

November 2010

19

English  
Series

# EU CRISIS MANAGEMENT: INSTITUTIONS AND CAPABILITIES IN THE MAKING

Edited by  
Ettore Greco, Nicoletta Pirozzi and Stefano Silvestri



IAI



Science for Peace

PROJECT BY



Fondazione  
Umberto Veronesi  
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Quaderni IAI

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This publication is part of the project Science for Peace promoted by the Fondazione Umberto Veronesi.

## Authors

Michele Comelli is Senior Researcher in the European Affairs Area at the Istituto Affari Internazionali (IAI), Rome

Ettore Greco is Director of the Istituto Affari Internazionali (IAI), Rome

Isabelle Ioannides is Post-doctoral Researcher in the Department of Governance Studies, Vrije Universiteit Amsterdam and Associate Research Fellow at the Institut d'Études Européennes, Université Libre de Bruxelles (ULB)

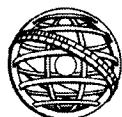
Claudia Major is Research Fellow in the International Security Division at the German Institute for International and Security Affairs (SWP), Berlin

Christian Mölling is Research Fellow in the International Security Division at the German Institute for International and Security Affairs (SWP), Berlin

Nicoletta Pirozzi is Senior Researcher in the European Affairs Area at the Istituto Affari Internazionali (IAI), Rome

Gerrard Quille is Policy Advisor on CFSP/CSDP in the Policy Department, Directorate-General for External Policies of the European Parliament, Brussels

Stefano Silvestri is President of the Istituto Affari Internazionali (IAI), Rome



*Quaderni IAI*

Editor: Natalino Ronzitti  
Managing Editor: Sandra Passariello

Istituto Affari Internazionali  
00186 Roma – Via Angelo Brunetti, 9  
Tel. 39-6-3224360 Fax 39-6-3224363  
<http://www.iai.it> – [e-mailiai@iai.it](mailto:e-mailiai@iai.it)  
Per ordini: [iai\\_library@iai.it](mailto:iai_library@iai.it)

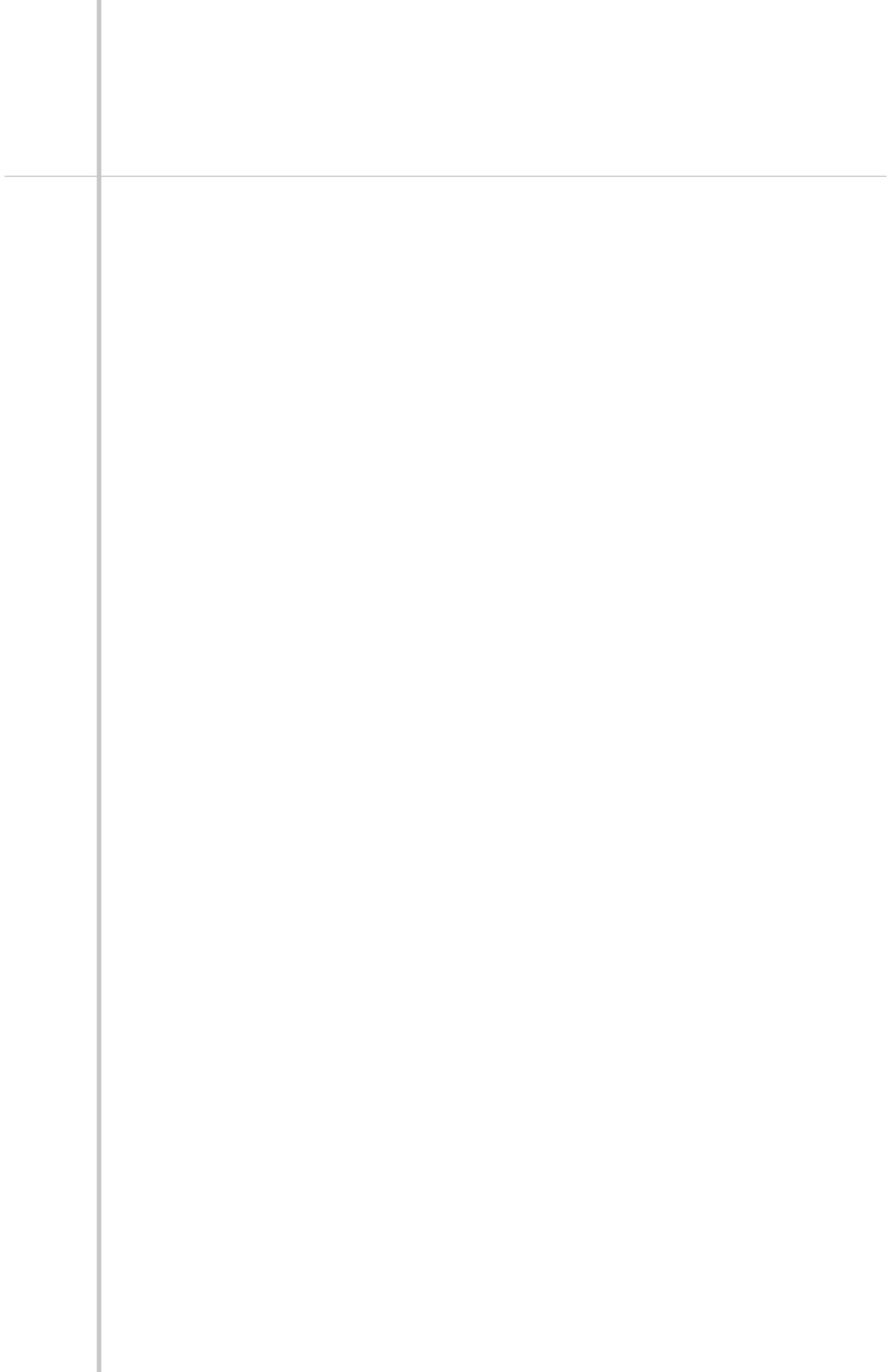
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Printed in November 2010  
by Tipografia Città Nuova della P.A.M.O.M.via San Romano in Garfagnana, 23 - 00148 Rome  
Telephone & fax 06.65.30.467  
e-mail: [sgr.tipografia@cittanuova.it](mailto:sgr.tipografia@cittanuova.it)

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# PREFACE

Over the last decade, the European Union (EU) has played a growing role as a crisis management actor dealing with both regional and global security problems. With the creation and subsequent expansion of the European Security and Defence Policy (ESDP), now called Common Security and Defence Policy (CSDP), the EU has acquired new operational and institutional instruments for crisis management. Since 2003, when ESDP became operational, the EU has deployed 25 operations, including 17 civilian or civilian-military ones (of which nine are ongoing).

The “comprehensive security” model that inspires the EU aims not only to manage conflicts, but also to prevent them. It also includes a wide spectrum of peace-support activities: traditional peacekeeping, policing, promotion of the rule of law, reform of the security sector, and post-conflict institution building. This approach, which underpins the European Security Strategy adopted in December 2003, has been reinforced by a number of new provisions contained in the Lisbon Treaty, which entered into force on December 1, 2009.

However, the European architecture for crisis management and its operational capabilities do not yet fully meet the needs dictated by the ambitious strategy defined in various EU planning documents. It is therefore imperative to analyze the strengths and weaknesses of the EU system, as well as to identify the most appropriate ways and means to reinforce it.

This volume presents the main results of a research conducted by the Istituto Affari Internazionali (IAI) in the framework of the Science for Peace project promoted by the Fondazione Umberto Veronesi. Its overall goal is to provide an overview of the most significant developments in the EU’s security and defence policies and actions, and to identify the critical elements and the potential for improvement in the coming years.

It analyses the latest developments in the area of ESDP/CSDP, outlines and discusses future scenarios and offers some policy suggestions to make the EU’s role in crisis management more consistent and effective. Special emphasis is placed on the capacity that the EU has developed in the civilian

and military sectors and the level of coordination between the two components. A set of proposals focuses, in particular, on how to improve civil-military cooperation.

The first chapter by Claudia Major and Christian Mölling (German Institute for International and Security Affairs, SWP, Berlin) concentrates on challenges and opportunities, in and for Europe, in the field of defence, including the ways for increasing the pooling and sharing of resources, and discusses the longer-term perspective of a European army.

The second chapter by Isabelle Ioannides (Vrije Universiteit Amsterdam and Université Libre de Bruxelles, ULB) addresses the civilian component of the EU's crisis management. It examines the Union's strategies and capabilities for civilian and civilian-military crisis management (such as for the reform of the security and justice sectors in post-conflict situations).

The third chapter by Gerrard Quille (European Parliament, Brussels) analyses the European External Action Service (EEAS), one of the most important institutional innovations in the Lisbon Treaty. It looks into the structural and operational features of the new European diplomatic service and assesses its potential impact on EU foreign and security policy.

The fourth chapter by Michele Comelli (Istituto Affari Internazionali, IAI, Rome) deals with the obstacles and opportunities to enhance the democratic control over European security and defence policy through a stronger role of the European Parliament and deeper inter-parliamentary cooperation.

In the last chapter, Ettore Greco, Nicoletta Pirozzi and Stefano Silvestri offer a series of policy recommendations aimed at strengthening the crisis management capabilities and instruments of the European Union. They emphasize, *inter alia*, the crucial role of civilian capabilities, the need for a gradual integration of national resources and for the establishment of an effective democratic control over CSDP. They conclude by making eight final proposals to enable the Union to establish itself as a more coherent and effective crisis management actor on the international scene.

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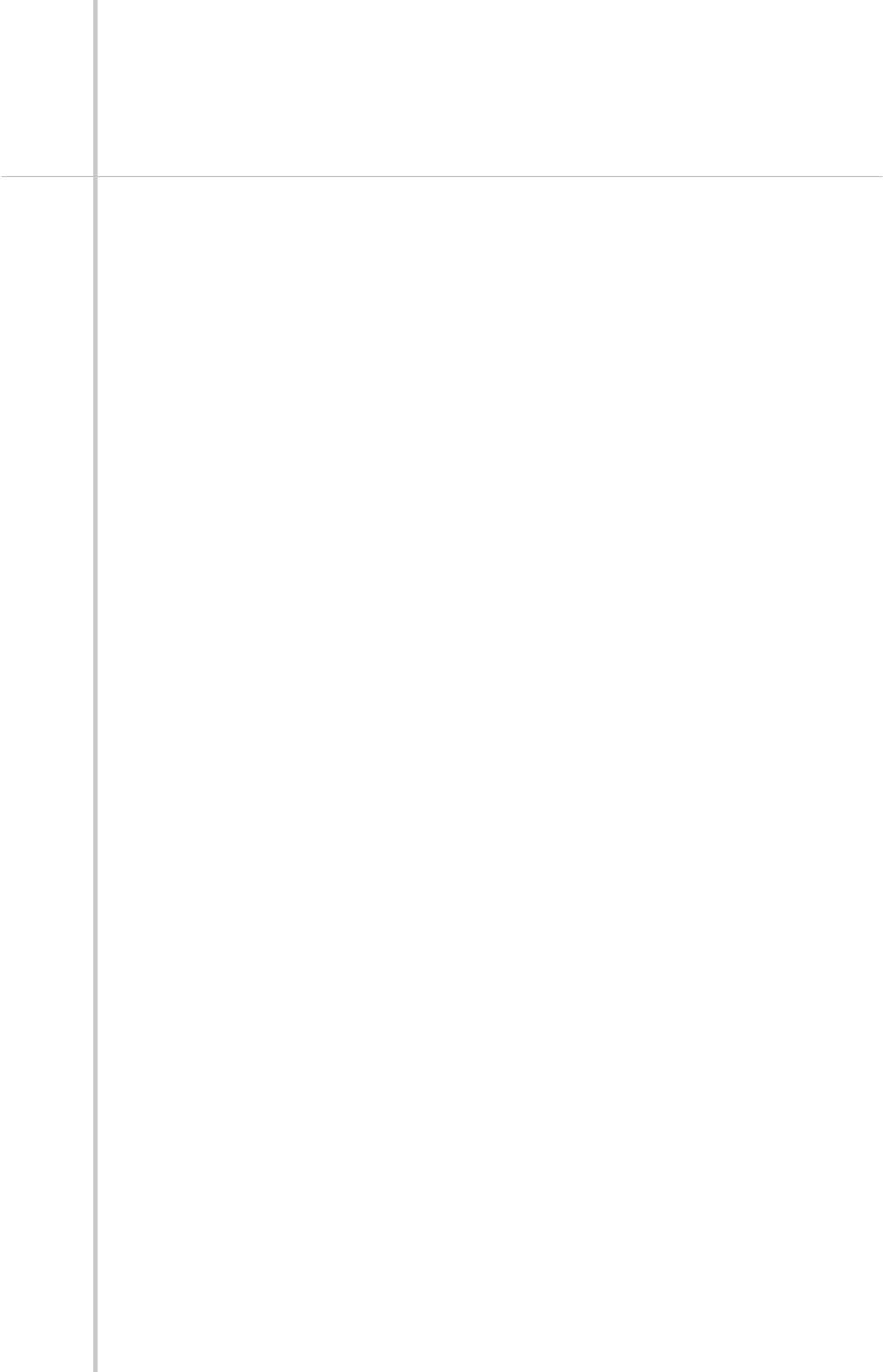
## LIST OF ACRONYMS

AFET	Committee on Foreign Affairs
BG	Battlegroups
CARDS	Community Assistance for Reconstruction, Development and Stability
CFSP	Common Foreign and Security Policy
CHG 2010	Civilian Headline Goal 2010
CIMIC	Civil-Military Cooperation
CIVCOM	Committee for Civilian Aspects of Crisis Management
CMC	Crisis Management Concept
CMCO	Civil-Military Coordination
CMPD	Crisis Management and Planning Directorate
COAFR	Africa Working Party
COFACC	Conference of Foreign Affairs Committee Chairpersons
COPS	Political and Security Committee
COSAC	Conference of Parliamentary Committees for Union Affairs
CPCC	Civilian Planning and Conduct Capability
CRT	Civilian Response Team
CSDP	Common Security and Defence Policy
DCAF	Center for the Democratic Control of Armed Forces
DCECI	Development Cooperation and Economic Cooperation Instrument
DDR	Disarmament, Demobilisation and Reintegration
DG AidCo	EuropeAid Cooperation Office

DG RELEX	Directorate General for External Relations
DRC	Democratic Republic of the Congo
EATF	European Air Transport Fleet
ECAP	European Capability Action Plan
EDA	European Defence Agency
EEAS	European External Action Service
EGF	European Gendarmerie Force
ENPI	European Neighborhood and Partnership Instrument
EP	European Parliament
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU NAVFOR	
Somalia	European Union Naval Force in Somalia
EU	European Union
EUFOR	
Althea	European Union military operation in Bosnia and Herzegovina
EULEX	
Kosovo	European Union Rule of Law Mission in Kosovo
EUMC	European Union Military Committee
EUMM	
Georgia	European Union Monitoring Mission in Georgia
EUMS	European Union Military Staff
EUPAT	European Union Police Advisory Team in the Former Yugoslav Republic of Macedonia
EUPM	European Union Police Mission in Bosnia and Herzegovina
EUPOL	
Afghanistan	European Union Police Mission in Afghanistan
EUSR	European Union Special Representative
EUTM	
Somalia	European Union military mission to contribute to the training of Somali security forces
GNI	Gross National Income
HG 2010	Headline Goal 2010
HHG	Helsinki Headline Goal
HR	High Representative
IIA	Inter-Institutional Agreement
IPA	Instrument for Pre-accession Assistance

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IPUs	Integrated Police Units
JRR	Justice Rapid Response
MEP	Member of the European Parliament
NATO	North Atlantic Treaty Organization
OHQ	Operation Headquarter
PHARE	Programme of Community Aid to the Countries of Central and Eastern Europe
PSC	Political and Security Committee
PSCiD	Permanent Structured Cooperation in Defence
RRM	Rapid Reaction Mechanism
SEDE	Sub-Committee on Security and Defence
SSR	Security Sector Reform
TACIS	Technical Assistance to the Commonwealth of Independent States
TEC	Treaty Establishing the European Community
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
US	United States
VP	Vice President
WEAG	Western Europe Armaments Group
WEAO	Western Europe Armaments Organization
WEU-ESDA	European Security and Defence Assembly of the Western European Union



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# 1. EU MILITARY CAPABILITIES – SOME EUROPEAN TROOPS, BUT NOT YET A EUROPEAN ARMY

*Claudia Major and Christian Mölling*

## **Introduction**

The European Union's military capabilities are a curious topic. On the one hand, some critics constantly blame the Member States for not delivering the military capabilities they have promised, thereby preventing the EU from becoming a credible military actor. At the same time, others warn, no less virulently, of the creeping militarisation of EU crisis management, thereby implying that the Union is not, after all, so short on military capabilities. Whom to believe? This article aims to shed light on the thorny topic of EU military capabilities. It seeks to give an overview of the efforts undertaken to generate military capabilities at the EU level, their results and the challenges ahead. It concludes with a set of recommendations on how to improve EU-level capabilities with a view to increasing the Union's capacity to engage in crisis management.

## **1. EU Military Capabilities: From St Malo to EU Battlegroups**

### *1.1 From Strategies to Forces: Capabilities*

While it is very fashionable to talk about capabilities, and even more so to lament the lack of such capabilities, the term itself is rarely defined. Both academics and practitioners are reluctant to give a con-

cise definition and prefer to define capabilities in relation to what should be achieved with them.

Efforts to generate capabilities should ideally be rooted in strategies that define the aims and means of military action in the wider security context. Military capabilities are the principal means of implementing military strategies. They are an intermediate step in the so-called “defence planning process” that is placed between the strategy and the actual deployment of a force. The military strategy makes it possible to develop different scenarios in which forces may be deployed and to outline the type of operations that it may be necessary to conduct, such as peacekeeping, separation of parties by force, humanitarian assistance etc. Capabilities are defined as the output of this planning process as those means that allow for the successful conduct of operations.

Hence, military actors are defined by a much wider set of elements enabling them to plan, decide and act in the military realm:

- 1) a strategy outlining scenarios and providing guidelines for capability development;
- 2) institutional structures for defence planning and command;
- 3) capabilities to conduct the missions envisaged in the scenarios.

The question is: does the EU have the right mix of those elements at hand?

### *1.2 The First Days of ESDP: From St. Malo to the Helsinki Headline Goal*

The Franco-British Summit in St. Malo in December 1998 marked the starting point of cooperation in the area of security and defence at the EU level. The governments of the two most important military powers in Europe urged the EU to set up “the capacity for autonomous action, backed by credible forces, the means to decide to use them and a readiness to do so”. This call resulted mainly from the bitter experience of the Balkan wars in the 1990s, which demonstrated that although Europe had more than 2 million soldiers, it was not able to generate a force from this pool. On the one hand, the countries were ill-equipped for the required crisis management tasks. And on the other, there was simply no mechanism to generate an EU force.

While the European Security and Defence Policy (ESDP) was formally conceived at the Cologne Summit in June 1999, decisions about capabilities were only taken at the Helsinki Summit in December 1999. The EU States agreed upon a collective capability goal at the EU level – the Helsinki

Headline Goal (HHG). With the HHG, they committed themselves to having a capability, by 2003, of 60,000 troops. These troops would be available in 60 days and able to remain in a theatre for one year and address the full spectrum of the existing catalogue of scenarios: the so-called “Petersberg tasks”.

In addition, the Member States agreed in 1999/2000 to establish new political and military bodies within the EU Council. The Political and Security Committee (PSC) and the EU Military Committee (EUMC) were to decide on capability development along the lines of the newly designed process of EU defence planning. The EU Military Staff (EUMS) and the DG E VIII, a unit within the former High Representative’s General Directorate, were to support them.

Already in December 2001 the EU declared the first results of this process, while also pointing to serious shortfalls. As a consequence, EU leaders agreed that year on the European Capability Action Plan (ECAP) to remedy these shortfalls by acquisitions or production. However, ECAP largely failed to hold any nation accountable for its political commitments. The only areas where significant progress was made were command and control capabilities. The EU secured two options to acquire operations headquarters (OHQ): 1) the use of NATO structures (based on the 2003 Berlin Plus agreement), or 2) the use of five OHQs that Member States provide for the EU.

The December 2003 European Council closed the process initiated in Helsinki, although the HHG had not been achieved in full. In fact, the quantitative targets had been met, but significant qualitative shortfalls remained in key capabilities such as transport or force protection. Particular problems emerged at the upper end of the spectrum of scale and intensity. Most observers claimed, therefore, that the HHG had not been met and that ESDP remained a symbolic political move.

### *1.3 Second Try: HG 2010, EU Battlegroups and European Defence Agency*

France and the UK, in particular, were dissatisfied with the results of the HHG process. Even before it was closed they had already initiated a new capability development process that focused on smaller units and on the armaments sector. Additionally, 2003 became a key year for ESDP development: the EU turned operational and conducted its first military operation (Artemis, in the Democratic Republic of Congo). It also adopted the first ever European Security Strategy (ESS).

A new Headline Goal was eventually adopted in June 2004: the Headline Goal 2010. Member States agreed to “commit themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty”. The EU’s ability to deploy high-readiness forces in response to a crisis was considered a key element of the HG 2010 and was to be based on the EU Battlegroups (BG). Battlegroups are rapid response units of about 1,500-2,500 troops. They are composed of national or multinational contributions under the responsibility of a framework nation.

The development from the HHG to the HG 2010 was a learning process for the EU. Overall, the HG 2010 aimed to remedy the capability shortfalls recognised in the HHG process. It attempted to link the capability development process within the EU with a new framework reflecting recent operational experiences, such as the first ESDP operations, and such institutional innovations as the ESS and the recently established European Defence Agency (EDA). Unlike the HHG, the HG 2010 could build upon a consensus, reached within the EU in the form of the ESS, over the definition of threats, likely scenarios, the means to address them, and the role of military force. Moreover, the HHG focused on platforms, numbers and available capabilities, while the HG 2010 had a more qualitative or “effect-based” approach: it focused on the capabilities needed to transform the EU militaries into more flexible, mobile forces and enable them to address new threats. While the HHG was geared to the Balkan wars and focused in particular on quantitative targets, the HG 2010 focused on crisis management and qualitative targets. The force generation process under the HG 2010 eventually became auditable. This both facilitated its adoption and increased its EU-wide acceptance.

However, the overall method of governance did not change from Helsinki to the HG 2010, and no sanction mechanisms were introduced to monitor Member States’ commitments. From this perspective, the HG 2010 was more an adjusting of goalposts than an improvement of a method that was already showing its limits in the HHG.

The HHG also revealed several capability shortfalls in the EU armaments sector. The defence industry and market were still exempted at that time from the EU integration process, the EU single market rules, and the EU



capability development process. Article 296<sup>1</sup> of the EC Treaty *de facto* exempts the armaments sector from any Community initiative. Several attempts by the European Commission to water down these rules and allow for structural improvements in the defence industry and market were obstructed by national government measures that protect individual States' defence markets.

The devastating results of the capability review pushed the EU to consider collective solutions in this area also. France and the UK developed the idea of an EU Agency to encourage Member States to improve their capabilities. As a result, the Member States set up the EDA in 2003. Its purpose is to coordinate, optimize, and harmonize cooperation between the countries of the European Union.

#### *1.4 The EU's Capability Balance in 2010: EU Battlegroups and a Bit More*

Although the HG 2010 has not yet been formally assessed, several indications suggest that its success is unlikely to be overwhelming. In 2009, ESDP reached its 10th anniversary. It changed its name to Common Security and Defence Policy (CSDP) after the Lisbon Treaty came into force. However, several main capability shortfalls identified in 1999 and 2003 still persisted in the areas of intelligence and reconnaissance, strategic and tactical transport, and force protection. A quantitative assessment indicates that some progress has been made in terms of military reform.<sup>2</sup> However, reforming national military forces does not mean that the Member States have developed European capabilities.

The main success story is the EU Battlegroups (BG) initiative. Politically, the BG succeeded where all other initiatives had failed: in setting up a functioning capability-generation mechanism with a palpable output. Since 2007 two EU Battlegroups have always been on stand-by. They have significantly intensified cooperation among EU States, which comes with a socialisation of decision-makers in EU security affairs. However, the price for this is military ambiguity. The minimal criteria for participation have been watered down to allow every nation to participate. In turn, military effectiveness cannot be assured for all formations. The EU Battlegroups had

<sup>1</sup> Article 296 of the Treaty of the European Union became Article 346 in the Lisbon Treaty.

<sup>2</sup> Daniel Keohane and Charlotte Blommesteijn, *Strength in numbers? Comparing EU military capabilities in 2009 with 1999*, Paris, EU Institute for Security Studies, 2009 (ISS Policy Brief December 2009), available at: <http://www.iss.europa.eu/uploads/media/PolicyBrief-05.pdf>.

an important transformation effect, but this was limited to the very small portion of troops that took part in them.<sup>3</sup>

Besides the Battlegroups, command and control capabilities are also available, thanks to the Operations Headquarters. The limitations for strategic transport have to some extent been eased.

However, the EU has never deployed the EU Battlegroups. It prefers setting up *ad hoc* force generation processes. Capability generation and force generation are thus still not linked up. The EU Battlegroups have not been used; nor have any of the many capability catalogues and plans played a major role in setting up recent operations.

Another factor is that lessons from the field are rarely taken into account in capability development: multinational cooperation in operations often only runs smoothly because commanders and experts on the ground find innovative solutions. They also show what is possible without blurring national sovereignty. However, the nations are reluctant to transfer *ad hoc* solutions into longstanding institutions.

The main success of the capability-generation mechanisms is to keep Member States engaged in capability development under the EU framework. They need to acknowledge capability gaps and voluntarily commit to seeking ways to solve them.

The success of the European Defence Agency (EDA) is also limited. Starting with a very broad mandate, the agency soon felt the limitations imposed by the Member States. The tiny operational budget gives only very limited room for manoeuvre. Through different instruments and initiatives the EDA, but also the European Commission – which has a major stake in the industrial and market dimension of the armaments sector – have tried to break down, or at least lower, the national walls that still protect the EU's 27 armaments sectors. For example, the inefficient WEAG (Western European Armaments Group) was dissolved and its projects transferred to the EDA. Some success has also been achieved through the Code of Conduct created in 2006 to promote international tendering for procurement projects and through the creation of the Joint Investment Program in the area of research and technology. Moreover, the EDA and the European Commission have begun to establish closer links.

<sup>3</sup> Claudia Major and Christian Mölling, *EU-Battlegroups. Bilanz und Optionen zur Weiterentwicklung europäischer Krisenreaktionskräfte*, Berlin, Stiftung Wissenschaft und Politik, 2010 (SWP-Studie 2010/S 22, September 2010), available at: [http://www.swp-berlin.org/common/get\\_document.php?asset\\_id=7371](http://www.swp-berlin.org/common/get_document.php?asset_id=7371).

However, these initiatives have suffered severely from the continuing influence of intergovernmental structures, which prevent economic rules from being applied to the armaments sector. Only a marginal amount of money and number of contracts have come under the voluntary EDA Code of Conduct on Procurement. It has failed so far to have a structural impact. None of the Member States has shown a great appetite to buy equipment abroad. But the Commission's defence package of 2007, which addresses procurement and intra-EU transfers of military goods, has the potential to bring about far-reaching changes. It can not only qualify Member States' predominance in the armaments domain, but also lead to substantially new procurement practices. However, in 2010 the EU armaments sector is far from showing a tendency towards a single set of commonly accepted and exercised rules and harmonized procedures on competition, procurement, and export. The lion's share of procurement remains outside the EU framework. For the EDA, the painful first wave of lessons learned is not yet over. The future of the agency will especially depend on its positioning in the EU's institutional architecture and whether it gains control over major future armaments programmes.

To sum up, the Member States have developed some collective military capabilities at the EU level but need to recognise the severe shortfalls that remain. The main problem lies in the mechanisms for capability development, which are too weak to engage the Member States in a meaningful manner.

## **2. Current and Future Challenges and Opportunities in and for Europe**

Three issues shape the framework within which EU Member States will in future develop military capabilities, namely the Union's loss of strategic scope, the provisions of the Lisbon Treaty, and the financial crisis.

### *2.1 The EU Has to Make Strategic Choices*

#### **2.1.1 What kind of an actor?**

The EU is losing strategic scope. Member States still answer the question "why Europe in security?" in different ways. However, the States have chosen to keep quiet. And the Lisbon Treaty has raised more doubts than enthusiasm. One reason might be a general E/CSDP fatigue, as much

uncertainty persists about the kind of security actor the EU should be. Decision-makers have become tired after a decade of promoting ESDP, and especially its military dimension, as a core driver of EU integration. ESDP has never created the spill-over effects that some of its supporters had said it would. So far, EU missions have hardly had a strategic impact, in terms of living up to the aims of the European Security Strategy. Moreover, the EU is bidding farewell to “intervention happy”<sup>4</sup> times. Although CSDP is not militarily involved in Afghanistan, many EU States are. Not only have they suffered many losses, but they have also struggled to legitimize such missions. This has reduced the appetite for future large-scale interventions, irrespective of the political framework.

#### 2.1.2 Adapting capabilities to the future face of crisis management

The character of crisis management is changing: the overall importance of military force is declining; the classic intervention paradigm is in crisis. Future engagements are likely to be more civilian and more geared towards managing the complex interaction of a number of actors to achieve an integrated or comprehensive approach. The EU has already started to adapt to these modified parameters of crisis management: it has carried out both types of operations, but with a focus on civilian missions.<sup>5</sup>

Yet in terms of quantity, EU military or civilian capabilities do not suffice to address potential crisis management needs in such scenarios as Sudan or a re-escalation in Congo.<sup>6</sup> Moreover, these capabilities and the related EU planning processes focus on either civilian or military scenarios: they do not envisage integrated civilian-military missions.

A first step towards a reorientation of capability development was made by the EU Council when it approved a Declaration on Strengthening Capabilities in 2008. This set out a more ambitious goal for the Union: the capacity to simultaneously conduct two major stabilisation and reconstruction operations involving up to 10,000 troops plus a civilian contingent; two rapid-response operations using EU Battlegroups; a civilian–military

<sup>4</sup> We are grateful to Constance Stelzenmüller for this quote.

<sup>5</sup> Margriet Drent and Dick Zandee, *Breaking Pillars. Towards a Civil-Military Security Approach for the European Union*, Den Haag, Clingendael Institute, 2010 (Clingendael Security Paper 13/2010), available at: [http://www.clingendael.nl/publications/2010/20100211\\_breaking\\_pillars.pdf](http://www.clingendael.nl/publications/2010/20100211_breaking_pillars.pdf).

<sup>6</sup> Daniel Korski and Richard Gowan, *Can the EU Rebuild Failing States? A Review of Europe's Civilian Capacities*, London, European Council and Foreign Relations, 2009 (ECFR report, October 2009), available at: [http://ecfr.3cdn.net/3af9563db3c7ab2036\\_ecm6buqyw.pdf](http://ecfr.3cdn.net/3af9563db3c7ab2036_ecm6buqyw.pdf).

humanitarian assistance operation and around one dozen civilian missions, including one major operation involving up to 3,000 personnel. Moreover, the declaration advised Member States to investigate innovative methods for capability development, including the pooling and multinational management of assets.<sup>7</sup>

This level of ambition has not yet been translated into a new Headline Goal. In fact, the gap between available and desired capabilities has only widened.

## 2.2 Institutional Innovation and Inertia: The Lisbon Treaty

The Lisbon Treaty comprises a series of innovations designed to increase the coherence and capabilities of the EU as a security actor. It envisages a new mechanism called Permanent Structured Cooperation in defence issues (PSCiD), which is designed to allow EU States who are able and willing to do so to enhance their cooperation in the area of capabilities, equipment and forces. Thus, once implemented, PSCiD will potentially have a double impact. First, it enables EU Member States to engage in a more coherent development of badly needed military capabilities. And second, it opens a mid-term perspective for savings in national defence budgets, which are currently seriously constrained.

However, until now EU States have shed away from tabling tangible suggestions to implement PSCiD, let alone committing themselves to any precise project. Three issues add to the current stalemate:

- First, ambiguous political visions and strategic objectives. Many ideas are in the air, but they are hardly compatible. Furthermore, current debates in policy and academia alike are short of specifics about what PSCiD could achieve for Member States and the EU. Nor do they clarify the benefits of PSCiD for participating states.
- Second, the road to implementation is not clear, since the principles and criteria to define the implementation of PSCiD are rather vague. What is lacking is an evolutionary approach capable of building on existing cooperation projects and integrating the various interests at stake.
- Third is the absence of the necessary financial boost: PSCiD implementation has been hit by the current financial crisis. Given the difficult state of debate the Member States consider investment in PSCiD as a financial risk.

<sup>7</sup> International Institute for Strategic Studies, *The Military Balance 2010*, London, Routledge 2010.

National decision-makers find themselves unable to organise the financial basis for rapid transformation into a more EU-focused structure.

An ongoing stalemate would not only mean missing an important window of opportunity for defence cooperation: PSCiD is also one of the few tangible innovations in CSDP. Failing to deliver in PSCiD would seriously damage CSDP.

### *2.3 Financial Crisis: The Strategic Impact of Long-term Withdrawal of Resources*

The economic and financial crisis has put State budgets throughout the European Union under severe pressure. After massive debt-financed recovery programmes, European States now seek fiscal consolidation through measures aimed at reducing public spending. This consolidation process includes structural spending reforms designed to have an effect in the medium term. Hence, the crisis is likely to have a severe and long-lasting impact on EU crisis management capabilities. As public budgets decrease, so do investment in security and defence. Resources available for crisis management will become leaner.

Military capabilities in the EU are likely to be hit hard. Crisis-induced budget cuts are only one part of the picture. In addition, ongoing foreign operations and growing personnel costs are further squeezing the resources available for research, development and procurement. While some observers consider this situation a chance to deepen EU integration in the military realm, current national choices point in the opposite direction.

States tend to plan and implement their cuts at the national level, without much coordination or even communication at the EU level. The national reflex remains strong and creates the risk of a growing capability gap. If Member States continue to proceed in this uncoordinated manner, they may well risk a severe loss of Europe's overall military capabilities. Such a situation would further damage CSDP, as it would diminish the various instruments of EU action. Uncoordinated savings will also impact on the European technological and defence industrial base.

Nevertheless, for two reasons, cooperation does not seem to be on Member States' agenda at the moment. First, EU countries are concerned to varying degrees about the crisis. Some – like the UK or Spain – have suffered tremendously from it. Others – like Sweden or Poland – have experienced a relatively limited increase in their national budgets. Second, Member States

that are severely concerned about the crisis are implementing defence cuts in different ways: while the UK and Germany have planned to implement significant cuts in their defence budgets and procurement programmes, France and Italy have still to make significant structural changes. Yet budget pressures are likely to remain high in the decade to come and will certainly impact the defence realm. It is debatable whether the required savings can be achieved by simply trimming back the existing model without touching on the structure.<sup>8</sup>

### 3. Recommendations: The why and how of Future EU Capability Development

Why should Europe keep on trying to enhance its military actorness? All the examples given above may well limit the appetite for more initiatives leading to greater cooperation. However, two arguments clarify that such initiatives are less a question of choice than of the necessary responsibilities of governments vis-à-vis their populations.

The US, the actor that for so long has not only backed but considerably enabled Europe, is likely to be less and less able and willing to provide the resources and means needed to meet European security requirements. It will be looking increasingly to Asia. Moreover, the US no longer perceives a more integrated EU defence policy as a threat to NATO. Rather, it is more inclined to acknowledge the positive effects that an EU security and defence pillar could have for the Atlantic Alliance. This requires that the EU take on more responsibility in international crisis management.

A second argument for deeper European cooperation has to do with the trend towards weakening national sovereignty. Indeed, the persistent attachment to national sovereignty is a major stumbling block hindering deeper cooperation. The only way to preserve sovereignty, however, understood as the capacity to act, is for the countries of Europe to enhance reciprocal cooperation and integration.

Sovereignty always has a fundamental output dimension, which is measured by the capability to act. How capable are the individual Member States?

<sup>8</sup> Christian Mölling, Sophie-Charlotte Brune and Marcel Dickow, *Finanzkrise und Verteidigungskooperation. Materialien zu acht europäischen Ländern und den USA*, Berlin, Stiftung Wissenschaft und Politik, 2010 (SWP-Arbeitspapier, FG3 AP4, October 2010), available at: [http://www.swp-berlin.org/common/get\\_document.php?asset\\_id=7442](http://www.swp-berlin.org/common/get_document.php?asset_id=7442).

What are Germany, Italy, Sweden or even France and the UK able to do on their own in the military realm? Can they cope with the emerging threats by themselves? The answer, increasingly, is “no”. Such factors as the financial crisis and the demographic outlook reinforce this tendency. Sovereignty, understood, as we have said, as the capacity to act, depends to a great extent on collective efforts and intensified cooperation at the EU level.

Each Member State should consider three key questions:

- Can national objectives still be achieved without a common EU defence capacity?
- How should growing interdependencies be addressed?
- What is the price to pay to preserve national autonomy through national capabilities?

### *3.1 Strategic Adaptation*

#### *3.1.1 A European White Paper on Defence*

The EU Member States should work on a European White Paper on Defence with the overall aim of improving the collective use of national capabilities. Such a document would serve the purpose of identifying both the necessary capabilities and a roadmap to acquire them. It would be illusory to expect this White Paper to translate immediately into political action. However, a joint effort to define aims and means would be an important learning process for the Member States.

The White Paper should identify capability shortfalls and provide suggestions for improvement in specific areas. Its guidelines could be implemented by the European Defence Agency. As a central and independent actor, the EDA could provide a framework for the transformation of armed forces across Europe, and a link to the development of Permanent Structured Cooperation. With a view to increasing the capabilities at the EU's disposal and cementing the European security partnership, a European Defence White Paper could be open to contributions from candidate countries such as Croatia.

#### *3.1.2 A Civilian-Military Headline Goal 2020 to implement the new level of ambition*

In the 2008 Declaration on strengthening capabilities the Union outlines a new level of ambition. It describes the kind of scenarios in which the Union wants to be able to intervene, and the means with which it would do so. Currently the EU only has civilian or military capabilities, neither of which



are genuinely made for integrated scenarios. The Union therefore has to adapt them to integrated environments on a case-by-case basis. While the new level of ambition recognises the complex character of crisis scenarios, this is not reflected in the capability-development process, where civil and military demands continue to be treated separately. This civilian-military dichotomy needs to be overcome.

The existing civilian and military Headline Goals will expire in 2010. Instead of establishing yet another separate military or civilian headline goal, the Member States should strive to set up an integrated civil-military one. Truly integrated scenarios should inform the development of such capabilities. Hence, as a first step, the EU should begin to revise its current scenarios. It should create “real world” scenarios: crises rarely present purely civilian or purely military scenarios. Consequently, the Member States need to develop a variety of scenarios that reflect the intersection of civilian and military challenges and can subsequently be translated into capability requirements at the EU level. These could be framed in a new integrated Civilian-Military Headline Goal 2020.

### 3.1.3 EU Headquarters

A third step towards both strategic adaptation and institutional rationalisation is to merge capability planning, operational planning and operations command into a single permanent civilian-military planning and command structure, an EU Headquarters (EU HQ).

EU operations have shown that the current planning and command structures do not respond to the needs of effective crisis management. Their shortcomings result in a waste of resources, loss of time, and frictions, all of which undermine the effectiveness of these operations. Most notably, the lessons identified from EU missions are considered only marginally when it comes to discussions about capability shortfalls and capability development. Given the current challenges, future scenarios and the EU preference for a comprehensive approach, a purely military structure would be neither suited to meet future challenges nor in tune with the comprehensive character of the EU security policy. An EU HQ should not therefore be a purely military structure, but an integrated civilian-military one. The starting point for this new structure would be the existing institutions – the Crisis Management and Planning Directorate, the Civilian Planning and Conduct Capability and the EU Military Staff.

In April 2010 France, Poland and Germany (the Weimar Triangle) launched

a trilateral initiative to strengthen CSDP, in which they call, *inter alia*, for the establishment of a permanent civilian-military planning and command structure of this nature.<sup>9</sup> Precise ideas are therefore on the table. The other Member States would be well advised to support this endeavour.

### 3.2 *Institutional Evolution*

#### 3.2.1 Establishing Permanent Structured Cooperation in defence

The EU Member States should stop shying away from tabling serious ideas about how to implement Permanent Structured Cooperation in defence (PSCiD). They should engage in debates on how to use such cooperation as an enabling tool for those Member States that are willing and able to advance more quickly and effectively in the development of capabilities. To speed up the process the PSCiD could be based on existing cooperation projects, especially those aimed at remedying serious capability shortfalls. A very suitable showcase already to hand could be the European Air Transport Fleet (EATF). PSCiD would here mean a more coordinated use of already existing or planned national capabilities. The States contributing to EATF would share the operation of the aircraft, with the European Air Transport Command playing a leading and coordinating role. One example for a new initiative based on existing capabilities would be to pool EU national air force capabilities for “air policing” EU air space, using existing jet planes. Demand for pooling also exists in the area of unmanned aircraft (UAVs) and transport helicopters.

#### 3.2.2 Using the full potential of the European Defence Agency

The Member States should make better use of the capacities and potential of the European Defence Agency.

First, they should entrust the EDA with the task of driving and establishing a framework for the development, pooling and sharing of projects. The Agency could serve as a forum in which the Member States develop a common understanding of multinational projects as a complement to national ones. This would be the pre-condition for pooling and sharing initiatives in various areas, such as equipment or logistics.

Second, the EDA should serve as a central and independent certification authority for military capabilities, particularly the Battlegroups, assessing if

<sup>9</sup> See Claudia Major, *Zivil-militärische Planungs- und Führungsstrukturen für die EU*, Berlin, Stiftung Wissenschaft und Politik, 2010 (SWP-Aktuell, forthcoming).

and to what extent they meet planned requirements such as deployability. This task of the EDA's would go hand-in-hand with its planning activities. Third, in view of the expected civilian-military scenarios in crisis management, the Member States should also consider using the agency to create civilian-military synergies. In such a perspective, the EDA could, for example, support the development of joint civilian-military transport arrangements.

Fourth, the Agency would provide the right framework for drafting a European White Paper on Defence with a view to giving capability development both a strategic basis and a procedural road map.

Finally, in order to integrate the economic dimension and give a new *élan* to the original purpose of the agency, namely to allow Member States to get more "bang for their euros", finance ministers should play a stronger role in the EDA. This would be especially important, as defence ministries tend to think much more in national terms and are sometimes less aware of the price tag attached to one or the other solution.

### *3.3 Advancing Military Integration by Incrementally Extending Islands of Cooperation*

The EU Battlegroups are currently the best developed mechanisms for regular and intensive military cooperation at the EU level. They should be used as a starting point for a gradually deepening degree of cooperation that could take the form of continuation and expansion, as set out below.

- Continuation: more continuity could be achieved if a group of Member States took on the responsibility of manning a Battlegroup on a permanent basis. Currently, BGs change according to a six-month rotation scheme. The starting point for such long-term cooperation could be the existing regular cooperation between individual countries, for instance in the context of the Nordic Battlegroup. Apart from its political symbolism, continuation would also bring military and economic advantages: logistics, command and control, and planning arrangements could be used continuously. Each unit's institutional knowledge at the command level would be continuously available. This solution could contribute to the further harmonization of standards.

- Expansion: The BG concept could be expanded to include more troops and encompass diverse capabilities. The aim would be to transfer the high degree of readiness associated with Battlegroups to a larger body of EU armed forces. Instead of the ten-day readiness anchored in the original BG

concept, a gradual approach to readiness could be introduced. A larger formation of this sort would comprise troop units exhibiting various degrees of readiness, from 48 hours to 60 days. Each time a part of the larger unit was deployed, another troop unit with the same ability, but lower degree of readiness, would follow. Thus, the overall troop component would remain at the highest possible level.

### 3.4 *Financing of Capabilities*

#### 3.4.1 Reacting to the financial crisis

The financial crisis challenges all EU Member States. It could also affect the collective use of military capabilities. Indeed, the way European countries react to the crisis and its repercussions will heavily influence the EU's ability to act collectively. The challenge is to achieve savings in a coordinated way while guaranteeing the Union's and Member States' capacity to act. Dealing with the crisis requires action on two levels: first, identification of internal restructuring and rationalisation potential; and second, specialisation and cooperation with partners. Savings can be achieved through international cooperation and by internationalising defence production.

The Member States should: 1) define strategic priorities at the EU level in order to guide and direct restructuring processes; and 2) commit to transparent information policies as to who wants to cut what. That should ensure that national processes occur in a concurrent manner. And 3), Member States should also define complementarities in cuts in order to pool and share existing capabilities, as well as investments in future ones. This would avoid *ad hoc* and uncoordinated decisions in defence reductions across the EU.

#### 3.4.2 Pooling & Sharing in logistics and beyond

The EU Member States should make more use of pooling and sharing (P&S) and actively engage in joint initiatives, whether in the area of capabilities, logistics or equipment. The current financial crisis increases the need for better spending, and might act as a catalyst for pooling and sharing initiatives. P&S makes it possible to reduce costs and may ensure greater reliability of the desired common good. One example is logistics. With the help of framework agreements, the EU should pool the logistical aspects of EU operations. This would require all Member States to agree on basic standards, for life support, for example, in order to create transparent requi-

rements for the (civilian) contractors. It would simplify tenders, facilitate quality checks and make it possible to enter into enforceable contracts. As mentioned above, the EDA could play a key role here.

Additionally, the Member States could pool their resources in logistical warehouses. The European Air Transport Fleet (EATF), conceived in 2008, will pool European air transport capacities once it begins operating in 2014. Comparable models should be envisaged for sea and land transport.

### *3.5 Long-term Perspective: A European Army – Forever Elusive?*

Numerous politicians, including the German and the Italian foreign ministers, have called for the establishment of a European Army. In the light of the rather limited achievements discussed above, this may sound utopian. What can Europe's people reasonably expect from the defence efforts of its Member States? The answer is: less than many of the professional friends of Europe and military-power talkers dream of, but more than Member States have achieved thus far. EU military capability development has suffered from a lack of understanding of the complexity of the defence planning and strategy development required by a new entity such as ESDP/CSDP. But it has also suffered from Member States' reluctance to live up to their commitments. If Europe is to play a role in international peace and security, it needs to develop the appropriate capabilities. This demands leadership and responsibility. Qualities that can only be achieved by adapting to the new realities, chief among which the growing erosion of national sovereignty and the ensuing need to establish new forms of sovereignty through deeper transnational cooperation and integration.

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## 2. EU CIVILIAN CAPABILITIES AND COOPERATION WITH THE MILITARY SECTOR

*Isabelle Ioannides*

### Introduction

The European Union's gradual emergence as a major player on the international scene in the field of crisis management - partly born out of the lessons drawn from the Yugoslav crises and in particular the tragedies in Bosnia-Herzegovina and Kosovo - first revealed its civilian distinctiveness. Indeed, out of the 25 missions the EU has launched since 2003 when the European - now Common - Security and Defence Policy became operational, 17 have been civilian (out of which 9 are ongoing) and two can be characterised as hybrid (combining civilian and military aspects).<sup>1</sup> In parallel, these efforts have been supported by European Community instruments attesting to the cross-cutting character of EU civilian crisis management in which both the European Commission and the Council of the European Union participate. In an effort to ensure that both legs of civilian crisis management work effec-

<sup>1</sup> The EU civilian missions include: EU Police Missions (*EUPOL RD Congo*, *EUPOL Kinshasa*, *EUPM in Bosnia-Herzegovina*, *EUPOL PROXIMA* and *EUPAT* in Macedonia, *EUPOL Afghanistan* and *EUPOL COPPS in the Palestinian Territories*), EU Rule of Law Missions (*EULEX Kosovo*, *EUJUST LEX for Iraq* and *EUJUST THEMIS* in Georgia), EU Monitoring Missions (*EUMM in Georgia*, *EUMM in Former Yugoslavia* and *EU AMM in Aceh*), EU Border Assistance Missions (*EUBAM Rafah* and the European Commission-funded Moldova and Ukraine border missions). The hybrid missions are the recently completed EU Security Sector Reform mission in Guinea-Bissau (it was only recently closed down on 30 September 2010) and the *EU support to AMIS (Darfur)*. Ongoing missions are indicated in *italics*.

tively, EU representatives and scholars have increasingly emphasised the importance of designing and executing a comprehensive and ultimately integrated approach to crisis response, management and stabilisation, thus utilising civilian and military elements in parallel. Accordingly, the Common Security and Defence Policy (CSDP) has not only expanded its action far and wide (from the Western Balkans to the South Caucasus, from Africa to the Middle East and Asia), but it has also diversified the substance of operations: strengthening police missions are supported by executive powers; policing is moving towards the broader rule of law reform framework; monitoring borders is complemented by a growing demand for more complex and comprehensive operations, such as Security Sector Reform (SSR).

The EU is commonly seen to be in a unique position to make a significant contribution to complex crisis management operations due to the broad range of political, economic, civilian and military instruments at its disposal. In 2003, the European Security Strategy affirmed that the EU “could add particular value by developing operations involving both military and civilian capabilities”,<sup>2</sup> which today is a reality in Bosnia-Herzegovina and Kosovo, for instance, where the Union plays a leading role. EU crisis management has therefore mirrored developments in international peacekeeping, which recognises that new wars - in Mary Kaldor’s words - have become an amalgam of war, crime and human rights violations and whereby “the agents of cosmopolitan law-enforcement have to be a mixture of soldiers and policemen”.<sup>3</sup> Equally, it has followed the tendency towards an increasing blurring of boundaries between the internal and external order of States, which the EU explicitly acknowledged in Council Conclusions.<sup>4</sup>

This chapter examines the main developments in the field of EU civilian crisis management and, building on the previous chapter, assesses how EU civilian capabilities work with the military sector. Given that crisis management instruments have been created at different times, within different insti-

<sup>2</sup> See Council of the European Union, *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, p. 11, available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

<sup>3</sup> See Mary Kaldor, *New & Old Wars: Organized Violence in a Global Era*, Cambridge, Polity, 2005, p. 11.

<sup>4</sup> See Council of the European Union, *A Strategy for the External Dimension of the Area JHA: Global Freedom, Security and Justice*, Doc. 15446/05, Brussels, 6 December 2005, available at: <http://register.consilium.europa.eu/pdf/en/05/st15/st15446.en05.pdf>; Didier Bigo, “The Möbius Ribbon of Internal and External Security(ies)”, in Mathias Albert, David Jacobson and Yosef Lapid (eds.), *Identities, Borders, Orders - Rethinking IR Theory, Borderlines*, Minneapolis, University Minnesota Press, 2001, pp. 91-116.



tutional structures and for different purposes, ensuring that they are used in a coordinated and coherent manner in support of crisis management objectives has been a formidable challenge. This study first analyses the EU strategies for civilian crisis management and then examines the EU institutions and tools available in order to pin point their strengths and weaknesses. As the CSDP matures, its future contours and evolution become clearer. Hence, the last part of the chapter offers a series of recommendations for improving the coherence and effectiveness between EU civilian and military capabilities.

## 1. Strategies for Civilian and Civilian-Military Crisis Management

Understood quintessentially as a European concept,<sup>5</sup> “civilian crisis management” is a subject that falls firmly under the framework of the Union’s Common Foreign and Security Policy (CFSP), whose objectives as set out in the Lisbon Treaty of the European Union encompass:

*“to consolidate and support democracy, the rule of law, human rights and the principles of international law; and preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders”.*<sup>6</sup>

Nonetheless, the actual notion of EU “civilian crisis management” remains ambiguous and has not been defined in EU documents.<sup>7</sup> One of the first reports devoted to the issue defined it as “the intervention by non-military personnel in a crisis that may be violent or non-violent, with the intention of preventing a further escalation of the crisis and facilitating its resolution”.<sup>8</sup> Annex III of the Feira Council Conclusions (June 2000) stipulated that the reinforcement of EU civilian capabilities should provide the Union with

<sup>5</sup> See Renata Dwan, *Civilian Tasks and Capabilities in EU Operations*, London, The Centre for the Study of Global Governance, LSE, 2004, available at: <http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityReport/DwanPaperCivilianCapacities.pdf>.

<sup>6</sup> See “Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union”, in *Official Journal of the European Union* C 83, Volume 53, 30 March 2010, p. 29, available at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML>.

<sup>7</sup> See Giovanna Bono and Ståle Ulriksen (eds.), “The EU, Crisis Management and Peace Support Operations”, *Special issue of International Peacekeeping*, Vol. 11, No. 3, Autumn 2004.

<sup>8</sup> See Chris Lindborg, *European Approaches to Civilian Crisis Management*, BASIC Special Report, London, British American Security Information Council, March 2002, p. 4.

adequate means to face complex political crises at different phases by “ensuring complementarity between the military and civilian aspects of crisis management covering the full range of Petersberg tasks.”<sup>9</sup> These common objectives and norms underpinning outside intervention are given shape in the European Security Strategy, which recognises that civilian capabilities are vital for the negotiation of the broad range of threats that confront us in the 21st century and the only tool for their long-term management. Thus, in the absence of a civilian crisis management strategy *per se*, it has become easier to think of this field of action as synergy rather than strategy, therefore linking together different threads from conflict prevention, crisis management, peacemaking and post-conflict stabilisation, even development.

Civilian crisis management lies at the heart of the EU discourse on the human security-based approach to global security and provides an important step towards a common EU understanding on democratic governance. Specifically, it has promoted the mainstreaming of human rights and fundamental freedoms, good governance and rule of law in all policy sectors. In 2003, the European Security Strategy added a dimension and prompted the discourse on enhancing EU civilian-military cooperation, when discussing the threats to the EU which it saw as neither “purely military; nor [as] tackled by purely military means”, but rather as “require[ing] a mixture of instruments”.<sup>10</sup> It had followed on the learning from mistakes made in the management of the Western Balkan crises. The deployment of the EU military mission - EUFOR Althea - in Bosnia-Herzegovina in 2004 is a case in point. Initially, overlapping mandates resulted in the two EU missions - EUPM (police) and EUFOR (military) - being involved in the fight against organised crime, crime control and law enforcement. It is worth noting, however, that at the time the EU had not conceptualised the dividing line between police and military as a newcomer to the post-conflict stabilisation field.<sup>11</sup> With the revision of the EUPM mandate in 2006, the parallel EU

<sup>9</sup> According to the Lisbon TEU (art. 43), these “shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation”. See “Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union”, cit., p. 39.

<sup>10</sup> See Council of the European Union, ‘A Secure Europe in a Better World’. *European Security Strategy*, cit., p. 7.

<sup>11</sup> See Susan E. Penksa, “Security Governance, Complex Peace Support Operations and the Blurring of Civil-Military Tasks”, in Christopher Daase and Cornelius Friesendorf (eds.), *Rethinking Security Governance: The Problem of Unintended Consequences*, New York, NY, Routledge, 2010, pp. 46-47.

police and military missions agreed to a set of common operational guidelines to govern their relationship with local law enforcement officials:<sup>12</sup> EUFOR's involvement in crime control has since been limited to providing essential operational support to local authorities when the EU Police Mission endorses the action as legitimate and necessary.<sup>13</sup>

This example explains the EU's recent endorsement of a security sector reform policy, which conceptually is holistic and integrative, and operationally assembles activities in which the EU is already engaged in (e.g. defence, police, intelligence and juridical reforms). Strategically, it reaffirms the EU's normative commitment to democracy, the consolidation and promotion of human rights, and good governance.<sup>14</sup> In many ways, this policy seemed to remove the damaging consequences of excessively complex institutional arrangements and the dogmatic conceptual distinction between security and development issues, which is nonsensical in crisis situations that threaten fragile states. Still, submitting all peace support operation components to a single political vision can be a source of friction between the norms of SSR - focused on the separation of military from civilian functions - and operational reality, which sees the military and gendarmerie engaging in enforcement tasks during crisis management.

The 2008 report of the European Council on the implementation of the European Security Strategy further emphasised coherence and coordination as key challenges for EU security.<sup>15</sup> Accordingly, Council conclusions that followed emphasised the need for "civil-military synergy" with a view to maximising "effectiveness in the field as well as at Brussels level".<sup>16</sup> Similarly, the 2008 Declaration on Strengthening Capabilities included hybrid missions among the types of operations envisaged under CSDP. The

<sup>12</sup> See Council of the European Union, *Common Operational Guidelines for EUPM-EUFOR Support to the Fight against Organised Crime*, Sarajevo, 11 May 2006. The document was declassified on 25 March 2010 and is available at: <http://register.consilium.europa.eu/pdf/en/06/st10/st10769-re01.en06.pdf>.

<sup>13</sup> See Susan E. Penksa, "Security Governance, Complex Peace Support Operations and the Blurring of Civil-Military Tasks", cit., pp. 47-48.

<sup>14</sup> See Isabelle Ioannides, "European Union Security Sector Reform Policy: What Added Value", in *Eyes on Europe*, December 2009, p. 37, available at: <http://ssrn.com/abstract=1533860>.

<sup>15</sup> See Council of the European Union, *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*, Brussels, 11 December 2008, available at: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/reports/104630.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf).

<sup>16</sup> See Council of the European Union, *Promoting Synergies between the EU Civil and Military Capability Development*, Doc. 15475/09, Brussels, 9 November 2009, p. 2, available at: <http://register.consilium.europa.eu/pdf/en/09/st15/st15475.en09.pdf>.

implementation of the Civilian Headline Goal 2010 (CHG 2010), which built on the CHG 2008 followed suit: it launched a new common pilot illustrative scenario supportive of both civilian and military CSDP capability development processes, including relevant capabilities in the European Commission.<sup>17</sup> The development of a systematic approach on human resources to create a clear framework on recruitment was also initiated.

In parallel and more concretely, the EU developed two concepts which sum up efforts to interconnect civilian and military approaches to crisis management: Civil-Military Cooperation (CIMIC) and Civil-Military Coordination (CMCO). The former appertains to cooperation at operational and tactical levels and aims to ensure the coordination and cooperation between EU military missions and civil actors (external to the EU), including the local population and authorities, as well as international and non-governmental organisations and agencies.<sup>18</sup> The limits of CIMIC for a comprehensive coordination between civilian and military sides of ever more complex EU crisis management operations lie on the fact that the concept was derived from a military perspective: it is primarily concerned with force protection and cooperation with non-military actors is subordinated to that aim.<sup>19</sup>

What is of importance here is CMCO - a work in progress - which addresses "the need for effective coordination of the actions of all relevant EU actors involved in the planning and subsequent implementation of EU's response to crisis".<sup>20</sup> In other words, CMCO is about the internal coordination of EU structures in crisis management - both civil-civil and civil-military coordination - and it is understood to be required at all levels of

<sup>17</sup> See Council of the European Union, *Civilian Headline Goal 2010 (approved by the Ministerial Civilian Capabilities Improvement Conference and noted by the General Affairs and External Relations Council on 19 November 2007 - doc. 14823/07)*, Brussels, 2007, available at: [http://www.consilium.europa.eu/uedocs/cmsUpload/Civilian\\_Headline\\_Goal\\_2010.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/Civilian_Headline_Goal_2010.pdf).

<sup>18</sup> See Council of the European Union, *EU Concept for Civil-Military Co-operation (CIMIC) for EU-led Military Operations*, Doc. 11716/1/08, Brussels, 3 February 2009, available at: <http://register.consilium.europa.eu/pdf/en/08/st11/st11716-re01.en08.pdf>.

<sup>19</sup> See Radek Khol, "Civil-Military Coordination in EU Crisis Management", in Agnieszka Nowak (ed.), *Civilian Crisis Management: The EU Way*, Paris, EU Institute for Security Studies, June 2006 (Chaillot Paper No. 90), p. 124, available at: <http://www.iss.europa.eu/uploads/media/cp090.pdf>.

<sup>20</sup> See Council of the European Union, *Civil-Military Coordination (CMCO)*, Doc. 14457/03, Brussels, 7 November 2003, p. 2, available at: [http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&typ=Advanced&cmsid=639&ff\\_COTE\\_DOCUMENT=14457%2F03&ff\\_COTE\\_DOSSIER\\_INST=&ff\\_TITRE=&ff\\_FT\\_TEXT=&ff\\_SOUS\\_COTE\\_MATIERE=&dd\\_DATE\\_DOCUMENT=&dd\\_DATE\\_REUNION=&dd\\_FT\\_DATE=&fc=REGAISEN&srm=25&md=100&ssf=DATE\\_DOCUMENT+DESC](http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&typ=Advanced&cmsid=639&ff_COTE_DOCUMENT=14457%2F03&ff_COTE_DOSSIER_INST=&ff_TITRE=&ff_FT_TEXT=&ff_SOUS_COTE_MATIERE=&dd_DATE_DOCUMENT=&dd_DATE_REUNION=&dd_FT_DATE=&fc=REGAISEN&srm=25&md=100&ssf=DATE_DOCUMENT+DESC).

the management of crises. The Crisis Management Concept, which constitutes the “conceptual framework describing the overall approach of the EU to the management of a particular crisis”, is central to CMCO.<sup>21</sup> While the preferred approach to sustain and develop a culture of coordination rather than establish detailed structures and procedures avoided burdening the crisis response process with a rigid set of rules, it also exposed the reluctance of relevant institutions to be constrained by specific commitments.<sup>22</sup> Ultimately, genuine coordination of all planning stages has remained limited and comprehensive planning between the civilian and military arms is obstructed, despite repeated EU declarations to the contrary.

## 2. EU Civilian Institutions and Capabilities

Competence for civilian crisis management between second and first pillars of the EU has long been a contested issue: short-term activities aimed to de-escalate crises are conducted through the CSDP procedure, while European Community (EC) mechanisms are utilised for long-term reconstruction efforts and designed to support a broader range of implementing actors.

The Community has been engaged in a range of activities that provide assistance to third countries in crisis, in line with the overarching objectives set out in the Treaty establishing the European Community (TEC)<sup>23</sup> and the “political commitment to pursue conflict prevention as one of the main objectives of the EU’s external relations” agreed on in the 2001 Programme for the Prevention of Violent Conflicts. A range of instruments were established to deliver Community assistance in pre-crisis, active crisis and post-

<sup>21</sup> See Council of the European Union, *EU Concept for Military Planning at the Political and Strategic Level*, Doc. 10687/08, Brussels, 16 June 2008, p. 10, available at: <http://register.consilium.europa.eu/pdf/en/08/st10/st10687.en08.pdf>.

<sup>22</sup> See Giovanni Grevi, “EU Institutions”, in Giovanni Grevi, Damien Helly and Daniel Keohane (eds.), *European Security and Defence Policy: The First 10 Years (1999-2009)*, Brussels, EU Institute for Security Studies, 2009, p. 54, available at: [http://www.iss.europa.eu/uploads/media/ESDP\\_10-web.pdf](http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf); Ursula C. Schroeder, “Governance of EU Crisis-Management”, in Michael Emerson and Eva Gross (eds.), *Evaluating the EU Crisis Missions in the Balkans*, Brussels, Centre for European Policy Studies, September 2007, p. 26, available at: <http://www.ceps.eu/files/book/1538.pdf>.

<sup>23</sup> These included most notably the promotion of stable conditions for human and economic development and the promotion of human rights, democracy and fundamental freedoms.

crisis situations and aiming, among other, to: support political and diplomatic initiatives to defuse a crisis; foster stability during periods of transition; safeguard human rights and strengthen democratic processes; and reboot the process of economic and social development.<sup>24</sup>

These included a number of geographic (e.g. PHARE, CARDS and TACIS) and specialised sectoral (e.g. the European Initiative for Democracy and Human Rights) financial instruments, which were radically rationalised in 2007. Until then, the Rapid Reaction Mechanism (RRM) - a Community instrument established in 2001 to provide quick, flexible, short-term (up to six months) support for safeguarding or re-establishing conditions of stability in crisis situations and linking to longer-term assistance to countries in crisis - would initially be launched. It usually followed up on specialised sectoral instruments that provide emergency support in politically unstable or crisis environments, which include EC humanitarian assistance and the Member States capabilities mobilised under the EC Civil Protection Mechanism.<sup>25</sup> In fact, only a very small part of Commission assistance was available for tackling the root causes of conflict: the majority of EC assistance was delivered through its long-term geographic instruments, which served as the main channel for EU financial and technical cooperation (training or specialised equipment, assistance in drafting relevant legislation and strategic advice) aiming at long-term structural changes.<sup>26</sup>

The EC instruments were rationalised by concentrating around 30 geographical and 50 thematic budget lines, which had grown over time in an *ad hoc* manner, into six categories of external activities. These introduced greater flexibility into the instruments, enabling *inter alia* linkages between short-term actions and long-term development. Three are designed as horizontal instruments to respond to particular needs (humanitarian aid instrument, stability instrument - replacing the RRM - and instrument for macro-financial assistance) and three have a defined geographical coverage to implement particular policies - Instrument for Pre-accession Assistance

<sup>24</sup> See Catriona Gourlay, "Community Instruments for Civilian Crisis Management", in Agnieszka Nowak (ed.), *Civilian Crisis Management: The EU Way*, cit., p. 49.

<sup>25</sup> It should be noted that EC humanitarian aid delivered under Council Resolution (EC) No. 1257/96 through the EC Humanitarian Aid Office (ECHO) is not considered a crisis management tool since it is delivered solely on the basis of need and cannot be subsumed to the political logic of crisis management. This study only deals with EC crisis management capabilities and will not analyse these two instruments. For further information, please see Catriona Gourlay, "Community Instruments for Civilian Crisis Management", cit., pp. 49-67.

<sup>26</sup> See Catriona Gourlay, "European Union Procedures and Resources for Crisis Management", in *International Peacekeeping*, Vol. 11, No. 3, Autumn 2004, pp. 404-421.

(IPA), European Neighbourhood and Partnership Instrument (ENPI) and Development Cooperation and Economic Cooperation Instrument (DCECI). In particular, the Instrument for Stability, in place since January 2007, has allowed the European Commission to considerably intensify its work in the area of conflict prevention, crisis management and peacebuilding and to broaden the scope of its action in such areas as support to mediation, confidence building, interim administrations, strengthening rule of law, transitional justice or the role of natural resources in conflict.

At an institutional level, the streamlining of Community crisis management capacity began with the creation of the EuropeAid Cooperation Office (DG AidCo) in January 2001, which merged the tasks of programme implementation previously carried out separately for external relations and development. DG AidCo undertook project identification and appraisal, contracting, disbursement of funds, monitoring and *ex post* evaluation. Then followed the extensive devolution of management responsibilities (i.e. transfer of personnel, programme appraisal and financial and implementation responsibility) - “deconcentration” as the process is known - from DG AidCo to the EC Delegations in third States.

On the CSDP side, the Council mandated the incoming Finnish presidency in June 1999 to address non-military crisis management. The EU committed itself to the establishment of four important, mutually dependent instruments: police cooperation, rule of law, civilian administration and civil protection. These Civilian Headline Goals have developed - and continue to develop - in order to guide and re-evaluate the quantity, scope and quality of EU capabilities (instruments and institutions) build up. To achieve the goals set, the Committee for Civilian Aspects of Crisis Management (CIVCOM) in the EU Council Secretariat, established in June 2002, organised pledging conferences under successive EU Presidencies, whereby phased targets on capabilities were agreed upon and maintained through voluntary contributions by Member States.<sup>27</sup> The Danish presidency declared five months later that specific objectives for the four civilian headline goals had been met. As the Table below demonstrates, these initial targets were successfully updated and even exceeded at the December 2004 capabilities conference.

<sup>27</sup> Agnieszka Nowak, “Civilian Crisis Management within ESDP”, in Agnieszka Nowak (ed.), *Civilian Crisis Management: The EU Way*, cit., pp. 15-38.



**Table 1. - EU Civilian Capabilities**

Police	The EU aims to be capable of carrying out any police operation, from advisory, assistance and training tasks to substituting local police forces. Member States have undertaken to provide more than 5000 police officers (5761), of who up to 1400 can be deployed in less than 30 days.
Strengthening the rule of law	Efforts deployed on an international scale to reinforce and if necessary restore credible local police forces can only be successful if a properly functioning judicial and penitentiary system backs up the police forces. Member States have undertaken to provide 631 officers in charge of crisis management operations in that area (prosecutors, judges, prison officers).
Civilian administration	As regards civilian administration, a pool of experts has been created, capable of accepting civilian administration missions in the context of crisis-management operations, and if necessary, being deployed at very short notice. Member States have pledged a total of 565 staff.
Civil protection	In this area too, the objective has been achieved, and consists of: a) 2 or 3 assessment and/or coordination teams, capable of being mobilised around the clock; b) intervention teams of up to 2000 persons for deployment at short notice; and c) additional or more specialised means which could be dispatched within 2 to 7 days depending on the particular needs of each crisis. Member States have committed 579 civil protection experts and 4445 staff for intervention teams.
Monitoring	Monitoring capability, identified by the December 2004 European Council, has become a generic tool for conflict prevention/resolution and/or crisis management and/or peacebuilding. An important function of monitoring missions is to contribute to "prevention/deterrence by presence" and they also enhance EU visibility on the ground, demonstrating EU engagement and commitment to a crisis or region. Member States have committed 505 personnel.
Strengthening of EUSR offices	Strengthening the offices of EU Special Representatives.

*Source:* Adapted from EU Council Secretariat, *European Security and Defence Policy: The Civilian Aspects of Crisis Management*, Updated August 2009 civ/03, Brussels, August 2009, p. 2.



It is such quantitative criteria, borrowed from the EU experience in developing military capabilities and largely decided upon randomly (rather than in response to a needs analysis), which have driven the approach to the development of EU civilian capabilities. Moreover, while these goals were met on paper, qualitative analysis of their actual readiness, deployability, or sustainability were in doubt.<sup>28</sup> Importantly, most civilian CSDP missions have focused on rule of law assistance, particularly police reform, and therefore most deployed staff has been drawn from the first two categories. Nonetheless, concerns have repeatedly been expressed regarding the continued shortfalls in the areas of police, rule of law and civilian administration, and particularly the lack of use of the valuable Civilian Response Team (CRT) instrument.<sup>29</sup> In late 2007 and early 2008, the EU drafted a new Civilian Headline Goal 2010 which featured the launch of an operational Civilian Planning and Conduct Capability (CPCC) unit within the Council Secretariat (explained below), while simultaneously watering down military ambitions.<sup>30</sup>

Numbers were also important in the development of civilian expertise in the EU Council Secretariat in Brussels. In parallel to the Council structures at political level, namely the Political and Security Committee (PSC) and CIVCOM, the Helsinki European Council established new permanent political and civilian bodies within the EU Council Secretariat to support the organisation and launching of CSDP missions, including the Directorate General for External Economic Relations and Politico-Military Affairs (DG E IX) and its sub-divisions (e.g. the Police Unit). Whereas the establishment

<sup>28</sup> Author's discussion with an EU Member States representative in CIVCOM, Brussels, September 2006.

<sup>29</sup> A CRT is a multi-functional civilian crisis management rapid reaction capability of flexible size and composition, consisting of Member State experts with, in principle, Council Secretariat and European Commission participation. Its tasks can include: to carry out assessment and fact-finding missions in a crisis or impending crisis situation and, when appropriate, provide input to the development of a crisis management concept; to establish a rapid initial operational presence in the field after a Joint Action is adopted; and to provide, as appropriate, timely reinforcement of existing EU mechanisms for crisis management at country and regional level in response to urgent and distinct needs (e.g. conflict mediation, confidence-building measures, monitoring). See European Parliament, *Implementation of the European Security Strategy and ESDP*, European Parliament Resolution of 5 June 2008 on the Implementation of the European Security Strategy and ESDP (2008/2003(INI)), P6\_TA(2008)0255, Brussels, 5 June 2008, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0255>.

<sup>30</sup> Anand Menon and Ulrich Sedelmeier, "Instruments and Intentionality: Civilian Crisis Management and Enlargement Conditionality in EU Security Policy", in *West European Politics*, Vol. 33, No. 1, 2010, pp. 83-84.

of a sizeable military staff (around 150) in the Council was swift, it took a year for agreement to be reached on the establishment of the Police Unit and only on a restricted basis, at a time when the EU was essentially deploying police missions.<sup>31</sup> As part of the move towards holistic EU crisis management, the Civilian Planning and Conduct Capability (CPCC) was created and became operational in 2008, in order to answer to the lack of planning and command structures for civilian missions. The new structure is responsible for the provision of planning for the Committee for Civilian Aspects of Crisis Management (CIVCOM). Its efficiency and efforts to create a culture of coordination have been mixed: on one hand, the Council and the Commission have been involved in the fact-finding and planning stages of CSDP missions and the EU has used EU Special Representatives (EUSRs) to strengthen its political presence in theatre. On the other hand, there has been a lack of common tools and templates for setting standards, reporting, training and the implementation of gathered experience.<sup>32</sup> These institutions and instruments, as well as the ones falling under the European Commission, will be moved into the European External Action Service (EEAS), which is hoped will also further streamline command and control mechanisms.

The complex and highly fragmented institutional configuration with divisions as much within each pillar as between pillars (Community instruments versus CSDP missions) led to competitive, ineffective, incoherent - sometimes even acrimonious - civilian-civilian relations, especially in the Western Balkans. It was indeed one of the reasons for the rationalisation of instruments and the removal of the pillar system in the Lisbon Treaty. Institutional one-off innovations used in theatre demonstrated that the integration of instruments across pillars can enhance the effectiveness of crisis management. One such example was the “double-hatting” of Erwan Fouéré as the Head of the EC Delegation in Skopje and EU Special Representative - thus combining the representation of the Council and the Commission - a formula which dealt with the conflictual relationship between these two offices. This formula was utilised again

<sup>31</sup> Several Council officials, in Brussels, admitted in interviews (in April-May 2005 and 2006) that because the Police Unit was understaffed, it could not cope with the increasing number of civilian operations.

<sup>32</sup> See Nik Hynek, *Consolidating the EU's Crisis Management Structures: Civil-Military Coordination and the Future of the EU OHQ*, Brussels, Policy Department, Directorate-General for External Policies of the Union/Directorate B, European Parliament, 2010, p. 9, available at: <http://tepsa.be/Hynek%20Consolidating%20the%20EUs%20Crisis%20Management%20Structures.pdf>.

with the appointment of Koen Vervaeke as both EU Special Representative to the African Union and Head of the EC Delegation in Addis Ababa.

### 3. Working with the Military Sector

The dissolution of traditional borders between civilian and military crisis management, primarily through deliberate efforts to deploy hybrid civilian-military operations, has been one of the crucial trends in EU crisis management. Illustrations include the civilian mission in Aceh (Aceh Monitoring Mission - AMM), which was carried out primarily by the military; EU initiatives in Sudan and Somalia, which were explicitly categorised as civilian-military support actions; or the EU SSR mission in Guinea-Bissau, which is the first example of a civilian-military CSDP operation.

In order to support integrated missions and promote the EU quest for a comprehensive approach to crisis management, the Council has developed relevant bodies. The Political and Security Committee (PSC) ensures coordinated EU action as it receives advice from the Committee for Civilian Aspects of Crisis Management (CIVCOM) and EU Military Committee (EUMC) during decision-taking on launching EU operation and then serves as the main point of reporting to by EU actors in a field. The EU Military Staff (EUMS) is responsible for planning and implementing CIMIC at political and strategic levels. Particularly, its Civ-Mil Cell (operational since 2006) is the first standing EU body that fully integrates military and civilian expertise, including from the European Commission, thus contributing to CMCO. At a political level, it reports both to CIVCOM and EUMC, and it aims to provide the EU with an autonomous planning capacity, a strategic planning cell and its integral Operations Centre (operational since January 2007), to conduct the conceptual work on hybrid CSDP mission, particularly on Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR). The final addition to the Civ-Mil Cell was the Watch-Keeping Capability, which became operation in mid-2008 and was supposed to be available to both military and civilian operational planning. Accordingly, the Civ-Mil Cell is also well situated to integrate reports on lessons learned from separate civilian and military operation conducted side-by-side in one territory, as is the case in Bosnia-Herzegovina.<sup>33</sup>

<sup>33</sup> See Radek Khol, "Civil-Military Coordination in EU Crisis Management", cit., p. 125.

There remain nonetheless important loopholes. Despite having roughly equal numbers of civilian and military staff and having included a Civilian Operation Commander responsible for the direction and support of civilian Heads of Mission, the Civ-Mil Cell is seen to have a military bias due to its location within the EU Military Staff.<sup>34</sup> Hence, its potential to improve CMCO has been undermined, particularly as there is little sign of a genuine culture of coordination. EU Special Representatives are leading political representatives of the EU on the ground, but they do not have a supreme coordination authority over EU Force Commanders, who report to the EU Military Committee and receive political instructions directly from the PSC. The military is understandably very anxious to keep this chain of command intact and separate from the civilian side.<sup>35</sup> It regards the civilian planning as overly optimistic about the environments into which the EU deploys, while the civilian elements are wary of militarising EU policy.<sup>36</sup>

The central problem for the Civ-Mil Cell, which was conceived as a system integrator, is that the crisis management concept (CMC) is not comprehensive - it does not incorporate civilian and political-military elements. While the Civ-Mil Cell contributed to specific civilian-military missions (e.g. the Aceh Monitoring mission), the drafting of the CMC remained in the hands of an *ad hoc* body in the EUMS, the so called Crisis Response Coordinating Team. This matter, though, was tackled with the creation of the Crisis Management Planning Directorate (CMPD). This latest institution created in December 2008 aimed to take the EU quest for comprehensiveness in crisis management a step further: it merged civilian and military aspects of the planning for EU missions - DG E IX and DG E VIII respectively in the EU Council Secretariat - into a single Directorate to coordinate civilian and military tasks. Specifically, it is responsible for the Crisis Management Concept and its main value is seen in facilitating progress in areas such as strategic planning, mission and operation reviews and reporting, lessons identified and concept deve-

<sup>34</sup> See Stuart Gordon, "Exploring the Civil-Military Interface and its Impact on European Strategic and Operational Personalities: 'Civilianisation' and Limiting Military Roles In Stabilisation Operations?", in *European Security*, Vol. 15, No. 3, 2006, pp. 339-361.

<sup>35</sup> See Radek Khol, "Civil-Military Coordination in EU Crisis Management", cit., pp. 123-124.

<sup>36</sup> See Per Martin Norheim-Martinsen, *Matching Ambition with Institutional Innovation: The EU's Comprehensive Approach and Civil-Military Organisation*, Oslo, Norwegian Defence Research Establishment, 2009, p. 17.

lopment at strategic and operational levels.<sup>37</sup> As this new structure is now taking shape, however, the military aspect has once again been given vastly disproportionate weight and civilian experts have been pushed out of the decision-making structures.<sup>38</sup> The ongoing complexity of the chain of command among relevant bodies working on external relations is also perceived as a particularly problematic situation.

In addition to the use of Integrated Police Units (IPUs), the European Gendarmerie Force (EGF)<sup>39</sup> - set up in 2004, with permanent headquarters in Vicenza (Italy) and composed of military police from France, Italy, Netherlands, Portugal and Spain - is also an important factor when considering the move towards integrated crisis management and the development of civilian-military cooperation. This is especially true in the context of an EU move towards multi-functional capabilities packages with these two bodies being deployed in parallel with civilian CSDP missions (primarily police missions). The IPUs and the EGF are seen as being able to facilitate a smoother transition from the military to civilian phase of a peace support operation and limit the problem of combat soldiers undertaking civilian police missions in crisis management.<sup>40</sup>

The tendency for partial inter-institutional operational meshing is also observed in the field. Indeed, in some cases, local realities in conflict-torn environments have forced the EU to be solution oriented and provide on-the-whim answers to political imbroglios that originate in Brussels and EU Member States capitals. For instance, when EU attempts to formulate an SSR policy were still split into two concept papers in the EC and Council, the EU was able to agree on a comprehensive approach to SSR in the Democratic Republic of Congo (DRC), thus bringing the two legs of SSR

<sup>37</sup> See Council of the European Union, *Promoting Synergies between the EU Civil and Military Capability Development*, cit., p. 5; Luis Simón, *Command and Control? Planning for EU Military Operations*, Paris, EU Institute for Security Studies, January 2010 (Occasional Paper No. 81), p. 26, available at: [http://www.iss.europa.eu/uploads/media/Planning\\_for\\_EU\\_military\\_operations.pdf](http://www.iss.europa.eu/uploads/media/Planning_for_EU_military_operations.pdf)

<sup>38</sup> See Alain Délétoz, "The Spoils of EU Reform", *Reuters*, 19 February 2010. Accessed on 19 August 2010 from <http://blogs.reuters.com/great-debate-uk/2010/02/19/the-spoils-of-eu-reform/>.

<sup>39</sup> In the context of the European Gendarmerie Force, a 3,000 strong force should be available with 800 personnel deployable within 30 days to substitute or supplement local police in crisis management operations.

<sup>40</sup> See Alice Hills, "The Inherent Limits of Military Forces in Policing Peace Operations", in *International Peacekeeping*, Vol. 8, No. 3, 2001, pp. 79-98.

together at an operational level.<sup>41</sup> More recently, the Joint Action that authorised the deployment of EU SRR Guinea Bissau explicitly outlined that the mission is complementary to development programmes and other Community activities managed by the European Commission.

#### 4. Policy Recommendations

In terms of functional diversity and geographical spread, the EU has managed to expand its field of action in crisis management substantially from civilian to military, and to add civilian-military elements. While this is in itself an accomplishment, the synthesis the EU seeks in civil-military co-operation (CIMIC) and, especially, civil-military coordination (CMCO) remains largely underdeveloped. The recommendations below aim to improve the comprehensiveness, coherence and effectiveness of EU crisis management.

##### ***- Strengthen the link between CFSP and CSDP***

At a political level, CSDP missions continue to be perceived and developed as apolitical and technical operations and as such remain disconnected from the broader peacebuilding framework. EULEX Kosovo is a case in point. In order to bypass the unresolved status question and achieve concrete results, EULEX officials were forced to adopt a pragmatic approach to the given mandate: they devised programmes in a technical and seemingly apolitical manner allowing them to be co-located inside the Kosovo institutions, which the EU *per se* does not recognise.<sup>42</sup> As the EU moves towards a holistic approach to crisis management, its missions cover such fields as security sector reform, which demand leadership to provide clear strategies and strategic control, a situation which is compounded when the mission has an executive mandate - as is the case with Kosovo - that aims to address entrenched aspects of organised crime and corruption. EU operations are accused of being “small, lacking in ambition and often strategically irrelevant”<sup>43</sup>, and as being deployed in regions, territories, countries for

<sup>41</sup> See *A Comprehensive EU Approach to SSR in the Democratic Republic of Congo (DRC)*, Brussels, November 2006, p. 2. Unpublished document prepared by the European institutions.

<sup>42</sup> Author's interviews with EULEX officials, Pristina, May 2010.

<sup>43</sup> See Daniel Kroski and Richard Gowan, *Can the EU Rebuild Failing States? A Review of Europe's Civilian Capabilities*, London, European Council on Foreign Relations, 2009, p. 24, available at: [http://ecfr.3cdn.net/3af9563db3c7ab2036\\_ecm6buqyw.pdf](http://ecfr.3cdn.net/3af9563db3c7ab2036_ecm6buqyw.pdf).

which the EU has no long-term policy and/or commitment.<sup>44</sup> The evidence points to the fact that CFSP and CSDP policies are decoupled. Yet, in order for CSDP operations to produce sustainable results, they must be guided by clear long-term political strategies that are more intricately connected to the CFSP.

#### **- Institutionalise learning**

Thus far, CSDP learning and its translation into broader operational lessons has taken place on an *ad hoc* basis. Much of the EU learning is based on the cross-fertilisation of expertise of individual officials and the rotation of key experts from one EU mission to the next.<sup>45</sup> It is these individual attempts/initiatives that shape and impact on the potential for learning and lead to institutional maturation at the operational level. Drafting a solid programme strategy and strengthening evaluation mechanisms for EULEX Kosovo, systematically consulting Kosovo civil society, or engaging in reforms of the entire spectrum of Rule of Law (police, justice and customs) rather than its individual components, all constitute lessons stemming from EUPOL Proxima and EUPAT in Macedonia and EUPM in Bosnia-Herzegovina.<sup>46</sup> Nonetheless, there are important limitations to this *ad hoc* learning approach: the lessons identified remain at an operational level and are not systematised or standardised at Brussels level. However, a balanced and comprehensive approach to crisis management requires that relevant EU bodies exchange views at key steps of the processes (e.g. defining generic scenarios; setting requirements; identifying overlapping requirements; gathering EU Member States contributions potentially available; and assessing and addressing shortfalls).<sup>47</sup> Thus, identifying common methodologies and tools to address these diverse milestones, that would help institutionalise learning, is important.

<sup>44</sup> Discussion with CSDP official, Brussels, February 2010. Author's interviews with EULEX Kosovo officials, Pristina, April-May 2010.

<sup>45</sup> This has been the case, for instance, with EULEX Kosovo where numerous key officials had previously been deployed in other CSDP missions, most notably in Bosnia-Herzegovina and Macedonia.

<sup>46</sup> See Isabelle Ioannides, "Police Mission in Macedonia", in Michael Emerson and Eva Gross (eds.), *Evaluating the EU's Crisis Management Missions in the Balkans*, Brussels, Centre for European Policy Studies, 2007, pp. 106-118, available at: <http://www.ceps.eu/files/book/1538.pdf>.

<sup>47</sup> See Council of the European Union, *Promoting Synergies between the EU Civil and Military Capability Development*, cit., p. 3.



**- Promote cross-cutting training**

Scholars and practitioners have long argued that improving civilian contribution to multi-dimensional operations is best achieved through training together with military partners. In this spirit, it is suggested that the EU set up a European Security Academy or a European Institute for Peace, which would become the EU's main provider of core training and where EU civilian and military staff and other international actors would learn to work together in theatre.<sup>48</sup> The EU already recognises that "synergies should be sought in the field of training (strategic, operational and tactical levels) where benefits have commonly been identified in the two processes".<sup>49</sup> Such training would complement courses offered by EU Member States at national level for their own personnel. To ensure common standards across the EU, a training inspectorate could be set up in the EU Council Secretariat to inspect facilities and programmes across Member States.<sup>50</sup>

**- Develop dual use capabilities**

In order to foster synergies, concrete dual use capabilities should be developed and their potential availability to CSDP civilian and military operations - within the boundaries of each one's specificities - should be facilitated. The creation of a pool of SSR experts from the EU Member States constitutes an example of such civilian-military synergy. Other areas for strengthened synergies in capability development could include *inter alia*: logistical support; communication and information systems; security and protection of personnel and infrastructure; and exchange of specific technical expertise (e.g. in counter-explosive devices, de-mining, finance and justice).<sup>51</sup>

**- Streamline CSDP funding**

The different funding mechanisms for civilian and military actions still impede the conduct of integrated CSDP operations. The planning of EULEX Kosovo, the most complex civilian CSDP mission, exemplified that

<sup>48</sup> See Jonathan Holslag and David H. Doyle, *The New Global Security Landscape: Recommendations from the 2010 Security Jam*, Brussels, Security & Defence Agenda, 2010, p. 21, available at: [http://www.securitydefenceagenda.org/Portals/7/2010/Publications/SDA\\_JAM\\_Report\\_highres.pdf](http://www.securitydefenceagenda.org/Portals/7/2010/Publications/SDA_JAM_Report_highres.pdf).

<sup>49</sup> See Council of the European Union, *Promoting Synergies between the EU Civil and Military Capability Development*, cit., p. 5.

<sup>50</sup> See Daniel Kroski and Richard Gowan, *Can the EU Rebuild Failing States?*, cit., p. 18.

<sup>51</sup> See Council of the European Union, *Promoting Synergies between the EU Civil and Military Capability Development*, cit., pp. 4-5.



the existing financial framework cannot provide sufficient and timely support for the new requirements and tasks of larger and more complex operations. Civilian missions are currently financed directly through the collective CFSP budget, while military operations follow the principle of “costs lie where they fall”, with only a small proportion (common expenditures) funded through the Athena mechanism.<sup>52</sup> The reform to streamline existing cost distribution mechanism for operations is a pressing issue, especially in light of the deployment of larger civilian-military contingents.

**- Create a permanent strategic planning structure**

Despite achieving full operational capacity in the Operation Centre of the Civ-Mil Cell, setting up the CPCC and creating the CMPD, the EU still does not have a comprehensive civilian-military structure for planning and carrying out CSDP operations.<sup>53</sup> Such an endeavour would imply integrating all the intelligence gathering, early warning, monitoring and watch-keeping units within the Council and the European Commission, as well as clarifying the linkage among the different relevant bodies on external relations (especially in the context of the forthcoming EEAS). The establishment of a permanent strategic planning and conduct structure would also help increase EU institutional memory. It would lead to comprehensiveness, greater coherence and consistency in applying civilian and military planning and conduct concepts and procedures.

**- Improve the scope and quality of capabilities**

The complexity of today's crises requires the EU to equip itself with operational means that are not yet at its disposal: they include intelligence and expertise to tackle organised crime; the development of civil protection or disaster response; and civilian administration resources to support the reconstruction of failed states. Furthermore, qualitative aspects of the civilian and military capabilities need further improvement to enhance the ability of the EU to deploy at short notice well-trained personnel and adequate resources in an interoperable and sustainable manner. To do so, the EU and its Member States should regularly update rosters of civilians and

<sup>52</sup> See Nicoletta Pirozzi and Sammi Sandawi, *Military and Civilian ESDP Missions: Ever Growing and Effective?*, Documenti IAI 09/29, Rome, Istituto Affari Internazionali, November 2009, p. 12, available at: <http://www.iai.it/pdf/DocIAI/iai0929.pdf>.

<sup>53</sup> See Nik Hynek, *Consolidating the EU's Crisis Management Structures: Civil-Military Coordination and the Future of the EU OHQ*, cit., pp. 7-8; Luis Simón, *Planning for EU Military Operations*, cit., pp. 15-26.

police officers; create cross-governmental funding pools for civilian deployment; train a cadre of planners in the foreign affairs ministries; and develop a systematic process for training and debriefing deployed staff.<sup>54</sup> The EU would then be able to cover the full spectrum of complex crisis responses (e.g. SSR, DDR, institution building); implement actions that cover the entire crisis management cycle (rapid reaction, long-term engagement, and exit strategies); and effectively interact with other international, regional and local actors in the field.

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<sup>54</sup> See Daniel Kroski and Richard Gowan, *Can the EU Rebuild Failing States?*, cit., p. 19.

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### 3. THE EUROPEAN EXTERNAL ACTION SERVICE AND THE COMMON SECURITY AND DEFENCE POLICY (CSDP)

*Gerrard Quille*<sup>1</sup>

The Council established the new European External Action Service (EEAS) in its Decision on 26 July 2010. The EEAS is seen as a key structure in helping the Union meet the expectations of a more visible, coherent and effective EU foreign policy following the adoption of the Lisbon Treaty. After briefly setting out the external challenges facing the EU over the coming years, the paper will examine the role and functions of the EEAS in the new Lisbon Treaty foreign policy architecture. The paper will also include a discussion on the key characteristics of the EEAS as they emerged during the establishment phase of the service between December 2009 and July 2010. Finally the paper will look at the future challenges and expectations for the EEAS and CSDP and provide some recommendations and guidelines on how the service can play a key role in ensuring that the Union becomes a more visible, coherent and effective actor on the international stage.

#### **1. European (in)Security and Responses to Global Challenges**

It is widely held that Europe is standing at a strategic crossroads: presented with the hope and opportunities of the new Lisbon Treaty to

<sup>1</sup> The author writes in a personal capacity and the views and opinions expressed in this article do not reflect the official position of the European Parliament.

enhance the EU's global role whilst at the same time having to face numerous security challenges as well as address the global economic and financial crisis.<sup>2</sup>

In 2003 the EU set out its strategic vision, known as the European Security Strategy (ESS), which placed an emphasis upon addressing threats and challenges through international cooperation, termed *effective multilateralism*, and the *comprehensive* use of its diplomatic, trade, development and crisis management instruments. In 2003 the EU clearly chose to project stability rather than force, with both military and civilian crisis management instruments as key responses in the neighbourhood and further afield. In addition, the EU has also global economic and trade interests which are reflected in its security ambitions.<sup>3</sup>

Since the ESS was published, the EU Member States and institutions have worked closely on a number of important security dossiers (including negotiations with Iran on behalf of the United Nations Security Council).<sup>4</sup> In addition the EU's operational activities between 2003 and 2008 have included 25 CSDP missions and operations, the majority of them civilian.<sup>5</sup>

However, most missions have been on a small-scale (in personnel and resources) rule of law missions or the "inherited" legacy of the EU's failure to respond to the Balkan wars in the 1990s (e.g. EUFOR Althea and EULEX Kosovo). The period 2003-2008 was mired by inter-institutional rivalries, which added to a growing feeling that a major reform of the EU's

<sup>2</sup> See Sven Biscop, "Odd Couple or Dynamic Duo? The EU and Strategy in Times of Crisis", in *European Foreign Affairs Review*, Vol. 14, No. 3, 2009, pp. 367-384; Gerrard Quille, "The European Security Strategy: a framework for EU security interests?", in *Journal of International Peacekeeping*, Vol. 11, No. 3, Autumn 2004, pp. 1-16.

<sup>3</sup> See Sven Biscop, *The European Security Strategy. A global agenda for positive power*, Egmont Institute, Brussels, 2005; Alyson J. K. Bailes, "EU and US Strategic Concepts: Facing New International Realities", in *The International Spectator*, Vol. 39, No. 1, 2004, pp. 19-33; Antonio Missiroli and Gerrard Quille "European Security in Flux", in Fraser Cameron (ed.), *The Future of Europe: integration and enlargement*, Routledge, London and New York, 2004, pp. 114-135; Alyson J. K. Bailes, *The European Security Strategy: An Evolutionary History*, SIPRI Policy Papers No. 10, Stockholm, February 2005, available at: <http://books.sipri.org/files/PP/SIPRI10.pdf>.

<sup>4</sup> See Oliver Meier and Gerrard Quille, "Testing Time for Europe's Non-proliferation Strategy", in *Arms Control Today*, May 2005.

<sup>5</sup> See the CSDP Map project at: <http://www.csdpmap.eu/>; Nicoletta Pirozzi and Sammi Sandawi, "Five years of ESDP in action: operations, trends, shortfalls", in *European Security Review*, No. 39, July 2008, available at: [www.isis-europe.org/pdf/2008\\_artel\\_179\\_esr39-5yrs-esdp.pdf](http://www.isis-europe.org/pdf/2008_artel_179_esr39-5yrs-esdp.pdf); Marta Martinelli, "Helping Transition. The European Union Police Mission in DRC (EUPOL KINSHASA) in the Context of EU's Policies Towards the Great Lakes", in *European Foreign Affairs Review*, Vol. 11, Issue 3, Autumn 2006.

institutional framework in the area of external relations was needed to increase the EU's coherence.<sup>6</sup>

With the entry into force of the Lisbon Treaty on 1 December 2009, the foreign policy architecture of the EU was given a boost with a new High Representative for Foreign Affairs and Security Policy and the support of a new diplomatic service, known as the European External Action Service (EEAS).

## 2. The Lisbon Treaty's New Foreign Policy Architecture

The Lisbon Treaty has created a new and long-awaited foreign policy architecture for the European Union by introducing three key innovations:

- a double-hatted High Representative for Foreign Affairs and Security Policy who is also Vice President of the Commission (thus referred to as HR/VP);
- a permanent President of the European Council;
- a European External Action Service.

### 2.1 *New Foreign Policy Actors*

#### 2.1.1 The President of the European Council

The new post of President of the European Council sits alongside that of the existing Presidents of the Commission and the European Parliament. The latter essentially represents that institution, whilst the Presidents of the Council and Commission share the role of representing the Union's external relations policies. Whilst President Van Rompuy chairs meetings of European Heads of State in the European Council and President Barroso presides over meetings of the College of Commissioners, the sharing of external representation duties is more uncertain. So far, the President of the Commission has had a leading role on traditional trade matters in the framework of the G8, while the President of the Council, has led on issues related to the global financial and economic crisis, including attending the newly formed G20 as well as representing the Union at President Obama's high-profile Nuclear Security Summit, in Washington in April 2010.

<sup>6</sup> A sense of the EU adrift was reinforced by the long period of internal uncertainty that lasted from the rejection of the proposed Constitutional Treaty in 2005 to the final ratification of the Lisbon Treaty in 2009. See Giovanni Grevi et al. "The EU Foreign Minister: Beyond Double-hatting", in *The International Spectator*, Vol. XL, No. 1, March 2005.

### 2.1.2 The High Representative

The newly upgraded post of EU High Representative (HR) for Foreign Affairs and Security Policy, which is now merged with the position of Vice President (VP) of the Commission, represents an important innovation in the Lisbon Treaty. It is expected that this new double-hatted HR/VP will be able to direct more strategic foreign policy formulation and overcome the divisive “pillar” structure of the European Union that had been perceived to be preventing the emergence of a more coherent and effective foreign policy. Catherine Ashton was appointed by the European Council on 1 December 2009 as High Representative for Foreign Affairs and Security Policy, but she could only take up her other post of Vice President in the Commission once the European Parliament had interviewed all the Commissioners and voted upon their collective appointment. This meant she could take up her double-hatted duties only from February 2010.

The Lisbon Treaty mandates the HR/VP with a number of important tasks to enable her to support a more coherent and effective EU foreign policy, and in particular:

- *ensure the unity, consistency and effectiveness of action* by the Union (article 26.2 TEU);
- *implement the Common Foreign and Security Policy (CFSP)* with national and Union resources (article 26.3 TEU);
- a right of *initiative*, when chairing the Foreign Affairs Council, to “contribute through her proposals towards the preparation of the common foreign and security policy” (article 27.1 TEU);<sup>7</sup>
- *represent the Union* for matters relating to the common foreign and security policy and *conduct political dialogue* with third parties on behalf of the Union as well as express the Union’s position in international organisations and conferences (article 27.2 TEU);
- support *rapid decision making* to face crises (natural or man-made) by convening an extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period (article 30.2 TEU);

<sup>7</sup> Although unanimity remains the rule in Common Foreign and Security Policy (CFSP), there are limited cases for adopting decisions by Qualified Majority Voting (e.g. during the appointment of EU Special Representatives) as well as a mechanism for a group of Member States to put forward a proposal for enhanced cooperation (which will then be voted on by unanimity). In both cases the High Representative has a central role in the procedure (articles 31 TEU and 329.2 TFEU). Similarly, the HR is *consulted* in the procedure for establishing the new Permanent Structured Cooperation for “those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions” (article 42.6 TEU).

- *ensure the coordination* (article 43.2 TEU) *of the civilian and military capabilities* for carrying out an expanded range of Petersberg Tasks under the authority of the Council and in contact with the Political and Security Committee;<sup>8</sup>
- *ensure that CFSP receives parliamentary legitimacy* where she has the responsibility to inform the European Parliament and ensure that its views are taken into consideration (article 36 TEU).

Without doubt the Lisbon Treaty upgrades the position of HR: when combined with that of Vice President of the Commission it makes Catherine Ashton the new *linchpin* in CFSP.

In addition, the HR/VP must also manage the political expectations coming from influential quarters including the Member States, across the European institutions and amongst European citizens. This is a considerable demand upon any individual, and indeed the HR/VP had a rocky start. However, many look at the establishment of the European External Action Service (EEAS) as an essential structure for providing Catherine Ashton with the support necessary to carry out her heavy workload as well as meet political expectations from her early critics.<sup>9</sup>

### 2.1.3 Strategic approach to foreign affairs

As well as introducing new actors and a new diplomatic service (i.e. the EEAS), the Lisbon Treaty also provides the basis for a new more strategic approach to foreign policy based upon the European Council “identifying the strategic interests and objectives of the Union” and taking decisions:

*“guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and soli-*

<sup>8</sup> Including joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

<sup>9</sup> This has led to certain criticisms and frustration being levied at the HR/VP for what some perceive as missed opportunities or missteps. She was criticised, in particular, for being slow to achieve an agreement with the European Parliament on the EEAS; failing to prioritise CSDP matters by not attending an informal defence ministers meeting in Majorca on 24 and 25 February 2010; being slow to convene a crisis meeting in response to the earthquake in Haiti; and prioritising a formal visit to China rather than attending an informal dinner to mark the beginning of direct negotiations between Palestinians and Israelis in Washington. See for example regular articles at the *European Observer*: [www.europeanobserver.com](http://www.europeanobserver.com).

*ilarity, and the respect for the principles of the United Nations Charter”* (article 21 TEU).

Already in June 2010 the Foreign Affairs Council of the EU drew upon this strategic approach and Treaty language when turning to the issue of piracy off the coast of Somalia. Prior to the Lisbon Treaty the Commission and Council had separate policy frameworks for engaging with Somalia as well as a CSDP naval operation (EU NAVFOR Somalia) protecting humanitarian food supplies and tackling pirates off the coast of Somalia and in the gulf of Aden. The June 2010 Foreign Affairs Council recognised that tackling the root causes of piracy as well as supporting the stability of Somalia required a “comprehensive approach in the region, linking security policy with development, the rule of law, respect for human rights, gender-based aspects and international humanitarian law”.<sup>10</sup> It therefore invited the High Representative “to make proposals for a comprehensive EU strategy for relations with the Horn of Africa as a basis for continued cooperation with regional partners”.<sup>11</sup> It is clear that the scale of the problems in Somalia and in the Horn of Africa will require substantial international, as well as EU, coordination and that any evidence of progress will be difficult to assess in the short-term. Nevertheless, the Council conclusions give a first example of a more strategic approach to foreign policy and one where the HR/VP is given a strong mandate to prepare proposals and coordinate European action.

## 2.2 *The New European External Action Service (EEAS): Institutional Negotiations*

### 2.2.1 The Treaty mandate

In contributing to a more strategic approach to foreign policy and in coordinating EU and Member States resources for implementing such an approach the HR/VP is to be assisted by the European External Action Service (EEAS). The Lisbon Treaty introduces the EEAS with the simple (article 27.3 TEU) statement that:

*“In fulfilling her mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with*

<sup>10</sup> See 3023rd Foreign Affairs Council meeting, 11022/10, Press: 175, Luxembourg, 14 June 2010, p. 9, available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/115185.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/115185.pdf).

<sup>11</sup> Ibid, p. 10.

*the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission”.*

### 2.2.2 The Process of establishing the EEAS

The HR turned to the issue of the establishment of the EEAS between February and July 2010. She consulted the Member States, as set out in a December 2009 “Report from the Swedish Presidency on the establishment of the EEAS”, and could not ignore a Resolution on the EEAS that the European parliament approved on 22 October 2009.<sup>12</sup> In addition, numerous unofficial pieces of advice (known as non-papers), on different aspects of the EEAS, were put forward by the Member States and the European Parliament.<sup>13</sup>

The key actors in the establishment of the EEAS were Catherine Ashton, who made the proposal for a decision by the Council after *consulting* the European Parliament and receiving the *consent* of the Commission. In addition two regulations (the Staff Regulation and the Financial Regulation) needed to be modified under co-decision (i.e. proposal from the Commission for a decision by the European Parliament and the Council) as well as an incremental adjustment to the EU budget for the EEAS to become operational. By combining its right to be consulted with its co-decision role on the regulations, the European Parliament increased its leverage over the negotiations on the decision to establish the EEAS from consultation to one of “*de facto* co-decision”.<sup>14</sup> This was regarded by observers as a key success

<sup>12</sup> *European Parliament resolution of 22 October 2009 on the institutional aspects of setting up the European External Action Service*, 2009/2133(INI), Strasbourg, Thursday, 22 October 2009, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0057&language=EN>.

<sup>13</sup> See principally an evolving “Non-paper on the EEAS” attributed to the Rapporteurs MEP Elmar Brok, from the Foreign Affairs Committee and MEP Guy Verhofstadt from the Constitutional Affairs Committee of the European Parliament. For an insight into the approach and views of the key Rapporteurs see their interview with Stefani Weiss in “From Global Player to Global Player”, *Spotlight Europe Special*, Bertelsmann Stiftung, July 2010.

<sup>14</sup> This term was coined by MEP Roberto Gualtieri who, along with MEPs Elmar Brok and Guy Verhofstadt, represented the European Parliament in the Quadrilogues.

of the European Parliament's self-assertiveness.<sup>15</sup> The result was a four-way dialogue, termed a Quadrilogue, involving the HR/VP with the Member States, represented by the Spanish Presidency, the European Parliament and the European Commission. The final Quadrilogue took place in Madrid on 21 June and paved the way for a European Parliament resolution on 8 July, adopted in the presence of the HR/VP, and followed by a decision by the Council on 26 July 2010.

### 2.2.3 Shaping the EEAS

All parties to the Quadrilogue declared they wanted an ambitious vision for the EEAS in order for it to be a modern diplomatic service to meet the challenges of the twenty-first century and contribute effectively to the security of Europe's citizens. Ashton set the tone with an initial vision statement saying that the creation of the EEAS was a:

*"once in a generation opportunity to build something new that can make a difference [...] we need a service that provides high-quality analysis, political leadership and mobilises all our resources in support of a political single strategy [...] (and which is necessary to) achieve the core objective - of building an integrated platform to project our values and interests in a fast-changing world - whilst being able to obtain broad support from the relevant institutions and Member States".*<sup>16</sup>

Whilst supporting this vision statement the Member States opted for a pragmatic approach by focusing on the nuts and bolts of integrating Commission, Council and Member State representatives in the Service. In particular, they worked to ring-fence the *sui generis* nature of CSDP structures as inter-governmental bodies inside the EEAS and to safeguard them from the interference of the European Parliament and the Commission. They also wanted the HR to "play a leading role" in the strategic decision-making and the programming chain of the instruments for external action, such as the European Neighbourhood Policy Instrument and the Development Cooperation Instrument. This would contribute both to bridging the previous pillar divide and strengthening the coherence of

<sup>15</sup> See Stephanie Weiss, *The EEAS: much ado about nothing*, Spotlight Europe, Bertelsmann Stiftung, June 2010, available at:

[http://www.bertelsmann-stiftung.de/bst/en/media/xcms\\_bst\\_dms\\_31767\\_31785\\_2.pdf](http://www.bertelsmann-stiftung.de/bst/en/media/xcms_bst_dms_31767_31785_2.pdf).

<sup>16</sup> See the Non-paper attributed to Catherine Ashton and entitled "*The European External Action Service. A step change in external policy for the Union: delivering on the promises of the Lisbon Treaty*", p. 2. This paper has not been published and therefore should be counted as a Non-paper.



external policies but also bringing the Commission closer to the inter-governmental High Representative. Importantly, the Member States also recognised that the Community method would have to be safeguarded and that although “decisions concerning programming will be prepared jointly by the HR and the Commissioner responsible” [...] “the final proposals in this respect will continue to be adopted by the College of Commissioners”.<sup>17</sup> The European Parliament declared itself in favour of an ambitious and strong service to give the European Union greater visibility and effectiveness.<sup>18</sup> The European Parliament insisted on two key claims:

- a) preserving the “community method” as a successful driver of European integration that could be harnessed for strengthening the Common Foreign and Security Policy of the EU; and
- b) ensuring transparency and accountability for the EEAS including granting full budgetary power to the European Parliament, transparent staffing policy and an open working relationship in its daily activities.

These objectives were embedded in the final decision. However, the European Parliament also acknowledged the incremental steps made through the inter-governmental process of constructing the crisis management capabilities under the Common Security and Defence Policy (CSDP).

When the Commission proposed changes to the staffing regulation and the financial regulation, the Member States and the European Parliament took a similar approach each striving to preserve their interests. The Member States tried to limit the period of time of their staff in the service of the EEAS. The European Parliament called instead for all staff to have an equal status with permanent (civil service) status. The result was a compromise whereby national diplomats could serve two terms of 4 years plus an additional 2 years (i.e. possible 10 years). It was also agreed that the staff from the Commission (and later European Parliament) as permanent civil servants would make up at least 60% of the EEAS staff. The Member States made an attempt to have a

<sup>17</sup> See Council of the European Union, *Presidency Report to the European Council on the European External Action Service*, 14930/09, Brussels, 23 October 2009, available at: <http://register.consilium.europa.eu/pdf/en/09/st14/st14930.en09.pdf>.

<sup>18</sup> See *European Parliament resolution of 22 October 2009 on the institutional aspects of setting up the European External Action Service*, 2009/2133(INI), Strasbourg, Thursday, 22 October 2009, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0057&language=EN>; *European Parliament legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service*, 2010/0816(NLE), Strasbourg, Thursday, 8 July 2010, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0280&language=EN>.

distinct “agency” structure, but the financial regulation instead established, as asked by the EP, a distinct budget line of the European Union for the EEAS. The HR has therefore been given a degree of flexibility in managing the budget of the EEAS, but the latter is subject to the full budgetary discharge rights of the European Parliament. The adoption of the Decision on the EEAS has been met with a general sense of satisfaction although much will depend on how the implementation over the coming years. In any case, all sides agreed on the need for a review of the EEAS in 2012. Should new proposals be made following that review, the HR would have the task of submitting them, after consulting the European Parliament, for a Council Decision. During the establishment phase President Barroso sparked a controversy when he arranged the appointment of his former chef de cabinet, the Director-General of DG for External Relations (RELEX), Mr Vale de Almeida as Ambassador of the Union Delegation in Washington. This manoeuvre was apparently carried out without the agreement of the HR/VP, which cast a shadow over Ashton’s role in the eyes of the media and the European Parliament. The latter reacted by getting the HR/VP’s agreement that any future Heads of Delegation or EU Special Representatives appointed would appear before the Foreign Affairs Committee (AFET) of the European Parliament before taking up their duties. This was a major victory for the European Parliament, which managed to extend its scrutiny over future EU Ambassadors (Heads of EU Delegations) and EU Special Representatives. The Member States also demanded more transparency on the process of appointing Union Ambassadors. A recruitment mechanism has thus been established that includes Member States representatives. This fuelled however the suspicion that they would focus upon securing these future appointments for their own personnel. It was also rumoured that (*ca.*) 80 of the future key delegation posts would be reserved for the EU Member States. President Barroso’s move resulted in concessions being sought from the new HR/VP Ashton and a closer scrutiny by the European Parliament and the Member States on her role in establishing the EEAS.<sup>19</sup>

Whilst the European Parliament and the Member States eventually managed to find a compromise solution, the episode contributed to creating an

<sup>19</sup> At the time of writing the European Parliament had put the additional budget for the EEAS for 2011 in a reserve, essentially freezing the budget and any new appointments, until the HR/VP provides additional clarification that she will meet her commitment to send newly appointed Heads of Delegation and EUSRs to the Foreign Affairs Committee before they take up their duties.

atmosphere of mistrust. The participants in the Quadrilogues had to work hard to build confidence and successfully bring the establishment process to a successful end in Madrid in June, which prepared the way for the final Decision on 8 July in the European Parliament and 26 July in the Council. Nevertheless, the European Parliament asked the HR/VP Ashton to present a “Declaration on Political Accountability” (annexed to the European Parliament Resolution on the EEAS) mapping out the main lines of future cooperation between the European Parliament, the High Representative and EEAS.<sup>20</sup> The Member States, kept continuously informed by the HR/VP and the Presidency, had defended their position on the *sui generis* nature of the CSDP structures - the EU Military Staff and SitCen - and their seconded staff. The result, still on paper, is an agreement between the institutions that provides a solid ground for inter-institutional cooperation and parliamentary scrutiny but leaves the question open whether the ways in which the inter-governmental structures and the community units have been integrated into the EEAS will actually result in a more coherent and effective external action.

### 3. Innovations in the Area of CSDP

The essential innovations in the area of the Common Security and Defence Policy focus upon consolidating over 10 years of experience of the European Security and Defence Policy (ESDP). The Lisbon Treaty confirms the Amsterdam commitment to the progressive framing of a common Union defence policy which could lead to a common defence when the European Council so decides, but adding the *caveat* “acting unanimously” (article 42.2 TEU). Other authors in this publication reflect on the details of the innovations in CSDP including, *inter alia*, the extended Petersberg Tasks (article 43 TEU); Permanent Structured Cooperation (article 42.6 TEU and Protocol 10); the new mandate of the European Defence Agency (articles 42.3 and 45 TEU); the clauses on self-defence (article 42.7 TEU) and response to natural disasters and terrorism (article 222 TFEU); as well as

<sup>20</sup> See Catherine Ashton, *Declaration by the High Representative on Political Accountability*, Strasbourg, 8 July 2010, annexed to the *European Parliament legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service* (O8029/2010-C7-0090/210-2010/0816(NLE)), Strasbourg, 8 July 2010, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0280+0+DOC+XML+V0//EN>.

the possibility to have core groups (42.5 TEU) delegated to act on behalf of the Union. However, it is important to note in this article the important role of the High Representative in the area of CSDP.

Whilst the launch of a CSDP mission will be decided by the Council (acting unanimously) and development programmes adopted by the whole College of Commissioners, the Treaty states that it is the High Representative Ashton *“acting under the authority of the Council and in close contact with the Political and Security Committee, [that] shall ensure coordination of the civilian and military aspects of such tasks”* and *“may propose the use of both national resources and Union instruments, together with the Commission where appropriate.”* The Lisbon Treaty gives the HR (as the principle coordinator of civilian and military instruments) a more prominent role and a specific mandate to ensure coherence in the use of Member State, CFSP and Commission’s external relations instruments.

#### **4. A New EU Foreign Policy System: Implementing a “Strategic” and “Coherent” Approach to European Foreign and Security Policy**

The Lisbon Treaty not only introduces important innovations in the area of CFSP and CSDP, but it creates a “once in a generation opportunity”, to create a new EU foreign and security policy. This system not only includes the upgraded actor of HR/VP and the EEAS; a more strategic approach to foreign policy formulation; a more coherent application of EU instruments (including diplomacy, development, trade and CSDP); but it also strengthens the role of the EU Member States throughout the policy planning, formulation and implementation stages of foreign and security policy.

In addition, the promise of greater transparency and parliamentary (national and European) legitimacy will broaden further the types of actors (parliamentarians, the media, academics, think tanks, interest groups, other civil society organizations and the public) engaging in debate and therefore potentially influencing policy formulation. Whilst many of these actors have already existed, they have tended to concentrate on single policy areas (e.g. development policy, human rights, CSDP etc). A more strategic and coherent approach to EU foreign policy will bring these specialist networks into more regular inter-action as they compete to have their different priorities reflected in EU strategic objectives. This qualitative improvement in the interaction of different EU institutions and actors (including the

Member States) as well as the broader policy community will bring greater visibility, buy-in, and transparency of EU policy formulation inside the EU as well as externally. The Lisbon Treaty therefore provides for the transformation of distinct EU policies (CFSP, CSDP, development, trade etc.) into a more open, transparent and accountable EU foreign and security policy system.

The EEAS will certainly be a key element in this new foreign policy system because it will include actors from across the institutions and the Member States and it will play an important role in policy formulation and implementation. In addition it will also have an important communication role (including a new media service) to explain EU policies and actions to the broader public and media as well as to third countries around the world. Whilst the EEAS will not be operational before 1 December 2010, we can nevertheless look at the debates surrounding its establishment to speculate on how it will play such an important role in developing a more coherent EU foreign and security policy.

#### *4.1 A New EU System of Foreign Policy: Developing a Strategic Approach to Foreign Policy*

In the process of creating a new EU foreign and security policy, one of the earliest and most important developments will be a shift to a more strategic definition of foreign and security policy objectives. An early example of a more strategic approach was given above on the June 2010 Foreign Affairs Council conclusions that included a request for the High Representative Ashton to prepare proposals for a new comprehensive strategy for the Horn of Africa in order to tackle the causes of piracy in the region.

The European External Action Service will be instrumental in supporting the HR/VP to develop this strategy by drawing on the geographic expertise (in its Africa Directorate General) with the Common Security and Defence Policy structures in this policy review. Thereby, the EEAS will include actors who previously sat separately in the Commission or in the Council Secretariat or even in EU capitals and who worked on different documents (for the Council, Commission or a Member State) addressing the same region. They will now work together within the EEAS to review the individual (Commission and Council) policy documents as a basis for developing a new comprehensive strategy for the Horn of Africa.

The CSDP structures (in particularly the Crisis Management and Planning

Directorate - CMPD) will also have an important role as they have acquired important expertise in the course of the deployment of the naval operation EUNAVFOR Atalanta and the more recent military training mission, EUTM Somalia. The process of inter-service consultation between the geographic services and the horizontal ones including the CMPD will also be overseen by a policy coordination mechanism (perhaps to be called a Policy Board and headed by the Executive Secretary General of the EEAS and the senior policy management including the Deputy Secretary General for Policy Planning, the relevant Directors-General and the Head of the Crisis Management and Planning Directorate). The exercise of developing proposals for a new strategy will demonstrate how this service will draw upon its component parts to create a comprehensive strategy (i.e. drawing upon Commission, Council and Member States diplomats). The latter will also bring with them the expertise and, where necessary, inputs from their capitals. The Member States will formally be involved in reviewing the proposals prepared by the HR through the Council Working Parties (namely in this case the Africa Working Party known as COAFR and the Political and Security Committee) and they will take a decision in the Council based on the proposals from HR/VP Ashton.

The EEAS machinery and actors will need time to assimilate this new approach to preparing strategic input into Council Decisions. Nevertheless the approach itself has been confirmed by the Member States, such as at the June Foreign Affairs Council, in their commitment to implementing the Lisbon Treaty's strategic approach and to using the new foreign policy architecture as soon as possible and on such a complex issue as tackling Piracy off the Horn of Africa.

The new strategic approach will also affect defence capability development, where in the light of the economic and financial crisis a growing number of Member States are looking for ways to save national resources spent on defence by cooperating or pooling resources at the EU level. Already at the informal meeting of defence ministers in Ghent in September 2010, the Member States asked HR/VP Ashton to come up with proposals for cooperation or pooling of resources for defence capability development. Whilst the EU Military Staff (inside the EEAS) will have an important role to play in defining defence capability needs, it is the specialised European Defence Agency (EDA) that will lead the role in supporting Member States capability development. In this case, the HR/VP Ashton is also Head of the European Defence Agency and chairs its Steering Board (made up of

Member States Defence Ministers) which means that the HR/VP can ensure coherence between the EEAS and EDA and play an important role in the sensitive and strategic area of defence capability definition and development.

#### *4.2. Improving Coherence in Policy Formulation and Implementation*

The post-Lisbon approach to foreign policy gives an insight into how the different actors will interact in preparing Council Decisions on strategic objectives of the Union, including to key regions or on key policy areas like defence. Improving coherence in policy formulation and implementation is also intrinsic to this new strategic approach. Indeed the EEAS has been designed to improve such coherence in the following areas.

***Horizontal coherence within the CSDP structures (i.e. between civilian and military crisis management instruments).*** The CSDP structures have been incorporated into the EEAS and during this process have been restructured to reinforce the coherence of policy planning for both civilian and military crisis management. This was done by merging the two directorates (for civilian and for military crisis management) in the Council Secretariat into a unified Crisis Management Planning Directorate (CMPD) in the EEAS. Therefore civilian (i.e. police and rule of law) and military strategic planning experts will now sit side by side in one Directorate and thereby facilitating their exchanges on planning in general and on joint planning when the need arises.

Alongside the CMPD, operational planning and the implementation of civilian missions is supported by the Civilian Planning and Conduct Capability (CPCC). Military missions are not managed from Brussels and therefore the day-to-day operational planning and implementation of EU military missions is supported by the EEAS through the secondment of EU Military Staff in Brussels to one of the five EU Member States multinational headquarters or to NATO for the operation EUFOR Althea in Bosnia-Herzegovina. One can already see that the EEAS CSDP structure will bring greater coherence by the collocation of the strategic planning (CMPD) and operational planning and implementation (CPCC) of civilian crisis management missions. In addition military strategic planners in Brussels will also be able to provide advice to those civilian missions that have a military advisory role or have to work in close proximity of military authorities.



However, as long as the EU Military Staff (and its Chief) are not given a mandate to oversee the operational planning and implementation of EU military missions there will be criticisms of a lack of coherence between the strategic planning structures (CMPD) and implementation (national multinational headquarters) for military missions. The existence of an EU Operational Headquarters further complicates this picture as an operational planning and implementation structure could be activated at the EU level (although it would have to be substantially restructured and enlarged to manage even the smallest EU military missions). This poses a problem of coherence between the strategic and operational planning of military crisis management operations and their deployment in the field.

***Horizontal coherence in Brussels within the EEAS (including CSDP and geographic and horizontal services) and with other Commission Directorates General (in particular enlargement, development, and trade).*** This essentially requires looking beyond the narrow coherence of civilian and military crisis management instruments and towards ensuring that all relevant diplomatic, development and trade actors feed into the process of defining strategic objectives of the Union towards a particular region or thematic policy area. This approach is essential to ensuring the formulation of strategic proposals for Council Decisions outlined above. More specifically, it requires that CSDP operations and missions are planned, designed, and implemented to support the achievement of Council Decisions on the strategic objectives of the Union. In addition, it requires that the strategic planning, programming, and implementation of other external relations instruments (such as the European Neighbourhood Policy Instrument, the Development Cooperation Instrument, or the Stability Instruments etc.) take into consideration any existing CSDP missions and thereby support the transition from crisis management towards the longer term strategic objectives of the Union. The EEAS includes the necessary relevant actors (geographical desks) and mechanisms (policy coordination board) to improve coherence between CSDP structures and the strategic planning and programming of the other external relations instruments. Although the implementation of these instruments will remain with the relevant Directorate General of the Commission, the co-ownership (or dual key) of the HR/VP and Commissioner responsible offer additional guarantees for pursuing greater coherence. Even trade policy which will not be handled at any level by the EEAS, should not be excluded



from the issue of pursuing horizontal coherence as Ashton also has a mandate to work with the Trade Commissioner towards coherence of action. Nevertheless, one should be realistic and observe the fact that trade policy has long been criticised for being in conflict with foreign and development policy objectives, which needs to be addressed at the strategic level of the Union. The inconsistency of keeping trade policy outside the framework of pursuing more coherent EU external relations will be the subject of further debate inside and outside the Union.

***Vertical coherence between the EEAS in Brussels and the Delegations in implementing key policies or programmes.*** In addition to ensuring that policies are planned, designed and implemented in a coherent manner in Brussels, coherence also needs to be maintained in the implementation of those policies and actions in the field. Here the delegations are of paramount importance. Under the Lisbon Treaty the European Commission network of delegations become Union Delegations and the Heads of Delegation are delegated by the HR/VP to oversee the implementation of policies and programmes in the field. In some cases the Head of Delegation will also be double-hatted as an EU Special Representative (such as is the case currently for Afghanistan, Macedonia and the African Union). The Head of Delegation will also be responsible for ensuring that trade representatives in his mission are acting in pursuit of the overall EU objectives for a country even if they will receive instructions directly from their Commissioner in Brussels. The decision on the establishment of the EEAS also emphasises the importance of mainstreaming policies such as human rights and peacebuilding in the implementation of policies on the ground. Hence a network of human rights focal points in Union Delegations will be created to reinforce this vertical coherence and mainstreaming.

***Vertical coherence between the EEAS and the Member States.*** It is expected that the Member States will see the advantages of pursuing a more coherent and strategic foreign policy through the European Union, not least because they now have reinforced their presence throughout the EU's policy formulation and implementation phases of external action. They will have (at least) one third of their representatives or seconded personnel in the EEAS and a growing number of Member State Ambassadors will be appointed Heads of EU Delegations and become EU Special Representatives. They will have personnel throughout the EEAS responsible for preparing Council Decisions

and for implementing those decisions, thereby giving them a greater sense of ownership of EU foreign and security policy. In turn, this sense of ownership may improve the confidence of Member States to pursue more multilateral policies through the EU rather than bilateral interests on the ground. Over time EU Delegations may well take on more and more administrative consular services for the Member States as a means of achieving economies of scale. We have yet to see the full implications of the fact that the Union now has legal personality and can, therefore, become a signatory to international treaties or have representation in international organisations such as the United Nations. The EU will still continue to be over-represented in comparison to other regions of the world by its individual Member States in international organisations, including the UN Security Council, rather than opting for a single EU seat. However, we expect to see the HR/VP Ashton continue the trend set by her predecessor and speak on behalf of the EU in international fora, including when necessary in the UN system.

***Horizontal coherence in the field between delegations and CSDP missions.*** With an improvement in horizontal policy formulation in Brussels, further reflection is needed to improve the horizontal coherence in the field between the Union Delegations and CSDP missions and operations. There are numerous models to look at including the United Nations adoption of integrated missions in the field such as in the DRC and elsewhere. The United Nations has one senior political representative of the UN Secretary General in the field and he/she leads and coordinates all the other UN agencies and operations on the ground. The Lisbon Treaty could provide a similar basis for such an integrated approach, especially where a double-hatted Head of Delegation and EU Special Representative brought under his/her authority in the field both the work of the Delegation and that of the Heads of CSDP missions/operations. This should respect the political line of responsibility (to e.g. a double-hatted EUSR/Head of Delegation to Ashton and the Council) and the efficacy of the military chain of command. Whilst this has not been dealt with in the establishment of the EEAS, one can expect that it will soon become a subject of further discussion for the Union.

## 5. Coherence and Effectiveness of EU External Action: The Relationship between the EEAS and CSDP

Certainly the Lisbon Treaty provides an opportunity to use the new foreign policy architecture, centred on the dynamism of the EEAS, to help the EU become a more coherent, visible and effective foreign policy actor. Nevertheless some key issues in the establishment of the EEAS must be carefully monitored when moving from the “text” of the Lisbon Treaty and EEAS decision to the “context” of implementing a new Common European Foreign and Security Policy. These include, *inter alia* the need:

- to have a ***strategic review of all policies***, especially where there had been overlapping or similar work being done separately in the Commission and Council. The objective would be to ensure we have a single institutional and Member State review of all key policies and present one “strategic objective” on an issue (e.g. Non-proliferation) or geographically (as called for in the April 2010 Foreign Affairs Council conclusions on the Horn of Africa) including priority areas like the Middle East. This would not only present a new strategic objective with Member States and EU institutions contributing but it would also consolidate the different policy statement and programmes initiated under the pre-Lisbon institutional framework;
- to ***revisit the policy areas that attracted attention during the establishment of the EEAS (such as peacebuilding and human rights mainstreaming)***, but that have not been articulated in the form of EU policy statements. This caused a lot of confusion in the discussions on the establishment of the EEAS with respect to what people meant by these terms and whether they should be pursued via mainstreaming them in all external policies or pursued through individual actions. As a part of the policy review and consolidation of pre-Lisbon strategies and policy priorities, the EEAS should be tasked with setting out policy statements for consultation with all EU institutions and Member States on peacebuilding and mainstreaming human rights in EU external relations;
- to ***balance the inter-governmental CSDP structures with the geographic programmes (including development and neighbourhood policy instruments)***. This would serve to ensure, on the one hand, the careful pre-intervention early warning and planning and, on the other hand, post-interven-

tion consistency between short term crisis management responses and longer term sustainable peacebuilding;

- to ***improve and ensure coherence between the external relations instruments inside the EEAS (i.e. CSDP and strategic programming of geographic instruments) with those remaining outside, not least trade.*** One cannot be effective in implementing security and peacebuilding policies in poorer parts of the world without understanding the structural effects of trade agreements. This applies to a number of the EU's foreign policy priorities from the Millennium Development Goals to stability in the Caucasus, Middle East and Sub-Saharan Africa;

- to ***ensure vertical coherence i.e. between the institutions in Brussels and the Member States policy formulation in the capitals.*** The fact of having (at least one third of) Member States diplomats inside the EEAS is important to strengthen the relations between the EU institutions in Brussels and the Member States in their capitals. The policy dialogue between Brussels and the national capitals at all stages of policy formulation and implementation will be critical for more united, consistent and effective foreign policy as well as contribute to the ESS objective of a European "strategic culture on security and defence";

- to ***review the EEAS in 2012 and carry out a transparent and public consultation with the European Parliament.*** The European Parliament was very effective in engaging in the consultation or "*de facto co-decision*" on the establishment of the EEAS and it could draw upon this experience to extend a role in 2012 to national parliaments. This review should also ensure that the EEAS has achieved its full staffing quota and assess whether the Union has the resources necessary to meet its post Lisbon ambitions in the area of foreign affairs,

- ***for all Member States, institutions and parliaments to make full use of the opportunity provided by the Lisbon Treaty to address the urgent challenges that affect both European citizens and vulnerable societies and individual all around the world.*** The Lisbon Treaty also provides the potential for a new democratic foreign policy architecture to address the challenge clearly set out in the 2008 Report on the Implementation of the European Security Strategy which states that:

*“Maintaining public support for our global engagement is fundamental. In modern democracies, where media and public opinion are crucial to shaping policy, popular commitment is essential to sustaining our commitments abroad. We deploy police, judicial experts and soldiers in unstable zones around the world. **There is an onus on governments, parliaments and EU institutions to communicate how this contributes to security at home**”.*

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## 4. THE DEMOCRATIC ACCOUNTABILITY OF THE CSDP AND THE ROLE OF THE EUROPEAN PARLIAMENT

*Michele Comelli*

### **Introduction**

Since the European Union has started to take on a role in security and defence, the debate on democratic legitimacy and accountability within the Union has been extended to include these areas. This is especially true since the launch of the first Common Security and Defence Policy (CSDP) missions in 2003. While the basic features of what is generally referred to as the “democratic deficit” of the EU decision-making processes also apply to the security and defence spheres, these differ in certain characteristics from other areas.

First, the security and defence sectors have traditionally been distinguished by a higher level of secrecy compared with other sectors. Much progress has certainly been made since the United States (US) President Woodrow Wilson, in the first of the 14 points he presented to Congress in 1918, emphasized the need for diplomacy to proceed “in the public view”. It remains the case, however, that foreign, security and defence policies are considerably less open than other policy sectors.

Second, they also require faster decision-making processes, because foreign policy decision-makers often need to react to unexpected events and crises. In addition, for all the changes introduced since the Maastricht Treaty, security and defence policies remain mainly intergovernmental. Most notably, in the absence of a European army, CSDP has to rely on national forces that are deployed by national governments as and when required to serve under

the “EU hat”. Each Member State therefore retains the power to decide whether or not to deploy troops for EU missions. We might be led to conclude, therefore, that the democratic legitimacy and accountability of the CSDP should be ensured mainly at the national level. However, this option entails a number of problems.

First, the powers and *modus operandi* of national parliaments in the individual Member States differ widely. This applies, in particular, to their power to control security and defence policy decisions. Second, there are many political and institutional problems standing in the way of democratic, national control of CSDP. One such problem is that security and defence policies have undergone a transformation and are now focused on the projection of security abroad rather than on territorial defence. Indeed, they have more to do with ensuring the implementation of multilaterally-mandated missions than with ensuring the defence of national territory.

While the decision to authorise the deployment of national troops remains in the hands of Member States, the decision to launch a mission is taken at the EU level. The EP has traditionally had an extremely limited role in overseeing security and defence policies, but the Lisbon Treaty introduced a number of changes that strengthen this role. Moreover, the EP has taken advantage of the debate among the EU institutions on the establishment of the European External Action Service (EEAS) to try to gain greater powers of control over both the Common Foreign and Security Policy (CFSP) and the CSDP. Moreover, the EP has a *vision d'ensemble* of CSDP, that national parliaments cannot have.

This paper starts out by defining the concepts of accountability and democratic legitimacy and then investigates why democratic control of CDSP at the national level alone poses problems. It then goes on to make a case for strengthened powers of control for the European Parliament. In so doing, the paper analyses how the Lisbon Treaty has increased the powers of the EP in this domain. It examines how these powers are likely to be further strengthened as a consequence of new inter-institutional power dynamics in Brussels and the creation of new bodies such as the EEAS. It then takes a brief look at the changes introduced by the Lisbon Treaty, directly and indirectly, to the interparliamentary dimension of democratic accountability. The paper concludes with a number of policy recommendations on the ways and means to reinforce the EP's democratic control over security and defence policy.

## 1. Democratic Legitimacy and Accountability in CSDP: What They Are and why Bother about Them

The debate over the democratic legitimacy of the European Union intensified following the signing of the Maastricht Treaty in 1992 and the first referenda on the Treaty, which took place in Denmark and France. While it initially focused on the “communitarised” sectors, the debate gradually extended to intergovernmental sectors such as Common Foreign Security Policy (CFSP) and the Common Security and Defence Policy (CSDP). The launch of EU civilian and military missions, which started in 2003, has given added impetus to that debate.

Before examining why democratic legitimacy and accountability in CSDP matter, it is first necessary to define these concepts, a step that will also help delimit the scope of this paper.

The first question is: according to which version of democracy should we evaluate legitimacy? Since democracy is a contested concept and different versions of it exist in the various EU countries, they need to be combined in a way that avoids incompatibilities and deadlock. Wolfgang Wagner provides a typology of democratic legitimacy:<sup>1</sup> 1) legitimacy as ensured by effective governance (“government for the people” or “output legitimacy”); 2) legitimacy as ensured by participatory procedures (“government by the people” or “input legitimacy”, the latter of which, in turn, may take place at national and/or European level); and 3) compliance with international law. This paper focuses on the second typology, “input legitimacy”, which has become an ever-more important issue in the political and academic debate, especially since the entry into force of the Lisbon Treaty.

Linked to the concept of democratic (input) legitimacy is that of accountability, meaning the relationship between an actor and a forum, in which the former has an obligation to explain or justify his/her conduct and the latter may pose questions and pass a judgement. Following this approach, the actor may face the consequences of this judgement.<sup>2</sup>

<sup>1</sup> See Wolfgang Wagner, *The Democratic Legitimacy of European Security and Defence Policy*, Paris, EU Institute for Security Studies, 2005 (Occasional Paper No. 57), p. 7, available at: [http://www.iss.europa.eu/nc/actualites/actualite/select\\_category/22/article/the-democratic-legitimacy-of-european-security-and-defence-policy/?tx\\_ttnews\[pS\]=1104534000&tx\\_ttnews\[pL\]=31535999&tx\\_ttnews\[arc\]=1&cHash=2214e5e50a](http://www.iss.europa.eu/nc/actualites/actualite/select_category/22/article/the-democratic-legitimacy-of-european-security-and-defence-policy/?tx_ttnews[pS]=1104534000&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=2214e5e50a).

<sup>2</sup> See Mark Bovens, *Analysing and Assessing Public Accountability. A Conceptual Framework*, European Governance Papers, No. C-06-01, 2006, available at: <http://www.connex-network.org/eurogov/pdf/egp-connex-C-06-01.pdf>.

Traditionally, it has been up to the parliaments to ensure this kind of accountability. We will therefore examine to what extent parliamentary institutions at the different levels (national and European) exercise scrutiny of decisions taken in the CSDP context.

For a number of reasons, little attention has traditionally been paid to the problem of the democratic legitimacy and accountability of European foreign, security and defence policies. First, these policies have usually been characterised by a higher level of secrecy and by a need for greater responsiveness, rapidity and flexibility than other policies. Expectations of adequate democratic legitimacy and accountability in these domains are therefore lower. In addition, these policies have mainly remained intergovernmental in nature and have not been affected by the trend towards a more supranational profile that has characterised other EU policy sectors.

However, democratic legitimacy and accountability have gained importance in the security and defence fields also. To start with, the armed forces have undergone a transformation process which has unfolded along two lines: they have increasingly moved from territorial defence to an external projection of their role/scope of action; and they have become more engaged in multilaterally-mandated missions, including CSDP ones. The combined impact of these two processes complicates the exercise of control by national parliaments. Moreover, the difficulties they experience have not been compensated by an increased role for the European Parliament. For this reason, some scholars have spoken of a “double democratic deficit” in the CFSP and the CSDP domains. But why should we be bothered by this trend?

First, ensuring the democratic legitimacy and accountability of European foreign, security and defence policy contributes to the credibility of the EU as an international actor. The EU, whose foreign and security policy goals encompass the promotion of democratic practices abroad, including accountability, cannot afford not to ensure democratic control of its own foreign and security policies. Second, as has been argued, by Wolfgang Wagner in particular, the democratic control of security and defence policies is connected to a country’s stance on the use of violence in international relations.<sup>3</sup> It constitutes one of the guarantees whereby peaceful and cooperative international relations are maintained. In our analysis we will look at parliamentary bodies (national parliaments, the European

<sup>3</sup> See Wolfgang Wagner, *The Democratic Deficit in the EU’s Security and Defense Policy – Why Bother?*, RECON Online Working Paper 2007/10, September 2007, p. 1.

Parliament and interparliamentary fora) because parliaments are considered “the central locus of accountability”<sup>4</sup> for decisions concerning the use of force.

## 2. The Control of National Parliaments over Common Security and Defence Policy (CSDP)

The Common Security and Defence Policy is a multi-level policy: while its decisions are taken in Brussels, at the European Union level, they are implemented nationally, drawing on national capabilities. This multi-level game makes CSDP decisions difficult to control – at both the national and the European level.<sup>5</sup> CSDP decisions are taken by EU Foreign Ministers gathered in the Foreign Affairs Council, on a unanimity basis. In particular, the Council's decisions to launch a mission are taken through a CFSP Joint Action drafted by the Political and Security Committee (PSC, also known as COPS). This covers the mission mandate, its objectives, scope, duration and chain of command, as well as the resources that the individual Member States will be making available to the EU. While the decision to launch a CSDP mission is taken within an EU framework, the commitment to deploy troops and to finance their mission is national. It is the Member States that place their troops at the EU's disposal, since it does not have its own.

As a consequence, it is still up to national parliaments to scrutinise their government's decisions to deploy troops, even when they take part in multilateral missions led by the EU or by an international organisation. However, national parliaments exert different degrees of control over their governments' decisions. Heiner Hänggi<sup>6</sup> has identified three factors that combine in determining the effectiveness of parliamentary accountability: 1) authority, i.e., the power, constitutionally enshrined or derived from customary practice, to hold the government accountable; 2) ability,

<sup>4</sup> See Heiner Hänggi, “The Use of Force under International Auspices: Parliamentary Accountability and ‘Democratic Deficits’”, in Hans Born and Heiner Hänggi (eds.), *The ‘Double Democratic Deficit’. Parliamentary Accountability and the Use of Force under International Auspices*, London, Ashgate, 2004, p.11.

<sup>5</sup> See Suzana-Elena Gavrilesu, “Parliamentary Scrutiny of European Security and Defence Policy: is there Anybody in Charge?”, in *Perspectives/Review of International Affairs*, Issue 22, 2004, p. 75.

<sup>6</sup> See Heiner Hänggi, “The Use of Force under International Auspices: Parliamentary Accountability and ‘Democratic Deficits’”, cit., p. 11.

i.e., the resources, budget and staff instrumental in exercising parliamentary control; and 3) attitude, i.e., willingness to hold the executive to account. The most important of these factors is certainly authority, which differs widely between individual European countries. However, even in EU countries like Italy and Germany where the parliament is entrusted with considerable authority to keep check on the executive, the situation is far from ideal.

More in general, notwithstanding the differences between one EU country and another, a “democratic deficit” with respect to control over the CSDP exists in all countries of the Union. According to a study conducted by Hans Born et al. for the Centre for the Democratic Control of Armed Forces (DCAF),<sup>7</sup> four factors account for this.

First, only a few countries are entitled to give their government a clear negotiating mandate prior to the adoption of a Council decision. Second, few national parliaments are empowered to give their formal approval for the deployment of troops in an international operation. In many cases, powers of approval are limited to the deployment of armed forces and do not include, for example, the secondment of national police personnel to police missions. Since most of the CSDP missions launched so far by the EU are civilian and civilian/military rather than purely military, this constitutes a real problem. Third, national parliaments are dependent on their governments as far as the transmission of security and defence-related information is concerned. Furthermore, their powers are mostly limited to the yearly approval of funds for external operations, as part of the overall national defence budget. Fourth, and last, national parliaments are only able to scrutinise their own governments, and therefore lack a *vision d'ensemble* of the whole ESDP decision-making process.<sup>8</sup> In fact, they are neither jointly associated with this process nor able to exercise a collective scrutiny of the implementation of Council decisions.<sup>9</sup>

<sup>7</sup> See Hans Born et al., *Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels*, Brussels, European Parliament, 2007, available at: [http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/dv/pe348610\\_/PE348610\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/pe348610_/PE348610_en.pdf).

<sup>8</sup> See Suzana-Elena Gavrilescu, “Parliamentary Scrutiny of European Security and Defence Policy: is there Anybody in Charge?”, cit., p. 78.

<sup>9</sup> See Hans Born et al., *Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels*, cit., p. 4.

### 3. The Role of the European Parliament

Unlike most policy sectors, where the European Parliament has progressively acquired more power since the Maastricht Treaty, it has continued to have only a marginal role in the CFSP and CSDP areas. However, the entry into force of the Lisbon Treaty in December 2009 has given the EP – directly and, above all, indirectly – a growing role in these areas as well. Currently, the EP is neither associated *ex ante* with the CSDP decision-making process nor able to scrutinise the Council's decisions *ex post*.<sup>10</sup> The minor role played by the EP in these areas is a consequence not just of the fact that CSDP is mainly an intergovernmental policy, but also that one of the primary concerns of the CSDP architects has been its efficiency.<sup>11</sup> While many Brussels-based institutions have been built up to make CFSP and the CSDP more effective, no significant new powers have been entrusted to the EP.

The current Lisbon Treaty grants information and consulting powers to the EP on “the main aspects and basic choices” of both CFSP and CSDP (art. 36 of the Treaty on the European Union, TEU). The former article 21 of the TEU (Nice version), on the other hand, referred only to the CFSP, leading some scholars to wonder whether the power of consultation granted to the EP included the CSDP or was limited to CFSP alone. These new powers are actually limited and vague, since the text fails to spell out what the “main aspects and basic choices of the CFSP and CSDP” are. Nor does it specify whether the EP should be consulted *ex ante* or *ex post*. Art. 21 of the Nice Treaty entrusted the rotating EU Presidency with the task of consulting the Parliament. Art. 36 of the Lisbon Treaty assigns this task to the newly created High Representative for Foreign Affairs and Security Policy (HR/VP), who shall also “ensure that the views of the European Parliament are duly taken into consideration”.

<sup>10</sup> See Suzana-Elena Gavrilesu, “Parliamentary Scrutiny of European Security and Defence Policy: is there Anybody in Charge?”, cit., p. 82. *Ex ante* refers to any form of parliamentary oversight from the identification of a crisis to the decision to take action. *Ex ante* instruments may include: prior authorisation of the mission; the issuing of non-binding resolutions or recommendations about an upcoming mission; budget control; the raising of questions; or the organization of (public) hearings. *Ex post* oversight refers to any oversight that takes place after the decision to take action has been adopted and involves the phases of implementation, eventual refocusing of EU action and termination of operation. See Hans Born et al., *Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels*, cit., p.5.

<sup>11</sup> See Esther Barbé, “The Evolution of CFSP Institutions: Where does Democratic Accountability Stand”, in *The International Spectator*, Vol. 39, No. 2, April–June 2004, pp. 47-60.

Actually, since the new HR/VP role was created, the relationship between the holder of this position and the EP has acquired more importance. Indeed, the HR/VP, together with the President and the other members of the Commission, shall be subject to a vote of consent by the European Parliament. In addition, before the European Parliament approves the new Commission, each candidate for commissioner will be heard before the relevant committee of the European Parliament. She also appears before the Parliament in her position of Commissioner for External Relations (RELEX). The Lisbon Treaty also increased the number of plenary sessions of the European Parliament on CFSP/CSDP issues from one to two a year.

Linked to the right of the EP to be consulted is its right to receive adequate information, a right which is regulated by a number of Inter-institutional agreements (IIA) with the Council and the Commission. Most notably, the IIA of 20 November 2002 provided for limited access by the European Parliament to sensitive information held by the Council in the field of security and defence policy.<sup>12</sup>

The right of access to confidential documents – but not to all secret documents – is not granted to all members of the European Parliament (MEPs), but to a Special Committee composed of five MEPs, or to the EP President. These documents can only be consulted on the Council premises. The Special Committee is presided over by the Chairman of the EP's Foreign Affairs Committee (AFET). Its other four members are appointed by the Conference of Presidents, including the Chairman of the Security and Defence Sub-Committee (SEDE). In addition, Member States and third parties can deny access to the documents if they so decide.

The rules governing the transfer of documents are even more strict. They provide that confidential documents may be transmitted only to the President of the European Parliament, who has a number of options for passing them on to other EP bodies.<sup>13</sup> In its latest report on the Implementation of the European Security Strategy and the Common

<sup>12</sup> See European Parliament, Council of the European Union, *Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy*, Official Journal of the European Communities, 298, 30 November 2002, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2002:298:0001:0003:EN:PDF>.

<sup>13</sup> See Udo Diedrichs, "The European Parliament in CFSP: More than a Marginal Player?", in *The International Spectator*, Issue 2, 2004, p. 43.



Security and Defence Policy, the EP called for a revision of these rules.<sup>14</sup> The EP's right to be informed has been slightly reinforced by the 2006 Inter-institutional Agreement. This provides that the Presidency of the Council (the HR/VP after the entry into force of the Lisbon Treaty) shall consult the EP each year on a forward-looking Council document to be transmitted by June 15.<sup>15</sup> The document sets out the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the European Union and an evaluation of the measures launched during the previous year. In addition, the Council Presidency keeps the European Parliament abreast of developments through joint consultation meetings taking place at least five times a year, in the framework of the regular political dialogue on the CFSP. Participants in these meetings include the European Parliament (the bureaux of the two Committees concerned), the Council, represented by the Chairman of the Political and Security Committee, and the Commission.

As mentioned above, the EP has no formal power of authorisation of CSDP missions. However, it has other non-binding instruments to exercise scrutiny over EU missions. *Ex ante*, the EP can issue non-binding resolutions and recommendations before a Joint Action is taken or before a the CSDP mission is launched. These resolutions are normally adopted following statements made by Council and Commission officials before the EP. The Security and Defence Sub-Committee (SEDE) was set up in 2004 as part of the EP's Foreign Affairs (AFET) Committee. It has been particularly active in the dialogue with the Council over CSDP missions, including future ones, its main responsibility being to monitor civilian and military CSDP operations. In addition, SEDE has established the practice of inviting the Permanent Representative of the country holding the EU Presidency to

<sup>14</sup> See European Parliament, *Report on the Implementation of the European Security Strategy and Common Security and Defence Policy*, Committee of Foreign Affairs, A7-0026/2010, 2 March 2010, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2010-0026+0+DOC+XML+V0//EN&language=IT>.

<sup>15</sup> See European Parliament, Council of the European Union, Commission of the European Communities, *Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management*, Official Journal of the European Communities, C 139, 14 June 2006, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:139:0001:0017:EN:PDF>.

provide a briefing on its programme and on CSDP developments.<sup>16</sup> In some cases it is the Foreign Affairs or Defence Minister of the Presidency country who is invited to brief SEDE members.

With regard to *post hoc* oversight of accountability, the powers of the EP are again limited. So far, it has not adopted any *ex-post* resolutions on a CSDP mission. Each year, the EP receives a report from the Council on CFSP and CSDP-related developments, on the basis of which it drafts its own report containing recommendations on the matter. However, the EP report does not have much impact on the Council's strategy. Similarly, the EP may receive written reports from the European Union's Special Representatives (EUSRs). However, the latter are not obliged to send these reports, and in practice they have done so only on some occasions.<sup>17</sup> Instruments such as hearings and evaluations have been used often, especially by the SEDE Sub-Committee. Individual MEPs may also address specific questions to the Council, which is obliged to provide an oral answer directly at question time or a written one at a later date. In addition, members of AFET and SEDE have a right to visit the troops deployed for a mission, with the results of the visit being reported to the Chair of the delegation.

While the European Parliament has limited powers in overseeing CSDP missions, and no power at all in authorising them, it has an important role with regard to budgetary decisions on civilian CSDP missions - which constitute most of the EU missions undertaken so far - but not for military ones.

The rules governing the financing of missions, laid down in the 2001 Commission Communication on the Financing of Civilian Crisis Management Operations, outlines three different types of crisis management missions.<sup>18</sup> These are: 1) "operations under a Community instrument", financed by the Community budget; 2) CFSP operations without

<sup>16</sup> See Esther Barbé and Anna Herranz Surrallés, "The power and practice of the European Parliament in security policies", in Dirk Peters, Wolfgang Wagner and Nicole Deitelhoff (eds.), *The Parliamentary Control of European Security Policy*, ARENA Report No. 7/08 and RECON Report No. 6, Oslo: ARENA, December 2008, pp. 77-107, available at: [http://www.arena.uio.no/publications/reports/2008/ARENAreport0708\\_online.pdf](http://www.arena.uio.no/publications/reports/2008/ARENAreport0708_online.pdf).

<sup>17</sup> See Hans Born et al., *Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels*, cit., 2007.

<sup>18</sup> See Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament, Financing of Civilian Crisis Management Operations*, Brussels, 28 November 2001, available at: [http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002\\_0082en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002_0082en01.pdf).

military or defence implications, financed by the CFSP budget; 3) CSDP operations with military implications, financed by Member States (outside the EU budget).

The first category of operations are first-pillar actions over which the EP has powers of scrutiny and co-decision.

The second category of operations (e.g. executive police operations) is decided by a Council Joint Action under the second pillar and is normally charged to the CFSP budget. The EP can place a ceiling on the budget. In addition, every three months the Council must provide the EP with a detailed list of CFSP commitment appropriations, including the costs of civilian CSDP missions. If the Council believes the CFSP budget appropriations for operations to be insufficient, it has to ask the EP for additional funds. The Council must inform the EP every time CFSP expenditure is envisaged and in any case no later than five days after the adoption of a final CFSP decision. Finally, the Joint Consultation Meetings, formally introduced by the 2006 Interinstitutional Agreement with the aim of keeping the EP abreast of CFSP financial planning and spending, take place at least five times a year.

It should be noted, however, that the Council may decide that some costs are to be borne separately by Member States. This normally applies to the costs involved in the secondment of national personnel and those incurred during the preparatory phase of a given operation, e.g. fact-finding missions. As argued by some scholars,<sup>19</sup> the existence of these various types of costs financed through the Member States clearly hinders the Parliament's supervisory tasks.

As far as the financing of CSDP military missions is concerned, the EP has no oversight powers whatsoever. In fact, common administrative costs are financed through the so called Athena mechanism. This refers to a common fund for military missions, where Member States' contributions are made in advance on the basis of a fixed percentage of gross national income (GNI). So-called "operational costs" must be borne by Member States on the basis of the "costs lie where they fall" principle, which is also applied by international organisations such as NATO.

<sup>19</sup> See Esther Barbé and Anna Herranz Surrallés, "The power and practice of the European Parliament in security policies", *cit.*, pp. 77-107.

#### 4. Democratic Accountability of the CSDP and the Negotiations on the European External Action Service

What is even more remarkable is that the European Parliament has succeeded in gaining a stronger role in the control of both CFSP and CSDP. In this, it has taken advantage of the negotiations with the Council and the HR/VP on the arrangements for the European External Action Service (EEAS), the new diplomatic service envisaged by the Lisbon Treaty. The Decision that established the new service on 26 July 2010<sup>20</sup> was actually taken by the Council, acting on a proposal made by the HR/VP after consulting the European Parliament and obtaining the consent of the Commission. Therefore, the EP had only a consulting role on the Council decisions. It did, however, have power of co-decision, that is, a right of veto, on two regulations - the Staff Regulation and the Financial Regulation - that were essential to put the EEAS in place, and on the budgetary adjustment.

During the negotiations among the EU institutions on the arrangements for the establishment and functioning of the EEAS, the EP succeeded in linking its consultation power on the decision with its power of co-decision on the two regulations mentioned above. It extracted a number of important concessions from the Council and the HR/VP on these arrangements. The main principle the EP tried to foster was that of the political accountability of the HR/VP and the new service vis-à-vis the EP.

An analysis of the concessions that the EP obtained on this issue goes beyond the scope of this paper. It is important to recall here, however, that the HR/VP issued a Declaration on Political Accountability, annexed to the EP Resolution of 8 July 2010 on the EEAS,<sup>21</sup> where she sets out a number of commitments intended to ensure an adequate degree of accountability of CFSP and CSDP.

The Declaration reaffirms, first, that the HR/VP will seek the views of the EP on the main aspects and basic choices of CFSP. All exchanges of views

<sup>20</sup> See Council of the European Union, *Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU)*, Official Journal of the European Union, 3 August 2010, L 201/30, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:201:FULL:EN:PDF>.

<sup>21</sup> See European Parliament, *Legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organization and functioning of the European External Action Service (08029/2010 – C7-0090/2010 -2010/0816(NLE))*, 8 July 2010, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0280+0+DOC+XML+V0//EN>.

leading up to the adoption of mandates and strategies in the CFSP sphere must take place in the appropriate format. For example, the practice of holding Joint Consultation Meetings will be enhanced and briefings given at these meetings will focus on missions financed from the EU budget. In addition, the declaration recalls another point on which the EP had been particularly keen during the negotiations on the arrangements for the EEAS. If the HR cannot participate in an EP plenary debate on CFSP/CSDP, her place will be taken by a representative from the rotating Presidency or from the trio Presidencies and the EP will be informed of this replacement.

The provisions of the 2002 IIA concerning the transmission of confidential information on CSDP missions and operations have also been confirmed. However, the HR can also provide other MEPs with access to other CFSP documents on a need-to-know basis at the request of the AFET Chair, and, if needed, the EP President.

Second, the text confirms that the new budgetary procedure introduced by the Lisbon Treaty applies in full to the CFSP budget and that the HR/VP has undertaken to work towards greater transparency on the CSDP budget. This includes the possibility of identifying the major CSDP missions within the budget.

Alongside these measures, the European Parliament also asked to have budgetary control of a possible warehouse to be put at the disposal of EU missions and an EU Institute for peace, both to be created. However, by increasing its demands, the EP may run the risk to be perceived by the other EU institutions, and notably by the Council, as altering the interinstitutional balance in Brussels. Whether or not the EP is to perform a role comparable to that of the US Senate will depend to a large extent on the way in which the relationship between the EP on the one hand, and the HR/VP and the EEAS on the other, evolves.<sup>22</sup>

## 5. The Role of Inter-parliamentary Cooperation

Besides the national and the European levels, there is a third level of control over CFSP and CSDP, exercised by inter-parliamentary bodies. The most important of these has traditionally been the Western European Union's European Security and Defence Assembly (WEU-ESDA).

<sup>22</sup> See Antonio Missiroli, *Implementing the Lisbon Treaty: The External Policy Dimension*, Bruges Political Research Papers No. 14/2010, College of Europe, p. 23, available at the website of the College of Europe [www.coleurope.eu](http://www.coleurope.eu).

Following the transfer of the WEU's operational activities to the EU in 2000, the Assembly's main focus has been twofold. It monitors the implications of the WEU's collective defence commitment under Article V of the modified Brussels Treaty, as well as cooperation with NATO, and it also scrutinises the CSDP. The Assembly has devoted special attention to issues such as peacekeeping operations in the Balkans, the Middle East and Africa. One of the strengths of the ESDA is that its institutional set-up, including a permanent secretariat and specialised staff, has enabled it to provide a continuous follow-up on security and defence issues at the European level.<sup>23</sup> However, what the Assembly can do is subject to a number of limitations.<sup>24</sup>

In any case, on 31 March 2010 the Presidency of the WEU Permanent Council issued a statement declaring that ESDA and the remaining WEU bodies had been made redundant by the entry into force of the Lisbon Treaty and specifically by the EU defence clause. They would therefore be disbanded by June 2011.<sup>25</sup>

The same statement, however, called for the enhancement of the European interparliamentary dialogue in the field of security and defence to make up for the future closure of the Assembly. Immediately afterwards, the President of the WEU-ESDA set up a "steering committee" tasked with creating a substitute body and evaluating suggestions on how to continue interparliamentary control of CSDP.<sup>26</sup> In his view, there is a need for a light

<sup>23</sup> See Suzana-Elena Gavrilescu, "Parliamentary Scrutiny of European Security and Defence Policy: is there Anybody in Charge?", cit., p. 89.

<sup>24</sup> First, the Assembly is not legally entitled to intervene in the decision-making process, either at national or at the EU level. Rather, it acts as a forum for scrutinising CSDP policies and missions. Second, membership of the Assembly coincides with WEU and not with EU membership, which results in the Assembly including Members of Parliament (MPs) from non-EU countries such as Norway and Turkey. This poses the question: how legitimate is it that an institution that includes representatives from non-EU Member States should scrutinise European security and defence policy? Finally, the national delegations to the WEU-ESDA must be identical to those in the Assembly of the Council of Europe and no criteria for the sphere of competence of appointed members have been set out. It follows that the national delegations are not necessarily made up of a majority of defence committee members.

<sup>25</sup> See WEU Permanent Council, *Statement by the Presidency on the termination of the Brussels Treaty*, 31 March 2010, available at: [http://www.ena.lu/statement\\_presidency\\_permanent\\_council\\_termination\\_brussels\\_treaty\\_march\\_2010-02-37640](http://www.ena.lu/statement_presidency_permanent_council_termination_brussels_treaty_march_2010-02-37640).

<sup>26</sup> See European Security and Defence Assembly, Assembly of the Western European Union, *CSDP Monitoring by national parliaments and in the European Parliament – reply to the annual report of the Council*, report submitted on behalf of the Committee for Parliamentary and Public Relations by Marietta Karamanli and Hendrik Daems, Document A/2069, 15 June 2010, p. 6, available at: [http://www.assembly-weu.org/en/documents/sessions\\_ordinaires/rpt/2010/2069.pdf](http://www.assembly-weu.org/en/documents/sessions_ordinaires/rpt/2010/2069.pdf).

but permanent structure, to be jointly financed by the 27 EU national parliaments.<sup>27</sup>

In addition to the WEU-ESDA, other interparliamentary bodies also exist. These include:

- the Conference of Parliamentary Committees for Union Affairs (COSAC), bringing together parliamentarians from the Community and European Affairs Committees of national parliaments as well as representatives of the EP;
- the Conference of Foreign Affairs Committee Chairpersons (COFACC), bringing together the chairpersons of the Committees on Foreign Affairs of the national parliaments and of the European Parliament;
- the Conference of the Defence Committee, which focuses on defence topics.

So far, however, cooperation within COSAC and COFACC has been narrow in scope. Moreover, given the limited number of meetings, it cannot exercise systematic oversight of CSDP decisions and can only provide limited exchanges of information. However, the importance of this form of inter-parliamentary cooperation is acknowledged by the Lisbon Treaty and, more specifically, by its Protocol No. 1 on the role of national parliaments in the European Union. Art. 10 of the Protocol encourages the conference of Parliamentary Committees for Union Affairs to organise inter-parliamentary conferences to debate matters of common foreign and security policy, including common security and defence policy. With the end of the WEU-ESDA approaching and in view of the Lisbon Treaty provisions, some proposals have been tabled to establish new forms of inter-parliamentary cooperation, including, in particular, the establishment of an inter-parliamentary conference which would bring together the AFET members as well as representatives from the foreign affairs, defence and EU affairs committees of national parliaments.<sup>28</sup>

<sup>27</sup> See Robert Walter, *Preserving Democracy: Parliamentary Scrutiny of EU Security and Defence Policy*, Royal United Service Institute, NewsBrief, Vol. 30, No. 3, May 2010, available at: [http://www.assembly-weu.org/en/presse/articles/2010/Walter\\_RUSI\\_M2010.pdf?PHPSESSID=f3137d60](http://www.assembly-weu.org/en/presse/articles/2010/Walter_RUSI_M2010.pdf?PHPSESSID=f3137d60).

<sup>28</sup> See, for example, the motion on the creation of an interparliamentary conference on foreign policy, security and defence approved by the Italian Parliament in September 2010. Camera dei Deputati, *Seduta n. 368 di mercoledì 15 settembre 2010, Mozione Cicchitto, Franceschini, Reguzzoni, Casini, Bocchino, Casini, Bocchino, Donadi ed altri. N. 1-00423 concernente iniziative per l'istituzione di una Conferenza interparlamentare per la politica estera, di difesa e sicurezza europea*, available at: [http://www.camera.it/417?idSeduta=368&resoconto=allegato\\_a.mozioni.02&param=sed0368.allegato\\_a.mozioni](http://www.camera.it/417?idSeduta=368&resoconto=allegato_a.mozioni.02&param=sed0368.allegato_a.mozioni).

## Concluding Remarks and Policy Recommendations

This study has shown that, even though the areas of European security and defence have a number of distinguishing features, they are affected by the problem of the so-called “democratic deficit”. Putting adequate mechanisms in place to ensure the democratic legitimacy and accountability of the CSDP is therefore of paramount importance.

Legally, it is still a competence of the national parliaments to approve the financing of CSDP and the deployment of national troops for its missions. At the same time, the democratic legitimacy and accountability of the CSDP is an EU-wide issue, which cannot be limited to the national level. Indeed, national troops serve in EU missions under the EU hat, making it important for the European Parliament to increase its power of scrutiny over CSDP. This is even more true since the entry into force of the Lisbon Treaty, which created new institutions in the CSFP-CSDP domain, notably the HR/VP and the EEAS. These may not be supranational bodies, but they cannot be regarded as intergovernmental bodies either. It is necessary, therefore, for democratic legitimacy mechanisms to be enforced at the EU level. At the same time, national parliaments have neither a *vision d'ensemble* as enjoyed by the EP nor adequate access to information. Not to mention the fact that too many differences exist between the powers and resources that they possess. In fact, national legislation and practices regarding the control of CSDP, including the authorisation to deploy troops as part of EU missions, widely differ among member countries. This is a major - and ultimately insurmountable - obstacle that prevents national parliaments from exercising effective scrutiny over CSDP.

Finally, the termination of the WEU-ESDA poses the problem of how to continue interparliamentary cooperation on the question of CSDP accountability.

To achieve these objectives, the following measures should be taken:

- While it would be extremely difficult to overcome political, institutional and cultural differences among Member States, it is important for best practices to be made widely known. In addition, those Member States that do not have mechanisms in place to provide for the scrutiny of security and defence policies should make an effort to improve the situation.
- In view of the future termination of the WEU-ESDA, no new interparliamentary body needs to be set up. Rather, existing fora for interparliamentary cooperation, such as COSAC and COFACC, could be strengthened.



- It is important that representatives of national parliaments meet regularly with MEPs, in order to ensure a proper exchange of views and practices on defence issues between the European and the national levels.
- The provisions contained in the HR/VP's Declaration on political accountability should be fully implemented. The period between the Lisbon Treaty entering into force and the EEAS being fully established is a decisive one, since it is a time when practices and precedents are established. It is therefore important that the measures noted in the document be given full effect.
  - A working – and effective – relationship must be established between the HR/VP and the EP, so that the latter is duly informed, in accordance with its prerogatives, of the main aspects and basic choices of CFSP/CSDP, including missions.
  - Access to confidential CSDP documents should be extended to a larger number of MEPs to avoid discrimination among them and, most important, to enable them to exercise their prerogatives in a more informed and effective manner. In particular, MEPs who act as *rapporteurs* on topics regarding CSDP should be given access to these documents, once they are security-cleared.
  - The Sub-Committee on Security and Defence (SEDE), currently established within the AFET Committee of the EP, has played an important role, although there is the need to establish a more functional division of labour between the AFET Committee and the SEDE Sub-Committee, also in order to avoid damaging institutional turf wars. Some think that a bolder move would be to transform the SEDE into a fully-fledged EP Committee with adequate resources and staff. Such measure, which, they argue, would contribute significantly to enhancing parliamentary scrutiny over CSDP, can be enacted at mid-legislature or at the start of the next legislature. However, some others oppose this move, arguing that security and defence topics should not be decoupled from broader foreign policy topics.
  - An adequate communication effort should be made by MEPs and MPs participating in these meetings to inform the wider public of the goals and instruments of the CSDP. The best way to ensure democratic legitimacy and accountability for CSDP is to establish forms of political control by parliamentary bodies over the executives. However, this should be matched with a parallel effort by parliamentarians, at both the national and the EU levels, to reach out to citizens.

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## CONCLUSIONS AND POLICY RECOMMENDATIONS

# WHAT MODEL FOR EU CRISIS MANAGEMENT? REALITIES AND PROSPECTS IN THE POST-LISBON ERA

*Ettore Greco, Nicoletta Pirozzi and Stefano Silvestri*

### 1. EU Crisis Management Today

Over the last decade, the European Union (EU) has shown a growing activism in dealing with both regional and global security challenges. The establishment and subsequent expansion of the European Security and Defence Policy (ESDP), now called Common Security and Defence Policy (CSDP), has enabled the Union to acquire new operational and institutional instruments for crisis management. The EU is inspired by a comprehensive concept of security. This includes not only crisis management, but also conflict prevention and post-conflict reconstruction as well as a wide range of military and civilian activities such as traditional peacekeeping, policing, development aid and institution-building. The European Security Strategy adopted in December 2003 confirmed this approach, which has also been reinforced by new provisions contained in the Lisbon Treaty.

As underlined in the previous chapters, the EU's actorness in security and defence has acquired an increasingly high profile, thanks to a series of important steps in terms of capability development, operational experience, institutional set-up and policy elaboration. This evolution has interested both the military and the civilian fields, leading to the gradual emergence of an integrated civilian-military approach.

However, the European architecture for crisis management and its operational capabilities still present several shortcomings and fall short of the ambitious goals declared in various official documents. Moreover, the EU's

foreign and security policy suffers from a lack of coherence – both internally and with other external actions such as development cooperation or trade – and from a deficit of democratic accountability.

The aim of this chapter is to summarise the strengths and weaknesses of the EU security and defence system as outlined in the other parts of this study, and to offer a set of policy recommendations for its further development.

### *1.1 The Military Goes European*

The economic crisis may provide a strong incentive for the Europeanisation of defence structures and capabilities. Indeed, a number of Member States are considering with renewed interest the possibility of cooperating and pooling resources at the EU level in the defence sector.

Moreover, EU countries now have at their disposal a number of new structures, instruments and mechanisms, established both within and outside the framework of the Lisbon Treaty. Those willing and able to advance quickly in the development of defence capability can set up a Permanent Structured Cooperation to make a coordinated use of and expand their national capacities.

The European Defence Agency established in 2004 has the potential to become a valuable instrument to promote and combine initiatives in various fields, including equipment and logistics. The Battlegroups – highly trained, battalion-size formations available on call to be deployed within 15 days notice and sustainable for at least one month – offer a tool for regular and intense military cooperation between member States. This allows the Union to intervene in remote and volatile crisis scenarios, possibly in preparation of a larger EU or United Nations mission.

However, current budget cuts could also hamper the participation of Member States in EU security and defence activities and lead them to prefer other forms of cooperation – bilaterally or in other frameworks such as NATO. This tendency is favoured by the current budgetary system for the financing of EU military operations, whereby only 10% of costs are covered by a common mechanism – the so called Athena mechanism – and the rest is paid by contributing countries. The sharing of risks and costs is therefore unequally distributed, to the detriment of bigger States. This is one of the reasons why both Permanent Structured Cooperation and Battlegroups have so far existed only on paper and the EU has often failed to show its flag and make its contribution in a number of conflict theatres.



## *1.2 The EU as a Civilian Power*

The civilian sector has gained increasing importance in the EU's crisis management doctrine and practice. It is the sector in which the EU offers a clear advantage compared with other security actors. Indeed, most EU operations are today of a civilian nature. Since 2003, the EU has deployed 17 civilian (or civilian-military) missions out of 25 CSDP operations, nine of which are still ongoing in such diverse regions as the Balkans, the Middle East, Africa, the South Caucasus and Central Asia.

In terms of capability development, the past ten years of civilian CSDP have been characterized by significant achievements. In particular, the elaboration of future intervention scenarios under the two Headline Goals, 2008 and 2010, has enabled the EU to assess the size, type and duration of the civilian responses that might be required. New expertise has been identified accordingly.

The need to intervene in situations of failing State institutions has led to a growing number of multifunctional missions, including policing, the establishment of the rule of law, and justice system reform/rehabilitation. These missions often entail a combination of more traditional tasks such as mentoring, monitoring and advising with executive functions (as in the case of EULEX in Kosovo).

However, the effort to ensure a presence on the ground has not always been coupled with adequate attention to the qualitative aspects of that presence. In general, EU civilian crisis management capabilities remain critically underdeveloped, especially in comparison with their military counterparts, and the sector as a whole needs a higher degree of specialization. More specifically, rapid deployment capability, the sustainability of missions on the ground and the quality of civilian personnel remain the main critical aspects that the EU should address.

## *1.3 Towards Civilian-Military Coordination*

In an effort to implement its "comprehensive approach to security", the EU has progressively developed its own concepts of civilian-military cooperation (CIMIC) and civilian-military coordination (CMCO). New structures have been put in place, including a fully operational Operations Centre of the Civ-Mil Cell and a Crisis Management and Planning Directorate (CMPD). Nevertheless, the EU still lacks a comprehensive civilian-military structure

for the planning and conduct of CSDP operations. In fact, such activities as intelligence gathering, early warning, conflict analysis and prevention are not effectively integrated into the decision-making process for crisis management. The new European External Action Service (EEAS) incorporates most of the instruments needed to conduct such activities, but there remains the risk of internal overlapping, competition and fragmentation. On the operational side, civilian-military cooperation is still hampered by different chains of command and budgetary procedures. While civilian missions are directly financed through the collective CFSP-budget, military missions abide by the “costs lie where they fall” principle, with only a small proportion (common expenditures) funded through the Athena mechanism.

#### *1.4 The New European Diplomatic Service*

The EEAS is one of the main innovations introduced by the Lisbon Treaty. It will consist of a diplomatic corps of about 1,200 personnel (in the first phase of implementation) with the task of assisting the new High Representative for Foreign Affairs and Security Policy, Catherine Ashton, in fulfilling her mandate.<sup>1</sup> The goal is to ensure greater coherence in the Union’s external action (from security to development to trade) and with other EU policies. The Service is called to cooperate with other bodies – the General Secretariat of the Council, the services of the Commission, as well as with the diplomatic services of the Member States – to increase the Union’s visibility and effectiveness on the world stage. Integrating representatives of the Commission, the Council and the Member States in the Service is a big challenge. More generally, the intergovernmental drive is not easy to reconcile with EU instances in Brussels.

Nevertheless, the EEAS has the potential to become a key element of a more unified and transparent foreign policy system. The new EU diplomats (coming from different institutions and policy areas) will work together on policy formulation and implementation, and fulfil an important communication role in explaining EU choices to the broad public, the media and third countries throughout the world. Representatives of the EU Member

<sup>1</sup> Article 18 TEU tasks the High Representative with conducting the Union’s Common Foreign and Security Policy (CFSP), chairing the Foreign Affairs Council, fulfilling within the Commission the responsibilities incumbent on it in external relations and for coordinating other aspects of the Union’s external relations, and supporting and facilitating cooperation between the Council and Commission in order to ensure consistency between the different areas of external action.

States will make up at least one third of the EEAS, while a number of national Ambassadors will be appointed Heads of EU Delegations and become EU Special Representatives. This significant involvement will also facilitate the emergence of a greater sense of ownership of European foreign and security policy and contribute to expanding multilateral activities conducted by Member States through the EU.

### *1.5 The Search for Greater Legitimacy*

The above-mentioned developments in security and defence matters call for a new institutional balance, and above all for a greater role for parliamentary bodies at both the national and European levels. Foreign and security policies have traditionally been characterised by a low degree of transparency and public scrutiny. Indeed, national governments seek to retain strict control over these policy sectors, which they view as their special prerogatives as they require confidentiality and rapid decision-making.

The Union's growing activism in crisis management has made democratic accountability of CSDP an issue of primary importance. The inadequate parliamentary control over the mounting number of decisions adopted and missions undertaken by the EU in the last decade has created a democratic deficit and highlighted the scarce legitimacy of CSDP. The progressive Europeanisation of the security and defence sector and the proliferation of multilateral missions (civilian, military and civilian-military) have posed the question of a greater role for national parliaments and, above all, for the European Parliament (EP) – the only EU institution whose members are directly elected by the citizens.

The EP and national parliaments should have the opportunity to be informed of and to evaluate and express their views on the deployment of military troops or the decision to engage in Permanent Structured Cooperation in the defence sector. The Lisbon Treaty introduces some important innovations in this respect, opening new opportunities for parliamentary oversight of EU foreign, security and defence activities. Nevertheless, the need remains for a greater involvement of parliamentary bodies in the CSDP decision-making process.

## 2. Policy Guidelines for a Stronger EU Role in Crisis Management

Twelve years after the establishment of the EU security and defence policy, seven years since the deployment of the first EU missions in the field and the elaboration of a European Security Strategy, and one year from the entry into force of the long-awaited Lisbon Treaty, it is time to take stock of past experiences and look at future scenarios for the EU. The analysis conducted in the previous chapters allows us to identify some policy guidelines for future EU engagement in crisis management. These are set out below.

### *2.1 Forging a Comprehensive Security Strategy*

Security aspects cannot be the only parameters for action in conflict scenarios. Rebuilding failing states and stabilising peace require a broad range of instruments, including capacity-building initiatives, development cooperation, human rights promotion, trade agreements etc. The EU should make full use of the innovations of the Lisbon Treaty, primarily the creation of the new High Representative role and the External Action Service, to design a more unified foreign and security policy system.

The political dimension of CSDP missions has often been overlooked. In many instances they have not been part of a coherent foreign policy strategy and have remained disconnected from the broader peacebuilding framework. The effectiveness of the Union's approach to security is undeniably compromised by the lack of a unitary stance among Member States on foreign policy priorities and by the tendency to adopt low-key, often minimum-common-denominator approaches in the absence of a shared vision. EULEX Kosovo, confronted with the unresolved status issue, and EUMM Georgia, damaged by the vagaries of EU national governments towards Russia and the Eastern Neighbourhood, are telling cases. As clearly stated in the EU Treaties, CSDP is meant to be developed in the framework and as an integral part of CFSP. Institutional and operational capabilities cannot replace the political dimension in enabling the EU to exercise its leadership as an international security actor.

### *2.2 Matching Capabilities with Strategic Aims*

To that end, the EU should draw up a European White Paper on defence, security, crisis management and humanitarian missions. Such a document

would deal with both civilian and military operations and capabilities from a single, integrated perspective. The EU's peculiarity (and comparative advantage) lies in its civilian-military nature. Any plan to improve its effectiveness in crisis management should, therefore, start from this crucial element. A White Paper would require a strategic review of all security policies conducted by both the Commission and the Council, as well as of missions carried out by EU Member States. It would have three main purposes: to spell out the EU's strategic aims, to identify the existing capabilities and shortcomings, and to design the measures to cope with them. Finally, it should help identify and clarify the necessary administrative and political linkages between the CFSP machinery and the other EU institutions, the lines of command and communication, and the financing mechanisms.

### *2.3 Enhancing Cooperation and the Integration of Military Forces*

The idea of establishing a fully-fledged European Army, reviving the old programme of the European Defence Community (abandoned since 1954), is not – at the moment – on the cards. Reviving such a debate now would hardly contribute to the development of CSDP. We suggest, instead, concentrating on more limited initiatives aimed at better organizing the necessary cooperation in the field of defence, increasing the efficiency of the expenditures involved and improving European operational capabilities. This is not an easy task: it involves a number of complex decisions requiring a broad consensus among the major EU Member States, something that cannot be taken for granted.

At the same time, the increasing pressure to cut State budgets has a strong negative impact on the coherence and sustainability of national armed forces as well as on international aid and the financing of international missions. Intensified defence integration through innovative mechanisms is rightly perceived by many governments as a matter of necessity, not of choice. Enhanced cooperation and integration of forces and planning can reduce costs and make it possible to develop capabilities to meet a wide spectrum of operational requirements.

The measures suggested in this report include:

- 1) establishing a formal process to evaluate and take stock of the experience on the ground;

- 2) setting-up an effective planning and command body (an EU Headquarters);
- 3) undertaking common procurement programs (possibly through the EDA);
- 4) creating a system to pool a number of “enabling” resources on a permanent basis (i.e. using the new Permanent Structured Cooperation);
- 5) establishing more effective funding mechanisms for EU missions (by revising, *inter alia*, the Athena mechanism).

#### *2.4 Making the EU a Credible Civilian Actor*

The constant evolution – in numbers and nature – of civilian crisis management has posed a number of challenges for the EU. On the basis of the experience gained through the deployment of 17 civilian missions in the past few years, it is possible to sketch out some preliminary lessons learned and best practices developed. First of all, EU civilian crisis management requires structures that are able to give missions the necessary support, particularly as regards administrative and financial matters, logistics, and human resources management. Civilian capabilities need to be constantly developed through improved training and recruitment mechanisms, both at the national and EU levels, to ensure a progressive professionalisation of recruited personnel. There is also the need for greater coherence between CSDP missions and other EU instruments, as well as deeper cooperation with other players – most notably other international organisations, partner states and civil society organisations. Finally, capabilities in the field need to be subjected to regular assessments and reviews to see whether they correspond to both the mandate of missions and the evolving security context in theatre.

Civilian crisis management capabilities could also be enhanced by strengthening the engagement of the EU and its Member States in multilateral initiatives such as the Justice Rapid Response (JRR), whose participants include 48 States, of which 15 are EU members, and a number of international organizations, with the European Commission representing the EU. As a multilateral facility with rapid deployment capacities, JRR makes it possible for the international community to provide much needed support for compliance with and the effective enforcement of international criminal justice, thus helping to make justice an integral and constructive part of conflict resolution and post-conflict peacebuilding. By increasing its support for and engagement in JRR, the EU could significantly enhance its

early response capabilities, thereby strengthening its crisis management capabilities as a whole.

### *2.5 Developing Integrated Civilian-Military Capabilities*

Collective efforts and integrated capabilities are the only effective ways for the EU to ensure the security of European citizens and fulfil its commitment to promote international stability and peace. While the instruments introduced by the Lisbon Treaty should be fully implemented, EU Member States should embark on a frank assessment of their national capacities, which should be then translated into an analysis of common problems and the definition of shared aims. This could be done by drawing up an integrated Civilian-Military Headline Goal for 2020, which would define realistic scenarios and identify capability requirements at the EU level.

Concepts and capabilities should be accompanied by an institutional rationalisation of current structures with a view to creating an integrated EU Headquarters in Brussels. This should be capable of coordinating existing civilian and military bodies for the planning and conduct of EU missions. If the EU made full use of existing institutions such as CMPD, CPCC and EUMS, and established a new, integrated staff and operational headquarters for civilian-military planning, this would enhance its comparative advantage. It would facilitate the management of complex stabilization and state-building operations, as well as other kinds of mission. In addition, there is the need to launch new initiatives, such as a European security academy, to provide joint training for civilian and military staff at the European level so as to enable them to work together effectively in theatre.

### *2.6 Ensuring Democratic Accountability*

Reaching out to European citizens and ensuring their involvement in EU decision-making is one of the greatest challenges for the Union. The disaffection of European voters towards the institutions in Brussels was clearly shown by the rejection of new EU Treaties in successive referenda in various Member States, before the final adoption of the Lisbon Treaty in 2009, as well as by the low turnout in the latest European Parliament elections. The need to engage the people of Europe is even more evident when security and defence matters are at stake. This is especially true if the EU decides to authorise military deployments in hot spots and/or remote areas

and Member States are called to contribute with national contingents. The main responsibility for winning the hearts and minds of EU citizens rests on their elected representatives, both in the capitals and in Brussels. Therefore, national and European parliamentarians should redouble their efforts to keep abreast of EU decisions in security and defence issues, exercise effective control over the executive bodies, clearly explain European policies to the broad public and take into due account the needs and expectations of their voters.

The political control and accountability of European capabilities and actions have become a very important question. At the institutional level, innovations such as the new information and consultation channels between the High Representative and the European Parliament, the wider access to confidential CSDP documents by MEPs, and the increasing role of the EP Sub-Committee on Security and Defence should be fully exploited and further enhanced. In particular, we suggest that inter-parliamentary cooperation between the European Parliament, national Parliaments and/or other existing parliamentary constituencies should be reinforced.

In particular, an upgraded EP Committee on Security and Defence (with an autonomous status with respect to the Foreign Affairs Committee) could establish a more effective working relationship with analogous committees at the national level. The objection that security and defence topics should not be decoupled from broader foreign policy issues underestimates the importance and complexity of defence and security matters, as well as their specificity.

### **3. Eight Final Proposals**

The preceding analysis has highlighted the opportunities offered by the Lisbon Treaty to enhance the EU's role in crisis management, but also the risk that its main innovations are implemented only partially or inadequately due to political resistance, growing budgetary constraints and technical difficulties. Therefore, finding the most appropriate ways and means to implement the new instruments and mechanisms aimed at closer integration among Member States is key to creating the conditions for a more effective EU action in crisis management. This requires a creative and far-sighted approach aimed at overcoming the structural obstacles that prevent the Union from establishing itself as a credible civilian-military actor on the



international scene. To that end, this study contains a set of concrete policy proposals. We suggest that the EU and its Member States concentrate, in particular, on the following:

- drawing up a *European White Paper on Defence* to spell out, in a comprehensive and systematic way, the needed crisis management capabilities - both military and civilian - and a roadmap to acquire them;
- elaborating an *integrated Civilian-Military Headline Goal for 2020* to reinforce capability generation mechanisms and overcome the dichotomy between their civilian and military components;
- launching new initiatives to increase pooling and sharing of resources with a focus on logistics, including the creation of *common logistical warehouses*;
- setting up an *integrated EU Headquarters in Brussels* capable of coordinating existing civilian and military bodies for the planning and conduct of EU missions;
- increasing the EU's support for and engagement in multilateral endeavours for crisis management based on the principles of international law, such as the *Justice Rapid Response (JRR) initiative* aimed at enforcing international criminal justice;
- introducing *new funding mechanisms for EU missions* to increase the share of expenditures paid for through collective funds in view of ensuring a fairer distribution of costs and promoting greater solidarity among Member States;
- transforming the current Sub-Committee on Security and Defence of the European Parliament into a *fully-fledged EP Committee on Security and Defence* as a way of increasing the EP's capacity to oversee the EU's crisis management action in cooperation with national parliaments;
- creating a *European security academy* to provide joint training for civilian and military staff, with the goal, in particular, of enabling them to work together in theatre.

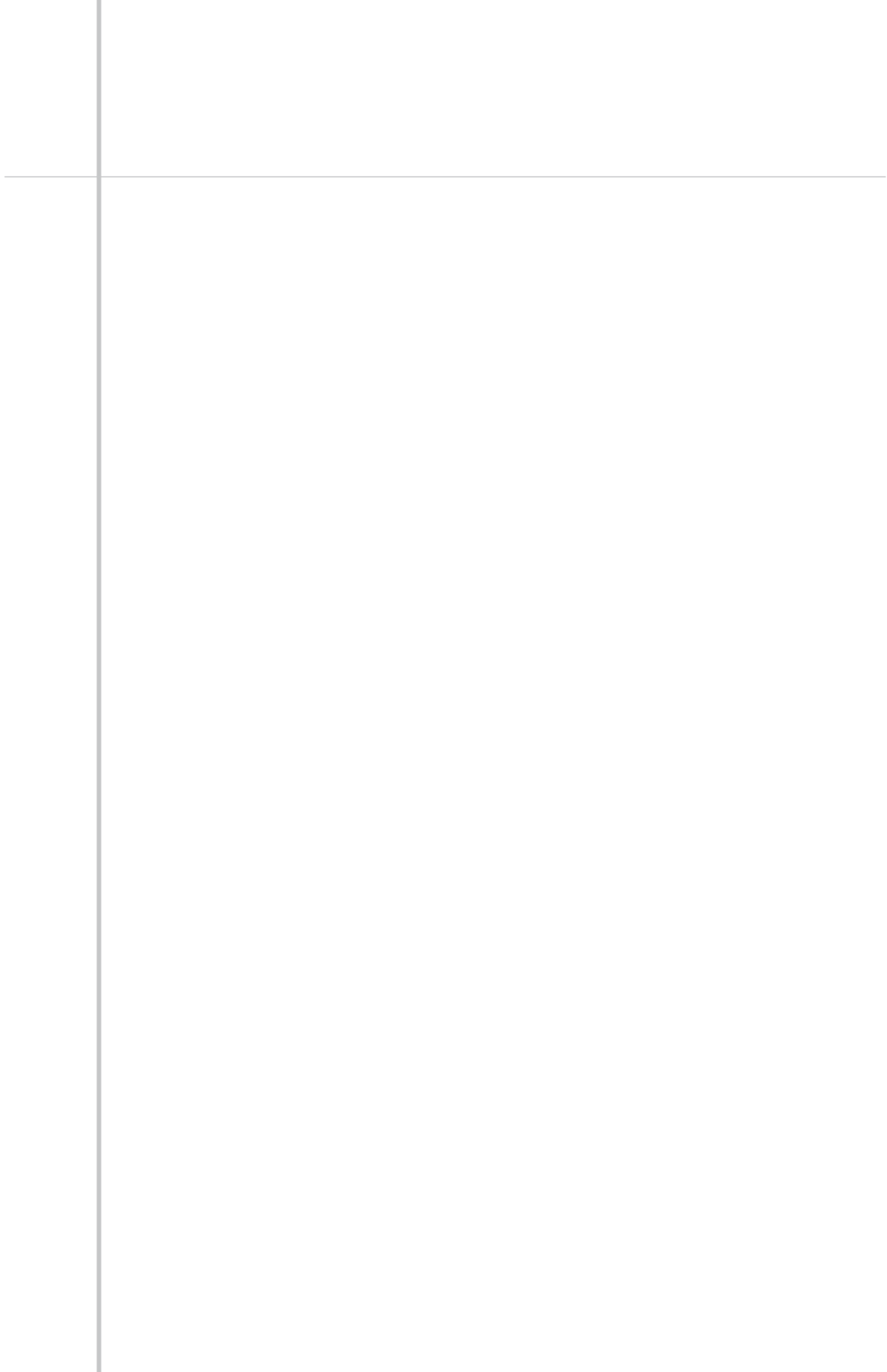
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Over the last decade, the European Union (EU) has shown a growing activism in dealing with both regional and global security challenges. However, the EU's architecture for crisis management and its capabilities (civilian and military) do not yet meet the needs dictated by current challenges and threats. This publication offers an overview of the progress achieved by the EU – both at the institutional and operational levels – through its Common Security and Defence Policy, and identifies the critical elements and the potential for improvement in the coming years. This study has been conducted by the Istituto Affari Internazionali (IAI) for the project Science for Peace promoted by the Fondazione Umberto Veronesi.