

## The EU's post-Conflict Intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)Inventing the EU?<sup>1</sup>

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### ***ABSTRACT***

Despite the often-cited “fiasco” of the EU during the Yugoslavian wars, the EU's later interventions in the Balkans, particularly in Bosnia and Herzegovina (BiH), may have served as a scenario to foster the emergence of an EU whose international identity is that of a regional normative power. The EU's intervention in BiH, supported by significant economic assistance and using military instruments, has proved essential to endorsing the institutional-building process currently taking place in BiH. This article explores the consequences of the EU's continued activities, both for BiH and the EU itself. It argues that a parallel process has taken place in the last decade facilitating the (re)integration of BiH in the European mainstream and the (re)invention of the EU as a regional normative power, aiming to promote regional cooperation, human rights, democracy and rule of law. But these developments have not occurred without problems, which this article also addresses.

### *Introduction*

In the early 1990s, the search for a negotiated solution that could stop the bloody conflict in the Former Yugoslavia was considered by both European and international observers to be the first test for the embryonic Common Foreign and Security Policy (CFSP). Consequently, at the beginning of the Yugoslav crisis, the Luxembourg Foreign Minister Jacques Poos, then head of the EC (European Community) Presidency, declared that the organization would intervene in Yugoslavia because it was “the hour of Europe, not the hour of the United States” (Gordon 1997/1998, 75). His statement summarised the high expectations among EC members regarding the CFSP, expectations which made subsequent failure even more painful. Despite earlier failures, the Balkans in general, and Bosnia and Herzegovina in particular, remain a major focus of attention for policy-makers in Brussels. Bosnia and Herzegovina (hereafter BiH) has been selected for the “real test”

of the first ESDP missions (the first ever EU Police Mission in January 2003 and the largest EU military mission, EUFOR-Althea, to date). This article explores the consequences of the EU's continued activities in this country, both for BiH and the EU. It argues that a parallel process has taken place in the last decade facilitating the (re)integration of BiH in the European mainstream and the (re)invention of the EU as a regional normative power. However, this dual process has not developed without problems. The article examines this process of identity building both in the case of BiH and the EU, as well as the main obstacles that may block further progress.

So far the literature on the EU's activities in BiH has been rather limited. Many accounts have focused on the EU's effort to stop the war in Former Yugoslavia, in collaboration with other international actors, and stressed how badly the EU reacted to the eruption of the conflict.<sup>2</sup> More recent analyses of the EU's external action in BiH have been more concerned with the economic assistance supporting the process of post-conflict reconstruction in BiH and the process of the EU's enlargement in the Western Balkans<sup>3</sup>. This article intends to contribute to the understanding of the EU's activities in BiH by considering the whole period from the dissolution of Yugoslavia to date. In this way, the EU's activities in BiH can be better conceived as a process of identity-building from a civilian (rather ineffective) power to a normative (increasingly effective) power in BiH. Furthermore, this article aims to provide some empirical evidence to support the concept of normative power which has often been confined to theoretical debates in the literature, whereas not sufficient empirical evidence has been delivered.<sup>4</sup>

The analysis proceeds as follows. I begin by examining the uneasy relationship between the Balkans and Europe, focusing on how BiH perceives and is perceived by the EU. Next, I briefly examine the main obstacles that hinder BiH's reintegration into the European mainstream. I then move to the case of the EU's intervention in BiH, explaining these activities since the beginning of the 1990s and the development from a civilian to a normative power. I elaborate more on the last period, discussing some of the implications of this recent development. I conclude by summarising the main challenges ahead for BiH and discussing what prospects for the EU to become a global/regional normative power.

### *From Desintegration to Reintegration or the Painful Way to Europe*

#### *The Balkans and Europe: an uneasy relationship*

This section does not intend to debate whether or not BiH is or has been part of Europe, but to briefly review how this issue has been treated in the political discourse of people from the region and from outside (the so-called West). References to the dichotomy Europe/the Balkans have been present in the discourse of the different parties involved throughout history, but the (re)integration of BiH into Euro-Atlantic structures would effectively finish with the endless "either/or" debate as to whether it belongs in "Europe" or the "Balkans".

In the Western discourse, the Balkans have often been portrayed as a region at odds with "European" values and traditions (Batt 2004). During the

Yugoslavian wars, Western journalists looked for stories which stressed *the macabre, the better* to show the violence of “these peoples from the Balkans.” To a certain extent, the negative image of the Balkans thus served as a screen used to reflect the positive values represented by the West. They were associated with violence, chaos, and authoritarian regimes (Batt, 2004: 11). In Maria Todorova’s words, the Balkans:

"have served as a repository of negative characteristics against which a positive and self-congratulatory image of the ‘European’ and ‘the West’ has been constructed (quoted in Lindstrom 2003, 315)."

However, the theme of “Balkanization” has also been internalised by the elites in this part of Europe and then used to dismiss their enemies within the region. The “Balkan” term has been used extensively as a political weapon because of the pejorative connotations associated with it. Political leaders detached themselves from such a label, claiming to be truly “European”, while designating other neighbours as “Balkan” (ibid., 12). For this reason, the term Southeastern Europe has been utilised over the few last years to avoid the negative images linked to the term Balkans.<sup>5</sup> This has occurred, for instance, in the case of Bulgaria and Romania, which are seeking to make a distinction between themselves and the former Yugoslav republics. Slovenia and Croatia have also sought to detach themselves from their Balkan neighbours (Vučetić 2001, 124-125; Lindstrom 2003).

If the Balkans stand in a liminal position—between the West and the East, as part of Europe but at the same time located at its periphery (Todorova 1997)—BiH would be at the core of this representation of the Balkans. Between three religions and three nations, BiH is on the borderline between Western and Eastern cultures, the best and the worst of the “imaginary” Balkans meet on this small territory. However, neither ideal multicultural coexistence in BiH before the war nor negative stereotyping of violent “Balkans” can capture the truth. Rather a more complex picture should be drawn, acknowledging the existence of both ethnic tensions and pacific coexistence in this cultural puzzle that constitutes BiH.

The “return to Europe” has been more painful in the case of BiH, than in the cases of the other ex-Yugoslavian republics like Slovenia and Croatia, and this for several reasons. Firstly, even though BiH is recognised as a sovereign state, the “atypical” and undemocratic nature of the entity agreed at Dayton makes it more difficult to talk properly about statehood and makes (re)integration more difficult. In other words, the question is how to make progress towards integration into the EU when the identity of this state is still disputed. What is more, both the “Balkan” and the “Muslim” stigma have been perceived as potential obstacles on the road towards Europe (both inside and outside BiH)<sup>6</sup>. Indeed, there have been suspicions regarding the willingness of the EU to incorporate a state with such a large Muslim population. Finally, an uneasy relationship exists between Europe and part of the Bosnian population, in particular the Bosnian Muslims, owing to the role (or rather the absence of role) of the European countries during the war. This

bitterness would also explain the strong links built between the U.S. and a significant part of the Bosnian population.<sup>7</sup>

Nonetheless, it seems that the long-standing dichotomy of Europe/Balkans is fading away. Both the people and political elites have a clear idea of the main goal for BiH today—to become a member of the EU. All the major political parties have expressed their support for integration into the EU, although they have been careful not to say what sacrifices they are ready to make. This is due in part to the fact that most of them do not understand the reforms that would be required for membership,<sup>8</sup> but also because membership is linked to the internal political agenda of state-building. In other words, the political consensus hides differing views about *which* BiH should join the EU.

Regarding the Bosnian population, a vast majority (87.5%) would vote in favour of the EU membership and just 4.3% against, if the referendum were to take place now (Commission's Delegation in BiH 2004). The reasons for this pro-EU attitude are clear. Membership of the EU means for most of them prosperity, peace and freedom to travel and to work in Europe. In fact, one of the most frequent demands of the Bosnian population refers to the softening of the visa regime, which is an everyday reminder that they are still *out of* Europe<sup>9</sup>. From the EU, the willingness to support the process of integration of BiH has been reiterated on several occasions, and today, this commitment constitutes the long term objective of the EU's policy in the country (European Council 2004). The launch of the Stabilisation and Association process (SAP) and the offer of membership in Feira in June 2000 and Thessaloniki in June 2003 have reassured BiH to a certain degree. But they still wait for the day that they will be upgraded from "potential" to "official" candidates.

To sum up, old debates about the violent "essence" of BiH—as part of the Balkans—and about the place of BiH with regard to Europe have been replaced by a firm support for a BiH strongly anchored in Europe, both from inside and outside the country. However, as will be shown in the next section, the unsettled political status of BiH, as well as other economic and political problems continue to challenge the process of integration into the Euro-Atlantic structures.

#### *On the road to Europe: from Dayton to Brussels*

From the beginning of the 1990s, people in BiH have witnessed a dramatic process of disintegration and partition (1991-1995), followed by another of reconstruction, reconciliation and painful and slow state-level building. Many in the country hope that this process will one day lead to (re)integration into the European mainstream; yet the dangers of further disintegration may still threaten the whole process.

The Dayton Peace Agreement which put an end to the war was designed as the least bad solution at that time, with the hope that one day it would serve to overcome actual partition on the ground. The Bosnian Serbs (and to a certain extent, the Bosnian Croats) agreed at Dayton because of the high degree of decentralisation offered by the plan, which effectively recognised a state within another state (the Republika Srpska), plus the

Federation of Bosnia and Herzegovina (Muslim-Croat), highly decentralised around ten cantons. The international community believed that nationalist politics would progressively fade away and that a more "Western-style" party system would develop to replace them. However, ten years later, political life in BiH is still led by three nationalist parties. Both entities still fear each other and this feeling constitutes one of the main obstacles to the creation and consolidation of common institutions and multi-ethnic parties. Overcoming this mistrust may still take a decade, even a generation, but the upcoming years will be crucial for this process of reconciliation.

Statements such as, "Bosnia would not exist today as a state but for international support" (Bose 2002: 22) summarise the challenges ahead. The international community, and so the EU, has been at the frontline to defend the unity of this weak state, so much so that Susan Woodward has argued that "the main fault line of conflict" in post-Dayton BiH has not been between the three national groups, but rather that the "main line of confrontation has been between Bosnians [of all three groups] and [representatives of] the international community" (quoted in Bose 2002, 6). Some observers have even questioned the legitimacy of a state where the majority of the population (Serbs plus Croats) do not "truly" support its maintenance (*ibid.*, 4).

However, these statements were written four years ago, and since then a lot of progress has been made in the building of a single state structure. This change has coincided with the arrival of the new High Representative (HR),<sup>10</sup> Paddy Ashdown, and greater pressure from the EU and NATO. Nonetheless, the building of a single state-level structure has been the result of a painful time-consuming process. For instance, a common currency and a Central Bank were not established until 1998, in part due to pressure from the international community. The same can be said in the case of internal security and the reform of the judiciary, with the restructuring of the police and the creation of a Ministry of Security, the SIPA, a State Border Service, an Intelligence and Security Agency, and a State Court. In the case of the defence reform, the proposals coming from the HR have faced some hostility from the entity level (in particular from the Republika Srpska).<sup>11</sup> A state-level Ministry of Defence was established in 2004, but there is still a long way to go in order to unify the armies and the intelligence agencies of the entities.<sup>12</sup> The last, but not the least important issue has been the restructuring of the police which, until recently, was blocked by the veto of the RS National Assembly.

One of the main problems threatening the process towards EU integration is the unresolved issue regarding the status of the country<sup>13</sup>. The Dayton agreement is under continued challenge in the process towards European integration. It is common knowledge that only sovereign and self-sustaining states can become members of the EU.<sup>14</sup> But the Dayton agreement established a highly decentralised state, with weak, sometimes non-existent state-level institutions. Hence, from the Bosnian-Muslim side, the idea has been to reform Dayton so as to reinforce the process of construction of a unitary single state. However, this idea has encountered the opposition of the Bosnian-Serbs, while an increasing number of outside observers agree with the idea that at least some changes would be necessary if integration into Euro-Atlantic structures is the goal. For instance, a report

on the Bosnian constitutional set-up issued by the Venice Commission at the beginning of March 2005 pointed out that,

"...a central element of the first stage of constitutional reform has to be a transfer of responsibilities from the Entities to BiH by means of amendments to the BiH Constitution. This is an indispensable step if any progress is to be achieved in the process of European integration (OHR Press Release 2005b)"

Consequently, today the Dayton agreement seems outdated; its shortcomings affect the daily functioning of the state, and they generate an enormous expenditure linked to the running of three parallel institutions (two entities and the state level). Neither complete centralization (ultra-integration) nor partition in independent states seems the right path to take. Although some international observers believe that a centralised state would be the best option, the realities on the ground make such a solution impossible. On the other hand, this process will not be successful if it seen "as being imposed by external agents, or as the will of only one segment of the people of Bosnia" (Bose 2002: 33).

As mentioned, reforms have been put into force as a result of external pressures (the requirements established both by the EU and NATO), the engagement of the HR, and the economic support from international donors. The lack of will from the local authorities, the end of the HR mandate, as well as the "Bosnian-fatigue" among international donors and international institutions can slow down the process of state-building. Because of that, the role of the EU in the country continues to be crucial: a coherent strategy, a clear message, and the necessary assistance to help with the implementation of the reforms are expected from the EU. For the moment, Brussels keeps reminding Bosnian authorities that, in the process towards Europe, BiH will be treated according to the criteria previously established and judged according to its own merits, and that membership can only be earned through economic and political reforms<sup>15</sup>. However, some observers have asked for a stronger commitment by the EU to provide assistance.<sup>16</sup> At this juncture, when the enlargement process has been partially contested at the Constitutional referendums in France and the Netherlands, a clear signal that BiH is really welcome is particularly needed. Mixed signals from the EU, the wrong approach, or tough conditions without the necessary assistance could spoil the process of integration of BiH into the EU.

In the next section, the article explores the evolution of the EU's intervention in BiH from the paralysis of a civilian power to an increasingly committed normative power, promoting democracy, rule of law and human rights. The EU has deployed in the BiH the full spectrum of instruments at its disposal, including military instruments, to promote its external objectives and to pave the way for BiH to attain EU membership. Indeed, the membership carrot has become one of the main instruments of the EU to support its normative power.

*The EU in Bosnia and Herzegovina: from failure to success: from civilian to normative power.*

Due more to necessity than to choice, the Balkans has been the test ground, first for the weak CFSP in the beginning of the 1990s, and now for the new ESDP project.<sup>17</sup> As the following sections will show, it has been a slow process of learning from failure. It has also been here where the EU has firstly tried to introduce a comprehensive approach towards conflict management: including political tools like conflict mediation, economic ones like humanitarian aid and long term economic assistance, and military ones like police and peace-keeping missions. Over the last few years, BiH has become the field where the EU is building a new identity as a regional normative power.

*The first period (1991-1995): The EU, an ineffective civilian power*

Traditional analyses of the EU have tended to characterize it as a “civilian power”, that is, an actor in the international scene which exerts its influence by means that do not imply the use of military force but of diplomatic and economic instruments. This notion was based on the concept used by Duchêne in the 1970s to talk about the EC's future role in the world (Duchêne 1973). He argued that the growing interdependence in international relations made civilian instruments (economic relations, cooperation, and diplomacy) increasingly more important than military ones. Duchêne did not believe in the possibility that the EC could play a more important role in international affairs by developing its nuclear capabilities. It was neither likely nor necessary that the EC develop into an armed superpower in the new context of growing economic interdependence. The only feasible prospect for the EC was to emerge as a world economic power, using cooperative and diplomatic tools to promote its interests and values<sup>18</sup>.

One could distinguish two different elements in the notion of civilian power: the *instruments* used and the *ends* pursued. In other words, to be a civilian power, the EU needed to eschew the use of force in international relations (implying military instruments) and to pursue “civilian” ends such as the promotion of democracy, human rights, rule of law, and multilateralism.<sup>19</sup> This conceptualisation of the EC/EU has had a significant impact both in academic and political circles, determining to some extent the limits of “possible” EC/EU actions. That was the role that the EC/EU played in a quite ineffective way before the war in the former Yugoslavia started, and the only one it was able to play once the conflict had erupted.

According to some observers, the traditional instruments of the EC (economic assistance, prospects of association, and membership) were brought to the table too late, when the crisis in the former Yugoslavia was irreversible (Woodward 1995). An excess of confidence in its own power of attraction and deficient information about the situation in the Federation could explain this initial failure of the EU.<sup>20</sup> The war also broke out at a time when the EC's attention was absorbed by other events (the reunification of Germany, the dissolution of the Soviet Union, and a new IGC). Nonetheless, from the beginning of the crisis, European leaders supported the idea that

events in Yugoslavia should be managed and solved by the EC, not by the UN or states outside the region.

Consequently, the EC adopted a high profile at the beginning of the conflict, leading the international response to it. EC negotiators achieved the cease-fire which stopped the war in Slovenia in July 1991 (the Brioni Agreement), and the EC also put in place diplomatic and economic sanctions intended to force the parties to a negotiated solution. However, the issue of recognition<sup>21</sup> hampered the efforts at the EC Peace Conference in September 1991, as did later negotiations regarding the war in Croatia and the first signs of violence in BiH.<sup>22</sup> The inability to act and even to agree on a common line during the first stages of the crisis in former Yugoslavia showed the limitations of the newly-created CFSP.

As the conflict intensified, the EC was progressively marginalised by the intervention of other international actors, primarily the UN. The EC continued to play an important role in diplomatic efforts, the implementation of sanctions, and the provision of humanitarian aid, but EC/EU activities were carried out within the framework of the UN. A new International Conference on the former Yugoslavia was launched in Geneva under the auspices of the UN (represented by Cyrus Vance) and the EC (represented by Dave Owen). Similarly, a new regime of sanctions was approved by subsequent UNSC Resolutions, and the EC/EU committed itself to assist in their implementation. The EC was also an important actor in the provision of humanitarian aid from the beginning of the conflict. For their part, the member states supplied the UNPROFOR mission with troops<sup>23</sup>.

With the creation of the Contact Group (1994), the role of the EU was greatly diminished, if not completely absent, from negotiations. Even though some argued that the Contact Group was a way to give a voice to the EU in combination with other international powers,<sup>24</sup> the reality showed that it was an initiative *of* and *for* its five participating states, and the voice of the EU as a body was barely heard. The US and the Contact Group led the international effort in the last period of the conflict, in a moment when a growing consensus was emerging favouring military intervention by NATO.<sup>25</sup>

Although the EU's Representative, Carl Bildt was invited to participate in the negotiations of the GFAP, the EU was virtually sidelined during the final phases of the conflict. But it would again play a major role after the Peace Agreement by assisting post-conflict reconstruction. At the Madrid European Council (December 1995), the EU expressed its commitment to contributing to the implementation of the *civilian aspects* of the peace agreement, playing on its strengths as a civilian power, something that had proved to be impossible during the war.

In sum, one of the lessons of the Bosnian conflict was that "real wars" had not disappeared from the continent and that they could erupt on territories only a two-hour flight away from Brussels (Gnesotto 1994). This showed that the CFSP, if worthy of its name one day, would have to deal not with direct threats to the EU's territory, but rather with peace-keeping and peace-management in its neighbouring areas. What is more, the EU would have to take the responsibility of exporting and maintaining stability outside its



borders, and for that aim, civilian instruments would not necessarily be enough if an effective action was to be achieved.

*Second period (1996-1999): a civilian (economic) power without strategy*

Despite the embarrassment suffered during the armed conflict, following the signing of the GFAP the EU assumed the responsibility of helping the region in the post-conflict reconstruction. From the beginning the EU adopted a *civilian approach*, primarily based on diplomatic and economic tools. Besides the humanitarian assistance provided by ECHO, from 1996, BiH benefited from trade preferences and from the PHARE and OBNOVA programmes. Through these programmes, beginning in 1997, the EU established for the first time in the region political and economic conditionality. In other words, economic assistance under these initiatives was provided on condition that recipients respect human rights, democracy, and the rule of law.

By doing so the EU started to emphasize the *normative* aspect of its involvement in the Balkans. However, its role was clearly limited to the use of economic and diplomatic instruments, the only ones available to the EU at that time. This strategy was applied through a regional approach that has been present since then in all EU initiatives (from the Royaumont Process and the Regional Approach to the SAP). The objective has been to encourage cooperation in the region, providing a long-term structural solution to the conflicts in the Balkans. This long-term and “softer” (economically focused) EU approach in the region sharply contrasted with the “tougher” short-term military intervention in the conflict by the US.

However, this regional approach lacked a clear and purposive strategy. The EU gave no indication of what its long-term relationship with the region would be. It was not ready to offer the prospect of membership at a time when it was having difficulty absorbing new members from Central and Eastern Europe (Friis and Murphy 2000). Nor did the EU occupy the primary position of leadership in the region because U.S. intervention during the war had relegated the EU to a secondary role. NATO's intervention had reinforced its leadership as the major actor in the security field in Europe, while the role of the EU in BiH was limited to providing economic assistance under the umbrella of the UNBiH. However, the approach within the EU would start to change after the events in Kosovo and the St. Malo summit (1998), when the UK and France agreed on the need to develop the EU's military capabilities.

*Third period (1999-2005): a regional normative power in BiH?*

Using the definition of civilian power above, the EU could no longer be considered to be a “pure” civilian power once it had begun to develop its military component, the European Security and Defence Policy (ESDP). However, regarding the second constitutive element of a civilian power, “civilian goals,” it can be argued that the normative dimension of the EU's external action continues to be very important. For this reason, this article

would suggest the concept of *normative power*, i.e., the EU as a norm promoter in the international stage, to better describe the role of the EU in BiH in recent years. The proposed definition tries to combine both means and ends: a normative power would be characterised by the centrality of *civilian instruments* (economic, financial and diplomatic tools); the use of *force as a last resort*, being possible and necessary in specific circumstances; and the *promotion* through its external action of *democratic values, multilateralism, and regional cooperation*.

In fact, the normative dimension appears to have become an integral part of the discourse and the praxis of the EU. It can be traced through the Treaties and numerous official documents and speeches. For instance, Javier Solana defined EU's foreign policy in these terms:

"Our common foreign policy cannot just be interests-based. Protecting and promoting values, which are part of our history and very dear to the hearts of our citizens, must continue to be a priority. The values of solidarity, of tolerance, of inclusiveness, of compassion are integral part of European integration. We cannot give up on them" (2002, 2).

From this point of view, the latest military developments of the EU would not challenge the building of a "civilising" power providing that they are fully engaged in preserving the above mentioned goals. What is more, since armed conflict is still a reality in our world, the development of ESDP appears as a necessary requirement. In other words, on occasion military intervention would be needed for the EU to act as a promoter of fundamental human rights and democracy.<sup>26</sup> According to the High Representative for CFSP:

"The experience of the Balkans has been a sobering one for the European Union. But it has I believe also provided us with an opportunity. It is a test of our commitment to the region, to a wider Europe, and to a mature common foreign and security policy. The Balkans has shown that the European Union can no longer remain a force for peace simply through example. It has also to be forthright in defending the basic values of democracy, human rights and the rule of law on which it is founded" (Solana 2000a).

However, to maintain its normative character, the use of military power has to be submitted to some conditions, that is democratic control (as suggested by Lodge, 1993), accountability, and the "last resort" argument, which stipulates that the use of force is legitimate only in exceptional cases. Force could only be used when all peaceful alternatives have been exhausted; when it is considered to be the only effective means to achieve or protect civilian ends;<sup>27</sup> and when it is internationally legitimate (i.e., exerted under

the mandate of a UNSC Resolution and with a broad international consensus).

In this section, the concept of normative power is tested in the case of the EU's activities in BiH since 1999. First, the analysis of the EU's involvement in BiH shows the EU's preference for civilian instruments; the EU has been by far the first international donor in BiH.<sup>28</sup> It has also promoted long-term structural approaches to conflict prevention (Manners, 2004: 6-7). The EU is not just concerned with putting an end to a specific conflict; it aims to eradicate the root causes of conflict, whether social, political, or economic. The conflict in Kosovo made clear to the EU that a strong engagement in the region with a clear offer of membership could provide long-term stability to the Western Balkans (Friis and Murphy 2000). With this in mind, the EU launched the Stability Pact. Germany, which held the EU Presidency at the time, launched the initiative to develop a long-term strategy for the region, including a clear prospect of membership for Balkan countries into the Euro-Atlantic structures. After a decade of reactive diplomacy, the EU undertook a proactive crisis management approach in an effort to prevent conflict in the region.

Moreover, the EU decided to launch the SAp, which still today continues to be the EU's main strategy in the region. The SAp aims to enhance institution building, economic reconstruction, and regional cooperation, preparing the countries for future EU membership. With the Stability Pact and the initiatives that followed, the EU adopted a more purposive strategy and a position of leadership in the region. Membership was considered to be the strongest incentive that would propel the process from stabilisation to association and, one day, to integration. The "membership carrot" should promote the required internal changes that would bring BiH into line with the EU standards, both political and economic.

The prospect of future membership for the countries of the Western Balkans, including BiH, was endorsed by the European Council in Feira in June 2000 and reconfirmed by the European Council in Thessaloniki in June 2003. The criteria and the process which were established followed the strategy used in the recent enlargement to the Central and Eastern European countries: ownership or the "regatta principle" (each country proceeds towards membership on its own merits and at its own speed) and conditionality. To the political, economic and institutional criteria established by the Copenhagen European Council in 1993 and set out in Articles 6 and 49 of the TEU, the SAp has added some specific criteria: full co-operation with the ICTY, respect for human and minority rights, the creation of real opportunities for refugees and internally displaced persons to return, and a visible commitment to regional co-operation (European Commission 2003, 5).

With the introduction of the SAp as the new EU strategy for the region, further preferential EU trade concessions were adopted for BiH, as well as more economic assistance under the new CARDS programme. The medium term objective is the signature with BiH of a Stabilisation and Association Agreement (SAA) as a preliminary step toward membership. However, BiH must first undertake significant reforms which have been

identified in successive EU documents<sup>29</sup>. In all these documents, “sustainability” has been the buzzword of the EU: the objective is to build a self-sustaining state in political and economic terms.

The EU’s activities in BiH have not been limited to economic and civilian initiatives. The main lesson from the Bosnian conflict was that if the EU wanted to be a credible and effective international actor and a promoter of norms in its neighbouring area, it needed to be able to back up its diplomacy with military coercion. From St. Malo, the use of military force has been included in the toolbox of the EU, because it is considered necessary to achieve an effective external action. The High Representative, Javier Solana, has asserted this argument on several occasions:

"(T)he Union has to be prepared to use military assets and resources [...] The deployment of troops will only ever be undertaken when the situation absolutely demands it. But our credibility in being able to offer a comprehensive response depends on our ability developing a military crisis management capacity at a European level [...] We are not in the business of doing this for its own sake. But in support of the values and principles for which the European Union is respected world-wide (2000b)."

Therefore, the EU’s involvement in BiH shows an increasing commitment to the promotion of democracy, rule of law and human rights (that is, the EU as a regional normative power), at the same time that the country has become the first scenario to test its new ESDP capabilities. The first EU police mission was launched in BiH in January 2003 and the largest EU military operation, EUFOR Althea, was deployed in December 2004, taking over from SFOR. The ESDP missions in BiH aim to strengthen the role of the EU in the country in order to more effectively promote EU’s values and norms. In particular, they are supporting the rule of law (EUPM) and helping to maintain stability in the country (EUFOR), as a way to reinforce democracy and respect for human rights<sup>30</sup>.

The case of BiH is also useful to explore the conditions under which the EU is deploying its normative power and the use of force. This issue is very important in order to distinguish the normative power projected by the EU from other cases of “external promotion of norms.” In fact, one could argue that the EU as a normative power is not a unique case and that other states and organisations could claim to promote specific values and norms through their foreign policy. For instance, one of the tasks of the National Security Strategy is to implement the United States objective of promoting democracy and human rights in the world (United States of America 2002). However, American intervention in Iraq suggests that the current U.S. government is keen to use force even without international consensus and the authorisation of the UNSC. By contrast, the EU’s military operation in BiH, EUFOR Althea has being designed within the parameters specified earlier for a normative power because it has been launched under a broad international consensus with the authorisation of the UNSC.<sup>31</sup> International consensus is

also implied because there are other non-member states participating in the operation<sup>32</sup> and it is supported by other international organisations like the OSCE and NATO. The EU operation is occurring in a climate of close cooperation between NATO and the EU, following the Berlin Plus agreements, which means that Althea is carried out with recourse to NATO assets and capabilities.

Yet, to be sure, the EU is not an altruistic actor when promoting democracy, human rights and rule of law worldwide; it is just making short-term sacrifices to achieve long-term gains. In other words, the EU is pursuing democracy, human rights and multilateralism in order to achieve other goals (regional stability and security). Therefore, the EU's foreign policy is still a self-interested foreign policy. Even if it does appreciate the merits of these values per se, the EU is fully aware of the benefits associated with the promotion of human rights and democracy in terms of stability and security, in particular, in the European continent. This is clearly stated in the *Comprehensive Policy for BiH*:

"While the ultimate objective of this policy is to make Bosnia and Herzegovina an integral part of the European Union, the process contributes to *building security in our neighbourhood*: one of three strategic objectives for the Union identified in the EU Security Strategy (European Council Brussels 2004)."

The current intervention in BiH is also seen as a way to improve its credibility in the region, which was badly damaged during the war. The EU cannot expect to be considered a global player if it is not able to bring stability to its own neighbourhood, as Solana has noted:

"I make no apologies for concentrating on the Balkans. They are on our doorstep. The security of Europe depends on stability in the Balkans. They are also a test-case for Europe's enhanced Common Foreign and Security Policy. Nowhere more than in the Balkans is the EU expected to deliver (2001)."

On the other hand, in the case of BiH and in the Western Balkans, the EU has privileged certain objectives over others. The EU has placed emphasis on the promotion of rule of law as a way to reduce the threats that could easily spill over into the EU (organised crime, weapons smuggling, human trafficking, drug trafficking). Indeed, one of the main priorities of EUPM and EUFOR has been the fight against organised crime<sup>33</sup>. According to the *European Security Strategy*:

"Restoring good government to the Balkans, fostering democracy and enabling the authorities there to tackle organised crime is one of the most effective ways of dealing with organised crime within the EU (High Representative for CFSP 2003, 6).

*What Prospects for the EU as a Regional/Global Normative Power?*

As shown in the previous sections, the involvement of the EU in recent years in BiH has been key in facilitating two processes: the (re)integration of BiH into the Euro-Atlantic structures and the building of a new EU identity as a regional normative power. These two parallel processes started to converge at some point at the end of the 1990s, and they are currently two sides of the same coin. For BiH, the next months are crucial because it has to attain two objectives: to become a member of the Partnership for Peace (PfP), after being rejected at the Istanbul Summit in 2004, and to start negotiations on an SAA. At the moment, after making significant progress on defence reform, PfP membership only depends on one requirement, the detention of war criminals. In the case of the SAA, the main obstacle so far has been the lack of agreement on the police reform. After repeated failures in recent months, finally the Republika Srpska Assembly achieved an agreement on the police reform at the beginning of October 2005. Following this decision, the Commission recommended that EU Member States open negotiations on an SAA with BiH (OHR Press Release 2005c). However, the Commission has already announced that it will carefully monitor the implementation of the police reform (Bosnia Daily 2005).

In addition to the police reform, other challenges for the near future can be identified, among them the need to build strong and effective institutions, to strengthen the rule of law, to reform its economy, and to complete the transformation of its defence and intelligence structures (OHR Press Release 2005a). If successful, all these reforms will serve as the basis for a self-sustaining, affordable and effective state. In this process towards Europe, the EU should play an important role, backing BiH at this crucial stage. This support has to come from economic and political assistance, applying in a more consistent way conditionality to speed up reforms. The rejection of the Constitutional Treaty, and the fact that the EU may concentrate on itself in the upcoming years are perceived with fear by the countries which are in the queue for the next enlargement.<sup>34</sup> If the EU does not send clear messages supporting the next enlargement, this could also reduce the effectiveness of the EU and the pace of reforms in the Western Balkan region. In this sense, what is needed from the EU is a coherent strategy, a clear message stating its commitment towards the region, and the necessary assistance for the implementation of the reforms.

For its part, the analysis of the EU *in action* shows the significance of the deployment of economic and diplomatic instruments by the EU, but also the use of military capabilities to promote stability, democracy, and human rights. For this reason, the concept of normative power is preferred in the case of the EU's activities in BiH. Certainly, the role of the EU in the world, and in BiH in particular, still basically relies on civilian instruments; military instruments having only been added to those already at disposal of the EU as a supplementary tool, to use when necessary. The significance of ESDP activities is still limited when compared with other dimensions of its global external action (trade, development cooperation, humanitarian aid...).<sup>35</sup> What

is more, the EU has shown its preference for the promotion of long-term structural approaches to conflict prevention, and has emphasized the importance of post-conflict reconstruction, undertaking economic, political and social rebuilding in the affected areas. In this vein, the main strategy of the EU for BiH is based on the SAP which aims to enhance institutional building, economic reconstruction and regional cooperation.

Even if the EU is reinforcing its ESDP capabilities, it does not seem that these developments will reduce the amount of money destined to civilian crisis management and other civilian activities. The objective is not to militarise the EU, but to make more effective, proactive and flexible the deployment of military forces at the EU level to address international and regional crises, as in the case of the Western Balkans. After the failure during the Yugoslavian wars, the development of military capabilities has been deemed essential for an effective and credible external action, particularly when dealing with international conflicts, even though the EU still gives priority to economic and diplomatic instruments in the case of “normal” external relations.

Finally, it is interesting to consider where the EU's normative power comes from: whether it is from hard or soft power, from persuasion or coercion. From the case of BiH one could conclude that the EU's normative power comes from the carrots and sticks, both positive and negative conditionality, rather than from the EU's power of persuasion. Persuasion might explain just a small part of the EU's external projection of norms. In this vein, it is argued here that normative power does not exclude the use of coercion through military or economic instruments and coercive diplomacy; however, the use of military force has to be submitted to the conditions stated earlier (if one wants to keep the adjective “normative”).<sup>36</sup>

To date, the main incentive in the case of BiH has been, by far, the offer of membership, where persuasion and coercion seem to be mixed. This has been the “carrot” used to promote the required reforms. The ESDP missions have just been added to this strategy, as a way to indicate the commitment of the EU to helping the country with the transition process. The importance of the membership carrot is partially confirmed by the fact that those countries which cannot be offered membership have shown more reluctance to follow the EU's policies regarding human rights and democracy. This fact might also prove the limitations of the idea of the EU's as a global normative power. However, as demonstrated by the case of BiH, this power can still work adequately in its neighbouring area, as a *regional normative power*.

## Endnotes

- <sup>1</sup> Most of the information used for this paper has been gathered during a research sojourn in Sarajevo (February -July 2005), as part of the fieldwork of the author's PhD research, currently ongoing at Loughborough University (UK). The trip and field research were carried out thanks to the financial support of a UACES 2005 Scholarship, funded by the University Association for Contemporary European Studies (UACES) and the European Commission.
- <sup>2</sup> See, for example Gow 1997; Edwards 1996; Gnesotto 1994; Kintis 1997; Woodward 1995.
- <sup>3</sup> Batt 2004; ESI 2005; International Crisis Group 2003; Knaus and Cox 2004.
- <sup>4</sup> Lodge 1993; Manners 2002 and 2004; Manners and Whitman 2003; Smith 2000; Stavridis 2001.
- <sup>5</sup> This is also true from an outsiders' point of view. The term Southeastern Europe has been used increasingly and it is the one chosen for the official name of the Stability Pact launched in 1999.
- <sup>6</sup> For example, some argue that the EU is not truly sincere in its offer of membership. Like in the case of Turkey, the EU would not be too keen on the idea of integrating a Muslim population into Europe (however, from the Commission they reject these accusations). Interview with members of the international defence reform community and with an official from the Commission Delegation's in BiH, Sarajevo, March 2005.
- <sup>7</sup> For this reason, it is not surprising that Bosnian authorities continue to play from time to time the U.S. card. For some, the decision of the U.S. to maintain some troops in its base at Tuzla after the end of the SFOR mission fits into this game. In the same vein, the Bosnian government signed an agreement with the U.S. exempting American citizens from the jurisdiction of the ICC and recently, BiH decided to send an EOD (Explosive Ordnance Demolition) unit to Iraq.
- <sup>8</sup> Interview with an official from the Commission Delegation's in BiH, Sarajevo, March 2005.
- <sup>9</sup> Interviews in Sarajevo, March-July 2005.
- <sup>10</sup> The mandate of the HR derives from the Dayton Peace Agreement. The HR is responsible for co-ordinating the implementation of the civilian aspects of the peace agreement.
- <sup>11</sup> Interviews in Sarajevo, March-July 2005.
- <sup>12</sup> In July 2005, it was agreed the last stage in the defence reform which entails the disbandment of the Ministries of Defence of the entities, the merging of the entities' armies into a single force under a state-level command, a single Defence budget and the establishment of a professional army with the abolishment of the conscriptions.
- <sup>13</sup> Nonetheless, other factors threaten the process of (re)integration, among others, the fragile economic situation, the unfinished return of refugees and displaced persons, the brain drain, as well as, the spread of organized crime in the country.



14 “This is essential, for only with self-sustaining states (not Entities or local  
authorities) can the EU conduct negotiations or sustain contractual bilateral  
relations” (European Commission 2002, 3-4).

15 To a certain extent, nowadays some of the required reforms remain undone  
with the hope that when the time for enlargement arrives a more political  
approach will be privileged. Or, in other words, that membership will be a  
political decision of EU leaders (ICG 2003, 8). Interview with an official from  
the Commission Delegation's in BiH, Sarajevo, March 2005.

16 The ESI (2005) has criticised the Commission's proposal of an Instrument of  
Pre-Accession Assistance (IPA) and has demanded that the IPA should also  
be extended to all the countries in the Western Balkans, even if they do not  
have the official status of candidate. This will increase the amount and quality  
of the EU's assistance to BiH.

17 According to Solana: “[The Balkans] will be a test for the EU's CFSP [...] It  
has been said that the future of the CFSP depends on success in the  
Balkans...the EU has to take the lead” (2000a.). Also Chris Patten agrees with  
this analysis: “Whether we succeed or not [in the Balkans] is a key test of our  
nascent common foreign and security policy, of our ability to project stability  
beyond our borders and into our immediate neighbourhood (2001).

18 Duchêne described the EC in the following terms, “(t)he European  
Community's interest as a civilian group of countries long on economic power  
and relatively short on armed force is as far as possible to *domesticate*  
relations between states, including those of its own members and those with  
states outside its frontiers” (Duchêne 1973, 19).

19 Apart from these two features of a civilian power, one could add the  
requirement of democratic control, as mentioned by different authors. See  
Stravidris 2001.

20 Thus, the EC was still in the process of negotiating a series of economic  
agreements with the Yugoslav Prime Minister, Mr Markovic, in the spring and  
summer of 1991, while *de facto* the Federation had already collapsed under  
Slovene and Croat pressure on 23 June 1991.

21 There were intense disagreements among the EC Member States regarding the  
recognition of Slovenia and Croatia, which was strongly demanded by  
Germany.

22 According to James Gow (1997), the war in BiH, was not a direct  
consequence of the recognition of Croatia and Slovenia by the EU in January  
1992. Preparations for the war were already ongoing in the summer 1991.

23 France and Great Britain were the main contributors to this operation. They  
provided approximately a third of the troops of UNPROFOR: 8,700 men  
(6,200 French) out of a total of 24,000 blue helmets from 34 countries  
(Gnesotto 1994)

24 Thus, the UK was supposed to be a member of the Contact Group because it  
was holding the EU Presidency at that time; for its part, Germany was holding  
the presidency of the OSCE; and France was in representation of the UNSC.

25 In spite of that, in the last period of the conflict, the EU was able to deploy a  
significant and innovative operation with the administration of Mostar.

- <sup>26</sup> Regarding this question Stavridis argues that “(n)on-military means must be favoured in so far as the use of force often creates more problems than it solves. But one should not totally exclude it as there are cases where force is necessary”(2001, 17).
- <sup>27</sup> That is, the casualties expected with the military intervention will be further reduced if the intervention does not happen.
- <sup>28</sup> Almost € 2.5 billion of European Community funds were committed to BiH from 1991 to 2004, plus € 1.8 billions from the Member States (Commission’s website data).
- <sup>29</sup> Firstly, in March 2000, the Commission issued a Road Map, indicating 18 basic steps for reform, followed by the Feasibility Study in November 2003. The European Partnership (March 2004) clearly identified the short and medium term reforms that the BiH authorities should carry out.
- <sup>30</sup> Especially in the case of EUFOR, it is seen by the locals as an essential element to maintain deterrence in the country. It plays an important role reassuring physically, but above all, psychologically the Bosnian population. Interviews with EU, NATO and BiH officials, Sarajevo, March-June 2005.
- <sup>31</sup> The UNSC Resolution 1551/2004 welcomed the EU’s intention to launch an EU mission in BiH, including a military component. The UNSC Resolution 1575/2004 authorised the EUFOR operation and detailed its mandate.
- <sup>32</sup> Together with 22 EU Member States, the participant countries in EUFOR are: Albania, Argentina, Bulgaria, Canada, Chile, Morocco, New Zealand, Norway, Romania, Switzerland, and Turkey (in total 33 countries are participating in this mission).
- <sup>33</sup> According to a Bosnian official, the EU has been focusing too much on political and security issues. It has to change its focus: to continue with these activities, but to reinforce the activities regarding economic development. The low economic development and the lack of real convergence between BiH and the rest of Europe these are the real threats to stability in the region. Interview in Sarajevo, May 2005.
- <sup>34</sup> Interview with Osman Topčagić, Head of the Directorate for European Integration, Sarajevo, 10-06-05.
- <sup>35</sup> Therefore, criticisms regarding the abandoning of “civilian activities” as a consequence of the development of ESDP do not seem accurate. The EU is building at the same time its military and civilian capabilities to tackle international conflicts.
- <sup>36</sup> But, of course, this also raises the question of whether or not it is ethically correct to exert normative power through coercive means.

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