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## Repeating past mistakes

By Kurt Bassuener, Democratization Policy Council - Today, 03:55 CET

**The European External Action Service (EEAS) seems intent on repeating mistakes in Kosovo that the European Union collectively made years ago in Bosnia ("EEAS looks to draw back from Kosovo" and "EU should not bow to pressure from Kosovo," 23-29 January).**

While a recalibration and significant slimming of EULEX, the EU's rule-of-law mission in Kosovo, is certainly in order, it sounds as if Catherine Ashton's office is targeting what EU member-state diplomats on the ground, and many objective observers, regard as the most valuable element of the mission: international criminal investigators, prosecutors and judges.

It is telling that Ashton's negotiating partner, Kosovo's Prime Minister Hashim Thaçi, pilloried by local political opponents for alleged corruption, is so intent on getting EULEX out of the country. It ought to give the EU pause before curtailing its capability to investigate and prosecute official malfeasance. Indeed, there are strong arguments to strengthen this element of the mission while cutting elsewhere.

The case of Bosnia should be instructive. In 2009, the contracts of executive international personnel in the Office of the Prosecutor and the Court of Bosnia and Herzegovina (which has specialised chambers for war crimes and organised crime and corruption) began to expire. Much time was wasted in the vain hope that the local authorities (which had every reason to wish them gone) would extend their tenure. It ultimately came down to whether the international high representative would impose a three-year extension, for which there was considerable support among international actors. But inter-party negotiations intervened. The United States retreated, in the vain hope of resuscitating these talks. The international high representative (who was also the EU's special representative at the time) refused to take the initiative. In the end, only two countries in the free world – Canada and Turkey – advocated an extension of the mandate of the specialists on organised crime and corruption. Hardly a glorious day for the EU's promotion of rule of law. The results have been readily apparent: no major investigations for official malfeasance since the departure of these personnel. So there is a clear cause and effect.

One hopes that the EU's member states consider their own self-interest when reviewing the EEAS proposal and act accordingly. Clientitis and the path of least resistance are never sound bases for policy.

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