



HOUSE OF LORDS

Select Committee on the European Union

External Affairs Sub-Committee

Corrected oral evidence

Brexit: Common Security and Defence Policy (CSDP) missions

Thursday 22 February 2018

10 am

[Watch the meeting](#)

Members present: Lord Horam (The Chairman); Baroness Manzoor; The Earl of Oxford and Asquith; Lord Risby; Lord Stirrup.

Evidence Session No. 5

Heard in Public

Questions 59 - 71

Witnesses

I: Dr Filip Ejdus, Assistant Professor, Faculty of Political Sciences, University of Belgrade; Dr An Jacobs, Senior Lecturer, Defence & International Affairs Department, the Royal Military Academy Sandhurst.

Examination of witnesses

Dr Filip Ejodus and Dr An Jacobs.

Q59 The Chairman: Good morning, Dr Jacobs and Dr Ejodus. We are delighted to have you with us this morning, and thank you for being willing to give evidence to this interesting and important inquiry into CSDP missions. We are interested to know your views on what has worked and what has not worked—and a bit of colour is always appreciated by the Committee—and how you think Britain should behave in relation to missions of this kind post Brexit.

Can I remind you that the evidence is in public? I am sure that will not inhibit you in any way. A transcript will be provided after the session that will be available to you to change if there is anything seriously wrong that worries you. You have the questions. There will also be supplementaries, of course, which will be spontaneous, uninhibited and generally related to the discussion.

I will ask Dr Jacobs the first question. As a former secondee to EULEX Kosovo, could you please begin by briefly outlining the objectives and tasks of the mission, and how it has developed over the past 10 years?

Dr An Jacobs: The key aim of the mission is to assist the Kosovo authorities to build and strengthen its rule-of-law institutions, with a specific focus on police, justice, and customs, and to help them to progress to make these institutions more sustainable, more accountable, free from political interference, and multi-ethnic, which is important.

It does that in two ways. There is a strengthening element and an executive element. The strengthening element of the mission carries out MMA—monitoring, mentoring and advising of these institutions. The executive side deals with a range of serious crimes: war crimes, organised crime, property issues and high-level corruption. That, in a nutshell, is what the mission wants to do and is the overall aim.

When I was there between 2012 and 2014, the mission comprised roughly 2,500 people, and there are other processes and other developments that tap into that expertise. Although they are not the aim of the mission as such, they tap into the EULEX expertise. I am thinking of the visa liberalisation process, the neighbourhood policy, the enlargement policy and the Belgrade-Pristina dialogue, for example.

The Chairman: Are these run by external people or by Kosovans?

Dr An Jacobs: That is a good question. The visa liberalisation process is run through a road map. The EU hands over a road map to the Kosovo authorities with a list of criteria that need to be met for Kosovo to be allowed visa liberalisation, access to Schengen and so on. The Pristina-Belgrade dialogue is an EU-facilitated process between the Belgrade and Pristina Governments. It touches on a whole range of issues, including energy, education and the cadastre. It is very broad. It also contains element of the rule of law, justice, security and the police.

In those areas, EULEX supports that process. And obviously enlargement is EU-driven, as is neighbourhood policy.

The Chairman: How do you think it has developed over the 10 years?

Dr An Jacobs: It is difficult for me to say, because I was not there for 10 years. I arrived in March 2012, and I left in March 2014, so I was there for exactly two years. I have been following it a little since, but I cannot say much about the early stages of the mission.

I will highlight a few milestones that are of importance to the mission. I have already mentioned one of the key developments: the Belgrade-Pristina dialogue, which started in 2011. It gave the mission an additional focus on a very political level. The mission was not really in the lead, but it played quite an important role in this process.

The second thing, similarly and perhaps even more importantly, is visa liberalisation, which the Kosovo institutions and the Kosovo Government really aspired to. It was a big incentive to push forward with the reform processes that were already going on, and it helped to facilitate the work of the mission, especially on the strengthening side of things.

The Chairman: The Kosovans felt that they were getting something out of it.

Dr An Jacobs: Yes. It is the carrot and the stick story, is it not? This was a very clear carrot that the mission and other EU actors in Kosovo could use and apply.

The visa liberalisation road map was handed over in 2012. We saw a change. In the same year, there was a Strategic Review, as a result of which the mission shifted from having three departments: the police, justice and customs departments. All that was reshuffled and there were two divisions: a strengthening and an executive division. It helped the mission to focus a bit better. It was also downsized substantially at that point, and then it went hand-in-hand with this visa liberalisation process. That was quite a big step change that year because of the visa liberalisation and the expertise that the mission could offer in that respect. It helped to shape the direction a bit more clearly.

Perhaps before then (and I am happy to elaborate on this in some of the other questions), in some of the areas that the mission was working on and trying to push for reform, there was a lack of local ownership. The Kosovo authorities felt like some of the objectives put forward were perhaps not really their priorities, or they did not see the need as much as the EU perhaps saw the need. But then, as I said, when visa liberalisation came into place, perhaps the incentive changed and the view on this changed.

Since 2012, there have been, I think, two more strategic reviews that have adjusted the mission. A Strategic Review is like a lessons learned process, and some lessons are learned and some are not, obviously. The shift that I have seen is much more a handover to putting the Kosovo

authorities in the driver's seat, also on the executive side of things. I think it was the 2014 Strategic Review that, especially in the courts, said, "We want mixed panels. We do not want just EULEX judges or EULEX prosecutors. We want a combined panel of Kosovan judges and EULEX judges".

The Chairman: Dr Ejodus, is there anything that you would like to add to that?

Dr Filip Ejodus: I subscribe to everything that my colleague has mentioned, and I would like to add a few more points. Over the past 10 or so years, EULEX has managed to achieve certain accomplishments in the field of strengthening and capacity-building. It is the so-called monitoring, mentoring and advising role, for the Kosovan police and also customs. Especially in the field of community policing, successes are visible.

Unfortunately, all those achievements and successes have been overshadowed by very little improvement in the rule of law. According to Transparency International, Kosovo is the most corrupt nation in the Balkans today. Ten years on, we see that there has been very little progress in the field of rule of law, unfortunately. The Kosovan judicial system is permeated by corruption. Organised crime remains almost a risk-free profession in Kosovo, and no big fish have been condemned, either for war crimes or for organised crime. That was EULEX's expectation from the very beginning.

The Earl of Oxford and Asquith: Do you mean that the expectation was that they would not be condemned?

Dr Filip Ejodus: No, it was that EULEX is going to go after the big fish.

The Chairman: And it did not do that.

Dr Filip Ejodus: It did not do that. Unfortunately, only the secondary figures have been condemned, and the most important or biggest perpetrators of war crimes and organised crime have been immune to prosecution and the judicial system.

Nevertheless, we should put things into context. When EULEX was launched in 2008, it was an extremely politically sensitive moment. Kosovo declared independence from Serbia, and not all EU Member States, as you know, were willing to accept the independence of Kosovo. EULEX was, and still is, the largest civilian CSDP mission, and expectations were, and still are, high, but the mandate was overambitious, and the operational difficulties were huge. So although we can safely say that results were not so satisfactory, we should put things into context and understand the enormous political difficulties under which EULEX has been operating.

Q60 **Lord Stirrup:** We have started to get into some of the issues that I wanted to address. Dr Ejodus, I was very interested in your policy note, "Between Rhetoric and Practice". In it, you characterise the results of

EULEX as mixed at best and a debacle at worst. There is quite a gap between mixed and a debacle. Which end of the spectrum, on average, would you tend? I rather assume from what you have just said that you would tend towards the “mixed” end, rather than the “debacle” end. You might want to confirm or deny that.

You started to give us some examples of why you think that EULEX has not been an unmitigated success, but I wonder if you could go a bit further and a bit broader. I want to explore the extent to which any failures there may be are specific failures of the EU and the EU mission, and the extent to which they are simply things that the international community just does not know how to do. There are other examples of such law enforcement and rule of law missions around the world, and none of them, to be quite honest, has been a raging success.

Do we face issues that are specific to Kosovo alone, or do we actually face a much broader problem, which is that when we are in a post-conflict state such as Kosovo and we are trying to reconstruct elements of it, we are simply struggling to figure out how to do that? In particular, as your policy note points out, there is the problem of striking a balance between the extent to which it is imposed and the extent to which it has to be grown from within. Sorry, that was a rather long question. It is an important but complex subject.

Dr Filip Ejdus: It is an excellent question, thank you. First, it is easy to ignore the successes of EULEX and to focus only on the negatives and point out the very low level of the rule of law in Kosovo. We have to be aware of those operational difficulties and politically sensitive environments, which is why I may tend more towards the “mixed” end of the spectrum.

Why has EULEX not delivered fully? There are a number of reasons that are related to the specific situation of Kosovo, and there are some others that are more related to how CSDP functions and the politics and policy-making of CSDP.

Kosovo was born in 2008, basically as a failed state, and the only precondition for EULEX to be launched at that time was that it was status-neutral: that the EULEX mission has no official stance towards the final status of Kosovo. This was the condition of its possibility, but also its biggest burden up to today, because the Kosovan authorities are obviously interested in independence and see EULEX as not very helpful in that direction. Also, it was, and still is, a state with a high level of corruption and organised crime, as I said, with state capture by political elites originating from the KLA¹ and war elites.

On the other hand, a number of reasons why EULEX has not been that successful are due to the limitations of CSDP as a policy. One of them is very often the absence of coherence not only among Member States, but between different institutions such as the Commission and the Council. Also, to my knowledge, there is a great deal of micromanagement and

¹ The Kosovo Liberation Army

political influence over the mission. Instead of allowing the staff on the ground to have their operational authority and autonomy, Member States are meddling on a political basis in a number of different ways, including judicial procedures and the rule of law. Overall, we should put the successes and failures of EULEX into a wider context and understand that it has to do partially with the context of Kosovo, but also partially with CSDP and how it is run.

Also, EULEX, as with all other CSDP missions, has functioned on a very short-term basis. Every two years mandates are extended, and every year the budget is approved. People are seconded for very short periods of time. They stay for six months or a year in a mission, so there is very little continuity.

Last but not least, on a number of occasions EULEX itself has been alleged to be involved in cases of corruption. Independent investigations have shown that the allegation was not correct, but those allegations revealed a number of other deficiencies in EULEX, including the quality of the personnel who were seconded. One of the people who made the allegation, the UK secondees, was a judge for almost a decade but never served as a judge or a barrister in England or Wales. Putting all these things into context, we can understand a little better why EULEX has not delivered what was expected of it.

Lord Stirrup: Dr Jacobs, do you want to add anything to that, particularly on the wider issue of the extent to which this is EULEX/Kosovo-specific and the extent to which this is actually a much broader issue?

Dr An Jacobs: I have heard people use the phrase, "It is not a rule-of-law mission, it is a political mission". I agree with that only to a certain extent, because the objectives are focused very much on the rule of law. Of course, there is the overall political EU umbrella, and it cannot remain outside that. That is just not an option. And because of all the other processes that I referred to before, there is, of course, a large element of politics in this mission.

I would almost turn the argument around and say that these political processes boost the incentives for reform. If you do not have visa liberalisation, neighbourhood policy, trade relations, and potentially enlargement policy, the picture is very different. For that reason, the political element is definitely there, and it sometimes does get in the way of rule-of-law issues, but more often than not it is also an incentive for reform. This is just to broaden the picture a little.

A lot of the issues that EULEX struggles with are the same issues that the UN, the OSCE or any international mission struggles with. One of the big things is that we talked a lot about European best practice, but nobody really seems to know what that means. There is no clear definition of what good European policing looks like, for example. But I do think that some form of community is emerging in which at least the noses are looking in the same direction, perhaps more than in the UN mission,

because the diversity is much broader. Although the UN might have documents that refer to what it looks like, in general the European organisational cultures of these institutions are still much closer to each other than perhaps states outside the European environment are.

Dr Filip Ejodus: Another point that is extremely important for understanding EULEX is its executive mandate. It is the only civilian mission of the EU with an executive mandate, which is EULEX's biggest problem. If, from the very beginning, EULEX had only the strengthening dimension—to build the capacities of Kosovar rule of law and the security sector—the results would have been much better, because then the locals would develop a sense of ownership early on. If you have an executive mission that substitutes for what the locals should be doing from the very beginning, you create a culture of dependency.

The Chairman: By local, do you mean local Kosovans?

Dr Filip Ejodus: Yes.

Dr An Jacobs: I agree. The mission also acknowledges that it was probably a bad idea to have an executive and a strengthening mission in one. If they had been two separate missions, it would have been slightly different, but even then that would be tricky. It is difficult to work within a framework like that.

If you are the strengthening counterpart to the General Director of the Kosovo Police, and at the same time you are aware that the EULEX police are going to make a very sensitive arrest the next day, that trust in the relationship with the Kosovo General Director of Police will always be difficult for that reason. You might not be able to mention that they are going to make this arrest, so it is potentially embarrassing for the General Director. You might look bad yourself as someone who provides advice. It is a difficult relationship, I would say.

Q61 **Baroness Manzoor:** Clearly, EULEX has not delivered—as you say in your policy paper, Dr Ejodus—on its wide-ranging policy. You say that there is micromanagement, interference and corruption and that the quality of secondees has been poor. Looking at the objectives and the delivery of those objectives, clearly EULEX has not operated at its optimum. You said that the purpose really should have been much more focused on capacity building. If those were the focuses and the objectives of the mission, how could those objectives be realised, perhaps in another way—by the UN, for instance—and could you outline what the advantages and disadvantages of that approach could have been?

Dr Filip Ejodus: It is really difficult to say how things would look had EULEX not been deployed, but I really believe that the EU was, and still is, uniquely well positioned to deliver on a number of things in Kosovo. It has advantages. First, there is a synergy in its policies. It can use conditionality policy and its enlargement policy to support its goals in CSDP as well.

On the other hand, it also has huge disadvantages, and I mentioned some of them in my previous statements. One of them is definitely the lack of coherence; there are too many moving parts. There are 28 Member States, five of them non-recognisers.² Also, there are sometimes tensions between different institutions of the EU working on the ground, such as the Commission and the Council.

In my view, the best and most optimal mission would have been a purely strengthening, capacity-building mission from the very beginning, leaving the Kosovars to do their bit and to run their rule of law, and helping them from outside, not running their judicial system instead of them. It is impossible to run the rule of law from abroad. It has to grow organically from within society, and no matter how long you stay, the moment you pull out and the moment you withdraw, you will still have to go through some very difficult processes of building a genuine bottom-up, locally driven rule of law system. This is what is going to happen once EULEX leaves, probably either this June or in two years.

Baroness Manzoor: Who will that be done by?

Dr Filip Ejdus: It will be done by the Kosovars themselves after EULEX leaves. EULEX has already shifted a great deal of responsibilities to the Kosovars, but it still retains an executive element in its mission and still has judges and prosecutors within the Kosovar judicial system. Once EULEX leaves Kosovo, the job will be fully on the Kosovars themselves, and only then will the very long process begin of building a genuine bottom-up, organically evolved rule of law system.

Baroness Manzoor: If you compare EULEX with the UN mission,³ are there any advantages or disadvantages?

Dr Filip Ejdus: UNMIK faced a number of similar challenges to those that EULEX has faced. First, UNMIK worked on the basis of UN Security Council Resolution 1244, as does EULEX. As you know, according to UN Security Council Resolution 1244, Kosovo is still part of Serbia, and not everyone in Kosovo likes this idea. From the point of view of the Kosovar authorities, EULEX is also, in a way, a burden on their claim to sovereignty. UNMIK was seen as an instrument of 1244, as is EULEX. This severely hampered its effectiveness in Kosovo.

On the other hand, as I mentioned, in comparison or in contrast to the UN, the EU has a number of other instruments at its disposal. The most important of these is the enlargement policy, the carrot and stick, and the attractiveness of the EU's institutions and EU membership to the Kosovar authorities. For a number of years, Kosovars were keen to co-operate closely with EULEX because of the prospect of membership, but in recent years, resentment against EULEX among the Kosovar elite, and among the population at large, has grown substantially. According to the latest opinion polls, only 24% of Kosovars have trust in EULEX. Now, 10

² Of Kosovan independence

³ United Nations Mission in Kosovo (UNMIK).

years on, we see that EULEX is facing the same challenges as UNMIK, and I am afraid that it is time for EULEX to leave.

Q62 The Earl of Oxford and Asquith: You have addressed quite a lot of the questions that I wanted to ask you, which are about how EULEX interacts, co-operates or does not co-operate with the other major missions such as the UN and the OSCE. You already said that there are some objective, joint issues such as the failed state issue or the UN Resolution, and there are other issues, perhaps more specific to the EU mission, such as what you have described as micromanagement and lack of coherence. How do you think the UN, OSCE and EULEX operate together, or not, and what are the differences in their results?

Dr Filip Ejdus: In situations like that, and in post-conflict missions, it is always difficult to co-ordinate between the different international actors on the ground. Sometimes there is little knowledge of what everybody else is doing. Sometimes there are clashing interests between different organisations. Sometimes there are different ways of doing things or different preferred partners on the ground. EULEX, at the very beginning, faced pretty much all those problems, which is, I think, normal in operational settings like this one.

Over the years, EULEX has managed to improve its co-ordination and co-operation with partners on the ground. Today, it holds regular weekly meetings with other organisations on the ground, such as the OSCE, UNMIK, and KFOR.⁴ It has meetings and it co-ordinates issues, both at the strategic and the tactical level, and it tries to divide labour with those organisations. Sometimes it is difficult to assess as an outsider what goes on at a daily level, but, from my knowledge, the OSCE relies pretty heavily on EULEX, because although EULEX, as you know, has downsized significantly over the years— it now has around 800 staff members—it still has a surplus of resources and capacities that can be put to very good use by other institutions and other actors on the ground, such as the OSCE. The OSCE is extremely important in Kosovo, especially in the field of community policing.

When it comes to UNMIK, in addition to regular meetings, the co-operation with UNMIK is not so spectacular, but not because there is some huge tension between the two organisations. It is mostly because UNMIK has a marginal role in Kosovo. Although it employs 400-plus people, its role is really symbolic in Kosovo. KFOR is mostly self-reliant. It co-operates with EULEX, but it does not have to rely in any way on EULEX.

All in all, I think that co-operation with others has improved because of the passage of time. EULEX has been there for 10 years, and lines of communication have really improved over the years.

⁴ The NATO-led peace support operation in Kosovo, under the authority of UN Security Council Resolution 1244.

Dr An Jacobs: I would like very quickly to pick up on the question that was asked before. If you were to ask me whether the UN or OSCE could also advise on policing, justice, customs and all these things, of course they could, absolutely. There are a few very clear advantages that make it good that it is an EU mission in the case of Kosovo. One is the processes, which I have mentioned before, and because the expertise in EULEX brings people from, for example, recent accession countries who have an understanding of the processes, the criteria and so on that that entails. They can bring that to the table. There are also people from states who have been part of the European Union for a long time and who therefore have long-standing experience of EU policies. That is an added value to having an EU mission in that sense.

I largely agree with what was said about co-operation on the ground. When I was there, there was no tension with the UN, but there was not really anything with the UN. My impression was that the head of UNMIK did not have the same involvement in reform processes and did not even have the same access to the political landscape. It was a lot less visible for that reason, and heavily downsized.

With the OSCE there was actually very good co-operation. I used to go to OSCE meetings. We shared information, and we had some complementary benefits, because the OSCE had less expertise and also, perhaps, some lower-level expertise, with less senior people in the mission, so they tapped into the knowledge of our senior subject matter experts. But what OSCE did have, for example, was fewer restrictions in travelling to the north of Kosovo. We were very restricted in travelling there and working there. They had a better feeling of what was going on there, so they shared their views on that with us. That co-operation was actually quite positive, and there was a good division of labour between the two.

Q63 Lord Risby: As you would imagine, members of the Committee are very interested in defence and security matters broadly, particularly at this juncture as we are leaving the European Union, and in the kind of relationship that we will have with the structures that are broadly within the context of the European Union. Forgive me for being somewhat UK-centric in asking this question, but as you look at the mission in Kosovo, as I understand it, nine personnel have been seconded from the United Kingdom in the mission, including the head of the strengthening unit. Could you give us a sense of what the United Kingdom's contribution to the mission has been?

Dr Filip Ejdus: To my knowledge, there are currently five secondees. That is the latest update. Traditionally, and today, the UK has gone after the strategic management posts in EULEX, including: the post of President of the EULEX judges; the Head of the Strengthening Unit, as you have mentioned; the Political Co-ordinator for the north, which is a very politically sensitive and extremely important position; and Deputy Spokesperson. Over the years, the UK's contribution to EULEX has been important on a very political level, but it has not been spectacular in terms of numbers of people who were seconded.

We should also not forget that two very publicly visible corruption allegations have been made by UK secondees, one in 2012 and one more recently in 2017. I recently discussed this a bit, but it is extremely important, because those two cases of whistleblowing have revealed a number of deficiencies in EULEX. Although the independent investigation has found no grounds for the allegations made by the prosecutor, Maria Bamieh, the report showed very clearly that corruption was omnipresent in Kosovo to begin with.

The two cases have also undermined the public perception of EULEX to a great extent. As I mentioned, only 24% of Kosovars have trust in EULEX today, and many see EULEX today as a part of the problem, not part of the solution, because of that. The allegations have also unfortunately somewhat undermined the credibility or reputation of UK secondees in EULEX, because now they are seen as troublemakers. I do not think we should put the burden on the whistleblowers, but rather on EULEX for not dealing with these issues, and very often turning a blind eye to allegations that were initially made internally.

Finally, as I mentioned earlier, the most recent allegations especially have revealed what we have known from the very beginning in academia, what was known by journalists who have covered this issue, and by people who have studied CSDP missions more broadly: the problem of the quality of staff seconded to CSDP missions. States do not often send their best people to missions, and this undermines the credibility and effectiveness of the missions on the ground. That is a huge problem for CSDP. CSDP missions are not really appreciated that well back at home. They do not feed that well into the careers of people who are thinking of going there, and the quality of personnel across the board could be improved.

Dr An Jacobs: I will try not to take that personally. I am not going to elaborate, but I would like to say that historically, as you probably know, the UK has contributed quite senior management positions, or supported positions at quite high levels, from the Deputy Head of Mission, who was a Brit when I arrived, down.

I would like to say something very general about the power of the language, which I have seen in Kosovo. You might not consider it to be an important element, but if you are deployed to an English-speaking mission and you work with people whose mother tongue is a language other than English and who are used to working every day of their life in a language other than English, you are going to have an advantage. If you are a German police officer and you get deployed to Kosovo, you are potentially not going to have been exposed to an English-speaking environment before. The finesse with which you can express yourself is always going to be different. As I have seen, it is helpful to be a native speaker, because not only can you bring your point across with a lot of clarity and precision, but you might be listened to more easily. Especially in senior-level positions, that is valid, because if you are around the table with the Head of Mission, Deputy Head of Mission and so on, and you can

have that precision in your language, I believe you are more likely to be listened to and therefore to influence the decision-making in that mission.

Lord Risby: Were these whistleblowing cases just about corruption? Without going into detail, was that it? I just want a tiny answer.

Dr Filip Ejdus: Yes.

The Earl of Oxford and Asquith: I take all your points about the language, but if we sent somebody who is not a judge, perhaps not even a barrister, does that not rather reflect on the UK contribution?

Dr An Jacobs: I was not going to say it, but potentially yes. I do not know how the SU⁵ processes work, but it is a question worth asking.

Q64 **The Chairman:** On this question of corruption, it was generally acknowledged that when Kosovo began its independent life, there was a lot of corruption because it was a failed state, as you said; there was no work and there were no jobs. You can understand why people became corrupted quite quickly, and, anyway, it is a Balkan tradition to some extent. Is it much less now, or is it just as bad?

Dr Filip Ejdus: According to some estimates, corruption has even increased over the past 10 years. We should not attribute all the blame to EULEX alone, of course, because EULEX is not the only actor, or the only game in town if you will. There is a host of other bilateral and international programmes that are trying to help Kosovars to build their rule of law. As I mentioned at the beginning, the operational setting is extremely difficult. EULEX is not the only actor that should be blamed for that, but definitely, 10 years on, we see that corruption has even increased in Kosovo. It is a huge problem.

The Chairman: What is the nature of that corruption? Misha Glenny, in his book, says that it is the centre of heroin-smuggling in Europe. Is it something specific, or is it just general?

Dr Filip Ejdus: I am not sure about the drug argument. Some people argue that Kosovo is the epicentre of heroin traffic, et cetera, but I believe the key problem is state capture by political elites that originated from the war, and the extremely weak judiciary, which is under heavy political influence that is permeated by high-level corruption involving the highest political figures. None of them has been taken to court so far. It includes smuggling, trafficking and organised crime, but I would not focus primarily on this drug epicentre picture.

Q65 **Lord Stirrup:** I turn now to non-EU contributors to EULEX. There are five at the moment: the US, Canada, Norway, Switzerland and Turkey. How important has their contribution been? Is it an issue of quality, quantity, or both? How has the integration of non-EU actors into an EU mission been accomplished, and, in particular, to what degree have those non-EU

⁵ The Stabilisation Unit, a cross-government unit supporting UK government efforts to tackle instability overseas.

actors had any influence over the development of policy? You have underlined a lot of important issues that you think have not gone the way they should. Have these non-EU actors had an opportunity to influence that policy?

Dr Filip Ejdus: Is the question for me?

Lord Stirrup: It is for both of you.

Dr Filip Ejdus: Not all third parties are born equal. The US has probably had the biggest influence, most importantly because it has kept a highly positioned political adviser in EULEX over the years. On the political level, the US has influenced from within the mission, but also from without. The US is an extremely important partner of Kosovo. It has its own bilateral programme of support for the rule of law, ICITAP.⁶

It is interesting, because the US programme, ICITAP, is somehow co-operating with EULEX but is also seen by many as a competitor to EULEX. The US has also had somewhat better access to Kosovar institutions and has been received in better terms than EULEX. Because the US is unequivocally supporting Kosovar independence, so Kosovar elites are maybe more willing to co-operate with them than with EULEX, but we should not exaggerate this, obviously.

When it comes to other third-party contributors, Norway currently has no secondees. It stopped sending them in 2015, because it has other priorities at the moment, and because EULEX has downsized significantly. Over the years, to my knowledge, Norwegians, Turks and others have been accepted very well. They have full access on the ground. They have been treated equally as secondees of the Member States.

Having said that, we should also bear in mind that, although there are no formal obstacles to the third parties having the highest strategic management positions, there is an understanding that third parties cannot have the Head of Mission position, or some really strategic position in the mission.

Turks have also made a symbolic contribution to EULEX, mostly through policemen, but they also have their own bilateral programme of support. All in all, third parties do have equal access on the ground, and they are fully able to deliver their mandate, but they are excluded from the planning of the mission, and they are excluded from the highest strategic management positions as third parties.

Dr An Jacobs: I would like to first make a point about the US. It is fair to say that the US Embassy has a significant impact on everything that happens in Kosovo, for reasons of political strength and budget. They had a massive budget when I was there.

Just to give you an idea, the counterpart of the Kosovo General Director of Police in EULEX also managed 600 people within the Strengthening

⁶ The International Criminal Investigative Training Assistance Program.

Division; perhaps it was still the Police Strengthening Division, I cannot remember. But he managed 600 people at the same time, whereas the US also had a counterpart specifically advising the head of Kosovo Police, who had nothing else to do and could focus fully on providing advice to the highest level of the Kosovo Police. That is a very different situation to be in.

If I think back to my experience in Kosovo, the only non-EU Member State contributors that I can remember are the Americans, so that must say something. I think there is a rule that third states are not allowed to fill senior management positions, but when I was there, the US, for example, provided the assistant to the Head of Mission. That is not a management position but a strategic position, because that person knew everything that went in and out of the head of mission's office. There was also an American working in the north, and an American heading the Police Department at one point. Those were all perhaps less managerial than they were strategic, but of course it demonstrated where the US wanted to be at that time.

I genuinely cannot really remember who the other contributors were, not because they are third states or because what they have done is insignificant but because of numbers, and perhaps not being in the area that I was working in. I do not remember the other, smaller Member States so much either.

Q66 The Earl of Oxford and Asquith: The thrust of my question is whether you think the UK should continue to be involved in EULEX. The implication of some of your remarks, Dr Ejodus, if I am not mistaken, is that you are looking forward to EULEX not receiving the continuation of its mandate from the summer of this year, in which case my question is redundant. Do either of you think that if it were to be extended the UK should be in some form involved in EULEX?

Dr An Jacobs: If you look at the UK's objectives in the region and in Kosovo specifically and at (your first question on) the overall aims of the mission, the overlap in the wording is amazing. The UK's strategic interests in the region are very similar to what EULEX wants to do in Kosovo. For that reason, CSDP missions, when they are in line with national interest, could be a multiplier of influence and impact, rather than having a bilateral, smaller project, for example, because it also comes down to budgeting and funding.

If it is in line with the national interest and if the mission were to continue—there are a lot of "ifs" here—I would say that it is in the interest of the UK to continue, if it can, to provide relatively senior-level positions. That is another "if". I do think that if you are sitting around a table with the Head of Mission and other senior managers of a mission, you are going to get a very different view of what is happening in Kosovo, how the political processes are going and the direction of the mission than you are in other positions. If that were possible, and I guess everything is open at this stage, I would say that, yes, there is an interest in that.

Dr Filip Ejdus: It is really difficult to plan at the moment, because nobody knows what will happen after June. Currently, as far as I know, there is very little political will among the Member States to keep things as they are. If the mission does not close after June this year, it will probably be significantly downsized to fewer than 100 staff, and the executive component will be totally removed, so only the Strengthening Division will remain.

If that happens and the UK has an interest in staying—I think the UK should have an interest in staying, as Dr Jacobs mentioned—I would advise the UK Government to keep its current positions, especially the north portfolio. It is going to be extremely important for stability, not only of Kosovo but of the Western Balkans as a whole. This is an extremely important agenda for the EU-led facilitation dialogue, and I think the UK has an interest in sitting around a table and contributing positively to the dialogue.

Dr An Jacobs: It also has an interest in contributing in order to inform its own policies on the region, of course. It is like a loop, is it not?

Q67 **Lord Risby:** Could we move to another part of the planet, Somalia, and the EUCAP mission? I suppose on the relative scale of things, comparing where we were and where we are now, there have been some successes, but one of our own senior civil servants said that the EUCAP mission is “probably the least convincing of the three missions”. Could you give an assessment of that particular judgment and perhaps comment on it, and if it is correct say why and what the main challenges of the mission have been?

Dr Filip Ejdus: It is difficult for me to talk about the EUTM—the training mission—because I have not done much research on that mission. If I were to compare EUCAP Somalia with the other mission—EU NAVFOR Atalanta—although they are totally different, with different mandates, I would agree with that assessment. We have to bear in mind that they are substantially different interventions. EU NAVFOR Atalanta is a military operation, which was launched in 2008 with the goal of deterring piracy in the Horn of Africa and the western Indian Ocean. EUCAP Nestor⁷ was launched four years later as a civilian capacity-building mission, which was meant to serve as an exit strategy for EU NAVFOR Atalanta, by building the capacity of coastal states to fight piracy on their own.

The mandate of EU NAVFOR Atalanta is rather straightforward. It is an executive intervention. You have the military patrolling the sea and deterring the pirates, full stop. It is not easy but it is straightforward, whereas EUCAP Nestor, as it was called initially—it changed the name in 2016—had a much more ambitious and confusing mandate, if I may say so. It was launched in a territory half the size of Europe with a planned staff of around 100, which was never fulfilled, by the way. It was meant to build capacities in five states: Djibouti, Somalia, Tanzania, Kenya and the Seychelles.

⁷ Now called EUCAP Somalia.

From very early on, it has achieved a very low local buy-in in coastal states. Only in the Seychelles, and partially in Djibouti, was there a willingness to co-operate with EUCAP Nestor. The mission was not present in Somalia at all for a couple of years, and the problem originated out of Somalia. Tanzania and Kenya did not even want to co-operate with the mission. The planning of the mission was spectacularly ill-conceived. The fact-finding mission and the technical assessment mission were done really poorly, in my view.

Only after a few years, after an interim Strategic Review and a Strategic Review conducted in 2015, has the mission actually reconfigured to better reflect the realities on the ground. From 2015 onwards, the mission has focused on Somalia, from where the problem originated. It has moved to Mogadishu as a headquarters. It has also opened offices in Hargeisa in Somaliland, and in Garowe in Puntland, so in other regions of Somalia.

It has also expanded its mandate, which is extremely important, from a purely counterpiracy mandate to cover a wider range of maritime security issues, such as illegal fishing or illegal waste-dumping, and a whole set of other issues that are relevant for the locals. Somalis do not see piracy as their own problem; it is the problem of the West. They mostly care about illegal fishing, illegal waste-dumping, smuggling, trafficking and issues like that.

By widening the mandate from 2016 onwards, EUCAP Somalia, as it is now called, has achieved some really nice progress. The problems with EUCAP Somalia are not due to the job done by staff on the ground. They are really doing their best in extremely difficult conditions in a country that is at war and is a failed state, and where coastguards basically do not have uniforms or buildings. It is an extremely challenging situation. The staff are doing their best on the ground.

The key problems with this mission were, first, that it had an overambitious mandate, and, secondly, that there was very low Member State support for this mission. In February last year, when I last checked, the mission had nine advisers in total, out of whom three were maritime advisers, which is the most important role in the mission. With three people you are trying to reform and build counterpiracy capacity in a country with 3,000km of coast. This is an extremely challenging situation, and the Member States should have provided more support.

Finally, expectations are extremely high, and Member States expect quick results. It takes probably decades to build coastguards and coastal capacity to fight against piracy, whereas Member States expect quick results on a yearly or two-year basis. This pushes the staff on the ground to reach for the so-called low-hanging fruit instead of investing in long-term capacity building. All that significantly hampered the effectiveness and local impact of the mission.

The Chairman: Thank you. That was very informative. Dr Jacobs, do you have anything to add to that?

Dr An Jacobs: I have not worked on EUCAP Nestor at all, so I do not have anything to say about that.

Q68 **Baroness Manzoor:** I am finding what you are saying fascinating. You have explained the advantages and disadvantages of EUCAP Somalia very well. Thinking about Brexit, if that goes ahead, would you say that the UK should continue its participation in EUCAP Somalia, or would you say that success has not been that great despite the maritime successes? If you do not think that the UK should continue, do you think that the UK should continue to provide some form of financial contribution or staffing contributions, and is there an issue about aligning in perhaps a different way, and being as central to EUCAP as we currently are, despite the numbers being small? I recognise that.

Dr Filip Ejodus: The EUCAP mission in Somalia is in the best interests of the UK. It deals with some of the biggest maritime security challenges in a strategically important geographical region. The UK has an interest in continuing its participation in EUCAP Somalia, in my view, not least because 65% of UK gas and oil supplies pass through the Gulf of Aden. In order to protect this strategic line of communication for the UK, the UK's strategic interests will be served if EUCAP Somalia becomes a success story.

How can the UK contribute to this mission post Brexit? First and foremost, by seconding more maritime advisers and providing even stronger support in terms of qualified personnel and other contributions to this mission.

Another improvement that can be made on the UK side is to better co-ordinate the work of EUCAP Somalia with the UK's bilateral programmes on the ground. In Somaliland, when I did my field work, I witnessed the UK sponsoring initiatives that are doing a great job of capacity building, but not always in co-ordination with EUCAP Somalia. Better co-ordination and avoidance of duplication of work between EUCAP Somalia and bilateral programmes of the UK on the ground would help.

It is in the best interests of the UK to make EUCAP Nestor or EUCAP Somalia a success story from within. It is also important not to expect quick results but to plan long-term and invest in long-term capacity building, rather than expecting spectacular results on the ground every year.

Q69 **The Chairman:** Dr Jacobs, do you have personal experience of EUTM Somalia?

Dr An Jacobs: I have to manage your expectations a little there, because I spent about two weeks in Uganda in 2011 to interview people. At the time, it was still based in Uganda. Since 2014, EUTM has moved to Mogadishu, but initially it was based in Uganda. I spent about two weeks there, interviewing as many people as I could and reading lots of documents, criticism and so on. I have a bit of a feel for the challenges and contributions back then. I have not really been following it, because then I went to Kosovo, but I can give you what I have.

On the contributions, again there are strategic sides to the story as well as operational sides. It is fair to say that it raised 'EU actorness' internationally, because it was the very first time that CSDP launched a military training mission in a very challenging environment; obviously there was a challenging story with Somalia. It raised its profile internationally. If nothing else, that is definitely something that it contributed.

I also remember that the mission worked together quite differently with other actors, such as the African Union, AMISOM, the US and bilateral partners. I remember that there was a lot of push for co-ordination and co-operation, perhaps more than in other environments. They developed a way of doing that potentially better than in other places.

Thirdly, obviously the mission has contributed to the security of Somalia, which then leads back to the other missions in maritime security and so on. On an operational level, if you compare outcomes to a strengthening mission, it is very difficult to say, "Yes, we have achieved this because we have strengthened this institution, and there is the result". It is often less tangible than a training mission. The numbers are something like, "They have trained 5,000 soldiers".

In a way, it is a tick, but in another way—and now I come to the challenges—one of the questions that has been raised is where all these trained soldiers are and the extent to which they are indeed protecting the government institution and Mogadishu from al-Shabaab. There is a concern that some of them may have returned to their clans, or even worse, they have joined al-Shabaab, this time as more proficient fighters, because they have just had a year-long training. I do not know the truth about that, but I know that these are the concerns that are raised with regard to that mission.

Q70 Lord Stirrup: Very briefly, CSDP missions of substance have not been a widely used tool. We have heard already today from you and from previous evidence that they have done some good things, but to what extent are they significant in terms of the EU's pursuit of its foreign policy objectives, and indeed, from the UK's perspective, in pursuit of its foreign policy objectives? Are they just nice things around the margin, or are they very important?

Dr Filip Ejdus: NATO remains a key collective defence organisation in Europe, but CSDP is a uniquely positioned instrument to tackle a whole range of issues and insecurities such as migration, terrorism, organised crime, state fragility and piracy. CSDP is of paramount importance to enabling both the EU and the UK to manage those insecurities at a distance and beyond borders. Strong and effective CSDP is in the best interests of both the EU and the UK.

On the other hand, the CSDP has not delivered that much on the ground; it has punched below its weight thus far. However, I think that those problems are possible to correct and reform, and both the UK and the EU's interests will be served well if CSDP is made into a success story.

Q71 **Lord Risby:** You have answered this question in a sense, but considering our role, which is certainly important, in defence and security matters, could you suggest a framework on the basis of your experience?

Dr Filip Ejdus: Do you mean a framework for the UK's involvement in CSDP post Brexit?

Lord Risby: Yes, exactly.

Dr Filip Ejdus: There are currently three options on the table. One is to involve the UK as a regular third party, and I am afraid that the UK is not extremely happy with this option, especially given the huge military and defence capabilities that it puts to use in CSDP missions.

The second option is to involve the UK in decision-making without the UK being a member, which is an option that the EU will probably not be happy about. The most realistic framework for the UK's involvement in CSDP post Brexit is to reach some sort of special bilateral arrangement between the EU and the UK.

Lord Risby: The word is "bespoke".

Dr Filip Ejdus: Bespoke, yes. In this arrangement—in this framework—the UK would have some sort of a privileged advisory or consultative role in the EU institutions, but no decision-making power. It would participate in the planning of the missions in the PSC,⁸ but it would not have veto power and it would not have a decision-making role.

The Chairman: Dr Jacobs, would you like to have the last word?

Dr An Jacobs: You summed up the options quite well. We should not forget, on a more general level, that we are talking about CSDP, which is an intergovernmental policy domain. That makes it a lot more flexible as well. If we were talking about something that falls under the Commission, we are bound by legislation and Regulations, and it is very difficult to say, "We want this but not that". But we have seen in the past that with CSDP it is possible to say, "We want this, but not that"—consider Denmark, which is a full member but has opted out of CSDP. Professor Richard Whitman mentioned that the UK could perhaps look at something like "Denmark in reverse": still be part of CSDP but outside the EU.

All options are still there, and so it comes down to what the UK wants and what the EU wants. The UK potentially sees CSDP as a multiplier of national interest and all those things, and the EU obviously sees the UK as an added value when it comes to capacity, expertise, influence and so on. Depending on how the negotiation goes, who does that negotiation, who is involved and so on, some sort of unique, 'bespoke' partnership is potentially still possible. A relationship that is just another Norway, if I can put it like that—filling positions where there is no involvement in planning, and no strategic or management positions are possible—will

⁸ The Political and Security Committee.

potentially die out quite quickly, because my feeling is that the UK wants more than that.

The Chairman: Thank you very much indeed. It has been very interesting to have your personal reflections and your insights on the situation, which have helped us to clarify the whole position.