Breaking Pillars

Towards a civil-military security approach for the European Union

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1.   Introduction

When looking back at his three-year term as Chairman of the EU Military Committee in November 2009, the French General Henri Bentégeat regarded civil-military integration as the field which had made most significant progress.[1] Moreover, he stressed the importance of establishing an integrated civil-military headquarters for ESDP missions. Such a headquarters would, according to him, 'correspond to a specific need that is characteristic of the European Union'. Bentégeat's words signal a clear ambition and direction for the EU's approach to security: a combined civilian and military one.

Before everything else, the EU (and its predecessor the European Community) was a civilian institution. In terms of security its main feature was to serve as a model of reconciliation, cooperation, stability and prosperity for its near neighbourhood. Through deepening and enlarging the EU was projecting stability across the European continent. When in 1999 the EU's policy arsenal was complemented with military tools to carry out crisis management tasks outside the Union's territory, the ability to deploy civilian instruments alongside military forces became the specific characteristic of the EU's approach to conflicts. It immediately posed the challenge of ensuring that these two types of capabilities could be applied in a coherent manner.

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1   'General Bentégeat calls for EU civil military headquarters', *Bulletin Quotidien Europe 10011*, 4 November 2009.

The new strategic environment called for such deployment of civilian and military capabilities together. The traditional sequence of a military intervention for stabilisation followed by a civilian presence for reconstruction no longer applied. Experiences with crisis management operations in the Balkans and elsewhere showed that if military are deployed, an operation needs both civilian and military tools from day one. Sometimes military security is quickly established, but criminal organisations and other factors continue to disturb the return to normality. Bosnia is one example. Nearly fifteen years after the Dayton Agreement the country is still lacking stability. Afghanistan is another case where neither military stability nor a functional state, based on rule of law, exists. In both cases the lesson-learned is that military and civilian capabilities are needed, alongside, from the beginning and for a longer period.

From the start of ESDP the EU has presented its ability to deploy civilian and military crisis management instruments together as its specific strength. But has it done so in a comprehensive, coherent and integrated manner? Recent decisions by the Council to establish more integrated planning structures and to launch activities on civil-military capability development illustrate the fact that much still remains to be done, to say the least. This Clingendael Security Paper analyses why, in the last decade, the EU has failed to establish a truly comprehensive approach to security. Various factors are brought to the fore: strategy, institutions, financing and capabilities. Based on the analysis of the shortcomings, this Paper provides a list of recommendations.

The title of this Paper, ´Breaking Pillars´, refers to the Pillar structure of the European Union, devised with the Maastricht Treaty of 1991. The compartmentalisation of the European Communities' supranational terrains in the first Pillar and the intergovernmental 'new' domains of Common Foreign and Security Policy and Justice and Home Affairs in the second and third Pillars, logical at the time, now pose a major institutional obstacle to approaching security comprehensively. The envisaged division of labour in Maastricht between the Commission and the Council has the unintended consequence that the effective delivery of foreign and security policy is hampered by the fragmentation of authority, budgets and capacities (and the generation thereof). Hence, our overall recommendation is to break these pillars. Moreover, the first decade of ESDP has learned that within the second Pillar civilian and military crisis management activities and capabilities are still separated, despite all coordination efforts undertaken already. Therefore, the need exists to break this set of pillars as well.

This Paper addresses the fragmented authority across and within pillars, incoherent financing systems and lack of coordination between military and civilian capability development. The structure of the Paper reflects these main obstacles preventing the EU from becoming a coherent foreign and security

policy actor. First of all, Chapter 2 provides the backdrop of the EU´s thinking about security in an integrated manner. It turns out that a comprehensive approach to security in general and to crisis management in particular does not add up to comprehensive solutions to security challenges per se. The main challenge to the EU is to effectively harmonise strategy, policies, plans and actions and to do so across all actors involved, inside and outside the EU. This Chapter traces the background of the separateness of the civilian and military tools that were developed for ESDP and provides best practices from other actors that attempt to tackle security comprehensively.

The next part, Chapter 3, focuses specifically on the institutions the EU has at its disposal for foreign and security policies and delves into the conundrum that they represent. In institutional terms, reaching interpillar consistency (between the intergovernmental and Community pillars of the EU) and intrapillar coherence (second Pillar ESDP civilian and military strands) pose the main challenges. Very quickly after the launch of ESDP, the civilian and military structures became ´separate worlds´. In more recent years, restructuring efforts have focussed on repairing this shortcoming. However, as plans are now, the civilian-military approach will not be carried through sufficiently and our recommendations are geared towards full integration of civilian and military planning and conduct structures, leaving civilian and military command autonomy untouched.

Chapter 4 is dedicated to unravelling what can be called the financial conundrum of the EU´s external action in general and ESDP's in particular. The Common Foreign and Security Policy area of the EU has suffered from a shortage of funds from its inception, irrespective of the budgetary efforts to catch-up with the soaring level of activity in this field, and from a mismatch between budgetary rules and realities on the ground. Moreover, the financial provisions reflect the fragmentation across pillars and within the CFSP/ESDP area itself. This Chapter is firstly dedicated to the complex task of mapping all these obstacles and secondly to suggesting remedies, in which the new High Representative of the Union for Foreign and Security Policy, Catherine Ashton, has a considerable role to play.

Chapter 5 deals with one, if not the bottleneck to implementing an effective European Security and Defence Policy: sufficient military and civilian capabilities. The main problem that the EU encounters in achieving this is a familiar one, plaguing the EU in other areas as well: fragmentation between Member States. Fragmentation throughout the chain from demand to supply hampers the development of an integrated approach to developing capabilities. The European Defence Agency has taken this problem on board and is implementing projects for developing military capacities, involving all actors, from military planners to defence industries. Obstacles to generating

sufficient civilian capabilities lie mostly in the area of personnel shortfalls. However, this Chapter also identifies a considerable amount of overlap in capability needs for all types of missions, whether they be civilian, military or hybrid and the fragmented approach to these needs. The increasing dual-use of technologies for civilian and military application is also addressed. It provides a relatively new area of opportunity to tackle the demands of blurred boundaries between internal and external security threats. Finally, in Chapter 6, instead of recapitulating our conclusions in a dedicated Chapter, we have opted for providing a brief list of the main recommendations that we have made throughout the Paper.

The timeliness of producing a Security Paper on ´Breaking Pillars´ is clear. On 1 December 2009 the Lisbon Treaty has finally entered into force. The 27 Member States have appointed a Chairman of the European Council: former Belgian Prime Minister Herman van Rompuy, and a High Representative for Foreign and Security Policy: former EU Trade Commissioner, the UK's Baroness Catherine Ashton. A Common Security and Defence Policy (CSDP) now replaces the former ESDP. As Member States, the new Commission and the new foreign policy figureheads have now to hammer out the Lisbon Treaty provisions, dividing labour and power, it is our hope that they will do so in the spirit of making the most of the EU´s potential strengths and to move ´towards a civilian-military security approach'.

2. A comprehensive approach: combining the EU's civilian and military strengths

Nowadays, every international organisation dealing with security challenges has at least a reference to 'comprehensiveness' in its policy documents. However, none of them provide a clear definition of a comprehensive, holistic or integrated approach to security in general and to crisis management operations more specifically. The German 'vernetzte Sicherheit', the Canadian and Dutch '3D-approach'[2] and the British 'whole of government' are all conceptions that refer loosely to responses to security threats which are not strictly of a military nature. In general, comprehensive security means that peace and development are fundamentally intertwined. This concept appears to be common sense, but has nevertheless taken years to sink into the consciousness of the separate communities involved in defence and security on the one hand and aid and development cooperation on the other.

Since the early 1990s, notions of human security have emphasised the importance of the individual's freedom from fear and freedom from want. This normative dictum influences our understanding of the broadness of the concept of security and has consequences for how threats to security are addressed. Since then, approaching security questions comprehensively is in high demand. Comprehensive crisis management missions are field-level expressions of a comprehensive approach to security. Particularly the operations in Afghanistan and Iraq have made it very clear that military

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2   3D stands for Defence, Development and Diplomacy.

intervention needs to go hand-in-hand with reconstruction, nation-building and development in order to reach stable and self-sustainable social and economic structures. The initial phase was mastered relatively well by the international community, but it is the second phase, aimed at sustainable peace, which itself necessitates a whole new concept of crisis-management. When the European Union, in 1999, gained a security and defence dimension with the European Security and Defence Policy (ESDP) it seemed particularly well-suited to take on these challenges.

The EU's European Security Strategy of 2003 refers to a comprehensive approach, by outlining the specific contribution the EU could bring to crisis management: 'We could add particular value by developing operations involving both military and civilian capabilities.'[3] However, the strategy's Implementation Report of 2008 recognises room for improvement, stating that the EU's 'ability to combine civilian and military expertise from the conception of a mission, through to the planning phase and into implementation must be reinforced.'[4] It turns out that a comprehensive approach encounters many obstacles and that the availability of multi-dimensional crisis management instruments is not enough to ensure a coordinated application of all these instruments. It is the EU's specific strength that it is able to contribute both militarily and with civilian means to crisis management. But this strength needs to be turned into an effective EU comprehensive approach, bringing together all components of its arsenal.

To-date, the EU has conducted twenty-three ESDP missions of which six can be denominated 'military'. The vast majority of missions have therefore been of a civilian or of mixed military-civilian nature. Considering that, at the onset of ESDP, the EU was completely new to conducting military operations, it is not surprising that these operations have generated considerably more attention than the civilian activities of ESDP. The focus on building up the 'defence' part has from the start been to the detriment of the (civilian) 'security' part of ESDP, both in the institutional sense and in the capabilities sense. Despite the EU's claim to approach security comprehensively, it has, until now, poured most of its energy into setting-up military institutions, military planning, and generating military capabilities with the civilian institutional counterparts lagging behind and with relatively little attention devoted to civilian personnel and equipment. Ten years after the launch of ESDP, it is increasingly recognised that this lopsided situation needs to be remedied if the EU wants to make optimal use of its relative advantage as a

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3   *A Secure Europe in a better world. European Security Strategy*, Brussels, 12 December 2003.

4   *Report on the Implementation of the European Security Strategy. Providing Security in a Changing World, Brussels*, 11 December 2008

security actor that is by nature able to bring a comprehensive approach to the table. The former High Representative, Javier Solana, underlined this as follows:

> 'The comprehensive approach underpinning ESDP is its value added. The logic underpinning ESDP – its distinctive civil-military approach to crisis management – was ahead of its time when conceived. That logic has proved its validity and has been adopted by others. It provides a sound basis on which to approach the coming ten years.'[5]

The EU's comprehensive approach to security should be discussed at different levels: the strategic level, the institutional level, and the planning and execution level. Ideally, comprehensiveness is applied throughout all the various stages of a foreign policy cycle. This Chapter will focus mostly on the conceptual level and will look at the idea behind comprehensiveness. However, a common strategic vision of the Council and the Commission of the EU's foreign and security policy goals should be followed by the translation of that vision into coherent policies and implemented by the right institutional set-up and tools. From the inception of the vision right until, for example, an ESDP mission is deployed, the whole range of tools available to the EU should be kept in mind. This Chapter will not go into detail on the translation of a comprehensive approach to institutions, planning and missions (Chapter 3 will deal with these issues), but will discuss them in general to illustrate the consequences of comprehensive security thinking.

In short, this Chapter will address the background to the EU's comprehensive approach. It will trace to what extent 'comprehensiveness' was a leading notion from the founding years of ESDP to today. It will address the questions of what the EU's approach entails, what the major problems are that it encounters, and which remedies are considered and recommended. Lastly, to what extent is the EU's approach distinctive from those of the United Nations, NATO and some Member States. Also, the lessons that can be learned from others' successes and failures will be briefly discussed.

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5   Javier Solana, 'Remarks at the conference ESDP@10: What lessons for the future?', organised by the Swedish Presidency, the EU Institute for Security Studies, Brussels, 28 July 2009, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/109456pdf

2.1 The EU's comprehensive approach: background and main concepts

A comprehensive understanding of security not only includes the recognition of the multidimensional quality of security issues, the widening of actors as objects and subjects of security, but also the broadened scope of security responses. As is phrased in the EU's Civilian Headline Goal of 2004:

> 'Developing the civilian dimension is part of the EU's overall approach in using civilian and military means to respond coherently to the whole spectrum of crisis management tasks such as conflict prevention, peacekeeping and tasks of combat forces in crisis management including peacemaking and post-conflict stabilization.'6

However, despite the fact that the EU is a natural actor combining civilian and military approaches, the effectiveness of this linkage has proven difficult. This is caused, among others, by the specific path the development of a European foreign, security and defence policy within the EU has taken.

When ESDP was launched, first in St. Malo by Tony Blair and Jacques Chirac at the end of 1998, and subsequently taken forward during the German Presidency in the first half of 1999, civilian missions were not on their mind. The EU being a thoroughly civilian institution, the focus of ESDP at its inception was firmly on shaping a military capacity for the EU. The German Presidency took institution-building forward, but in the drafts of the Cologne Presidency Conclusions neither civilian crisis management nor conflict prevention is mentioned. Resisting predominantly French opposition the Finnish and Swedish governments managed to get both included in the final version of the conclusions. Likewise, it was only during the Finnish Presidency of the second part of 1999 that CIVCOM (Committee for Civilian Aspects of Crisis Management) as a civilian counterpart to the EU Military Committee (EUMC) was introduced. The civilian side of EU's security management can therefore be considered as a counter-balancing afterthought to the set-up of ESDP.

In the first instance, the EU needed a credible military force to back up its nascent foreign policy. The immediate external incentive to ESDP was the EU's obvious inability to complement its many carrots with a credible stick during the Yugoslav succession wars from 1991-1995 and the Kosovo war starting in 1998. However, owing to the very diverse strategic cultures of the (then fifteen) Member States an intense lobby for boosting the civilian side of ESDP emerged only once the Franco-British initiative had been launched.

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6   Civilian Headline Goal 2008, Part I – Ambitions and Tasks, December 2004.

Particularly the former neutral states Sweden, Finland, Austria and Ireland considered a military ESDP too one-sided and could only be won for incorporating a defence element into the EU if it included a credible non-military response to crises as well. Consequently there was a different sequencing to creating the civilian and military strands. They were 'separated at birth'[7], thereby creating individual, stovepipe structures into the set-up of ESDP.

After a hesitant start (with some Member States fearing that attention to the civilian dimension would dilute the military side) soon most Member States showed considerable support for the civilian side of ESDP. The topic is less controversial than the military dimension and transatlantic-oriented countries, military non-aligned and militarily introverted countries in particular have been vocal and active in this support. The United Kingdom, Austria, Germany, Sweden, Finland, Denmark and The Netherlands can be counted among those with the most politically positive and active attitude towards the civilian aspects of ESDP.[8] Both political interests on the role of the EU and a genuine belief that civilian tools would be necessary to turn ESDP into an effective crisis management instrument played their parts. The civilian side of ESDP was given a considerable boost during the Swedish and Danish EU Presidencies in 2001.[9]

To prevent the steps taken in European civilian crisis management from lagging behind the progress made in the military field, the consolidated Civilian Headline Goal was adopted in December 2004 within the context of the ESDP. Originating from a Danish-German non-paper the initiative's main goal is to identify what civilian capabilities the EU requires and to develop them by 2008. Priority areas include police and the rule of law, civil administration and disaster relief and monitoring and support for EU Special Representatives. The civilian branch of ESDP, however, remained an afterthought and mostly developed as a response to initiatives on the military side. For instance, the Civilian Headline Goal process matched the earlier military Helsinki Headline Goal and the Swedish proposal for Civilian

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7   Antonio Missiroli, 'Between EU and US: reassessing security and peace-building', *Commentaries*, European Policy Centre, 29 October 2008, http://www.epc.eu/en/pb.asp?TYP=TEWN&LV=187&see=y&t=32&PG=TEWN/EN/detailpub&l=12&AI=947.

8   For an overview of who backed civilian ESDP initiatives see: Peter Viggo Jakobsen, 'Small States, Big Influences: The Overlooked Nordic Influence on the Civilian ESDP', *Journal of Common Market Studies*, Vol. 47, no. 1, 2009, p. 95.

9   See Fredrick Lee-Ohlsson, 'Sweden and Development of the European Security and Defence Policy. A Bi-Directional Process of Europeanization', *Cooperation and Conflict*, Vol. 44, no. 2, 2009, pp. 127-131.

Response Teams (CRT) was the counterpart of the concept of the EU Battlegroups. This can be regarded as a natural reaction to providing the civilian EU with a military leg, but in terms of a comprehensive approach to security challenges, this left ESDP one leg short, with predictable consequences.

The EU's concept of comprehensive security

Still, the EU's ability to provide the complete package of military and civilian tools to tackle crises is regarded as a hallmark. It is the comparative advantage of the EU. The EU's unique path as an increasingly coherent foreign policy actor with significant civilian means to influence the behaviour of its neighbourhood, now adding a military dimension, largely defines its added value as a security actor. Although the term 'comprehensive security' is not mentioned at all in the 2003 European Security Strategy (ESS), the document breathes an adherence to a conception of security that goes beyond the politico-military dimension of security. The Strategy for instance does refer to 'the challenge [is] to bring the different instruments and capabilities together [….] Security is the first condition for development'. The comprehensive understanding of security is also reflected in the diffuse threat analysis of the ESS. In contrast to the 2002 National Security Strategy (NSS) of the United States, which forms the backdrop of the European strategy, the ESS sees a much more diffuse world with threats stemming from globalisation which has 'increased European dependence – and so vulnerability.'[10] The strategy of the United States frames its security environment more traditionally by identifying terrorism as 'the enemy'[11] while the ESS emphasises the complex causes that lie at the roots of terrorism and locates the causes also within the Union itself by including a phrase that 'This phenomenon is also part of our own society.'[12]

The EU emphasises the link between development and security. The doctrine of 'human security' is closely linked to the philosophy behind its approach to security. Solana has expressed his personal attachment to the concept as a 'concept that illuminated much of the EU's moral thinking as regards

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10   ESS, op cit. p. 2.
11   *National Security Strategy of the United States of America*, September 2002, p. 23.
12   ESS, op cit. p. 3.

security' in an appearance in European Parliament.[13] Earlier in 2004, Solana commissioned a report by an independent study group to investigate what the EU's specific contribution to international security should be. The report, A Human Security Doctrine for Europe, emphasises the centrality of the security of the individual human being as opposed to state security.[14] One of the recommendations of this Barcelona Report for the EU was to invest in human resources and skills and to found an integrated civil-military force of 15,000, one third of which should be civilians with various skills and experience. To this day such a 'Human Security Response Force' has not attracted many followers in the Council, although the European Parliament already in 1999 supported the formation of a European Civil Peace Corps.[15] The interesting thing about the Barcelona Report's recommendation is that it views security comprehensively, with securing global human rights as a starting point, and that it recommends a combined force of civilians and military personnel. Eventually, such a set-up of forces is the logical outcome of a full-blown comprehensive approach of the EU: not developing a military and civilian Headline Goal separately, but integrating capabilities from the very beginning, be it human resources or material capabilities. A combined and joined civilian-military force should ultimately be the shape of an EU that draws the consequences from its own comprehensive philosophy.

CIMIC and CMCO

Related to the concept of comprehensive security are the notions of civil-military cooperation (CIMIC) and civil-military coordination (CMCO). These two notions are different, but this has not been clear to everybody. CIMIC is a tactical and operational device and much more limited in scope than the EU's CMCO. CIMIC is of an earlier date and is in contrast to CMCO not unique to the EU. Most Member States have their own conception of CIMIC and it is also a concept that has been adopted by

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13   Javier Solana, *Address to the European Parliament on EU Foreign, Security and Defence Policy*, Brussels, 4 June 2008, p. 4. See also: *A Human Security Doctrine for Europe. The Barcelona Report of the Study Group on Europe's Security Capabilities*, September 2004, http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityDoctrine.pdf.

14   *A Human Security Doctrine for Europe. The Barcelona Report of the Study Group on Europe's Capabilities*, Barcelona, 15 September 2004, http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityDoctrine.pdf. Former Dutch Minister Jan Pronk was also part of the study group. London School of Economics Professor Mary Kaldor was the convenor.

15   'European Parliament recommendation on the establishment of a European Civil Peace Corps', *Official Journal of the European Union*, 10 February 1999.

NATO starting from 1997.[16] In the NATO context the objective of the CIMIC doctrine is to facilitate the military task. By supporting civilian actors additional information is gathered, useful for operational commanders. Also, CIMIC aims at winning the 'hearts and minds' of the local population. CIMIC is a support function to a military operation, while CMCO is a more encompassing concept defined by the EU as addressing 'the need for effective co-ordination of the actions of all relevant EU actors involved in the planning and subsequent implementation of EU's response to the crisis.'[17] CMCO is in effect EU jargon for translating its comprehensive approach to security to the planning and operational phases. The broad version of CMCO covers inter-Pillar coordination, while there is also a narrower version, which is limited to coordinating second Pillar actors.

The three consecutive Presidencies of the EU (from July 2005 to December 2006), the United Kingdom, Austria and Finland, made civil-military coordination a centrepiece of their involvement in CFSP/ESDP. The three Member States produced a joint Non-Paper on CMCO.[18] It divided the issue into five parameters: analysis, planning, management of operations, methodology of measuring progress, and management of capabilities.[19] The central coordination instrument of CMCO is the Concept for Comprehensive Planning. Following an initiative of the UK Presidency, the EU has developed this Concept which constitutes a living document, amendable in light of accumulated experience in an operation or mission. The concept involves the EU institutions and Member States, and reaches across the whole planning cycle of operations across pillars. The idea is to provide risk and situation analyses, stipulate goals, regulate the coordination of Commission and Council instruments and differentiate according to different time horizons. The pitfall with the Concept for Comprehensive Planning is that it only contains recommendations or suggestions and does not carry any authority

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16 *NATO Civil-Military Cooperation (CIMIC) Doctrine*, Brussels, 2001.

17 Council of the European Union, *Civil-Military Coordination (CMCO)*, doc. 14457/03, p. 2f.

18 United Kingdom, Austria and Finland, *Non-Paper. Enhancing civil-military co-ordination*, 2005, in: Stephen Pullinger (Ed.), *Developing EU Civil Military Coordination: The Role of the New Civilian Military Cell*, Joint Report by ISIS Europe and CeMISS, June 2006.

19 Lt. General Jean Paul Perruche in a Public Hearing, European Parliament, The European Security Strategy and the Future of the European Security and Defence Policy, 13 July 2006,
http://www.europarl.europa.eu/hearings/20060713/sede/perruche_en.pdf.

with the different structures.[20] The Finnish Presidency focused on the implementation of CMCO in situation awareness. Also, as part of the CMCO concept the Council and the Commission are now conducting joint, comprehensive reviews of all EU operations and actions taking place in the same region. The Council charged the Austrian Presidency with the operationalisation of this concept for the cases of the ESDP missions in Aceh, Darfur and Bosnia, with the aim to provide a 'Single Comprehensive Overview' of the EU's activities in these cases. When drafting these overviews, the need for the development of a systematic review and lessons learned process for all EU actors involved in crisis management came to the fore. Almost all agents kept different standards for recording lessons learned.

The studies on EU impact in Aceh, Bosnia and Herzegovina, Darfur and also the Democratic Republic of Congo are a step forward in creating a more structured operational evaluation process. Continuous and structured assessment is needed to inform the review of operational scenarios and capability objectives. A common methodology should be created for the assessment work to ensure coherence. The CMCO concept of the EU is geared towards optimising coherence and coordination among its crisis management assets, but lacks a practical application of its principles into a CMCO doctrine. What is also still missing is links on the ground to other international organisations, such as the UN, NATO, the Organisation for Security and Cooperation in Europe (OSCE) and the African Union, which can also be involved in a crisis management situation. The EU has various consultation mechanisms with these organisations, but although they were part of the rationale of the CMCO concept, they have not been systematically applied to situations on the ground. Therefore, the CMCO concept lacks an external dimension and seems to be an EU-introverted mechanism. Moreover, in comparison to other international organisations, such as the UN or the OSCE, mechanisms that utilise the added value of the input of NGOs or even commercial companies[21] in planning and implementation is lacking in the CMCO as well.

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20 See also: Hans-Georg Ehrhart, *Civil-Military Cooperation and coordination in the EU an in selected Member States*, Policy Department External Policies, European Parliament, October 2007, pp. 8-10.

21 Reportedly, representatives of the International Maritime Organisation but also of ship owners are permanently involved in planning of the ESDP maritime Operation Atalanta. See: 'General Bentégeat calls for EU civil military headquarters', *Bulletin Quotidien Europe 10011*, 4 November 2009.

2.2 Overlapping inter-Pillar competences

ESDP is intergovernmental, organised in the second Pillar, within a largely supranational (or communitarian) European Union. The comprehensiveness of the EU's security conception demands a high amount of EU-internal coordination, also with the relevant Commission departments, such as External Relations in the first Pillar. Overlapping competences between pillars are issues such as election monitoring, dual-use goods, defence industrial aspects, conflict prevention, civilian crisis management, small arms and light weapons (SALW) and issues of external representation.[22] The overlap in the territory of civilian crisis management is a complex riddle to solve, because of the differing finance systems, budget-cycles (more on this in Chapter 4) and timing of policies. Moreover, ESDP designs and executes missions, while the Commission's most commonly used strategy is that of a donor awarding grants for third organisations to carry out the work. The Commission holds a long-term view and ESDP (a Council affair) is understood as an immediate response to a crisis. Bringing these long and short-term approaches to crises together is a clear challenge.

In 2008 the turf war between the first and second pillars even became subject to a case at the European Court of Justice (ECJ). It was the first time since the pillar structure was introduced in the Maastricht Treaty that competency issues between the first and second pillars appeared before the Court. Before, only cross-pillar competency issues between the first and the third pillars had been put to a ruling of the ECJ. In the so-called ECOWAS-case the ECJ was asked to clarify the demarcation of competences regarding the EU's external activities.[23] In 2002 the Council had issued a Decision to finance activities by the Economic Community of West African States (ECOWAS) to combat the spread of small arms and light weapons (SALW).[24] The Commission, with support of the European Parliament, argued that the Council had overstepped its powers and that action in the area of development cooperation was part of the EC Treaty and therefore fell within the competence of the Commission itself.[25] The Council argued that the Decision clearly fell within security policy

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22 Simon Duke, 'Areas of Grey: Tensions in EU External Competences', *EIPASCOPE,* 2006/1, www.eipa.eu.

23 Action brought on 21 February 2005 by the European Commission against the Council of the European Union, *Official Journal of the European Union*, C115/10, 15-5-2005.

24 Council Decision 2004/833/CFSP of 2 Dec. 2004 implementing Joint Action 2002/589/CFSP.

25 Ronald van Ooik, 'Cross-Pillar Litigation Before the ECJ: Demarcation of Community and Union Competences', *European Constitutional Law Review*, No. 4, 2008, 399-420.

jurisdiction. The ECJ subsequently annulled the Council's Decision. The Court found that the protection of the acquis communautaire against the second and third intergovernmental pillars takes precedence. It could be argued that this ruling has established the competence of the first Pillar in cases of doubt. The EJC case shows how formal division of authority does not take into account the blurred dividing lines between peace, security, economic and social development, giving rise to artificial institutional turf wars.

In the Lisbon Treaty, which entered into force on 1 December 2009, a partial institutional remedy for the institutional incoherence is offered. The idea is that the High Representative, Catherine Ashton, will provide more consistency and coherence. The current posts of the High Representative of CFSP and the Commissioner of External Relations will be merged into one. The new High Representative of the Union for Foreign Affairs and Security Policy will have a European External Action Service (EEAS) to help her to carry out her job. She should at least be able to ensure the coordination of the different aspects of crisis management and the unity of command.[26] However, it remains to be seen whether this new hierarchy will be sufficient to overcome the different organisational cultures and mechanisms to ensure intra-EU coordination. It is interesting to note here that the so-far strictly intergovernmental CFSP/ESDP will gain communitarian traits, while the legal bases of the first and second pillars are to remain different. Besides the fact that Ashton is also a vice-chairwoman of the Commission, another one of these communitarian traits is imported with the unique set-up of the EEAS.[27]

The remit, position and form of the EEAS are so-far contested. The Lisbon Treaty only stipulates that the Service 'should assist the High Representative' and 'shall comprise of persons from the relevant Departments of the Council's Secretariat, the Commission as well as staff seconded from national diplomatic services of Member States.'[28] The EEAS has therefore the potential to function as an integrated staff to the High Representative. There is consensus that the EEAS should have a separate legal status, not belonging to either Council or Commission structures, with its own budget. This is a necessary decision to avoid appropriation of the new structure to either one of the Pillars. However, it also leaves much room for interpretation and holds the risk that the EEAS could remain floating and detached from consolidated

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26 Agnieszka Nowak, 'Introduction', in: Agneszka Nowak (ed.), *Civilian crisis management: the EU way*, Chaillot Paper Nr. 90, EUISS, Paris, 2006, p. 11.

27 One could also argue the other way around: the Commission is also influenced by the membership of the High Representative ánd the make up of the EEAS with one third of its staff originating from the Commision.

28 Art. 27 of the Consolidated Version of the Treaty on European Union, *Official Journal of the EU*, 9-5-08.

structures and procedures, which could be detrimental to its functioning and influence.

Concerning its remit, one of the questions remaining is whether the areas of the Directorate-General for Development, Europe Aid and ECHO should be included as well. The functions of the Trade and Enlargement DG's will probably remain within the Commission. A merger of the Commission's external delegations and the Council's liaison offices and Offices of the Special Representatives is foreseen to provide the EU diplomatic service with a network of representations. When an EU integrated approach to security is at stake, the EEAS should gain a say in as many areas of activity as possible, perhaps even, as Solana said, to become 'in time [...] one of the most important diplomacies in the world, along with US, China and other big players in the world.'[29] Leaving the areas of development and Europe Aid outside the remit of the EEAS will continue the inter-Pillar strife and hamper integrated policies. Together with its Member States' national programmes, the EU is the world's largest aid donor and, therefore, crisis management activities have to establish synergies with aid programmes. The new High Representative and her EEAS will be straddling both Commission and Council tools and are the potential gatekeepers of a comprehensive EU foreign and security policy.

2.3 Wanted: a strategic vision

To approach security comprehensively from conflict prevention to crisis management and reconstruction requires a rethinking of the foreign and security architecture of the EU. The provisions of the Lisbon Treaty on the Council's CFSP/ESDP and the Commission's External Action show that this rethinking has been taken on. In recent years, the concept of comprehensive planning is introduced in the Council structures involving the whole conflict cycle from prevention, management to reconstruction efforts. Solana saw this stance of the EU as reflecting 'our origins as an organisation. But it also reflects the new strategic environment'. [30] Comprehensiveness requires a shared vision of the strategic objectives of the EU's external policies. Without these common strategic goals it will be nearly impossible for all actors involved in EU crisis management – at the level of the Commission, the Council, and the individual Member States – to coordinate their efforts effectively. Getting to a strategic vision is a difficult endeavour and, at EU-level, has so far proven to be impossible, the European Security Strategy from

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29 'No 'Big Bang' for EU Foreign Service, says Solana', *EU Observer*, June 2009.

30 Javier Solana, *Address by the EUHR Solana on civil-military coordination*, London, 17-10-2005.

2003 notwithstanding.[31] The European Security Strategy has great merit in identifying the threats to EU security, in confirming the EU's commitment to tackle those threats comprehensively and in 'effective multilateralism'. But neither the ESS nor the 2008 Implementation Report provides sufficient guidance on prioritisation and translation into specific policies that guide action. The EU suffers from a 'strategic deficit'.

ESDP is not an end in itself but is designed to serve the larger purpose of the EU's foreign policy. The EU's crisis management efforts should not be ad hoc, as they largely have been so-far, but should be deployed as instruments to reach results according to pre-established priorities. ESDP's detachment from other foreign and security policy instruments in the first and third Pillar and those which the Member States have at their disposal should become history. A comprehensive approach at the level of operations does not entail that all instruments are compelled to be integrated. Sometimes this is both superfluous to requirements and impractical. One can imagine that the execution of one of the Petersberg Tasks, rescue operations, can in some cases be an isolated and 'one-off' occurrence.[32] However, in general, if the EU wants to approach security comprehensively, operations have to be embedded in a larger strategic outlook. Furthermore, an operation must be considered as a part of a complete set of actions by the EU itself and by the EU in relation to other actors in the field.

Nevertheless, in the absence of a common strategic vision, and with only the distant prospect of 27 Member States finding sufficient common ground for a 'grand strategy', at least strategic objectives per country, or preferably, per region should be established to streamline all the EU's activities towards a notion of a shared preferred end-state. In effect, the EU already has such an instrument: the 'common strategies' of CFSP.[33] However, these have not proven to be very useful, since their implementation has been left primarily to the consecutive Presidencies, therewith a lack of legitimacy or coordination and a lack of clear focus from the Council. Moreover, 'common strategies' is a second Pillar provision, lacking effect in the Communitarian Pillars. The

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31 See also: Sven Biscop (ed.), *The Value of Power, the Power of Values: A Call for an EU Grand Strategy*, Egmont Paper 33, October 2009.

32 For example, in the summer of 2006 the British armed forces undertook a rescue mission evacuating a total of 4,500 persons of 50 different nationalities from Lebanon. Operation 'Highbrow' could have been an ESDP mission conducted by an EU Battlegroup.

33 Under Article 13 of the EU Treaty, the European Council defines the principles and general guidelines for the CFSP and decides on common strategies to be implemented by the Union in fields where the Member States have important interests in common.

Lisbon Treaty provides an opportunity to remedy this deficient bottom-up approach and devise 'comprehensive common strategies', allowing the new High Representative, aided by the European External Action Service a much more directive role.

2.4   Examples to learn from

The EU is certainly not alone in its attempts to bring more coherence to its crisis management activities. International organisations and national governments alike have embarked on a rethinking of how to approach security and crisis management. Here, predominantly the UN and the United Kingdom's practices will be discussed. Their models have elements that are particularly instructive.

Both NATO and the United Nations are developing broader approaches. NATO announced in its 2006 Riga summit that today's challenges require a comprehensive approach from the international community. NATO's comprehensive approach is mostly applied in Afghanistan, where nationally organised Provincial Reconstruction Teams (PRTs) all have a shared philosophy but are often very differently implemented. The NATO Response Force (NRF) has a civilian-military component, but the NRF remains a military framework. Basically, for NATO a comprehensive approach means to be comprehensive with other non-NATO actors, while for the UN and the EU it means to be comprehensive with sister and brother institutions or organisations within their respective families. The UN is clearly the organisation working with a comprehensive approach for a long time and has gradually been more successful in its 'integrated approach'. In trying to bring forward a more integrated approach, the EU should therefore be aware of what has been happening at the UN and despite the many differences between the two organisations, carefully consider the lessons already learned by the UN.

The United Nations' Integrated Approach

In 2005, the UN Secretary-General recognised in his report on UN reform, In Larger Freedom, a lack of coherent application of the resources the UN has available.[34] It took, however, until 2008 for the Department of Peacekeeping Operations to produce the 'Principles and Guidelines' for UN

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34   *In Larger Freedom: towards development, security and human rights for all*, 21 March 2005, paragraph 114.

Peacekeeping Operations.[35] These Principles and Guidelines are a codification of the peacekeeping practice by the UN from the last decades and improving integration and coordination is highlighted as an important lesson learned. The UN's 'integrated missions' approach, as it was dubbed, is divided into two levels of implementation: (1) the Integrated Mission Planning Process (IMPP) and (2) strategic partnerships in the field. Firstly, in 2006 the United Nations Department of Peacekeeping Operations (DPKO) created an Integrated Mission Planning Process (IMPP).[36] The IMPP is not designed to take over all other planning processes. IMPP is applied to achieve proper sequencing of plans, coherence in identifying needs, objectives and results and signalling opportunities to link planning activities. The idea is that it will both enhance effectiveness (attaining mission goals) as well as efficiency (doing so against lesser costs). It is basically a guideline for UN missions that envisage an Integrated Missions Task Force at Headquarters level aiming to bring together senior management and operational staff on a regular basis to promote synergies. If the UN decides to deploy a Peace Support Operation, an ad hoc Task Force is formed to ensure that the whole UN-system is represented in this Task Force, but at a minimum it includes representation of the political, military, police, security, logistics, humanitarian, development and human rights branches of the UN. The integrated missions concept aims to put mechanisms in place to generate and sustain a common strategic objective, as well as a comprehensive operational approach, among the political, security, development, human rights, and where appropriate, humanitarian UN actors at the implementation level.[37]

The second level of the integrated missions concept comes in at the field level. It entails a strategic partnership between the UN peacekeeping operation and the UN country team (UNCT), ensuring that all components of the UN system operate in a coherent and mutually supportive manner, and in close collaboration with other partners. In an UNCT the humanitarian and development actors of the UN, such as the Office for the Coordination of Humanitarian Affairs (OCHA), UN Development Programme (UNDP) and

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35 UN Department of Peacekeeping Operations, *United Nations Peacekeeping Operations: Principles and Guidelines*, March 2008, http://www.unhcr.org/refworld/docid/484559592.html.

36 United Nations, *Integrated Mission Planning Process (IMPP)*. Guidelines Endorsed by the Secretary-General on 23 June 2006, http://action.web.ca/home/cpcc/attach/06_DPKO_IMPP_final_.pdf.

37 Cedric de Coning, 'Implications of a Comprehensive and Integrated Approach for Training in United Nations and African Union Peace Operations', NUPI, *Security in Practice*, 6, 2009.

the World Food Programme (WFP) collaborate.[38] The two phases of the integrated missions concept are analogous to the multiple coordination problem of the EU: at the level of institutions (be it in New York or Brussels) and at the level of the mission on the ground.

The concept of integrated missions is still 'work in progress' and has a mixed record so-far. It nevertheless continues to evolve within the UN system. In 2008, the Secretary-General of the UN issued a decision that the term 'integrated missions concept' is to be replaced by the more encompassing 'integrated approach' An integrated approach requires: (1) 'a shared vision of the UN's strategic objectives; (2) closely aligned or integrated planning; (3) a set of agreed results, time lines and responsibilities for the delivery of tasks critical to consolidating peace, and (4) agreed mechanisms for monitoring and evaluation.'[39] By covering the whole cycle from strategy to monitoring and evaluation, the UN has taken, at least on paper, the integrated approach on board.

The complexity of having to coordinate at different levels, while the nature of this coordination can change per situation, has added to the concept's elusiveness. It is however implemented on the ground, for instance in East Timor, Liberia, Congo and Sudan. One of the main lessons the UN has drawn is that form should follow function and that there should be no off-the-shelf blueprint for all missions.[40] The overarching strategic objectives of the mission and the activities needed to get there should determine the set-up of the operation. It should be recognised that some missions do not need to be fully integrated, while others do. One risk of integrated missions seems to be that a whole circus of coordination is put into motion, in which consultation and coordination take place for their own sake instead of adding to coherence and effectiveness.

Another important lesson-learned is that humanitarian and development actors of the UN consider that liaising too closely with political or peacekeeping (i.e. military) actors of the UN can impinge on the perceived impartiality and neutrality of their specific mandate. Particularly in situations where conflict is still ongoing or a peace consolidation process has not yet taken root, a structural integration of UN actors should be avoided 'and the

38 Winrich Kühne, *Peace Operations and Peacebuilding in the Transatlantic Dialogue, Zentrum für Internationale Friedenseinsätze*, Berlin, August 2009, p. 9.

39 Decisions of the Secretary-General, *Decision Number 2008/24 – Integration*, United Nations, New York. 25 June.

40 Espen Barth Eide et al., *Report on Integrated Missions: Practical Perspectives and Recommendations*, 2005,
    http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&DocId=1003352, p. 6.

form of integration adopted (if at all) should be minimal.'[41] Optimising the balance between military and civilian tasks so that they are both most effective is a persistent quest in approaching security comprehensively. Likewise, it is a challenge to overcome needless ring-fencing of existing different cultures of operating among organisations that deliver 'defence, development or diplomacy'.

A last, but crucial, lesson learned is that training of all involved in the United Nations Organisation is the key to instil the philosophy of integrated missions and to turn around the culture of distinctiveness of different agencies, departments or units. It takes a different mindset and attitude of cooperation to work in an environment where various actors with specific roles in crisis management operate closely together. The UN is currently looking for ways to implement training curricula to address these issues and to promote 'awareness of different phases of peace-keeping and peace-building and knowledge on how roles and responsibilities of internal and external actors change over time.'[42] This is a lesson that the EU should take on board much more systematically and massively than it has done so far. This could well be undertaken under the flag of the European Security and Defence College (ESDC).[43]

The United Kingdom's 'whole of government'

Also a number of Member States are attempting to improve the coherence of their policies and actions in managing crises. Austria, Finland, Sweden, the Netherlands, Germany and the United Kingdom are notable among them. On the national level, similar coherence problems to the ones experienced by the EU exist. The United Kingdom's 'whole of government approach' can be regarded as best practice. Due to this 'comprehensive' way of thinking, the Brown government opted to depart from regular Defence Reviews and introduced a first ever National Security Strategy in 2008[44,] which will be updated yearly. The NSS adheres to an overarching approach, aimed at bringing different strands of government together to tackle threats. Britain's comprehensive approach aims at improving inter and intra-ministerial cooperation to assure a nationally consistent approach. In 2001, the Foreign

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41 United Nations High Commissioner for Refugees, UNHCR's engagement with integrated UN missions *Report of a lessons learned workshop, 20-21 November 2009.*

42 Cedric de Coning, op cit., pp. 9-10.

43 http://www.ihedn.fr/cesd/index_en.php.

44 Cabinet Office, *The National Security Strategy of the United Kingdom. Security in an Interdependent World*, 2008, http://interactive.cabinetoffice.gov.uk/documents/security/national_security_strategy.pdf

and Commonwealth Office, the Ministry of Defence, and the Department for International Development (DFID) bundled resources and jurisdictions in the so-called Conflict Prevention Pool. Furthermore, London has integrated civilian and military specialists into a Post-Conflict Reconstruction Unit, in late 2007 renamed the Stabilisation Unit. The Stabilisation Unit is a cross-departmental unit (FCO, DFID and MoD are its parent Ministries) which provides civilian teams to support design and delivery of UK civilian activities, including quick impact projects, in insecure environments often alongside UK military forces. According to the British government it fills critical capability gaps in national and international operations.[45]

In April 2008 the UK has also established a Stabilisation Aid Fund. The Fund, for which again DFID, FCO and MoD are key holders, is managed by the Stabilisation Unit. The fund of GBP 269 million[46] will pay for civil conflict stabilisation activities in volatile or hostile areas where the security situation does not (yet) permit implementing programmes that the Conflict Prevention Pool has traditionally funded. The Stabilisation Unit has a core staff of 34, with a mix of skills and experience. On average, it directs 30-40 persons, deployed in crisis areas.[47] It is also active in recruiting Deployable Civilian Experts (DCEs), for assignments of various kinds (Governance, Justice and Peace-building; Social Development; and Public Administration Reform). The Stabilisation Unit has acquired quite a lot of experience and has devised a 'Stabilisation Matrix' to be able to assess which expertise it needs, military, civilian or mixed, in different phases of conflict situations, taking into account whether the environment is permissive or non-permissive.

When assessing in the House of Commons whether the comprehensive approach works well, the familiar interdepartmental obstacles of different organisational cultures, different time frames (with the MoD wanting to reach results quickly, while the DFID is used to working on longer time-frames) and bureaucratic competency struggles came to the fore. The Prime Minister is ultimately the one who should assure and steer the cross-departmental cooperation. So far, however, the Prime Minister's office has been relatively absent from the three-departmental endeavour. For the EU, a clear hierarchical structure with one office or official carrying end-responsibility should therefore also be a priority. The post of the High Representative is a good start in achieving this. Notwithstanding the difficulties of the UK model, the British situation has shown a progressive development towards more

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45 HM Government, PSA *Delivery Agreement 30: Reduce the impact of conflict through enhanced UK an international efforts*, October 2007.

46 Figure in the Comprehensive Spending Review 2007, the period of the spending review is 2008-2011.

47 http://www.stabilisationunit.gov.uk.

understanding and easier coordination on the ground, as well as a gradual improvement in working relationships at departmental level in London.[48] The UK's experience (among others) of implementing its comprehensive approach should be considered closely by the EU.

2.5   In conclusion

When in 1999 the EU first gained a defence dimension, the civilian strands of ESDP were neglected vis-à-vis the military side. Mainly due to the lobbying of the Nordic countries, ESDP became a policy with a civilian and a military leg. Soon it became clear that both politically and practically the EU needed a comprehensively cast security policy, rather than a, more limited, defence policy. Politically this was necessary, because to rally first 15, then 25 and eventually 27 Member States around ESDP it needed chameleon-like features, conducive to all kinds of interpretations about its nature. Neutral states emphasised its civilian side, military assertive countries emphasised its military aspects, and for transatlantic orientated states it was vital that it had the ability to be complementary to NATO. To be able to accommodate these diverse strategic cultures and diverse justifications a typical way of approaching security, an EU-niche, or a 'European way of war' was sought. Adding a civilian aspect to ESDP's military orientation was a first step. However, practically, many Member States, also active within the UN's rethinking of how to approach crises and conflict in the 1990s, saw the EU as an ideal organisation to embody the 'integrated' or comprehensive way. Because of fear of militarisation of the EU and of compromising the EU's considerable soft power assets on part of these neutral and militarily restraint countries, ESDP became two-faced, with a civilian and military side. Until a few years ago these double, stove pipe-like civilian and military structures for crisis management remained relatively disconnected. Incrementally, connections were sought among existing structures and at operational level without an overhaul from above. The political-strategic level was neglected, leaving measures at the operational-tactical level without guidance.

This Chapter has highlighted the necessity for the EU of a rethinking of a comprehensive approach throughout the whole policy-making cycle, from the political-strategic level to the operational-tactical level. However, in the history of the process of European integration so-far, the 'grand schemes' way of achieving results has not worked well. The muddling-through struggle of two steps forward, one step back, is probably more realistic. Nevertheless, the

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48   House of Commons, Uncorrected Transcript of oral evidence to be published as HC 523 iv, Minutes of Evidence Taken Before Defence Committee, *Comprehensive Approach*, 7 July 2009.

necessity for policy-makers to break through the detailed way of thinking, not only zooming in on small pieces of the whole but keeping in mind the larger picture of how to tackle security, is important. Achieving coherence between the many foreign and security policy tools the EU has at its disposal is in itself a task that has to be approached comprehensively as well.

3.   The institutional conundrum

The European Union is a 'living' organisation, constructed step-by step as its agendas develop over time. The Common Foreign and Security Policy or CFSP was established – as the EU's second pillar – by the Maastricht Treaty of 1992. The European Security and Defence Policy was launched seven years later.

From the beginning ESDP consisted of military and civilian aspects, reflecting the European Union's capability to deploy armed forces as well as police and other civilian experts. In line with this two-legged approach, separate military and civilian structures were created and different procedures for launching and conducting military operations and civilian missions developed.[49] This separation created a *first problem*: the lack of an integrated approach to EU crisis management. What should be the European Union's strength – combining military and civilian activities – was not 'translated' into the ESDP structures.

With regard to civilian crisis management a *second problem* arose. New missions (police, rule of law, civilian administration and civil protection) were introduced in the second pillar, but the European Commission already had

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49   The different wording – military *operations* and civilian *missions* – is underling the separation of the two ESDP legs.

responsibilities for external 'civilian' activities, such as the delivery of emergency humanitarian aid, rehabilitation, reconstruction and development. Here, a civil-civil coordination problem was born.

The three pillars construction of the EU caused a *third problem*, as the separation of internal and external policies was vanishing quickly in the first decade of the 21st century. The attacks in Madrid and London made clear that terrorism, with its roots mainly outside Europe, disregarded the Union's external borders. Other challenges to European security – illegal immigration, drug trafficking, energy, environment, etc. – equally made clear that the external-internal division no longer reflected reality. This raised the question of how to align the Union's institutional arrangements, in other words how to bridge the three pillars.

This Chapter deals with the institutional aspects of ESDP, from the perspective of crisis management. First, the ESDP structures are described, from the original set-up to the current landscape. Special attention is given to the most problematic area: the headquarters issue. Next, the potential impact of the Lisbon Treaty is assessed. The Chapter concludes with some suggestions on further reforming ESDP to create unified civilian-military structures.

3.1 Separate worlds: military and civilian ESDP institutions

The European Security and Defence Policy, part of the CFSP, was established by the Cologne European Council in June 1999. A year-and-a-half later EU Heads of State and Government agreed in Nice the 'terms of reference' of the ESDP bodies: the Political and Security Committee (PSC), the EU Military Committee (EUMC) and its supporting EU Military Staff (EUMS).[50] The military would build up their organisation within a year, in essence copying the structures so familiar to them in the national context and at NATO. As most Military Representatives were 'double-hatted' – sitting in the NATO Military Committee and in the EUMC – the two Committees resembled each other to a large extent. In the same manner the structure of the EU Military Staff was a copy of NATO's International Military Staff, be it smaller in size. The EUMS started with some 140 staff; it has grown to around 200 today.

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50 All three had interim predecessors: the Interim Political and Security Committee or IPSC (starting on 1 March 2000); the Interim Military Body (IMB) of military representatives; and the secondment of national military experts to the General Secretariat of the Council for the interim period.

A Committee for the Civilian Aspects of Crisis Management (CIVCOM) was established in May 2000, but without a supporting staff. It took a little under two years before the first civilian element in the Council General Secretariat was created: the Directorate for Civilian Crisis Management in the Directorate General External Relations (DGE IX). A Police Unit was established for preparing civilian police missions. However, contrary to the EUMS, the Council General Secretariat could not call on the Member States to send experts from national staffs – simply because civilians with crisis management expertise were scarce and often working in different types of government departments or institutions. The result was a slow and cumbersome recruitment process, often resulting in filling positions with staff lacking appropriate knowledge and experience. For a number of years the CIVCOM depended quite heavily on a few individuals in the Secretariat and on the rotating EU Presidency, chairing the Committee.

In 2003 the European Council of Thessaloniki decided that a European Defence Agency should be established. Over a year later – on 12 July 2004 – the Council approved the Joint Action, establishing EDA.[51] The *raison d'être* for creating the Agency was to address European military capability improvement in a structural way.[52] The EDA brought together the four functional areas needed for improving Europe's military capabilities: military planning, research & technology, armaments cooperation and industry & market. The coherent and integrated approach to capability improvement became the central feature of the EDA's way of operating, bringing together all actors connecting demand to supply. With a mixed staff of military and civilians (roughly one third to two thirds) the Agency also created a new 'defence' culture at the European level, as existing ESDP structures were nearly completely staffed by either military or by civilians. The location of the Agency – away from the 'Schuman' (Council) area – also contributed to overcoming the civil-military separation and establishing new practices. Nevertheless, at its establishment the EDA as such was another proof of separation, its mission being restricted to the improvement of military capabilities.

Other ESDP structures were created, such as the Joint Situation Centre. It was one of the few exceptions of a newly created structure serving both military and civilian communities straight from the beginning. In information-

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51 Council Joint Action 2004/551/CFSP on the establishment of the European Defence Agency. The name 'European Defence Agency' was firstly introduced in the Joint Action; the original title in the European Council Conclusions of June 2003 was 'an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments'.

52 See Chapter 5.

gathering the SITCEN has a unique characteristic: input is coming not only from defence establishments but also from foreign ministries, interior ministries and other civilian sources of information. Thus, the SITCEN can present broad assessments and orientations on crisis areas, which provide important material for decision-making on EU crisis management in all its aspects.

In conclusion: the initial ESDP institutions were created quite speedily and two important features dominated. Firstly, from the start, the military were ahead of the civilians. The EU Military Staff was built up quickly, without much consideration of the wider EU context. It was done the classical way, based on NATO and national experiences. On the civilian side, supporting staff structures in the Council General Secretariat were absent and, once created, remained undermanned and lacking adequate expertise. Secondly, the military and civilian staff support structures were kept separate, with very little interaction between the two sides. The result was not only an imbalance in size and quality of two staff structures, but also lack of close coordination between the military and civilian aspects of ESDP while this should be the EU's strength.

3.2   Institutional proliferation: the issue of headquarters

Operations or missions have a planning phase, followed by a conduct phase. This requires planning and conduct capacities. Again, the differences between military and civilian planning and conduct of operations or missions are striking. A standard set of planning structures and procedures was developed on the military side of ESDP, while on the civilian side these were lacking for a considerable number of years. The same could be stated about the conduct phase.

Berlin Plus

For the planning and conduct of EU-led military operations three major phases can be identified. A *first* phase consists of 'strategic planning', starting with a Crisis Management Concept and leading to the Council approving the Joint Action, at which point an Operation Commander with an associated Operation Headquarters (OHQ) is appointed[53.] In the *second* phase the Operation Commander develops the operational planning documents, normally consisting of two elements: a Concept of Operations (CONOPS) and a more detailed Operation Plan (OPLAN). The EU Military Committee,

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53   At the same time the Force Commander, leading the operation in theatre, is appointed.

supported by the EU Military Staff, plays a central role in preparing these documents for political approval (either by Council or by the Political and Security Committee in case the decision-making authority has been delegated). In parallel to the development and approval of the CONOPS and OPLAN the force generation process takes place – the pledging of troop contributions to ensure that at the start of the operation the required forces are available. The Operation Commander leads this process at his OHQ and 'Brussels' is kept informed. The *third* phase starts with the launch of the operation – the day that the Operation Commander assumes the military-strategic level command and the Force Commander the theatre-level command of the Force.

On the military side, originally two options existed for the selection of an Operation Commander and a headquarters structure. The first was to use NATO common assets and capabilities, in other words to 'borrow' (parts of) the NATO command structure. This option was worked out in detail in the Berlin Plus package, entering into force in March 2003. A military ESDP operation under Berlin Plus means that the Deputy Supreme Allied Commander for Europe (DSACEUR) acts as the Operation Commander. DSACEUR is located at the Supreme Headquarters Allied Powers Europe (SHAPE), located near Mons in Belgium. The position is held by a British three-star general. When appointed Operation Commander for an EU operation, DSACEUR puts on an EU 'hat' and is supported by a specific staff element. Other parts of the NATO command chain can also be made available to the European Union, but the Force Headquarters level (in theatre) is 'EU only'. Berlin Plus was activated for the first time for the EU-led Operation 'Concordia' in the former Yugoslav Republic of Macedonia in 2003. Concordia was a very small operation (some 500 personnel), taking over from the NATO Operation 'Allied Harmony'. It served as a test-case, immediately after the Berlin Plus package was concluded. End 2004 the EU-led operation 'Althea' in Bosnia-Herzegovina started, following-up NATO's SFOR operation. Again, the Berlin Plus provisions were used with DSACEUR as Operation Commander. Operation Althea has been downsized since then, but is still ongoing.

From a political perspective, the Berlin Plus (B+) option has the obvious advantage of signalling the widest possible support, backed by the EU and NATO. In terms of decision-making B+ is cumbersome, as both NATO and the EU military and political bodies are involved. From the point of view of planning and conducting EU-led operations the use of B+ is also less optimal. Of course, using existing facilities, planning capacities and expertise at SHAPE is an advantage, but the reinforcement with military personnel from EU Member States takes time. A clear disadvantage is the lack of knowledge and experience with EU decision-making procedures and the EU's civil-military coordination mechanisms. The dislocation of the B+ OHQ, away

from the EUMC/EUMS, the Council General Secretariat, the Commission and the Political and Security Committee in Brussels, reinforces the disadvantages. Finally, the conduct of operations: for crisis management operations short lines between the Force Commander and the political decision-making level in Brussels are essential. The NATO command chain, from SHAPE/DSACEUR through regional headquarters to the theatre and vice-versa, creates many 'filters' and unnecessary long communication lines.

What would these lessons imply for the future use of Berlin Plus? Certainly, it remains the preferred option when the EU takes over a NATO-led operation as this will be the best guarantee for continuity. However, B+ is less likely to be the desired option for an EU-led military operation, built up from scratch. The embedding of the planning and conduct structures in the EU is preferable from the perspective of coordination with the other EU missions and activities in the crisis areas.

Using national headquarters

The second option is to make use of national headquarters, reinforced with personnel from other EU Member States, to lead 'autonomous' ESDP military operations. Five EU Member States have made such headquarters available: France, Germany, Greece, Italy and the United Kingdom. The formula of 'multinationalising' national headquarters was mainly based on two considerations. First, a *political* imperative: the lack of consensus in the Union to establish a (central) EU military operational headquarters for all autonomous ESDP military operations. The United States was against such an EU military headquarters and several European countries, with the United Kingdom in the lead, held the same position, arguing it would lead to unnecessary duplication of the NATO command structure. Secondly, there was an operational argument: the European 'lead' or 'framework nation' – likely one of the bigger EU Member States providing a large part of the troops – would also provide the headquarters.

What was needed to multinationalise national headquarters? An elaborate system was developed for reinforcing the dedicated five (national) headquarters with military personnel coming from other potential troop contributing States. As nobody could know far in advance which national headquarters would be chosen to lead the operation, 'reinforcement' personnel had to be trained for deployment to all five headquarters. Furthermore, additional construction or refurbishment of existing facilities was needed in five different places and communication equipment to connect the potential OHQ to 'Brussels' had to be installed in these premises. The result was not just duplication of efforts but a quintuple investment in infrastructure, communications, personnel, exercises and other required measures.

So-far, three ESDP operations using a national headquarters have taken place: Operation Artemis (2003) in Bunia (Congo), with the OHQ in Paris; Operation EUFOR Congo (2006), with the OHQ in Potsdam and Operation EUFOR Chad/Central African Republic (2008-2009), with the OHQ in Paris. One autonomous ESDP operation is ongoing: the anti-piracy Operation Atalanta, the first naval ESDP operation off the coast of Somalia, making use of the British OHQ in Northwood. The EU OHQs at Larissa and Rome were tested during military exercises in 2008-2009.

Using national headquarters is a sensible option for EU 'framework nation' operations, as the main provider of forces also provides the OHQ. But there are also important disadvantages. The first down-side is the cumbersome 'multinationalisation' process, requiring a lot of additional procedures, training and exercises, and taking time in case of activation of a national headquarters as an EU OHQ. Experience has shown it takes 2-3 months before an OHQ, reinforced with augmentees, is fully operational.[54] This sets limits to the use of such OHQs for ESDP operations of a rapid response character. A second disadvantage is the lack of 'embedding' of national OHQs in the EU institutional structures. The dislocation seriously hampers the coordination with civilian actors and with the political level, all of which are located in Brussels, thereby complicating the application of the EU's ambition to approach crises comprehensively.

National OHQs have been used for 'framework nation-based' operations, with a limited size (up to 3,000 troops) and of a limited duration (max. one year). For larger ESDP operations, with a longer duration, national OHQs could also be used, assuming that these national headquarters can be reinforced to the appropriate level (over 250 staff). However, the down-sides of quintuple investment in Germany, Greece, France, Italy and the United Kingdom will even increase.

Tervuren

On 29 April 2003 four EU Member States – Belgium, France, Germany and Luxembourg – detonated an institutional ESDP bomb. At their meeting in Brussels, also known as the 'Pralinengipfel' or 'Chocolate Summit', the Heads of State and Government of the four countries proposed to create an EU Military Operational Headquarters, to be located in Tervuren, near Brussels: 'As to EU-led operations without recourse to NATO assets and capabilities (….) we believe we must improve EU capabilities with regard to operational planning and conducting operations while avoiding useless duplications and competition between national capabilities. To this end, we propose to our

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54   Information from an expert.

partners the creation of a nucleus collective capability for planning and conducting operations for the European Union. (..) Such a pooling of resources would avoid national duplications and significantly improve interoperability.'[55]

The Tervuren initiative made a lot of sense from the organisational and practical point of view. Politically, the timing could not have been worse. The American invasion of Iraq, begun a month earlier, had divided Europe, with France and Germany as outspoken opponents. The Chocolate Summit's declaration further damaged intra-European and European-American relations. One of the consequences would be the delay to the EU take-over of the NATO-led SFOR military operation in Bosnia and Herzegovina by almost a year. Preparations would only start in early 2004 when the dust over the Iraq invasion and the Tervuren issue had settled, with the actual hand-over in Sarajevo on 2 December 2004.

The Chocolate Summit failed. The attempt of the 'Gang of Four' to establish an EU headquarters was badly timed and lacked wider support. Nevertheless, it was a clear signal that the headquarters issue remained, and that the topic would stay on the agenda.

The Civil-Military Cell

The 'Gang of Four' initiative failed, but it would have an important side-effect: it led to the first attempt to create integrated EU civil-military structures for the planning and conduct of operations. In November 2003, after several months of informal negotiations, France, Germany and the United Kingdom issued a joint paper on the headquarters issue. The European Council welcomed it, without any change, on 12 December of the same year.[56] The paper represented a compromise between the views of the two major Chocolate Summit partners, France and Germany, on the one hand and the UK on the other. It contained three elements. The British influence was very visible in the first element: reinforcing the Berlin Plus arrangements by establishing a small EU cell at SHAPE and NATO liaison arrangements at the EUMS. The second and third elements were the real innovations. A Civil-Military Cell, located within the EUMS, would be established to enhance its capacity to conduct early warning, situation assessment and strategic planning. The cell was tasked, amongst others, to assist in planning and coordinating civilian operations, to develop expertise in

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55   Meeting of the Heads of State and Government of Germany, France, Luxembourg and Belgium on European Defence, Brussels, 29 April 2003.

56   Presidency Document Entitled 'European Defence NATO/EU Consultation, Planning and Operations', Brussels, 12 December 2003.

managing the civilian-military interface and to conduct strategic advance planning for joint civil-military operations. The third element was the EU Operations Centre. The paper left no doubt that the use of 'multinationalised' national headquarters remained the main option for the conduct of autonomous EU military operations. However, an additional option was launched: 'In certain circumstances, the Council may decide, upon the advice of the Military Committee, to draw on the collective capacity of the EUMS, in particular where a joint civil/military response is required and where no national HQ is identified.'[57] In such a case the Civil-Military Cell would be responsible for setting-up an Operations Centre, not a standing but a temporary headquarters, to be reinforced with personnel from the EUMS and the Member States.

The Civ-Mil Cell, as it soon became known, started to function in the course of 2004. Led by a military director with a civilian deputy, the Cell would consist of some fifteen mixed staff. An Operations Centre key nucleus staff of eight personnel also belonged to the Civ-Mil Cell. The Cell would conduct useful conceptual work for (future) 'hybrid' ESDP missions, involving a mix of military and civilian experts: Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR). Other conceptual work related to military support to EU disaster response, led by the European Commission or the United Nations. Furthermore the Civ-Mil Cell contributed to establishing better structures within the Council General Secretariat for Civil-Military Coordination (CMCO) through the establishment of a 'Crisis Management Board', in which representatives of the civilian and military structures would meet for coordinating the strategic planning phases of military and civilian operations. With regard to ESDP operations, the Civ-Mil Cell provided planning support to a series of military, civilian and hybrid missions, such as the Aceh Monitoring Mission (2005-2006), the Rafah Border Assistance Mission (ongoing) and various operations in the Democratic Republic of Congo. In 2007 the Civ-Mill Cell started work on establishing a Watch Keeping Capability (WKC) in order to ensure 24/7 links with ESDP operations and actors within the Council General Secretariat. The WKC would be set-up within the Operations Centre.

The EU Operations Centre reached operational capability on 1 January 2007. Although called a 'Centre' the seventh ESDP headquarters had been created, in addition to the 'Berlin Plus' option and five national headquarters. The Operations Centre is equipped with infrastructure, communication links and other assets. Staff reinforcements and augmentations have been planned and trained. Procedures and concepts were developed. In June 2007 the EU Operations Centre was activated for the first time in the context of the

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57 See previous footnote.

exercise MILEX 07. A special scenario was developed, called ALISIA, also to be used for subsequent exercises involving the Operations Centre. It depicted an EU bridging operation to a UN humanitarian response mission, which needed time for readjustment and reorganisation after worsening of the security situation in a fictitious country. The scenario foresaw a deployment of a force of up to 2,000 personnel, including an Integrated Police Unit, temporarily placed under military command.

The Civ-Mil Cell and the Operations Centre proved to be useful new elements, attempting to link military and civil strategic planning. In fact, the Civ-Mil Cell helped to fill some shortfalls on the civil side, namely the lack of adequate planning capacities, in particular for the material or technical side of civilian operations (logistics, medical evacuation capacities, etc.). The Civ-Mil Cell's location in the EUMS, however, raised doubts concerning its civil-military character. For the time being, it was perhaps the best option – ensuring proper leadership and steering – but for the longer term this would not be sustainable. So far, the Operations Centre has not been tested for a real operation. One of the reasons is the difficulties with the 'manning' model, drawing too heavily on reinforcement from the EUMS. If it were to happen, the EUMS itself would suddenly lose an important part of its capacity, with a logical negative impact on its activities. Again, the Operations Centre seems to be an experiment, which in its existing configuration will not stand the test of time.

3.3 Building bridges: measures to correct imbalances

The establishment of the Civ-Mil Cell and the Operations Centre marked the proliferation of ESDP institutions, but at the same time it was a first attempt to overcome the separation of civilian and military worlds. However, the two new institutions were not so much the product of an overarching strategy or analysis on needs and requirements for a truly civil-military approach to crisis management. Rather, both were the result of political compromises between the three biggest EU Member States, in particular between France and the United Kingdom. They reflected the common ground between the proponent and the opponent view on creating an EU Military Operational Headquarters.

In the meantime, the institutional weakness on the civilian side continued to exist. The Civ-Mil Cell provided support to civilian missions, but it was not equipped to carry out detailed planning for the 'classical four': police, rule of law, civilian administration and civil protection missions. The operational planning for civilian missions was carried out by the Head of Mission – comparable to the Force Commander for military operations – after appointment by the Council through a Joint Action. The level of an Operation Headquarters was lacking for civilian missions. During the mission

itself, the Head of Mission in the field fell directly under the political control of the PSC. Experts in the Council General Secretariat (DGE IX) would monitor the mission and 'contact' the Head of Mission, when needed, but this was not a chain of command in the military sense. Force generation on the civilian side also was quite different: not units but individuals with very specific knowledge were needed. In most Member States no established processes existed. Foreign Ministries were in the lead, but very dependent on other Ministries (mainly Interior and Justice) for sending police or legal experts on a case-by-case basis.

The establishment of the Civilian Planning and Conduct Capability (CPCC) was the answer to the lack of planning and command structures for civilian missions. The CPCC, located in Brussels within the Council General Secretariat, was declared operational in 2008. In essence it is an Operation Headquarters for civilian operations, carrying out operational planning and commanding civilian missions at the strategic level. The Director of the CPCC also acts as the Civilian Operation Commander[58]. With the activation of the CPCC the old DGE IX was split up, with part of its staff moving into the new organisation. A smaller DGE IX remained responsible for policy, capability development and other issues. The further 'manning' of the CPCC remained a problem, reminiscent of the recruitment problems of DGE IX.

With the CPCC a 'mirror' organisation was created to a military OHQ. Equally, command and control arrangements were agreed for civilian operations. However, there were important differences: for civilian operations, one permanent HQ was established from scratch, while for military operations a multitude of (nucleus) headquarters continued to exist – all but one at locations away from Brussels. Nevertheless, despite these differences the arrival of the CPCC meant that military and civilian structures were now more or less comparable.

A decade of ESDP institution building will be concluded with the reorganisation of the Council General Secretariat. In 2009 the decision was taken to merge the Defence Aspects Division (DGE VIII), the remainder of the Civilian Crisis Management Division (DGE IX) and part of the Civ-Mil Cell[59] into a new Crisis Management and Planning Directorate – the

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58   With the activation of the CPCC the Civilian Operation Commander was given the command and control over all ongoing civilian ESDP missions.

59   The remaining part of the Civ-Mil Cell will be absorbed into the EUMS structures.

CMPD.[60] The CMPD will be led by a new Deputy Director-General (civil), with a military Deputy DG. The CMPD is likely to encompass some 80 staff, a mix of military and civilians. It will have twolimbs, one dealing with the strategic planning and preparations for ESDP operations and one for ESDP policy and capability issues.

Once the CMPD is activated there is an integrated structure for strategic planning of ESDP operations. For 'classical' civilian missions (police, rule of law, civilian administration, civil protection) and for hybrid civilian-military operations (SSR, DDR, etc.) the CMPD can work closely together with the envisaged 'command' authorities: the CPCC in its civilian OHQ capacity or, if activated, the EU Operations Centre. However, the EUMS will remain responsible for strategic planning of military operations – its capacity in this area has even been reinforced. The CMPD will not unite the separated worlds, but it will certainly strengthen the bridge connecting them.

Therefore, the CMPD seems to be simply another interim solution. It might well be argued that further reorganisation would be needed to create the most logical choice: a combined civil-military structure for both planning and conduct of civilian, military and hybrid civilian-military operations. Such an organisation would encompass the CMPD, plus two operational arms for the strategic-level conduct of civilian and military operations. It would replace the separate OHQ level, which has been copied from NATO but which would become superfluous in a combined civil-military planning and conduct organisation.[61]

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60   The European Council 'would encourage the efforts of the Secretary-General/High Representative to establish a new, single civilian-military strategic planning structure for ESDP operations and missions'. See: *Presidency Conclusions, European Council, 11-12 December 2008.* In May 2009 the Council welcomed the organisational measures taken by the High Representative to establish the Crisis Management and Planning Directorate 'with the aim to further improve EU civilian and military coordination'. *Council Conclusions, General Affairs and External Relations Council, 18 May 200,* para 47.

61   The former Chairman of the EUMC has argued for this construction. See: Henri Bentégeat, 'What Aspirations for European defence?' In: Álvaro de Vasconcelos (ed.), *What ambitions for European defence in 2020?*, European Union Institute for Security Studies, Paris, 2009, p. 94.

3.4 Breaking pillars: the Lisbon Treaty

The Maastricht Treaty of 1992 had created a European Union with three pillars: the first pillar for European Community matters, the second pillar for the Common Foreign and Security Policy or CFSP, and the third pillar for Justice and Home Affairs. The pillars, built on already existing structures, reflected the division between supranational or communitarian responsibilities (first pillar) and intergovernmental cooperation (second and third pillar). Defence was not included, due to strong resistance, in particular, by three Member States: the Netherlands, Portugal and the United Kingdom. Instead, the Western European Union was 'upgraded' as the defence arm of the European Union, while at the same time being the bridge to NATO which remained the sole organisation responsible for collective defence.

The Amsterdam Treaty (1997) left the Maastricht construction untouched, with the exception that the third pillar became a mix of intergovernmental and communitarian matters. CFSP principles, responsibilities and tools were defined in more detail. The High Representative for CFSP was introduced in the Treaty. In 1999, when the Amsterdam Treaty entered into force, Javier Solana became the first EU 'Mr. Foreign Affairs', leaving his post as NATO's Secretary-General. On the defence side, the only change in the Amsterdam Treaty was the inclusion of the 'Petersberg tasks'[62], which had been defined by the WEU in 1992. The Nice Treaty (2001) again left the pillar structure intact. For the second pillar the Treaty itself hardly brought any change. ESDP had been launched outside the Treaty, practically ending the bridging role of the WEU.

In the meantime, the world had changed. The attacks on the New York Twin Towers and the Pentagon in 2001 and subsequent terrorists attacks in Europe (Madrid and London in particular) made clear that new security threats were not just affecting troops deployed in areas far away from home, but the United States and the European continent itself. Borders, dividing 'internal' from 'external', no longer separated security inside and outside Europe. Other challenges, posed by illegal immigration and human trafficking, drugs smuggling, pollution and other environmental dangers, the interruption of energy flows and international crime were further blurring the classical distinction between security at home and crisis management abroad.

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62 Mentioned after the Peterberg Declaration, adopted by the WEU Ministerial Council, 19 June 1992. The Petersberg Tasks encompass: humanitarian and rescue tasks; peacekeeping tasks; tasks of combat forces in crisis management, including peacemaking.

The European Union reacted with two major steps. Combating terrorism became a new policy area, with strong implications for the third pillar but also with side-effects for ESDP. Although 'ESDP Support to the Fight on Terrorism' was primarily rhetoric, as such it pointed already to the slashing of walls dividing 'extra' from 'intra' EU. The second major step was the launch of the European Security Strategy, prepared by Javier Solana and adopted by the European Council in December 2003. The ESS depicts a world of multiple challenges, from terrorism to proliferation of weapons of mass destruction and from international crime to regional conflicts. In response, the European Union should mobilise all resources available – economic, commercial, diplomatic, humanitarian and military – in order to act coherently and effectively.[63] Thus, the ESS provided a wider context for ESDP. Firstly, it broadened the scope of the security challenges Europe had to face. Secondly, it placed ESDP military and civilian crisis management in a wider set of instruments the European Union had at its disposal to respond to these challenges.

The Lisbon Treaty, successor to the failed EU Constitution, will end the outdated pillar structure of the European Union in a legal sense. A 'double-hat' has been appointed: Baroness Catherine Ashton will be the High Representative for CFSP and at the same time Vice-President of the European Commission. She will be supported by one European External Action Service (EAAS), consisting of (parts of) the Commission and (parts of) the Council General Secretariat[64], representing the European Union elsewhere in the world.

The Lisbon Treaty thus offers scope for a concerted approach of deploying communitarian tools (humanitarian aid, reconstruction, state-building, etc.) together with the ESDP crisis management instruments. In theory the cumbersome coordination between the pillars could be replaced by an integrated EU approach to crisis management, covering the complete process from strategic planning to operations and post-conflict activities and encompassing the whole period from 'hot' conflict to the return to normality. The question is if theory can be easily put into practice. The Lisbon Treaty ends the pillar structure, but it will not change the division between communitarian and intergovernmental responsibilities. The approval process for planning and deploying military and civilian ESDP missions will not change, as it remains a matter of Council decision by unanimity. Force generation will remain as complicated and slow as it is today. Uncertainties

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63   In 2008 the ESS was updated. New security risks and challenges were added, such as increasing energy dependency.
64   The EEAS will be reinforced by seconded diplomatic staffs from the Member States.

will remain on what Member States can deliver to implement a more integrated Crisis Management Concept. At the same time, the Commission's activities in the field will remain 'communitarian'. The Treaty will bring change at the top level, replacing two separate hats by one 'double hat', but below the highest political level separate planning and command structures will continue to exist, be it under the umbrella of one European External Action Service.

3.5   Unified civil-military structures: the way ahead

ESDP's original weakness – the separation of civilian and military aspects – has been partly corrected by creating not only coordination mechanisms but more recently by organisational change. The Crisis Management and Planning Directorate is an important step in the right direction, bringing military and civilian strategic planners under one roof – though the continued separate role of the EUMS in strategic planning of military operations raises questions on the CMPD's effectiveness.

Therefore, the next step might be to integrate the two structures into a *European Union Civil-Military Staff* or *EUCMS*. Such a combined staff could have two Director-Generals: a military DG EUCMS and a civilian DG EUCMS. They would support the EUMC and the CIVCOM respectively and together the PSC and the Council. The EUCMS would be responsible for the strategic planning of all ESDP operations, with the military part conducting such planning for military operations and the civilian part for civilian missions. But at the same time, the EUCMS would allow for close coordination from the outset in order to realise the best possible division of tasks and responsibilities, to synchronise deployment schedules and to arrange support to each other in theatre. The EUCMS would also be the ideal organisation to further develop the concept of 'hybrid' civil-military operations, in which both civilian and military expertise is brought together.

One single civilian OHQ – the Civilian Planning and Conduct Capability – has been an important step forward, filling the gap which existed since ESDP's start in 1999.In time, qualification of recruited personnel and the recruitment process are likely to improve, although on the civilian side most likely the Member States will always have less organised structures in comparison to the military.

The issue of ending the proliferation of military OHQs is still to be addressed. The political climate between the United States and Europe has changed in the last few years. Already, in the last year of the Bush administration, the United States became more supportive for ESDP. In two speeches, delivered in Paris and London in February 2008, the then US Permanent

Representative to NATO, Ambassador Victoria Nuland, expressed American support for a stronger, more capable European defence capacity. With the arrival of the Obama administration and the reintegration of France into the military structures of NATO, transatlantic relations have further improved. Although there is no formal statement from the US administration, it is likely that Washington will no longer oppose the establishment of an EU military headquarters, assuming Washington DC will be consulted by the European Union.

The aim should be to reduce the number of military OHQs from seven to two. The Berlin Plus arrangements should continue to exist in case the EU wants to make use of NATO common assets and capabilities. The DSACEUR option for serving as EU Operation Commander is the preferred option, politically and operationally, for ESDP operations with the EU taking over from NATO, even with the disadvantage of using a planning and conduct structure which is separate from the EU's civil-military coordination structures. Continuity in theatre is the most important aspect and, clearly, this can be best achieved by making use of the Berlin+ option. The NATO KFOR operation in Kosovo could be the next candidate for an operation to pass from NATO to the EU.

The five national headquarters in their embryonic capacity as OHQs for military ESDP operations and the EU Operations Centre should disappear and be replaced by the logical choice: an *EU Operation Headquarters* or *EU HQ*. This EU HQ should be located in Brussels to ensure a close relationship to the EU CMS, the Commission and the political level decision-making level. It should have a civilian and a military part. The existing CPCC would be absorbed into the EU HQ and form the civilian part, with the existing Civilian Operation Commander at the top. The military part would absorb the Operations Centre and the planning parts of the EUMS. A strong core staff should be able to deal with urgent requests for rapid deployment forces (Battlegroups or comparable formations). For larger deployments, with longer preparation times, the EU HQ could be reinforced by national military personnel. One military Operation Commander should deal with all military ESDP operations –as is the case on the NATO side (SACEUR). Separate civilian and military command chains would continue to exist for guaranteeing consistency and quality of command from the strategic (Brussels) level down to the theatre and vice-versa. But in case of concurrent civilian and military operations in the same theatre, one integrated EU HQ would facilitate close civilian-military coordination at the strategic command level to ensure well-coordinated directives to the military and civilian commanders in the field.

To improve the effectiveness of deploying communitarian and intergovernmental tools the Commission should be represented in the unified structures. The new European External Action Service will make this easier.[65] The important issue is that the Commission would be fully involved in strategic and operational planning in order to ensure integration of the Commission's activities in areas of ESDP operations. The Commission would continue to have its own 'chain of command' to its missions in theatre.[66] The ratification of the Lisbon Treaty and the consequent appointment of a double-hatted CFSP High Representative and Vice-President of the Commission will make it possible to bring together communitarian means and intergovernmental crisis management tools. This opportunity should be used to establish unified EU structures for the planning and conduct of crisis management operations.

Alternatively, the EU CMS and the EU HQ could be brought together in one structure for strategic planning, operational planning and the conduct of all ESDP operations. This could be called the *EU Civil-Military Headquarters* or *EU CMHQ*. But the essence is that all elements are located at the EU's strategic centre, Brussels, and that civilian and military components are brought together in one structure. A Civilian-Military Staff and Headquarters would really reflect the ESDP's unique feature and provide the best guarantee for a successful civil-military approach to crisis management.

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65 The Commission is already represented in the Civ-Mil Cell and its representation in the CMPD was already planned.

66 This study does not address the theatre level. However, one could envisage that in this area of operations the EU Special Representative would represent both the Commission and the Council under a ratified the Lisbon Treaty. Under the political leadership of the EU SR, the various operations would be led by a Force Commander (military ESDP operation) and Heads of Missions (civilian ESDP operations and communitarian missions).

4. 'Follow the money': ESDP's financing mechanisms

The financing mechanism of ESDP missions has been recognised as an obstacle to Member States' willingness to commit capabilities to ESDP endeavours. Moreover, different budget holders across the EU Pillars, different requirements and disbursement mechanisms as well as a fragmentation of funds that can be earmarked for crisis response hamper the coherence between the instruments to tackle crises. This Chapter will review the financial arrangements concerning the EU's external action in general and ESDP in particular. It proposes possible ways forward. This is not to say that budgets provide the only problem to a coherent and effective ESDP, but it is a relatively neglected factor with major implications for the EU's chances to succeed at accomplishing a comprehensive approach to crisis management. At the end of the day, however, ESDP's effectiveness does not depend on the EU's bookkeepers, but on the Member States' political will to use the ESDP instruments for realising foreign and security policy goals. In the same manner, sound financing schemes are a tool for optimising ESDP's crisis management abilities.

It is not surprising that the financial arrangements regarding external policies of the EU have not been dealt with a great deal in the literature. The EU's budget is thoroughly complex and the result of more than fifty years of negotiating, refining, amending and it is the expression of the EU's inner tensions between intergovernmentalism and communitarianism. The budget for ESDP is largely dispersed among the first and second Pillars, although other EU resources falling outside the intergovernmental and communitarian

budget regimes are also used to the direct benefit of ESDP missions. The Council budget itself is of a largely 'administrative' nature and only amounts to € 602 million, of which the bulk is designated for covering personnel costs and expenditure for meetings. A mere 6% of this budget is spent on missions arising out of the framework of CFSP/ESDP.[67] Financing ESDP is mainly done through the CFSP budget line in the first, communitarian Pillar[68] and through significant *ad hoc* financial and in-kind contributions by Member States. Because the EU's general budget (of which the Council's 'administrative' budget is also part) is determined and scrutinised by the European Parliament the CFSP budget line (and what it is spent on) is relatively transparent. It is the resources for ESDP stemming from Member States, particularly those for military operations, that remain illusive and can only be traced by puzzling together national budgets of contributing states.

Financing the EU's crisis management has been troublesome from the start. The quick development of ESDP has not been matched by sufficient budget reservations for carrying out its tasks and despite a yearly growing budget, crisis response remains heavily under resourced. A second problem was the complete mismatch between the need to respond swiftly to events at the international stage on the one hand and, on the other, the complicated and slow procedures the EU's bureaucracy demands before disbursement can take place.[69] A lack of coherence and the 'separate worlds' between civilian and military crisis management is illustrated markedly by the difference when it concerns resourcing either a civilian or a military mission under ESDP. This Chapter will firstly turn to discussing how civilian missions are funded and what the main problems are arising out of the relatively recent changes in getting civilian missions financed. Secondly, the Chapter will elaborate on the funding of military ESDP missions and in what ways the current financial arrangements are satisfactory. Since ESDP is not to be looked at in isolation from the EU as a whole, providing money for the EU's foreign and security policies in broad terms will be addressed as well. Lastly, a number of scenarios are sketched of how the 'funding conundrum' could be taken forward with an emphasis on the necessity to regard the financing regime as a basic precondition to coherently putting the EU's resources to use. For this purpose, the format of a more comprehensive fund for both civilian and military activities will be brought forward.

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67   http://www.consilium.europa.eu/showPage.aspx?id=1633&lang=en.

68   In the Treaty of Amsterdam it was decided that the costs of measures under the CFSP are as a rule to be covered by the EU budget (Article 28 (3) TEU). Previously, such measures were financed by the participating states under the contribution procedure. The Lisbon Treaty does not alter these provisions.

69   Javier Solana, *Hampton Court Consolidated Papers*, Brussels, 14 December 2005, http://www.europa-eu-un.org/articles/en/article_5494_en.htm.

4.1 Civilian missions

Civilian crisis management missions are in principle funded from the CFSP budget within Heading 4 of the general EU budget titled 'the EU as a Global Actor'. This Heading was newly introduced in the budgetary period 2007-2013, allocating a total of € 49.4 billion, covering all external action with the CFSP portion amounting to a total of € 1.7 billion. The CFSP budget ('Chapter 19 03') will gradually increase from € 99 million in 2006 to € 340 million in 2013.[70] Despite these increases the European Parliament, among others, has noted that there is a chronic underfunding of the Heading 'the EU as a Global Actor'.[71] In 2008 almost 90% of the CFSP Chapter was devoted to funding civilian ESDP missions. The use of the funds on this budget line is decided by the Council of the EU, while the Commission administers the budget. The parts of the EU budget that are under competence of the Commission is another possible resource for funding civilian ESDP missions, but so-far most missions were financed by either the CFSP budget line or through *ad hoc* contributions by Member States. In most cases a combination of the latter two financing options was used. EUPOL Kinshasa is an exception in that its costs are covered by the CFSP budget in their entirety. The contribution by Member States of human resources to the civilian missions and other in kind contributions, such as for example armoured vehicles, are a significant portion of the whole of resources devoted to civilian missions. The costing of these missions does therefore not differ greatly from the 'costs lie where they fall' principle for military operations in NATO and the EU, where most of the financial burden lies with those Member States that decide to take part in an operation. There is another option for resourcing civilian ESDP missions, which is the use of the European Development Fund (EDF) (more on the EDF later on). Still, in 2005, Javier Solana drew the European Council's attention to the fact that 'The low overall level of funding for civilian crisis management operations, coupled with slow disbursement and procurement, have hampered the EU's ability to act.'[72]

The different timelines between the first and the second Pillar make ESDP mission funding from the Community budget a liability. ESDP civilian missions mostly necessitate a rapid response to be effective; something the

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70 European Commission, *Multiannual Financial Framework 2007-2013*, Fiche no 94 REV1, 4 April 2006.

71 Committee on budgets, *Abiding by the EU's commitments*, Press Release, 10-10-2008, http://www.europarl.europa.eu/sides/getDoc.do?language=NL&type=IM-PRESS&reference=20081006IPR38814.

72 Javier Solana, *Hampton Court Consolidated Papers,* Brussels, 14 December 2005 http://www.europa-eu-un.org/articles/en/article_5494_en.htm.

first Pillar arrangements, including its disbursement of funds mechanisms, do not cater for. The contract between the Commission and Heads of Missions, which entitles them to spend the funds made available from the Community budget, assumes a period of months to work out the details of financial arrangements rather than the very short period of time that is often actually available. Moreover, it proved impossible to fund operational preparations and fact-finding missions under the budget since funds can only be disbursed two to three weeks after adoption of the Council's Joint Action launching an operation. This can cause delays in procuring essential equipment necessary for the operations. The Aceh and Rafah monitoring missions are examples of this.

A very inefficient practice is that every new ESDP mission starts from scratch again in terms of procurement of equipment. This causes unnecessary delays and is a waste of resources. The EU should abandon this wasteful practice and make available a physical or virtual warehouse of goods and equipment to avoid delays in the start-up phase of a mission. Virtual warehousing means that there is a database containing an overview of the stocked goods and equipment and indicating how to make these available at short notice. Such a virtual warehouse could also facilitate a better transfer of equipment from one mission to another. For instance, some of Bosnia's EU Police Mission equipment was passed on to the Proxima mission in the former Yugoslav Republic of Macedonia and later also to EUPOL Kinshasa, on a case-by-case basis, without procedural guidance.[73]

Another obstacle is that there is no institution, neither within the Council nor within the Commission, which has a legal mandate for the preparation and management of civilian ESDP missions. Again, on an ad hoc, case-by-case basis, the appointed Heads of Mission are entrusted with this mandate without having the necessary financial and technical capability for it. Each civilian mission requires the Head of Mission to reinvent the wheel and to find his or her way in the complexities of EU budgets and tender procedures. The Civilian Commander within the Civilian Planning and Conduct Capability is, of course, the logical institution to have this responsibility, but under the EU's Financial Regulation, this Council-body is not permitted to do so. With the relative blurring of Council and Commission dividing lines in the Lisbon Treaty it would be advisable to provide the new Crisis Management and Planning Department (or the EU Civil-Military Headquarters, see Chapter 3) with this financial and management responsibility for civilian crisis management missions.

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73 Annika Hansen, *The evolution of planning for ESDP Operations*, Zentrum für Internationale Friedenseinsätze, Study 10/06, Berlin, 2006, p. 35.

4.2 Streamlining external assistance instruments

To close the gaps between financing emergency tools within ESDP and longer-term assistance, in January 2007 the Instrument for Stability (IfS) was established within the Union's general budget.[74] Closing the previous seven years budget cycle, the Commission and Council decided to replace the plethora of financial instruments for the delivery of external assistance with a simpler, more efficient framework. Instead of the more than 30 geographical and thematic instruments that had grown up in an ad hoc manner over time, the new framework comprises seven instruments only. They consist of three horizontal, thematic instruments to respond to a particular need or crisis situation: (1) an Instrument for Stability; (2) an Instrument for Nuclear Safety Co-operation; and (3) a European Instrument for Democracy and Human Rights. With regard to geographic coverage, four instruments will implement particular policies: (1) the Instrument for Pre-accession Assistance; (2) the European Neighbourhood and Partnership Instrument; (3) the Instrument for Development Co-operation; and (4) an Instrument for Co-operation with Industrialised Countries.[75] The Instrument for Stability was designed to increase CFSP funding, while at the same time finding a better way to finance civilian operations more rapidly.

The IfS has a short term crisis response facility which can provide a bridging function for the deployment of the Community's geographic or thematic instruments. 'Short term' means a project length between 12-18 months with a financial ceiling of € 20 million. The crisis response facility of the IfS comprises the largest part of this new instrument, € 1.3 billion between 2007-2013 or 73% of the IfS budget.[76] How to avoid the Commission encroaching on the intergovernmental CFSP/ESDP territory via this financing Instrument was the concern of many Member States. When the Instrument for Stability was established it was decided that the Commission would be required to submit all projects to the opinion of the Stability Instrument Management Committee, composed of representatives of all Member States.

The Instrument for Stability has now been in use since 1 January 2007 and has functioned quite well in 2007 and 2008. When used in response to political crises (as opposed to natural disasters) IfS measures have been

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74 Regulation No. 1717/2006 of the European Parliament and the Council of 15 November 2006 establishing an Instrument of Stability, *Official Journal of the European Union*, L 327/1, 24 November 2006.

75 c.f.: Commission of the European Communities, *Mid-term review of the financial instruments of external actions*, Brussels, COM (2009) 196, 21 April 2009.

76 Commission of the European Communities, *Annual Report on the Instrument for Stability 2008*, Brussels, 9 July 2008.

deployed alongside ESDP missions. The EU Monitoring Mission (EUMM) in Georgia being a recent example. IfS-funds financed urgently needed support for internally displaced persons and for clearance of unexploded ordinance while the EUMM was deployed. The Annual Report on the IfS for 2008 refers to a 'dovetailing' with ESDP, geographic instruments and development cooperation strategies in for example Chad and the Central African Republic (CAR) where IfS is delivering € 15 million to support the MINURCAT police programme and € 6.5 million for Security Sector Reform in the CAR. The synergy with the military ESDP operation aimed at refugee and international assistance organisation protection is obvious. Simultaneously, the European Development Fund (EDF) financed € 13 million to improve general conditions to facilitate a return of displaced persons to their villages of origin. A further € 25 million from the EDF, to support the reform of the justice sector, has also been earmarked. Another example is EULEX Kosovo where the IfS is contributing € 10 million to support the running costs of the International Civilian Office (ICO).[77]

Nevertheless, even the IfS short-term crisis response facility would take weeks before it could free funds to finance start-up requirements for civilian ESDP crisis management operations. In early 2007, an additional budget line was included in the CFSP budget to be able to rapidly finance fact-finding missions assessing the conditions for ESDP operations. This budget line is titled 'preparatory measures'.[78] For the purpose of crisis management operations, preparatory measures are designed for activities assessing future operational requirements, to provide for a rapid initial deployment of resources, or to establish the conditions on the ground for the launching of the operation. This budget line can, in theory, be allocated within five days and does not require a prior Joint Action by the Council. It can finance, for example, hotel accommodation, high risk insurance, local support such as interpreters, vehicle rental and other equipment. The maximum that could be spent on preparatory measures from the CFSP budget without a Joint Action was € 1.4 million in 2007.[79] In August 2008, an exploratory team, an ESDP technical team and a Civilian Response Team (CRT) were deployed to Tbilisi to prepare the planned Georgian Monitoring Mission. These preparations

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77 House of Commons European Scrutiny Committee, *EU External Action: The Instrument of Stability*, 9 July 2009, http://www.parliament.the-stationery-office.co.uk/pa/cm200809/cmselect/cmeuleg/19-xxvi/1920.htm.

78 Article 49 (6) (c) of the Financial Regulation (FR), see also: http://soc.kuleuven.be/iieb/eufp/files/Financing%20the%20CFSP.pdf.

79 Correspondence with Ministers May to October 2007 - European Union Committee, *ESDP Civilian Missions Reforms*, http://www.publications.parliament.uk/pa/ld200809/ldselect/ldeucom/92/9296.htm

were financed from the 'preparatory measures' budget.[80] Although there are still some bureaucratic hiccups in the implementation of this quick financing mechanism, it is a major improvement from the slow and cumbersome procedures that preceded it. However, it remains an issue that, once the funds have been made available, it takes a long time before tender procedures for equipping the mission have been concluded and the equipment is actually delivered and transported to the theatre. Again, a warehousing system for rapid availability of goods and equipment remains a necessity.

Besides the ground-breaking streamlining of the external relations funds under the competence of the Commission, there still remains considerable fragmentation in the financial instruments. In addition to the, now seven, funding instruments, there remains a separate European Development Fund (EDF). Since 1958, the EDF is the main financial framework for the Community's assistance to Africa, the Caribbean and Pacific and Overseas Countries and Territories (ACP and OCTs). Civilian ESDP missions can also be funded through this EDF, an example being the € 27 million that was pledged to security system reform in Guinea-Bissau from 2008-2013 (EU SSR Guinea-Bissau).[81] The European Development Fund, containing € 22.5 billion[82,] is of a peculiar nature: inter-governmental in its funding and managed by the Commission outside the general budget, but with the European Parliament granting the discharge. In view of an integrated approach to security, the separate status of the EDF should be abolished. However, making the EDF part of the EU budget would create winners and losers. This is because each Member State's contribution to the general EU

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80 *Council of the European Union letter to PSC Ambassadors on a first call for contributions to a possible ESDP mission to Georgia*, 2 September 2008 http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/mju_dokumenti/DOK/Firs t_Call_for_Contributions_for_a_possible_ESDP_Mission_in_Georgia.pdf. Euro 470,000 was allocated to the EUMM in Georgia from 'preparatory measures'. See: *Annual report from the Council to the European Parliament on the main aspects and basic choices of the CFSP*, 10665/09, 2008.

81 Under the focal sector 'conflict prevention' € 27m for the period 2008-2013 was pledged to security system reform in Guinea-Bissau (EU SSR Guinea-Bissau), from: European Union Council Secretariat, *EU mission in support of security sector reform in the Republic of Guinea-Bissau* (EU SSR GUINEA-BISSAU), February 2008. Also, synergy is sought with ESDP missions, for example: in support of the Somali police force the EDF pleged a total of € 43m through the UNDP Rule of Law Mission, see: ESDP Newsletter, no. 8, Summer 2009 at: http://www.consilium.europa.eu/uedocs/cmsUpload/CEU-09-001_ESDP-8_V7_BaT.PDF.

82 Under the multiannual financial framework for the period 2008-2013.

budget is based on different portions of GDP than those used for the EDF. The cost-sharing formula for each Member State's contribution is meticulously negotiated and since a change would require unanimous support in the Council of Ministers, it is therefore unlikely that the status of the EDF will change even after the Commission has presented its proposals for the next multi-year budget in 2011-2012.

This fragmentation of financial instruments is undesirable in terms of coherence, effectiveness and clarity towards donor countries, and with regard to democratic legitimacy, speed of implementation and decision-making.[83] Inter-institutional politics can take most of the blame for this. The Commission has an interest to contribute to the costs of the 'high visibility' policy area of civilian crisis management missions. Moreover, in the ongoing competition for competences between the Council and the Commission both want to hang on to their influence on resource allocation. The dilemma for Member States is that increasing resources of the Community budget for CFSP matters would enhance coherence, but it would also enlarge the influence of the Commission in this domain. On the other hand, leaving the bulk of the costs to be directly paid by those Member States taking part in a mission could undermine the willingness to take on an ESDP mission in the first place.

4.3   Military operations

Currently, operations 'having military or defence implications' are to be charged to the Member States in accordance with the GNP scale unless, once again, 'the Council acting unanimously decides otherwise' (Art. 28 TEU). Since ESDP military operations cannot be charged to the general EU budget, the Council in 2004 came up with a mechanism to regulate the financing of military operations: the 'Athena mechanism'.[84] Athena is a permanent administrative and cost-sharing mechanism which covers certain pre-identified common costs of an operation and is financed by all 26 EU Member States (except Denmark). Costs are shared according to a pre-fixed proportion of GNP, similar to the key in the general budget of the EU. The Athena budget was used for all military ESDP operations since 2004: Althea, AMIS II support mission (civil-military), EUFOR DRC, EUFOR Chad/CAR and Atalanta. Athena has for example been used to finance improvements to N'Djamena and Abéché airports and for basic camp infrastructure required

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83 Commission of the European Communities, *Towards the full integration of co-operation with ACP countries in the EU budget*, Brussels, COM(2003) 590, 8 October 2003, p. 4.

84 Established under Council D ecision 2004/197/CFSP, 23 February 2004.

for the deployment of EUFOR Chad/CAR, an operation with a budget for common costs alone of nearly € 120 million for 2008 and almost € 20 million for 2009.[85] Athena is also being used to finance the common costs of the European Union's first naval operation, Atalanta. It is amended each 18 months – the last amendment being from 16 December 2008.[86] Before a Joint Action is adopted by the Council the budget estimates for the operation are debated, as well as what would constitute common costs in addition to the ones already identified in Athena. Until now, this decision-making on a case-by-case basis has never lead to a significant widening of these common costs.

After a Joint Action is accepted by the Council, the Member States are billed for a first tranche of their portion of the contribution to the estimated common costs of the operation. This system led to a shortage of funds in the first phases of a military deployment. To remedy this, eighteen Member States have provided a provisional appropriation to Athena's budget totalling € 11 million, which is later deducted from their contribution. This 'Early Financing Scheme' also makes limited funds available for military fact-finding missions before a Joint Action is taken. The troop contributing Member States are subsequently represented in the Special Committee that manages the funds within the Athena mechanism for this particular operation.

The main problems with Athena are that the list of common costs, covered by the Athena mechanism, is too restricted. This leads to a situation in which the commonly financed expenditure is less than 10% of the total costs of an operation, leaving 90% to be financed directly by the Member States on the basis of the 'costs lie where they fall' principle. To avoid the situation where a minority of countries in ESDP are doing a disproportionate amount of the fighting, funding and dying[87] a fair financial mechanism for ESDP military operations has to be found. The burden of the risks in blood and treasure falling too one-sidedly on the Member States that provide troops to a military ESDP operation have also contributed to the disabling of the EU Battlegroup instrument. It turns out that Member States that are paying in terms of human resources and other capacities to the EU Battlegroup 'on call' are less inclined to agree to an ESDP operation. The current system penalises active

85 Assembly of Western European Union, European Security and Defence Assembly, *Financial aspects of EU crisis management: the ATHENA mechanism,* Assembly Fact Sheet no. 9, http://www.assembly-weu.org/en/documents/Fact%20sheets/9E_ Fact_Sheet_ATHENA.pdf?PHPSESSID=f3137d60.

86 Council of the European Union, *Council decision establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (ATHENA)*, 16561/08, Brussels, 16 December 2008.

87 Liam Fox, 'Europe's military injustice', *The Guardian*, 5 March 2009, http://www.guardian.co.uk/commentisfree/2009/mar/04/nato-military.

Member States and encourages 'free riding'. This lack of financial solidarity undermines the political will to take an active stance in ESDP and hampers the operational effectiveness of ESDP as a whole.

4.4   Fair funding

Debate on how to improve the situation has been ongoing ever since the beginnings of ESDP. It proved impossible to include an overhaul of the principles of the Athena mechanism in the Lisbon Treaty (or in its predecessor). The French Presidency of the second semester of 2008 again called for a reform of the Athena mechanism and proposed to abandon the 'costs lie where they fall' principle for more financial solidarity. The December 2008 revisions to Athena, however, show that the French were only minimally successful with this agenda. The compromise is that the definition of what constitutes common costs is somewhat widened and the new Athena-agreement is less discriminatory to third states who contribute to EU military operations (e.g. Norway and Turkey).[88] However, the result is poor. The obvious solution – though proven politically unattainable so far – is the establishment of an 'ESDP Operational Fund'. Such an ESDP Operational Fund would be stocked by GNI-related contributions by Member States reflecting more realistically the security benefits of ESDP operations for all Member States. It could cover expenditure for training and exercises, logistics (including strategic transport), in-theatre expenditure and, possibly, some personnel costs. Instead of only providing for 10% of the costs incurred for an operation, this new fund should raise the shared burden to at least 50%.

Another option is a reimbursement system in which contributions by Member States to operations are regarded as 'in-kind' contributions and are deducted from that Member States' contribution to the common funding.[89] This would require designing a table which establishes the value (in Euros) of in-kind contributions according to a qualitative scale of costs of troops and equipment (the requirements for an operation as established in the Operational Plan) in relation to the specific mission circumstances (for example, from permissive to hostile). Putting a premium on the provision of relatively scarce resources in the compensation costing, be it for Special Forces, Helicopters or Strategic

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88   Council of the European Union, *Council decision establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (ATHENA)*, 16561/08, Brussels, 16 December 2008.

89   As proposed by Patrick Wouters, *Balancing Defence and Security Efforts with a Permanently Structured Scorecard*, Egmont Papers 23, June 2008, http://www.egmontinstitute.be/paperegm/ep23.pdf.

Transport, could create an incentive to not only deliver these to an EU operation but also to create more of these capabilities in the first place, as part of the costs of investment and maintenance is thus offset.

In-theatre headquarters, logistics and transport are examples of assets that are needed and commonly used for all military ESDP-operations. The practical problems are similar to those in the area of civilian missions: with each operation the same capabilities have to be provided by Member States again and again. These common capabilities are paid for via the Athena mechanism, which in effect means that the same assets have to be financed for each new operation. It makes sense that the EU itself owns these assets – that means the material part of it, such as deployable command and control systems, infrastructure and other equipment. These assets would be made available for ESDP operations, immediately when needed. Here, the warehouse system proposed for civilian crisis management missions would apply as well. That same warehouse would also stock those common military assets, all managed by the Crisis Management and Planning Directorate or an integrated EU Civ-Mil Headquarters. To do this, the CMPD would need the necessary funds and a sufficient mandate. To standardise and institutionalise the provision of the common capabilities will benefit cost-efficiency, speed of deployment and solidarity among Member States.

The Lisbon Treaty does offer a potential solution to the bureaucratic obstacles that still exist in situations where civilian or military missions have to be deployed at short notice. The Council will have the option to bypass the usual bureaucratic hurdles and normal scrutiny procedures by the European Parliament, using instead 'specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy'.[90] Moreover, the new Treaty caters for the setting-up of a start-up fund by the new High Representative for preparatory activities for the so-called Petersberg tasks 'not charged to the Union budget'[91], on which the European Parliament has only the right to be consulted. Hence, this provision will create a start-up fund based on Member States' contributions for crisis management operations. However, all the issues concerning the fund, such as Member States contributions, will be decided by the Council by Qualified Majority Voting on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy. The decisions on the use of such a fund would be taken by unanimity. In principle, this provision clears the way for the Council to set-up a fund that can pay for crisis management operations for which the EU-budget does not provide.

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90   Article 25b(d)(3) TEU.

91   Amended Art. 26(3) TEU.

This start-up fund opens the possibility for the Council to set-up is own fund and thereby bypass the CFSP Chapter in the Union's general budget, which has its own rapid response mechanism. Although this new fund seems to be intended for getting military ESDP operations off the ground, there is nothing in the Treaty to prevent this fund to be spent on civilian crisis management or a combination of the two. In theory, the Council could decide to resource this fund to the detriment of the CFSP budget-line in the Union's overall budget. In terms of comprehensiveness of the EU's approach (a fund combining civilian and military crisis management purposes), this fund could therefore be beneficial, but CFSP/ESDP's democratic legitimacy suffers, as accountability would only operate ex-post.

Nevertheless, regarding the role of the European Parliament, there is also an opposite tendency ongoing. With the EU's foreign and security policy gaining prominence both politically and financially, the democratic deficit of this field has also gained more attention.[92] The European Parliament has managed to increase its formal oversight powers in CFSP by concluding Inter-institutional Agreements (IIA) with the Council and the Commission. It is now possible that the EP is informed prior to the moment a decision entailing CFSP expenditure is taken. This trend was further developed during the 2006 Finnish Presidency, which allows for the EP to be informed ex ante on CFSP/ESDP actions entailing CFSP budgetary expenditure. The Lisbon Treaty provisions[93] contribute to strengthen the European Parliament's position as overseer, particularly ex ante, by enabling parliament to get more fluid and timely information on CFSP/ESDP developments from the Council and the Commission. Also, the new High Representative's position as a vice-chair of the Commission makes her accountable to the European Parliament. Nevertheless, foreign and security policy issues remain firmly in the intergovernmental hands of the Council.

4.5   Conclusions: budget reform for coherence and effectiveness

This discussion about financing military peace support operations is not a new one, nor is it unique for the EU. Ever since the end of the Cold War expeditionary deployments have gained prominence over national defence and the burden-sharing discussion has shifted towards the issue that some countries are more able and willing to commit their armed forces for

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92   Hans Born, Suzana Anghel, Alex Dowling, Teodora Fuior, *Parliamentary Oversight of ESDP Missions,* Geneva Centre for the Democratic Control of Armed Forces, DCAF Policy Paper – №28, Geneva, 2008.

93   Amended Art. 21 TEU.

operations than others. It has been a discussion within the UN for its peacekeeping operations since the mid-1990s, within NATO since the early 1990s and it has become an issue within the EU in the last decade as well. Within the EU (and to a large extent within NATO) the variation in strategic cultures of the Member States is a factor in the discussions on financing operations. The militarily more restrained countries fear a more abundant use of the military instrument once the financial hurdles are lowered and oppose ideas about establishing an 'ESDP Operational Fund' or even widening the definition of common costs extensively. Others resent the creeping communitarisation of the second Pillar – either for political or financial reasons – and guard the prerogative over their national security budget. However, it is also clear that the fragmentation of funds over the EU structures and the Member States, the shortages of the CFSP/ESDP budget and the lack of financial solidarity hamper coherence, efficiency and effectiveness of the EU's potential crisis management capacity.

The new set-up of the budget for external relations within the EU's general budget will be evaluated by the end of 2009. This will offer an opportunity, also with the Lisbon Treaty, entered into force on 1 December, to review the whole conundrum of financial arrangements for civilian and military missions. These arrangements will have to be seen from the perspective of comprehensiveness and require a rethinking of the separateness of resourcing the civilian and military side of ESDP, the whole 'EU as a Global Actor' budget heading and the European Development Fund. Much has been initiated in this respect in the last years, but the arrival of Baroness Catherine Ashton as the High Representative for the Union, her EEAS, a new Commission, a new European Parliament and upcoming reviews of financial mechanisms are all conducive to leave the step-by-step approach behind and welcome instead large leaps forward. Instead of establishing a separate 'Operational Fund' for military ESDP operations, an integrated 'CFSP Fund' should be established, bringing coherence to all EU's external action, be it long-term development or short term crisis intervention. Ideally this fund should sit within the EU budget, subjecting it to European Parliamentary budgetary scrutiny, thereby providing strong ex ante legitimacy to the EU as a global actor. In the current situation, the European Parliament is only consulted when the Union budget is used for CFSP. If the Member States decide to use their own resources, the European Parliament can be sidestepped. To ensure coherence and efficiency, this overall CFSP budget should be attached to the new High Representative and his European External Action Service. The new EEAS after all, is a Pillar-bridging body and the financial resources for its policies should ideally be a Pillar-crossing financial instrument as well. However, this would entail both ex ante and ex post accountability to the European Parliament. Notwithstanding that this would be commendable from the democratic control and legitimacy viewpoint, it might well be a bridge too far politically for some time.

A second option could be to pool CFSP resources from the EU-budget with that of an ESDP Operational Fund and establish a CFSP Fund outside the EU-budget, but with the European Parliament granting discharge ex post. This would be a hybrid solution, along the lines of the European Development Fund, in which both the Council and the Commission would have to give up some of their competences for the benefit of coherence, efficiency and effectiveness. Again, the financial leeway of the High Representative of the Union for Foreign and Security Policy and her EEAS is not clear at this time, but such a hybrid fund would match the mixed communitarian and intergovernmental roots of her function.

Lastly, a third possibility would be the minimal option, in which coherence would be sought within each of the two pillars as such. An integration of all communitarian resources for external action, including the European Development Fund on the one hand and the establishment of an EU Operational Fund within the CFSP Pillar would leave competences where they are, but would enhance coherence and effectiveness considerably within each pillar.

5. Civil and military capability development: overcoming fragmentation

Successful implementation of the European Security and Defence Policy is foremost dependent on political will. Secondly, it needs institutions to plan and run operations. However, without capabilities to execute those operations ESDP would still remain an empty shell. From the start in 1999 the improvement of capabilities has been on the ESDP agenda. In fact, the St. Malo initiative was based on the recognition that Europe was lacking the military capabilities for political-diplomatic interventions in the crises in its own backyard, the Balkans.

This Chapter focuses on European capability improvement, with the focus on military capabilities. First, the early attempts are addressed and it is explained why these failed. Next, the fundamental problem of Europe's persistent lack of deployable capabilities is analysed: national fragmentation. This is followed by a section on how this fragmentation can be overcome through a coherently and effective capability development process. A specific aspect is overlapping requirements for civilian and military capability development, an area neglected up until now.

The wider security approach as laid down in the European Security Strategy raises the question of the relationship between capabilities needed for 'internal' and 'external' security, taking into account that the classical distinction between the two domains has already disappeared. This has implications for investment in 'defence' and in 'civilian security'. What has

happened already, based on pragmatic approaches, and what could be done more structurally in the future?

5.1 Early days attempts: the failure of process

There has been no shortage in the European Union of documents on military capability development. A long row of Capabilities Declarations, Capability Commitment Conferences and other initiatives mark the first decade of ESDP. But little has been accomplished to solve the military capability shortfalls, which were already identified in the Helsinki Headline Goal of December 1999: command and control, intelligence and strategic transport. In addition, real-life operations have brought to the fore additional shortcomings. Helicopters provide the most visible example. The start of the EUFOR Chad/Central African Republic operation had to be postponed in 2008 because the critical amount of transport helicopters was lacking. Also in other non-technical areas, such as logistics, European shortfalls continue to exist.

The EU Military Committee has conducted a capability analysis process twice: for the Helsinki Headline Goal or Headline Goal 2003 and for the Headline Goal 2010. This process consists of three steps: a Requirements Catalogue, describing what is needed collectively to carry out military ESDP operations; a Force Catalogue, listing what the EU Member States make available; and a Progress Catalogue. The latter has a rather euphemistic title: it lists the shortfalls or capability areas which need improvement rather than describing 'Progress'. The Catalogue process has been time-consuming and bureaucratic, producing large volumes of (classified) paper work. Experts may defend the value of this analysis, but it had little impact on the Member States' defence planning to eliminate the shortfalls.

The European Capability Action Plan (ECAP) was an early attempt to address the shortfalls through a flexible mechanism. ECAP was a Dutch initiative, launched during the Belgian Presidency in the second semester 2001. It was based on a bottom-up approach and participation of EU Member States was voluntary. Some 20 ECAP groups were established to address shortfalls in areas like strategic lift, helicopters, headquarters and intelligence. But, except for producing some useful concepts and doctrines, ECAP basically failed. The major reason was the lack of top-down guidance and commitments. The ECAP groups operated in a vacuum and without any political steering. Another reason for the failure was its one-dimensional approach. The groups consisted of military planners only and there was little or no connection with the supply side (research & technology, armaments, industry).

With such marginal progress in capability improvement it came as no surprise that ESDP's operational status, reached by 2003 (the target year of the Helsinki Headline Goal), had clear limitations: '(..) the Council confirmed that the EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognised shortfalls. The limitations and/or constraints, on recognised shortfalls, are on deployment time and high risk may arise at the upper end of the spectrum of scale and intensity, in particular when conducting concurrent operations.'[94]

5.2   Deeper reasons for failure: fragmentation

ECAP was just another attempt, for the first time in the ESDP context, to solve a structural European problem, namely the lack of adequate military capabilities.[95] Why has Europe failed so far to solve its military shortfalls in capabilities? There is no single answer to this question, as reasons may be different from country to country, depending on political, historic, geographical and economic factors. Some European countries have a tradition of expeditionary operations, others do not. Some have transformed in the last twenty years from territorial defence type armies to deployable forces, others are slower and have maintained conscript service and mobilisable units – the latter applies in particular to countries located on Europe's flanks. Some have been able to increase their investments; others have failed as other government spending priorities were deemed more important.

The essential reason Europe is underperforming on defence is fragmentation. There is fragmentation at three levels. First, the demand side or the needs of the armed forces: defence plans are per definition 'national' and all of them are developed without any serious international coordination. Second, there is fragmentation of investment: in defence research & technology and in equipment procurement – most of which is carried out nationally. Third, fragmentation also characterises the defence industrial sector, in particular in the areas of land and naval systems.

The effects of this European fragmentation are dramatic. Firstly, the Member States' armed forces lack standardisation and interoperability. In the Cold War this was less of a problem, in particular for land forces as armies were

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94 *Conclusions, General Affairs and External Relations Council, Brussels, 19-20 May 2003.*

95 Examples of earlier attempts: the Defence Capabilities Initiative (1999) and the Prague Capabilities Initiative (2002) in NATO and efforts through the Western European Armaments Group (WEAG) and the Western European Armaments Organisation (WEAO) Research Cell, operating under the umbrella of the Western European Union.

supposed to defend 'national' territorial sectors. In post Cold War deployed crisis management operations, the military from different nationalities operate closely together. Multinationality has become the standard feature of any deployment. Thus, the need for standardisation down to the lowest tactical level has increased substantially, firstly in areas like communications and information but also in armaments as the need for using each other's equipment, spare parts and ammunition is growing day-by-day. There are still four different main battle tanks and seven types of attack helicopters. All together the European countries have 89 major platform procurement programmes running, more than three times compared to the United States.

The second effect is waste of money. Around 80% of defence R&T investment and equipment procurement in Europe is purely national[96], based on national requirements and delivered by national industries. The Euro is invested several times for developing comparable capabilities. The problem is not duplication with NATO or the United States: the core issue is intra-European multiplication.

Lastly, national chains of demand and supply sustain fragmented defence industries and closed-off defence equipment markets. Europe has sixteen naval shipyards; the United States has three. Over twenty different types of armoured fighting vehicles are entering the armies of European countries in the next few years, produced by sixteen companies. Only one of them is a multilateral project, the Dutch-German Boxer vehicle. The aerospace sector is the exception, with some consolidation – to a certain extent – at the European level.

Of course, several multilateral procurement projects have been launched in the past. Very few of them were successful in terms of standardisation and costs. The NH-90 helicopter may serve as an example. Eleven European countries are procuring some 600 NH-90 helicopters in 23 different versions. Clearly, naval and land versions of the NH-90 have distinctive features, but this does not justify the high number of different types. The multitude of NH-90 versions is the result of the wide variety of national requirements, causing delays in industrial production and leading to higher spending. Europe cannot afford such fragmented investment anymore. Money is lacking and the quickly changing security environment no longer allows for decades long production cycles.

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96 All EU Member States (minus Denmark) spent € 42 billion on defence equipment in 2008, of which 21.2 % was spent together (between at least two Member States). The total of defence research and technology expenditure was € 2.5 billion, of which 16.5 % was spent together. Defence Data 2008, *European Defence Agency,* www.eda.europa.eu.

5.3 Overcoming fragmentation: integrated capability development

To end Europe's military fragmentation, four relevant areas have to be brought together: harmonisation of military requirements; defence research & technology; armaments cooperation; industry and market. Together they form the 'chain' from demand to supply. All elements are needed to improve European defence capabilities.

For the first time ever, these four functions have been brought under one roof in the European Defence Agency, formally established in July 2004 and operational since early 2005. EDA is capability-driven: its mission is to support the Member States in improving their capabilities for ESDP. In carrying out this mission the Agency applies the integrated way of working: military planners, researchers, armaments programmers and industry work together from the beginning. This early involvement of all actors is essential for channelling investment in the right direction, based on harmonised military requirements.

Common military requirements can steer R&T (research and technology) and industries. There is also a benefit the other way around. Future technologies can impact military requirements. Very strong light-weight materials provide an excellent example. By reducing the weight of equipment they also have an impact on the requirements for strategic transport. In the same manner industries can assist capability improvement, not by imposing ready-made products which are no-longer needed, but by sharing early – during the definition of requirements – knowledge and expertise.

The integrated approach, from planner to industry, is the logical choice, but at the same time hard to realise. Vested interests, stove-pipe approaches in capitals and fear of change slow down reform and restructuring of armed forces. Often, politically launched initiatives end up in lengthy discussions at experts' level, with the primary focus on procedures. Occasionally, escaping into bureaucracy is a deliberate choice, in particular when Member States prefer to postpone difficult decisions. Continued political push is a prerequisite for producing concrete results in any government matter and it certainly applies to the complicated issue of capability development.

On the other hand, political will by itself is not enough either. From the start of a political initiative experts have to be involved in order to translate will into concrete projects or programmes. One of the early initiatives of EDA on Air-to-Air Refuelling, in October 2005, remained a paper declaration of Ministers. Experts, not consulted on the initiative, raised practical objections. The initiative withered away within a couple of months. What is needed is the combination of continued top-down political steering and bottom-up experts' involvement.

Success stories in multinational capability improvement point to the need to focus on concrete topics and less on complicated defence planning processes.[97] Nevertheless, steering is needed as otherwise there is a risk of producing capabilities no longer needed in the future. With the Capability Development Plan (CDP)[98] – endorsed by the EDA Steering Board in July 2008 – the European Union now has the reference for improving its Member States' military capabilities. The CDP is not prescribing the number of tanks, ships and aircraft the Member States need to have in their inventories. It is not a Plan in the literal sense. Rather it describes the trends in the world, based on a Long Term Vision[99], and deducts from this analysis the future capability needs and capacities. Moreover, the CDP connects short-term requirements, stemming from the Headline Goal 2010, with longer-term requirements. This is essential: any Headline Goal with a timeframe of a couple of years in today in terms of defence investment and yesterday as far as research & technology is concerned.[100] Lessons learned from recent and ongoing operations are also incorporated, while Member States have been asked to insert their medium-to-longer term plans into a database in order to seek early opportunities for collaborations with each other.

The CDP will not replace national planning, but intends to influence it in order to create more convergence on priorities. To stimulate this process, the Agency's Member States have already agreed 12 initial capability priorities. Among these 12 priorities are immediate shortfalls like helicopters and countering improvised explosive devices or road-side bombs. However, the list also includes priorities, which result from longer-term threat analysis. An example is countering man-portable air defence systems or shoulder-fired missiles and rockets. Today, irregulars do not possess these weapons,

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97 Example: the NATO Strategic Airlift Capability initiative to create a pool of C-17 large transport aircraft was not the product of the NATO Defence Planning Process, but based on an ad hoc political initiative.

98 The CDP in its totality is a classified document. Large parts of it have been published, in particular the Trends, the Conclusions and the Prioritised Actions. See: www.eda.europa.eu.

99 The EDA Ministerial Steering Board endorsed 'An Initial Long-Term Vision for European Defence Capability and Capacity Needs' in October 2006.

100 Most national defence plans cover a four to five years cycle. Investment decisions taken in these years often mean that capabilities become operational in a timeframe beyond this cycle. For basic and applied research the cycle is five to ten years. It can take several years to develop new technologies, but an additional amount of time will be needed to integrate them into systems or platforms.

threatening helicopters and transport aircraft, but the CDP analysis shows that most likely they will get access to such systems in the future.[101]

The CDP is the overall strategic tool for military capability development in the EU and is complemented by three other long-term strategies: the European Defence Research & Technology strategy, defining key technologies to channel R&T investment in capability-relevant areas; the European Armaments Cooperation strategy, defining how to come most efficiently and quickly from military requirements to armaments cooperation programmes; and the European Defence Technological and Industrial Base strategy, depicting the future European defence industrial landscape, characterised by interdependencies, increased specialisation and integration.

Within this strategic framework shortfalls have to be solved and capabilities need to be improved through concrete projects and programmes. Major EDA projects address helicopters shortfalls, air transport, unmanned aerial systems, defence against road-side bombs and against biological threats, communications and intelligence. Some projects are focussing on equipment, others on training or services as capability improvement is not equal to armaments. For example, by setting-up a European level training programme for helicopter pilots – not trained to fly in mountainous terrain or in desert environments – capability can be improved quickly and at low cost.[102]

These and other projects show that Europe has started to improve its military capabilities. Naturally, early successes are no guarantee for continued delivery of better capabilities. Constant political push and engagement of Member States' experts will be required. However, with EDA there is now an instrument available, which can address the capabilities shortfalls and improve Europe's military performance, assuming the Member States use the Agency actively and properly.

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101 The complete list of 12 priorities: Chemical, Biological, Radiological and Nuclear (CBRN) Defence; Comprehensive Approach – Military Implications; Computer Network Operations (CNO); Counter-Improvised Explosive Devices (C-IED); Counter-Man Portable Air Defence Systems (C-MANPADS); Increased Availability of Helicopters; Intelligence, Surveillance and Reconnaissance (ISR) Architecture; Medical Support; Military Human Intelligence and Cultural / Language Training; Mine Counter-Measures in Littoral Sea Areas; Network Enable Capability; Third Party Logistic Support.

102 In a pilot project EDA trained in spring 2009 Czech helicopter crews for deployment to Afghanistan in NATO's ISAF operation in the same year. In 2010 the EDA Helicopter Training Programme will start, offering structural provisions for 'hot and high' helicopter training.

5.4 Civilian capabilities: specific problems

With regard to civilian capabilities the problems are quite different. Firstly, police or legal experts are fully-employed nationally to meet domestic requirements, unlike military personnel, who are available for deployment abroad at short notice,. Often, there is a shortage in the national context. For the same reason, rapid deployment of civilian personnel to crisis areas is almost impossible. It takes time to recruit civilian experts, prepare them for the mission and deploy them to the operations area. Secondly, civilian experts cannot be ordered to take part in crisis management missions. Unlike the military (and gendarmerie-type forces) civilian deployment is based on incentives and individual will. Thirdly, individual knowledge and personal expertise are decisive for civilian capabilities, not the organisation and training in units. There are no battalions of judges or administrators.

Thus, improving civilian capabilities becomes primarily an issue of 'experts generation': how to ensure that enough 'volunteers' are available when needed? Some Member States have created 'pools' of police personnel, judges and other civilian experts willing to be sent abroad. Naturally, there is always the problem of temporarily interrupting one's own career back home. Therefore, such pooling also requires employers to be prepared to make arrangements, allowing the expert to return to the previous or a new position upon return from a mission.

Training programmes have also been set-up in order to create some common baseline level of requirements, skills and knowledge. The Commission has financed some of these courses and has stimulated the set-up of a European Group on Training[103]. National training centres of the French Gendarmerie and the Italian Carabinieri have been made available for police training. For judges, lawyers and administrators training is more complicated, as national systems vary. Dedicated schools or training centres only exist in five EU Member States.[104]

Nevertheless, despite all these efforts, there continues to be a shortage of personnel in civilian ESDP operations. A recent study by the European Council on Foreign Relations concludes the 'EU struggles to find civilians to staff its ESDP missions, and the results of interventions are often paltry.' The study mentions two major reasons for failure: the Member States and the

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103 http://www.europeangroupontraining.eu/.

104 Austria: Austrian Study Centre for Peace and Conflict Resolution; Germany: Zentrum für Internationale Friedenseinsätze (ZIF); Finland: Crisis Management Centre (CMC); Sweden: Folke Bernadotte Academy and the United Kingdom: International Alert.

Brussels bureaucracy. The Member States have different approaches to training, planning, debriefing, recruitment and deployment of civilian personnel: 'Some countries appear to take their ESDP responsibilities extremely seriously; others barely make the effort.' The Brussels problem consists of the turf wars between the Commission and the Council General Secretariat as wells as of struggles within the Secretariat. Furthermore, the study concludes that 'EU civilian missions are woefully ill-prepared to deal with threats to their own security, and the EU has struggled to co-ordinate the activities of its civilians with military forces – even its own peacekeepers.'[105]

The latter issue is part of a wider set of problems concerning civilian ESDP operations: the lack of planning tools for technical and material support, such as logistics, medical evacuation and communications. As the financing of civilian ESDP operations is scattered over different Brussels institutions – the Commission and the Council General Secretariat – and Member States the matter becomes even more complicated.[106] The result is that for each civilian mission the technical and material support has to build up from scratch, delaying planning and deployment.

5.5 Uncharted territory: connecting civil and military ESDP capability needs

So-far, military and civilian capability development is completely separated. This makes sense, as long as there is no overlap between the two sets of capabilities. Of course, for individual skills, the two are different. Civilian police or legal advisors do not need weapon platforms and the military are not responsible for re-establishing functioning law and order structures in shattered societies – although they often provide support to the efforts of civilian operators.

However, there are also areas of overlap. When operating in crisis areas civilians are equally exposed to the threats of road-side bombs and other dangers. Police, judiciary and other civilian experts often lack protection and they have no training or doctrine in this respect. They will need helicopters in countries where road transport is impossible or too dangerous. Civilian operators need logistic support and capacities for medical evacuation. They have to communicate, both within their civilian mission structures but also

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105 Daniel Korski & Richard Gowan, 'Can the EU Rebuild Failing States? A Review of Europe's Civilian Capacities', European Council on Foreign Relations, October 2009.
106 See Chapter 4.

with other actors, including the military. They are dependent for part of their work on good information or intelligence.

In all these capability areas, no systematic planning exists on the civilian side. Stop-gap solutions have been invented on a case-by-case basis – implying that the wheel has to be reinvented for every new mission over and over again. There is scope for combining military and civilian capability development in at least five overlapping areas: communications, information, transport, protection and logistics. In some cases, civilian operators can hook onto mechanisms at the military side, which are already operational. Tools developed by EDA to assist the armed forces of its Member States – such as the Third Party Logistics Platform (TPLS) portal or the European Satellite Communications (SATCOM) Procurement Cell[107] – can also be used for civilian ESDP operations. In fact, one of the early uses of the test version of the TPLS platform in spring 2009 was related to the provision of helicopter services for the civilian EULEX mission in Kosovo.[108] Another area for bringing military and civilian users together is pre-deployment training. Several courses have been launched by EDA, such as on Open Sources Intelligence[109], with participation of civilians from EU institutions and from Member States. This area of training has tremendous scope for educating both communities through combined courses, in areas such as communications, road-side bombs awareness and others. The Council has also identified that storing equipment (the 'warehouse' concept) can help to ensure rapid deployment of civilian personnel. In 2010 proposals for a permanent warehouse solution are expected.[110] Again, military assistance in

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107 The TPLS Platform allows (governmental and international institutional) 'buyers' of logistics support to match 'suppliers' (commercial companies) in order to find best value for money. This TPLS Platform has become operational on 1 July 2009. The European SATCOM Procurement Cell is planned to be activated in 2010. Its aim is to coordinate governmental 'buys' of commercial SATCOM capacities in order to get SATCOM capacities at lower prices.

108 Since then the Platform has been used in order to buy logistics for several EU and national operations, saving millions of Euros.

109 In many cases intelligence-gathering is largely based on open sources. The problem is the magnitude of the available information. Open Sources Intelligence courses teach customers to optimise the use of open sources.

110 'The Council stressed the need that a permanent capacity to store new and existing strategic material is a vital resource to ensure rapid deployment of equipment to new and existing missions as well as sound financial management. (..) The Council looks forward to the results in 2010 with regard to the possible establishment of a permanent warehousing solution.' Council Conclusions on ESDP, 17 November 2009, paragraph 40.

developing such concepts and in planning the details of the solutions will be beneficial to delivery of results.

5.6   Creating capability synergies: civilian security and defence

As external and internal security can no longer be disconnected, equally, capability improvement for security inside Europe and for ESDP should no longer be dealt with separately. Some existing capabilities already serve both communities, like space-based observation and communications assets. In many countries the armed forces' national tasks are no longer related to classical territorial defence but to supporting the law enforcement authorities, the coast guard and other civilian organisations in their responsibilities. As step-by-step internal security responsibilities and tasks are also taken up at the EU level, military-civilian interoperability in these areas will become essential and capability requirements will overlap. Secure communications are needed for border control, the fight against terrorism and other justice and home affairs activities. For maritime safety and security civilian authorities need reconnaissance, monitoring and detection capabilities comparable to those in the military inventories. Unmanned Aerial Vehicles can spot illegal immigrants at Europe's external borders using the same sensors which detect irregulars on the ground in deployed military operations in the Middle East or in Africa. Airplanes and helicopters are needed for a multitude of civilian-type of activities, including surveillance of critical infrastructure. Improvised explosive devices can pose the same danger in Europe as in Afghanistan.[111]

Another important argument for seeking civil-military synergies in capability development is the dual-use character of technologies. During the Cold War, military R&T was often leading and sometimes had a 'spin off' for civilian use. This situation has been reversed. Nowadays – and no doubt in the future – technology development is mainly driven by the civilian market, with a military 'spin in' for applicable cases. The high-speed development of information technologies is a clear example, but it equally applies to communications, to bio sciences or to new energy sources. Space-based or space-related assets have become a particular area of civilian users' domination: some 80% of space-based satellite communication capability is used by civilian customers. By using Google Earth everybody can obtain space-based imagery at a resolution which twenty years ago was considered top secret. Technology is not only determining the character and nature of

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111 In the European Union, an IED explodes approximately every two days. The number of IED attacks in Europe from 2004 to 2007 was: 2004 - 248, 2005 - 201, 2006 - 176 and 2007 - 132. Source: The Memorial Institute for the Prevention of Terrorism database.

military operations more and more; to a certain extent the military have become dependent on dual-use technologies.[112] There is a sheer defence interest in being more closely connected to technology development on the civil side and to make optimal use of the opportunities of dual-use technologies.

Unfortunately, the pillar structure of the European Union has resulted in separate investment in technologies by the Commission for civilian security – based on communitarian funds – and by EDA participating Member States from their defence budgets for ESDP capabilities. Under the 7th Framework Programme 2007-2013 the Commission is investing € 1.4 billion in technologies for 'security' – under the European Security Research Programme – and the same amount for 'space'. This comes down to an annual investment of 400 million in both areas together. In addition, the European Space Agency (ESA)[113] allocates up to € 300 million per year to space-related technology activities.[114] The EDA defence R&T portfolio is much smaller compared to its civilian counterparts. It contains projects and programmes with a total value of approximately € 600 million over its first five year period (2005-2009) or about € 120 million on average per year. Compared to the combined annual R&T spend of the Commission and ESA (€ 700 million annually), this represents one sixth of what is spent on the civilian side.

The Commission is represented in the Agency's Steering Board and participates in many EDA activities. R&T investment has been coordinated, be it on a case-by-case basis. Already in November 2005 the Ministerial Steering Board launched the Agency's work on the next-generation Software Defined Radio as a joint civil-military endeavour. The role of the Agency is specifically to ensure coordination between its own studies, the ESSOR project of six of its Member States for European military use of SDR and Commission projects such as WINTSEC for civilian SDR use.[115] The envisaged result of these efforts is a future Software Defined Radio, not only interoperable between the military but also with civilian actors, inside or outside Europe – a breakthrough in communications. Another area of ongoing coordination between the defence and civilian side is the project on

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112 Naturally, there will always be (highly classified) technology or technological products which will only be used by the military, in particular related to high-tech weapon systems and crypto equipment.

113 ESA is an intergovernmental organisation in its own right, not part of the EU institutional framework.

114 Best estimate provided by the ESA's Technology Directorate.

115 ESSOR = European Secure Software defined Radio (Finland, France, Italy, Poland, Spain and Sweden); WINTSEC = Wireless Interoperability for Security.

UAV insertion into normal airspace.[116] Here, EDA is coordinating with a range of European civilian actors: the Commission, EUROCONTROL, the European Air Safety Agency and many others. The combined efforts will make it possible to realise the aim of having UAVs – for military or civilian use – flying in normal airspace within the coming decade.

Combining efforts with the European Space Agency is more recent despite earlier conclusions by the Council to seek synergies between civilian users' driven space technology investment and the defence community.[117] Political sensitivities and the traditional culture of (military) secrecy caused delays. The Agency established informal relations with ESA in its early days, but it took until 2008 before coordinated activities started. One of the first combined efforts addressed the issue of critical space technologies for which Europe does not want to be dependent on outside suppliers. In a tripartite Task Force, the Commission, ESA and EDA produced such a civil-military coordinated list of these technologies, in close coordination with Member States and industry. The list will be reviewed on a regular basis and, after approval in the respective organisations, it can guide investment in space technologies. More concrete coordination is taking place in command & control and air traffic links through satellites in the context of insertion of UAVs[118] into normal airspace. With a view to explore and demonstrate the potential use of satellite services for UAVs, the Agency and ESA have combined their efforts in launching relevant studies, which complement each other.

Space Situational Awareness is another area of interaction. The increasing amount of debris in space is threatening satellites and launches into space. Awareness of this debris is important for the military and civilian communities alike. ESA has started a preparatory programme in 2008 and is coordinating the collection of civilian requirements. EDA is working on defining military

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116 Experts refer to 'non-segregated airspace' to indicate the envisaged use of the same airspace by civil (manned) aircraft and military (unmanned) air assets.

117 Already in spring 2007 the Council recognised 'that space technologies are often common between civilian and defence applications and that Europe can, in a user-driven approach, improve coordination between defence and civilian space programmes. Pursuing in particular the synergies in the domain of security, whilst respecting the specific requirements of both sectors and the independent decision competences and financing schemes' and called for 'a structured dialogue' between the different EU pillars, including the European Defence Agency. See: *Outcome of proceedings of the Council (Competitiveness) on 21-22 May 2007 – Resolution on the European Space Policy*.

118 Experts use the term Unmanned Aerial Systems (UAS).

requirements. When ready, the two complementary sets of requirements will be fed into the development of a European SSA system.

Civil-military interaction is also established for earth observation from space, involving both ESA and the Commission, notably with regard to the Global Monitoring for Environment and Security or GMES programme. This programme will provide satellite-based imagery to a broad set of user communities, ranging from environment to civilian security stakeholders. Given the further development of the 'security' dimension of GMES, the Agency's added value in the military MUSIS project[119] is amongst others to explore further the potential of GMES for use by the defence community.

In a very short time the Commission, EDA and ESA have established practical coordination in several projects featuring overlapping or complementary capability requirements for civilian security and military users. The principles applied are: firstly, that money is not crossing institutional borders – each organisation invests on its own – and secondly, that management of the projects also rests with the responsible organisation. While the legal separation of the pillars is respected, the practical coordination on the substance of the projects serves important goals: synergies are created in capability investment and the scarce euro is not spent twice.

5.7   Permanent Structured Cooperation: danger or opportunity?

What will be the Lisbon Treaty's impact on European defence cooperation, assuming it will enter into force in the near future? The title of the defence section, Common Security and Defence Policy (CSDP) suggests more than realistically can be expected. The Reform Treaty does not imply the construction of a 'European Army'. Neither does it create territorial defence under the EU flag. ESDP remains focussed on crisis management operations, requiring deployable, mobile and adaptable forces. National sovereignty over defence is left untouched by the Treaty.

Nevertheless, the inclusion of defence in the Treaty is important as such. It provides a legal basis for ESDP – for the first time – and, thus, underlines the importance of European defence cooperation. Also, the European Defence Agency is specifically mentioned in the Treaty and its central role for improving military capabilities is emphasised, for example by defining that EDA shall 'contribute to identifying the Member States' military capability

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119 MUSIS = Multinational Space-based Imagery System. MUSIS is a six-Member States EDA project (Belgium, France, Germany, Greece, Italy and Spain) for the next generation of military earth observation satellites (post 2018).

objectives and evaluating observance of the capability commitments given by the Member States.'[120]

The real new element is Permanent Structured Cooperation (PSC), the details of which are listed in a Protocol to the Treaty. The PSC concept was developed before the Agency was established. The original purpose was to speed-up European defence by creating a core group of Member States willing to commit themselves to realise higher ambitions. One could argue that such commitments already exist in the EDA context, although they are not labelled 'Permanent Structured Cooperation'. Different coalitions of Member States participate in a series of EDA projects and programmes, based on the principle of what is called in French 'géométrie variable'. According to this principle, smaller groups of Member States, from a few to a larger number, participate in projects to deliver specific capabilities. This is based on the reality of capability development: not all Member States have exactly the same capabilities; therefore, they have different interests per capability area. For example, there are only three European countries with a military earth observation satellite capacity. Another example: land land-locked nations will have little or no interest in maritime mine-counter measures.[121] Generally speaking, the bigger the country, the more capabilities it will have or it would like to maintain; the smaller the country, the less it can afford all capabilities and the more selective it will be in terms of investment.

If the concept is already applied in the real world, what can it add? To answer this question one has firstly to take a look at the PSC language. The Reform Treaty stipulates: 'Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework.'[122] Two sorts of commitments are mentioned in the Protocol on PSC:

- developing defence capacities more intensively through e.g. participation in multinational forces, in main European equipment programmes and in EDA activities;
- participation in EU Battlegroups.

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120 Lisbon Treaty, Art. 45-1(a).

121 The EDA project on the next generation of military earth observation satellites – the Multinational Space-based Imagery System or MUSIS project – consists of the three current owners of such capabilities (Germany, France and Italy) plus three other Member States supporting the project (Belgium, Greece and Spain). Only EDA participating Member States with maritime borders participate in the Maritime Mine-Counter Measures project.

122 Lisbon Treaty, Art. 42-6.

The Protocol defines five criteria for Member States participating in PSC:

- achieving objectives concerning the level of investment on defence equipment;
- bringing their defence apparatus into line with each other, in particular by harmonising identified military needs, by pooling and specialising their defence means and capabilities, and by more cooperation in training and logistics;
- taking concrete measures to enhance availability, interoperability, flexibility and deployability of their forces;
- taking measures to solve European capability shortfalls;
- taking part in development of major equipment programmes in EDA.

The Protocol assigns a role to EDA to regularly assess the Member States' performance, in particular their contributions made in accordance with the criteria they have defined. The Agency shall report thereon at least once a year.

On the process of launching PSC, the Reform Treaty prescribes the following procedure: 'the Member States wishing to participate in PSC, which fulfil the criteria and have made the associated commitments, notify their intention to the Council and to the High Representative'. Within three months the Council takes a decision by qualified majority. The Reform Treaty also defines the procedures for joining PSC later on or to end PSC participation.

The potential PSC commitments fall into two categories: operational cooperation (participation in multinational units, EU Battlegroups) and capability development (equipment programmes and EDA-activities). Nothing is new here. In both categories there is existing 'acquis'. Multinational formations have existed for a long time. Some are bilateral – like the UK-NL Amphibious Landing Force or the Franco-German Brigade – and others are units in which more than two countries participate, such as the Eurocorps and several EU Battlegroups. Such multinational formations are the 'classical' way of forming multinational operational units. They consist of national 'modules' – in most cases they stay at their home bases – which train together and have a combined Headquarters. These Headquarters are sometimes deployed in crisis management operations, the formations themselves rarely. A more far-reaching form of operational cooperation is the integration of national units or combining them in a mutually dependent way. The integrated air defence radar system of the three Baltic States is an example; the deployable NL-German Army Headquarters with mutually dependencies, such as for communications, is another. New forms of integration are under construction. Recently, Belgium, Germany, France, Luxembourg and the Netherlands have taken the initiative to establish a European Air Transport Command, to be located at Eindhoven Air Basis.

Once operational, the EATC will command the military air transport of the five countries and this will no longer be done by these nations separately.[123]

With regard to capability development and more particularly to armaments cooperation, PSC can also make use of past and existing examples, such as the Eurofighter, A400M transport aircraft programme, the Tiger and NH-90 helicopters, the FREMM frigate and many others. Furthermore, there is five-years experience with EDA activities, another 'acquis' which should be taken into account when launching PSC. It would be foolish to lose what has been built-up already and to deny the existence of ongoing or planned projects and programmes. However, taking into consideration the 'acquis' and lessons learned from past armaments cooperation is no guarantee for successful implementation of PSC. The Protocol itself raises all kinds of questions as the text lacks precision. The two most important questions are: firstly, is there just one PSC to be launched or a multitude of PSCs?; secondly, what sort of concrete criteria should be used and how?

The Convention's experts had only foreseen one PSC – but, again, the theory was developed in the pre-EDA and pre-Battlegroups era. Creating just one PSC 'core group' or 'pioneer group' would not make sense for several reasons.[124] Politically, it is undesirable as it would create a split in the EU Member States in two groups, one of the sprinters and one of the slow walkers. Most likely, this would also have a negative impact on capability improvement. The result could that the slow walkers will lose more distance and stay further behind in the field. A 'Eurodefence Zone' is not what PSC should produce. Capability improvement cannot be compared to the introduction of the Euro. National differences are too large and defence cannot be measured in the same way as exchange rates or macro-economic performances of individual Member States.

This argument becomes more clear when taking a closer look at the criteria. The spending criterion alone produces a mixed bag of ´frontrunners', when details are brought to the fore. For example, the level of investment on defence equipment – one of the criteria in the PSC Protocol – offers no guarantee for a high number of deployable forces, simply because the money can be spent on the wrong equipment. Member States with a lower investment figure can even produce more (deployable) capability than those

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123 'Militair EU-luchttranspportcommando in Eindhoven', press announcement of the Netherlands Ministry of Defence, 10 July 2008, *www.defensie.nl/luchtmacht/actueel/nieuws*.

124 The terms 'pioneer group' and 'core group' are used by Nick Witney in 'Re-energising Europe's Security and Defence Policy', European Council on Foreign Relations, July 2008. Witney also makes a plea for a multitude of PSC groups.

with a higher percentage. Measuring military capabilities or defence output is a complicated matter. Many aspects come into play: not just investment spending levels but also the quality of equipment; training, concepts and doctrine; and, most of all, the availability of 'enablers' like transport, command & control and intelligence. In certain cases, commitment to solutions such as pooling or training could be more effective than (further) raising investment levels. A wider set of criteria would have to be created – just selecting one, such as spending, would not make much sense. In other words, a 'horizontal' consideration of criteria (which ones to select together) seems unavoidable if PSC has to contribute to providing better capabilities. Naturally, it will also be important to combine ambition with realism. It makes no sense to opt for levels which some PSC partners cannot possibly achieve in the foreseeable future, e.g. due to lack of adequate financial resources. Therefore, the issue is not just which of the different criteria should be selected; the question is to set ambitious but realistic targets within each of them. This is the 'vertical' aspect of each criterion.

The Lisbon Treaty offers new opportunities for bringing European defence capability development forward, assuming that the right criteria are chosen. This will not be easy, as the process of establishing PSC might be dominated by political arguments rather than by proper capability development considerations. In that case, 'with who' would become more important than 'on what'. The risk would further increase if PSC were to be limited to one group, thus creating two different and disconnected European 'defence zones'. European defence cooperation can only progress when different groups of Member States are formed, either for operational purposes or for capability improvement. Different combinations of 'horizontal' and 'vertical' criteria would make it possible for all Member States to participate. Permanent Structured Cooperation should be open to participation by all Member States, based on a sensible selection of criteria which serve the overall aim of improving European military capabilities.

5.8   The future: a structural approach to civil-military capability development

Integrating civil and military ESDP capability development

Integrating planning structures to optimise the combined strength of civilian and military ESDP operations has to be mirrored by integrating capability development in areas where the needs for both overlap, such as communications, information, protection, transport and logistics. However, this will only be possible when the civilian side defines its requirements – not tailored to a specific mission but in general terms, based on a variety of scenarios. Unfortunately, a systematic approach is lacking on the civilian side.

The new Crisis Management and Planning Directorate (see Ch.3) will have to address this issue, as has been recognised by the Council.[125] Taking into account the total lack of experiences and procedures on the civilian side, the European Defence Agency's Capability Directorate could provide advice and assistance.

Once they have been defined, civilian users' requirements can be integrated into projects for military capability development. This would be relatively easy. Most likely, civilian needs will be less demanding than military requirements, taking into account the complexity of military operations, in particular at the high end of the (use of force) spectrum. The logical place would be the Agency. Civilian representatives would participate in project teams or other EDA working bodies, as required. Results would be shared with the civilian community. Naturally, procurement of equipment or any other acquisition of material for civilian use would remain the responsibility of the civilian users' community, at the EU level or nationally depending on issues like ownership of the equipment and financing.

Recently, the Council recognised the need for an integrated approach to civil and military capability development: "We shall continue to strive for more and better coherence in the development of capabilities in support of ESDP. We shall, through the *European Defence Agency* and competent Council bodies continue to develop our integrated approach to capability development, in close coordination with the Commission."[126] It is time to turn theory into practice in the already identified areas where material needs for civilian missions overlap with those of the military.

Combining civilian security, space and military capability development

A structural approach will also assist in maximising the synergies between the capabilities for ESDP and for Europe's 'internal' security. In May 2009 the Ministers of Defence took a new initiative by launching the 'European Framework Cooperation for Security and Defence Research'. The aim of this framework is to systematically ensure complementarity and synergy of civilian security, space and defence R&T investment. The framework would replace the case-by-case approach, which has been applied so-far. In November 2009, the Defence Ministers tasked EDA to set-up the details of the coordination

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125 'The CMPD will, within its area of responsibility, *inter alia* foster and coordinate work on synergies between civilian and military capability development, including in helping to identify dual needs.' *Council Conclusions on ESDP, 17 November 2009*, paragraph 47.

126 'Ministerial Declaration: ESDP Ten Years – Challenges and Opportunities', Brussels, 17 November 2009.

scheme and to develop proposals for possible subjects for the EFC, together with the Commission, the European Space Agency and the Member States. Situation awareness has been mentioned as a possible candidate.[127]

Within the European Framework Cooperation, a new coordinated programme could be established. Situation awareness, from sensing to command and control of networked assets, would be a good candidate. It would support, through coordinated technology research, the European Union's Network Enabled Capability concept, written in 2008 under an EDA contract. The essential characteristic of the EU NEC concept is the civil-military connection. The EFC, once established, has great potential for optimising civilian security, space and defence research. It should be exploited fully.

Another area of combining efforts across the civilian security and military domains is Maritime Surveillance. A multitude of national and international civilian and military networks exist to survey European coastal waters, without much coordination and data-exchange. The Swedish Presidency has brought the matter forward, using the recent launch of the Commission's Integrated Maritime Policy and the activities of a team of Wise Pens contracted by EDA to develop a maritime surveillance 'think piece'. The Council has called for the development of an integrated approach to maritime surveillance, in a common information sharing environment, in order to cover the civil and military aspects. A roadmap is to be presented before the end of 2010, taking into account the results of cross-sectoral and cross-border projects, including lessons learned from ESDP operations. This task has been given to the Commission, though in close cooperation with Member States and relevant EU bodies, including EDA.[128] This is an important breakthrough to start working on European civil-military integrated networks for maritime surveillance, which is not so much a technological challenge but an issue of overcoming cultural, organisational and legal barriers.

The Lisbon Treaty may take the synergy between defence, space and civilian security investment a step further. With the barrier of separated pillars no longer existing and with High Representative and Head of the European Defence Agency Catherine Ashton at the same time being Vice-President of the European Commission, there should be more flexibility for combining defence and civilian security research and other activities. In areas of overlapping civil-military capabilities and specifically with regard to dual-use technologies 'joint' investment might become possible. This should not be an

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127 EDA Press Release 'Defence Ministers Launch Helicopter Training', 17 November 2009.
128 Council Conclusions on Integration of Maritime Surveillance, 17 November 2009.

aim in itself. Such joint investment should only be used for development of capabilities used by both military and civilian security communities. The potential scope is enormous and it will help to solve serious capability gaps in areas where European efforts have been fragmented, on the military and the civilian side. The absolute priority areas are communications and information. If Europe wants to be serious about its own security, at home and abroad, and about tackling it comprehensively, it needs integrated civil-military networks for communications, command & control and information.

6. Twenty recommendations for the EU's civil-military approach

1.   The EU lacks a common strategic vision for dealing with crises outside its borders. For each crisis situation (per country or per region), strategic objectives should be established to provide guidance on prioritisation and translation into specific policies. A new format should be found replacing the current 'common strategies' with more '**comprehensive common strategies**' embracing Community and Council policies and tools. This should provide legitimacy, coordination and a clear focus. The new High Representative, Catherine Ashton, supported by the European External Action Service, should lead this process.

2.   The **EU's Civil-Military Coordination concept** which aims at optimising coherence and coordination among the EU's crisis management instruments, should gain more real-life implementation beyond the conceptual phase. Establishing linkages to other actors in crisis management operations, such as the United Nations, NATO, the OSCE, the African Union, NGOs as well as commercial businesses should be improved.

3.   A lesson-learned from the UN experience is that **training** of all involved in the delivery of crisis management and nation building in the European Union is the key to instil the philosophy of an **integrated mindset** and to turn around the culture of distinctiveness of different pillars,

departments or units. The EU should take this on board much more systematically and massively than it has done so far. An enhanced European Security and Defence College (ESDC) could well be the forum for this.

Institutional matters

4.   **A European Union Civil-Military Staff (EU CMS)** should be established for close coordination of the strategic planning of civilian, military and hybrid civil-military ESDP operations from the outset, in order to realise the best possible division of tasks and responsibilities, to synchronise deployment schedules and to pre-arrange support to each other in theatre. It would have two legs, one led by a military Director-General EUCMS and another led by a civilian DG EUCMS.

5.   To end the proliferation of military EU Operation Headquarters and to ensure close coordination for the operational planning and conduct of ESDP civilian, military and hybrid civil-military ESDP operations one **EU Operation Headquarters (EU HQ)** would be needed. A military Operation Commander would be responsible for military operations and a civilian Operation Commander for civilian operations, with separated command chains.

6.   Alternatively, the EU CMS and the EU HQ could be merged into one EU Civil-Military Headquarters (EU CMHQ), which would encompass the strategic planning, and the operational planning and conduct functions.

7.   The EU Civil-Military Headquarters and Staff should be located at the strategic level **in Brussels**, close to the political decision-making level (Council, Political and Security Committee, EU Military Committee) and the **Commission**. The Commission would – under the umbrella of the European External Action Service – **fully participate in these EU integrated planning structures.**

8.   NATO common assets and capabilities would continue to be used **for ESDP operations, following to NATO-led operations, with DSACEUR as EU Operation Commander**. KFOR (Kosovo) is the most likely candidate in the future.

Financing crisis management

9.   Abandon the start-from-scratch method for procurement of necessary equipment each time a civilian ESDP mission is launched. The **availability of a physical or virtual warehouse of goods and equipment** will avoid delays in the start-up phase of an operation.

10. Instead of burdening each Head of Mission of civilian crisis management operation with the task of **financial management**, the new **Crisis Management and Planning Department** (CMPD) as an institution should take on this responsibility (or alternatively, the EU Civil-Military Headquarters, if it were to be established). The relative blurring of the division lines between Council and Commission competences with the Lisbon Treaty should make it possible to **change the EU's Financial Regulation** accordingly.

11. In-theatre headquarters, logistics and transport are examples of assets that are needed and commonly used for all military ESDP-operations. It makes sense that **the EU itself owns these material assets,** to be made available for ESDP operations when needed.

12. The **warehouse system**, proposed for civilian crisis management missions, should also stock common assets for military operations, all managed by the Crisis Management Planning Directorate or the EU Civil-Military Headquarters. Such a **standardised and institutionalised** provision of the common capabilities will speed up deployment, will save costs and increase solidarity among Member States.

13. The lack of financial solidarity undermines the political will to take an active stance in ESDP and hampers the operational effectiveness of ESDP as a whole. To remedy this, an **'ESDP Operational Fund'** should be established. Such an ESDP Operational Fund would be stocked by GNI-related contributions by Member States reflecting more realistically the security benefits of ESDP operations for all Member States. Instead of only providing for 10% of the costs incurred for an operation, this new fund should **raise the shared burden to at least 50%.**

14. Or better yet: the pooling of resources from the EU-budget with that of an 'ESDP Operational fund' and establish a **CFSP Fund outside the EU-budget**, but with the European Parliament granting the discharge. This would be a hybrid solution, along the lines of the European Development Fund, in which both the Council and the Commission would have to relinquish some of their competences to the benefit of coherence, efficiency and effectiveness.

15. The optimal solution: to create a **well-resourced and integrated 'CFSP Fund'**, bringing coherence to all EU's external action, be it long-term development or short term crisis intervention. This fund should be within the EU budget, subjecting it to European Parliamentary budgetary scrutiny, thereby providing legitimacy to the EU as a global actor.

Capability development

16.   Overlapping capability needs for civilian and military ESDP operations should be addressed together in overlapping areas like **communications, information, protection, transport and logistics.**

17.   Once installed, **the Crisis Management and Planning Directorate will have to define civilian requirements in these capability areas**. The European Defence Agency's Capability Directorate can assist the civilian side with formulating requirements.

18.   Once defined, the civilian requirements should be **incorporated in the activities of EDA in order to realise civil-military capability development**, saving costs and increasing civil-military interoperability and standardisation.

19.   **Permanent Structured Cooperation** under the Lisbon Treaty should only be used when **several PSC groups** are formed to prevent a two-speed European Defence. A **balanced selection** of **horizontal** (different) and **vertical** (ambition level) **criteria** would allow for wide participation. 'Acquis' of existing multinational operational formations and of participation in EDA activities should be taken into account.

20.   The vanished distinction between 'internal' and 'external' security and the increasing dual-use of technologies and capabilities, in particular in areas like communication, command and control and information, also need to be reflected in capability development. **Investment in technologies and capabilities for European Defence under EDA** and **for civilian security by the Commission and the European Space Agency** should be closely connected to create synergies and spend the scarce Euro optimally.

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List of Abbreviations

ACP	Africa, Caribbean and Pacific
ALTHEA	EUFOR Operation in Bosnia and Herzegovina
AMIS	African Union Mission in Sudan
AU	African Union
B+	Berlin Plus
CAR	Central African Republic
CDP	Capability Development Plan
CFS	Common Foreign and Security Policy
CIMIC	Civil-Military Cooperation
CIVCOM	Committee for Civilian Aspects of Crisis Management
CMC	Crisis Management Concept
CMCO	Civil-Military Coordination
CMPD	Crisis Management and Planning Directorate
CONOPS	Concept of Operations
CPCC	Civilian Planning and Conduct Capability
CRT	Civilian Response Team
CSDP	Common Security and Defence Policy
DCE	Deployable Civilian Experts
DDR	Disarmament, Demobilisation and Reintegration
DfID	Department for International Development
DG EUCMS	Director-General of the European Union Civil-Military Staff

DGE VIII	Directorate-General External and Political-Military Affairs, Directorate Defence Aspects
DGE IX	Directorate-General External and Political-Military Affairs, Directorate Civilian Crisis Management
DPKO (United Nations)	Department of Peacekeeping Operations
DSACEUR	Deputy Supreme Allied Commander for Europe
EATC	European Air Transport Command
ECAP	European Capability Action Plan
ECHO	European Commission Humanitarian Aid
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
EDA	European Defence Agency
EDF	European Development Fund
EEAS	European External Action Service
EFC	European Framework Cooperation (for Security and Defence Research)
ESA	European Space Agency
ESDC	European Security and Defence College
ESDP	European Security and Defence Policy
ESS	European Security Strategy
ESSOR	European Secure Software defined Radio
EU	European Union
EU CMHQ	European Union Civil-Military Headquarters
EU CMS	European Union Civil-Military Staff
EU HQ	European Union Operation Headquarters
EU HR	European Union High Representative
EU NEC	European Union's Network Enabled Capability
EU SR	European Union Special Representative
EUFOR	European Union Force
EULEX	European Union Rule of Law Mission in Kosovo
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
EUPOL	European Union Police mission
EUROCONTROL	European Organisation for the Safety of Air Navigation
FCO	Foreign and Commonwealth Office
FREMM	Frégate Multi-Mission
GDP	Gross Domestic Product
GMES	Global Monitoring for Environment and Security
GNI	Gross National Income
GNP	Gross National Product
ICO	International Civilian Office
IED	Improvised Explosive Devices
IfS	Instrument for Stability

IIA	Inter-Institutional Agreements
IMB	Interim Military Body
IMPP	Integration Mission Planning Process
IPSC	Interim Political and Security Committee
KFOR	(NATO) Kosovo Force
MILEX	Military Exercise
MINURCAT	United Nations Mission in the Central African Republic and Chad
MoD	Ministry of Defence
MUSIS	Multinational Space-based Imagery System
NATO	North Atlantic Treaty Organisation
NRF	NATO Response Force
NSS	National Security Strategy
NUPI	Norwegian Institute of International Affairs
OCHA	(United Nations) Office for the Coordination of Humanitarian Affairs
OCT	Overseas Countries and Territories
OHQ	Operation Headquarters
OPLAN	Operation Plan
OSCE	Organisation for Security and Cooperation in Europe
PRT	Provincial Reconstruction Team(s)
PSA	Public Service Agreements
PSC	Permanent Structured Cooperation
PSC	Political and Security Committee
R&T	Research and Technology
SACEUR	Supreme Allied Commander for Europe
SALW	Small arms and light weapons
SATCOM	Satellite Communications
SDR	Software Defined Radio
SFOR	Stabilization Force
SHAPE	Supreme Headquarters Allied Powers Europe
SITCEN	Joint Situation Centre
SSA	Space Situational Awareness
SSR	Security Sector Reform
TEU	Treaty on the European Union, Maastricht Treaty
TPLS	Third Party Logistics Support
UAS	Unmanned Aerial Systems
UAV	Unmanned Aerial Vehicle
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
WEAG	Western European Armaments Group
WEAO	Western European Armaments Organization
WEU	Western European Union
WFP	World Food Programme
WINTSEC	Wireless Interoperability for Security

| WKC | Watch Keeping Capability |
| ZfIF | Zentrum für Internationale Friedenseinsätze |

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