

A vacuum that needs to be filled



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Eulex has helped Kosovo, but the mission itself needs more support from the EU, writes [Raphael Bossong](#)

Last December, the EU launched the biggest mission in the history of the European Security and Defence Policy, despatching administrators, police and judges to Kosovo.

The situation was inauspicious. The status of Kosovo remained unresolved, even within the EU. But EU leaders hoped the Eulex mission could sidestep the debate about independence and transform Kosovo's security sector and reinforce the rule of law. Eulex set out ambitious benchmarks for reform and could draw on unprecedented resources, raising hopes it could do better than the UN-led mission that preceded it.

There has been progress. Various reforms of Kosovo's dysfunctional judiciary have been initiated. Police and judges have resumed work in the Serb-dominated north, where the threat of *de facto* partition has long loomed. Eulex is doing important work to modernise and diversify Kosovo's police service and has taken significant steps to re-establish customs controls.

All the while, it has taken care to build up political momentum for reform, by bringing the Kosovar authorities into its Rule-of-Law Co-ordination Board.

But the past year has demonstrated just how problematic Kosovo's uncertain status is. Eulex is supposed to sidestep political debates about independence, yet it has had to execute politically sensitive tasks inherited from the UN, such as prosecuting serious crimes and exercising powers of oversight in the Serb north. This summer, Kosovar Albanians erupted in protest when Eulex revealed that was about to sign 'technical protocols' with Serbia on police and customs co-operation across the northern border. This was, protestors argued, a violation of Kosovo's sovereignty.

These geopolitical difficulties make Eulex's challenge of pushing through structural reforms all the greater. It has not been helped by allegations this month that, in a bid to maintain stability ahead of local elections in November, it kept from the public a confession by a former secret

policeman that he killed an opposition politician and participated in 16 other killings between 1999 and 2003 at the behest of leading figures of the LDK, Kosovo's governing party. Eulex has denied the claim, but the incident highlights that, whatever Eulex does or does not do, it cannot sidestep politics or geopolitics.

Kosovo's international limbo is bad not just for Eulex, but also, more importantly, for Kosovars. It aggravates the severe economic troubles fuelling many of the criminal activities that Eulex is fighting. It also added to the restiveness when Kosovars saw the EU decide, in late November, to drop visa requirements for Serbia but not for Kosovo.

There is a real prospect of renewed instability, particularly if the International Court of Justice (ICJ) supports Serbia's objections to Kosovo's unilateral declaration of independence in a case that began on 4 December.

But EU leaders seem dangerously detached. The outgoing Swedish presidency of the EU unsuccessfully focused on resolving the political impasse in Bosnia. The incoming Spanish presidency is a stalwart opponent of Kosovo's independence. And Catherine Ashton, the new high

representative, and her new European External Action Service may be preoccupied by organisational issues for some time.

There is a vacuum in EU policy that risks leaving Eulex isolated. France, Germany and the UK, which are involved in Kosovo through the International Steering Group, need to insist that Kosovo is kept on the EU's agenda. They should lead preparations for a possible negative ruling by the ICJ. And they need to renew efforts to change the minds of the five EU member states that oppose Kosovar statehood.

For its part, Eulex should move beyond a technocratic reform agenda. It needs to become more accountable to Kosovo's citizens: its proposal to create an advisory Human Rights Review Panel is not enough. It must also make more public demands of Kosovo's political elite to counter the impression that it favours stability at any price.

This is risky, but it is critical to maintaining long-term support for the EU's presence. But, to do that, Eulex needs the EU to become more engaged at a senior level.

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A sorry tale of protectionism and two global conferences

Fredrik Erixon wonders whether it is a bad omen – or only a sign of the times – that hotels are this year much busier in Copenhagen than in Geneva

The ministerial conference that the World Trade Organization (WTO) held in Geneva from 30 November to 2 December was a sleepy affair. When the WTO brought together the same group in Seattle ten years ago, there were riots. Small clutches of protesters tried to stage similar demonstrations in Geneva, but only early-morning strollers along the banks of Lac Lemman noticed them.

Like the WTO meeting in 1999, the Copenhagen summit on climate change will fail to reach ambitions professed in soaring rhetoric. But the WTO, which was confident and in the ascendant at Seattle, is on the decline, while the

Copenhagen negotiators are working with the current of our times. This is more than a contrast; there is a clash under way. An increasing number of policymakers appear to believe that the only way to get countries to sign up to a climate-change agreement is, effectively, to kill the WTO.

This is not a conspiracy theory. The US House of Representatives has already endorsed protectionist moves in its cap-and-trade bill. EU leaders have been throwing similar threats in the face of developing countries for years.

The proposition they make is simple: if some countries go to the expense of reducing emissions of carbon while others do not, production may move from the former to the latter. The only way to 'level the playing-field' is to introduce some form of border mechanism that slaps the equivalent of a tariff on production from countries that emit more. This proposition fails on three accounts. Firstly, raising barriers to trade lowers the common wealth of the country that imposes tariffs, making reducing emissions costlier than it need be.

Secondly, such barriers will persuade

the targets to retaliate, rather than to reduce emissions. They will, in short, trigger trade wars.

Thirdly, while such barriers could just possibly be squared with WTO rules in theory, they would in practice fail WTO criteria, as fear of competition is the principal motivation for erecting them.

This is clear to most level-headed observers of trade. What has passed largely unremarked, though, is that the EU has already taken the first step to staging a clash between trade rules and climate-change policy. That step is the Renewable Energy Directive.

Adopted earlier this year, this legislation aims to speed up the move to biofuels – by restricting trade. Biofuels that do not achieve the EU's target for greenhouse-gas savings do not qualify for a tax exemption and cannot be counted toward the national biofuels targets set in the directive.

Biofuel production in Europe is heavily subsidised and protected by tariffs. Even so, EU producers cannot compete with Asian and Latin American producers.

The Renewable Energy Directive is an example of what in trade parlance is

known as a 'process and production method' (PPM) type of regulation, a method of restricting trade based on how a product was made. PPMs do not fit easily with the WTO's core rules. As they can easily be designed to discriminate against foreign products, the WTO requires stronger justification for their use. The WTO would probably uphold any challenge brought against the Renewable Energy Directive.

The EU's greenhouse-gas saving target for biofuels – the cut-off point for market access – was chosen not so much on scientific grounds as on industrial policy grounds: the target ensures that current sources of biodiesel in Europe (mainly rapeseed) pass, while their main foreign competitors (especially palm oil) fail.

This is how much of green protectionism operates. But corrupting environmental policy with simple protectionism is not good for the environment.

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