an effort would be made to ‘contribute to reducing the tensions arising from the conflict and preventing a resumptions of hostilities, promote a better understanding that it is in the interest of each party to co-operate rather than try to systematically to put obstacles in the way of any undertaking by a neighbour, contribute to restoring confidence and dialogue, and overcome ethnic divisions and hatreds’\textsuperscript{127}. The emphasis was on the development of civil society and of channels of communication at all levels of government and society.

Despite the very broadly defined objectives, activities carried out under the auspices of the process were more limited and largely concerned with assisting regional NGO’s and, to a more limited extent, inter-parliamentary meetings among other things. It was more ambitious in aspiration than in effect, and even the aspiration was sufficiently vague and fluid to inhibit any strong sense of purpose or comprehensive, effective or more systematic and implementation. It was also rather

\textsuperscript{126} 26\textsuperscript{th} February 96/042 Council conclusions / Statement on former Yugoslavia
slow in developing. It was not until November 1997 that Panagiotis Roumeliotis was appointed as co-ordinator for the process and not until 1998 that the process’ first ‘Action Plan’ was produced and arrangements for the financing of subsequent projects were agreed. What is most notable is the emphasis on regional cooperation as the basis for lasting peace and stability.

In the context of the ongoing process of implementing the Dayton (and subsequent Paris) Accords, support was given to the elections held in Bosnia in September 1996. On the 10th June a Joint Action was agreed upon to assist, within the framework of the OSCE, with the preparation, supervision and monitoring of the elections, through and in addition to that already provided by the ECMM. This mainly entailed the despatch of a team of supervisors funded from the EC budget for four weeks. However, before the main Bosnian elections were held, elections were due to be held in the EU administered district of Mostar on the 30th June.

The EU’s two-year mandate established by the 1994 Memorandum of Understanding was due to expire in July 1996, following the successful election of a new unified local authority. Despite some success in reconstruction and promotion of inter-ethnic tolerance and co-operation, a level of instability persisted which complicated what was unlikely to have ever been a simple transfer of power to the

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127 26th February 96/046 Council conclusions Annex III / Platform for the development of the process of stability and good-neighbourly relations in South-Eastern Europe for possible submission to the participants.

128 The Action Plan of 26th January 1998 outlined meetings to be held, the emphases of the process and subsequent projects to be carried out in order to achieve overall objectives. See 9/10th November Common Position 1998 providing legal base for the financing of certain Royaumont projects from the CFSP budgets.

129 As outlined by the Italian Council President-in-Office (Fassino) in the European Parliament ‘we have to recognize that reconstruction is not just a technical matter…reconstruction means reconstructing the reasons for living together…reconstructing the reasons for cooperation and growing interdependency. There is no nostalgia for Yugoslavia in emphasising this. Yugoslavia no longer exists…but saying this does not mean thinking peace can be stable and durable without reconstructing a framework of cooperation and interdependence between the states born out of the dissolution of the former Yugoslavia. So in this respect I emphasise the importance of the reconstruction and the European Union’s whole strategy for former Yugoslavia…being characterised by a regional approach, an approach capable of making available to all the states in the region the financial, political and operational instruments necessary to allow reciprocal cooperation to grow. This regional approach aims to build stability founded on growth and development for all the states in the region and on the affirmation of the principles of law, the principles of democracy, and the values of free societies and the market throughout the Balkans’ 19th June 96/176 Statement in the European Parliament on aid to the former Yugoslavia.

130 10th June 96/163 Joint Action/ Council decision on action by the Union to support the electoral process in Bosnia and Herzegovina.
local authorities upon the expiry of the EU mandate to the extent that local groups had themselves requested that an extension of the EU mandate be considered. In order to encourage the electoral process, the European Council agreed the week before elections were held that should successful elections be held and provided that the newly elected leaders demonstrated real commitment to the reunification and peaceful future of the city and cooperated fully with the EUAM, the EU would consider extending the mandate for EUAM for a further limited period before the full reintegration of Mostar into the wider implementation structures of the peace agreements commenced. The elections were successfully held on the 30th June as planned and the process of phasing out EUAM began. On the 15th July a Joint Action acknowledged the need for some form of continued EU presence in Mostar for an additional and limited transitional period in order to consolidate existing achievements and to ensure as smooth a phasing-out process as possible. Rather than an immediate withdrawal, EUAM was phased out over the rest of the year under the direction of a Special Envoy whose primary task was to ensure the rapid integration of Mostar into the overall peace implementation structures. However, the failure to establish the required unified administration following the elections led to a delay in the commencement of the phasing-out arrangements until August. By the end of the year EUAM had effectively been phased out and the UN had assumed control.

Explicit conditionality was introduced for aid for reconstruction and development in the region came in the form of the new OBNOVA programme which formed the basis for subsequent aid to Bosnia-Herzegovina, Albania, Macedonia, Croatia and the FRY. The emphasis was on the restoration of civil society and cooperation within the regions, in other words to support the reconstruction effort, to encourage the return of refugees, facilitate reconciliation and regional economic cooperation and to help lay the conditions for overall development.

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131 21st/22nd June 96/192 Conclusions of the Florence European Council / Statement by the European Council on the former Yugoslavia
132 15th July 96/215 Joint Action / Council decision on the nomination of a Special Envoy of the European Union in the city of Mostar
133 Martin Garrod
134 Obnova means 'renewal'
135 Council Regulation(EC) No 1628/96 25th July 1996 relating to aid for Bosnia-Herzegovina, Croatia, the federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia.
The emphasis on the need for a regional approach to secure longer-term peace and stability was reiterated at all levels by the end of the year also. In addition, explicit reference was made not only to the need for a regional approach in general but also that the European Union is particularly suited to providing a focus and making a very particular kind of contribution in this regard. An Irish Presidency statement details the EU's commitments and priorities for the former Yugoslavia and states that

"The European Union can make a particular contribution to the process of stabilisation and economic renewal through the development of relations with all the countries of the region, within a framework which promotes democracy, the rule of law, higher standards of human and minority rights, transformation towards market economies and greater cooperation between those countries."

At the end of December the Dublin European Council reiterated its conditional intention to consider the establishment of contractual relations with those areas who prove co-operative in the process of fully implementing the peace accords and within the context of the regional approach which emphasises both an overall approach on the part of the Union and also places a certain degree of responsibility on the respective groups in the region to co-exist in a peaceful way.

Towards the end of this period, some sense of perspective of what the EU could more proactively do was beginning to be consolidated. What would henceforth be referred to as the Union's Regional Approach was further elaborated by the GAC in April 1997, firmly establishing economic and political conditionality as the basis for the development of relations and the provision of reconstruction and development assistance to Bosnia-Herzegovina, Croatia, the FRY and FYROM. It established explicit 'political and economic conditions as the basis for a coherent and transparent policy towards the development of bilateral relations in the field of trade, of financial assistance and economic cooperation as well as of contractual relations. The EU strategy should serve as an incentive, and not as an obstacle to the countries.

136 16th December 96/387 Statement at the 51st session of the UN General Assembly on the situation in Bosnia-Herzegovina
concerned to fulfil these conditions\textsuperscript{138}. The conditions included the readiness of the beneficiary country to engage in cross-border cooperation and to extend where appropriate similar advantages to other countries of the region\textsuperscript{139}. Regional cooperation, closer association and the conditional provision of aid for reconstruction, reform and development were to be the dominant emphasis of EU policy from this point on.

6.3 Characterising the Second Phase

(i) The eclipse of Europe or coming full circle?

Despite the formal developments of the TEU, the EC/EU’s reaction in this period was centred almost entirely on certain key types of activity. It was increasingly sidelined by other actors but towards the end of 1995 and into 1996 begins to develop a sense of a clearer perspective, and hence a fledgling strategy of what it could and should do in relation to this issue specifically. This understanding of the relevance of what could be a particularly EU role contains strong resonances of the initial approach adopted in 1991. Overall, EU activity centred on diplomacy, support for and implementation of sanctions, the provision of aid for humanitarian purposes, the administration of Mostar, and finally post-conflict reconstruction and regional stabilisation.

Firstly, the EU maintained a diplomatic presence throughout the entire period under examination. It may not have always been the dominant or most successful but it was consistently present, vocal and active even if the volume and intensity of activity varied and fluctuated. This can certainly be said of the more ‘declaratory’ form of diplomacy. However, it is also true of the more proactive forms such as

\textsuperscript{138} 13\textsuperscript{th}/14\textsuperscript{th} December 96/383 Conclusions of the Dublin European Council / Statement by the European Council on the former Yugoslavia

\textsuperscript{139} 29\textsuperscript{th} April 97/149 Statement on the 2003\textsuperscript{rd} Council meeting –General Affairs

\textsuperscript{139} ibid.
mediation and negotiation, beginning with the issue of the recognition of Bosnian independence, and through to the London conference and the joint EC-UN ICFY and its settlement proposals (VOPP and the EU Action Plan). However, no settlement was reached. Despite many struggles in getting the warring parties to arrive at any kind of agreement and to maintain the support of other states (both American and European), the negotiating ‘ground-work’ did take place within the ICFY and it is arguable whether or not the US could have achieved agreement at Dayton without the preceding years of negotiation. Of course, NATO air strikes, circumstances on the ground in Bosnia and the stronger weight of the United States were all crucial factors that brought about the conflict’s conclusion. However, it is significant that the resulting settlement did build on the discussions and plans of previous years, resulting in what has been described as a ‘European-style’ settlement.

Secondly, as regards sanctions, the economic sanctions imposed on the whole of the former Yugoslavia in November 1991 were in effect removed in April 1992 when, following the recognition of the independence of Bosnia-Herzegovina, the positive compensatory measures extended to all other more co-operative former Yugoslav republics the previous December\textsuperscript{140} were also extended to Serbia. As the situation in Bosnia deteriorated rapidly, more comprehensive sanctions were soon re-imposed in the context of several UNSCR’s over the following few years. Notable at EU-level was the lead taken in pursuing the diplomatic isolation of the FRY (Serbia and Montenegro), measures taken to ensure tighter implementation of the harsh sanctions regime both within the Union and through assistance provided to neighbouring countries, and the unrelenting commitment to the arms embargo spearheaded by the EU from the very beginning of Yugoslavia’s dissolution. Diplomatic and economic sanctions remained central to all efforts to secure a negotiated settlement to the conflict and has so often been noted, entailed the primary means by which the Union could strongly encourage the warring parties to co-operate with its efforts in the absence of any recourse to military methods.

Thirdly, as regards the provision of humanitarian aid, this apparently straightforward type of activity was itself beset with problems that were not always of

\textsuperscript{140} Montenegro was first added to the list of beneficiaries and then removed.
the EU’s own making. Despite great intentions and high-levels of concern for the human suffering within Bosnia, the arrangements for the allocation of finances and resources was often slow, technical and cumbersome. Despite reforms, such as the creation of the ECHO, the Union still struggled to make a strongly effective contribution in a swift and systematic manner. The co-ordinating role of the Commission in the context of the G24 and also in relation to UN agencies and other humanitarian actors on the ground was significant. However, the allocation of resources and its delivery do not always follow in smooth progression in a conflict situation. Along with all other agencies, the Union could not always reach those most in need due to the hostile terrain and dangerous conditions for aid workers. Also, while the Commission sought to act in a more visible manner, less of a ‘banker’ and more of a ‘partner’, it was entirely reliant on the support and protection of UNPROFOR in order to carry out its operations. An EU aid effort independent of the UN was therefore not feasible or desirable. The emphasis was on the coordination of the international aid effort at large in order to maximise resources and avoid unnecessary duplication, with the role of coordinating Union efforts falling to the Commission (within the limitations of resources accorded under the EC budget – directly and beyond that in a consultory and advisory capacity) with overall coordination coming from the UN agencies, and also the ICRC.

Fourthly, regarding the administration of Mostar, though relatively small-scale and not intended to become a general principle of EU involvement in external conflicts and crises in the future, the EU’s administration of Mostar was nonetheless significant. For two years from July 1994, Hans Koschnick and his team worked to restore the basic infrastructure and political structures necessary for the peaceful functioning of an integrated city and district, including everything from basic utilities to the restoration and maintenance of law and order. Though not without its problems

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141 Terms used in press release on the launch of the ECHO. ‘Commission decided to set up a European Office for Humanitarian Aid’ DN: P/91/69 Date: 06/11/1991. One of the primary functions of the ECHO was to increase the ‘visibility’ of what was Community aid rather than have it completely subsumed within the activities of recipient agencies.

142 Nor was this even an issue but it is worth mentioning in the context of the EU’s (in)ability to function as a strongly autonomous international actor. It was never possible that the EU acting alone could deal with this or indeed any issue without close cooperation with other actors. This then begs the question of whether the UN etc. could function without the EU. The answer is probably that in many ways they could but as will be argued later the EC/EU did have various roles to play that became more
and also not intended here to become a general principle of EU involvement in external conflicts and crises, after the signing of the Dayton Agreements and after a delay, Mostar was integrated into the implementing structure of the wider peace agreement under the authority of the High Representative. As with the issue of humanitarian aid, budgetary arrangements were sometimes unclear and cumbersome, with the initial funding for the establishment of the operation coming from funds already agreed on and allocated for humanitarian aid purposes.

Finally, towards the end of the period under examination activity begins to centre on the issue of post-conflict reconstruction and regional stabilisation. This became more apparent in the latter stages of the conflict in the run up to the peace agreement and especially in its aftermath, but drew quite heavily on similar rhetoric to that drawn upon in the initial response to Yugoslavia’s impending demise in 1991. What was notable at this stage was the extent to which the overall process of reconstruction and stabilisation was very much seen as taking place within a framework that involved heavy participation of other actors. In fact, here the leadership role fell to the UN post-Dayton with some involvement of the EU. An emphasis on post conflict reconstruction and development was evident in the Mostar experience. It was also implicit in much of the negotiations and peace plans that emerged from the ICFY. It was never suggested that the EU was only involved until a peace settlement was signed. A longer-term commitment was consistently implied. However, clearer articulation of what form this would take was only beginning to become apparent in this period. It came in the form of pre- and post-Dayton expressions of commitment to the reconstruction and stabilisation effort. It also came in the loose form of the Royaumont Process. Though still stronger on aspiration and in framework than on actual action, the emphasis on regional cooperation as the way towards long-term peace and stability was significant. This was further added to with the new OBNOVA regulation and the elaboration of the 1997 Regional Approach that very much laid the basis for subsequent developments.

(ii) Balance of the reactive and strategic

significant over time and are not immediately apparent from just looking at the Bosnian example in
At some of the most crucial moments during the conflict in Bosnia-Herzegovina, the EU's reaction can only be described as heavily declaratory. In the first two years under examination here there was no more a sense of guiding purpose or strategy than in the previous two-years. The emphasis was on facilitating the negotiation of a settlement. The notable difference this time was that this was pursued in conjunction with the United Nations and its peacekeeping force. Sanctions again provided a backbone to the diplomatic effort, and again these were imposed mostly within the framework of successive UNSCRs with the EU in a leading position in matters such as pursuing the diplomatic isolation of the FRY and maintaining the arms embargo. Most other activities were at best supplementary. The provision of humanitarian aid cannot be described as a proactive policy as such. It was more a reaction to a need and had no intended purpose other than to alleviate that need. Likewise, even the administration of Mostar was relatively ad hoc, if novel. It was not designed to serve any clear purpose other than to restore a semblance of normality and law and order to the city within two years before being handing control back to the local authorities. At the time, it was clearly stated that this was not intended to set a precedent for the kind of activity the EU could be expected to become involved in in the future.

The commitment to post-conflict reconstruction and stabilisation veers towards what might be described as the more strategic. However, this is more aspiration and loose framework than any real sense of the obviously strategic, even in the heavily qualified understanding of the term. It is the extent to which this is then built upon that proves significant. In addition, it is already notable that any sense of a guiding framework that becomes more evident towards the end of this period is similar to that of the previous period i.e. an emphasis on regional cooperation and a tie or relationship (unspecified and vague in 1995/1996, even significantly more so than in 1990/1991) to western Europe and the European Union in particular.

(iii) Goals and capabilities linkage
As this period coincided with the coming online of the EU’s new Common Foreign and Security Policy, expectations were high as regards what it was that the EU acting as a collective could achieve and what the extent of its supposedly higher profile would be. New instruments and procedures may have implied in theory that a more comprehensive collective policy was now possible. However, in practice what can be seen is a policy that did not live up to the pre-TEU hype. The CFSP was simply never going to equip the EU to fulfil the ambitions it set itself and were ascribed to it in 1990 and 1991. The gap between the goals expressed during the Bosnian crisis and actual capabilities is in actual fact not as wide as might be expected. Much of the inflated expectations were a result of a combination of a certain lingering echo of the pre-Maastricht hype and the assumption that after 1992 significantly more could be achieved than before. In fact, more was achieved but not in any hugely dramatic sense. The problems were nonetheless significant, not least when it came to agreeing the financing of humanitarian operations and EUAM. The EU’s goals were to contain and prevent an escalation of the conflict using diplomatic means (including high level diplomacy), the ICFY, sanctions (plus monitoring and implementation assistance), to provide humanitarian assistance to those who required it and to provide other supportive and complementary actions in the field (such as EUAM, ECMM). A peace settlement remained elusive, sanctions were an insufficient deterrent to conflict, aid was slow in being implemented and other activities such as EUAM and ECMM were significant but relatively minor points in the overall international operation in Bosnia-Herzegovina.

Looked at in the light of this overall context the EU’s achievements and efforts seem and were relatively minor in comparison. However, this is to miss the point somewhat. What the EU did was what the EU was actually capable of, reflective of capabilities and importantly, the extent to which the member states agreed collectively to utilise these capabilities. Part of the problem lies in the fact that the set of goals pursued was relatively ad hoc and without a clear sense of purpose, direction or longer-term consequence. A hint of a guiding framework begins to emerge at the end of this period in the form of the EU’s increasingly expressed desire to participate in post-war reconstruction and longer-term regional stabilisation. Though by no means what can be described of as a strategy or a coherent or explicit guiding framework, it does contain echoes of the original approach adopted in 1991 and 1992
and it is also reflective of a better and more conscious linkage between what the EU can do and what it sets out to do. This is to an extent an exercise in limiting goals to fit limited capabilities or making a virtue out of the EU’s incapacity. However, neither these capabilities nor even this precise issue remain static. There is the the basis of more a coherent and goal-orientated policy linked to actual capabilities and what will be significant will be the extent to which this is built upon.

(iv) Functions performed in context

The roles or functions performed by the EC/EU in this period can be broadly characterised under the following headings:

(a) Joint mediator and facilitator of negotiations:

Once the Hague conference was wound down, the dominant EU diplomatic efforts were conducted in conjunction with the UN in the framework of the ICFY. As before, difficult negotiations proceeded in the ICFY and peace plans produced while what effectively brought an end to hostilities was a more direct approach undertaken by the United States and NATO. However, this negotiating effort was crucial and in effect constituted the ground-work for the eventual settlement even if it did take the United States to actually secure it.

(b) Civilian cease-fire monitor and observers:

ECMM was again present on the ground in this conflict, monitoring the situation and providing information to Union and other actors. It also was involved in monitoring elections held in Mostar, again in cooperation with the OSCE.

(c) Provider of humanitarian aid

The Union was an important source of finance for the international aid effort, facilitated somewhat by the creation of the ECHO in 1992. However, this effort was somewhat problematic which detracts from its overall effectiveness and visibility. The UNHCR and ICRC were the most dominant actors in this regard, with a definite need
for more co-operation and co-ordination of all the international efforts, not just the EU's.

(d) Smaller-scale post-conflict civil administrator and reconstruction co-ordinator

The administration of Mostar was one of the more interesting aspects of the EU's involvement in Bosnia-Herzegovina. Though it was stated that it was not intended to set a precedent for future EU action, along with the Union it did show the Union's relevance as the kind of multi-lateral framework that could take on tasks of this nature.

(e) Imposition of sanctions/provision of incentives

As outlined in some detail above, the most significant sanctions imposed in this period came in the context of a succession of UNSCRs. However, the Union played a part in ensuring their implementation both within and beyond the Union itself. The provision of incentives came more towards the end of the conflict in terms of conditional aid to the reconstruction and stabilisation process, as is mentioned more specifically below

(f) Promoter of regional cooperation and route to long-term peace and stability

Linked to the notion of providing incentives to co-operation, the elaboration and further consolidation of the EU's Regional Approach was significant and particular to the European Union. While a range of actors were involved to be involved in the reconstruction effort, most notably the UN, the Union focused on its own contribution in this regard. It was linked to the same association dynamic that was evident in the 1990/1991 approach and drew explicitly on the Union's magnetism as a partner. The emphasis on regional co-operation was an addition, and an important one in the long-term context of the region.

(g) Potential anchor/framework for longer-term stabilisation and reform.

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This is linked to the promotion of regional cooperation and the provision of financial and technical assistance for the reconstruction and reform effort should this principle be adhered to. The Regional Approach and its associated programmes all imply the development of closer contractual relations between the Union and the individual regions in question. This is by no means explicit but the hint of it is most definitely present nonetheless.

These roles correspond to the activity actually engaged in, even if the performance of these roles was not without problems or even entirely effective or successful. For example, it is not suggested that the promotion of regional cooperation was a high-profile or high-priority activity for the European Union but rather that it comprised an aspect of its involvement in Bosnia in this period. The performance of these roles generates expectations of what the future involvement of the EU might entail. As a reflection of capabilities and the ability and will to use them, they also condition future actions and the extent to which the roles will or will not be built upon. It can already be seen that the roles performed in this period are similar in nature to those performed in 1990 and 1991 despite the development of capabilities and reorientation of goals.

6.4 Conclusion

In this period, the EC/EU slips from its badly handled position as leader of the international response. From mid-1992, it continued to be active but in conjunction with other actors – most notably the United Nations. However, over the remaining years its position is eclipsed by the more forceful actions of other actors, including the United States and the Contact Group and EU efforts concentrate on the provision of aid, continued diplomatic efforts to find a political settlement and supporting the actions and initiatives of others. This is despite the CFSP and the associated reforms coming online in this period. Towards the end of the period in question, activity is mainly oriented towards post-conflict reconstruction and stabilisation with the emphasis on regional cooperation and the conditional provision of aid and greater cooperation. The approach overall is still highly reactive and for a stretch little
congruence between what was being attempted and the actual capability to effectively pursue such a course of action. However, the emphasis on the particular role the EU had to play in the aftermath of a peace agreement is highly significant. It both builds on the earlier approach and will be built on further in subsequent years. Hardly a massive leap forward, it does reflect a certain level of understanding of how to proactively direct resources in terms of what the Union was best suited to achieving in this particular context.
7. Kosovo

7.1 Introduction

The Kosovo issue came to dominate the international agenda in the spring of 1999. However, it had been an issue of concern since even before Yugoslavia's physical disintegration and it remains unresolved to this day. The EU and also the general international, approach prior to the escalation of tension in the region was extremely limited. As the situation began to deteriorate markedly in 1998, the EU's involvement was mainly of the same kind that it was limited to in Bosnia – but at first glance was even more limited in relation to Kosovo. In other words, limited diplomacy, support for and implementation of sanctions, the provision of aid for humanitarian purposes and support for the action of other actors again constituted the main forms of activity.

However, there were some differences to the Bosnian case, but was not evidence of a new or novel direction to the EU approach. Rather, it was more a case of increased concentration on what past experience had shown the EU had a greater propensity for and what had been the most appropriate tasks it could perform, based both on the extent of capabilities and a particular function the EU could perform that no other actor could in relation to this particular region and issue. This built on the experience of the first two phases to the Yugoslav conflict and drew heavily on the magnetic draw of the EU for the former Communist block. Building on the regional approach formulated in the aftermath of the Bosnian conflict, this culminated in the EU-led Stability Pact for South East Europe, and most importantly the Stabilisation and Association Process that introduced the prospect of EU membership explicitly. Reconstruction aid was also linked to this process and it introduced a high and systematic degree of conditionality to the process. The EU also further honed its post-conflict skills in taking control of part of the UN interim administration established to run the province in June 1999. Though in itself limited, imperfect and often badly managed, this was representative of an approach specific to the EU and a development in terms of a greater sense of strategy according to what the EU was capable of and what this particular situation required of it.
While the overall approach was not radically different, therefore, in terms of the types of activities the EU engaged in, what can be seen is a greater attempt to use and introduce further new instruments in order to better perform and expand the scope of the functions already performed. This was the case throughout the involvement in Kosovo under examination here and despite the more radical discussions occurring the background from the December 1998 St Malo Declaration. The effect of these and also many of the reforms in the Amsterdam Treaty (which came into effect in 1999), were mainly only to be felt in the aftermath of the Kosovo conflict – though inspired by the experience of both Bosnia and Kosovo. What Kosovo shows, is what could be done based on the instruments that could be seized upon and mobilised quickly or what could be agreed upon at EU-level. This in turn shows just how little the overall type of activity had changed but also how much it had in terms of concentration and scope.

7.2 The EU in Kosovo

(i) 1990-1997

Prior to 1998 the European Union’s involvement in Kosovo was extremely limited, so limited that in some respects it is hardly worth mentioning. Except for the limited and restricted participation of ethnic Albanian delegates in the international conferences established to work towards a political settlement, Kosovo was ignored. However, this neglect was a significant error on the part of the EU, and all the actors involved. This initial phase is significant in terms of the EU in that it highlights the side-effects of the policies set in motion in relation to Slovenia, Croatia and Bosnia and the failure to appreciate these consequences. In addition, the position taken, did help shape subsequent events and also the EU’s later approach when Kosovo forced itself on international attention a little more dramatically.

Both the ethnic and political issues arising from the Kosovo region pre-date Yugoslavia itself and its eventual demise. Kosovo’s constitutional status within Yugoslavia was one of the main sources of tension within the federation in the late
1980’s and was also a contributing factor in the treatment the Kosovo issue received from the international community and the European Union in particular. Under the 1974 Yugoslav constitution, Kosovo was classed as an ‘Autonomous Province’ within Serbia. This was as distinct from the six ‘Republics’ in little but name only. As an autonomous province, Kosovo enjoyed virtually all the rights and autonomy of the republics but was not granted the full titular republican status primarily to placate Serbian concerns for the Serb minorities in the region and the long-held nationalist belief that Kosovo in particular was the ‘cradle’ of Serbian civilisation. The revival of Greater Serbian nationalism in Serbia following the death of Tito in 1981 eventually resulted in the Serbian re-annexation of Kosovo beginning in 1987, with direct rule from Belgrade being re-imposed in 1990. This sequence of events was central to the run up to the outbreak of war in Yugoslavia. It was this re-annexation of Kosovo that more than encouraged both Slovenia and Croatia to consider that separation from Yugoslavia was their best way forward. The centrality of the Kosovo issue to the outbreak of war did not however render it central to the subsequent international response. In effect, the Serbian re-annexation of Kosovo was accepted as a fait accompli. Henceforth, until the second half of 1999, Kosovo was treated as a problematic part of Serbia and primarily human rights and minority issue.

This certainly was the primary approach adopted at EU-level in this period. As noted in the previous chapters, the initial reaction to the impending outbreak of war in Yugoslavia was to stress the necessity of preserving the federation. This was then modified to allow not necessarily for the preservation of the federation in its previous form, but in some form of overarching structure. From mid-December 1991 this approach was then abandoned in favour of the recognition of the independence of certain former Yugoslav republics subject to adjudication and the fulfilment of the specified criteria. However, the primary focus was on Slovenia and Croatia and the containment of the conflict. There was no particular emphasis on Kosovo other than as an aside to the main event in Bosnia. The complexity of the Kosovo issue, the fear

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143 Yugoslavia consisted of eight federal units, the six republics of Slovenia, Croatia, Bosnia-Herzegovina, Macedonia, Montenegro and Serbia and the two autonomous provinces of Kosovo and Vojvodina within Serbia.

144 This entailed the conviction that all Serbs scattered across Yugoslavia had the right to co-exist in a single Serbian or at least Serb controlled state.
of the so-called domino effect\textsuperscript{145} and (over-estimated) Greater Albanian ambitions\textsuperscript{146} all suggest that the policy of containment through a certain acceptance of the status quo in southern Serbia and the treatment of the Kosovo issue as a minority and human rights concern was a matter of convenience rather than conviction.

The majority Kosovar ethnic Albanian population were not invited to participate directly in the EC conference at The Hague that was working towards a negotiated settlement of hostilities. They were not excluded but in the context of the conference’s basic principles of respecting the rights of all, including ‘minorities’ and the need to take account of ‘all legitimate concerns and aspirations’\textsuperscript{147}, representatives of minority groups such as Kosovo’s Albanians and the Croatian Serbs were invited just to put their point of view to the conference’s Chair and deputy chairs, so that due account could be taken of their interests\textsuperscript{148}. Representations were made but there is scant evidence of any account being taken of their perspective. The provisional ethnic Albanian government applied to be considered as an independent state alongside the other republics. However, it was Kosovo’s status under the 1974 Yugoslav constitution that rendered it far too complex a matter to be considered in the hastily initiated and ill-thought-out adjudication process\textsuperscript{149}.

The focus of attention shifted from Croatia to Bosnia from early 1992 and despite statements acknowledging that all Yugoslavia’s problems were related and interlinked, the Kosovo issue was still confined to the far margins as a far less pressing and ancillary concern. In addition to being neglected by the Hague Conference, an ethnic Albanian delegation was invited to attend the August 1992

\textsuperscript{145} Whereby conflict in Kosovo would, in addition to Serbia, draw in both Macedonia and Albania, which in turn had the potential to draw in several other countries in the region, including amongst others, Greece and Turkey and in time could grow to become a major regional conflict, entailing the full engagement of international force in order to deal with it.

\textsuperscript{146} Like Greater Serbian nationalism, refers to the conviction that the ethnic Albanians of Albania, Macedonia, Montenegro and Kosovo should have the right to a single Albanian state.

\textsuperscript{147} 20\textsuperscript{th} November 91/379 Answer to oral question in the European Parliament No H-316/92 by Mr Crampton on EC involvement in Yugoslavia.

\textsuperscript{148} 9\textsuperscript{th} October 91/299 Statement in the European Parliament concerning the situation in Yugoslavia.

\textsuperscript{149} Alex Bellamy gives a fascinating account of a letter sent to Lord Carrington by the ethnic Albanian leader Ibrahim Rugova outlining Kosovo’s request for recognition as an independent state. The letter was ignored – neither rejected nor accepted. Great stress was simply put on the fact that this was a process involving the republics in subsequent communiqués (Bellamy 2002; 103). This gives weight to the argument that ignoring Kosovo was not a simple matter of not realising the consequences of this neglect. It was partly this but it was also a matter of nervous convenience. Any attempt to confront the issue head-on would have required a great innovative and comprehensive engagement of multiple resources that were simply unavailable.
London conference but this was limited to their being permitted to be present at the conference venue and have access to other delegates but not to participate in the conference's proceedings. They were included in the ICFY but in a very limited way. Classified again as a 'minority' they participated in the Working Group on Ethnic and National Communities and Minorities and also engaged in talks with the co-chairmen and their representatives. In June 1992 it was stressed that the exercise of restraint and commitment to political dialogue in Kosovo was one of the conditions for the restoration of normal relations between the FRY and the EC. Commitment to the principle of border change only being permitted by peaceful means was reiterated and the 'inhabitants of Kosovo' were reminded that their 'legitimate request for autonomy' should be dealt with in the framework of the EC conference\(^{150}\). Therefore, while being treated as a part of Serbia, the EC did view as valid the view that at minimum Kosovo deserved to have its autonomous status restored but only as a result of negotiation and diplomacy. This did not (and still does not) extend to an acceptance of the idea of Kosovar independence in its own right. The December 1992 Edinburgh European Council conclusions take this further and state that 'the autonomy of Kosovo within Serbia must be restored'\(^{151}\). However, little was done to either pursue or even promote this view. What is also discernible in this period is a level of appreciation for the need to engage in some level of practical conflict prevention measures. In the first instance, this entailed vocal support for the deployment of monitors to Kosovo under the auspices of the CSCE\(^{152}\) and condemnation of the expulsion of the monitors by the Serbian authorities in June 1993\(^{153}\).

However, along with the majority of actors, the focus and explicit priority in this period was Bosnia. Other issues were dealt with but Kosovo remained a side-event right up until 1998. In addition to the emphasis on the need for productive dialogue based on the assumption of Kosovo's right to some form of limited autonomy within a wider framework, it was also stressed that the Kosovo issue, among others, could and would be dealt with within a wider settlement to the conflict. However, no attempt at a comprehensive solution was made. A settlement for the Bosnian conflict alone was proving frustratingly elusive. While the EU remained

\(^{150}\) 15\(^{th}\) June 92/226 Statement on the situation in Yugoslavia
\(^{151}\) 11\(^{th}/12\(^{th}\) December 92/450 Conclusions of the Edinburgh European Council
\(^{152}\) Deployed in September 1993 to monitor tensions, especially in border regions.
\(^{153}\) 14\(^{th}\) July 93/307 Statement in the European Parliament
'concerned' at the events and human rights abuses in Kosovo, eventual attempts at actually proactively seeking to resolve or even ameliorate the situation was deferred until the elusive and hypothetical settlement for Bosnia would appear more vividly on the horizon. It was stressed that a wider comprehensive solution addressing the wider range of issues would be required before Serbia’s international rehabilitation and reintegration could commence and that restoration of Kosovo’s autonomous status must be an integral component of such a settlement. In fact, in June 1995, the European Council went as far as to acknowledge that ‘overall peace will not be restored unless the rights of each community are safeguarded everywhere’.

However, when that settlement finally came in December 1995 no mention was made of Kosovo and slow rehabilitation of Serbia began. The generally held new view of Milosevic and his cohort as the new allies of the West was largely adhered to. That said, Kosovo did remain on the agenda. An improvement in the situation there and restoration of its autonomous status were one of a list of conditions for the recognition of the FRY and this was repeated several times throughout 1996. It was acknowledged that this was a little more than a simple internal Serbian concern but was a problem with international dimensions and implications for wider regional efforts to promote lasting stability. At the end of April 1997 after stating only that substantial progress on Kosovo was expected, autonomous trade preferences were extended to the FRY for 1997. This was justified by the need to promote an economic revival in the FRY and to reinforce the increasing trend towards democratisation. Following the election of Slobodan Milosevic as Federal President, a statement was released calling on the FRY to choose the path of democratisation, economic reform and reintegration into the international community. The centrality of human rights and

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154 For example in January (94/059) ‘beginning with what is the most urgent, if peace in Bosnia is achieved then in parallel with that it is clear that the other problems created in the former Yugoslavia..will have to be discussed and efforts made to find solutions that accord with international law and systems for the protection of human rights’

155 16th November 94/292 Answer to oral question in the European Parliament No H-586/94 by Mr Posselt on the situation of the Albanians in Kosovo.

156 26th/27th June 95/191 Conclusions of the European Council/ Statement by the European Council on the former Yugoslavia

157 See 9th April 96/103 Statement on recognition by EU member States of the Federal Republic of Yugoslavia.

158 1st October 96/282 Statement on the 1950th Council meeting - General Affairs

159 30th April 97/064 Statement on the occasion of the granting of autonomous trade preferences to the FRY
respect for the rights of minorities was emphasised and it called on the authorities to avoid the use of violence and recourse to force in Kosovo\textsuperscript{160}.

As with Bosnia, the recognition process set in motion by the EC had an impact in Kosovo. During the first half of the 1990s a remarkable process was underway in Kosovo. Having not been deemed eligible to apply for recognition and determined not to be left to endure a litany of human rights abuses committed by the Serbian authorities against the ethnic Albanian population\textsuperscript{161} led to the development of a parallel ‘Republic of Kosovo’. This entailed the holding of parallel elections, creation of a constitution and establishment of parallel health care and education systems – in effect the creation of a de facto shadow state to cater for the needs of the ethnic Albanian population. It existed alongside the official administration and constituted a concerted, deliberate and impressive exercise in passive resistance. In this case, however, the remarkable and deliberately passive methods used by those involved in the parallel Republic of Kosovo ironically ensured that Kosovo could be ignored while the violence in Bosnia was addressed. The expectation that the Kosovo issue would be eventually addressed in the context of a settlement to the wider conflict in the former Yugoslavia underlay the commitment to passive methods of resistance in Kosovo.

The net effect of the neglect of the Kosovo issue in favour of Bosnia was the shift in support within Kosovo for the passive methods of resistance promoted by the moderate LDK under the leadership of Ibrahim Rugova, in favour of the more ‘proactive’ direct and in short, violent methods of the paramilitary Kosovo liberation Army (UCK). The initial swing commenced after the Dayton agreement and the exclusion of Kosovo from the negotiations and the eventual agreement. While Dayton was but just one factor among many, it certainly marked a turning point and the increased activity of the UCK from 1996 is probably the main reason why Kosovo remained on the agenda even before the upsurge in violence in 1998. When instability

\textsuperscript{160} 31 July 97/105 Statement in the European Parliament on the programme of the Luxembourg Presidency

\textsuperscript{161} These include police brutality, dismissals of ethnic Albanian state employees and health care workers, closure of ethnic Albanian schools and educational establishments, control of the media and closure of Albanian language media and harassment of those involved in the parallel administration, human rights organisations or NGOs. See (Vickers 1998) and (Malcolm 1998) for more on the period of the parallel Republic of Kosovo.
became near anarchy in Albania in 1997\(^1\), concern for the spread of the crisis to Kosovo and Macedonia was pronounced. However, this at no stage translated into an attempt to actually deal with the issue head-on. Unlike the earlier conflicts, whose occurrence and form could arguably not have been predicted, what happened in Kosovo over the next two years occurred precisely because of this neglect.

\(^1\) The crisis in Albania was triggered by the simultaneous collapse of several ill-advised pyramid investment schemes in January 1997. There followed a great influx of Albanian refugees to neighbouring countries, especially to Italy and Greece. Fears for the spread of the instability to Kosovo and an erosion of his control over both Republika Srpska and Montenegro\(^2\), Milosevic’s response to the growing control of the UCK over the Kosovar countryside was fierce. In the first half of the 1990’s, the more passive methods of the LDK never afforded Milosevic the opportunity to engage in larger scale ethnic cleansing in Kosovo. The change in the form of Kosovar resistance now afforded him a timely opportunity to reunite Serb opinion behind and to play the ‘Kosovo’ card, just as he had done in the late 1980s.

\(^2\) Throughout 1997 and 1998 Milosevic’s position in Serbia was by no means as strong or as secure as it had been in previous years. Though they amounted to little, the January 1997 demonstrations in Belgrade organised by the Zajedno opposition did indicate a certain crumbling of unquestioning loyalty, despite firm state control of the media. Also, the pro-western Montenegrin President Milo…
By the end of February 1998, the low-intensity conflict that had persisted for almost ten years became a full-scale and violent offensive under the guise of anti-terrorist (UCK) manoeuvres in the Drenica region. The new offensive was immediately characterised by a scope and level of brutality that greatly exceeded anything that the vastly superior Serbian forces could possibly have been forced to undertake in order to crush UCK strongholds. Villages with alleged UCK connections were singled out for attack, but not exclusively. Serbian forces met with little effective resistance. The first attacks began on the 28th February in the Drenica region, and the effort was stepped up on the 5th March. Mass demonstrations occurred throughout Kosovo from early March through the Spring of 1998 in protest at the massacres in Drenica. The initial demonstrations at the beginning of March were suppressed brutally by the Serbian police but subsequent protests were tolerated due, in part, to the increased presence of the world’s media in Prishtina. The UCK and its rapidly expanding support base were no longer prepared to rely on the international community being eventually compelled to intervene. Disgust at the Drenica massacre led to a direct surge in UCK membership. By early May the UCK had succeeded in establishing a supply corridor from northwestern Drenica to the Albanian border. The northern Albanian village of Tropja became a base from which new recruits could be armed, instructed and deployed into the battle zones over the border. Within a matter of weeks the UCK had control of approximately one third of the province. The Serbian response to the UCK’s advances took the form of two major offensives in the summer of 1998, focusing on the Drenica and Decan regions, which resulted in high casualties, displacement of people and destruction of towns and villages.

Following on from the experience in Bosnia, no intention was signalled and no attempt was made by the EU to lead the international response in any way whatsoever. From the outset, it maintained a supportive position on the sidelines – present and not entirely insignificant, but by no means dominant. In relation to Djukanovic and the (relatively) more independent minded Biljana Plavsic in Republika Srpska were not as subservient as previous leaders.
Kosovo, the immediate diplomatic initiative and impetus lay with the Contact Group - not the EU or the UN. The response at the EU-level was to condemn the attacks and to express support for the demands and efforts of the Contact Group. It was reiterated that independence for Kosovo was not on the agenda and that both parties (Serb and ethnic Albanian) should desist from engaging in further hostilities and engage in constructive negotiations. In line with the Contact Group statements and UNSCR 1160, sanctions were confirmed and introduced - including an arms embargo, a refusal to supply any equipment that could be used in a repressive way, a moratorium on financial credits and non-admittance to any member state of persons as having clear security responsibilities. A further common position added that these measures would be reconsidered should the FRY comply and would be added to if they didn’t - including the freezing of funds held abroad by the FRY and Serbian governments. This threat was carried out in early May.

Support for the Contact Group's efforts and action in line with the UNSC's statements and resolutions were cast repeatedly in terms of the crucial need to maintain unity of purpose among the main players in the international community and repeated mention of not wanting to allow the divisions and confusion that characterised the reaction to Bosnia to be repeated this time around. However, in practice all the EU could and did do to reduce this confusion and division in effect, was to itself say and do little. That said, action by the Contact Group had what can be described as a strong European flavour, though US dominated. The fact that the UK held the EU Presidency at the same time as it played a prominent role within the Contact Group is significant. However, though linked and overlapping, in the strict sense, the EU itself simply endorsed the efforts of others, while acting much more on the sidelines. Felipe Gonzalez was appointed EU Special Representative to the FRY in order to provide some focus and effectiveness to the Union’s contribution to the diplomatic effort, though to little effect, as Milosevic refused to concede that the Kosovo issue was anything more than an internal concern and would not cooperate.

164 2nd March 98/027 Statement on the upsurge of violence in Kosovo and 11th March 98/421 Statement in the European Parliament on the situation in Kosovo
165 19th April 98/097 Common Position
166 19th April 98/045 Common Position
This escalation and the re-emergence of the issue of ethnic cleansing in the former Yugoslavia was greeted with strenuous condemnation. On the 15th June, the European Council demanded that an end be put to hostilities and called for engagement of all parties in a vigorous political process in order to resolve their differences. Concern was expressed for the worsening refugee situation and a determination to support the efforts of the UNHCR and the ICRC was expressed. Willingness to participate in a monitoring mission that would oversee the safe return of displaced persons to their homes was also expressed. Additional sanctions were also introduced – including a ban on flights by Yugoslav carriers between the FRY and the member states.

Over the rest of the summer diplomatic efforts to resolve the crisis centred on members of the Contact Group, backed up with the threat of NATO action. On the 16th June, NATO engaged in a display of force in the form of the over flights as part of Operation Determined Falcon over Albania. Opposed to the use of military force, especially by NATO, the Russian President Boris Yeltsin intervened and the same day got Milosevic to agree to some of the demands set out by the Contact Group in March and UNSCR 1160. In July and August the US envoy, Christopher Hill, continued his negotiations with Milosevic. However, little of lasting effect was achieved and the situation in Kosovo deteriorated further despite continued diplomatic efforts. Towards the end of September evidence of a fresh Serbian offensive began to emerge from Drenica and southern Kosovo. The level of the atrocities committed in this instance captured the attention of the western media more so than previous massacres. The imminent approach of winter created an additional sense of urgency. On the 23rd September LTNCSR 1199 demanded the cessation of attacks on the civilian population and, amongst other things, stated that should these demands not be met, further unspecified action would be taken to restore peace and stability to the region. Then, on the 24th September a further offensive was launched by Serbian forces in Kosovo. A NATO Activation Order was secured on the 12th October and

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167 He was also simultaneously the OSCE Special Envoy
168 15th June 98/104 Statement by the European Council on Kosovo
169 Confirmed by 29th June 98/121 Common Position
170 Also at Albanian request, NATO troops also were positioned on the Kosovo-Albanian border.
171 25th March Contact Group Statement on Kosovo and also UNSCR 1160
172 In line with UNSCR 1199, the UCK declared a ceasefire on the 9th October.
air-strikes averted in this instance by an agreement secured by US envoy Richard Holbrooke with Milosevic. This agreement compelled compliance with the terms of UNSCR 1199 and also to allow a deployment of monitors under the auspices of the OSCE to be deployed in order to verify compliance (Kosovo Verification Mission or KVM). After an initial appearance of compliance by the end of the year fresh offensives had been launched.

Other than expressions of support or condemnation the EU, was not a significant presence on the diplomatic front during these months. In October, Wolfgang Petritisch was appointed as EU Special Envoy to Kosovo to reinforce Felipe Gonzalez and did play a significant part in later negotiations, most notably at Rambouillet, which will be discussed below. Otherwise, the deployment of KVM was strongly supported and the expertise and assistance of ECMM was made available in the lead-up to its deployment. Aid to refugees and to the countries supporting them was another significant aspect of the EU’s activity yet again. Involving the ECHO, representatives of the Presidency and Petritisch and conducted in conjunction with other agencies, such as the UNHCR and the ICRC, the guiding principle in the provision of aid was the preference to deal with refugees in the region in order to alleviate the burden on the member states. The aid total for 1998 came to EUR 7.5m173 with much of the emphasis on assisting refugee return and supporting Montenegro in the interests of trying to prevent the spill-over of instability resulting from the influx of refugees and the resulting chaotic circumstances. However, the extreme instability of the situation on the ground made this a very problematic policy.

Towards the end of October a so-called ‘comprehensive approach to Kosovo’ was set out. It was comprehensive in that it did address all aspects of the conflict and sets out the EU’s view on them and any potential contribution it might play in their regard in the future. It is notable in that it clearly portrays all action occurring in conjunction with a wide range of other actors and although the EU itself as a unit might not have played the dominant or most significant part in overall efforts, it sets out relatively clearly where the EU fits into an overall effort that itself lacked coherence. The comprehensive approach consisted of:

173 European Commission DG External Relations: http://www.europa.eu.int/comm/external_relations/see/fry/kosovo/index.htm viewed 26.05.03
Emphasis on the effective implementation of sanctions;
Full support for all UNSCRs and diplomatic efforts;
Full support for the activities of the OSCE and KVM, cooperation between KVM and ECMM and for the deployment of a NATO extraction force in order to ensure the safety of the monitors;
Citing the EU as a major factor in the stability of the Balkans, stressed the need to start real negotiations on the future status of Kosovo and pledging to remain actively involved in this process through Petritisch;
Commitment to the provision of aid;
Consider further confidence-building measures to further building of civil society in Kosovo;¹⁷⁴

The comprehensive approach was more a bringing together of the scattered components of the existing approach rather than anything entirely new or anything resembling a coherent plan. It focuses on what the EU had been doing and what it could continue to do – namely, assist the diplomatic process (through negotiations, sanctions, civilian monitoring assistance), offer full support to the actions of other actors capable of doing what the EU could not and provide aid. The citing of the EU as a major factor for stability in the Balkans within the approach is notable and is in line with how both the initial response in 1990/91 and the response to the reconstruction of Bosnia were cast. This would be further built on in a highly significant way in 1999.

(iii) 1999

Following the hostilities of Christmas 1998 and the controversy surrounding the Racak massacre of early January, the international reaction and approach to Kosovo took on a more determined tone. The credibility of NATO and international resolve in general was at stake. The previous years had shown Milosevic and the Serbian authorities that despite the volume and tone of threats (and the previously mentioned NATO Activation Order), it was very likely that the threats would never be followed through. The escalation of tensions in the province into 1999 contained a

¹⁷⁴ 27th October 98/272 Statement on a comprehensive approach to Kosovo
greater potential for spill-over into neighbouring regions than the previous conflicts in Croatia and Bosnia. The humanitarian situation was of such a visible and rapidly deteriorating nature that the pressure to act and not be seen to repeat the failures to prevent suffering in Bosnia was immense. This attitude was prevalent at EU-level also. The rise and increased activity of the UCK also increased the sense of urgency at international level. However, the main players in the international reaction to this phase of the conflict were again the Contact Group and NATO. The EU’s own activity was not insignificant but it was more part of the supporting chorus than the lead performer for the first half of the year. After the end of Operation Allied Force in June, a clearer impression of what the EU could do and was doing begins to emerge.

Following the Racak massacre in January, a stronger sense of purpose was injected into diplomatic efforts to resolve the conflict. The massacre was condemned directly by the EU in the form of a direct letter from the President of the Council to President Milosevic. However, the lead in the international response came from the Contact Group, which on the 22nd January demanded the urgent convening of negotiations, backed up with the threat of NATO action should the warring parties not comply. These negotiations came in the form of the Rambouillet Conference on Kosovo, which commenced on the 6th of February. Though conducted under the auspices of the Contact Group, the Rambouillet conference had a definite European emphasis, though it is arguable as to whether it can be considered clearly ‘EU’. The conference was co-chaired by the British and French foreign ministers – Robin Cook and Hubert Vedrine. The Presidency and the Commission were also represented. In addition the EU’s Special Envoy, Wolfgang Petrisch was one of the three central negotiators facilitating the proximity talks between the delegations, along with Christopher Hill (US) and Boris Mayorski (Russia). However, this can at best be described as a definite EU input into the process but it was by no means definitive.

The relevance and significance of the EU’s role is confirmed by its presence in several guises, but it was the relevant member states and the US and Russia who provided the greater weight, supported of course by the threat of NATO action.
The conference failed to produce a settlement\textsuperscript{175} by the time of its conclusion on 23\textsuperscript{rd} February. The parties reconvened in Paris in March and this time the Kosovar Albanians agreed to sign a settlement. The Serbian delegation, however, did not. In fact throughout this second round of negotiations, Serb forces in Kosovo had engaged in fresh attacks against civilian targets and adding greatly to the numbers of the displaced within Kosovo and also spilling over its borders. Milosevic, it became apparent, was prepared to risk challenging the extent of international resolve to engage in the threatened military action. However, following this latest escalation and the refusal to sign the Rambouillet accords, preparations for military action began. On the 20\textsuperscript{th} March KVM began to withdraw from Kosovo and on the 26\textsuperscript{th} March the controversial Operation Allied Force was launched.

Throughout this period, the reaction at EU level was for the most part in a supportive capacity and concentrated on the introduction of further sanctions at EU-level and efforts to alleviate the humanitarian situation (as in the latter stages of Bosnia). In the midst of the floundering Rambouillet negotiations a phased and coordinated withdrawal of staff from EU diplomatic missions throughout the FRY was commenced. At this stage, the commitment to playing a key role in the implementation of a peace settlement was reiterated, specifically in the civil implementation structures, economic reconstruction and community building. However, in line with the approach and new arrangements put in place in the aftermath of the Bosnian conflict, any assistance to be granted was always to be conditional. In considering what would come to Kosovo from the OBNOVA budget for 1999, it was stressed that conditionality should be applied to all projects governing the implementation of an eventual peace agreement\textsuperscript{176}. This was based on the 1997 Regional Approach, introduced in the aftermath of the Bosnian conflict which emphasised the principle of conditionality in EU support for the reconstruction effort.

The response to the break-down of the diplomatic process and the launch of NATO air-strikes on March 26\textsuperscript{th}, was one of resolute support. Meeting on 24\textsuperscript{th}/25\textsuperscript{th} March the European Council set out very clearly where it stood on the failure of efforts to end the conflict. It explicitly blames the Yugoslav leadership for the

\textsuperscript{175} See (Weller; 1999) for an account of the conference from someone who was actually present in Rambouillet.

\textsuperscript{176} 21\textsuperscript{st} February 99/026 Statement on the 2161\textsuperscript{st} Council Meeting – General Affairs
worsening situation and the failure to secure a settlement. The activities of Serb security forces in Kosovo was declared to be direct contravention of UNSCR 1199, the resolution being used justify military intervention in the absence of a direct mandate for Operation Allied Force. Put in quite strong terms the European Council’s statement goes on the stress that

' We, the countries of the European Union, are under a moral obligation to ensure that indiscriminate behaviour and violence...are not repeated....Aggression must not be rewarded. An aggressor must know that he will have to pay a high price. That is the lesson to be learnt from the 20th century...In the final analysis, we are responsible for securing peace and cooperation in the region. This is the way to guarantee our fundamental European values, i.e. respect for human rights and the rights of minorities, international law, democratic institutions and the inviolability of borders.'

While the NATO intervention was not mentioned explicitly, the air strikes by implication are the ‘high price’ that the ‘aggressor’ (clearly identified as the FRY leadership) would have to pay for frustrating peace efforts and continuing to engage in attacks on Kosovo’s civilian ethnic Albanian population. This is further confirmed by the GAC, meeting on the 8th of April. The situation demanded ‘the use of severest measures, including military action’ which NATO was conducting ‘in order to put an end to the humanitarian catastrophe’

Several key demands are then made of Milosevic, which mirror those made by NATO for a cessation of air strikes. Of course this consensus does obscure disagreements under the surface but nevertheless, the official Union stance was one of support for the NATO intervention, despite the absence of the clear legitimation of the UN Security Council. However, it was stressed that the UN Security Council and the UN Secretary General had a pivotal role to play in the context of any political settlement.

177 26th March 99/046 Conclusions of the Berlin European Council
178 9th April 99/048 Special Council Meeting – General Affairs.
179 ibid. The demands made of Milosevic as listed are: ensure a verifiable stop to all military action and the immediate ending of the killing, ensure the withdrawal from Kosovo of the military, police and paramilitary forces; agree to the stationing of an international military peacekeeping presence; agree to the unconditional return of all deportees and unhindered access to them by humanitarian aid organisations; provide credible assurance of his willingness to work on the basis of the Rambouillet agreement in the establishment of a political framework agreement for Kosovo in conformity with international law and the Charter of the United Nations. These are identical to the demands set out by the North Atlantic Council the same month. See http://www.nato.int/kosovo/history.htm viewed 26.05.2003
180 8th April 99/067 Statement on the 2173rd Council Meeting – General Affairs
Another key aspect of the Union’s response to the situation came in the form of assistance to the rapidly rising numbers of displaced ethnic Albanians forced out of Kosovo after the air strikes commenced\textsuperscript{181}. At this stage, this mainly took the form of aid to the refugees in Montenegro, Albania and Macedonia. While full support was given to the UNHCR policy of trying to assist the needs of the displaced on-site in order to better facilitate their more speedy repatriation, allowance was also made for the voluntary accommodation of refugees in the member states. The concern for the massive numbers of refugees was one of the primary concerns for the EU – not simply for humanitarian reasons but also because of the implications for regional security and the consequences for those member states absorbing most of the burden of accommodating them outside of the region, Germany being the prime example in this regard. The funds mobilised in early April amounted to a total of €250m, with €150m specifically for the needs of the Kosovar refugees and €100m for refugee-related support for the host countries and other relief agencies\textsuperscript{182}. This amount was in addition to bilateral member state aid. Efforts were made to co-ordinate the international aid effort\textsuperscript{183}, with the Commission taking on a prominent role in this regard. Full gratitude and support was expressed for the three countries bearing the massive burden of accommodating the refugees (Albania, FYROM and Montenegro) and increased co-operation with and support for these countries in the future was mentioned\textsuperscript{184}.

\textsuperscript{181} It is a moot point as to whether the air strikes caused this massive humanitarian crisis and therefore effectively worsened the situation they were supposedly intended to alleviate. The absence of an intervention by land did mean that little could be done to prevent this kind of mass exodus/expulsion other than targeting the machinery of war from the air. Whether or not it was planned regardless of the NATO intervention is not the central point. It seems likely that the NATO airstrikes did create the conditions that permitted the Serbian leadership to engage a level of ethnic cleansing that may not have been possible with any level of an international presence on the ground – even KVM, which was supported by the NATO force deployed in Macedonia to facilitate its extraction should it be put in danger. That is not to go so far as to argue that KVM could have prevented ethnic cleansing on this scale. It already failed to prevent it on a smaller scale. However, the NATO intervention provided a certain level of opportunity and were a part of (not necessarily a sole cause of) a rapid and intense escalation of the conflict and as history, not just in the FRY, has shown that the conditions of rapidly escalated war can permit the occurrence of events of such an extremity that might not otherwise be possible.

\textsuperscript{182} 8\textsuperscript{th} April 99/048 Special Council Meeting – General Affairs

\textsuperscript{183} For example the German Presidency held a meeting on the 1\textsuperscript{st} of April in order to discuss a concerted approach to the international aid effort. It was attended by a large number of actors involved, including the EU foreign ministers, the Commission, ECHO, foreign ministers of countries in the region, the UNHCR, the OSCE, NATO, the IMF, the EBRD, the Council of Europe and the WEU.

\textsuperscript{184} 8\textsuperscript{th} April 99/067 Statement on the 2173\textsuperscript{rd} Council Meeting – General Affairs
As before, sanctions were the means brought to bear in order to attempt to compel cooperation. The EU took the lead in imposing an oil embargo on the FRY and existing sanctions were topped up and extended with further measures including a travel ban on Milosevic, his family and significant figures of authority in Serbia, an extension of the scope of the freeze of funds held abroad and a comprehensive flight ban between the territory of the EU and that of the FRY\(^{186}\). However, there was a problem in reconciling the promise to assist Montenegro and efforts to effectively implement sanctions. It was difficult, for example, to ensure the full enforcement of the oil embargo without cutting off Montenegro.

As in previous conflicts, the EU did have a presence in the diplomatic process being conducted alongside the military campaign, attempting to bring about some kind of a political solution to the crisis. On the basis of the key principles agreed to by the G8 foreign ministers on the 6\(^{th}\) May, the Finnish President, Martti Athisaari represented the EU in negotiations with Belgrade. This was in conjunction with Russia, represented by former Prime Minister Vicktor Chernomyrdin, and in consultation with the US representative Strobe Talbot. The Athisaari-Chernomyrdin process yielded an agreement with the FRY on the 3\(^{rd}\) June that was to pave the way for the final cessation of the campaign on the 10\(^{th}\) June. Based on the G8 principles, the demands included the following:

- Immediate and verifiable end of violence and repression in Kosovo;

\(^{185}\) See [http://www.europa.eu.int/commm/external_relations/see/fry/kosovo/index.htm](http://www.europa.eu.int/commm/external_relations/see/fry/kosovo/index.htm)

\(^{186}\) Listed in 8\(^{th}\) April 99/067 Statement on the 2173\(^{rd}\) Council meeting – General Affairs. Basis later in 23\(^{rd}\) April 99/064 Common Position (Oil embargo), 10\(^{th}\) May 99/079 Common Position (Travel

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<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reconstruction assistance</strong></td>
<td>7.5</td>
<td>127</td>
<td>275</td>
<td>320</td>
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<tr>
<td><strong>Humanitarian Aid</strong></td>
<td></td>
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<tr>
<td></td>
<td>378*</td>
<td>50</td>
<td>12.5</td>
<td></td>
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<tr>
<td><strong>Total</strong></td>
<td>7.5</td>
<td>505</td>
<td>360</td>
<td>362.5</td>
</tr>
</tbody>
</table>

*This was the overall amount provided for supporting the region affected by the Kosovo crisis (Albania, FYROM, Montenegro). Out of this amount EUR111.7 was spent directly in Kosovo.

Source European Commission, DG External Relations\(^{185}\)
• Withdrawal from Kosovo of military, police and paramilitary forces;
• Deployment in Kosovo of effective international civil and security presence, endorsed by the UN;
• Establishment of an interim administration for Kosovo to be decided by the UNSC;
• Safe and free return of all refugees and displaced persons and unimpeded access for humanitarian aid organisations;
• A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo\textsuperscript{187};

On 9\textsuperscript{th} June, a military-technical agreement was reached between NATO and the FRY and on 10\textsuperscript{th} June the air strikes ceased.

In the absence of a political settlement to the dispute over what Kosovo's actual status should now be, on the 10\textsuperscript{th} June under UNSCR 1244, it was decided that the UN would assume overall responsibility for the interim administration of the province. The interim administration (UNMIK), while under the overall auspices of the UN was to involve several other international actors. The security presence put in place as Serb forces withdrew was NATO-led but also included Russia. Comprised of four pillars, the responsibilities of the civilian administration were split between the UN, the EU and the OSCE. The UN maintained responsibility for the two pillars dealing with overall civilian administration and police and justice. The OSCE took responsibility for democratisation and institution building and finally, the European Union took responsibility for Reconstruction and Economic Development. The EU’s task was to assist in the development of a modern market economy in Kosovo. This entailed in the first instance basic reconstruction and infrastructural repair followed by programmes guiding both administrative and legal reforms in order to bring Kosovo’s standards in both regards closer to the EU’s own\textsuperscript{188}.

Having been involved but not predominant up to this point, the scope of EU activity increased as the conflict approached its end and as the reconstruction effort

\textsuperscript{187} Source: http://kosovo.mod.uk/account/principles viewed 5.06.2003
\textsuperscript{188} See UN Security Council Resolution 1244 and UNMIK http://www.unmikonline.org/intro.htm
began. The full effect of these measures may not have been immediately felt, but already it was indicative of the particular approach of the EU based on what had already been done and what could be developed to greatest effect. Subsequent activity is also inter-related and indeed unnecessarily overlapping at times and therefore was hardly a thorough coherent strategy of any kind. It all arose directly from the Union’s experience in the former Yugoslavia to date and the development and consolidation of its own particular approach. Starting from the run up to the Kosovo conflict’s conclusion, this new wave of activity dealt specifically with the EU’s role in the future stabilisation of the region.

In the midst of the conflict the European Union proposed the idea of a Stability Pact for South Eastern Europe in order to better work towards and secure the long-term stabilisation of the region as a whole\(^{189}\). The role of the EU within the pact was highly significant. Eventually launched on the 10\(^{th}\) June, the same day as the NATO campaign stopped and UNSCR 1244 was agreed beginning the process of establishing the UN interim administration in Kosovo (UNMIK), the Stability Pact constituted a framework for the coordination of the actions of the broad range of actors involved in South East Europe. The stated purpose of the Pact was to coordinate efforts in order to bring peace, stability and economic development to the region\(^{190}\). The relevant parties to the Pact came together under three working tables\(^{191}\) to work towards bringing their strategies into line and coordinate activities, and thus try to minimise unhelpful duplication of activities. In addition, there was a strong emphasis on regional cooperation and on encouraging and strengthening cooperation between the countries of South East Europe. UNSCR 1244 cites the Stability Pact as part of a comprehensive international response to the economic development and stabilisation of the region as a whole and stresses the importance of further promoting democracy, economic prosperity, stability and regional cooperation.

\(^{189}\) See (Friis&Murphy:1999) for more detail on the background. The Stability Pact in this incarnation was a German initiative, promoted mainly to placate tensions within the German coalition government over the support for the NATO intervention in the absence of a UN Security Council mandate.

\(^{190}\) Sarajevo Summit Declaration, Sarajevo 30\(^{th}\) July 1999 accessed at [http://www.stabilitypact.org](http://www.stabilitypact.org) viewed 26.05.2003

\(^{191}\) Dealing with issues of concerning democratisation and human rights; economic reconstruction, cooperation and development and also security issues. The six core targets for development and reform centred on media, local democracy and cross-border cooperation, interregional trade and investment; regional infrastructure and energy; organised crime, migration and asylum/refugee issues. UNMIK [http://www.unmikonline.org/intro.htm](http://www.unmikonline.org/intro.htm)
Most importantly in terms of the EU was the very particular part it had to play in relation to the Stability Pact. One of the overall intentions of the pact was to provide a European 'anchorage' to the region and eventual integration into Euro-Atlantic structures. The role of the EU was to 'draw the region closer to the perspective of full integration of these countries into its structures' and 'in the case of countries which have not yet concluded association agreements with the EU, this will be done through a new kind of contractual relationship'. As a result, the future framework for EU relations with the region came in the form of a Commission initiative – the Stabilisation and Association Process and a new type of Association Agreement – the Stabilisation and Association Agreement, as distinct from the Accession process underway with the countries of Central and Eastern Europe more generally. However, out of the inability of the EU to do much more than work alongside the Contact Group and NATO once the situation deteriorated, came the first concerted attempt to codify and make more coherent what had been underlying so much of the Union’s dealings with the region to date.

It also had consequences for the way aid to the region would henceforth be structured. Drawing a distinction between more immediate humanitarian aid and aid for reconstruction and development, the conditionality introduced in earlier processes and programmes (e.g. OBNOVA) was streamlined and linked to the SAA process eventually. The ECHO retained responsibility for the allocation and coordination of humanitarian and emergency, more short-term aid. However, the aid for reconstruction was to be managed by the new European Agency for Reconstruction (EAR), also under the direction of the Commission. In advance of actual commencement of the EAR work, a Commission task force was despatched to the region in July 1999 to coordinate the aid effort locally until the EAR took over in February 2000. As distinct from the ECHO, the EAR was responsible for more long-term reconstruction and development efforts and would remain active after the assistance of the ECHO was no longer required. No conditionality was attached to aid for emergency or humanitarian purposes. However, the assistance of the EAR was dependent on cooperation and willingness to work in the interests of reform overall. This point in time was a transitional one characterised by a proliferation of new...
initiatives and reforms. The overall programme of reconstruction assistance to the region was further and more explicitly linked to the SAA process eventually with the establishment of CARDS (Community Assistance for Reconstruction and Development).

These developments were to combine to provide an increasingly coherent context and framework for the Union's subsequent involvement in the region. This is the case for the ongoing reconstruction and reform efforts throughout the region, but for our purposes they were to provide a significant backdrop and more coherent framework within which attempts were made to deal with the next phase of conflict in Macedonia. Interestingly, the Vienna European Council, meeting at the end of the year, declared the intention to formulate a common strategy on the Balkans in line with its new competence to do so under the Amsterdam treaty. The common strategy on the Balkans has never materialised. The proliferation of new initiatives that were launched, or being planned in this period did lack coherence and were not part of what could be described as an entirely integrated approach. However, they were part of what had been a developing EU strategy towards the region, be it a very heavily qualified notion of strategy.

7.3 Characterising the Third Phase

(iv) Approaching a particular and more coherent EU approach?

At a superficial glance, it would appear that this period was the quietest so far in terms of EU activity. Although the reaction was somewhat more subdued than the initial reaction to the previous conflicts, this is not entirely accurate. In fact, this period is significant in that there was a greater sense of realism in terms of what the EU could do based on previous experience. The reflection on past experience was not just negative, however. It was clear that the EU did have a part to play in certain types of activity and in fact that its participation was desirable due to the particular and unique role that the Union could play in this situation specifically. What is interesting is that the range of activity engaged in is not substantially different to that of Bosnia in terms of overall type. What is different, however, is the manner and scope in which it was conducted and where the relative emphases lay.
In terms of diplomacy the EU’s involvement was significantly more low key than in the previous conflicts. The opportunity to engage with the Kosovo issue was not taken in the years previous to 1998 and despite statements stressing the necessity of addressing the range of outstanding questions within the former Yugoslavia, little attempt was made to take on this task as had been the case in relation to Slovenia, Croatia and Bosnia. Kosovo was not ignored but resolution of the more visible conflict in Bosnia was the focus. When the situation began to rapidly deteriorate into 1998, the Contact Group and its representatives, with the full support of the Union, took the immediate diplomatic lead. Two Special Representatives were appointed to the FRY (Gonzalez) and to Kosovo (Petritsch). Petritsch played an active part in negotiations in Kosovo in late 1998 and early 1999 and played a significant part in the Rambouillet proximity talks. In the run up to the end of the conflict, Martti Ahtisaari played a key role on behalf of the Union (in conjunction with Chernomyrdin) in paving the way towards the 9th June Military-technical agreement between NATO and the FRY that ended the air campaign. Otherwise, EU diplomacy was heavily declaratory and also supportive of the actions of other actors on the surface at least – including support for the NATO air campaign. This is not to say that the dominant international effort did not have a strong European flavour, in particular in relation to the European members of the Contact Group. However, though conducted in Europe and involved EU representatives, Rambouillet was a state-led endeavour, unlike the Hague Conference or the ICFY which were led by the EC and the EU and the UN. Also in a similar manner to Bosnia, a strong emphasis was once again put on the imposition and implementation of sanctions at EU-level, as the only means by which to strongly encourage cooperation with diplomatic efforts to resolve the crisis. Likewise, until the spring of 1999 the provision of aid for humanitarian purposes constituted the other main form of activity, though this time with more of an eye to extending this to reconstruction aid from the outset. In Kosovo, the aid effort concentrated both on providing direct relief to refugees and also supporting the countries hosting them.

What is notable overall is a clear appreciation of the range of actors involved in dealing with the crisis and the need to coordinate these many different types of response rather than jumping to trying to cover all possible functions. Acting in a
supporting capacity in terms of diplomacy, supporting and also taking a lead in terms of the imposition of sanctions and participating in the aid effort with a strong emphasis on the need to coordinate and cooperate with other aid agencies was explicit from the outset in relation to Kosovo. This approach formed the basis of the 1998 Comprehensive Approach in which the Union set out its position in relation to actions and policies of other actors and the contribution it had and could continue to make.

It also formed part of the basis of the Stability Pact for SouthEast Europe that was launched in direct relation to the Kosovo crisis. The Stability Pact was intended to provide a framework for the coordination of the activities of all the actors involved in the region with the longer term objective of facilitating the development and stabilisation of the region. While adopting a leadership role in the Stability Pact, the Union’s own role within the pact was to provide an ‘anchorage’ for the countries of the region to greater encourage the levels of necessary reform and compliance. In light of this the Stabilisation and Association Process was launched, though its impact was not immediately felt in Kosovo specifically. This introduced the explicit perspective of EU membership to the countries of the region as the end result of a process of reconstruction and reform. At the same time moves to restructure the Union’s aid for reconstruction and development were put in place, making explicit distinction between humanitarian aid and reconstruction aid, and confirming the notion of conditionality for the continued provision of the latter. Significant also was first the Union’s willingness to play a leading part in post-conflict Kosovo and second its assumption of responsibility for a significant pillar of UNMIK. This was substantially more ambitious than the administration of Mostar and entailed commitment to assist the development of a functioning market economy in Kosovo.

Though the range of these measures arose out of the experience of the previous conflicts, their immediate impact was not felt in this period. However, what can be seen is movement towards a distinct and definitely EU approach to the region with an increased sense of what should be made more coherent and how. The emphasis remained on the part the EU could play in relation to the region, drawing heavily on its own integrative dynamics and their strong draw on the former Communist east as a whole. Overall, despite being less visible as an actor in the throes of the conflict than before this was not necessarily a bad thing. Before, when
highly visible it was usually when attempting to achieve what it simply could not achieve. This time, and especially in the run up to and in the aftermath of the Kosovo conflict, the European Union was putting in place reforms and new initiatives that combined with other developments and also more formal competences coming online in this period, would mean that the reaction to the next phase in the Yugoslav conflict would directly build on but be different in terms of coherence, strategy and also content and form than before.

(v) Balance of the reactive and strategic

Despite all these developments it would be a mistake to say that what was emerging was an entirely ‘strategic’ EU approach to the crisis and the region. It was still relatively ad hoc and the most that was being done was building on and consolidating past practice rather than launching a new integrated and coherent EU policy towards the region. What was being built upon had been in evidence in the previous conflicts, namely the approach to post-conflict reconstruction and stabilisation of the region drawing on the EU’S own enlargement dynamic. However, the effort to bring more of a sense of coordination to the international effort and the development of the Union’s own particular strength in relation to the region to the point of introducing the explicit membership perspective, did indicate a significantly higher degree of the deliberate and the proactive. It does represent an attempt to manage the situation and to prevent conflict there in the future. As stated above, the extent to which this is followed through or realised is more apparent in the years following the Kosovo conflict and will be discussed in more specific relation to Macedonia. At most all these developments combined to create the greater potential of an overall framework that was characterised by cooperation with other relevant actors and concentration on the tasks which the EU-level was equipped to perform.

(vi) Goals and capabilities linkage

This period also was marked by certain development in this regard. Unlike the previous two phases of conflict in Yugoslavia, no attempt was made by the EU to take responsibility for or manage the response to the conflict. The new arrangements and
reforms of existing mechanisms were channelled into the fulfilment of what might in one sense be considered more limited goals e.g. provision of aid and reconstruction assistance. However, on the other hand, engaging in a process that had as its primary objective the encouragement of the stabilisation of one of the historically most troubled and turbulent parts of Europe can hardly be dismissed as a limited goal. This was within the EU’s capabilities to an extent and it began to conscious focus its efforts on this. Even if it was a case of just concentrating on what it could set in motion more quickly than any other more radical or new course of action, it was still highly significant and more realisable precisely because of its clearer linkage to the actual capability to bring it about. This is not suggest that other developments occurring at the same time would not have an impact, but in terms of what was done in relation to Kosovo, this was the more relevant issue. In the background developments of the EU’s competence to act in international affairs were progressing – both in terms of the Amsterdam reforms to the CFSP and the development of an autonomous EU military capacity. These also were to an extent a direct result of the Union’s experience in Yugoslavia. Combined with the developments outlined here and launched in this period, the next phase of activity shows how far the EU’s policy in the former Yugoslavia has come from the initial stage. Real progression had been made in this period, in that the increasing sense of a guiding operational framework was informing the actions of the EU-level more broadly, with clearer acknowledgement of the fact that other tasks were best left to those actors better equipped to deal with them.

(vii) **Functions performed**

Considered in context, the roles or functions performed by the EC and its agents and representatives in this period can be characterised under the following main headings:

(a) *Limited diplomatic involvement:*

The Union’s involvement in the diplomatic effort in this period was not dominant, but it was specific, especially that of the Special Representative and Athisaari and the effort overall contained what can be described as a strong European ‘flavour’. There was little emphasis in the negotiation effort overall this time in
securing any kind of long-term settlement, and there was a sense of distance between diplomatic efforts and the other activities being engaged in that have been outlined. The United States and the Contact Group predominated in this period, though the participation of Russia was also significant.

(b) Civilian monitoring and assistance:

ECMM/EUMM was by now a fixture and it was active again in this period, most notably in assisting with the KVM deployment under the auspices of the OSCE.

(c) Provider of humanitarian assistance:

Once again the Union was a significant provider of aid for humanitarian purposes. The primary target of this aid was the relief of the refugee situation that worsened so dramatically following the commencement of NATO’s air campaign in late March. As in Bosnia, this was for the most part dominated by the UNHCR and the better coordination of the overall international aid effort became a matter of EU-level policy in this period.

(d) Imposition of sanctions / provision of incentives:

The imposition of sanctions, including those imposed in the context of UNSCRs, was again important. The provision of incentives to cooperation came more precisely in the context of the evolving Stabilisation and Association process and aid for reconstruction and development.

(e) Leadership and coordination of long-term international stabilisation effort:

This is linked to the better appreciation of the need to co-ordinate the international effort with the relevant actors dealing with what was in their most immediate competence. It can be seen first in the 1998 ‘Comprehensive Approach’ but more precisely in the initiation and leadership of the Stability Pact for South East
Europe which had as one of its underlying purposes the better coordination of many and some overlapping efforts on the part of different types of actors. The appropriateness of the EU’s performing this function is highlighted by the particular role of the Union within the Stability Pact.

(f) Explicit anchor for long-term stabilisation and reform:

As mentioned above, the particular part played by the EU in the Stability Pact was to provide the prospect to the participating countries of future integration into EU structures at the end of a Stabilisation and Association process. Having been implicit in so much of the Union’s dealings with the former Yugoslavia since 1990 the perspective of EU membership was now explicit and henceforth was to provide a strong context for all dealings, across all activity types and rendered the Union one of the primary actors positioned to take responsibility for and deal with future crises, in much the same manner as it was expected and failed to be in 1991.

7.4 Conclusion

Overall, this period is one of the most significant in terms of the development of the EU’s policy towards the former Yugoslavia. This is despite the first impression that it was one of the quietist. Much in fact was done or set in motion in during this period that was to have a very clear effect on subsequent policy. Playing more of a supporting role in the international diplomatic effort to resolve the conflict, the Union’s representatives nevertheless played a significant part in all stages of negotiations prior to and during the NATO campaign. However, the more interesting aspects of Union activity built directly on the approach that had begun to emerge in the aftermath of the Bosnian conflict culminating in a Stabilisation and Association process that incorporated the emphases of the Regional Approach and introduced the perspective of Union membership as the ultimate incentive for the first time. The overall policy was still badly integrated but the difference was that the Union was now beginning to at least operate within the context of some kind of more coherent
guiding framework, regardless of whether or not it actually worked as it should have or was entirely effective or appropriate.
8. FYR of Macedonia

8.1 Introduction

The latest and perhaps last of the conflicts\textsuperscript{193} to follow in the wake of the demise of the Yugoslav federation took place in what had ironically been the only former Yugoslav republic to make the transition to independence both peacefully and relatively successfully\textsuperscript{194}. During the years of the conflicts in Croatia, Bosnia and Kosovo, Macedonia shakily proceeded in establishing a functioning political system and slowly developing economy hindered greatly in this task by general regional instability and its own internal ethnic tensions and inequities. International concern for Macedonia during the 1990s centred mostly on efforts to prevent the spread of conflict to it and containing the tensions within it. However, as with Kosovo in the pre-war years, there was little that could be described as systematic or intensive about these efforts in general. The main concern was to prevent the igniting of Macedonia's own 'Albanian question', leading to a potentially greater spiral of regional instability than that even threatened by the conflict in Kosovo. The European Union's involvement in such conflict prevention was hindered by the Greek blockage of Macedonian independence but picked up again after 1995. This time the EU's activity was consistently conducted in the context of the potential drawing of Macedonia closer to European Union.

From 1999 new approaches were becoming more consolidated or beginning to have more effect and found clearer expression in Macedonia. In addition, background developments on the ESDP had a clear effect, with the explicit consolidation of previously utilised civilian crisis management activities being further refined and eventually enhanced with the military component. This time

\textsuperscript{193} This is assuming all the previous conflicts are contained, including Macedonia and that no conflict occurs in Montenegro or Serbia proper.

\textsuperscript{194} Slovenia has made the most successful transition, but it did experience conflict briefly in 1991
the European Union was acting within a much clearer framework building on the 1997 Regional Approach through to the signing of the first Stabilisation and Association Agreement with Macedonia in 2001. The Macedonian conflict was not as complex or protracted as Bosnia, there was better cooperation between the EU and other relevant international actors dealing with the conflict. That the EU once again assumed a leadership role in relation to Macedonia was this time appropriate and was backed up with clear precedent, closer relations with the region and an integration of the important role of other actors into the approach. Though still limited and fairly ad hoc at times, this period of EU activity shows that the EU had progressed somewhat in terms of more successfully pursuing a remarkably similar approach to that in 1990 and 1991.

8.2 The EU and the FYR of Macedonia

(i) 1990-2000

For most of the duration of the four previous conflicts in the former Yugoslavia, Macedonia was relatively peaceful. As mentioned above, it was in many ways the success story of Yugoslav disintegration, having left the federation and established a relatively prosperous independent state peacefully. However, the underlying problems and tensions that were to result in the outbreak of conflict in 2001 had been simmering under the surface for the entire lifetime of the independent Macedonian state. The referendum held on independence and the constitution of the new state in 1991 was boycotted by Macedonia’s significant ethnic Albanian minority. Ethnic Albanian concerns centred on their rights, or rather the perceived lack of them under the new constitution. Rather than being accorded their desired ‘constituent nation’ status under the constitution, the ethnic Albanian population were classed as a ‘nationality’. In addition, Macedonian was established as the only official language, which had implications for the provision of Albanian-language education and media by the state. There were also issues of representation in all levels of government, the police and armed forces and restrictions of the free use of national symbols (i.e. Albanian not Macedonian). Deep suspicion between the ethnic Albanian
and ethnic Macedonian populations were also exacerbated by economic instability and the fact that society was in effect highly segregated and polarised, with the majority of ethnic Albanians in the west and north of the country. In addition to ethnic Albanian frustrations with their lack of status and rights in the new state, the ethnic Macedonian population viewed the very claims to such rights as a fundamental threat to the integrity and survival of Macedonia as it presently exists.

This ethnic tension was the core of Macedonia's problems in the 1990s but it was contained for the most part, with some assistance from the international community. However, the tension was of such a level that there was always the potential that what might otherwise have been a minor or local dispute could escalate very quickly. In a similar manner to Kosovo, some attention was paid to these underlying issues, with the primary concern being to prevent the spread of conflict through the former Yugoslavia's more southern region, and by consequence even further. These efforts were relatively successful in that outright conflict was prevented for ten years. However, it was merely contained and while its own internal problems persisted and never satisfactorily resolved, Macedonia also had to endure the consequences and side-effects of the other conflicts, the international response to them and also other geo-political sensitivities, most notably concerning Greece.

As in Bosnia and Kosovo, the recognition process launched by the EC back in 1991 was to have a very crucial impact on Macedonia, crucial this time because despite having been judged by the Badinter Commission to have satisfied all the criteria for recognition as an independent state (unlike either Bosnia or Croatia), the Macedonian application for recognition of the independence declared in September 1991 was ultimately not granted due to the resistance of Greece. The reasons for Greek opposition to Macedonian independence centre on certain fundamental concerns such as the legitimacy of a separate Macedonian state or distinct national or ethnic identity, but more specifically centre on specific regional geopolitical concerns and the implications that Macedonian independence would have for Greece. The dispute came to centre on the name that new state would be recognised under,
amongst other things\textsuperscript{195}. The failure to recognise Macedonia had a strong effect and ultimately sent a strong message about the flawed nature of the recognition process itself. In effect, the only former Yugoslav republic to leave the federation and establish a viable and independent state peacefully was the only one not granted recognition. There were definite problems associated with the foundation of the state, especially regarding the position and rights of the republic’s significant ethnic Albanian minority, but that was not the reason why recognition was withheld. The process did not work even according to its own criteria, let alone what was most appropriate for the region or specific context. The recognition process was a hastily devised and ill-thought out mechanism introduced in response to the war in Croatia, after. It took on a life of its own and reverberated, as has been shown here, through Bosnia, Kosovo and also Macedonia.

After Greece blocked recognition, the EC/EU had then to attempt to negotiate a solution acceptable to all over the following few years. In accordance with Greek concerns, the recognition of Macedonia was made conditional on the requirement that it would commit itself prior to recognition to adopt constitutional and political guarantees ensuring that it had no territorial claims against a neighbouring Community state and that it would not conduct hostile propaganda activities versus a neighbouring Community state, including the use of a denomination which implies territorial claims\textsuperscript{196}. However, it was declared in principle that the EC was willing to recognise it \textit{as a sovereign and independent state, within its existing borders, and under a name that can be accepted by all parties concerned}\textsuperscript{197}. The Portuguese Presidency led efforts to arrive at some form of agreement that could form the basis for how to proceed. However, while recognition was held back Macedonia was

\textsuperscript{195} Tension over this issue predates 1991. In short, there is certain resistance in Greece to the acknowledgement of a separate ‘Macedonian’ ethnicity and in addition Greece also claims exclusive right to the name ‘Macedonia’ for the region by the same name within its own territory and refuses to acknowledge the existence of an entity using that name and suggests its usage implies claims on Greek territory. This was also an issue in bilateral relations during the lifetime of the former Yugoslavia but escalated with the prospect of international recognised statehood for the former republic under the name ‘Macedonia’. The title ‘Former Yugoslav Republic of Macedonia’ or FYROM used as interim arrangement is the name that has stuck.

\textsuperscript{196} See initial statement inviting the former Yugoslav republics to apply for recognition. Macedonia was not mentioned explicitly and it assumed that these criteria apply to all states but were in fact directly targeted at Macedonia. 16\textsuperscript{th} December 91/465 Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia

\textsuperscript{197} 4\textsuperscript{th} May 92/164 Statement on the former Yugoslav Republic of Macedonia by an informal meeting of the Ministers of Foreign Affairs in Guimaraes 1st/2\textsuperscript{nd} May

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excluded from some much needed sources of aid for reform and economic development and the development of closer links with the EC/EU were also held up. The lack of sufficient aid and assistance at a crucial moment was exacerbated by the knock-on effects of the sanctions imposed throughout the other conflicts in the former Yugoslavia. These effectively cut Macedonia off from its important trading partners in Serbia and Bosnia. The imposition of the Greek trade embargo from 1993-1995, which resulted from the ongoing dispute between the two countries that was re-ignited by the independence and recognition dispute, on top of this, also deprived Macedonia of its main trade route to the south. This in combination with other factors outlined below would contribute to the steady destabilisation of Macedonia.

In other ways Macedonia did benefit from measures introduced by the international community out of a concern not to allow the spill-over of conflict into Macedonia and risk igniting the regional geo-political tensions of which the Greek opposition to recognition was part. However, here the EC/EU did not play the significant part but rather expressed its support for the deployment of an OSCE ‘Spill-over Mission’ to monitor the situation within Macedonia and the deployment of a UN Preventative Deployment (UNPREDEP) to patrol the border and prevent the escalation of any minor incidents. Negotiations within the context of the Hague Conference and the ICFY did also have a positive effect. Deliberations within the Working Group on Ethnic and National Communities and Minorities, in combination with the OSCE mission and the presence of UNPREDEP did make a valuable contribution to ensuring that tensions were for the most part kept in check (Ackerman 2000; 102).

When finally an interim agreement was secured between Greece and Macedonia in late 1995, closer and more beneficial relations between the EU and Macedonia could proceed and the Union could become more directly involved in accordance with the means available to it. Macedonia was finally declared eligible to receive more aid under the PHARE programme in its own right and the Madrid European Council declared that the conditions for establishing contractual cooperation now existed and the process of negotiating a Cooperation and Trade Agreement was
Relations were subsequently conducted in the context of the Union’s Regional Approach, with the provision of aid based on the principle of conditionality and the encouragement of good neighbourly relations between the countries of the region (including OBNOVA). The Co-operation Agreement, which saw Macedonia receive asymmetric trade preferences with the EU and an Agreement on transport were agreed in January 1998.

It was at this point however that the instability that had existed, but had been kept more or less in check, began to worsen with isolated incidents increasing in scope and intensity from 1997. The collapse of the Berisha regime in Albania in 1997 and the ensuing chaos there had consequences for Macedonia as well as Kosovo. In addition to stirring the already restive ethnic Albanian minority in Macedonia and supplying the more radical elements with cheap arms, it also caused concern and a hardening of feeling amongst the ethnic Macedonian community who saw the general widening restiveness of the ethnic Albanian populations across the region as a greater and greater threat to the Macedonian state. Rather than sustained conflict, what prevailed was a tense atmosphere and ongoing smaller scale incidents punctured by more dramatic events such as the July 1997 clashes in Gostivar that led to the imprisonment of the city’s ethnic Albanian mayor for flying the Albanian flag over the city hall. These incidents and the ethnic tension more generally, combined with economic uncertainty, the increased prevalence of organised crime and the instability in both Albania and Kosovo, posed an extremely grave threat to the very precarious equilibrium in Macedonia that had to date held it back from descending into outright conflict.

The Kosovo crisis of 1999 was to have a further and deep impact in this regard, in that it added greatly to all these pre-existing points of tension. The Macedonian population was split along ethnic lines in terms of the extent of its willingness to bear the burden of hosting the refugees who fled Kosovo for Macedonian during the conflict’s duration in line with the international community’s policy of aiming to keep as many refugees as possible in the region in order to

198 15th/16th December 95/401 Conclusions of the Madrid European Council
facilitate easier repatriation in the conflict's aftermath. This extended to increasing tension within the government itself, between the main ethnic Macedonian parties and their ethnic Albanian partner in the coalition government. The ethnic Albanian minority and their leaders were strongly in favour of offering maximum support to the refugees, with many refugees being housed with ethnic Albanian host families as well as in camps. This and the presence of over 200,000 extra ethnic Albanians added to ethnic Macedonian fears and suspicions of the consequences for the Macedonian state of Albanian ambitions in general. There were also tensions between the refugees and their Macedonian guards and concerns for the spread of UCK activities over the border and the usage of Macedonia, and even refugee camps, as bases for activities.

Added to this was tension between the range of international organisations working on the ground in Macedonia in response to the crisis and the Macedonian authorities who felt the international organisations and agencies did not adequately appreciate the nature of the difficult and potentially extremely destabilising burden that was being imposed on the state. There was also a sense that measures applied were designed mainly for the immediate relief of the refugee situation with less of a regard for the longer-term consequences for Macedonia in terms of its retarded economic development and greatly worsened inter-ethnic tensions (International Crisis Group 1999; ii)

The European Union, acting in the context of the contractual relations already established between the Union and Macedonia, adopted an approach based on continued expressions of support and gratitude for the part played by Macedonia in hosting the huge numbers of refugees from Kosovo. There were repeated expressions of support along these lines, accompanied also by a reiteration of the importance of not doing anything that might further jeopardise the extremely precarious regional

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199 This was the guiding UNHCR policy, and was supported and adopted by the EU also.
200 Comprised of the more moderate parties on both sides of the ethnic divide and led by (ethnic Macedonia) Kiro Gligorov. It included the two main ethnic Macedonian parties (SDSM or Social Democratic Alliance of Macedonia; SPM or Socialist Party of Macedonia; and the PDP or Albanian Party of Democratic Prosperity) (Clement 1997). Such cooperation worked because it unofficially it meant that the ethnic Albanian party took responsibility for the ethnic Albanian majority regions and vice versa, thus ensuring entrenched polarisation and segregation.
201 UNHCR estimated that as of early May 1999 there were 241,299 Kosovar refugees in Macedonia. Over half of them (114,273) were living with host Macedonian families, while the other 91,400 are living in camps and transit centres. Source UN at http://www.reliefweb.int/w/rwb.nsf viewed 20.12.2003
security balance. This support came more directly in the form of aid to assist with the refugee issue and importantly, repeated promises that contractual relations and cooperation between the EU and Macedonia would be enhanced, more or less out of gratitude for the cooperation of Macedonia with the international relief effort. As mentioned above, the relationship between the aid agencies, including the EU’s own, and the Macedonian authorities was not always an easy one. The promise of enhanced cooperation provided a broader and more attractive framework to encourage cooperation, moderation in its response to increasing tensions and a sense of direction overall. The extra aid allocated during this period was specifically in response to the refugee problem and hence had more to do with Kosovo than Macedonia specifically. The couching of expressions of gratitude and requests for continued cooperation and support couched in terms of Macedonia’s eventual reward with closer ties with the EU was one of the few measures adopted to this point that was specifically addressed at Macedonia, even if its primary concern was the prevention of the spread of conflict or more serious instability.

In response to the Kosovo crisis and in order to approach it as wider regional issue with a view to encouraging the stabilisation of the regional as a whole, an EU-led Stability Pact for South Eastern Europe was launched. In this context the EU launched the Stabilisation and Association Process (SAP) which offered the participating countries, including Macedonia, the perspective of full integration into the EU with the negotiation of a new type of contractual relationship in the form of a Stabilisation and Association Agreement as the first step in this process. The possible

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202 See Institute for War and Peace Reporting ‘Refugee Heat Rising’ 19th May 1999 http://www.iwpr.net/archive/bcr/bcr_19990519_2_eng.txt
203 For example 8th April 99/067 Statement on the 2173rd Council Meeting - General Affairs ‘fully recognised the dramatically increased burdens which had been placed on these neighbouring states.....The Council commended the policy of moderation which the governments have been pursuing and expressed its profound appreciation of the sacrifices which they have made.....the policies being pursued...continued to constitute an essential contribution to the security and stability of the region as a whole’. Also 3rd/4th June 99/099 Conclusions of the Cologne European Council ‘welcomes the extraordinary efforts of the countries in the region, particularly Albania and the Former Yugoslav Republic of Macedonia, to grant temporary protection and shelter to the displaced persons in spite of the severe economic and social burden’.
204 For example 31st May 99/093 Statement on the 2186th Council Meeting- General Affairs ‘reiterated its support for the efforts of the FYROM to alleviate the plight of refugees and encouraged it to continue along this road, which included full cooperation with and access by international organisations and NGO’s.....examine urgently the upgrading of the contractual relations between the European Union and the former Yugoslav Republic of Macedonia towards a new kind of agreement’
205 See http://www.stabilitypact.org
upgrading of relations with Macedonia was often mentioned alongside the expressions of gratitude for the part played by Macedonia in the refugee crisis. As the SAP was launched in 2000, Macedonia was at the forefront of the potential candidates for a Stabilisation and Association Agreement (SAA). Negotiations began in March 2000, culminating eventually with the signing of the first SAA with Macedonia the following year. In June the Feira European Council made explicit that the key objective of the process overall was the fullest possible integration of the countries of the Western Balkans into the political and economic mainstream of Europe\textsuperscript{206}. The process was formally launched at the Zagreb Summit in November 2000, attended by all the participants and Union representatives\textsuperscript{207}. This built further on the Regional Approach that emerged in response to the Bosnian conflict\textsuperscript{208}. The principle of regional cooperation was the basic premise of the SAP, and the process of developing closer ties and securing assistance from the EU would go hand in hand with efforts to develop stronger regional cooperation\textsuperscript{209}. The emphasis was on fostering greater regional cooperation and thereby bettering the prospects for longer-term regional stability, much along the same lines as the EU model itself. The context and incentive for the furthering of regional ties was the prospect of inclusion and integration into European, and specifically, EU structures.

The EU's programmes for providing assistance for the reconstruction and reform efforts were also in the process of being streamlined for the SAP countries. This included the creation of the CARDS (Community Assistance for Reconstruction, Democratisation and Stabilisation) programme. To date, aid for these purposes in Macedonia had primarily come from the PHARE and OBNOVA programmes\textsuperscript{210}. CARDS was designed to make the provision of aid in this context for reconstruction, development and reform (effectively combining what was done under previous separate programmes in the region) more efficient and streamlined with specific

\textsuperscript{206} 19\textsuperscript{th}/20\textsuperscript{th} 00/37 June Feira European Council Conclusions
\textsuperscript{207} Croatia, Bosnia-Herzegovina, the FYR of Macedonia, Albania and the (still then) Federal Republic of Macedonia – plus Slovenia. The conference was co-hosted by the French Presidency and Croatia and was also attended by the President of the Commission Romano Prodi, the External Affairs Commissioner Chris Patten, and the High Representative for the CFSP Javier Solana.
\textsuperscript{208} The April 1997 Regional Approach established political and economic conditionality for the development of bilateral relations. Conditions include respect for democratic principles, human rights, the rule of law, protection of minorities, return of refugees, implementation of the Dayton Accords, market economy reforms and regional cooperation.
\textsuperscript{209} Zagreb Summit 24\textsuperscript{th} November 2000 Final Declaration
conditions and objectives and a strong emphasis on the principle of regional cooperation, and linked to the SAP (General Report 2000; Point 895)

However, while all this proceeded Macedonia was slipping into conflict highlighting once again that these kinds of measures on their own could not prevent conflict of the type that flares up quickly due to long festering resentments and tensions, be they economic, political or ethnic and which involves smaller more radical militias to whom the prospect of closer association with a little-understood European Union meant nothing. On the other hand, as will be seen, all these developments provided a definite context for the Union’s response to the violence that proceeded into 2001. It was a clearer context, and one customised to the perceived needs of the region with the heavy emphasis on regional cooperation.

(ii) 2001

By early 2001 the tensions that had existed within Macedonia for many years began to seriously intensify. This was due to a culmination of the factors outlined above and especially due to still unresolved ethnic tensions that were greatly exacerbated first by the Kosovo conflict itself, and second by the fact that the question of its long-term status and the Albanian question in general remained largely unaddressed. By January 2001 the emergence of an ethnic Albanian paramilitary organisation in Macedonia – the National Liberation Association – (NLA) was beginning to give a new edge to tensions and suspicions of close association between this group and the UCK in Kosovo made the Macedonian authorities and ethnic Macedonian population highly uncomfortable. At the same time the still unresolved issues regarding the status and rights of the ethnic Albanian minority, led to an increase in frustration with the official ethnic Albanian parties in the ethnic Albanian community with a consequent increase in support for those favouring a more direct

210 Excluding humanitarian aid and aid directly for the assistance with the Kosovar refugee crisis.
211 As long as Kosovo’s long-term status remains undetermined it will be a cause for concern for Macedonia and a permanent reminder of the fears over Greater Albanian aspirations. An independent Kosovo would almost be of more concern because it has the potential to act as a magnet to the ethnic Albanian population in Macedonia. The extent of support for any ‘Greater Albanian’ project, however, is highly over-estimated with more divisions between the various groups than might be expected, especially between the Albanians in Albania proper and the ‘Yugoslav’ Albanians.
and violent approach. Kosovo's unresolved status, the failure of KFOR to manage the border with Macedonia in order to effectively prevent cooperation and collusion between militant elements in Kosovo and Macedonia, long-standing tensions and instability, and the entry of the NLA all combined to make 2001 the most violent year in the new state's lifetime.

Isolated incidents involving the NLA in January spread into (International Crisis Group April 2001; ii). In addition, the Macedonian government also refused to negotiate with the NLA activists or to consider, within the context of a response to the unrest, the outstanding issues regarding the status and rights of the ethnic Albanian population. This policy had the effect of further exacerbating this situation and weakened the position of the 'official' ethnic Albanian political parties further and allowed the range of legitimate ethnic Albanians concerns to be appropriated by more radical elements with more radical consequences.

The general tone of the international response was one of support for the Macedonian government while urging restraint on all sides at the same time. The EU condemned various incidents along these lines, expressing concerns for the regional implications for the further destabilisation of Macedonia and urging the authorities not to take excessive action in response to the activities of the NLA. Concern for better control of the border region translated into support for increased efforts on the part of KFOR to control the border and to better cooperate with the Macedonian authorities in order to achieve this, and underlined the contribution of EUMM and the OSCE to this effort. Plans for the signing of the first SAA between the European Union and Macedonia in April proceeded regardless of the increasing problems and instability in the country. In fact, it provided a firm context within which to condemn the activities of the more radical ethnic Albanian elements, urge restraint on the part of the Macedonian government and reiterate support for the sovereignty, territorial integrity and inviolable borders of the state. Support for the Macedonian government was clear

212 This is similar to Kosovo and the growth of the UCK from 1996 but was not to the same extent.
213 For example - 6th March 01/049 Declaration by the Presidency on behalf of the EU on the violent attacks near the village of Tanusevici
214 9th March 01/055 Declaration by the Presidency on the security situation at the FYROM's border with the FRY
and unambiguous\textsuperscript{215}. The concerns of the ethnic Albanian minority were addressed in calls for reform precisely within the context of the overall reform effort being fostered by the Union. In this sense, EU policy directly echoes the same policy adopted in 1990 and early 1991 with insistence on the preservation of the status quo, within a context of support and cooperation with the Union.

More significantly, diplomatic efforts to deal with the worsening crisis in the field were led by the High Representative for the CFSP\textsuperscript{216} – Javier Solana, closely supported and often accompanied by the External Affairs Commissioner Chris Patten\textsuperscript{217}. In addition, he also cooperated quite closely with the NATO Secretary General George Robertson. The shuttle diplomacy of Solana did provide a level of consistency and visibility that had not been achieved before. However, this can be over-stated because despite the serious nature of the Macedonian crisis it was not at this stage as serious or as complex as, for example, Bosnia became. This is due to a large part to the conflict prevention measures already outlined. Also, the very fact that there was a confirmed link between Macedonia and the EU made it entirely appropriate that Solana should lead the effort, in conjunction with the Commission which was most intensely involved in the development and consolidation of this link. Also, a sense of momentum and intense engagement was created by the shuttle diplomacy and, in cooperation with NATO and later the United States, placed the EU at the forefront of the international response in its own right once again. The result of diplomatic efforts was the formation of the ‘National Unity Government’ of Macedonia, comprised of the range of political parties and led by two each of the main ethnic Macedonian and ethnic Albanian parties. Persistent fighting and disagreements between the parties to make up the new government meant, however, that it was not actually formed until the 13\textsuperscript{th} of May. Nevertheless the SAA was signed on the 9\textsuperscript{th} of April, and on the occasion of its signing the General Affairs Council urged the new government to use it as an opportunity to develop and

\textsuperscript{215} See 24\textsuperscript{th} March Conclusions of the Stockholm European Council – Declaration on the FYROM, which was addressed to President Trjkovski and his government beginning ‘we affirm our solidarity with you in the current crisis and urge you to continue to respond with restraint’

\textsuperscript{216} Solana was appointed in October 1999

\textsuperscript{217} Also bolstered by other high level visits such as that of the ministerial troika in March – see 19\textsuperscript{th} March 01/198 Statement on the 2338\textsuperscript{th} Council Meeting – General Affairs – and again in May – see 15\textsuperscript{th} May 01/200 Statement on the 2346\textsuperscript{th} Council meeting – General Affairs.
consolidate a true multi-ethnic society in Macedonia with the full support (practical and financial) of the EU\textsuperscript{218}.

Alongside the diplomatic efforts a new Community mechanism for the provision of aid was set in motion. First used in May 2001, a sum of EUR 12.8 million\textsuperscript{219} was allocated to Macedonia in this period through the Commission’s new Rapid Reaction Mechanism (RRM). The RRM was introduced at the request of the Helsinki European Council of December 1999\textsuperscript{220}, as part of the non-military crisis management component of the developing ESDP. This was to add yet another mechanism to the Union’s aid repertoire, but was to serve a specific purpose and was designed to plug into the evolving network of Community aid agencies, programmes and mechanisms. It was also a reflection of the direction in which the overall EU policy had been moving. The RRM is distinct from the ECHO, which specialises in the provision of aid for immediate humanitarian purposes. The RRM, on the other hand has a political base and plugs into the thinking behind the conditionality introduced to the provision of aid in the aftermath of the Bosnian conflict and the SAP. It is an emergency response instrument designed to ensure the rapid mobilisation of funds for short-term stabilisation efforts to fill the gap between the expressed intention to act and the time taken to agree and mobilise the funds and programme for more intensive long-term reconstruction and stabilisation efforts. In effect, it allows a more rapid response than was previously possible in terms of the short-term deployment of existing resources and can lay the groundwork for the longer-term programmes. This was evident to an extent in Macedonia in 2001 when the RRM was used to address the need for a quick response in order to assist in the stabilisation of conditions, first, to facilitate the negotiation of a settlement, and then in its implementation. Then, from January 2002, programmes initiated through the RRM were taken over and henceforth managed by the EAR with additional funds coming from the CARDS programme\textsuperscript{221} (European Commission 2003).

\textsuperscript{218} 9th April 01/1999 Statement on the 2342nd Council Meeting – General Affairs
\textsuperscript{219} \url{http://www.europa.eu.int/comm/external_relation/see/ffrom/index.htm} viewed 27.10.03
\textsuperscript{220} Helsinki conclusions
\textsuperscript{221} Ref the website
Table 6: EC Assistance to the FYR of Macedonia 1992-2002 (EUR millions)

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<th>CARDS</th>
<th>ECHO</th>
<th>Media</th>
<th>Democracy and Human Rights</th>
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<th>Rapid Reaction Mechanism</th>
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Source: European Commission, DG External Relations

After a brief abatement in the conflict in April the pace picked up once again and by 9th June the NLA had advanced as far as the suburbs of Skopje and the numbers of displaced persons (both ethnic Albanian and Macedonia) had increased leading to a considerable worsening of the humanitarian situation. A cease-fire in order to allow the delivery of aid to those in need was agreed on the 11th June, but nothing even close to a settlement was achieved despite a tentative peace plan. The shuttle diplomacy of Solana continued, sometimes together with Patten and other times with Robertson, the NATO Secretary General. On 22nd of June a major offensive was launched to recapture Aracinovo, just outside Skopje that proved considerably more difficult than expected. At this point NATO was engaged to help resolve the situation to the extent that negotiations on a possible settlement could proceed through the evacuation of the NLA from the conflict zone and thereby facilitating a pause in this

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223 According to the Macedonian Red Cross from February to August, it had registered 70,728 internally displaced persons - 66,871 in host families and 3,857 in collective centres Source UNHCR Briefing Notes: FYR of Macedonia, Angolan refugees/DRC, Pakistan, Colombia, Ingushetia 28th August 2001 http://www.reliefweb.int

224 The meetings of the High Representative since the beginning of 2001 can be tracked on his website at http://ue.eu.int/solana/archAgenda.asp
particular locus of fighting. However, the removal of the NLA did not resolve the situation. Tensions throughout Macedonia by this stage were at their peak. On 25th June, ethnic Macedonians infuriated and frustrated with the descent into conflict, the inability of the government to resolve it and the necessity of NATO intervention, stormed the Parliament building in Skopje and the country was on the brink of a full-scale and serious civil war.

The international response was quick and centred on close cooperation between the EU, the US and NATO. The previously established relationships, the overall operational context and the relatively comfortable and effective cooperation between these actors was in significant contrast to what often went before. In order to add further to the strong EU presence in the form of Solana’s regular visits, Francois Leotard was appointed EU Special Representative to Macedonia under the High Representative, in order to establish a more permanent presence during such a crucial time. Within days of this the US appointed its own special envoy – James Padrew, and NATO agreed to dispatch a mission for a limited period of 30 days to disarm the NLA in the event of a cease-fire being secured. In early July Leotard and Padrew engaged in negotiations with the warring parties and this process yielded a ceasefire by 5th July. With the assistance of Robert Badinter, negotiations within the context of the Leotard-Padrew process were conducted on the basis of a framework settlement that was presented to the Macedonian government on 7th July. This settlement preserved the integrity of the Macedonian state and the current system of government overall, but provided significantly enhanced status and rights for the ethnic Albanian minority and increased local government. Supplementary to this process and on the recommendation of Solana, a common position was adopted prohibiting the issue of visas to extremists on either side of the political divide. On 26th of July a new cease-fire was agreed and both Solana and Robertson travelled to Skopje to provide the necessary momentum for the commencement of substantive negotiations.

225 25th June 01/202 Statement on the 2362nd Council Meeting – General Affairs and 29th June 01/185 Joint Action. Leotard was replaced by Alain le Roy in October 2001.
226 Robert Badinter was the head of the Arbitration commission established in 1991 to judge the applications for recognition.
227 16th July 01/188 Common Position concerning a visa ban against extremists in FYROM
228 Involved EUMM monitoring see16th July 01/203 Statement on the 2367th Council meeting – General Affairs
229 They were also accompanied by the Chairman-in-Office of the OSCE – See 26th June 01/133 Declaration by the Presidency on behalf of the European Union on the situation in FYROM
on the framework settlement. After much deliberation, especially as regards the status of Albanian as an official language, agreement had been reached by the 8th of August. However, quite farcically, signature was delayed for a few days while the government launched a new offensive against the NLA.

The Ohrid agreement was finally signed on 13th of August by the four main parties in the National Unity government, with Solana in attendance representing the EU and Robertson representing NATO. Upon the signing of the agreement, it was reiterated by the Presidency that the EU was determined 'to stand by the Former Yugoslav Republic of Macedonia as it draws closer to Europe, along the route mapped out at the Zagreb summit by the Stabilisation and Association Process' 230. Subsequently great emphasis was placed on the agreement and its full and effective implementation in order to secure Macedonia’s future increasingly close association to the Union. The agreement itself entailed relatively significant constitutional amendments and political reforms that would simultaneously improve the position and status of the ethnic Albanian minority while maintaining the unity of the Macedonian state (International Crisis Group 2001; 4). It provided for increased rights and representation and more local government, but did not accord the ethnic Albanian population their much-craved ‘constituent nation’ status. Importantly also, Albanian was granted official language status and third level education through Albanian would also henceforth be state-funded 231.

The implementation of the Ohrid Agreement was assisted and supervised through a combined effort of NATO, the OSCE, the UNHCR, the US, and the Commission under the overall coordination of Leotard. Each actor took responsibility for tasks within its immediate sphere of competence. The UNHCR took responsibility for overseeing the return of refugees and the displaced to their homes and the OSCE for policing and monitoring of the situation. Assistance with legislative reform was

230 13th August 01/163 Declaration by the Presidency on behalf of the European Union on the signing of the framework agreement in Skopje
231 Albanian per se was not strictly accorded this status. Rather the agreement provided for recognition and provision of education in any language spoken by more than 20% of the population. See Framework Agreement 13.08.01 http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Police_and_internal_security/Police_cooperation/OHRID%20Agreement%2013august2001.asp viewed 7.12.03
provided by the OSCE, also in conjunction with the Council of Europe. In line with so much of what had gone before, the Commission took responsibility for the reconstruction effort. Overall, this was in addition to the support and aid already being provided by the Union in the context of the SAP, and also overall in terms of the Stability Pact. In addition, at this point the Commission proposed to extend the scope of the EAR to include Macedonia. From the beginning of 2002 it began operating in Macedonia (dealing with emergency assistance), in addition to Kosovo and also eventually took over the management of funds allocated through other programmes, most notably some of that coming from the RRM in the first instance and also eventually CARDS. NATO assumed responsibility for the security component of implementing the agreement, namely a deployment of 3,500 troops to collect NLA weapons for an initial period of 30 days (Operation Essential Harvest) which commenced on 27th August. Though a state of relative peace and a functioning political system were re-established in Macedonia in the aftermath of the Ohrid Agreement, an international security presence was required for two years. NATO remained in place therefore beyond the duration of its initial mandate until the end of March 2003. It is interesting to remark in this context that it was the first autonomous deployment of an EU force under the ESDP that took over from NATO at this point to complete the task. It highlights the extent to which the Union has developed the competence to act in the variety of areas necessary in dealing with a situation such as the Macedonian conflict – drawing on an increasingly inter-linked range of instruments be they security, military, political or purely civilian related. This will be mentioned again in the concluding chapter, but it is possible to acknowledge the existence of a developing and more fully-competent European Foreign Policy in this specific regard without seeing it in the context of a developing state-type foreign policy. There is still something very specifically 'EU' about not just this approach, but so much of the overall approach culminating to an extent in Macedonia.

8.3 Characterising the Reaction

(i) A point of culmination?
The European Union’s reaction and experience in Macedonia represents a point of culmination in many ways, occurring as it did after a decade of practical experience and formal development of competences. At this point, the two do start to come together more though within the overall context of a policy that was not entirely different to that attempted in 1991 in response to the Slovenian and Croatian conflicts. Here we can start to see the effects of initiatives set in motion throughout the decade, in the aftermath of the Bosnian conflict, during and in the aftermath of the Kosovo conflict, the TEU and Treaty of Amsterdam and background developments of the ESDP. That is not to suggest that there was anything resembling perfect linkage between all these but there was a definite increase in terms of a sense of direction to the particular policy, with the majority of initiatives and actions fitting in with that policy and drawing much of their legitimacy from this particular context. Of course, the ‘success’ of the EU in Macedonia can be overstated, precisely because it did have over ten years of experience behind it when it came to dealing with the worst year of conflict (2001), both in its relations with Macedonia itself and the other conflicts in the former Yugoslavia.

It was also not an exclusive EU ‘success’. The participation of, in particular, the US and NATO was not just a welcome addition but a necessary component of the approach in order to provide the crucial security component and reinforced diplomatic weight. It was more a case of the EU doing better than it had done before. The reason why it ‘did better’ was that it had more successfully built both on what it was able to do most appropriately in this particular context and the already established ties between Macedonia and the Union. It also had at least something to do with the fact that the Macedonian conflict, while serious and quite dangerous in terms of its potential spill-over effect on regional security, was not as entrenched and protracted as the Bosnian or Kosovo conflicts. The basic structure of a functioning political system and economy were in place, even if they were stunted, divided, and unequal. A reformed constitution, assistance with reconstruction and reform and a relatively small security presence were required for peace – not a prolonged diplomatic effort, successive failed peace plans, sanctions, military intervention, or installation of an

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232 The term ‘success’ is used reluctantly in that the international response to this situation can only be deemed a success in relative comparison to the previous conflicts. The conflict here was contained to a
international administration. In other words, the Macedonian conflict involved less of a total break-down of society and that which required attention could be addressed within the range of the Union’s capabilities to a great extent. However, there was still no return to the idea of the Union attempting to deal with the conflict alone, despite the development of both the relationship to the region and the development in terms of the Union’s external competences. Co-operation with others was both necessary and desirable and now an integral part of the Union’s approach from the outset. Within that however, the Union was to the fore.

In contrast to earlier conflicts, the association dynamic had already been heavily drawn on prior to outbreak of the more serious conflict in 2001. The reaction prior to 1999 was relatively minor and focused on containing the conflict and minimising the negative impact of the other conflicts in Macedonia. This effort was dominated by the OSCE and the UN overall, with EC/EU expressing support and offering some assistance to the conflict prevention effort with some negotiation on contentious minority rights with the ICFY and, after 1995, inclusion of Macedonia within the Union’s Regional Approach and the signing of a Cooperation Agreement in 1998. However, the gap in Union assistance caused by the Union not recognising Macedonian independence and the side-effects of sanctions imposed in relation to the other conflicts did little to help the shaky new state establish itself more securely.

The more systematic establishment of links and provision of aid to assist the reform and relief effort after 1995 was, however, crucial and gave the EU particular leverage in relation to the Macedonian authorities during the Kosovo crisis. The threat to regional stability caused by the massive exodus of refugees from Kosovo into Macedonia, Albania and Montenegro in particular, was profound. This was especially the case in relation to Macedonia and its tense geopolitical positioning and relations. The presence of thousands of Kosovar refugees in Macedonia in 1999 threatened to destabilise the state greatly, a fact which caused considerable tension between the authorities and the range of international organisations and relief agencies involved in tending to the emergency humanitarian needs of the refugees. One of the primary complaints was that the aid effort was targeted just at the refugee crisis, with not varying degree prior to 2001 and did not escalate as seriously as other conflicts, so in that sense was a
enough attention paid to the effects on the Macedonian state itself. The context of the EU’s prior approach is particularly relevant. Promises of aid and enhanced cooperation were effectively offered as a reward to Macedonia for cooperation with the international aid effort – and ultimately for the signing of the first SAA in the midst of conflict.

It was in response to the 2001 conflict that the Union did begin to come into its own. In response to the emergence of the NLA and the descent into violence, the Union was clear in its support for the Macedonian authorities, calling on them also to exercise restraint and to engage in reform to address the grievances of the ethnic Albanian minority. In comparison to previous efforts, the diplomatic response was quite focused and more streamlined in terms of cooperation with the other actors involved. This was most manifest in the person and activity of the High Representative who gave the EU a more visible and consistent diplomatic presence. This was bolstered by the close cooperation between the High Representative and the External Affairs Commissioner who had a very crucial part to play in that the Commission was most significant in implementing and consolidating the close ties between the Union and Macedonia that provided a back-drop to all actions in this period and provided the context for the high-profile Union response. In addition, the close consultation and cooperation between Solana and Robertson, NATO Secretary General, was crucial in terms of providing the then missing military component and weight to the overall response. The cooperation of the EU’s Special Representative and the US Special Envoy in terms of doing the groundwork for the Ohrid Agreement was also highly significant. In terms of the diplomatic response this was an EU-led effort with Solana as the focus representing the CFSP, in close collusion with the Commission due to its absolutely crucial involvement in the context of the aid, reconstruction, association and stabilisation processes. It provided a sense of momentum and a constant reminder of what was now a much clearer operational context within which to encourage cooperation. The collective weight of the EU (CFSP and the Commission), the US and NATO, added to the explicit incentive of closer association (this time actual potential membership in the form of the signed SAA) with the EU rendered this a significantly more effective approach than qualified success.
previously. In addition, the aid effort was linked to this process, with the exception of ECHO aid for immediate humanitarian purposes. Aid under the PHARE and OBNOVA programmes, and also eventually as allocated through the RRM, was linked into a response based on the Union as a focus for reconstruction and long-term reform and stabilisation through cooperation and association with the Union, accompanied by a heavy emphasis on regional cooperation as a basis and precondition for the provision of aid and closer ties.

(ii) Balance between the reactive and strategic

It would be going too far to suggest that what is in evidence in Macedonia is what could be described as a planned or strategic policy. It is more strategic than before, but still highly reactive. It is more the case that the previously devised approaches that attempted to provide more of a sense of direction or purpose to the EU-level approach reach a point of culmination in Macedonia and informed the overall policy to a significantly greater extent than before. The Regional Approach, through to the Stability Pact and Stabilisation and Association process, the various aid and reconstruction programmes etc., provided a much clearer framework for the Union’s involvement. The 2001 conflict was approached with a much clearer sense of a long-term perspective and the EU’s role in this regard, not merely in rhetorical terms but in terms of the actually established links and programmes. This was further added to by the greater (though still far from complete) inter-linkage of the various strands to the Union’s reaction giving a greater sense of coherence and purpose to the effort rather than the more random and disparate actions of the earlier reactions.

(iii) Goals-capabilities linkage

The linkage between goals and capabilities was also at its best to date in this period. This was aided by the accumulation of reforms and initiatives set in motion in previous years finally coming online and getting into their stride in relation to Macedonia. The most notable in this regard is the role of the High Representative in giving a more consistent and engaged focus to Union diplomatic activity, bolstered by close cooperation with the Commission and other actors, especially NATO. In addition the Regional Approach introduced in relation to the aftermath of the Bosnian
conflict and the various procedures, agencies and programmes introduced as the Stabilisation and Association process evolved had an immediate and tangible effect here. In addition, the ongoing development of the ESDP in the background began to feed in to the approach to Macedonia, in the form of the RRM and eventually in the form of Operation Concordia\(^{233}\).

The combined contexts of the increasingly institutionalised ESDP and Regional/SAP provided a guiding framework and rather than entirely ad hoc responses to disparate events as they arose, the goals pursued in this period were better linked into their operational context in terms of capabilities, appropriateness and opportunity. The goals were to assist Macedonia in maintaining its stability prior to 2001, including during the Kosovo conflict. The Regional Approach and SAP provided a framework within which to encourage this, leading ultimately to the reward of the first SAA in 2001. After 2001 the goal was to secure peace and maintain the integrity of the Macedonian state and addressing the concerns of the ethnic Albanian minority through constitutional reform. Once again the Union was quite well positioned to take on the task of leading the international response this time. However, in contrast to the 1990/1991 reaction to the conflicts in Slovenia and Croatia, there was no sense of the Union going it alone. Rather there was a more comfortable cooperation with especially the two other most important actors in the form of the United States and NATO. Within this, however, the Union adopted the guiding position with everything occurring within the longer-term context of Union involvement in stabilisation and reform through the enticement of the perspective of Union membership and associated assistance and aid for reform and development. The presence of the United States added an extra degree of required weight to the diplomatic effort and NATO filled in the missing Union military competence until eventually the Union was in a position to perform the remaining elements of this task

\(^{233}\) Operation Concordia was launched on the 31\(^{st}\) March 2003, based on UNSCR 1371 and taking over from the NATO force deployed in the aftermath of the Ohrid Agreement. The operation makes use of NATO assets and capabilities and is comprised of just 350 military personnel, including 14 (then) non-EU countries and 13 member states. The aim of the operation to contribute to the consolidation of stability to allow the full implementation of the Ohrid Agreement and in itself is stated to be 'part of the larger commitment of the EU to the former Yugoslav Republic of Macedonia and its rapprochement with the EU within the Stabilisation and Association Process' [http://www.ue.eu.int/pesc/default.asp?lang=en](http://www.ue.eu.int/pesc/default.asp?lang=en)
itself. It is partly the result of this confluence of circumstances that make this policy the most integrated to date.

(iv) Functions performed in context

The roles or functions performed by the EC/EU in this period can be broadly characterised under the following headings:

(a) Anchor/framework for Stabilisation and Reform

This was explicit in this period. Macedonia had signed a Cooperation Agreement with the Union in 1998 but far more importantly it was negotiating a Stabilisation and Association Agreement in the run up to the outbreak of the more serious period of conflict and signed it in its midst. As noted above, this did not prevent conflict, nor could it. However, it gave additional weight to the Union’s position when it came to diplomatic efforts to resolve the 2001 crisis and confirmed the relevance of the Union’s high-profile involvement. It also provided a context within which to encourage stabilisation and reform based on a longer-term commitment that no other actor was in a position to provide. For example UNMIK or the UN’s High Representative in Bosnia were overseeing a transitional period whereas the SAP implied not just a long term commitment but potential integration of the partner country into Union structures.

(b) Civilian monitors/observers

Again active in this period, EUMM was especially significant in terms of monitoring events on the troublesome border between Kosovo and Macedonia, once again in close cooperation with the OSCE.

(c) Sanctions/incentives

The emphasis was on incentives in this period, with the imposition of just one sanction. The incentives were offered in the context of the SAA in terms of aid for reconstruction and development and with the exception of aid for short-term or
humanitarian purposes were based on the principle of conditionality developed from the aftermath of the Bosnian conflict.

(d) Mediator/Facilitator of negotiations

The Union played a significant part in this regard once again, though in close cooperation with the United States and NATO. There was also the more high-profile close cooperation between Solana and Patten, representing the Council and the Commission respectively. The context of close relations informed the diplomatic effort and provided a clear context for the Union’s overall involvement.

(e) Provision of aid for humanitarian purposes

Significant contributions were once again made to assist the humanitarian needs of civilians displaced or generally affected by the conflict.

(f) Post-conflict reconstruction and stabilisation

The provision of aid and assistance for stabilisation and post-conflict reconstruction was notable in this period. The RRM gave the Union greater potential to act and deploy resources in order to facilitate short-term stabilisation efforts in the midst of a crisis. In Macedonia it was used to assist in the run-up to the signing of the Ohrid Agreement and in its aftermath, pending the formulation of a more long-term strategy which was subsequently managed by the EAR with funds coming from the CARDS programme. Therefore the provision of aid for these purposes in the short-term (as distinct from aid for humanitarian purposes) was better plugged into the overall stabilisation approach.

In marked contrast to the two previous phases the Union was a high-profile participant in many respects in this period. The participation of the United States was still necessary in order to provide additional weight. NATO provided the essential, if small scale, military component. Though the EU itself eventually took over the stabilisation tasks performed by NATO until the end of March 2003, this was on a very small scale and dependent on NATO resources in order to perform the task.
Overall therefore, the primary overall function served by the EU was to provide some sense of context for the response that included some perspective of how to manage it in the longer-term beyond the more immediate need to stop the fighting.

8.4 Conclusions

After an unsteady start, the experience of ten years of experience in the former Yugoslavia, the series of developments and reforms and consolidated instruments and an increased sense of an appropriate operational framework combined to make this phase of Union activity one of the more notable. However, in judging the policy in terms of success or failure, it is crucial to be certain that like is being compared with like. In short, Macedonia was not Bosnia. Bosnia might be characterised as the nadir of the reactions to the successive conflicts. Bosnia was also the most entrenched and complex of the conflicts and it occurred at a time when NO actor was in a position to devise an entirely adequate and fully appropriate response. Likewise, Macedonia occurred after a decade of experience, was not as out-of-control, and this time an approach couched in the promises of association and assistance could have more of an effect. Indeed, the power of this dynamic to halt conflict must not be over-estimated. On its own it simply cannot do that, rather in this instance it provided a framework within which to pursue the other means to end conflict, such as diplomacy. What it did provide was a longer-term perspective that had the potential to encourage stabilisation and hence, provide a much needed and more strategic dimension to the approach to the situation. In terms of responding and pursuing ends that it possessed the means to at least attempt to achieve, the reaction to Macedonia was at the very least approaching coherence.
9. Conclusion

9.1 The EU, the Former Yugoslavia and European Foreign Policy

(i) Rationale

The starting point of this thesis was that there is a valuable ‘story’ to be told about the nature of the European Union’s own specific involvement in the former Yugoslavia overall through the course of the successive conflicts in the region. This constitutes an attempt to address the fact that what is missing in existing treatments to date is a sense of overall perspective that relates specifically to what the EU itself has done in relation to this particular issue and how it has (or has not) changed over time. This has involved a certain re-focusing and synthesising of what are several overlapping narratives on the break-up of the former Yugoslavia, the overall international response and the process of EU political integration. The emphasis here has been on the substance of what the European Union in particular did in relation to the former Yugoslavia through four conflicts between 1990 and 2002. The purpose of this is to establish what it was that the EU did or was done in its name (as distinct from other actors, including its own member states); the extent to and ways in which it has changed over time; and how the identified patterns of activity can be characterised. However, despite this restricted focus on the actions of the European Union, it has been argued that it is still crucial to see them in context in relation to the situation itself and the actions and roles performed by the other actors involved.

(ii) Analytical framework

As part of the first step in accomplishing this, both the notion of European Foreign Policy and the context of the wars in the former Yugoslavia were addressed. In terms of European Foreign Policy, it was argued that concentration on formal developments and procedures separated from practice does not do justice to the range and dynamic of the EU’s external actions, relations, roles and their development and consolidation over time. In the same way, concentration on the development of the
Union’s external competence in terms of the CFSP pillar and the formal link of the EC institutions to it also does not pay due accord to the variety of the EU’s external policies and the range of actors involved in its various activities. However, just as it is not sufficient to focus on the formal CFSP, it is also difficult to simultaneously account for, describe and analyse every aspect of the often over-lapping array that combines to make the whole suggested by Hill’s definition of EFP as ‘the sum of what the EU and its member states do in international relations’ (Hill 1998,18). In order to deal with this problem, it was specified that it was strictly the development of the policy at the EU-level that was under examination; in other words, the emphasis was on the common policy itself in order to isolate when it was that the EU-level specifically was acting as distinct from individual or sub-groupings of member-states.

What has been set out here is an analytical framework that attempts to accomplish the tasks set out above, by accommodating both the formal development of EPC/CFSP and the need to consider a broader range of activity other than that emanating from the CFSP pillar, the need to see this activity in context in order to establish its relevance or appropriateness, and finally that allows the extent and nature of any change or development in the nature of the policy pursued to be characterised. This involves isolating the actions of the EU-level, considering the full range of activity engaged in and locating it in its broader operational context but with the focus on how the EU-level developed, and not that of the other mentioned actors.

However, in order to measure the extent of any change the notion of foreign policy was assessed in terms of its applicability to the EU-level. It was concluded that while the notion of an EU foreign policy is not synonymous with state-type foreign policy, there are certain characteristics of foreign policy that are relevant to an analysis of the EU-level policy. These are: the fact that the policy must be externally directed; that it be implemented externally; and that it entail a degree of the purposive or strategic. It was argued that the EU is a non-unitary international actor and the extent of its potential impact or relevance varies according to the issue in question and its capability to respond. In line with what is stated above regarding the need to consider the range of EU activity in the former Yugoslavia, the concept of foreign policy in the contemporary international arena is broader and more diffuse than is normally traditionally conceived, which reiterates the fact that in the case of the EU it
is not sufficient to focus just on the second pillar CFSP-related activities. An analysis of the substance of the EU’s external activity permits a degree of liberation from state-centric inhibitions and allows an acknowledgement of the fact that the EU actually engages in extensive (if not comprehensive) levels of international action without prejudicing it with criticisms of failing to live up to both internal and external expectations.

In terms of the treatment of EU activity in the former Yugoslavia specifically and attempting to redress an imbalance in existing treatments, the focus on the substance of policy, rather than procedure or policy-making, allows us to isolate what it was that the EU actually did (as distinct from other actors, focus on institutional procedure etc) and to better permit a characterisation of the resulting policy and progress over time in terms of what it actually was and has and could do. In order to characterise the substance of policy and its development, it was considered in light of three key questions.

First, the extent to which it could be described as reactive or strategic was considered. It was argued that external relations contains elements of both the reactive and the strategic but that foreign policy must at the very least display some level of a deliberate attempt to manage circumstances with which the Union is confronted. Rather than looking to identify an over-arching and coherent single strategy, it is more a case of looking for the extent to which some attempt to design, direct or proactively manage was inherent in the Union’s external relations. Second, examining the policy actually pursued gives a clearer picture of what instruments can and have been used and to what effect. The extent to which a sense of purpose can be pursued will depend on the existence of and ability to mobilise the relevant and appropriate instruments in order to bring about the desired results. This reveals what the Union actually was capable of doing as a collective and the way in which the available instruments have been used as distinct from, but still in the context of, the formal evolution and design of the CFSP.

Finally, consideration was also given to the extent to which the context within which the EU operated influences the ability to follow a particular course of action. The EU’s actions need to be situated in context in order to consider it in terms of its
appropriateness, not only as regards the EU's intentions and capabilities, but also in terms of the nature of the particular issue being addressed. The EU has common policies, as opposed to a single common policy that vary in their extent and nature depending on the issue in question. In this regard a sense of context and the relevant roles and actions of other actors is important. The EU policy must be seen in its operational context in order to arrive at conclusions as to the relative importance of the Union's action in this particular instance, and also the roles and functions that the patterns of EU activity show it to be performing.

9.2 The EU and the Former Yugoslavia

(i) Activity 1990-2002

As the course of Yugoslavia's disintegration progressed over the decade leaving a succession of conflict in its wake, the European Union was undergoing extensive development of its own, with at least some of it in terms of external relations directly related to the experience of the former Yugoslavia. What has been the central task here has been to look at the substance of the EU's own policy in relation to these successive crises and to ascertain the extent to and ways in which the policy itself changed over time. In terms of the substance of policy, a wide range of types of activity were engaged in, some more predictable and traditional forms of international action or intervention and some highly novel. What is also interesting to note is the ways in which the overall types of policy and approach engaged in from one end of the period under examination here to the other have not changed but the manner of their execution has significantly.

From the outset constant recourse to the Union's own integrative and association dynamic was made, even though the likely consequences of such rhetoric were not thought through. First invoked in response to the initial impending crisis involving Slovenia and Croatia, it was to remain in place until it was given more tangible form, with the signing of the first Stabilisation and Association Process with the FYR of Macedonia in 2001. This was to provide some sense of an evolving framework to the European Union's actions over the course of the decade. Within this however, other
significant developments also occurred, mostly in terms of a honing in on a particular approach which the restrictions and requirements of circumstances and achievable consensus permitted.

As was argued from the outset, the accounts of what was done in the former Yugoslavia reveal how a broad focus in terms of types and sources of activity was required in order to capture the full picture. Even in the first phase discussed, in relation to Slovenia and Croatia, the limits of the then system of EPC did not restrict EC activity to just diplomatic measures, though they did predominate. The initial reaction and subsequent diplomatic efforts was in line with that adopted towards the rest of the former Communist East, building on an already well-established cooperative relationship between the Yugoslav federation and the European Union. The sanctions imposed in this period to a significant extent relied on this dynamic also.

Sight of this approach was lost somewhat in the initial response to the Bosnian conflict and the EC/EU moved away from even claims of adopting an overall leadership approach to the international response. This was because of the failure of the initial response to end the conflict in Croatia, and also because the Bosnian issue was more complex, violent and intractable and required resources which the EC/EU could not supply. Coinciding with the coming 'on-line' of the new CFSP, this did not mark the commencement of a new phase of high-profile activity. It was rather less ambitious and visible, especially as the conflict became more protracted and complex. The EU was increasingly sidelined by other actors but towards the end of 1995 and into 1996 begins to develop a sense of a clearer perspective, and hence a fledgling strategy of what it could and should do in relation to this issue specifically. This understanding of the relevance of what could a particular role for the EU contains strong resonances of the initial approach adopted in 1991. Overall, EU activity centred on diplomacy, support for and implementation of sanctions, the provision of aid for humanitarian purposes, the administration of Mostar, and finally post-conflict reconstruction and regional stabilisation. In terms of diplomacy the EC/EU effort may not have made an earth-shattering difference but it was intense and constant at the same time. Despite reforms, such as the creation of the ECHO, the Union still struggled to make a strongly effective contribution to the international aid effort in a
swift and systematic manner. The administration of Mostar was significant, and
despite it not being the intention at the time, was to provide a basis for the
consolidation of the future EU’s approach to international affairs.

However it is towards the end of this period that the Union begins to revert back
to the underlying logic of the initial approach, when activity begins to centre on the
issue of post-conflict reconstruction and regional stabilisation, within a framework
that involved heavy participation of other actors. An emphasis on post conflict
reconstruction and development was evident throughout the Union’s dealings ranging
from the ICFY to Mostar. A longer-term commitment was consistently implied.
However, clearer articulation of what form this would take was only beginning to
become apparent in this period. It came in the form of pre- and post-Dayton
expressions of commitment to the reconstruction and stabilisation effort and in the
form of the Royaumont Process and the Regional Approach. Though still stronger on
aspiration or framework than on actual action, the emphasis on regional cooperation
as the way towards long-term peace and stability was significant.

This further fed into the approach taken towards the Kosovo crisis. Though on
a first glance this period is marked by an apparent low level of activity on the part of
the EU, it is arguably the most notable to this point in that there was a greater sense of
realism in terms of what the EU could do based on previous experience, and not just
in a negative sense. What is interesting is that the range of activity engaged in is not
substantially different to that of Bosnia in terms of overall type. What is different,
however, is the manner and scope in which it was conducted and where the relative
emphases lay. What is notable overall is a clear appreciation of the range of actors
involved in dealing with the crisis and the need to coordinate these many different
types of response rather than jumping to try to cover too many functions itself. Acting
in a supporting capacity in terms of diplomacy, supporting and also taking a lead in
terms of the imposition of sanctions and participating in the aid effort with a strong
emphasis on the need to coordinate and cooperate with other aid agencies was explicit
from the outset in relation to Kosovo. This approach formed the basis of the 1998
Comprehensive Approach in which the Union set out its position in relation to actions
and policies of other actors and the contribution it had and could continue to make.
It also formed part of the basis of the Stability Pact for South East Europe that was launched in direct relation to the Kosovo crisis. The Stability Pact was intended to provide a framework for the coordination of the activities of all the actors involved in the region with the longer term objective of facilitating the development and stabilisation of the region. While adopting a leadership role in the Stability Pact, the Union’s own particular role within the Pact was to provide an ‘anchorage’ to the countries of the region to greater encourage the levels of necessary reform and compliance. In light of this the Stabilisation and Association Process was launched, though its impact was not immediately felt in Kosovo specifically. This introduced the explicit perspective of EU membership to the countries of the region as the end result of a process or reconstruction and reform. At the same time moves to restructure the Union’s aid for reconstruction and development were put in place, making explicit distinction between humanitarian aid and reconstruction aid, and confirming the notion of conditionality for the continued provision of the latter. Significant also was first the Union’s willingness to play a leading part in post-conflict Kosovo and second its assumption of responsibility for a significant pillar of UNMIK. What can be seen is movement towards a distinct and definitely EU approach to the region with an increased sense of what should be made more coherent and how. The emphasis remained on the particular part the EU could play in relation to the region, drawing heavily on its own integrative dynamics and their strong draw on the former Communist east as a whole. Overall, despite being less visible as an actor in the throes of the conflict than before this was not necessarily a bad thing. Before, when highly visible it was usually when attempting to achieve what it simply could not achieve.

The European Union’s reaction and experience in Macedonia represents a point of culmination in many ways, occurring as it did after a decade of practical experience and formal development of competences. At this point, to an extent, the two do start to come together though more within the overall context of a policy that was not entirely different to that attempted in 1991 in response to the Slovenian and Croatian conflicts. Here we can start to see the effects of initiatives set in motion throughout the decade, in the aftermath of the Bosnian conflict, during and in the aftermath of the Kosovo conflict, the TEU and Treaty of Amsterdam and background developments of the ESDP. That is not to suggest that there was anything resembling perfect linkage
between all these but there was a definite increase in terms of a sense of direction to the particular policy, with the majority of initiatives and actions fitting in with that policy and drawing much of their legitimacy from this particular context. Cooperation with others was both necessary and desirable and now an integral part of the Union's approach from the outset.

In contrast to earlier conflicts, the association dynamic had already been heavily drawn on prior to the outbreak of the more serious conflict in 2001. The more systematic establishment of links and provision of aid to assist the reform and relief effort after 1995 was, however, crucial and gave the EU particular leverage in relation to the Macedonian authorities during the Kosovo crisis. Promises of aid and enhanced cooperation were effectively offered as a reward to Macedonia for cooperation with the international aid effort – an ultimately for the signing of the first SAA in the midst of conflict.

It was in response to the 2001 conflict that the Union did begin to come into its own. In comparison to previous efforts, the diplomatic response was quite focused and more streamlined in terms of cooperation with the other actors involved. This was most manifest in the person and activity of the High Representative who gave the EU a more visible and consistent diplomatic presence. This was bolstered by the close cooperation between the High Representative and the External Affairs Commissioner who had a very crucial part to play in that the Commission was most significant in implementing and consolidating the close ties between the Union and Macedonia that provided a back-drop to all actions in this period and provided the context for the high-profile Union response. It provided a sense of momentum and a constant reminder of what was now a much clearer operational context within which to encourage cooperation.

(ii) Overall balance between the reactive and the strategic

From the outset, it must be acknowledged that the overall approach was largely ad hoc and reactive. The initial framework out of which the EC responded and subsequently acted was, as noted above, the wider association and cooperation
process with former-Communist Europe in general. The emphasis was on encouraging democratisation and market reform, using the prospect of building on the existing relationship and the developing closer ties to encourage the stabilisation of the political situation. This provided a backdrop to overall activity, including the diplomatic process. However, it was very loose, vague and undefined and there was little coherence or congruence between the various activities that were engaged in.

The commitment to post-conflict reconstruction and stabilisation that becomes more pronounced towards the end of the Bosnian conflict and the Royaumont Process and Regional Approach veers a little more towards what might be described as the more strategic. However, here there is more aspiration and loose framework than any real sense of the obviously strategic, even in the heavily qualified understanding of the term. It is the extent to which this is then built upon that proves significant.

This was further elaborated and consolidated in relation to Kosovo but it would be a mistake to say that what was emerging was an entirely ‘strategic’ EU approach to the crisis and the region. It was still relatively ad hoc and the most that was being done was building on and consolidating past practice rather than launching a new integrated and coherent EU policy towards the region. What was being built on was the hint of the strategic in the previous conflicts, namely the approach to post-conflict reconstruction and stabilisation of the region drawing on the EU’s own enlargement dynamic in the form of the Stability Pact, the Stabilisation ad Association Process, and the creation of the European Reconstruction Agency. However, the effort to bring more of a sense of coordination to the international effort and the development of the Union’s own particular strength in relation to the region to the point of introducing the explicit membership perspective, did indicate a significantly higher degree of the deliberate and the proactive. It does represent a conscious attempt to manage the situation and to prevent conflict there in the future.

It would be going too far to suggest that what is in evidence in Macedonia is what could be described as a planned or strategic policy. It is more strategic than before, but still highly reactive. It is more the case that the previously devised approaches that attempted to provide a better sense of direction or purpose to the EU-level approach reach a point of culmination in Macedonia and informed the
overall policy to a significantly greater extent than before. The Regional Approach, through to the Stability Pact and Stabilisation and Association process, the various aid and reconstruction programmes provided a much clearer framework for the Union’s involvement. The 2001 conflict was approached with a much clearer sense of a long-term perspective and the EU’s role in this regard, not merely in rhetorical terms but in concrete terms in terms of the actually established links and programmes. This was further added to by the greater (though still far from complete) inter-connection of the various strands to the Union’s reaction giving a greater sense of coherence and purpose to the effort rather than the more random and disparate actions of the earlier reactions.

(iii) Overall goals-capabilities linkage

The gradual development of more of a guiding framework which increasingly informed the overall response was aided by a better degree of linkage between goals and capabilities over time. The degree of clear linkage between goals and capabilities in the first period was inadequate and was the main reason why the EC’s reaction and approach has been perceived as such a dismal failure. This was set up as an issue the EC could deal with – a European issue that ‘Europe’ was most suited to dealing with. That view was not entirely mistaken. The mistake was in the over-inflated nature of the goals and therefore expectations set and the inability of the EC to achieve them. This particular issue required a more comprehensive approach than the EC was capable of at this point in time and this had a great deal to do with the complexity of the Yugoslav question itself. It was not a case of being the wrong actor to deal with situation. It was more a case of it being the wrong actor to attempt to deal with it alone.

As already noted, the Bosnian conflict coincided with the inauguration of the EU’s new Common Foreign and Security Policy and expectations were high as regards what it was that the EU acting as a collective could achieve and what the extent of its supposedly higher profile would be. New instruments and procedures may have implied in theory that a more comprehensive collective policy was now possible. However, in practice what can be seen is a policy that did not live up to the pre-TEU hype. However, on the other hand, the gap between the goals expressed
during the Bosnian crisis and actual capabilities is in actual fact not as wide as might be expected. What the EU actually did was what the EU was actually capable of reflective of capabilities and importantly, the extent to which the member states agreed collectively to utilise these capabilities. Part of the problem lies in the fact that the set of goals pursued was relatively ad hoc and without a clear sense of purpose, direction or longer-term consequence. A hint of a guiding framework begins to emerge at the end of this period in the form of the EU’s increasingly expressed desire to participate in post-war reconstruction and longer-term regional stabilisation and the hint of the basis of more a coherent and goal-orientated policy linked to actual capabilities.

Kosovo was also marked by certain development in this regard. Unlike the previous two phases of conflict in Yugoslavia, no attempt was made by the EU to take responsibility for or manage the response to the conflict. The new arrangements and reforms of existing mechanisms were channelled into the fulfilment of what might in one sense be considered more limited goals e.g. provision of aid and reconstruction assistance. However, on the other hand, engaging in a process that had as its primary objective the encouragement of the stabilisation of one of the historically most troubled and turbulent parts of Europe can hardly be dismissed as a limited goal. Yet, the Union began to focus its efforts on this.

In relation to Macedonia, the linkage between goals and capabilities was also at its best to date in this period. This was aided by the accumulation of reforms and initiatives set in motion in previous years finally coming online and getting into their stride in relation to Macedonia. The most notable in this regard is the role of the High Representative in giving a more consistent and engaged focus to Union diplomatic activity, bolstered by close cooperation with the Commission and other actors, especially NATO. In addition the Regional Approach introduced in relation to the aftermath of the Bosnian conflict and the various procedures, agencies and programmes introduced as the Stabilisation and Association process evolved had an immediate and tangible effect here. In addition, the ongoing development of the ESDP in the background began to feed-in to the approach to Macedonia, notably first with in the form of the RRM and eventually in the form of Operation Concordia.
The combined contexts of the increasingly institutionalised ESDP, Regional Approach and SAP provided a guiding framework and rather than entirely ad hoc responses to disparate events as they arose, the goals pursued in this period were better linked into their operational context in terms of capabilities, appropriateness and opportunity. Within an overall approach that involved other significant actors, the Union adopted a prominent guiding position with everything occurring within the longer-term context of Union involvement in stabilisation and reform through the enticement of the perspective of Union membership and associated assistance and aid for reform and development.

(iv) Functions performed 1990-2002

As previously argued, looking at the functions performed by the European Union in particular provide a useful means through which to characterise the nature of patterns in the activity and policy actually pursued. It also makes clearer the distinction between the EU and other actors, and also where functions overlap or coalesce, what was the particular EU-function or role. As outlined in Chapter 2, the notion of a role is not assumed to be synonymous with anything fixed or universally understood and defined. However, the patterns of activity, characterised in terms of function and then linked back to the previously outlined notions of the strategic and goals-capabilities linkage and looking at how the actual policy evolved over time under the following main headings brings us further towards an overall characterisation of the policy and how it had evolved. The main functions performed by the EC/EU in relation to the four conflicts covered in this thesis between 1990 and 2002 can be characterised as follows:

(a) Mediator/Facilitator of Negotiations

Beginning with the intensive effort of 1991 it became quickly apparent that this was a task which the EU could not overall deal with alone or just relying even on what was a developing framework which might have rendered the Union the most appropriate actor to deal with this task in relation to this issue. The Union has proved to be useful in difficult negotiations that require persistence and a willingness to address the long-term. Where it improved in this regard was firstly in consolidating the basis on which the Union itself could contribute to longer term stabilisation and
reform, secondly in better cooperating with other relevant actors and thirdly in actually using the increasingly coherent operational framework to inform the diplomatic process in addition to the tasks coming more directly under the more practical remit of the stabilisation and reconstruction efforts. This is evident in the contrast between 1991 and 2001 where a remarkably similar policy was in operation with the significant difference being in the manner of its execution. The association logic was not sufficient alone, despite its greater coherence and elaboration by 2001. The participation of the US and NATO was crucial in order to round out the response and provide added weight. The region and issue specific nature of the EU’s potential influence is highly significant in this regard. The Union’s diplomatic presence and relevance was improved by its better linkage to an overall Union approach. However, this applied very specifically to Macedonia and the pre-existing relationship and the particular circumstances there. It would not have been so significant elsewhere.

(b) Post-conflict civil administration/reconstruction

With its first experience of post-conflict civil administration in Mostar and its important involvement in UNMIK, the Union has established itself as one of the range of relevant actors suited to serving this particular functions in this regard in Europe. There has been some development in this regard, but mostly in terms of a greater concentration and channelling of efforts into this particular type of activity given the fact that the Union is relatively well equipped to perform it. This is specifically in terms of the dominant task undertaken within UNMIK in relation to economic development and also the emphasis on reconstruction as part of the overall EU supervised implementation of the Ohrid Agreement in Macedonia. This function is performed alongside and in cooperation with a range of other relevant actors, most notably NATO, the OSCE and of course the UN but the EU has become a crucial participant due mainly to its connection to the region and the suitability of its capabilities in this regard.

(c) Promoter of regional cooperation with a view to stabilisation

This became a primary basis of the Unions overall approach after the Bosnian conflict and was significant in that it did recognise the fact that stability in the region would be
more or less impossible without the fostering of better relations between the former Yugoslav republics. To a limited extent this had been implicit throughout in that the Union always placed an emphasis on the need for some kind of over-arching structure within which to improve relations and thereby minimise the potential for conflict. This was explicit in the negotiations at the Hague Conference until the recognition process and the conflict ran out of control and overtook the possibility of negotiating such a settlement. After 1995 the Regional Approach as it developed was linked to the association process, thus in effect offered the prospect of closer association with and potential integration into Union structures as the very over-arching structure within which to encourage regional stability and minimise the potential for further conflict. This was not a function that any other actor was in a position to perform – even the United Nations who at most could offer interim assistance, no matter how long that interim period eventually would come to last (as in the case of Kosovo).

(d) Anchor/Framework and coordinator for stabilisation, reconstruction and reform

This aspect of Union involvement underwent significant development, as mentioned above moving from offering closer relations between the EC and the Yugoslav federation prior to war to the launching of the Stabilisation and Association Process whereby the membership perspective was offered in a process more customised to the particular circumstances of the region. This comprised the dominant EU function and it increased in scope and coherence over the decade, with the emphasis on post-war reconstruction, regional cooperation and stabilisation being made more explicit in overall rhetoric, the basis of aid mechanisms and finally feeding into diplomatic efforts also. The Union’s provision of ‘anchorage’ was its particular role in the overall international effort, as highlighted by the main Union role in the Stability Pact.

(e) Imposition of sanctions, provision of incentives and aid for humanitarian purposes.

The Union also served a function as the vehicle for the imposition of sanctions and for assisting in the implementation of sanctions imposed with the contexts of UNSCRs both within and beyond the Union. The promise and provision of incentives drew on the association dynamic outlined above and developed in its impact and centrality as
the decade progressed with the ever increasingly emphasis on conditionality in the provision of aid for anything other than humanitarian purposes.

(f) Civilian monitoring

In close cooperation with the OSCE, the ECMM created in 1991 became a constant fixture and a constant EU presence on the ground in the conflict zones. It thus became a central component of Union activity.

9.3 The Development of European Foreign Policy?

The intention as outlined has been to consider the activity of the EU-level overall, as distinct form the member states in order to establish the extent to and ways in which it has changed over time. The ways in which the actual activity itself has changed over the course of the conflicts in Slovenia/Croatia, Bosnia-Herzegovina, Kosovo and Macedonia has been outlined above. The remaining question is therefore, how the nature of this change can be characterised in terms of the development of European Foreign Policy as was defined in Chapter Two.

On the whole, it can be concluded that the European Union engaged in a range of activity in the former Yugoslavia and was active, to varying degrees throughout the entire period under examination. Focusing on the activity of the EU-level and perspective of looking at over ten years of activity has revealed that while the Union’s overall policy developed quite significantly, this was not in a manner that might be expected. For this reason, it would be possible to suggest that little ‘development’ had actually occurred as the approach throughout was in fact remarkably similar. However, the main development did not come in terms of the dramatic widening of the types of activity engaged in by the Union or attempts to better act in a more state-like manner but rather in a better channelling of both existing competences and new instruments into the better execution of what became the central fundamental aspects of Union policy towards the region.

The sense of perspective emphasised in this thesis has also shown how the account of activity in the former Yugoslavia and the formal development of the
Union’s external competences does not always sit comfortably with each other. To just focus on the immediate effects of the TEU on the policy in Bosnia, for example, would be to almost miss the highly significant emphasis on post-conflict reconstruction and the regional approach that emerges towards the end of the conflict. Despite three major Treaties coming into effect in this period, and the development of the ESDP the overall policy performed did not change significantly in terms of overall type, as can be seen in the very close resemblance between the functions performed in relation to Slovenia/Croatia and Macedonia, over ten years apart. There is also the issue of a certain amount of ‘time-lag’ in terms of enhanced competence being actually felt in practice. It was more the case of new instruments and competences being channelled into the better fulfilment of what was a slowly evolving overall Union approach to the region, rather than branching it off into any significantly new directions.

The analysis of the EU-level’s activity overall beyond a simple focus on the CFSP has shown just how broad the EU’s activity in relation to the conflicts outlined here has been. To focus on the CFSP would have been to focus on a problematic diplomatic effort and miss capturing what has shown to be quite a broad and increasingly appropriate policy for the region. The heavy reliance on the association dynamic, post-war reconstruction and stabilisation, the provision of aid and the implementation of sanctions, were the central components of the overall approach, not mere side activities and relied on the heavy involvement of the EC pillar, most notably the Commission. In addition, it was not simply just a case of using EC instruments and polices to reinforce CFSP policy. First pillar activities themselves became highly political, forming in fact the basis of what was to grow into the Union’s overall policy towards the countries of South East Europe.

Rather than limiting the analysis to the extent to which the Union’s policy has developed in terms of coming to resemble what might strictly be described as state foreign policy, the Union’s activity was analysed and characterised throughout in terms of the extent to which it displayed some sense of the strategic in its overall approach, the degree of linkage between goals pursued and the capability to pursue them and the functions performed in context. This was in acknowledgement of the fact that there are certain key factors which cannot be ignored when it comes to
drawing a distinction between what can be labelled external relations or foreign policy. However, beyond this it has been argued that there is little to prevent the EU’s external activity being characterised as a *sui generis* foreign policy.

What were we looking for is what Winn & Lord have defined as ‘purposive and sustained efforts to influence the international environment’ (Winn & Lord 2001; 17) and the extent to which an attempt has been made to manage or design an approach within the context of some kind of plan or guiding framework. As shown through the accounts of Union activity, the overall approach towards the region was increasingly conducted with the context of a particular Union role in relation to post-conflict reconstruction and longer term stabilisation, drawing on the Union’s own increasingly articulated association dynamic. In addition, overall goals were increasingly linked to this process and couched in its rhetoric and existing and new instruments increasingly channelled into it. The main types of functions performed did not change significantly in terms of type, rather they changed more in terms of the extent to which they became the main components of the developing foreign policy. The main development has been in the increased extent to which the Union injected a greater sense of purpose and strategy into what the essence of the pre-existing activity, accompanied by greater - though still insufficient - channelling of resources and instrument into the fulfilment of these purposes.

What is in evidence is not one single overarching policy per se, but rather sets of common policies that are representative of when interests do converge over a specific issue combined with the competence and will to act in order to achieve them. The EU had several policies in the former Yugoslavia as shown in the range of activity engaged in. This recalls the distinction made by Ginsberg between foreign policy activity: the process of ‘integrating the policies and actions of the member states towards the outside world’ and foreign policy: a composition of mutually related joint actions that set forth a unified position intended to serve predetermined objectives’ (Ginsberg 1989; 4) Judged accordingly the Union very definitely engaged in a high-level of foreign policy activity but the extent to which it can be said to have progressed towards possessing a foreign policy in these terms is less clear-cut. As was shown, towards and into 2001 the operational framework of Union activity based on the Stabilisation and Association process did begin to inform the wider range of
activity, including the provision of aid and even diplomatic efforts. However, this was quite loose and by no means consistently coherent but it was a considerably more integrated and coherent than it was in 1991.

Therefore it can be argued that by 2001 the EU had developed an increasingly purposive, coherent and integrated policy towards the former Yugoslavia. The vast majority of activity was conducted within an overall framework. This can be taken so far as to argue that the various components of even the EDSP did not really mark a dramatic leap forward in terms of EU-level policy in the region. The civilian crisis-management and conflict prevention components were essentially a consolidation of much that had already been done in the former Yugoslavia, combined with new procedures and instruments that rounded out the existing policy rather than branching it off into any significantly new directions. This even includes Operation Concordia that was very much conducted within the context of the stabilisation process. Though adding a military facet to the Union's existing competences, the basis of the overall policy was still based on economic, political and diplomatic processes.

However, this brings us back to the fact that just as there is no definitive overarching EFP towards the former Yugoslavia, there is no overarching EFP overall. EU policies are time, issue and region specific and much concerning the policy in the former Yugoslavia is as such precisely because of the geographical, connections and relations between the Union, its member states and the region both historically and more recently. The activity of the EU in relation to the former Yugoslavia between 1990-2002 has developed quite remarkably in the direction of what might be described as a limited and context specific foreign policy in its own right, as distinct from those of its member states.

9.4 Conclusion

Over the course of its involvement in the former Yugoslavia, the EU has become capable in formal terms of using a full range of instruments usually associated with the notion of foreign policy. At the same time, it fulfilled a broad range of functions and has been shown to be pursuing an increasingly proactive and
integrated policy towards the region which has here been characterised as a European Foreign Policy. However, this has not meant that the EU has been moving towards functioning as a state-like actor. Rather, there is something quite specifically ‘EU’ about the European Foreign Policy that has developed in this context. The real development has occurred in the way the Union has increasingly used the ‘pull’ of its own association dynamic in order to provide a framework to the range of actions engaged in. By the end 2003, the EU has acted across the range of foreign policy competences but the overall nature of the policy pursued has not changed dramatically between 1990 and 2003. New and old instruments were increasingly channelled into the fulfilment of this core EU policy towards the former Yugoslavia. What is also interesting is the extent of first pillar involvement in this policy, not just in implementing CFSP policy but in acting as one of the key players in the pursuit of the overall policy. On the whole, the EU has been shown to have fulfilled some important functions within the broader international response and in doing so it has found its purpose in relation to the region, based on what it is in a position to most successfully do. Not an overarching or comprehensive foreign policy, in this instance the EU has been shown to have developed a distinct and significant foreign policy towards the former Yugoslavia, as distinct from other actors involved, including its own member states.
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