

## 8

# CIVILIAN CSDP

## A tool for state-building?

*Catriona Gourlay*

Despite initial misgivings about the value of creating civilian crisis management capacities from the EU's largest member states, history has been on the side of the Nordic states that pushed for an EU capacity to deploy civilians on missions in the framework of the European Security and Defence Policy (ESDP, now CSDP). The development of civilian CSDP since 1999 has coincided with a rise in demand for assistance for the development of the rule of law sectors, especially in states recovering from war. The EU's civilian monitoring missions in Aceh and Georgia have also demonstrated the utility of relatively small, unarmed missions in providing effective support to the implementation of a peace agreement. At the same time, it has been relatively easier to secure support from EU member states for civilian missions, which tend to be less expensive, less dangerous and less controversial than military ones. Indeed, while the West's military interventions in Iraq and Afghanistan have cast a shadow of doubt in many EU states over the compatibility of military deployments with peace-building objectives, there is rising appreciation of the importance of state-building for consolidating peace and fostering development.

In short, the initial reservations of some EU member states about the utility of creating a distinctly civilian dimension of CSDP have proved unfounded. On the contrary, the early history of CSDP has shown how civilian missions have been a useful and relatively flexible instrument that has enabled the EU to provide support for peace processes in ways that would not otherwise have been possible using military or other EU aid instruments. Civilian missions have arguably now become member states' principal instrument of choice when faced with internal or external demand to visibly respond to a crisis, to support states struggling to recover from conflict or to address violent challenges. In the sense that civilian CSDP is a tool that has been adapted for an ever-expanding variety of tasks, one might therefore conclude that it is indeed a tool for all trades engaged in peace consolidation.

It does not, however, follow from the relative popularity of the civilian CSDP tool that it is necessarily well adapted to the various roles it has been tasked with. Assessing whether civilian CSDP missions have, in practice, been well suited to the mandates ascribed to them evidently requires detailed empirical analysis of their functioning and impact on a case-by-case basis. This is beyond the scope of this chapter. Rather than address whether the tool of civilian CSDP actually works, this chapter aims to identify the operational limits of civilian CSDP from an EU institutional perspective. It concludes with a brief assessment of how the

instrument may be further adapted in light of changing conditions. These include the post-Lisbon reforms, including the EU's ambition to boost its external political influence through the European External Action Service.

### What is the policy framework for civilian CSDP and state-building?

Conceptually, civilian CSDP has been tied to the objective of state-building. For example, the EU 2003 Security Strategy stated that 'civilian crisis management helps restore civil government' (European Council, 2003) and the majority of civilian missions have institutional capacity-building mandates in the rule of law sectors. In addition to building government capacity through 'supportive' tasks, however, civilian CSDP has also been designed to 'substitute' for local government capacity through missions with executive mandates. Hence civilian CSDP is also conceptually associated with the objective of promoting stability by directly providing international police and justice services on an interim basis. For a number of states this was the initial purpose for creating civilian CSDP and the link with directly providing public order is maintained. For instance, the EU 2008 *Report on the Implementation of the European Security Strategy* (European Council, 2008a) identifies 'building stability in Europe and beyond' as a core EU security objective that can be pursued by combination of CSDP and development actions attuned to fragile or post-conflict situations (European Council, 2008a: 8).

While the EU ambition to promote stability and help (re)build states, including through civilian CSDP, is clearly stated in its security strategy and the Lisbon Treaty, EU policy is far less clear on how to tailor specific state-building interventions to different contexts and which tools are best adapted to specific cases and tasks. In other words, there is no clear policy guidance regarding how to combine different EU tools in fragile or post-conflict contexts. This is not surprising given that the evidence base for state-building practice remains weak and that international policy discourse has only recently focused on how to calibrate international interventions towards promoting more resilient states in challenging contexts. For instance, it was only in 2007 that the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) – one of the principal forums for developing and consolidating guidance for donor policies – first explicitly prioritized state-building as the central objective of international partnerships in fragile situations and in countries emerging from conflict in its *Principles for Good International Engagement in Fragile States and Situations* (OECD, 2007). Since then, donors working together in the framework of OECD DAC have explored the potential of international assistance to inadvertently do harm to state-building processes and have focused on how to better adapt aid disbursement modalities, programming and technical assistance in these contexts. Similarly, international financial institutions have recently turned their attention to the challenges of supporting state-building. For example, the central thesis of the World Bank 2011 World Development Report is that legitimacy of government actions is essential for sustained development success. It critically reflects on international efforts to support state-building, stressing the importance of function over institutional form, and calls for greater investment in preventive programming and the rule of law sectors (World Bank, 2011).

Recent policy reflection in the donor and development communities has confirmed the centrality of the state-building objective but called for greater modesty and sensitivity in relation to how international engagement can support it. This is, for example, reflected in recent OECD DAC policy guidance for *Supporting State-Building in Situations of Conflict and Fragility* (OECD, 2011). This policy guidance emphasizes the importance of understanding

state-building processes and the context in which they take place as the starting point for any international engagement and support. State-building is also seen as a largely endogenous process, and the challenge for international engagement is in judging how to strengthen constructive state-society engagement through country programmes, aid modalities and technical assistance. The OECD DAC guidance recommends that international assistance should prioritize support for: local conflict management and resolution mechanisms; inclusive political settlements or processes that strengthen state-society interaction and accountability; and functions that are strategically important for state-building. These include the functions of security and justice, revenue and expenditure management, economic development – especially job creation – and service delivery.

Although there is a broad consensus within the EU that assistance for state-building is most effective when different tools are employed in a comprehensive fashion, towards common strategic objectives in a way that is tailored to local context, this remains an aspiration rather than reality. The fragmented nature of decision-making within the EU means that there is no single venue in which discussions over strategic priorities and how best to achieve them take place. Rather, decision-making is sector-specific, and takes place in different institutional contexts and with different actors. Decisions over the deployment of aid instruments have, to date, been made by *fonctionnaires* within a number of Commission directorate generals (with mandates for development, humanitarian aid and external relations), while decisions over CSDP deployments are taken by EU member state ambassadors in the Political and Security Committee. In practice, therefore, there is no tradition within the EU context of a common deliberation over which is the appropriate strategy or mix of instruments to deploy in response to a crisis or for state-building purposes. Rather, the mix 'emerges' from a number of separate analysis and decision-making processes across EU institutions, few if any of which use a state-building lens in their analysis and decision-making.

### What are the EU's development tools for state-building?

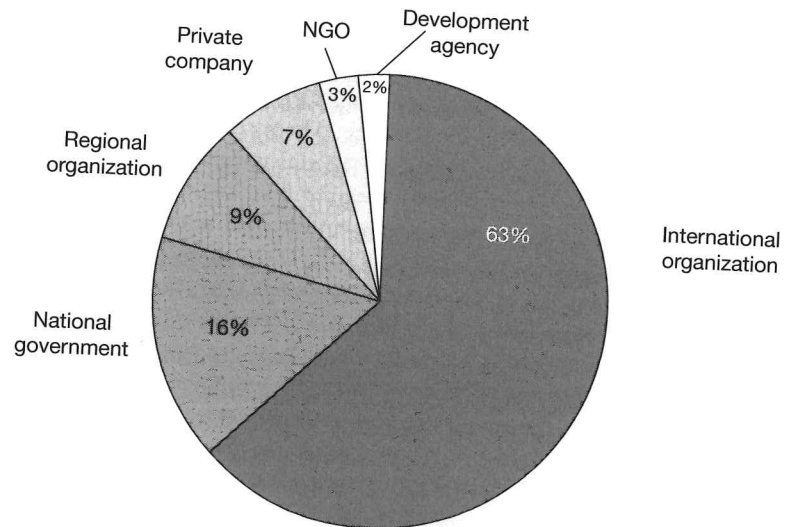
CSDP is but one of a range of tools that the EU deploys for institution-building in the area of justice and security. EU 'development' tools of state-building also include a range of options for disbursing aid and providing technical assistance. There are three main options for disbursing aid. The first is direct budget support to national governments. However, concerns over government capacity and/or legitimacy mean that it is rarely used in early recovery or fragile contexts. Although the EU, together with other donors, is exploring how this instrument might be extended to more challenging contexts through greater use of joint management provisions, its use in fragile contexts remains marginal. The second option for disbursing EU funds that is much more common in post-conflict contexts is the pooled-funding mechanism of Multi-Donor Trust Funds (MDTFs). These are typically administered by the UN Development Programme or World Bank. They may be sector-specific, for instance, supporting a range of government capacity-building activities to strengthen the rule of law.<sup>1</sup> Alternatively, they may provide a pool of funding for reconstruction that can be used to fund activities across police, justice, governance and socio-economic development sectors.<sup>2</sup> Although the MDTF mechanism has been criticized for being relatively slow in disbursing funds or for indirectly undermining state structures by creating parallel management structures, there is broad consensus amongst donors that it is a useful mechanism for channelling aid in fragile situations in a way that also has the potential to strengthen state capacities and harmonize international support. The EU, however, tends to channel its funding for state-building through MDTFs or pooled-funding mechanisms only in

high-profile cases which receive large volumes of aid from the EU budget, for instance in Iraq and Afghanistan.<sup>3</sup>

The third modality for disbursing EU aid in post-conflict or fragile situations is through programmes administered through EU 'implementing partners'. The majority of this programming aid originates from geographic budget lines that are administered in line with long-term Country Strategy Papers and programming objectives. A relatively small proportion (2 per cent) originates from the Instrument for Stability – a funding mechanism that allows greater flexibility in the administration of aid and is explicitly intended to support efforts to promote stability and prevent conflict. It is also often the source of funding for so-called 'flanking' measures designed to complement CSDP operations.

While in principle all three aid modalities can support institutional reform and capacity-building, the EU's direct support for and control over the deployment of technical assistance is limited to programmable aid. In the context of EU-funded development programmes designed to build state capacity, technical assistance (TA) is commonly provided through private consultancies. Consultants are often embedded in government ministries across the public administration and rule of law sectors and engaged in discrete tasks aimed at filling capacity gaps or providing specialist advice related to broader programme objectives.

The model is somewhat different in Europe's near abroad, however, where EU programmes that draw on member state civil servants have been privileged over traditional TA based on outsourcing to private consultancies. The 'Twinning' programme, for example, involved the secondment of EU member state civil servants for one to three years to work with their country counterparts. And the TAIEX programme was developed for short-term secondments of national experts, including in the security and justice sectors, in response to requests from eligible countries.<sup>4</sup>



Source: European Commission, 2009b.

Note: Figures for the main 48 contractors, representing 83% of total amount contracted

Figure 8.1 European Commission implementing partners for conflict prevention and peace-building 2001–8 (not including the Balkans).

Although the Commission's practices of outsourcing the implementation of institutional capacity-building expertise has not been fundamentally challenged,<sup>5</sup> independent evaluations have highlighted the fact that EU TA (whether outsourced or directly administered) is most effective in contexts where there is political commitment to and a strategy for public administration reform (notably in EU accession countries) as well as basic administrative capacity (Cooper and Johansen, 2003). This is consistent with the experience of other donors. OECD DAC guidance, for instance, recognizes that:

There are many challenges associated with providing technical assistance (TA) in fragile situations, where the conditions needed to make TA work tend to be weak or absent. This requires a long-term vision of where TA personnel fit into the change agenda, embedding TA in national structures as quickly as possible, and developing state capacity to manage and co-ordinate TA.

(OECD, 2010)

Yet, despite the challenges Collier (2008) has shown that aid as technical assistance can help turn around failing states. There is, for example, statistical evidence that technical assistance in the first years of an incipient reform has a big favourable effect on the chances that the momentum of the reforms will be maintained (Collier, 2008: 114).

### What is the civilian CSDP approach to state-building?

Although it shares the objective of building institutional capacity in the sectors of justice, security and public administration, civilian CSDP is not associated with the established aid 'trade' or approach to capacity-building. Rather it is seen as an instrument of crisis management and is deployed in accordance with military planning methodology. Also, although civilian CSDP missions are deployed in line with the EU the Common Foreign and Security Policy (CFSP), CSDP is not associated with the diplomatic 'trade' or with the formal 'offices' of CFSP, notably EU Special Representatives. Rather, while civilian missions have political objectives in line with CFSP they are often viewed as essentially technical instruments, especially in relation to missions with supportive capacity-building mandates. They are also most commonly associated with the domestic trades of police and justice since the majority of missions are Police or Rule of Law Missions and the majority of those deployed are recruited from these sectors within EU member states. In other words civilian CSDP is an experiment in how crisis management 'missions' can be adapted for tasks related to the (re)building of state structures through the deployment of teams of national civil servants with relevant expertise in the rule of law sectors. The *assumptions* underlying their deployment is that these instruments are better adapted to fragile contexts where state capacity is weak. This is because they are often considered to be more robust forms of technical assistance, able to effectively substitute for elements of state capacity while also building them.

Although CSDP missions can be deployed globally and in a wide range of contexts, missions deploy a similar model for institutional capacity-building by 'monitoring mentoring and advising actions'. This is also similar to the European Commission's approach in which the emphasis is typically on improving formal legal, administrative and financial frameworks through placing EU mission personnel with counterparts at 'strategic' levels. This was, for example, the model first developed for the EU Police Mission in Bosnia and Herzegovina. But it has also been deployed in the Democratic Republic of Congo and Afghanistan.<sup>6</sup>

Similarly the EU's largest Rule of Law mission, EULEX in Kosovo, also employs a similar approach to 'monitoring, mentoring and advising', although it is managed differently.<sup>7</sup>

While EU officials regularly emphasize the technical nature of civilian CSDP missions, it is also clear that the deployment of experts within this framework is politically and symbolically significant. CSDP missions not only visibly convey high-level EU political commitment to a particular country, often together with a particular vision for its development. By framing an EU intervention in terms of crisis management, they also signify the contested or fragile context in which the mission operates. Both of these symbolic aspects of CSDP interventions have been operationally significant. For example, the demand for a first EU Rule of Law mission to take place in Georgia was linked to the Georgian policy of promoting closer political relationship with EU.<sup>8</sup> Conversely, the CSDP Police Mission in Macedonia (EU Proxima) was effectively transformed into a series of Commission-funded projects because the Macedonian authorities believed that this represented a normalization of relations with the EU which would, in turn, enhance their accession prospects (Gourlay, 2011). In short, regardless of the operational approach that the mission takes, a civilian CSDP intervention is widely viewed by officials both within and outside the EU as qualitatively distinct from technical assistance delivered through aid instruments. Since they derive their authority from an overtly political decision-making body, the Political and Security Committee, it is also widely assumed that civilian CSDP missions have greater political clout or leverage with national elites and are therefore better equipped to influence capacity-building in politically contested contexts.

Whether civilian CSDP capacity-building missions are better suited to contexts in which capacity and commitment to reform processes are weak is far from certain, however. In some cases it is clear that an EU mission had limited or no leverage over national authorities. For instance, the limited results of both the EU's first Security Sector Reform mission in the DRC and its small SSR mission in Guinea Bissau have been explained by the mission's relative impotence in influencing domestic political conflicts (Gourlay, 2010; Clément, 2009). Others have argued that the CSDP model is not best suited to capacity-building in situations where institutional structures are extremely weak. Both the EUPOL mission in Afghanistan and the EUPOL mission in Eastern DRC have been criticized for prioritizing reforms at the strategic level. For example, in relation to EUPOL Afghanistan's intention to provide advice at senior, strategic levels, Korski argues that 'this approach shows few results in places like Afghanistan, where legal and administrative traditions are limited, corruption pervasive, the skill base low and illiteracy high, even at senior levels' (Korski, 2009: 9).

Just as technical approaches to capacity-building and reform delivered through Commission programmes were less effective outside the accession context, it is not clear whether CSDP missions manage to translate their assumed political authority into local influence in support of EU visions for reform and capacity-building. It is, however, extremely difficult to assess the relative effectiveness of the CSDP model in the absence of robust monitoring and evaluation systems. At present, the internal CSDP processes of lesson-learning are not designed to measure impact, sustainability or cost-effectiveness. Commission competence for evaluating CSDP missions is also limited to the evaluation of financial management, an area for which it remains directly responsible. Given the potential for Monitoring and Evaluation to promote institutional learning and feed into mission design, however, some within the Crisis Management and Planning Directorate and Civilian Conduct and Planning Capacity within the Council Secretariat are working on building feedback and impact-assessment mechanisms into operational evaluation and planning processes. This draws on best practice within domestic EU contexts in which resources are targeted at high-risk areas or 'hot spots'.

However, this work remains at an early stage and is, in practice, often difficult to reconcile with established military approaches to planning.

Although the EU has responded to demand for state-building assistance with aid, capacity-building programmes and civilian CSDP missions designed to harness EU technical expertise, the EU still knows relatively little about how best to engineer institutional change in dynamic and politically contested contexts. Nor is there sufficient evidence to suggest which tools work best in which circumstances. Consequently, in the absence of strong evidence-based feedback, the deployment and evolution of specific tools for crisis management are often based on assumptions about what works as well as political and financial considerations internal to the EU. The following account of the evolution of civilian CSDP traces how operational demands and the internal politics of civilian CSDP have shaped their capacities, structures and approach.

### How has the civilian CSDP evolved to address its main tasks?

The roles and capacities of civilian crisis management have evolved incrementally, principally in response to operational demands. This section traces the evolution of internal CSDP capacities, showing how its approach to institutional capacity-building has been shaped in line with the military approach to capacity development.

The creation of civilian CSDP followed in the wake of the 1998 decision taken by France and the UK at St-Malo to create EU military capabilities. But the motivation for and principal drivers behind civilian CSDP were always distinct from those driving military CSDP. The British and the French were not initially in favour of the idea, but did agree that additional civilian police capacities were needed to fill a gap in international civilian *executive* policing capabilities.<sup>9</sup> For others, including the Swedish, Finns and Germans, civilian CSDP was in part a normative reaction to the development of military CSDP, and represented an attempt to 'round out' EU military capabilities, building on the EU heritage as a civilian power. Initially, therefore, there was no common vision about what civilian CSDP should do or be.

This is apparent from the loosely worded decision of the 1999 Helsinki European Council to establish 'a non-military crisis management mechanism to coordinate and make more effective the various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the member states' (European Council, 1999). More specifically, the Helsinki European Council agreed an 'Action Plan on Non-Military Crisis Management of the EU' (European Council, 1999) that tasked the EU with developing a rapid-reaction capability for the deployment of civilian personnel in response to crisis. It requested further preparatory work to clarify the scope and purpose of this capability and to define concrete targets with respect to civilian deployments.

The EU role in civilian crisis management was therefore originally conceived as merely one of improved coordination. Consequently, the methodology for the build-up of civilian capabilities was supply-driven. The identification of concrete targets during the Portuguese Presidency drew on a 1999 stock-taking exercise which identified potentially relevant areas of member state civilian expertise. The approach also followed the military model of capacity generation involving the establishment of quantitative targets followed by pledging conferences. Specifically, the European Council in Santa Maria da Feira in June 2000 established four priority areas for capability development. These were police, rule of law, civilian administration and civil protection. In each priority area the EU then established 'concepts' clarifying operational procedures for missions designed either to substitute for local capacity or to support capacity-building in these distinct areas.

Reservations about the original approach to capability development were raised as early as 2001. For example, during its Presidency in 2001, Sweden had argued that the range of civilian expertise be expanded and that a more comprehensive approach to deploying police and rule of law expertise be considered in line with developments in the UN system, notably the recommendations of the Brahimi report. In practice, however, it was only in response to operational experience and requests for assistance that the EU adopted a broader and more flexible approach to the deployment of civilians in the framework of CSDP. This followed criticism of the limited utility of EU 'concepts'<sup>10</sup> and feedback from the field that stressed the need for a more integrated approach to police and rule of law deployments. For instance, although the UN had recommended an integrated Rule of Law Mission take over from the IPTF in Bosnia in 2003, this was not perceived as possible given the EU early focus on police-only missions. Practitioners also criticized the military-style approach to pre-planning for privileging structures over programming. This has since been partially addressed through the practice of more robust and inclusive pre-planning missions and, in the case of EULEX in Kosovo, the adoption of an explicit 'programming approach' to mission planning. Weaknesses in planning were, in any case, arguably inevitable given the limited resources that were dedicated to civilian mission planning. By 2005, there were only some 30 staff working on civilian aspects of crisis management in the Council General Secretariat, including capacity-building, strategic and operational planning and mission support. The EU Military Staff, on the other hand, responsible for strategic planning for military missions (alone), numbered over 140.

Paradoxically, despite the early emphasis on the development of military infrastructures and capabilities, the first years of CSDP saw a rapid rise in the number and scope of civilian operations. The first CSDP operation (EU Police Mission in Bosnia) was a police mission launched in 2003, and by 2005 the EU had launched no fewer than 10 civilian missions. These included missions to strengthen police capacity (in Bosnia, Macedonia, Palestine and the Democratic Republic of Congo), to strengthen local justice systems (in Georgia and Iraq) and to monitor disarmament and demobilization processes (in Aceh and borders (in Moldova/Ukraine and Gaza). In response to operational demands, the EU expanded the scope of its ambitions for crisis management missions. The 2004 Action Plan for Civilian Aspects of CSDP expanded the number of 'priority areas' for civilian CSDP up to six (police, rule of law, civilian administration, civil protection, monitoring and support to EU Special Representatives) and introduced a more agile format for deployment of civilian experts. In 2005 the scope of CSDP tasks was effectively extended again, when the Council agreed a concept guiding how CSDP missions could be deployed in support of Security Sector Reform (European Council, 2005c). This was, in turn, followed by the agreement in 2006 of a Joint Council/Commission Concept guiding the provision of EU financial and technical support to Disarmament, Demobilisation and Reintegration (DDR) programmes (European Council, 2006b), which paved the way for CSDP DDR missions. Moreover, to enable the EU to undertake such a potentially broad range of monitoring and assistance tasks, the 2004 Action Plan (European Council, 2004b) called for the expansion in the range of expertise that the EU might draw on for CSDP mission design and implementation. Specifically, it called for experts in human rights, political affairs, security sector reform (SSR), mediation, border control, disarmament demobilization and reintegration (DDR) and media policy. The Action Plan also introduced the possibility that civilian experts could be deployed in support of Special Representatives, thereby providing a means to boost their role in supporting peace processes. As a means for the rapid recruitment of such diverse expertise the Action Plan incorporated a proposal introduced by the Swedish for the EU to be able to deploy

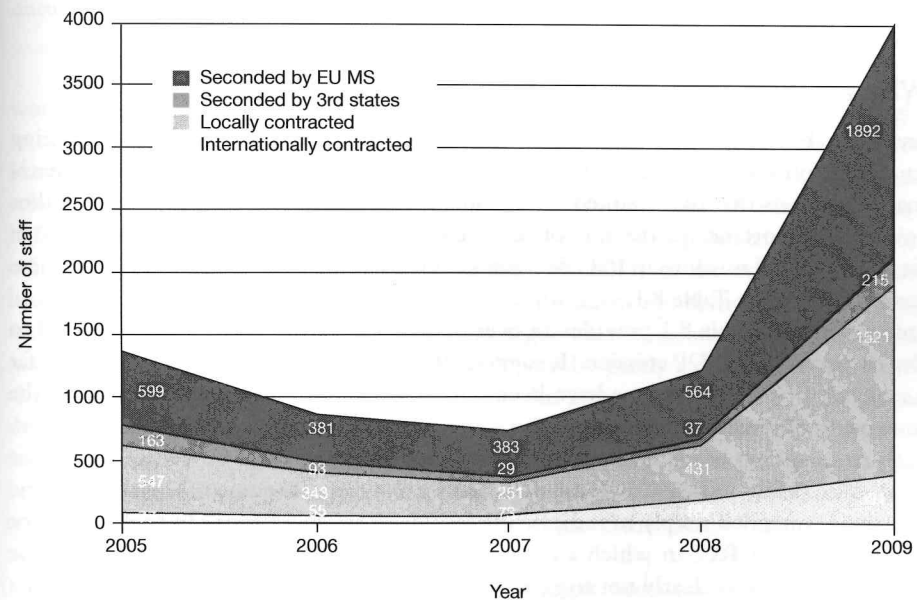
tailored 'packages' of experts with a mix of expertise. These Crisis Response Teams (CRTs) can, in principle, be deployed in support of CSDP missions or in support of EU Special Representatives. Although the CRTs were declared operational in 2006, this instrument for rapid recruitment has in practice only functioned as a roster from which a few individuals have been selected to serve on fact-finding or pre-planning missions.

To summarize, EU civilian crisis management capabilities have developed so that EU missions can now deploy a wider range of experts in a range of formats. While the majority of deployed missions have been relatively small in size and have focused on providing technical assistance for a specific institution or sector (most commonly police and justice), the EU ability to deploy a large mission, including executive and supportive components has also been tested in Kosovo. The relatively large scale of the Kosovo EULEX deployment, which accounts for the steep increase in the number of civilians deployed in CSDP missions since 2008, is reflected in Figure 8.2.

EU capacity ambitions for future deployments have been made explicit in the Civilian Headline Goal 2008. This confirmed the EU ambitions to field both executive and supportive missions:

The EU aims to have sufficient capability to deploy a small number of executive missions that substitute for local capacity, while concurrently deploying a larger number of smaller civilian missions which aim to provide technical assistance and political support to state-building and reform processes in fragile or post-conflict contexts.

(European Council, 2008b)



Source: Crisis Management and Planning Directorate, Council General Secretariat, 2010.

Figure 8.2 Numbers of personnel deployed in civilian CSDP missions.

Current EU capacity-development efforts focus on the greatest perceived challenge to civilian deployments, namely, attracting and recruiting sufficient numbers of suitably qualified and trained staff for missions, especially those in hostile or fragile environments. These challenges have been extensively documented (Gowan and Korski, 2009) and de Coning's comparative analysis of civilian capacity challenges clearly shows that it is only organizations that rely on secondments from national civil services that report a shortage of civilian candidates. The reasons for this are well known. As de Coning explains, most civil services do not have sufficient surplus staff to enable them to contribute civilian personnel to international missions. National departments are reluctant to release their staff, especially their best. Highly specialized categories of staff are in short supply (de Coning, 2010). Working together with EU member states, efforts are now underway to create better incentives for international deployments within national civil services and to address shortfalls in specialist capacity (for example, in security sector reform) through establishing rosters. Yet many doubt that these efforts will be sufficient and some argue that the secondment model should be complemented with increased use of personnel from 'third states,' employed using short-term contractual arrangements (Gowan and Korski, 2009).

Nevertheless the principal 'secondment' approach of the CSDP model is not in question. The EU is committed to using CSDP as a way to harness member state expertise to assist with state-building in post-war or fragile contexts. Moreover, officials within the Crisis Management and Planning Directorate attest that the model of small strategic-level 'supportive' capacity-building missions is likely to remain the most popular one. However, missions with a mandate to support peace processes through monitoring implementation of peace agreements and playing an active role in dispute resolution, notably in the EU monitoring mission in Georgia, indicate a potential growth area for civilian CSDP. Monitoring missions raise the possibility that, in future, EU civilian missions could look more like the 'political' missions deployed by the UN or other regional organizations, which have 'political process management' at their core.<sup>11</sup>

### What are the political constraints on the use of the civilian CSDP tool?

As mentioned above, all CSDP missions are subject to an overtly political decision-making process in the Political and Security Committee. In previous research on the internal decision-making process that resulted in the launch of civilian CSDP missions, the author has shown the importance of the role of the Presidency and of member state 'interests' in specific countries and missions in PSC decision-making (Gourlay 2011). A summary of these findings is presented in Table 8.1.

More specifically, Table 8.1 provides an overview of the source of the initial proposal to consider each civilian CSDP mission. It suggests that CSDP missions are reactive in so far as the majority of CSDP missions have been triggered by requests for assistance from the governments of affected states or international organizations engaged in crisis management. Although an invitation of the host nation or authorization by the UN Security Council are formal conditions for civilian CSDP missions and form a critical source of their legitimacy, this table is not intended simply to indicate the legal basis of the mission. In some cases, for example EUSEC in DRC, in which a letter of invitation constitutes the legal basis of the mission, the mission was clearly not triggered by a host-nation request. Indeed in this and a number of other cases, the formal invitation was received 'at the last minute'.<sup>12</sup>

Table 8.1 also makes clear that internal leadership or 'champions' are required for external requests to be translated into a proposal for member states to consider. In other

Table 8.1 Source of initial request and proposal for civilian CSDP missions

Mission code name and country	External driver				
	Host state	International organization	Non-state actor	EU member state(s)	The HR/SG
EUPM Bosnia Herzegovina		x		x (France)	
EUPOL Proxima FYROM	x	x			x
EUJUST Themis Georgia	x			x (Baltic states)	
EUPOL Kinshasa DRC	x	x		x (France/Belgium)	
EUSEC DR Congo				x (France/Belgium)	
EUJUST LEX Iraq				x (UK, NL)	
AMIS EU Supporting Action		x		x (UK Presidency)	
AMM Aceh			x	x (UK Presidency)	x
EU BAM Rafah	x			x (UK Presidency)	x
EU BAM Ukraine-Moldova					
EUPOL COPPS Palestine	x (PA)			x (UK Presidency)	x
EUPT/EULEX Kosovo		x		x	x
EUPOL RD Congo				x (Belgium/France)	
EUPOL Afghanistan	x			x (Finnish and German Presidencies)	
EU SSR Guinea Bissau	[x]			x (Portuguese Presidency and UK)	
EUMM Georgia	[x]			x (French Presidency)	

Source: Gourlay, 2011.

Note: A cross in brackets [x] indicates a relatively less critical role in initiating inter-governmental discussions on the proposal.

words, CSDP decision-making is proactively reactive, requiring in most cases high-level leadership from one or more member states. In the 16 civilian missions reviewed, the Presidency (German, Finnish, French, Portuguese and UK ) played a critical leadership role in securing the decision to launch the mission half of the cases (8 missions). This highlights the importance of the rotating Presidency as a source of political will. Indeed, some officials argue that the political activism of the Presidency in the era of CSDP has been linked to the desire of member states holding the Presidency to demonstrate tangible political accomplishments during their term. They argue that the steady stream of new missions (one or two missions during each Presidency<sup>13</sup>) can be partly explained by the 'traditionally' proactive role of the Presidency. Officials also attest to the impact of the Presidency dynamic on CSDP decision-making. Countries that are soon to hold the Presidency are said to be more compliant and less obstructive within the PSC on the basis that this will help them secure support during their Presidency. In the words of one official, 'objections tend not to come from countries sitting on the right of the chair' (i.e. countries that are next in line to hold the Presidency).

This, in turn, raises the question of whether the implementation of Lisbon Treaty reforms which replace the rotating Presidency with a permanent President will result in a less active CSDP, with member states not driven by the occasional significant combination of pressure and opportunity to 'make their mark' during their short turn at the helm. Conversely,

and unlike military CSDP, the overview suggests that while the UK and France have been important drivers of civilian missions, a number of smaller member states have played a critical role in initiating civilian missions, notably the Baltic states in the case of EUJUST Themis and Portugal in Guinea Bissau. These missions therefore reflect national geographical interests and point to the critical 'opportunity' that the Presidency system presented to member states to shape CSDP priorities.

The above overview also points to the role of the High Representative/Secretary General in transmitting requests for assistance from other international organizations. Approximately one third of EU civilian missions were triggered by a request from another international organization, and in one case (AMM) a non-governmental actor.

It is also striking that proposals for CSDP missions have never originated from assessments undertaken at the working level in the Commission or Council Secretariat, possibly with the exception of the Commission-led EU BAM Moldova mission, which is technically not a CSDP operation. Similarly, in only one case, EUJUST Themis, was the proposal for a mission first introduced by member states in CIVCOM rather than at ambassadorial level in the PSC. This informs the widespread impression amongst officials that CSDP decision-making is essentially top-down and that proposals for new missions 'cascade down' to the Council working committees and General Secretariat.

CSDP is essentially reactive in so far as CSDP decisions do not build on internal procedures which are meant to translate early warning into early (proposals for) action. Nor are they typically linked in to ongoing conflict analysis, needs assessments and planning processes of other actors, including those within the EU, which aim to identify gaps and opportunities for action. The exception of the Aceh Monitoring Mission appears to prove this rule in so far as the suggestion for a CSDP mission was introduced through high-level contacts between former President Ahtisaari (the mediator in the peace talks) and the HR/SG and UK Presidency, rather than through the Commission which had financed the peace talks or the Council situation assessment and working-group mechanisms. Similarly, there is relatively little evidence of early consultations with external actors – notably the UN – in the political, pre-planning phase of civilian operations. Only in the cases where the EU was taking over from UN missions (EUPM and EUPT/EULEX) were there extensive consultations at an early stage. Where EU civilian missions were deployed in countries where the UN had active missions (the DRC, Afghanistan and Georgia), the only mission that was significantly shaped by early consultations with the UN (in-country) was the first EU police mission in the Democratic Republic of Congo. This suggests that CSDP decision-making has often privileged the principle of 'decision-making autonomy' over the principle of 'added value' and the EU's strategic preference for 'effective multilateralism'. It also highlights the dominance of internal political drivers over considerations of external coherence of action.

By the same token, analysis reveals that PSC decision-making is not strategic vis-à-vis intended impact on the ground. There is little evidence to suggest that the pre-planning phase, including the work of fact-finding missions, provided strategic guidance based on broad-based analysis of conflict dynamics or of specific state-building processes. Rather, the pre-planning methodology was technical in its approach – seeking to take stock of institutional weaknesses in affected states and EU civilian capabilities, and proposing CSDP action where supply appeared to meet technical rather than political demand. Subsequent discussions tended to refine what was politically feasible in terms of member state contributions and to adapt mission size and mandates accordingly. Thus, arguably CSDP decision-making was insufficiently politically strategic with regard to local political dynamics in the host country. A focus on internal EU political motivations and capacities often resulted in clear indications

of mission size and type but relatively vague mandates with regard to programming priorities and approach. This further suggests that intra-EU politics have privileged considerations of the mission's potential impact on CSDP over its impact in theatre – which tends to be assumed rather than explored in the political CSDP decision-making phase.

The essentially top-down and EU-centric nature of CSDP decision-making does not, however, mean that it is insufficiently strategic with respect to CSDP and EU interests. On the contrary, CSDP decision-making bodies privileged consideration of the extent to which a potential mission would benefit CSDP and EU interests. In politically contested missions such as Aceh, Iraq and Afghanistan, the controversy reflected in large part different interpretations of the strategic interest of the country for the EU and the potential benefits and risks – material and reputational – of launching an EU mission there. Indeed, the importance of perceived relevance to EU interests suggests that the CSDP tool is most likely to be deployed in the EU's near abroad or in countries of strategic/former colonial interest to a number of powerful EU states. By the same token, however, this analysis suggests that it is unlikely that the civilian CSDP tool will be deployed in the majority of fragile states or states recovering from war.

### Conclusion

The capacity constraints on mobilizing civilian CSDP personnel from national civil services combined with the dynamics of decision-making within the PSC suggest that the civilian CSDP tool is likely to be deployed in relatively few cases: notably in Europe's near abroad, and beyond this only where some EU states have strong interests or where there is strong international pressure for additional EU assistance. This suggests that civilian CSDP is certainly not a tool for all places. Nor should it be, since the EU's current CSDP model of capacity-building is arguably best suited to providing 'technical' assistance at the strategic level where state capacity is relatively robust and where buy-in to the reform agenda is sincere and relatively uncontested.

Were it not for the new opportunities provided by the Lisbon Treaty reforms, this chapter would end here with a call for combining more robust consultation and analysis of specific state-building dynamics in mission decision-making and planning with greater modesty in the ambition and scope of civilian CSDP as a tool for state-building. However, the post-Lisbon reform agenda has great potential to increase the flexibility with which the EU conceives and manages its civilian interventions. Crucially, it also has the potential to empower EU Delegations so that they are better able to understand complex state-building processes and play a more nuanced role in supporting or mediating public sector reforms and tailoring EU's capacity-building assistance to local context. Opportunities provided by Lisbon could also be exploited by strengthening the political and *operational* dimensions of the offices of EU Special Representatives and EU Delegations in fragile contexts so that they can assume some of the functions of missions with mandates to provide political and capacity-building support. Empowering the function of EU political representatives and combining them with operational functions should serve to increase the geographical reach of EU support for peace processes and state-building. It would also help ensure greater continuity of EU support in fragile contexts and where CSDP missions are winding down. Conversely, strengthened EU Delegations should have greater authority and capacity to influence CSDP planning and decision-making and to support the External Action Service in developing a more strategic approach to deciding the appropriate mix of EU state-building instruments to be deployed in a specific context.

## Notes

- 1 In Afghanistan, for instance, the EU uses a variety of aid and CSDP instruments. The Commission funds the Afghan National Police through the Law and Order Trust Fund for Afghanistan (LOFTA), which is managed by UNDP. It also manages a Rule of Law programme directly. In addition, an EU Police Mission is deployed in the framework of CSDP.
- 2 In Iraq, for instance, a large proportion of EC funding was channelled to the International Reconstruction Fund Facility for Iraq (IRFFI). This consists of the UN Development Group Iraq Trust Fund and the World Bank Iraq Trust Fund. Approximately half of these funds were dedicated to the development of basic services, a quarter to human development (poverty reduction, agriculture, refugees, landmine action) and a quarter to capacity-building in rule of law, elections, human rights and civil society.
- 3 The use of MDTFs in post-conflict contexts and the fact that a high proportion of aid is channelled to a few high-profile cases also helps explain why such a large proportion (63 per cent) of EU funding for peacebuilding is channelled through international organizations. See Figure 8.1.
- 4 More specifically, in 2005 TAIEX Programme operations totaled €24 million and covered a range of activities including expert missions and study visits, peer reviews and assessment missions, train-the-trainers programmes, multi-country workshops as well as legislation screening and translation activities. In 2005 alone, TAIEX mobilized more than 5,000 member state experts to participate in 1,300 missions reaching 40,000 officials from beneficiary countries (European Commission, 2005b).
- 5 To the extent that it has been challenged – by the European Court of Auditors in 1997 – criticism focused on the Commission's reliance on consultants for monitoring and evaluation (M&E) tasks, which the Court believed should be conducted in-house or more strictly supervised by the Commission (cited in OECD, 1998: 98). Moreover, an independent evaluation of EU funding channelled through the UN found that in many cases the UN was the only implementing partner with sufficient capacity and legitimacy to implement projects, and an evaluation of programme results found that these were equivalent to results delivered by other organizations (European Commission, 2009b).
- 6 However, the EU's first police mission in DRC in 2005/2006 was arguably an exception to this model since it helped establish and train an Integrated Police Unit in Kinshasa.
- 7 EULEX is geographically more decentralized and also operates at a regional level. It also combines a development-style 'programming approach' to designing monitoring, mentoring and advising 'actions' in the justice, police and customs sectors with an executive mandate in the justice sector.
- 8 Although the Commission was also funding work in this area, the Georgians pushed for a CSDP mission precisely because it was a more visible symbol of EU commitment to Georgia.
- 9 This was linked to events in the Balkans, notably the EU's inability to assist in establishing public order and preventing violent clashes between Kosovar Albanian and Serbian civilians in the divided city of Mitrovica (Dwan, 2002, 2004). This was highlighted by the failure of the UN to raise sufficient civilian police authorized for the UN mission in Kosovo (UNMIK). Despite appeals from the head of the UN in Kosovo, Bernard Kouchner, and the newly established HR/SG Javier Solana, less than 2,000 of the 4,178 police authorized for UNMIK were in place in early 2000. And of these only 22 per cent came from EU member states (Fitchet, 2000).
- 10 For instance, the planning for the first two EU police missions launched in 2003, EUPM in Bosnia Herzegovina and Operation Proxima in the Former Yugoslav Republic of Macedonia (FYROM), relied principally on the generic EU Crisis Management Concept rather than the police concepts. Moreover, the internal lessons-learned review of planning for EUPM found that the CSDP 'Concepts' served as constraints to planning, and argued that they should serve as guidance only. Rather, more emphasis should be placed on needs assessments in the form of fact-finding missions, and where these were restricted in time, consideration should be given to more flexible planning processes which would allow the EU to revisit planning estimates. The internal review also called for a greater breadth of expertise to be included in planning teams.
- 11 This term is used by Ian Johnstone to describe the core function of political missions (Johnstone, 2010). It was also used to describe the political functions of the head of UN peace-keeping operations by Lakhdar Brahimi and Salman Ahmed (Ahmed and Brahimi, 2008).
- 12 Moreover, in some cases, such as EUPOL Afghanistan, a mission goes ahead without a status of mission agreement with the host nation. The absence of a formal request by the Afghan authorities delayed the launch of the mission and, in the absence of a formal agreement, an exchange of letters constitutes its legal base.
- 13 For a clear illustration of the timelines of all CSDP missions to date, see <<http://www.csdpmap.eu/images/chart.gif>>.