

DIIS REPORT

EU CRISIS MANAGEMENT OPERATIONS
ESDP BODIES AND DECISION-MAKING
PROCEDURES

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Abstract

This report explores the *problematique* surrounding the European Union's decision-making process for launching EU-led peace support operations, and asks the questions: *How are these complex decisions chiselled out, and why do the EU operations take the shape they do?* The analysis commences by identifying the three main "institutional structures" involved in ESDP decision-shaping and making, namely the intergovernmental Council structure, the support structure of the Council General Secretariat, and the supranational Commission structure, and explores their individual as well as overlapping competences in relation to EU crisis management operations. The lion's share of the report closely investigates the working methods of the ESDP decision-making process. Despite, or maybe because of, the intergovernmental character of this process, it is more fluid and involves considerably fewer formalised steps than one would imagine at first glance. This report attempts to capture and describe the dynamics of the process, concluding that at times the processes preceding the launch of an ESDP peace support operation can be surprisingly quick despite the dense and complex institutional structure. However, there still exist bottlenecks, for instance in the force generation phase, constraining efficiency and rapidity of the process. One of the biggest challenges facing the EU today relates to capacity – in terms of planning capacity for operations, as well as funding and availability of troops and other categories of personnel for ESDP operations.

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Abbreviations

AMM	Aceh monitoring mission
ASEAN	The Association of Southeast Asian Nations
AU	African Union
BAM	Border Assistance Mission
CFSP	Common Foreign and Security Policy
CGS	Council General Secretariat
CIVCOM	Committee for Civilian aspects of Crisis Management
CONOPS	Concept of Operation
COREPER	Committee of Permanent Representatives
CPCC	Civilian Planning and Conduct Capability
CSO	Civilian Strategic Options
DRC	Democratic Republic of Congo
EC	European Community
EAS	External Action Service
EDA	European Defence Agency
EDF	European Development Fund
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUMC	European Union Military Committee
EUMS	European Union Military Staff
EUSR	European Union Special Representative
FYROM	Former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
IMD	Initiating Military Directive
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organisation
OPLAN	Operation Plan
OSCE	Organisation for Security and Cooperation in Europe
PMG	Politico-Military Working Group
PSO	Police Strategic Option
PSC	Political and Security Committee
RELEX	Foreign Affairs Counsellors
SG/HR	Secretary General of the Council General Secretariat and High Representative of the Common Foreign and Security Policy

SITCEN	Situation Centre
SOFA	Status of Force Agreement
SOR	Statement of Force Requirement
TEU	Treaty on European Union
UNMIK	United Nations Interim Mission in Kosovo

I. Introduction

In June 1999, in Cologne, the European Council took an historic decision. For the first time since the failed European Defence Community in the beginning of the 1950s, all EU governments agreed that it was time to place military and defence related matters on the formal EU agenda. The Cologne European Council declared that it was time for the EU to “increase its ability to contribute to international peace and security,” and concluded that “the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.”¹ The member states thereby, in effect, decided to add an entirely new field of activity to the integration project: the capacity to despatch uniformed and sometimes armed men and women for international peace support operations, in the name of the EU.²

While being one of several instruments of the Union’s common foreign and security policy (CFSP), it was nonetheless clear from the beginning that the introduction of the European security and defence policy (ESDP) required new institutional bodies, the elaboration of new decision-making procedures, as well as new types of planning processes and methods to provide the Union with a real capacity to carry out peace support operations. Between 1999 and 2003, an intense effort of creating this new institutional framework was carried out by the member states. Throughout the last five years, the EU has also in very practical terms made use of these new capacities; since January 2003, when the first ever ESDP operation was launched in Bosnia-Herzegovina, the EU has, on average, launched one new peace support operation every three months.

The academic community has been fairly quick in reacting to this development, and there are plenty of studies of various aspects of the ESDP area. A large share of these studies can be categorised into three broad kinds. First, there are many empirical studies describing the development in general of the ESDP area.³ Second, another

¹ Presidency Conclusions, Cologne European Council, 3–4 June 1999.

² This issue area has since become known, in EU terminology, as the European security and defence policy (ESDP) and the operations are often referred to as “ESDP operations”. Formally, in official EU documents, the operations are rather called EU crisis management missions or operations. Of late, and since the EU members stepped up their cooperation also in the field of internal civil protection matters, i.e. internal crisis management, the terminology has become increasingly confusing, especially considering the differences in aims, competencies, and policy making processes in these two areas. Therefore, in the following, we will primarily refer to the operations as ESDP operations, or the more universally accepted “peace support operations”, taken from UN terminology.

³ See for instance several of the contributions in Gnesotto (ed) 2004; as well as contributions to Hultdt et al 2006.

type of studies consists either of analyses of individual member states' attitudes towards ESDP, or analyses of individual ESDP operations.⁴ And, third, many analyses are focused on the relationship between ESDP and other issue areas, such as internal security in the EU, out-of-area NATO operations, or the UN system.⁵ Fewer, however, have so far attempted to describe, in any greater detail, the policy-making process surrounding the launch of the ESDP operations. In order to fill this gap, this report sets out to describe the decision-making process, including the many actors involved and the legal framework setting the boundaries. Overall, it aims to cover the following questions: *How are these complex decisions chiselled out, and why do the EU operations take the shape they do?*

This is therefore in some ways a fairly limited study. Focusing solely on the *decision-making process*, it is for instance beyond the scope of this report to give a comprehensive overview of the development to date, or to analyse the activities of the individual ESDP operations on the ground (as well as to evaluate and draw lessons from past experiences from implementing the ESDP operations). Also, this is a report on the decision-making process at the *EU level*. Due to the many and widely varying national procedures in the member states, related to national participation in the individual operations (and, in the case of Denmark, the choice to not participate in the EU's military dimension), this study does not touch upon the corresponding decisions on the national level. Finally, the Lisbon Treaty will, if ratified by all member states, introduce changes in the institutional setting that will have bearing on the management and implementation of the CFSP/ESDP. However, the intergovernmental character of the CFSP/ESDP will remain unaltered, and any resulting changes in the *decision-making procedures* in the ESDP area will only follow other institutional changes such as the setting up of the European action service. As these issues still remain to be negotiated, this report only pays limited attention to the provisions of the Lisbon Treaty.

⁴ See for instance various contributions to Bailes, Herolf & Sundelius (eds) 2006; as well as Aggestam 2006; Martinelli 2006; Ojanen 2005; Wiesler 2007.

⁵ Ekengren 2007; Duke & Ojanen 2006; Keohane 2006; as well as various contributions to Laatikainen & Smith (eds.) 2006.

2. The wider political context

Overall, the development of the European security and defence policy and the deployment of ESDP operations have been nothing less than impressive. From having been “prohibited” by its own members to carry out international peace support operations up until the late 1990s, the European Union has within the last few years managed to move into the limelight. At the time of writing the EU has, within a five year period, initiated twenty-one ESDP operations, on three continents, of which about a dozen are presently ongoing. To highlight the magnitude of this undertaking, one only needs to remember that the UN today is carrying out approximately fifteen similar operations, although some of them are considerably larger in size than the “typical” EU mission.

This development may be explained by several intertwined trends, some of which are originating outside of the EU and some of which are internal to the EU system. First, there is presently an increased demand for peace support operations in many parts of the world.⁶ The UN and other multilateral organisations are highly sought after, but also, somewhat ironically, sometimes put in a position of mutual competition by the recipients of the assistance. In this process of “forum shopping”, the particular demand for ESDP operations has been constantly increasing since the EU launched its first mission in 2003. This is in part the result of the EU’s general image in many places as an actor with slightly different characteristics than both larger nation states and typical international organisations.⁷

Second, the United Nations is facing overstretch as it is confronting the major challenge to meet the operational demands of its engagement in peace support operations, and seeks increased support from regional organisations such as the EU. Since the birth of the ESDP, the EU has been quick to respond to these calls for regional partnerships with UN, and the 2003 Joint Declaration on EU-UN cooperation in crisis management provides a framework for consultation and collaboration between the two organisations.⁸ However, the EU members often prefer to conduct *EU-led* operations on the request of the UN, rather than provide troops in national (or EU) hats for UN-led operations, sometimes leading to concerned voices from UN

⁶ Wallensteen & Heldt 2004.

⁷ Strömvik, 2002.

⁸ www.europa-cu-un.org/articles/en/article_2768_en.htm

practitioners and analysts. Overall, however, the UN has welcomed the development of the ESDP, and both organisations are continuing the work to establish an even closer relationship.

More particularly, one trend has been the increased calls for rapidly deployable forces from the UN.⁹ This has proven a serious challenge for the European states, both regarding the availability of rapidly deployable troops and equipment from the member states, and the national and EU capacity for quick decision-making. The regular EU force generation process for the military operations has often proven slow, which has further highlighted the problems. The development of the “battlegroup concept” for smaller EU operations has been one attempt to meet these calls, but the concept has so far not been put to the test in practice despite three years of being declared operational and after “more than one year of “fully operational status”.

Lastly, however, and perhaps more important than any other individual factor, the fact that the ESDP missions have proliferated dramatically in the aftermath of the Iraq war, is not a mere coincidence. As on so many other previous occasions, the severe transatlantic dispute of 2002-2003 resulted in some very visible increases in the political will to act collectively in the name of the EU.¹⁰

As a result, the Union has rapidly established itself as a global actor also in the peace-keeping field. Having started out, in most member states’ minds, as a tool of crisis management in the Balkans, the EU’s peace support operations are now generally perceived as a desirable device to enhance the Union’s capacity to affect the security situation globally. The EU’s two first crisis management operations were launched in Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia (FYROM).¹¹ By now, this Balkan region has hosted six missions, of which three have already been successfully concluded.

With what is now a global reach, the EU has also conducted operations in Asia (Afghanistan and Aceh), in the Middle East (for example the Palestinian territories and the Rafah border crossing point), and in various places in Africa (for instance Operation Artemis and EUFOR RDC in the Democratic Republic of Congo, and

⁹ See for instance the so called Brahimi Report (*Report of the Panel on United Nations Peace Operations*, downloadable at http://www.un.org/peace/reports/peace_operations/)

¹⁰ Strömvik 2005a, esp. chapter 6 (on the previous occasions) and chapter 8 (on the effects on ESDP during and immediately after the start of the Iraq war).

¹¹ Björkdahl, 2005.

the EU's support operation to the African Union in Sudan).¹² The EU is also stepping up its engagement in Africa further, and is presently in the process of setting up an operation (EUFOR TCHAD/RCA) in the East of Chad and in the North-East of the Central African Republic in order to improve regional security, and have signalled an interest to undertake a security sector reform mission in Guinea-Bissau.¹³ At the same time, the EU has remained committed to the Western Balkans with three ongoing missions in Bosnia-Herzegovina and Kosovo.

The political ESDP focus has thus broadened from the early implicit but strong concentration on the Balkans to the present attitude among most members that the ESDP operations should be carried out "wherever they are needed" in the world.¹⁴ For the member states, this expansion of EU activities has generated some expected and some not-so-expected results. Among the more expected outcomes was the very clear *shortage of both civilian and military capacities* available in the member states for ESDP operations, a problem which by now has become even more visible and have spurred renewed discussions (although few solutions) between the member states. Another expected issue has been the *financing of the operations*, particularly the military ones, which was temporarily settled in 2004 but has nonetheless been constantly renegotiated in connection with many of the operations. A third "unresolved" issue, also constantly looming but rarely discussed in public, is the members' views on *priorities and strategic interest of the ESDP operations* in general. It is also these issues that are some of the tougher ones to crack at the collective level, every time the 27 member states are deliberating on a new EU operation. As shown below, it is the interplay of these issues that often explains, in the end, the very initiation and the shape of a new ESDP mission.

The rapid growth of a completely new field of activities for the EU has however not only placed new demands on the whole system of ESDP decision-making. It is also presently influencing several of the internal EU discussions about where to go from here. This development influences for instance the deliberations related to the upcoming *institutional changes* as foreseen in the Lisbon Treaty, the ongoing work with the *civilian and military headline goals*, the possible future revision of the *European Security Strategy*, and the continuous attempts to adjust the working methods following the *lessons learned from the completed operations*. Therefore, the following

¹² www.consilium.europa.eu/cms3_fo/showPage.asp?id=268&clang=EN&mode=g

¹³ Council conclusions (GAERC) 19-20 November 2007, doc 15240/07 (Presse 262)

¹⁴ Strömvik 2006.

description of the functioning of the decision-making process is a snapshot of the present situation, with the only certainty being that in a few years the institutional relationships and the decision-making system will have evolved further and obtained at least a slightly different character.

3. The institutional structure of the ESDP and the bodies involved

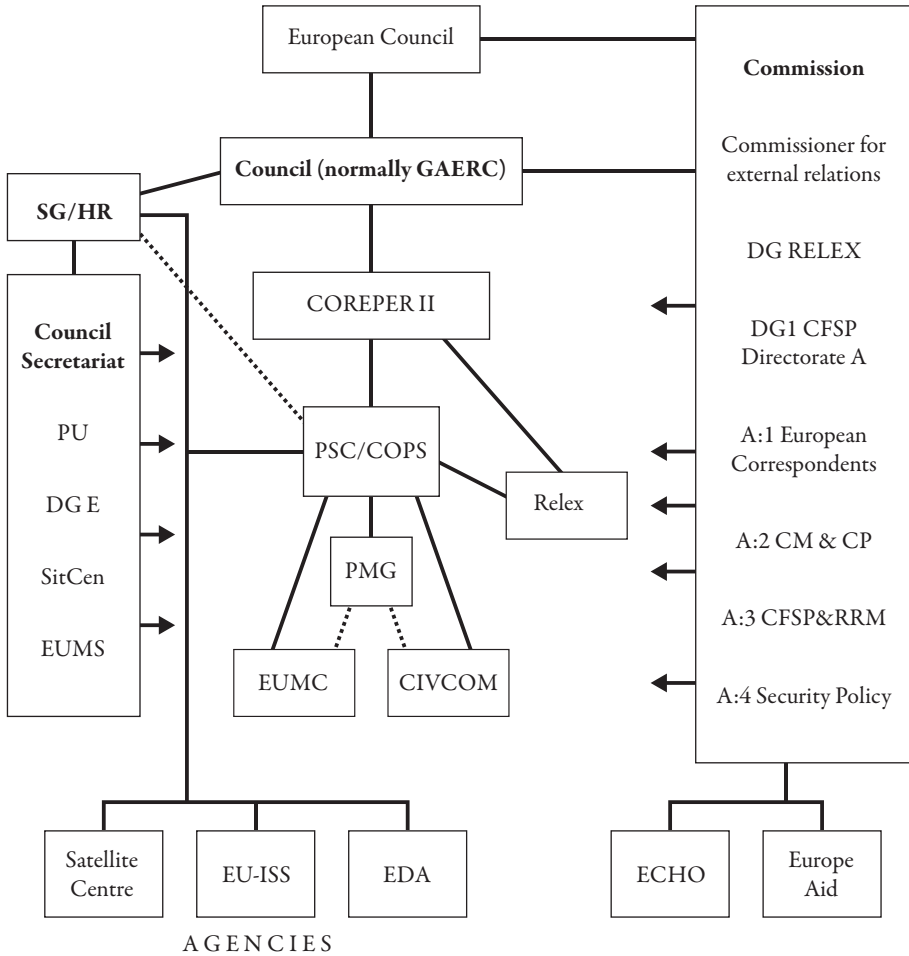
The institutional set up of the ESDP bodies is complex and not always simple to present in an organisational chart. This report divides the various ESDP bodies into three “institutional structures”: the Council and committee structure, the related Council General Secretariat structure, and the institutional structure of the Commission. Although the CFSP, including ESDP, is conducted jointly by the member states, other EU actors can also play important roles in CFSP/ESDP agenda-shaping, decision-making and implementation. It seems fair to say that the ESDP has moved forward by practical day-to-day decisions first, while codification follows only later.¹⁵ Attempts have been made to streamline and reform the way ESDP matters move within the institutional structures of the Council, the Council General Secretariat and the Commission by, for example, improving mechanisms for coordination between the various bodies.¹⁶ Most recently, the Lisbon Treaty also proposes overall changes to the relation between the Council and the Commission in the whole CFSP area, by introducing a new post of High Representative who will simultaneously serve as the president of the External Relations Council and Vice President of the EU Commission. This figure will furthermore be given a whole new support structure in the form of an External Action Service, including EU delegations (instead of the current Commission delegations) worldwide; in effect the creation of an EU “foreign ministry,” with personnel drawn from the Council Secretariat, the Commission, and the member states.

Hence, the actors involved in the process will change, but the effects are difficult to predict before the shape of the EAS has been negotiated. It seems clear, however, that despite these reforms, key institutional challenges, cumbersome procedures and internal turf battles are likely to remain and will probably continue to be accelerated by the demanding, urgent and cross-institutional characteristics of peace support operations. Consistency, rapidity and effectiveness are therefore sometimes hard to achieve.

¹⁵ Missiroli, 2004. This has been true also for the CFSP area in general, see Strömvik 2005, chapter 4.

¹⁶ Howorth, 2007, Chapter 3.

Chart 1. Organisation of main ESDP bodies



The member states

The EU's foreign, security and defence policy is, on the surface, a purely intergovernmental affair between the 27 Member States. The *European Council* comprises the Heads of state and government and the Commission President and is formally the highest decision-making institution in CFSP matters. It defines the principles and general guidelines for the CFSP, as well as common strategies to be implemented in areas where the member states have important interests in common.¹⁷

¹⁷ Article 13 §§ 1-2 TEU

The lion's share of CFSP/ESDP decisions is however taken by the Council. Normally, it is the *General Affairs and External Relations Council* (GAERC), which gathers the Ministers for Foreign Affairs of the member states that handles CFSP/ESDP-matters. However, since the Council is one single body irrespective of the ministers meeting, other configurations of the Council can go ahead with these decisions if time is of essence and a swift decision-making procedure is required.¹⁸ For instance, the Joint Action on Operation Artemis in the Democratic Republic of Congo (DRC) was adopted by the ministers for justice and home affairs, and the operation was formally launched by the ministers for agriculture.¹⁹ If/when the Lisbon Treaty enters into force, a new specified council configuration, named the Foreign Affairs Council, will be created and replace today's GAERC format.

All items on the Council's agenda are normally examined in advance by the *Committee of Permanent Representatives* (COREPER).²⁰ COREPER consists of EU ambassadors from all member states, and aims at assuring coordination and coherence between the policies of the members as well as the Council itself. It is a preparatory body where member states' representatives assess national interests, negotiate, make concessions and strike deals before the issues are forwarded to the Council. Many CFSP issues may already have been agreed upon at lower levels of preparatory bodies, and in ESDP-matters this is more the rule than the exception, leading to very few security policy issues actually being debated in COREPER.

The *Political and Security Committee* (PSC)²¹, sometimes better known under its French acronym (COPS), is in reality the key ESDP body and it functions as a focal point for most CFSP and all ESDP-matters.²² It is composed of national representatives at ambassadors-level from all member states, and chaired by the ambassador from the member state currently holding the six-month rotating Presidency. A Commission representative (from Directorate General of External Affairs, (Directorate A)) is also present to ensure coherence and consistency in the EU's external relations, as

¹⁸ There is no dedicated Council formation for defence issues, but the Defence Ministers participate in GAERC meetings twice a year. The Ministers for Defence also meet informally, as well as in the shape of the board of the European Defence Agency (EDA).

¹⁹ Strömvik, 2005a, pp. 229-230

²⁰ COREPER meets in two different constellations, COREPER I and COREPER II, and it is the latter that is responsible for *inter alia* the preparation of the GAERC meetings.

²¹ The PSC was up and running already in early 2001 (with an interim-PSC having started already the previous year). To a large extent it replaced the Political Committee (PoCo) created by the Luxembourg report 1970. In contrast to PoCo, the PSC is a permanent body.

²² Council Decision 22 January 2001

well as representatives from the Council Secretariat (from the Directorate-General for External and Politico-Military Affairs and the Legal Services). According to the formal “job description“, the PSC’s function is to monitor the international situation in the areas covered by the CFSP, and to define policies and deliver opinions to the Council. It is also tasked with the political control and strategic direction of peace support operations. Usually, the PSC meets twice a week, although it sometimes meets more frequently in situations where rapid action is needed. In the Lisbon Treaty, it is foreseen that the chair of the PSC will no longer be held by the rotating presidency but rather consist of a representative of the new High Representative.

To execute its task efficiently, the PSC is assisted by a number of other committees and working groups. Of particular importance is the *Politico-Military Working Group* (PMG), which carries out the preparatory work on the ESDP (such as the technical work and arrangements with NATO) and the *Foreign Relations Counsellors Working Group* (Relex), which examines institutional, legal and financial aspects of proposals made within the CFSP.

The *EU Military Committee* (EUMC) is the highest military body within the Council structure.²³ It is formally comprised of the Chiefs of Defence of all the EU members, but normally meets at the level of their military delegates. This Committee gives advice and makes recommendation to the PSC on all military matters within the EU. It also provides directions to the EU Military Staff. Working in parallel with the EUMC is the Committee for *Civilian Aspects of Crisis Management* (CIVCOM).²⁴ It provides information, drafts and recommendations and gives input on the political and civilian aspects of crisis management and conflict prevention.

The Council General Secretariat

The main task of the Council General Secretariat (CGS) is to assist the Council and in particular the Presidency. The role and functions of the CGS have evolved over time. Initially, it was preoccupied with performing traditional secretariat tasks such as prepare agendas, reports, collect and circulate information, statements and proposals, coordinate attendance of meetings and provide the infrastructure. Today, a number of new tasks and functions have been added. Now the CGS provides policy advice,

²³ Council Decision 22 January 2001. The EUMC and the EUMS are not included in the Treaty, in contrast to the PSC and are therefore not treaty based.

²⁴ Council Decision 11 December 1999.

ensures the continuity of work between the successive Presidencies as it provides an institutional memory, and formulates compromise proposals at request.

The *Secretary General* (SG) of the Council Secretariat is also the *High Representative* (HR) for CFSP. This post is appointed by the European Council. The overall task of the SG/HR is to contribute to the formulation and preparation of foreign policy decisions, as well as the implementation of the decisions. He participates in both the GAERC meetings and the European Council meetings, and is a member of the Troika which normally represent the Union when meeting with third parties at ministerial level. His central role gives him fairly wide informal powers, notably in the agenda-setting phase, and the current holder of the post has been very active in this capacity.

The Lisbon Treaty provides for the establishment of a new High Representative for Foreign Affairs and Security Policy. This figure will serve as a permanent President of the Foreign Affairs Council, thereby replacing today's six-month rotating Presidency, and will also serve as one of the Vice Presidents of the Commission. The role and mandate of the new High Representative will thus be more extensive, and will also include the formal right of initiative in the foreign policy field. The responsibilities of this "double-hatted" person will also include securing improved consistency of the Union's external action. It is also foreseen that the new High Representative "shall represent the Union for matters relating to the CFSP and conduct political dialogue with third parties on the Union's behalf" as well as "express the Union's position in international organisations..."²⁵

The *Policy Planning and Early Warning Unit*, or the Policy Unit (PU) for short, responds directly to the SG/HR and can be interpreted as the "Solana Cabinet."²⁶ It consists of seconded diplomats from member states as well as from the Commission. Its mandate includes monitoring, analysis and assessment of international developments and events, including early warning on potential crises. Furthermore, the Policy Unit drafts policy options, which may contain recommendations and strategies for presentation to the Council under the responsibility of the Presidency.

Within the Council General Secretariat, the *Directorate-General for External Relations and Politico-Military Affairs* (DGE) follows up on CFSP matters including the ESDP. It is divided into sub-directorates-general. Of importance to the ESDP are the

²⁵ Lisbon Treaty amendments to the TEU article 13a.

²⁶ Amsterdam Treaty Annex VI.

Directorate on Defence Aspects (DG E VIII) and the Directorate on Civilian Crisis Management (DG E IX). There is currently a reorganisation of DG E IX to improve its capacity to assist in the planning and conduct of civilian ESDP operations.²⁷

The Council Secretariat is also housing the *European Union Military Staff* (EUMS).²⁸ It is composed of military and civilian experts, seconded by the member states. It provides military expertise and support to the EUMC and the SG/HR, including for the conduct of EU-led military crisis management operations, early warning functions, situation assessment and strategic planning. The recently established *Civil-Military Cell* (Civ-Mil Cell) in the EUMS is tasked with assisting the EU's planning for crisis management operations and to enhance greater civil-military coherence.²⁹ This is the first standing EU body that takes a holistic approach to crisis management operations and integrates military and civilian expertise, but whether it will be able to contribute to improved inter-pillar coherence remains to be seen.

Located within the Civ-Mil Cell of the EUMS is the *EU Operations Centre* (EU OpsCen), which can serve as the EU Operational Headquarter for planning and mission support for smaller ESDP operations, especially when a joint civilian/military response is required. Since 1 January 2007 it can be activated by a Council decision, and the staff will be composed of personnel from the EUMS and other parts of the Council General Secretariat as well as further reinforcement from the Member States' permanent HQ. The civilian component will be under the control of the DG External Relations.³⁰

In June 2007, the Council established a new chain of command for civilian ESDP operations based on the establishment of a *Civilian Planning and Conduct Capability* (CPCC) within the Council Secretariat.³¹ It is headed by a Civilian Operation Commander responsible for the planning and conduct of civilian ESDP operations. The CPCC is under the political control and strategic directions of the PSC, and the overall authority of the SG/HR. It will provide a joint civ-mil planning capability with the Civ-Mil Cell within the EUMS to ensure real civilian-military cooperation.³²

²⁷ ESDP News, Issue 4 July 2007.

²⁸ Council Decision, 10 May 2005.

²⁹ Within the Council General Secretariat, the *Coordinating Mechanism for Civilian Aspects of Crisis Management* is set up to interact with the Commission and provides advice and support for civilian crisis management.

³⁰ www.consilium.europa.eu/uedocs/cmsUpload/070228-EU_OpsCentre.pdf

³¹ The CPCC staff is divided into an Operations Unit and a Mission Support Unit.

³² ESDP News issue 4, July 2007.

In order to fulfil a 24-hour monitoring function, a *Joint Situation Centre* (SITCEN) is also located within the Council Secretariat. SITCEN receives intelligence for instance from the member states and the EUMS, and is staffed with both military and civilian personnel that are able to provide joint situation analysis, early warning signals, and support to planned or ongoing operations.

Following the ratification of the Lisbon Treaty, some of these departments and units (together with some parts of the Commission bureaucracy and external representation) will be moved from the Council Secretariat and placed in the new External Action Service. The negotiations on the shape and exact functions of the EAS are however only just starting at the time of writing this report, and one of many contentious issues is precisely which units to move. Hence, it is too early to predict the effects of this administrative reform.

The EU Commission

The Commission makes two broad contributions to CFSP and ESDP. First, the EU Treaty invites the Commission to be “fully associated” with the CFSP work including matters relating to ESDP, and along with the member states it enjoys a right of policy initiative. The Commission brings to the CFSP/ESDP debates the EC policy areas where it has a clearly defined role. For example, the Commission is solely responsible for a number of external policies such as trade and sanctions regulations, and on certain issues pertaining to the areas of humanitarian aid, development assistance, rehabilitation and reconstruction it shares responsibility with the member states. The Commission also manages the CFSP budget line, which gives it certain influence on the establishment, duration and mandate of civilian peace support operations.³³ The Commission’s role in the military dimensions of the ESDP is inevitably limited. The areas where there have been some frictions and overlapping claims of competences are primarily found in the grey zone between civilian crisis management and field of development.³⁴

Second, the Commission plays a role as external representative in all the European Community areas and this involves both policy formulation in Brussels, and representation of EC interests throughout the world. The Commission is represented in the Council and the Troika, as well as in the CFSP/ESDP committees and working

³³ http://ec.europa.eu/external_relations/cfsp/intro/index.htm#3

³⁴ Duke, 2006.

groups such as COREPER, PSC, EUMC, CIVCOM and the Foreign Relations Counsellors group. Furthermore, the Commission is seconding officials, appointing liaison officers, and establishing operational procedures with the Civilian-Military Cell and the EU Military Staff. In addition, through its Rapid Reaction Mechanism (RRM) explicitly designed for mobilising funds for urgent activities, the Commission can “kick-start” its own civilian crisis management and conflict prevention initiatives.³⁵

The *External Relations Commissioner* co-ordinates the external relations activities of the Commission. The Commissioner is the Commission’s interface with GAERC and its interlocutor with the SG/HR. According to the division of labour between the different bodies involved in ESDP matters, the Commission’s *Directorate General of External Affairs* has expanded its areas of activities under the Community programme such as humanitarian assistance, democratic policing, disarmament, demobilisation and reintegration (of fighters) (DDR) and security sector reform. Directorate A within Directorate General of External Affairs is among other things responsible for issue areas such as CFSP and crisis management and conflict prevention. The Commission Deputy Secretary General participates in COREPER. Members from Directorate General of External Affairs attend the PSC meetings to ensure consistency and coherence in the EU’s overall external relations.

³⁵ General Affairs Council on 26 February 2001

4. Legal framework

The Treaty on European Union (TEU) spells out the fundamental objectives of the CFSP and elaborates on the general decision-making procedures and legal instruments available to conduct a common foreign and security policy, such as common strategies, common positions and joint actions in addition to the non-legal instruments such as public declarations, and confidential demarches.³⁶

Article 17 (TEU) defines the more particular legal basis for EU operations. It lists examples of possible peace support tasks of the EU: humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management including peace-making (the so called Petersberg tasks). In the Lisbon Treaty, additional examples are mentioned in order to reflect the expanding role of various types of operations.³⁷ The TEU also briefly mentions the relationship between the ESDP, NATO's collective defence dimension, and militarily non-aligned or neutral states.³⁸ The bulk of the ESDP decision-making framework however rests mainly on non-legal documents, such as Presidency conclusions from European Council meetings and similar documents. With the exception of giving the new High Representative the shared (together with the member states) right of initiative, the Lisbon Treaty does not in itself change any of these established decision-making procedures. Instead, it is rather codifying existing practices in this particular respect, including the voluntary national contribution of civilian and military personnel.

In particular the military ESDP missions are however also tightly tied into the general framework of international law guiding the legality of deploying military troops in foreign countries. The UN Charter, the Helsinki Final Act as well as the Paris Charter provides for a strong emphasis on the principle of state sovereignty and non-intervention. However, according to the UN Charter chapter VII, article 39, the UN Security Council (UNSC) may disregard the principle of sovereignty and non-intervention if the situation is defined as a threat to international peace and security. Under such circumstances the UNSC may authorise the use of force to restore peace.

³⁶ Treaty on European Union (TEU) Chapter V: Article 11-15

³⁷ New article 43

³⁸ Treaty on European Union (TEU) Chapter V: Article 17

The EU's insistence on only carrying out ESDP-missions in accordance with the UN Charter is based on this framework. The EU members have interpreted the UN Charter to allow for the deployment of peacekeeping operations without an explicit mandate from the UNSC, if they rest instead on the acceptance and invitation from the government(s) in the area of operation. If, however, the operation would be foreseen to carry out peace enforcement tasks, this would require a UNSC mandate (based on Chapter VII in the UN Charter). However, as highlighted for instance by the NATO-bombings in Kosovo in 1999, there is also something of a grey zone in this area of international law. The NATO campaign was generally supported by most EU members, and although the legality of the actions was debatable some argue that the actions were legitimate considering how events evolved on the ground. Considering that not all members were outspokenly in favour of the Kosovo intervention, and that the EU states do not have the capacity to carry out similar operations, the question of whether the EU could, at some point, engage in a similar peace enforcement mission without a UNSC mandate is very much a hypothetical question for the time being.

5. The decision-making process³⁹

In many ways, the ESDP decision-making process is intergovernmentalism interpreted in a very strict way, and contrary to most other EU areas the process allows all member states (with a partial exception of Denmark) to veto the process at any time. Also compared to the same type of process in for instance the UN, the decision-making on ESDP operations involves all member states at all times.⁴⁰ All formal decisions are taken in bodies where all members are represented, all decisions are taken unanimously, and the level of formal delegation to other bodies than the member state forums is minimal.

Contrary to decisions on most other EU issues, such as trade, agriculture, or competition policy, the decision-making process surrounding EU foreign, security and defence policy is also far more fluid and involves considerably fewer formalised steps. The rules for where the formal initiatives may come from are also different, as is the allocated power for the decisions. The relative strength of the various institutional bodies also differs considerably compared to most other EU areas. The supranational institutions are far less involved in the process, and the Council (and its support structures) is the main locus of power in this area.

Just as in any political process, however, the European Union's decisions to launch peace support operations rarely follow a straightforward or clear-cut pattern. The decision-making process does not lend itself easily to description in a simple chart. To portray it as a process developing in stages is in many ways an over-simplification. Yet, this is precisely what we attempt to do in the following, in the hope of nonetheless being able to capture and describe at least some of the dynamics involved when 27 nation states are jointly deliberating, debating and deciding to deploy personnel for peace support operations in the name of the European Union.

As mentioned above, at least some of the dynamics in the negotiations, and the shape of the resulting operations, result from the interplay between several factors. Needless to say, in the forefront of each discussion lies all those political considerations and

³⁹ This section builds on various sources: one is the now slightly outdated crisis management procedures in a number of interviews with ESDP-experts within the Swedish Ministries for Foreign Affairs and Defence as well as one of the author's experiences from working with ESDP matters within the Ministry for Foreign Affairs.

⁴⁰ With the exception of Denmark on matters related to the military aspects of ESDP.

demands that are specific for each individual operation and relate to the situation in the prospective geographic area. Other important factors are the members' attitudes towards the broader strategic questions, as well as their capacity to provide personnel, equipment, and (if applicable) funding for the operation. As argued in the following, however, the member states are not alone in this process, despite their exclusive right to decide on ESDP matters. Notably the Council Secretariat, but also the Commission, leave their distinctive marks on the shape of many ESDP operations, as does non-EU actors such as the UN and certain third states.

Getting an ESDP-operation on the agenda

All established rules and practices for decision-making on ESDP-operations relate to the procedures once an operation has been formally placed on the agenda. Arguably, however, the previous events, leading up to a proposed operation in the first place, are among the more decisive moments, shaping not only the character of the operation but often also the continued "ESDP *acquis*" and thus also affect the future of new operations and the continued work on capacities.

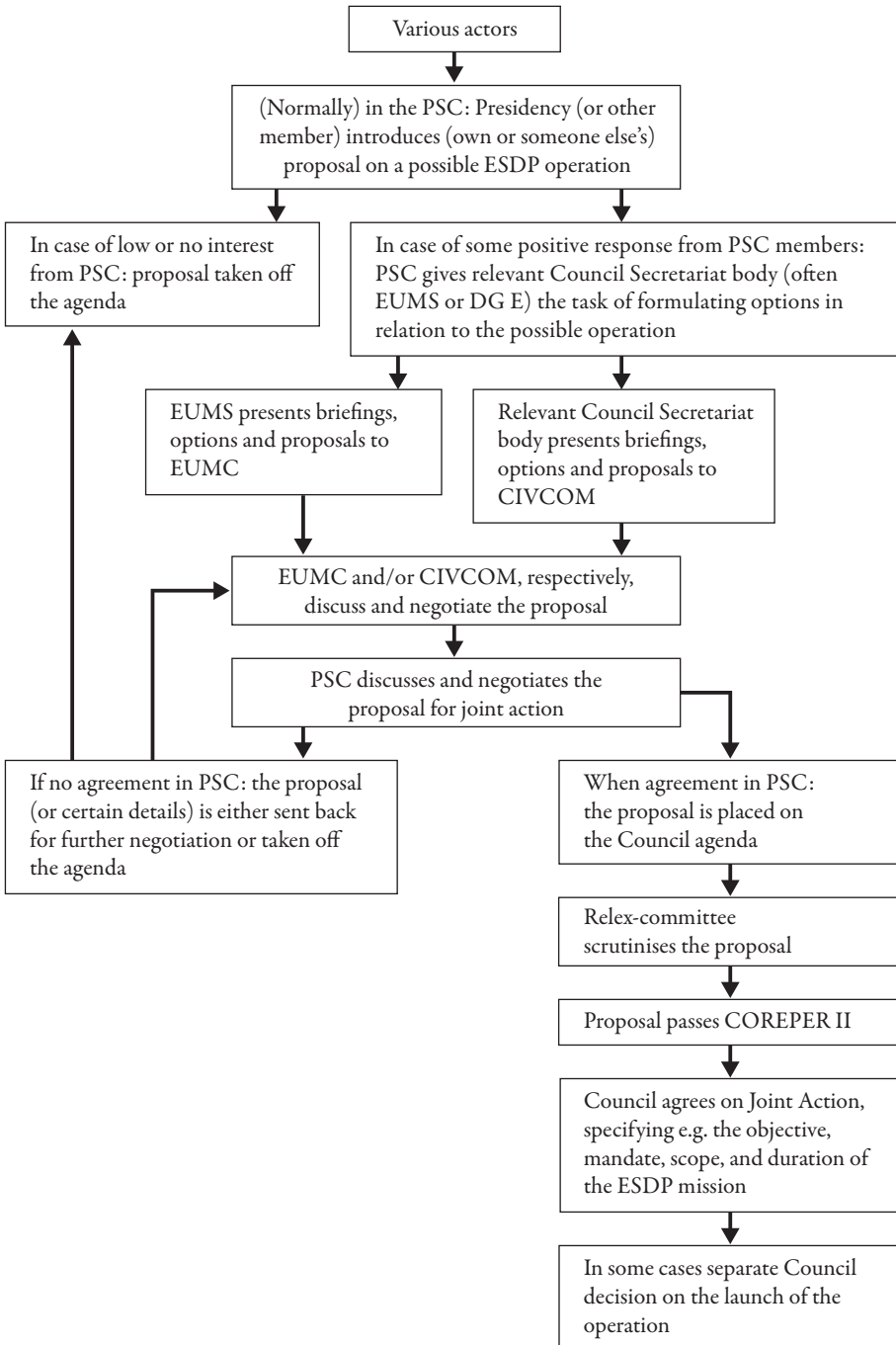
Where do the initiatives come from?

Compared to other EU policy areas, all members, as well as the Commission, can formally propose any new policy initiatives in the area of EU foreign, security and defence policy. Thus, the member states have far more influence over the agenda in this area, and those members who wish to see the EU carry out an ESDP-operation do not have to spend time or laborious efforts at lobbying in the Commission. Initiatives from member states are however often informally discussed between like-minded members, the Presidency, as well as the Council Secretariat, before being proposed in the whole group of 27.⁴¹ Some states are more active than others when it comes to proposing new operations, with France and the UK being among the more energetic ones.

The early ideas for new operations do however not always originate in any of the member state capitals. Although it is sometimes difficult, or close to impossible, even in many member state capitals to know with certainty where an initiative was first conceived, it seems that on some occasions it has rather been the High Representative and the Council Secretariat that have in effect been the initial architects behind new operations. By successfully channelling the ideas through the Presidency or

⁴¹ Björkdahl, 2008.

Chart 2. Simplified overview of the ESDP decision-making process



another member state, the informal agenda setting powers of the Council secretariat are thereby highlighted.

On other occasions, the initiatives seem rather to have originated outside of the EU system, for example within the UN framework or from international peace negotiators identifying the demand for third party monitors in conflict resolution situations. For instance the Aceh Monitoring Mission and the border assistance mission in Rafah were initiated due to external demand for a “neutral” third party where the EU was identified as the only acceptable actor from the point of view of the parties involved. In these instances of external ideas for new operations, it is however difficult to establish for certain that they are not effectively ideas that have been “planted” outside the EU framework by for instance an EU member or a representative from the Council Secretariat. Considering the fact that the external demand for ESDP-operations is far greater than the EU’s present capacity to undertake them, such planting of ideas can relatively easily be made by any actor wishing to affect the ESDP agenda also from the outside.

The initial and informal considerations

Once the idea of a new operation is starting to circulate, a multitude of factors will affect the initial reactions and considerations among the member states, as well as within the Council Secretariat and the Commission. Among those are the general opinions on the *political feasibility* of the operation. Will there be any chance at all of getting the members to agree politically on the particular operation? Will there be serious objections from non-EU actors, including states in the proposed field of operation and in the capitals of other (major) states with an interest in the issue at hand? How does the proposed operation fit into other international efforts to improve the situation? If these political issues are deemed to be too problematic, the interest in discussing the proposed operation will probably be quite low and the idea will not move any further.

Another type of consideration, although not always equally self-evident in the early deliberations, is whether the operation is *strategically desirable* for the EU. The absence of a supranational body with the formal role of identifying the EU’s collective political and strategic interests, means that such considerations are the objects of not only 27 different government opinions, but also of the actors within the Council Secretariat who may sometimes have stronger opinions on this question than many member states. Such discussions may however surface in the PSC, and may at times be influenced by the (sometimes outspoken) opinions of the SG/HR and other relevant actors from

the Council Secretariat. Given the centrality of the Council Secretariat, this is one of the more tangible ways for it to exert strong but informal influence over the continued process. Similarly, in these deliberations the members with strong opinions on such matters are able to affect the Union's strategic choices, and will thereby not only influence the discussions on the particular operation but also – should an operation be agreed upon – the continued development of the ESDP area.⁴²

A third type of initial consideration is whether an operation is at all *possible from a capacity point of view*, and entails several types of questions. Does the Council Secretariat have the administrative capacity to assist in the initial planning process? Do the member states have the capacity and willingness to provide adequately sized and equipped contributions? Will it be possible to identify an available Operation Headquarter for the operation? Thus, anyone proposing a new idea for an ESDP-operation must also be prepared to answer for instance the difficult question of how the troops or other categories of personnel will be allocated, which naturally has a restraining effect on the number of new initiatives.⁴³

Should these and other considerations point to even a vague possibility to go ahead and examine the conditions in more detail, the process of *gathering more information* will start. For instance, the PSC may ask for more information from other actors such as SITCEN, the Commission, the EU Satellite Centre, the member states, and the EU Special Representative if one exists for the area in question. It may also ask the Council Secretariat to provide analyses of the situation. The PSC and the relevant bodies in the Council Secretariat may also undertake some initial informal contacts with third parties, such as the UN, NATO, possible third country contributors, other regional organisations such as AU or ASEAN, and OSCE, depending on where the operation is assumed to be deployed. Furthermore, a fact-finding mission may be despatched to gather more information from the area, if the PSC deems it desirable.

At this early stage, a proposed operation may well be taken off the agenda due to the realisation that an operation will not be feasible. If, however, the PSC identifies a general acceptance for going ahead with further investigation into a possible operation, a somewhat more formalised phase of the process is initiated.

⁴² For an example, the Swedish attitudes towards Operation Artemis, see Strömvik 2005b, 176-177.

⁴³ To date, the EU Operations Centre has never been used during an ESDP operation. The allocated OHQs have so far been the French national headquarter, the German national headquarter (Potsdam), as well as NATO's headquarter.

The preparations

Once there is agreement within the PSC to go ahead with further discussions on an operation, the planning process takes off in several bodies, sometimes simultaneously. There are no firm rules about the order of various issues to be discussed, and since most issues are interlinked they often need to be considered in parallel.

The crisis management concept

The first formal document being discussed is normally the “crisis management concept” (CMC). This is the document describing the general political assessment of the situation, the overall objectives of the operation, and one or more proposed course(s) of action. In the process of elaborating the CMC, several strategic options are normally considered. The first draft of the CMC is prepared by an *ad hoc* crisis response co-ordinating team, consisting of officials from the Council Secretariat and the Commission, temporarily put together for a specific operation. The crisis response co-ordinating team does not take decisions, and is not a formal working group.

Issues for the CMC that need to be settled on a relatively early stage include for instance the politico-military objectives of the operation (if it will include military components) and/or police and other objectives for civilian or civil-military operations. The possible military strategic options are drafted by the EU Military Staff, and civilian equivalents are often drawn up by the relevant bodies in the Council Secretariat, both acting within the guidelines given to them by the PSC, and under the direction of the EUMC and CIVCOM respectively. In this process, potential operation headquarters (OHQ, e.g. national HQs or the Operations Centre) may also provide advice and support, even if they have not formally been identified as the OHQ at this time.

For military operations, the location of military planning and mission support during the operation, the OHQ, is a question in need of early discussion. As the EU itself has very limited capacity to plan and lead military operations,⁴⁴ the solution is either to rely on a “multilateralised” national headquarter or to use NATO headquarters.⁴⁵ The identification of an OHQ normally takes place at an early stage, and is settled in discussions between the member states in the EUMC. The decision has at least on

⁴⁴ The EU Operation Centre is estimated to be capable of serving as OHQ only for smaller EU operations, up to approximately 2000 troops.

⁴⁵ The EU currently has five identified national headquarters that could serve as OHQs for ESDP-operations; in France, Germany, UK, Italy and Greece.

one occasion (Operation Concordia, when NATO planning and mission support facilities were used) been made more on political grounds than on considerations of real capacity.

Following the advice given by the EUMC and/or CIVCOM, the crisis management concept is negotiated in the PSC. Often, this is an iterative process, with the document circulating more than once between the respective committees. Once agreement has been reached in the PSC, the Council approves the CMC. This approval can be made in connection with the formal decision on the operation, but can also be taken separately either before or after said decision.

Identifying the possible resources

At this stage in the process, a still informal estimate of possible troop contributions or the civilian equivalents is often being carried out by the respective bodies in the Council Secretariat. This tentative estimate is initially often just built on vague signals given by member states in, or in the margins of, for instance the PSC meetings, combined with more explicit contacts with and between those states that are assumed to provide the largest contributions.

Often, this informal sounding out of possible contributions is more difficult when trying to get an estimate for civilian operations than for the military equivalents.⁴⁶ Most member states find it considerably more problematic to promise, on short notice, a deployment of police and civilian personnel than (at least smaller) troop contributions. The main reason behind this problem is that policemen, judges, or other civilian personnel need to be immediately replaced at home when sent out in international missions, while troops to a certain level can be sent out without the need to replace them for immediate domestic service.

In addition to personnel, the equally difficult question of financing for the operation is also subject to early considerations. The civilian operations are normally funded within the CFSP budget.⁴⁷ However, these very limited funds (approximately € 150 million for 2007) are often not enough, or have been spent before the end of the year, resulting in a need for other financing options if a new civilian operation is to be launched. In the past, such operations have on some occasions been additionally financed by voluntary direct contributions from the participating states.

⁴⁶ On the particular problems of *quick* launching of civilian missions, see Jakobsen 2006.

⁴⁷ TEU art. 28.3

The military operations are funded outside of the CFSP budget, by the member states directly.⁴⁸ Parts of the costs are borne directly by those states that provide personnel and equipment, and parts of the costs – those that are considered common costs – are borne by the member states collectively, according to a GNI key, and administered through the so called Athena mechanism.⁴⁹ The exact definition of what constitutes common costs is however subject to negotiation in connection with every individual operation, and therefore also part of what needs to be considered when a new operation will be launched. The Lisbon Treaty will add a new component to the financing of military operations, by allowing for the setting up of a new “start-up fund”, outside the regular EU budget.

For combined civil-military operations the costs may be covered by a combination of community and member state funding.⁵⁰ The more tricky situations, however, arise when the entire mandate of a planned operation is either bordering between civilian and military tasks (such as military advice missions), or bordering between a “crisis management operation” and a development aid mission (such as rule of law missions). In the first case, the definition of whether the operation is indeed a military operation or not, will then also have an effect on whether the CFSP budget can be used or not. There is no agreed exact definition of where to draw the line, and for instance the EUSEC DRC mission, carried out by military personnel with a mandate to provide advice and assistance to the Congolese authorities regarding their armed forces, is nonetheless financed by the CFSP budget.⁵¹ In these cases, the decisions are taken by the member states on a case-by-case basis.

In the case of operations with mandates and objectives close to the Commission’s activities in the field of development and reconstruction, the issue is even more complicated. Here, the Commission will also have a say, and may sometimes argue that the mission should be seen as belonging to its area of competence. The various funding for European Community activities in this area far exceeds the CFSP budget, sometimes giving the Commission a strong upper hand in these discussions. If a mission in the end is defined as belonging to the Commission’s area of competence, it will also be carried out by the Commission and ceases to be handled within the ESDP framework. Although some of the CFSP reforms in the Lisbon Treaty are

⁴⁸ Ibid.

⁴⁹ Council Decision 2007/384/CFSP, of 14 May 2007.

⁵⁰ See for instance the combined solution for the EU support mission to AMIS in Darfur, Council Joint Action 2005/557/CFSP, of 18 July 2005.

⁵¹ See Council Joint Action 2005/355/CFSP, of 2 May 2005.

aimed particularly at diminishing this divide between Commission and Council activities, it does not contain any new guidance on where to draw the line between the two types of activities.

Consultations with third parties

Throughout the process, consultations are continuously carried out with third parties that are, in one way or the other, involved in the preparations. In particular if the operation is to be mandated by a UN Security Council resolution, consultations between the EU and the Security Council are intensified in the early stages of the process. If the operation is to be carried out using NATO planning and mission support facilities, details are discussed both informally and formally, the latter deliberations taking place in the Political and Security Committee – North Atlantic Council (PSC-NAC) meeting format between the two organisations.

Often, third states (non-EU members) are invited to provide personnel or other contributions to the operations. If this is likely to happen, consultations with these states may also be initiated at an early stage, with a view to discuss possible contributions. Formally, however, the invitation to participate will be agreed by the Council, normally at the same time as the formal decision on the operation. Regional organisations such as the OSCE, AU or ASEAN, depending on the geographic area, may be consulted at an early stage and – if applicable – approached for more formalised cooperation relating to the operation.

The formal decision(s) to take action

Once there is agreement on the operation between the member states, a general belief that it is possible to identify sufficient capabilities, and (for most military operations) a mandate provided by the UN Security Council, the Council of the European Union will adopt the formal EU decision to take action. This decision is taken in the shape of a so called joint action, which is one of the legal decision-making formats available to the Council on matters related to the CFSP. Thereby, the joint action becomes the formal legal basis of the operation. The joint action must be adopted unanimously by the Council, and thus requires the approval, or at least consent, of all member states.

Adopting the Joint Action

The exact contents of the joint action may vary somewhat in relation to the type of operation, but generally it contains first of all an outline of the political context and

the reasons for undertaking the operation, the relationship to other ongoing operations (EU or non-EU led) in the area, the objectives of the operation, and the legal grounds (EU-related and, if applicable, those related to international law such as a UN Security Council resolution). Normally, also it specifies the exact role and chain of command of a number of actors involved, including the SG/HR and the EUSR if there is one, as well as details of what kind of decisions the PSC may take without the formal approval of the Council. It may also task the PSC with the establishment of a Committee of Contributors.

The joint action also contains the financing details, and may indicate which types of costs should be considered common to all EU members. It may also formally designate the Operation Commander, the operational headquarters (OHQ) and the Force Commander, or name the Head of Mission for a civilian operation. It may also specify the role of third states, or whether any such states should be invited to participate. Furthermore, the joint action may either specify a date for the launch of the operation, or indicate that a separate decision to that end will be taken. The latter has become customary in particular for the military operations. An end date is normally also included in the joint action.

Formally, the joint action precedes the force generation process and the elaboration of an operation plan and related documents, but in practice these processes are naturally intertwined. The Council would not go ahead and agree on an operation unless it judged the rest of the process to go ahead.

The planning documents

When the formal decision on the operation is agreed upon by the Council, several related political, strategic, and legal documents have either been prepared already or will immediately be prepared. In some cases, these documents may have been finalised already at the time of the adoption of the Joint Action, in which case they may be approved by the Council at the same time as the decision on the operation. Otherwise, they will be submitted to the Council for decisions as soon as the details are worked out. Often, many of these documents are drafted simultaneously with the force generation process, which may also have been informally initiated before the adoption of the joint action.

The general guidance is provided by the PSC, asking the military committee to direct the military staff to draft an initiating military directive (IMD). This directive sets the guidelines needed by the Operation commander to draft the necessary planning

documents. These include a concept of operation (CONOPS), spelling out the military objectives of the operation and guidelines on the use of force, and a statement of forces requirement (SOR), detailing the capacities needed for the operation. These draft documents are finalised in collaboration with the military staff, before being discussed and possibly adjusted in the military committee and then agreed upon in the PSC. Equally, for civilian operations, the police unit or other relevant bodies in the Council Secretariat prepares a draft CONOPS and SOR, which are then channelled through CIVCOM before reaching the PSC.

Often, there will be outstanding issues in the first “round”. In this case, these documents will be sent back to the initial drafters and/or the sub-committees of the PSC for further negotiation, before they resurface in the PSC. Once there is an agreement in the PSC, the documents are sent to the Council for formal approval.

The force generation process may also start at this stage, by the issuing of a “call for contributions” and inviting member states and other possible contributors to a force generation conference. For military operations, it is the Operation Commander and the EUMS that are jointly responsible for this process. For civilian missions, the Head of Mission together with relevant bodies in the Council Secretariat share the responsibility. At the force generation conference, those states that plan to take part in the operation will pledge their possible level of participation. Participation is always voluntary, and subject to the member states’ own deliberations. Often, however, those states that are most interested in seeing the operation launched will also try to convince others to participate with substantial contributions if needed.

It is during the force generation process that the shortage of troops in many member states – as well as the occasional lack of political will to commit available troops and equipment, including strategic transport capacity – is displayed in most visible terms. For example, it took five (!) force generation conferences to muster the troops and equipment needed for the EUFOR Chad/RCA operation.⁵² Similar experiences were encountered in the lengthy planning process of the EUFOR RDC deployment in 2006.

Finalising the planning and launching the operation

Ahead of the launch of the operation, an Operation plan (OPLAN) is drafted by the Operation commander, outlining the proposed conduct of the operation based on

⁵² Swedish Defence Minister Sten Tolgfors, Svenska Dagbladet Brännpunkt, 20 February 2008.

the CONOPS, including the required forces, support elements and transportation, as well as the rules of engagement for the personnel. The OPLAN is then negotiated in the EUMC or CIVCOM respectively, before being agreed upon in the PSC and submitted to the Council for approval.

In order to spell out the legal terms under which the deployed ESDP personnel can operate in the field, a status of forces agreement (SOFA) is normally also concluded between the EU and the government(s) in the geographic area of the operation. The SOFA is drafted by the Council Secretariat, and first negotiated in the EUMC and/or CIVCOM (depending on the nature of the operation). The views and advice of the Operation Commander and/or the Head of Mission for a civilian operation are taken into account. It is subsequently finalised in the PSC, and submitted to the Council for approval.

Following the force generation conference, and normally ahead of the finalisation of the OPLAN, a Committee of contributors is established to provide guidance for the remaining operational preparations and provide input to the day-to-day management of an operation. This committee thus becomes the main forum for the contributing states when discussing the employment of their forces in an operation. All EU members may participate, although only the members contributing to the operation will take active part in the day-to-day management of the operation. Non-EU participants that are “deploying significant military forces” to the operation, may also participate on equal footing with the contributing members.

Once the OPLAN and related documents have been finalised, and the Operation commander is satisfied with the contributions made by the participating states, the operation can be formally launched. In particular for military operations, this decision is normally taken as a formal Council decision. This seemingly long, complex and cumbersome process of preparing, negotiating and deciding to launch an operation have on some occasions taken place only within a couple of weeks from the initial proposal of the launch (two of the quickest examples to date were Operation Artemis in the DRC and the Aceh Monitoring Mission), while others have taken several months or even more to prepare (with both EUPM and the EUFOR Althea mission in Bosnia-Herzegovina, as well as EUFOR RDC being a few examples).

The implementation of the operation

Once the operation has been launched, the chain of command has been established and is rarely subject to changes unless the mandate of the operation should be changed

at some later point in time. The Committee of contributors serves as the main forum for the continuous discussions on how the forces are employed in the operation. The Committee regularly receives information and reports from the Operation Commander, and provides input for the deliberations in the PSC. In all cases, however, it is still the PSC that has the overall responsibility for issues related to the political control and strategic direction of the ongoing operation.

The PSC may also take certain formal decisions throughout the operation, within the mandate given to the committee by the Council. Hitherto, such decisions have included for instance changes to the OPLAN, changes in the chain of command for the operation, approval of contributions from third states, the establishment of the Committee of contributors, and the appointment of Operations commander and Force Commander.

It is eventually the Council, following deliberations between the states participating in the committee of contributors and the regular preparation in the PSC that takes the decision to end an operation. At this point, a process of evaluation usually starts, where lessons learned from the operation are discussed and may be used to adjust for instance the procedures ahead of future operations.

6. Conclusions

It is tempting to argue that an organisation that has been able to launch some twenty peace support operations in less than five years, having started from scratch, is in itself a truly remarkable development and a testimony to a surprisingly quick and efficient system. Despite the sometimes cumbersome procedures, and the strict adherence to the rule of unanimity, some operations have furthermore been launched quicker than most (or even all other) similar operations undertaken by other multilateral organisations.

On the other hand, many of the operations have been perceived by many actors involved as very time consuming and difficult to plan and get on the ground. In particular the force generation process has at times been portrayed as a painful testimony to the lack of available troops and other categories of personnel for ESDP operations. In addition, the understaffed Council Secretariat, and the minimal resources for planning and mission support, has furthermore reinforced the problems of initiating discussions on new operations. The demand for new operations, both from some of the EU members themselves and from the outside world, is still far greater than the EU's capacity to deliver.

The turf wars being fought between the Commission and the Council on their respective areas of competence in relation to civilian peace support operations (ESDP) and development and reconstruction aid (Community), has also had a restraining effect on the launch of new civilian ESDP missions. As the EU is now about to take over many of the tasks currently carried out by the UN in Kosovo, including comprehensive executive tasks that are new to the EU, the need for improved relations between the Council and the Commission is greater than ever. Once launched, this ESDP mission will be of a different magnitude both in scale and complexity compared to past civilian ESDP operations.

The Lisbon Treaty, if ratified by all member states, does not solve the issue of the respective competences of Council and the Commission. The grey zone will therefore continue to exist for many years to come. The new treaty will, however, provide the grounds for a new organisational structure, affecting both the work of the Council and the Commission. How the External Action Service will be organised, and to what extent specific ESDP demands will be taken into consideration in the process of reorganisation, will clearly be a very important issue for anyone who wishes to

see an improved administrative EU capacity to plan and launch new peace support operations. Depending on how the foreseen start-up fund for military operations will take shape (size and possible use), it may at least marginally improve today's financing problems.

The Lisbon Treaty will also, although this has been outside of the scope of this report, provide grounds for renewed discussions on the member states' capacity to provide troops and equipment for the operations. A specific form of so called "enhanced cooperation" between a group of willing states, will be set up under the name of "permanent structured cooperation" with the aim to improve the participants' capacity to contribute to the military ESDP missions. Just as for the Schengen area, or the EMU, there will be entrance criteria and rules for inclusion (and exclusion) in the group. While the entrance criteria are specified in the treaty (participation in the European Defence Agency and participation in one or more of the pledged battle groups), the more exact content of this enhanced cooperation remains to be negotiated in the near future.⁵³

As always, however, the political will of the member states to take the ESDP area further will be far more important than any legal provisions in this area. Issues such as new financing arrangements, a permanent headquarters for the EU, improved national capacity to provide civilian and military personnel, and covering "European" shortfalls such as strategic transport capacity, will have to be addressed by the member states irrespective of the fate of the Lisbon Treaty. The outcome of such processes will be far more important than the Lisbon Treaty for the functioning and the future prospects of the EU as an actor for global peace and security.

⁵³ Some indications on possible contents are given in the Lisbon Treaty's "Protocol on permanent structured cooperation", but it seems clear that for instance France wishes to renew these discussions during their upcoming Presidency (see for instance Pierre Lelouche in *Le Figaro*, 31 January 2008, "8 propositions pour donner à l'Union une défense commune").

Bibliography

- Aggestam, Lisbeth. 2006. *What Role for the EU in Security and Defence: British, French and German Views of the ESDP*. Stockholm: Swedish Institute of International Affairs.
- Bailes, Alyson J. K., Gunilla Herolf and Bengt Sundelius (eds). 2006. *The Nordic Countries and the European Security and Defence Policy*. Oxford: Oxford University Press.
- Björkdahl, Annika. 2005. "Norm-maker and Norm-taker: Exploring the normative influence of the EU in Macedonia", *European Foreign Affairs Review*, 10(2): 257-278.
- Björkdahl, Annika. 2008. "Norm advocacy: A small state strategy to influence the EU", *Journal of European Public Policy*, 15(1) (forthcoming).
- Duke, Simon. 2006. "The Commission and the CFSP". Paper prepared for EU-Consent Workshop Institutions and Political Actors: New Forms of Governance. European Institute of Public Administration. Maastricht, Netherlands.
- Duke, Simon & Hanna Ojanen. 2006. "Bridging Internal and External Security: Lessons from the European Security and Defence Policy". *Journal of European Integration*, Vol. 28, No. 5.
- Ekgren, Magnus. 2007. "The External-Internal Dimension of Security and Terrorism". D. Spence (ed.) *The European Union and Terrorism*, London: John Harper Publishing.
- ESDP News*, Issue 4, July 2007.
- Gnesotto, Nicole (ed.). 2004. *EU Security and Defence Policy, The First Five Years*. Institute for Security Studies, European Union. Paris.
- Haines, Jean-Yves. 2006. "ESDP and NATO", in *EU Security and Defence Policy. The first five years (1999-2004)*. Institute for Security Studies, European Union, Paris.
- Haseler, Stephen & Jeannette Ladzik (Eds). 2007. *The Development of ESDP Instruments During the German EU Presidency and Beyond*. Forumpress.
- Howorth, Jolyon. 2007. *Security and Defence Policy in the European Union*, Basingstoke: Palgrave.
- Huldt, Bo, Mika Kerttunen, Jan Mörtberg & Ylva Ericsson (eds). 2006. *Strategic Yearbook 2006, European Security and Defence Policy: A European Challenge*. Swedish National Defence College.
- Jakobsen, Peter Viggo. 2006. "The ESDP and Civilian Rapid Reaction: Adding Value is Harder than Expected". *European Security*, Vol. 15, No. 3.

- Keohane, Daniel. 2006. "Unblocking EU-NATO Co-operation". *CER Bulletin*, Issue 48.
- Laatikainen, Katie Verlin and Karen E Smith (eds). 2006. *The European Union at the United Nations: Intersecting Multilateralisms*, Palgrave.
- Martinelli, Marta. 2006. "Helping Transition: The EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the Framework of EU Policies in the Great Lakes", in *European Foreign Affairs Review* 11: 379–399.
- Missiroli, Antonio. 2004. "ESDP – How It Works", in Nicole Gnesotto ed. *EU Security and Defence Policy, The First Five Years*. Institute for Security Studies, European Union. Paris.
- Ojanen, Hanna. 2005. "Operation Althea: Healing, testing, or testing the healing?". *CFSP Forum*, Vol. 3, N. 1, at <http://www.fornet.info/CFSPforum.html>
- Report of the Panel on United Nations Peace Operations*, United Nations 2000, downloadable at http://www.un.org/peace/reports/peace_operations
- Strömviik, Maria. 2002. "EU – en ovanlig utmanare i världspolitiken". Ulf Bernitz, Sverker Gustavsson och Lars Oxelheim red. *Europaperspektiv. Konkurrens på tre nivåer*. Stockholm: Santérus förlag.
- Strömviik, Maria 2005a. *To act as a Union. Explaining the Development of the EU's Collective Foreign Policy*. PhD Thesis. Lund: Department of Political Science.
- Strömviik, Maria. 2005b. "Suède: une ouverture croissante à l'action internationale". Patrice Buffotot (ed.) *La Défense en Europe*. Avancées et limites. Edition. Paris: La Documentation Française.
- Strömviik, Maria. 2006. "Starting to 'think big': the Nordic Countries and EU peace-building". Alyson J. K. Bailes, Gunilla Herolf and Bengt Sundelius (eds) *The Nordic Countries and the European Security and Defence Policy*. Oxford: Oxford University Press.
- Suggestions for procedures for coherent, comprehensive EU crisis management*. <http://register.consilium.eu.int/pdf/en/03/st07/st07116en03.pdf>
- Wallensteen, Peter, & Birger Heldt. 2004. *Peacekeeping Operations: Global Patterns of Intervention and Success, 1948–2004*, Second Ed. Folke Bernadotte Academy Publications.
- Wisler, Dominique. 2007. "The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building". *Police Practice and Research*, Vol 8, No 3, pp 253-268.

Websites

www.consilium.europa.eu/cms3_fo/showPage.asp?id=268&lang=EN&mode=gec.europa.eu/external_relations/cfsp/intro/index.htm#3

www.europa-eu.un.org/articles/en/article_2768_en.htm

www.consilium.europa.eu/uedocs/cmsUpload/070228-EU_OpsCentre.pdf

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