4 Signs of London's strategic reversal were already visible at the EU summit in Pörtschach, Austria, in October 1998 and in a number of subsequent speeches by prime minister Tony Blair. For example, at one such occasion Blair (BBC, 2003) said that it made 'complete sense [to him] in circumstances where NATO is not engaged, for Europe to have the capability and the power to act in the interests of Europe and the wider world'.
5 The ESDP decision-making structure was agreed upon by the European Council in Nice of 7 to 11 December 2000.
6 According to the WEU decisions in Marseille in November 2000, the WEU maintained its collective defence obligations as well as minimal structures and residual functions to support the transition process (WEU, 2000: 1 paragraph).
7 However, the Helsinki summit agreed the creation of a Co-ordinating Mechanism in the Council General Secretariat to maintain a database of national civilian crisis management personnel that can be employed under the ESDP.
8 The PSC and EUMC were established by Council decisions on 22 January 2001; they explicitly refer to the agreement reached at the Nice European Council.
9 For details of the arrangements, see Chapter 10.
10 As a rule, each term Presidency of the EU hosts an informal gathering of EU foreign ministers; these gatherings are known as Gymnich meetings.
11 The completed operations are the following ones: the police mission Proxima in Macedonia; the police advisory team EUPAT in Macedonia; the military operation Concordia in Macedonia; the rule-of-law mission EUJUST Themis in Georgia; the Aceh Monitoring Mission; the military operation Artemis in the Democratic Republic of Congo; and the military operation EUFOR RD Congo.

3 The Role of ESDP Operations

Xymena Kurowska

The period since 2003, when the first operation under the European Security and Defence Policy (ESDP) was launched, has witnessed an impressive proliferation of ESDP deployments. Civilian missions in particular have been gaining salience. The expansive dynamic characterising the ESDP disrupts the received wisdom about the incremental and reactive nature of European foreign policy integration. The neat picture of the European Union (EU) as an economic giant but a political dwarf and a military worm has similarly ceased to reflect the EU stance.[1] While debates about whether the EU has grown out of the clothing of a 'civilian power' and put on an armour, or whether recent attempts to achieve greater visibility in the field of international security represent a fleeting phenomenon are important, they remain somewhat 'academic' as long as they do not carefully examine the actual role and record of the ESDP (Smith, K. E., 2000; Stavridis, 2001a, 2001b; Martinsen, 2003; Treacher, 2004; Whitman, 2006).

The chapter takes a closer look at the general features of the ESDP. While it contends that ESDP missions have become a major vehicle for realising EU security policy, it also argues that they serve the broader aim of positioning the EU on the international stage. More concretely, the process of deploying missions is revealed to be a strategic search for opportunities to convey an image of the EU as a unique crisis manager. In developing this argument, the chapter challenges the claim that there is no evidence of top-down initiatives apart from the European Defence Agency (Khol, 2005; Biscop, 2005) and the European Security Strategy (Bailes, 2005). Politics being the art of the possible, however, ESDP decision-makers and shapers do not act unconstrained, if only for the existence of other prominent conceptions of the EU as an international actor. The established views of the member states play a role as well as those of the European Commission.

The ESDP takes over the CFSP

Although formally an instrument at the service of the Common Foreign and Security Policy (CFSP), the ESDP has grown to be a major driving

force behind the advancement of EU foreign policy. Soon after its inclusion in the Maastricht Treaty, it became clear that the CFSP lacked the tools to deliver on its promise to raise the profile of the EU in international security affairs. It was in need of a fundamental boost, and the ESDP provided it. As Javier Solana put it, with the ESDP we 'are giving ourselves the tools to deliver' (Solana, 2000). Interestingly enough, the ESDP has been relatively isolated from the overarching EU integration project. It has developed at a rapid pace unparalleled in other EU policy areas, advancing despite setbacks of various kinds and in spite of the comparative decline in the significance of the CFSP. In the pursuit of a specific rationale, its substance has been shaped by distinct mechanisms, among which the British-French dyad is crucial as opposed to the usual French-German tandem. Although the Balkans experience of failure might have provided an initial catalyst for the ESDP (Pond, 1999), it has now overgrown its original justification and acquired more proactive features. The contingency and accidental character of many ESDP moves should not therefore obscure a more strategic if fragmentary framework behind the policy.

The core of this framework is constituted by operations. They represent the most significant, if not the defining, feature of the ESDP. They are the crisis management tools that the CFSP initially lacked. The operations thus give the EU much greater capacity to translate its CFSP treaty commitments and strategic vision into action. ESDP deployments effectively symbolize the EU search for a niche on the world stage. Crucially in this context, two questions arise. How can this proliferation of ESDP missions be accounted for in relation to EU (domestic) politics, and what is the nature of these deployments, i.e. how does the actual process of selecting and dispatching missions unfold? The latter question is examined in the next section in order to provide empirical evidence elucidating the main argument.

What missions are

Formally, missions are reactions to crises on the ground[2] as the EU engages in what has been offered to it (Serrano, 2006: 39). However, the decision-making process leading to deployments challenges this assertion. Although the situation in Georgia after the Rose Revolution in November 2003 may be categorized as socially turbulent,[3] a great deal of dedication was required in order to label the ESDP mission – EUJUST Themis – a crisis management operation. A functionary in the Council General Secretariat put it in the following way.

> At that time there was a clear moment when in the house [directorate for civilian crisis management], they tried to promote rule-of-law civilian crisis management. Some aspects thereby coincided – preparing the concept of rule-of-law missions, the subsequent process of gathering experts for this purpose and the political moment in Georgia.[4]

Similarly, EUJUST Lex, the integrated rule-of-law mission for Iraq, became a form of therapy for member states to demonstrate good will after the diplomatic fallout from the Iraq war as well as an attempt to initiate some kind of engagement that could flag the EU presence in Iraq. The actual mandate was thus of less importance and 'rather accidental' as it largely reflected what was possible to agree on at the time the decision was taken.[5] The mission further developed into a vehicle to prove that although the military dimension still represents a contentious area for EU co-operation, the civilian realm is a highly productive field.[6] Also, ESDP operations cannot be classified as crisis management tools only. A major rationale underpinning them is that they provide important building blocks in the construction of an EU security policy. Artemis demonstrated that the EU was capable of launching an autonomous, full-fledged military operation far away from its borders. Aceh denoted 'going global' while the Balkans and Middle East operations confirm(ed) the EU commitment to sensitive regions in its neighbourhood.

The opportunistic search for actionable crises is nevertheless scarcely exposed. Each Joint Action, the legal basis for every mission, contains the customary formulation that the mission was agreed in response to the explicit prior request of the host government. The actual *modus operandi*, however, looks different. It involves a series of exploratory and pre-fact-finding missions before a concrete mission proposal is formally submitted to the Political and Security Committee. Initial examination of whether there is room for an ESDP action is supplemented by research and consultations on the ground. Hence, although a needs-based assessment of the country is a part of the pre-launch discussions, the mandate of the mission is an outcome of concentrated mediation among EU actors in which reputational concerns play a prominent role. As to the official invitation from the host government, it is regularly obtained already in the pre-operational phase of the mission. The argument put forth here neither underestimates the importance of diplomatic rules of procedure nor does it overestimate the neo-colonialist drive behind the action of the Council General Secretariat. Instead, it reveals how ESDP missions are put together by highlighting the political mechanisms involved in the process.

The described patterns further point to the pragmatic character of the ESDP (Solana, 2000). Its practitioners argue that although principles are necessary, by themselves they do not make up a policy. They have to be turned into reality (Solana, 2001a). A 'learning-by-doing' experience, the CFSP/ESDP has to be shown to work if the member states support it (Solana, 2001b). This is why so little time is spent on worrying about theory or institutional issues and the focus rather is on solving real problems (Ibid.). Javier Solana evokes his experience as the former Secretary General of NATO in a telling testimony before the House of Lords.

> I am very obsessed with the rhythm in which deployments out there can arrive because I have seen this experience. I was Secretary General of NATO when we deployed in late 1995/early 1996 the first troops to Bosnia and I had to take a decision collectively [. . .]. If we had waited to have all the elements until the last letter of the document for the first time that NATO was going on to do a peacekeeping operation resolved and understood, it probably would be still without finish or without a start. We had to say, "Let's go, let's do it, we will be able to do it, we have the spirit" and, if we had not gone then, by the time we arrived, the catastrophe that we claimed we wanted to stop would have been more difficult to stop or would have been unnecessary to stop because they had killed each other and the reconstruction would have been more difficult, etc, etc. So, to be right in time is very difficult but to be as close as possible right in time for any elements of the crisis management, be it money, be it diplomacy, be it civilian aspects or be it military aspects, in my mind is fundamental and really it makes all the difference.
>
> (House of Lords, 2004: 13–14)

This pragmatic focus translates into such provisos such as 'we make it up as we go', 'we refine our ways as we gather experience' or 'we deploy a mission to then stimulate our own ability to deploy missions'.[7] Yet, notwithstanding the critique that missions come about in an accidental fashion and that they represent a case of 'putting a tool ahead of the analysis',[8] the decisions to launch them never come out of thin air. Deployment decisions rather reflect a strategic search for opportunities, which, first, make a statement about the EU directed toward external audiences and, second, create useful institutional precedents and evidence that can be used in internal political struggles. The preoccupation with seizing suitable possibilities to deploy missions might result in less emphasis being given to the actual substance of mandates. Far from discounting the merit of any mission, this is instead indicative of the Solana milieu's proactive approach to the construction of a global security role for the EU.

In a similar vein, ESDP deployments are viewed by the EU Council General Secretariat as a testing ground for establishing whether or how the EU is capable of delivering. The Laeken declaration announcing that the ESDP is operational provided an enabling carte blanche in this context.[9] Thought by many to be merely declaratory politics, it nevertheless initiated a parade of missions and led to the accumulation of institutional experience. While the challenge of the Laeken declaration of operationability was to convert speech into deed, the relation between the ESDP and the European Security Strategy (ESS) is a case of cross fertilization. The perceived need to provide conceptual and political grounding for missions and to strengthen the ESDP at a time when the CFSP seemed in shambles over the Iraq discord were important reasons behind the formulation of the strategy (Mawdsley and Quille, 2003). The perceived necessity to operationalize the latter and demonstrate its feasibility generated a demand for more missions in line with the goals outlined in the strategy. In this sense, the ESS has become a constant point of reference providing justification for further action where the expansion of ESDP missions is seen as an endorsement of the ESS. ESDP operations, then, are as much a response to an international security issue as they are a political means to advance a particular agenda. The process of choosing what mission to launch is therefore highly nuanced. The Council General Secretariat looks for deployments that promise to generate maximum political capital whilst avoiding radical positioning and challenges that might end up in total disaster. This strategic approach has resulted in making the ESDP an impressive success story.

Two political actors in performance

The establishment of the office of the High Representative for the CFSP and the appointment of Javier Solana to the post have been the driving force behind the strategic moulding of the ESDP. In reporting their findings from interviews conducted in 2005, Charlotte Bretherton and John Vogler (2006: 10) emphasized that the 'Solana effect' was striking in comments by officials of the Council General Secretariat and the member state permanent representations. Without exception, they referred to Solana's appointment when asked about the principal changes in the Union's role as a political actor since 1999. Conversely, commentary from the Commission officials reflected their sense of marginalization from key foreign policy processes and events. Assuming a substantial entrepreneurial role in fleshing out the ESDP, the Council General Secretariat exploits opportunities to paint a particular picture of the EU as a crisis manager that is 'active but non-threatening' (Solana, 2006). In order to render the new EU security agenda explicit and visible, in 1999 Solana's office had already started a quest to put together the missing link of EU security policy, namely a skilful, if at first low-profile, pragmatic leadership. The continuity of this leadership contributes to the build-up of an institutional memory of how to do things effectively and ensures a strategic agenda management. The Secretariat does more than set the ESDP agenda. Its influence extends to what Jonas Tallberg (2006: 68–70) refers to as agenda structuring, i.e. the ranking of issues according to salience, and, by extension, agenda exclusion, i.e. the mobilization off the agenda of certain issues. The ensuing practical emancipation of the Council General Secretariat from the member states has been facilitated by the latter's wish to 'informally' delegate power to the former on issues that require a degree of engagement and expertise they can ill afford. This is not to suggest that member states renounced their prerogatives. On the contrary, the perception on the part of national capitals that on the key issues they are in control of the second pillar has proven instrumental to the development of the ESDP.[10] The member states view the ESDP through

national lenses and become active in ESDP decision-making when a region falling within their interest is on the agenda. Hence, the clichés of France's dedication to Africa and of the preoccupation with post-Soviet space of the Eastern European members apply.

As to inter-pillar relations in crisis management, they reflect the larger phenomenon of the Community and the CFSP pillars functioning according to differing working philosophies. This has to do not only with the fact that the Commission is a supranational body and the CFSP is an intergovernmental policy but also with the increasingly diverging ideational principles sustaining their institutional identity. The two institutional entities hold disparate standpoints on best practices in crisis management. Their policies and channels of implementation accordingly reveal contrasting beliefs about the image of the EU as an international actor, including dissimilar security conceptions. Although they essentially agree on what is to be achieved to make the world a better place – the usual 'European' values of democracy, rule of law and so forth – they nonetheless characteristically diverge on the matter of best strategies, means and practices to reach the ideal state.

Conceptually, whereas the Commission inhabits the world of 'civilian power Europe', even if modified in accordance with the changing historical conditions, the Solana milieu has ventured to make the EU a 'militarized civilian power', believing such a transformation is the proper response to the exigencies of a globalized world. Solana, as the personification of EU foreign policy, represents the trend of the EU 'coming of age' and shedding the clothing of a civilian power only. He generally advocates an approach according to which the security situation has to be stabilized before major long-term development assistance can be initiated. He further favours high-profile political action, which should generate substantial even if cursory political capital and immediate impact in a particular environment. Because of the large publicity they generate, military and civilian missions have become the cutting edge of the ESDP, its essence and, simultaneously, a vehicle for implementing 'militarized civilian power'.[11] This notion was codified in the ESS – a manifesto of Solana's vision of the international security role of the EU.

The European Commission, although initially lagging behind, eventually evolved the European Neighbourhood Policy (ENP) as the embodiment of its conceptual stance on how best to project order and security to the EU's periphery. A comprehensive attempt to emulate the robust ESDP venture, the ENP, is a way for the Commission to upgrade its profile in the field of external policy, i.e., it is the realization of a certain political project. The objective of the ENP as articulated by the Commission is for the EU to act coherently and efficiently in the world by integrating related components from all three pillars; as such, it should also support efforts to realize the goals of the ESS (European Commission, 2004: 6). In practice, however, things may turn out differently. Rule-of-law reforms in Georgia illustrate

this point. The Council decided that after the mandate of EUJUST Themis expired, Brussels should continue, through the CFSP, to provide assistance to the country's judicial sector. The staff of the EU Special Representative (EUSR) responsible for the Southern Caucasus was augmented and tasked to monitor, and assist the Georgian government in, the implementation of the Strategy for Criminal Law Reform, which had been drafted with the help of Themis.[12] The European Commission, in turn, helped the government to put together the action plan to meet ENP requirements and thus become eligible for receiving benefits on offer under the policy. Yet, once the strategy was, at the request of Tbilisi, incorporated into the action plan,[13] the European Commission representatives on the ground claimed primary responsibility for the project and marginalized the role of the EUSR in the process.[14] This example highlights the persistence of incoherence and turf battles in EU external action, which can even involve legal action by one institution against the other (see also Chapter 7).[15] The claim here is that at least partly these problems can be attributed to the rise of intra-EU politics in the construction of EU external policy, a politics which is fuelled by distinct institutional identities and different visions of the EU's role in international security.

In this period of peace in Europe, there is a temptation to neglect defences

The specific understanding of security evolved by the Solana milieu deserves some attention. Already in remarks to the press after assuming his functions, Solana reformulated in more concrete terms an argument that was vaguely present before, namely that introducing improved military capabilities is consistent with Europe's growing role in the world. According to this view, the success achieved by the EU in other fields of European integration had to translate into the EU becoming a more active and influential global power; in order to stand up to the global challenge, the EU should have an effective foreign, security and defence policy (Solana, 1999a). Too often in the past, the EU was unable to protect and enhance the values that are at the core of the European project. Steps should therefore be taken to enhance the EU's credibility in the eyes of the European public, the transatlantic partners and beyond. What ultimately is at stake in building an effective ESDP, according to Solana, is the credibility of the member states. Is their commitment to values cheap talk or are they willing to shoulder the costs of promoting and defending them in a world in which they are violated too often? (Solana, 1999b). More than simply rhetoric, this framing represents an organized interpretation of EU security policy as performed within the second pillar. Challenged by the divergent visions of the member states, their unwillingness or incapability to get their acts together at times, Solana's discursive intervention has nevertheless developed into the intersubjective consensus underpinning the ESDP. As he put it,

> it has been clear for some time that if Europe is to take its rightful place on the world stage it needs to have an ESDP [...] First the Bosnia crisis and then Kosovo have made it clear that we need more than just declarations of intent. We need to be able to act. And that means having military capabilities.
>
> (ibid.)

The conceptual contours of the Solana milieu are significantly shaped by Robert Cooper, the former foreign policy advisor to Tony Blair who is currently director general for external and politico-military affairs in the EU Council General Secretariat. Cooper, whose influence exceeds the formalized competencies attached to his office, believes in a muscled (EU) foreign policy. An editorial in the *Guardian* went so far as to state that his advocacy, when he was a government official, of force and imperialism was 'unprecedented and inflammatory' (*Guardian*, 2002). Some member states found the proposition in the initial version of the ESS that 'pre-emptive engagement can avoid more serious problems in the future' (Solana, 2003a), a proposition for which Cooper was responsible, equally provocative and hence insisted that it be dropped. Cooper's well-known book explicates the philosophy informing his foreign policy views.

> Common European values have grown out of common historical experience, which, in extreme cases, can provide a justification for armed intervention. For a postmodern state [which the EU is (becoming), according to Cooper] there is a difficulty. It needs to get used to the idea of double standards. Among themselves, the postmodern states operate on the basis of laws and open co-operative security. But when dealing with more old-fashioned kinds of state outside of the postmodern limits, Europeans need to revert to the rougher methods of an earlier era - force, pre-emptive attack, deception, whatever is necessary for those who still live in the 19th century world of every state for itself. In the jungle, one must use the laws of the jungle. In this period of peace in Europe, there is a temptation to neglect defences, both physical and psychological.
>
> (Cooper, 2003: 61–62)

The security development nexus

Rigid as the dichotomy may seem, the security versus development debate still maintains its vigour in the conceptual and institutional differentiation between the Council General Secretariat and the Commission. This is seen vividly when one compares speeches by Solana and Benita Ferrero-Waldner, the European Commissioner for external relations. While both stress the interrelated character of security and development, a closer reading reveals subtle differences in meaning. What is more, these nuances are grounded in institutional identities rather than personal idiosyncrasies. Hence, the respective institutional practices reflect these differing understandings.

In the European Commission lexicon, development assistance remains a vital issue (Ferrero-Waldner, 2006). The Commission stands for the idea that long-term investments in developing democratic practices and in the promotion of the rule of law and of civil society in fragile communities is a key to bringing about security. ESDP interventions are therefore often framed as 'a drop in the ocean', aimed at acquiring political clout and hardly capable of inducing systemic changes.[16] Conversely, the ESS explicitly spells out that security is a precondition of development as 'conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible' (EU ISS, 2003: 324). Although no Council official calls for the reduction of development aid, Solana believes that it cannot be distributed and used in a productive manner if the security situation is shaky (House of Lords, 2004: 8–9). In order to reconstruct post-crisis countries, one has to guarantee security first.

> We have several examples of how by not creating the conditions of security lots of money has not arrived to where it should arrive and has not been used in the best manner. It does not mean that you have to bring to zero the economic help but it is a question of *phases* [emphasis mine].
>
> (ibid.)

This insistence on a 'harder' security vocation of the EU implies not only a reconceptualization of the role of the EU in the international arena but also an institutional recalibration within the EU. The dominant position of the European Commission in external action, which is based on its status as financial development aid provider in chief, is challenged by a more assertive Council, which believes that security is prior to development. In brief, the proliferation of missions is a channel through which the security conceptions of the second pillar become asserted. As such, it marks the realization of a political project advocated by the Solana milieu.

The civilian triumphs over the military

The decision by the member states to establish the Rapid Reaction Force as part of the ESDP has been described as 'Europe's military revolution' (Andréani *et al.*, 2001) and as breaking the 'glass ceiling of Europe's self-denying ordinance on EU access to military competencies' (Deighton, 2002). Yet, although the build-up of military capabilities tends to dominate debates (public and academic) on the ESDP, it is the number of ESDP

civilian missions that has rocketed over the last few years. Likewise, although the launch of the ESDP proceeded on the assumption that to become a credible international actor the EU had to acquire military capabilities,[17] the success of the ESDP is largely due to the upsurge in civilian crisis management. Of the fifteen ESDP operations launched by the time of writing in April 2007,[18] only three were military ones.

However, considerable effort has been made to build up a pool of capabilities readily available for military crisis management. The Berlin Plus agreement with NATO on EU access to NATO assets, the Headline Goal 2010 on capabilities improvement, the establishment of the European Defence Agency and the concept of battle groups come to mind. So does the set-up of military structures in the Council General Secretariat. Also, the symbolic dimension of actually having military missions should not be underestimated. With the deployment in Macedonia of Concordia, which comprised about 400 troops, the EU demonstrated for the first time that it was capable of mounting a military peacekeeping operation. Althea showed off the EU's growing role in Bosnia as it deployed about 7,000 troops. And Artemis symbolized that the ESDP can function without NATO support under the Berlin Plus agreement. The operation, which was led by France as its framework nation, was conceived as a vehicle for asserting the autonomous capability of the EU to intervene militarily abroad. In short, just like the civilian ESDP, the military ESDP is at least partly the manifestation of the Council's desire to develop and institutionalize its security vision rather than simply a response to (human) security threats abroad.

However, as noted above, the military ESDP has far fallen behind the civilian ESDP in terms of missions launched. Furthermore, it also lacks the kind of institutional, bottom-up inventiveness present in its civilian counterpart. A conventional explanation of these differences might point toward, first, the reluctance of member states to support military missions because of their allegiance to NATO, and, second, the scantiness of military resources at the disposal of the Union. However, another reason appears to be equally important in accounting for the particularities of ESDP development. Early on, the Solana circle realized that the military dimension of the ESDP remained controversial, while there were many political opportunities to deepen and widen the policy via civilian missions. To take advantage of these opportunities as quickly as possible, mission planners even employed modified military scenarios inherited from the Western European Union (WEU) as there were initially no civilian conflict management scenarios.[19] Traces of this strange origin of civilian missions persist in mandates and planning documents in the form of military terminology such as the concept of operations (CONOPS) and the operational plan (OPLAN).

The greater dynamism of the civilian ESDP, then, is explained by the fact that civilian missions are a comparatively easy option to advance the security profile of the EU. Troop deployments are quite difficult to agree on and high-end military operations require capabilities not yet available under

the ESDP. Against the backdrop of controversies surrounding military operations, the Council General Secretariat ventured on to the field of civilian crisis management, traditionally occupied by the European Commission, to boost the ESDP. From the perspective of the institution-builders in the Secretariat, civilian missions have a number of advantages. To begin with, they are more ambiguous and hence are less likely to fail, or, more precisely, their shortcomings can be easier disguised as a partial or even full success. The formulation of their mandates is evocative in this respect. For instance, it is difficult to imagine any scenario that would allow critics to describe the EU Border Assistance Mission Rafah as an outright failure. Its mandate tasks it to provide a 'Third Party *presence* [emphasis mine] at the Rafah Crossing Point in order to contribute to the opening of the Rafah Crossing Point and to build up confidence between the Government of Israel and the Palestinian Authority' (Council of the European Union, 2005h). In addition, civilian missions represent a nuanced engagement with little risk of radical positioning, which might otherwise clash with member state agendas. Finally, they are good 'value for money', enabling the EU to engage in relatively low budget ventures that nonetheless flag its presence in a given international situation.[20]

Stepping on the conquered land

The ESDP's deep intrusion into the area of civilian crisis management has caused frictions with the European Commission, which until not long ago regarded the promotion of the rule of law and institution-building as its exclusive domain. Its institutional resentment of the encroachment of the ESDP on its turf is further aggravated by the current trend that sees the Council reclaim political influence it had previously ceded to the supranational body. In response, the Commission seeks to be involved at every stage of the ESDP policy cycle. This is facilitated by, first, its role as a budget manager and executor of the civilian ESDP and, second, its mandate to ensure consistency and procedural integrity of EU external action at every level of the CFSP. In practical terms, the involvement of the Commission becomes politically tangible in the course of negotiating the formats of particular mission as well as their budgets and adherence to procurement policy rules.[21] For instance, the European Commission delegation in Tbilisi had been engaged in advisory assistance to the Georgian justice ministry, focusing on support to the penitentiary system, before the ESDP mission Themis was launched to assist Georgian authorities in drafting its criminal justice reform strategy. Consequently, the European Commission's priority in negotiating the format of Themis was to ensure that it was kept out of the business of penitentiary reforms.[22] However, as the criminal justice reform strategy covered the entire criminal code, from investigations to the penitentiary system, the success of the Commission in limiting the brief of Themis hampered the latter's impact and frustrated its staff.[23]

In light of the empirical record, it is thus premature to claim that the proliferation of ESDP missions implies a second-pillarization of EU crisis management. Rather, political struggles are in full swing with both pillars strategically employing different media and channels to affirm their respective institutional distinctiveness in external action. The concept of emulation is useful to account for this process. Emulation here does not refer to an attempt to imitate or copy but points to a political contest over how to frame reality. Opportunities for engagement open to both pillars give rise to battles over the definition of situations and issues and, consequently, the choice of appropriate policy instruments. Two examples underscore this point, namely the involvement of the European Commission in EUJUST Lex and the intricate structure and status of the EU Border Assistance Mission to Moldova/Ukraine (EUBAM).

In the case of Lex, the deputy head of mission, who, incidentally, was appointed without prior consultation with the head of mission,[24] was a Commission *fonctionaire*. She was double-hatted (reporting to both the Council and the Commission) in order to prepare for the further engagement of the Commission in Iraq. The latter regards Lex, which runs rule-of-law training courses, each three weeks long, for Iraqis outside the country, as a useful, albeit limited training intervention. However, the Commission insisted from the beginning that the ESDP mission had to be enhanced by its own long-term programmes.[25] The anchor of this involvement is the Rule-of-Law-Sector Working Group (ROLSWG), which is chaired by the Iraqi chief justice and tasked to co-ordinate the activities of international donors in this issue-area with the aim of producing a comprehensive reform strategy. The EU is represented in ROLSWG by three institutions – the Commission, Lex and the term presidency. The work of the EU in the group is co-ordinated by the Commission in the person of the deputy head of Lex. The intention is to assign this task to the newly established European Commission office in Baghdad, whose work will focus exclusively on ROLSWEG.[26] While this example demonstrates the potential for inter-pillar synergy, it also reveals that such synergy does not come easy as both the Commission and the Council seek to mould EU external action according to their political visions. In the case at hand, the co-operation between the two institutions was the outcome of intense negotiations and inter-institutional appeasement for the sake of showing the EU flag in Iraq.

Sometimes the political rivalry between the two pillars over EU foreign and security policy does not have such a happy ending as the case of EUBAM shows. The conception and launch of the mission proceeded in the context of intense Council-Commission bargaining over its structure and leadership.[27] The European Commission deployed two arguments to reject the demand of the Council to take charge of the intervention by giving it the form of an ESDP mission.[28] First, the intervention did not foresee a military aspect and, second, the Commission was already engaged in the region and was thus better placed to take on the job. The result of the ensuing haggling was a mission structure that is hardly comprehensible, let alone efficient. The head of mission is a senior political advisor to the EUSR for Moldova and leader of an enhanced support team on border monitoring assigned to the EUSR. The Joint Action on the mandate of the Special Representative was amended to accommodate

> the new tasks of the EUSR for Moldova in relation to the EU Border Mission for Moldova-Ukraine [which is designed] to enhance the effectiveness of border and customs controls and border surveillance activities in Moldova and Ukraine along their common border, with a particular focus on the Transniestrian section, notably through an EU Border Mission.
>
> (Council of the European Union, 2005f)

The Council thus implicitly assumes the ownership of EUBAM. Conversely, the Memorandum of Understanding between the European Commission and the governments of Moldova and Ukraine on the 'EC Border Assistance Mission', which is the legal basis for the project, states that the Border Assistance Mission operates under the auspices of the European Commission and is funded through the Rapid Reaction Mechanism and the Tacis programme.[29] Clearly, here synergy between the Commission and the Council has given way to rivalry and confusion over who runs the mission and guides its activities.

To conclude this section, in line with the treaties, the Commission is content with playing a secondary role to the Council when a planned ESDP mission has a military component and when security conditions on the ground prevent it from taking autonomous action. However, tough negotiations between the two institutions are the norm when it comes to the civilian ESDP, especially interventions aimed at rule-of-law reforms and institution-building, and to regions where the Commission has a history of engagement. This specifically pertains to the post-Soviet space which is thickly covered by various European Commission programmes, including Tacis. In short, the construction of the ESDP is a political process in which actors produce and reproduce certain beliefs and ideologies about what the EU should be like and work at constructing alliances around these conceptions (Wodak, 2004).

The success story

The Council General Secretariat is not shy when it comes to publicizing the value, as it sees it, that ESDP missions add to Commission activities. Its key messages are, first, that the high political profile and strategic nature of ESDP interventions generate a powerful momentum for reforms in post-crisis societies. This provides the scope conditions for the successful implementation of technical Commission programmes.[30] Second, given its political

nature, the ESDP is neither constrained by institutional rigidity nor impaired by overly complex and time-consuming procedures.[31] It is thus a highly flexible tool, that can adapt quickly to different situations;[32] missions can be fine-tuned to tackle the unique challenges on the ground. Third, the fact that member states retain control over missions and their national staff makes them more willing to engage in hot spots around the world. Fourth, missions can be deployed rapidly and have access to experts from the highest echelons of the administrative systems of member states. These claims play a significant role in the process of advancing a second-pillar conception of EU external action.

In line with the message of the comparative advantage of the ESDP over European Commission instruments, missions 'are deemed to be successful' from the moment the decision about the deployment has been taken.[33] Hence, there is only one conceivable scenario in which the Council might publicly criticize its deployments, namely if it decided to re-engineer the ESDP, say, the way missions are planned and run. In such a case, the criticism of mission performance would function as a means to justify major institutional change.[34]

Turning to the related issue of how the Council General Secretariat markets the ESDP to internal audiences, notably the member states, it is instructive to look at the in-house evaluations of missions. Though supposedly a strictly pragmatic exercise, the drafting of lessons-learnt documents and mission reviews is a politically-driven, iterative process in which the most controversial points initially raised by mission leaderships and those mid-level Council Secretariat staffers who have detailed knowledge of missions are gradually toned down or eliminated. Only once the evaluation has been defused, it is presented to the Committee for the Civilian Aspects of Crisis Management (Civcom) and the Political and Security Committee (PSC). The point to be made here is that mission reviews and lessons-learned papers constitute a particular genre. They are a politically conditioned exercise, influenced by strategic concerns unrelated to the substance of any particular mission. The wording of these documents reflects the concern of the Solana milieu to play up the success of missions and its reluctance to criticize member states, say, for not sufficiently supporting missions. If any inadequacies do surface, this is through moderate suggestions and the constantly repeated mantra of the need for more coherence across EU tools. The upshot is that not even member states may be fully aware of the actual performance of any given mission.[35] Finally, mission evaluations emphasize their successful positioning among other international donors. Such a spin is not only a deliberative move to reinforce the consensus on missions among member states. It is symptomatic of the growing institutional self-interest and confidence of the directorate for civilian crisis management and other Council Secretariat bodies concerned with this issue-area. In brief, the record of the ESDP is shielded from any far-reaching critique as it is strategically employed to represent the EU as an

important, albeit still evolving international security actor. This successful framing of the ESDP has shaped its perception not only by the public, but also the member states, a fact which, in turn, propels the development of the ESDP forward.

Conclusion: the world is the stage[36]

In conclusion, the chapter addresses two questions often raised about the ESDP. First, is the proliferation of operations a fleeting or a more enduring feature of the international role of the EU? Second, how does the growing number of ESDP deployments affect the democratic deficit in EU foreign policy?

A number of reasons, related both to intra-EU politics and to the role of the ESDP in the world, suggest that operations will remain at the heart of the ESDP for the foreseeable future. First, the willingness and ability of member states to transform their diplomatic fallout from the US-led invasion of Iraq from a crisis into a catharsis and a booster for ESDP development underlines the strong commitment in national capitals to continue the ESDP job despite the many hurdles on the way (cf. Menon, 2004). Second, the entrepreneurial role played by the Council General Secretariat in initiating missions suggests as well that operations are here to stay. Third, ESDP missions have proven effective in carving out a niche for the EU as a unique crisis manager among other international actors. The tangible, high-profile presence on the ground has enhanced the EU's international political status and influence. The ESDP operations have served the political aim of actively fostering a certain image of the EU, which Brussels can now capitalize upon in its international relations. For instance, while the Union has always been an important supporter of the United Nations (UN), a champion of effective multilateralism, the ESDP has given it (potentially) even more powerful means than those available to the UN to promote values shared by both institutions. Importantly, the EU upholds the principle of the primacy of the Security Council in the maintenance of international peace and security, and it is committed to contributing to the objectives of the UN in crisis management in accordance with the organization's charter.[37] As some argue, the ESDP provides 'oxygen for the United Nations' (House of Lords, 2004: 7). Still, it is the EU that sets the agenda and defines the terms of the relationship with the UN. The latter provides legitimacy for the former even though such a blessing may not always be indispensable (Tardy, 2005: 49–51).

Finally, the USA, though it was initially concerned about the potential of the ESDP to undermine NATO (Giegerich *et al.*, 2006: 388),[38] has evolved into an important backer of the enterprise. It now sees the ESDP as instrumental in cases when its status as the sole superpower and its correlated international image prevents it from effective crisis management. The EU is thus welcome as a deputy, preaching the same values but less confrontationally, which makes its involvement in certain regions more acceptable.

Palestine is a case in point. The USA intensively lobbied for the Rafah mission, with secretary of state, Ms Condoleezza Rice, actively participating in the negotiations between the EU and Israel on the ESDP deployment. The issue was first discussed with the EUSR for this region, who subsequently informed the Political and Security Committee.[39] Similarly, there was a US diplomatic campaign, supported by the press and Capitol Hill, to launch a fully-fledged ESDP mission to the Georgian-Russian border when, at the beginning of 2005, the mandate of the border monitoring mission of the Organisation for Security and Co-operation in Europe was not prolonged because of Moscow's opposition. While Washington could not conceivably deploy its troops on the border with Russia, it regarded a potential ESDP operation as a viable substitute capable of curbing Russia's unwelcome assertiveness in the region.[40]

Finally, what can be said about the ESDP in relation to the principle of democratic transparency? Clearly, the policy area remains a realm of numerous exceptions to generic provisions on the CFSP (Duke and Vanhoonacker, 2006). It is characterized by extensive confidentiality and a *modus operandi* that remains uncodified. No wonder, then, that ESDP missions reinforce concerns about the democratic accountability of EU foreign and security policy (Bono, 2002). Arguably, this democratic deficit may not only damage the legitimacy of EU missions, but it may also compromise the EU's ability to lead by virtuous example (Wagner, 2006: 211). Important as it is, this critique needs to be qualified. First, a distinction has to be made between legitimacy and democratic accountability. While the latter is not a guiding principle in the second pillar, the issue of legitimacy is a crucial one in mission deployments. The EU pays great attention to receiving the backing of the UN or regional organizations for its missions, and it regularly invites non-member states to participate in them. Second, the relative neglect of democratic standards is hardly surprising in the highly sensitive realm of foreign policy-making. Although formally under the scrutiny of national parliaments, the international relations of member states similarly display a high degree of executive discretion unprecedented in other areas. This is not to say that the failure to comply fully with democratic principles, either at the national or intergovernmental level, is to be welcome. However, critics of the ESDP have to take into account the contextual logic and practices constituting the particular milieu of foreign and security policy, which, not least because of the strong reputational concerns associated with it, do not easily lend themselves to democratic transparency. The ESDP simply mirrors domestic practices in this respect.

Notes

1 The expression was coined by a former foreign minister of Belgium, Mark Eyskens, who thereby summed up the extent of European failure in the Balkans.

2 Interview with a functionary from the private office of the High Representative for the CFSP, Brussels, 14 November 2005.
3 After flawed parliamentary elections in which massive fraud was reported, thousands of Georgian citizens protested on the street of Tbilisi for twenty days. This forced the president Eduard Shevardnadze to resign. The ensuing presidential and parliamentary elections, which were fought on a wave of pro-Western sentiments, brought the opposition and a new president, Mikheil Saakashvili, to power.
4 Focus group in the directorate for civilian crisis management. Council General Secretariat, Brussels, 16 November 2005.
5 Interview with a functionary from the Council General Secretariat, Brussels, 16 November 2005.
6 Ibid.
7 Interview with a functionary from the private office of the High Representative for the CFSP, Brussels, 14 November 2005.
8 Focus group in the EU Institute for Security Studies, Paris, 4 July 2005.
9 The Laeken European Council in December 2001 formally launched an 'operational' European security and defence capability: 'Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate EU structures, the EU is now able to conduct some crisis-management operations. The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop'.
10 Interview with a functionary from the Council General Secretariat, Brussels, 14 November 2005.
11 The term was introduced into the academic debate by Stelios Stavridis (2001a, 2001b), who argued that a civilian power is characterized by the goals it pursues rather than the means it uses. Hence, military might may be necessary under certain circumstances to 'civilize' international affairs.
12 Interviews with members of the reinforced office of the EUSR for the Southern Caucasus, Warsaw, January 2006 and Florence July 2006. The technical assistance project lasted from September 2005 to February 2006.
13 Interviews in the Georgian foreign ministry, Tbilisi, June 2005.
14 Interviews with members of the reinforced office of the EUSR for the Southern Caucasus, Warsaw, January 2006 and Florence July 2006.
15 Already in 1999 the legal service of the Community asserted the principle of the pre-eminence of community interests in cases of overlapping competencies between the Community and CFSP pillars. It argued that 'les relations Communauté-PESC au sein de l'Union sont gouvernées par le principe de prééminence et de non-parallélisme.' (European Commission Legal Service, 1999:5). This interpretation has become the basis for defending Community competences in lawsuits. In the recent legal action brought against the Council in February 2005 (Case C-91/05), the Commission argued before the EU Court of Justice that actions taken by the Council to combat the spread of small arms infringe on Community competencies under Art. 47 (TEU), since they affect Community powers in the field of developmental aid.
16 Interview with an European Commission desk officer, Relex, Brussels, 11 April 2006.
17 As stated by the Cologne European Council in June 1999, 'the Union must have the capacity for an autonomous action, backed up by credible military forces, the means to decide to use them, and the readiness to do so, in order to respond to international crises without prejudice to actions by NATO'.
18 As elaborated later in the text, the mixed-pillar arrangement of the EU Border Assistance Mission to Moldova and Ukraine does not allow for its classification

as an ESDP mission. The future ESDP mission to Kosovo is planned to be a rule of law one; available at http://www.consilium.europa.eu/cms3_fo/showPage.asp?id = 1100&lang = en (accessed 6 November 2006).
19 Interview with an European Commission desk officer, Relex, Brussels, 18 November 2005.
20 Interview with a national representative to the Political and Security Committee, Brussels, 24 November 2005.
21 Each time a civilian mission is planned, negotiations over its format between the Commission and the Council begin from scratch as no template of co-operation has been agreed as of yet. Interview with the European Commission representative to Civcom, Brussels, 24 November 2005.
22 Interview with the European Commission desk officer for Georgia, Brussels, 18 November 2005.
23 Interviews with Themis experts, Tbilisi, June 2005.
24 Interview in the Council General Secretariat, Brussels, 12 April 2006.
25 Interview with an European Commission desk officer for Iraq, Relex, 11 April 2006.
26 Ibid.
27 Interview with a functionary from the private office of the High Representative for the CFSP, Brussels, 14 November 2005.
28 Interview with the European Commission representative to Civcom, Brussels, 24 November 2005.
29 Memorandum of Understanding between the European Commission and the Government of the Republic of Moldova and the Government of Ukraine on the EC Border Assistance Mission to the Republic of Moldova and to Ukraine, 7 October 2005, Article 1 – Mandate.
30 Focus group in the directorate for civilian crisis management, Council General Secretariat, Brussels, 16 November 2005.
31 Interview with a researcher from the EU Institute for Security Studies, Paris, 4 July 2005.
32 Interview with a functionary from the private office of the High Representative for the CFSP, Brussels, 14 November 2005.
33 For instance, in interviews with Themis members, it cropped up repeatedly that it had been decided at the outset to convert the mission into a success story, Tbilisi, June 2005.
34 Interview with a national representative to Civcom, Brussels, 24 November 2005.
35 Interview in the Polish foreign ministry with a former Polish representative to Civcom, 3 January 2006.
36 The title of the section borrows from a paper by Biscop and Coolsaet (2003), which implies that the EU has become a global actor.
37 Cf. the Joint Declaration on UN-EU Co-operation in Crisis Management, 24 September 2003.
38 See the American insistence on the three Ds, which outline the limits Washington wishes to place on the ESDP (no decoupling of European security from that of America's; no duplication of efforts and capabilities; and no discrimination against the allies who are not EU members); (Albright,1998).
39 Interview in the office of the European Commission representative to the Political and Security Committee, 25 November 2005.
40 Interview with a member state diplomat based in Tbilisi, 10 June 2005.

4 The Police Mission EUPM in Bosnia, 2003–05

Thomas Mühlmann

Introduction

Bosnia and Herzegovina has been a major policy priority for the European Union (EU) over the last 15 years. In the early 1990s, Europe failed to prevent and stop the violent conflicts and allied atrocities in the Western Balkans after the dissolution of Yugoslavia. That failure led to some 250,000 casualties and the biggest wave of refugees in Europe since the Second World War. The conflicts had come too early for the newly emerging international security actor. The EU had just taken the step, in the Maastricht Treaty of 1991, from a mainly economic association in the form of the European Communities to a still nascent political union, including a Common Foreign and Security Policy (CFSP). With good intentions, the EU started many mediation initiatives. However, at that time, it did not yet have any collective means to underpin its aims, and it thus remained rather toothless vis-à-vis the parties to the conflicts. What was left for the Union after the US-led intervention to end the war in Bosnia was to invest massively in post-conflict reconstruction and support the development of the new states in the regions.

In the late 1990s, following the shock of the wave of violence in its immediate neighbourhood and its own inability to respond effectively, the EU started to develop a more coherent and organized foreign policy – and to support the CFSP with the development of crisis management capacities under the European Security and Defence Policy (ESDP). The elaboration of new crisis management structures within the EU proceeded surprisingly fast, as did the generation of capabilities in the military as well as civilian field. But what was still missing until 2003 was the actual use of these new instruments.

Given its recent history, Bosnia seemed to be an ideal candidate for deploying, for the first time, a crisis management operation by replacing the United Nations International Police Task Force (UN-IPTF), which had led international efforts to reform the local police since 1995. At the invitation of the Bosnian authorities and with the blessing of the UN Security Council as well as the Peace Implementation Council (PIC)