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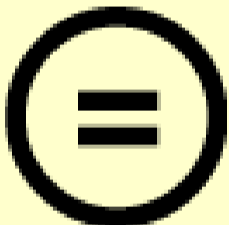
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**Cometh the 'Hour of Europe',
Cometh the Institutions?**

**Coherence and Effectiveness of the EU's
Common Foreign and Security Policy in
Bosnia and Herzegovina (1991-2006)**

By

Ana E. Juncos García

Doctoral Thesis

Submitted in partial fulfilment of the requirements

for the award of

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ABSTRACT

Problems of coherence and effectiveness have been repeatedly mentioned by external observers as affecting European Union (EU) external action. A theory-based explanation of this state of affairs is, however, lacking in the literature. This thesis aims to address this lacuna by focusing on a particular aspect of EU external action, the Common Foreign and Security Policy (CFSP), and by analysing CFSP actions in Bosnia and Herzegovina (BiH) throughout the period 1991-2006. Its primary goal is to determine which factors explain different degrees of coherence and effectiveness, and, in particular, whether or not, increasing CFSP institutionalisation has promoted coherence and effectiveness.

After introducing the concepts of coherence and effectiveness, the thesis sketches the political and academic debate surrounding these concepts, and three key explanatory factors are singled out: interests, identities and institutions. The latter is taken as a starting point for analysis. Drawing on a historical institutionalist theory, it explores the CFSP institutionalisation and examines how the development of institutions, path dependency, unintended consequences, learning and socialisation have affected CFSP coherence and effectiveness over time. Furthermore, it aims to find out whether changes in institutions have facilitated convergence of Member States' interests regarding EU policy towards BiH, as well as the development of the EU's broader international role.

The thesis then proceeds to investigate CFSP activities in BiH, analysing coherence and effectiveness in eight case studies. It concludes that CFSP institutionalisation has partially increased levels of effectiveness over the period 1991-2006. As for coherence, greater institutionalisation has resulted in some problems of coherence in the short term, but learning has been a significant factor correcting these in the medium and long term. While path dependency has resulted in problems of coherence and effectiveness, socialisation processes have been important in facilitating consensus among the Member States. Finally, CFSP institutionalisation is seen as having had an impact on the EU's international role moving it from a civilian to a normative power, willing to resort to military instruments when necessary.

KEY WORDS: EUROPEAN UNION, COMMON FOREIGN AND SECURITY POLICY, COHERENCE, EFFECTIVENESS, BOSNIA AND HERZEGOVINA, EUROPEAN SECURITY.

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This is the hour of Europe, not the hour of the Americans.

Jacques Poos, former Luxembourg Foreign Minister (Financial Times, 1991a)

The Community stepped into the jungle of Yugoslav politics, armed not with a machete but only a penknife.

Mihailo Crnobrnja, Yugoslavia's last ambassador to the EC (cited in Buchan, 1993: 68)

Everyone wants co-ordination, but no one wants to be co-ordinated.

(Interview 46)

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MAPS

Socialist Federal Republic of Yugoslavia (1945-1991)



Source: <http://www.lib.utexas.edu/maps/> [last access 5 January 2007]

Western Balkans (until May 2006)



Source: <http://www.fco.gov.uk> [last access 5 January 2007]

Bosnia and Herzegovina (2006)



Source: <http://www.lib.utexas.edu/maps/> [last access 5 January 2007]

LIST OF ABBREVIATIONS

BiH	Bosnia and Herzegovina
CFSP	Common Foreign and Security Policy
CIVCOM	Committee on the Civilian Aspects of Crisis Management
CJTF	Combined Joint Task Force
COTRA	Transatlantic Relations Working Group
COWEB	Western Balkans Working Group
COEST	Eastern Europe and Central Asia Working Group
COREPER	Committee of Permanent Representatives
DG E	Direction-Generale External Relations
EC	European Community
ECHO	European Community Humanitarian Office
EDA	European Defence Agency
EFP	European Foreign Policy
EMU	European Monetary Union
EPC	European Political Cooperation
ESDI	European Security and Defence Identity
ESDP	European Security and Defence Policy
EU	European Union
EUFOR	European Union Force in Bosnia and Herzegovina
EUMC	European Union Military Committee
ECMM/EUMM	European Community/European Union Monitoring Mission
EUMS	European Union Military Staff
EUPM	European Union Police Mission
EUSR	European Union Special Representative
FYROM	Former Yugoslav Republic of Macedonia
FPA	Foreign Policy Analysis
GAC	General Affairs Council
GAERC	General Affairs and External Relations Council
HR/SG	High Representative for CFSP/Secretary-General of the Council of the European Union
ICTY	International Criminal Tribunal for the former Yugoslavia
IGC	Intergovernmental Conference
IFOR	Implementation Force

IPTF	International Police Task Force
IPU	Integrated Police Unit
JHA	Justice and Home Affairs
JNA	Yugoslav National Army
LOT	Liaison and Observation Team
KFOR	Kosovo Force
MFA	Ministry of Foreign Affairs
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
OHR	Office of the High Representative in BiH
OSCE	Organisation for Security and Cooperation in Europe
PfP	Partnership for Peace
PIC	Peace Implementation Council
PMG	Political-Military Group
PoCo	Political Committee
PSC	Political and Security Committee
QMV	Qualified Majority Voting
RRF	Rapid Reaction Force
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SFOR	Stabilisation Force
SEA	Single European Act
SitCen	Joint Situation Centre
TEU	Treaty of the European Union
ToM	Treaty of Maastricht
UK	United Kingdom
UN	United Nations
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
US	United States of America
WEU	Western European Union

INTRODUCTION

In June 1991, just days before the war in Slovenia broke out, the Luxembourg Foreign Minister Jacques Poos famously proclaimed that the ‘hour of Europe’ had come and that the European Community (EC) could handle a crisis in its backyard on its own.¹ In the post-Cold War context, alongside a process of redefinition of the main Western security institutions, the EC was certainly expected to become a global actor. This rhetoric was not, however, matched by decisive EC intervention in former Yugoslavia, and many voices were raised to condemn the paralysis of the nascent Common Foreign and Security Policy (CFSP). In response to these criticisms, the European Union (EU) has undergone changes in its external action by both enhancing the Common Foreign and Security Policy – including its European Security and Defence Policy (ESDP) – and boosting its economic presence on the world stage through its trade and development policies. However, problems of incoherence and ineffectiveness still hamstring EU external action.

This thesis is problem-driven research in the sense that it addresses a real-world problem, namely the coherence and effectiveness of EU external action as identified in political debates and academic literature. CFSP has been described as a ‘failure’, a ‘misnomer’, in a ‘state of paralysis’, ‘uncommon’, ‘incoherent’ and ‘ineffective’ (see European Commission, 1995; European Parliament, 1996; Gordon, 1997/1998; Peterson and Sjørnsen, 1998; Zielonka, 1998a; 1998b).² This thesis argues that these claims cannot and should not be taken at a face value, and this for several reasons. First, extant analyses are often conceptually flawed and/or are not backed up by detailed empirical evidence. Any evaluation of EU external action ought to rest on a sound conceptual basis and specify which ‘reality’ constitutes the focus of analysis. In this respect, this thesis provides a working definition of coherence and effectiveness and its analysis concentrates on one component of EU external action, the CFSP. Second, despite continuous references by academics and policy-makers to these issues, a systematic exploration of the factors behind the aforementioned problems is still lacking. The thesis aims to fill this gap and to provide a theory-based explanation of problems of CFSP

¹ When reference is made in an historical context prior to the entry into force of the TEU, the term used is European Community (EC). For references after 1 November 1993, the term used is European Union (EU).

² For more on these debates on coherence and effectiveness, see Chapter 1.

coherence and effectiveness. In order to do so, it focuses on the EU's intervention in Bosnia and Herzegovina (BiH) during the period 1991-2006.

The primary goal of this thesis is to contribute to a better understanding of CFSP activities in BiH. What factors, more specifically, explain the different degrees of CFSP coherence and effectiveness here? On this basis, the thesis is concerned with two intertwined questions. First, to what extent has the EU been able to speak with one voice in the case of BiH, or, what degree of *coherence* has it achieved? Second, to what extent has the EU been able to achieve its external action's objectives in the case of BiH, or, how *effective* has it been? Related to this, the research presented here aims to identify those factors which determine different degrees of CFSP coherence and effectiveness. In other words, the thesis is not only concerned with *how well* CFSP works, but also about *why* it either fails or succeeds. Moreover, the case of EU engagement in BiH will serve to explore in more detail the evolution of EU external action in recent years (1991-2006), trying to disentangle the specificity of CFSP mechanisms, policies and outcomes.

The thesis makes use of historical institutionalist theory, which, it is argued, is useful in assessing the most important factors in CFSP institutionalisation processes. The focus in this regard will be the development of bureaucratic organisations, formal institutional rules and informal practices. It is argued that 'institutions matter' and that concentrating on institutions explains different degrees of CFSP coherence and effectiveness over time.

The claim to originality of this thesis lies in three main areas. The first lies in the definition and application of the concepts of coherence and effectiveness to an empirical case study. The thesis offers clear definitions and criteria to operationalise these two variables, avoiding inaccurate judgements about CFSP failure/success and the snapshot analyses that have dominated in the literature to date. It aims to offer a better understanding of the factors behind CFSP coherence and effectiveness, and in this way, this thesis moves 'beyond establishing the existence of EFP [European foreign policy] to assessing its outcomes' and contributes to a narrowing of the theoretical capability-expectation gap in this area of the literature (Ginsberg: 1999: 429).

Second, drawing on historical institutionalist theory, it explores the CFSP institutionalisation process focusing on a particular example, analytically divided into

several mini-case studies. By so doing, it provides rich empirical data about the development of the CFSP towards BiH and investigates in depth the impact of several factors stemming from the CFSP institutionalisation process: path dependency, unintended consequences, learning and socialisation. Third, the thesis has a policy relevance. It examines (1) the links between the design of institutions and their performance in practice; and (2) the interaction between two levels of the policy-making process: those concerned with decision-making and with implementation.

THE TIME PERIOD AND THE CASE STUDY SELECTED

The thesis is concerned with CFSP institutionalisation during the period from the signing of the Maastricht Treaty in 1991 to the end of 2006. While European Political Cooperation (EPC) had already established an informal network for the coordination of Member States' foreign policies in the 1970s, the ratification of the TEU can be seen as a 'turning point', bringing to life 'new patterns for development in foreign and security policy' (Sjursen: 2001, 190). Moreover, 1991 is the year that marks the end of the Yugoslav Federation and the beginning of the war that ravaged BiH from 1992 to 1995. The cut-off for this thesis is 2006. The sixteen year period analysed by this thesis covers not only different phases of the conflict in the Balkans, from open war to post-conflict stabilisation, and towards closer integration with the EU; but it also analyses the evolution of EU external action, including later developments such as the nascent ESDP. Originally, this cut-off date was intended to cover the ratification and early stages in the implementation of the Constitutional Treaty; however, thus far, this process remains at a standstill (see Chapter 3). The empirical evidence is organised in three different periods from 1991 to 1995, from 1996 to 2000, and from 2001 to 2006, symbolising, in turn, different stages in EU external action in BiH: from an ineffective civilian power to an economic power without strategy to a normative power resorting to military instruments when required. The analysis focuses on eight mini-case studies or key CFSP initiatives and non-decisions during the selected time frame.

However, this long-term approach is not without problems. The main trade-off concerns a limitation in the scope of the thesis, one that is both functional and geographical in nature. First, the thesis will focus on one aspect of EU external action, the CFSP. Second, it will only look at the CFSP activities towards one country: BiH. Aware that a comparative study involving more cases would have increased the number of inferences

relevant to the initial hypotheses, constraints of time and space made such an approach unfeasible. It is argued, nonetheless, that a single case study provides adequate evidence in support of the initial hypothesis and that future comparative work can add depth to these initial findings.

Further, a focused analysis of the EU's extensive activities in BiH by itself provides rich empirical material for an understanding of the CFSP institutionalisation process and how this has affected levels of coherence and effectiveness over time. The EU's engagement in BiH can be considered as one of the most distinctive and dynamic features of its emerging external action. If in the early 1990s the crisis in BiH constituted one of the main challenges for the recently established CFSP, nowadays it has become a test-bed for new ESDP developments and continues to be a major focus of attention for policy-makers in Brussels. BiH was also where the EU first tried to introduce a comprehensive approach towards conflict management in line with the *European Security Strategy* (see, for instance, European Council, 2004). Throughout the period 1991-2006, the EU has deployed the full spectrum of instruments at its disposal in BiH, including political tools like conflict mediation, economic carrots (humanitarian aid and long term economic assistance), and military instruments (police and peace-keeping missions), in the process becoming a key security actor in the country. Furthermore, the EU has offered the prospect of membership to BiH as a way to promote stability in this war-torn country.

It can also be argued that the case of BiH constitutes a 'hard case' for EU external action since, for most of the period analysed, it involved crisis management by contrast to 'normal' external activities as conducted with third countries which enjoy a situation of peace and stability. While it is true that the crisis situation and the outbreak of armed conflict posed particular problems for a system of external action that was mainly civilian in nature, the conclusions drawn from the Bosnian experience demonstrate that the institutional variables outlined in this study (including socialisation of policy-makers) can operate even under these 'exceptional' conditions, where the existence of sensitive security interests might have predicted otherwise.

That said, the case of BiH is, however exceptional in some respects when compared to other cases/regions such as the Middle East or the Caucasus. Not only because specific ethnic, religious, economic and political factors make this case a unique one, but also

because the prospect of membership offered to the Western Balkans has transformed the dynamics in EU-Bosnian relationships. The offer of membership involves a considerable commitment on the part of the EU towards the prospective candidates and at the same time, constitutes one of the most effective instruments at the EU's disposal to promote changes in these countries. This factor has to be borne in mind when analysing coherence and effectiveness of EU external activities in BiH because the conclusion might have been slightly different had another case been selected.

Finally, it is worth noting that the thesis does not engage with issues such as the causes of the war in BiH. Neither does it deal in detail with the political system established by virtue of the Dayton Agreement, nor with certain issues involved in the implementation of that agreement. Comment on these questions may be occasionally necessary but other works have already analysed these questions in depth (Chandler, 2005b; Gow, 1997; Little and Silber, 1995; Woodward, 1995). The thesis instead deals with the conflict in BiH from the perspective of EU external action, discussing its coherence, effectiveness and capabilities, focusing on the EU's internal decision-making process, and the implementation of its policies.

METHODOLOGY

This thesis relies on several types of primary documentary sources, comprised mainly of EU official documents, and also utilises the rich secondary literature on EU external action in BiH and the EU's role as a global actor (see Box I). Primary sources are important for two reasons. First, because of the nature of this research, which covers security and defence issues, a policy area characterized by confidentiality and secrecy. Second, because many of the CFSP activities examined in this thesis have only recently been launched and consequently secondary literature is largely unavailable. Documentary sources are complemented by an online survey and semi-structured interviews with practitioners and other experts involved in the decision-making and implementation of the CFSP policies.

Box I: Documentary Sources

Primary sources:

- EU Treaties
- EU Joint actions, common positions, declarations and démarches
- Other legislative and official documents from other international organisations and countries (UNSC Resolutions, PIC Statements, OHR statements).
- Official statistics
- Internal reports
- Speeches
- Press releases
- Articles and autobiographies of policy-makers

Secondary sources:

- Scholarly journals and books
- Articles and contributions to collective books
- PhD theses
- Newspaper articles

Some methodological comments are in order concerning the online survey and the interviews. As far as the former is concerned, in the spring and autumn 2005, a questionnaire was sent to Member State representatives to the CFSP Council working groups and other committees (see Appendix I). The survey sought to garner information about general patterns of cooperation and negotiation within the CFSP framework and the impact of institutional developments on coherence and effectiveness. In general, the survey explored questions about attitudes and behavioural patterns of the national representatives to the Council working groups. It also allowed an investigation of lengthy and detailed issues difficult to cover in an interview without running the risk of transforming the meeting into a very tedious exercise (e.g. by listing all the institutions that might have improved coherence and effectiveness). In other cases, the questions in the survey served as an initial exploration of issues that were further elaborated during the interviews themselves (issues such as the general tendency in CFSP to compromise or to share information).

The questionnaire was sent by e-mail (with a link to the web page) and also handed in person to around 70 individuals. The response rate was 40 per cent (28 answers). Non-respondents were in general from the small and new Member States.³ The questionnaire included yes/no questions; questions where the respondents had to indicate one out of

³ These representatives often have to attend several working groups simultaneously, and in many cases, do not feel as obliged to cooperate with researchers as representatives from the more established Member States (especially from Germany, UK and the Nordic countries).

several alternatives; and questions where they could choose several alternatives. There were also questions that asked respondents to choose a numeric category (e.g. from 1 to 4), some open questions, and text boxes in which to add comments. The questionnaire therefore constituted a type of short, structured interview where there was no contact between the interviewee and the interviewer. The data gathered by the questionnaire, once processed, was of a quantitative nature and allowed for (limited) predictions – qualified by the reduced number of respondents.

Although this quantitative data is arguably more superficial than the material gathered through qualitative in-depth interviews, it does provide a useful and informative complement. The in-depth interviews themselves minimised other problems that could have arisen from the use of the questionnaire alone. Thus, elite interviews allowed for the exploration of the influence of the social and political context (such as the influence of ‘Brusselisation’ and socialisation, the impact of the No vote at the Constitutional referendum and the relevance of enlargement fatigue in the relationship between the EU and BiH). In addition, interviews lessened some of the rigidities stemming from the selection of the survey’s questions/answers by allowing the interviewee to speak freely on a particular subject with his/her own words.

In-depth interviews were carried out with 54 people, including EU officials (Commission and Council Secretariat officials); national representatives to several Council working groups and committees; EU personnel in BiH from the Commission Delegation, EUPM, EUFOR, EUMM and the EUSR; and Bosnian officials (see Appendix II). Contacting people for interviews was easier than expected, particularly when compared to getting diplomats to fill in the online survey. Many interviewees were willing to share their views about the EU’s role in BiH and about the development of the CFSP more generally. Once contact was made with one key person in an organisation, or a ‘gatekeeper’, it was easy to access other people in the same or other organisations. Most of the interviews were recorded, with only a few cases arising in which interviewees objected to this method. Recorded material ensured accuracy, but on some occasions it came at the cost of limiting the information given by the interviewee. The interviews followed a script previously sent to the interviewee by e-mail together with a Declaration of confidentiality (see Appendix III). The semi-structured nature of the interview meant that the number of topics to be covered during the interview was chosen beforehand. The order of questions, however, was not fixed in advance, and it

depended on how the conversation developed. The script contained a number of open-ended questions that allowed the interviewee to talk at length and express his/her views and motivations. The flexible nature of the interview allowed for the raising of additional questions when necessary. There were also opportunities for various 'forms of probing' to ask the interviewees to elaborate on what they had just said (Devine, 2002: 198).

Because of the sensitive nature of security and defence issues, interviews in this case fulfilled three aims. First, they allowed one to gather information that otherwise would have been difficult to access (secret documents, closed discussions and meetings). Second, they allowed for the assessment of the impact of perceptions, norms and shared practices on EU policy-making. During the interviews, the body language also gave clues about the role and personality of the interviewee. Finally, since many interviews were held at the working place of the interviewees, this allowed for observation of the working environments of EU institutions and ESDP operations. For example, some interviews were conducted in the Commission and Council Secretariat premises (the Police Unit, the Civ/Mil Cell, DG VIII), the EU Cell in SHAPE-NATO, the Headquarters of EUPM and EUFOR and other EU agencies in Sarajevo.

Even though some social scientists may be critical towards qualitative research methods, especially because they are not replicable and it is difficult to generalise from them (Devine, 2002: 204) – here they are considered a valuable technique. Semi-structured interviews allowed the interviewees to speak at length and for themselves about how decision-making takes place in Brussels. Elite interviews thus constitute a flexible technique to explore attitudes, motivations and perceptions. Ideas of consensus-building, trust or credibility are phenomena that cannot be grasped adequately by quantitative measures alone. In any case, what is important is how these phenomena are perceived and interpreted by policy-makers in order to better identify the impact of socialisation and learning processes within CFSP institutions. These benefits notwithstanding, elite interviews also presented certain drawbacks. These can be summarised as follows: it is difficult to access officials working on these issues; often, officials do not agree to be quoted with their names; accounts obtained from interviews are less detailed than what one might get from official documentation; and finally, officials may introduce some bias or mistakes into their accounts. Another specific problem encountered in this research was that it was very difficult to contact people

working on EU-Bosnian relations during the 1990s because of the high rotation levels in the EU policy-making bodies.

By using several data-collection methods (survey, interviews and documentary analysis), it was possible to contrast and cross-check the information gathered by these different methods, allowing for a more accurate account. The next section summarises the content of the thesis and the main arguments discussed in each of the following chapters.

THESIS OUTLINE

The **first chapter** engages with conceptual issues, defines EU external action, coherence and effectiveness, introduces the main CFSP instruments and actors and summarises the political and academic debate over coherence and effectiveness in the context of EU external action. Three main variables have been singled out as potential explanatory factors for problems of coherence and effectiveness affecting EU external action: institutions, interests and identities (the so-called three I's). **Chapter 2** provides a detailed theoretical analysis of the three I's and explains the choice of a historical institutionalist approach. It also presents some of the main factors highlighted by historical institutionalism: path dependency, unintended consequences, learning and socialisation. This approach is applied to the process of CFSP institutionalisation in **Chapter 3**. The first part of this chapter illustrates increasing levels of CFSP institutionalisation by looking at three types of CFSP institutions, that is, bureaucratic organisations, formal rules and practices. Then the second part of the chapter elaborates more on the CFSP institutionalisation process from a historical institutionalist perspective, identifying how factors such as path dependency, learning or unintended consequences have led to an increasing Brusselisation of CFSP.

Chapters 4, 5 and 6 entail the application of the theoretical framework to an empirical case. Here, three periods in the EU's activities in BiH are presented: the intervention of the EU during the war period (1991-1995); EU post-conflict activities during the years 1996-2000 and finally, the most recent CFSP/ESDP developments in BiH from 2001 to 2006. Each chapter is in turn divided into two or three mini case studies or initiatives carried out by the EU during the period analysed – for instance, the EC Peace Conference in 1991-1992 or the appointment of an EU Special Representative in 2002.

The empirical cases first analyse degrees of coherence and effectiveness at both the decision-making level and the implementation level and then try to link different degrees of coherence and effectiveness with the state of CFSP institutionalisation. In sum, the thesis runs as a ladder, with every chapter providing a step towards the **Conclusion**, which summarises the findings and further reflects on the explanatory power of the theoretical framework and on certain normative implications stemming from the thesis.

CHAPTER 1

Coherence and effectiveness of EU external action:

The debate and conceptual definitions

The European Union has made progress towards a *coherent* foreign policy and *effective* crisis management [...] But if we are to make a contribution that matches our potential, we need to be *more active, more coherent* and *more capable*. And we need to work with others.

European Security Strategy (European Council, 2003b: 11, emphasis added).

1.1. INTRODUCTION

The current ongoing political and academic debate illustrates the existence of rising concerns about problems of coherence and effectiveness that affect EU external action in general, and CFSP in particular. These concerns have been confirmed on the ground by numerous failures since the foundation of CFSP. According to external observers, from the Yugoslav wars to the Iraq crisis, the EU has been manifestly incoherent and ineffective in responding to international events. Moreover, the subsequent reforms affecting CFSP aimed, to a great extent, at improving CFSP performance, that is, its effectiveness and coherence. Despite the abundant debate surrounding these issues, the broader conceptual and theoretical implications have hitherto been neglected. For instance, although effectiveness has become a buzzword in the EU's jargon, there has been no serious attempt to define what is meant by this term or to theorise the variables that impinge upon it. The aim of this thesis is to fill the gap in this area of knowledge and to provide a theory-based explanation of the problem.

This chapter introduces the *problematique* and some key definitions in order to draw the boundaries of the research. The chapter starts with a brief description of the actors and instruments of CFSP. Then the subsequent section deals with definitions of coherence and effectiveness. After distinguishing coherence from consistency, an operational concept of the former is proposed. Different categories of coherence are also identified. As for effectiveness, a concept that has received little academic attention so far, a comprehensive definition is suggested here, trying to keep away

from categorical assessments of the CFSP. Effectiveness is better conceived in terms of scale, distinguishing different degrees of effectiveness in practice.

The second part of this chapter explores some of the recent debates on effectiveness and coherence that have taken place among policy-makers and scholars. The account presented here points to the existence of diverse views on these problems amongst different actors according to the dimension(s) of EU external action taken as a baseline for the analysis. One of the purposes of this thesis is to make sense of these discussions and to theoretically explain the main factor(s) that determine different degrees of CFSP coherence and effectiveness. This chapter advances some possible explanatory factors explicitly or implicitly mentioned in the political and academic debate: institutions, interests and identities (the so-called three I's). Observers have criticised inappropriate institutional arrangements as causes of incoherent and ineffective policies. Divergent (material and geopolitical) interests between Member States are said also to be at the root of problems of (in)coherence and (in)effectiveness. Finally, many academics have suggested that the lack of a common European identity, usually understood as superseding Member States' identities, might explain low degrees of coherence and effectiveness. The three I's are developed in more detail in Chapter 2, where they are linked to broader theoretical debates.

1.2. THE COMMON FOREIGN AND SECURITY POLICY

1.2.1. CFSP as a component of EU external action

Before analysing CFSP in detail, it is necessary to contextualise it within the broader framework of EU external action. By EU external action, this study refers to the whole array of *purposive* activities of the Union in relation to the outside world.⁴ The EU external action has a cross-pillar dimension and includes different components: trade policy, development cooperation policy, CFSP and the external dimension of Justice and Home Affairs (JHA). Article 3 of the Treaty on European Union (TEU) refers to

⁴ When using the term 'external action', one should be careful to avoid confusions with the term 'external relations'. External relations refer to the whole of external activities of one state with third states. However, this set of activities is not co-ordinated, not purposive (purposive in the sense of aiming at some specific objectives fixed beforehand). 'External relations' is also the term used within the EU to refer to the Commission's external activities, traditionally, first pillar activities (trade and development), but nowadays, including activities from all the three pillars.

the following range of EU external activities: 'external relations, security, economic and development policies'. EU external action can also be conceived as a system embracing three parallel subsystems of foreign policy: national foreign policies defined within the CFSP framework, the CFSP (or the Union's foreign policy) and the Community's external relations (White, 2001).

Traditionally, this complex of activities has been analysed under the label of European foreign policy (EFP). For Christopher Hill, EFP in a strict sense encompasses 'the ensemble of international activities of the European Union alone, albeit including outputs from all three of the EU's pillars, and not just that relating to the CFSP' (2002: 3). Thus when considering EFP one should avoid regarding it simply as the aggregation of Member States' foreign policies. In other words, one cannot deny that some degree of coherent and purposive action has been achieved, to the extent that one can distinguish an EU foreign policy from those of the Member States. Although the EU does not possess all the attributes of a 'traditional foreign policy', it has the capacities and the instruments to formulate and implement coherent and purposive actions worldwide.

Whatever the merits of regarding the EU as having a foreign policy of sorts, throughout the thesis the term 'EU external action' is preferred to EFP. This is in order to avoid some common mistakes or confusions, traditionally associated with the latter. Examples of this include the following:

- A terminological confusion between 'European' foreign policy (i.e. the foreign policy of non-member European states + foreign policy of the Member States + CFSP + European Community external action) and the EU foreign policy (the co-ordination of Member States' foreign policies within the Union framework plus the external dimension of communitarian policies).
- A conflation of the CFSP with EFP, that has often led to a reduction of EU external action to diplomatic and security issues (Smith, H., 2002: 8). External action includes more than the CFSP. The rest of the components of EU external action (trade, development and some aspects of JHA) are also 'proper' foreign policy.
- Misleading associations with 'traditional' approaches to national foreign policy. Foreign policy has been conventionally wedded to states,

governmental activities and national interest.⁵ Brian White defines foreign policy as ‘the governmental activity which is concerned with relationships between the state and other actors, particularly other states, in the international system’ (White, 1989: 1). In the same vein, Webber and Smith (2002: 2) define foreign policy as an exclusive attribute of states, in other words,

Foreign policy is composed of the goals sought, values set, decisions made and actions taken by states, and national governments acting on their behalf, in the context of the external relations of national societies. It constitutes an attempt to design, manage and control the foreign relations of national societies.

In this light, a typical objection to the concept of EU external action might refer to the lack of state-like attributes that prevent the Union from realising unitary action. The fact that the EU does not have a centralised authority with a single executive and military capacity, has been the focus of a number of criticisms (Smith, H., 2002: 1-7; Allen, 1998). Moreover, the question of whether one can identify a genuine ‘European interest’ and which body is responsible for defining it, is difficult to elucidate due to the complexity and decentralisation of its structures (Allen, 1996; 1998).⁶ The EU hardly possesses the features that Webber and Smith associated with foreign policy (2002: 2-3). Nevertheless, one could argue that it does exhibit two key elements: ‘definition of foreign policy in terms of goals, values and decisions’, and foreign policy involving ‘tasks of design, management and control’ (ibid.), even if they are the result of the interactions among different bodies and levels of decision-making. Having clarified the concept of EU external action, the following section takes up the discussion of one of its components, the CFSP.

⁵ Richard Whitman (1998) uses the term ‘international identity’ instead of EFP to avoid a concept that has been traditionally associated with state’s images.

⁶ However, other authors have argued that it is possible to identify a genuine ‘European interest’ (Ginsberg, 1999; Smith, H., 2002).

1.2.2. A functional focus on the CFSP

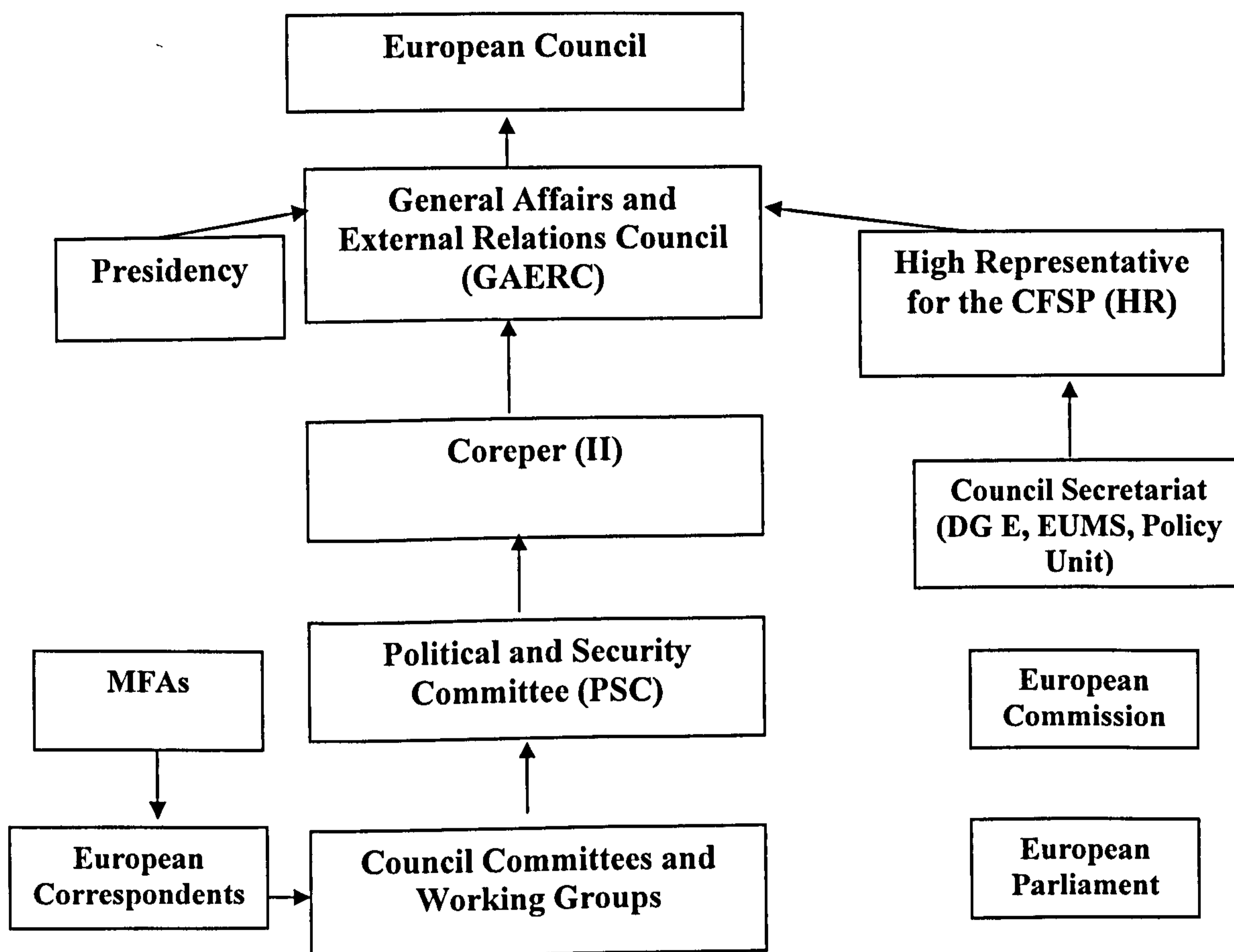
Analysing all the dimensions of EU external action allows for a comprehensive review of the EU's role in the world scene. It offers a more balanced picture of the EU system because it takes into account the activities of both the Community pillar – highly supranational, decided by qualified majority voting (QMV), allowing for a strong role of the Commission and the European Parliament – and the intergovernmental pillars (CFSP and JHA) characterised by the use of unanimity, strong control by the Member States, and only a limited role for supranational actors. However, limitations of space and time oblige this research to circumscribe the object of study in functional terms. Notwithstanding the qualifications noted above, it concentrates on one component of EU external action, namely, CFSP. Problems of coherence and effectiveness are present in all components of EU external action, but they seem more pressing within the CFSP pillar, something which justifies a primary focus on this dimension. This thesis will consider whether these perceptions are well-founded and what factors give rise to this situation.

In spite of this narrowing of focus, the results of the empirical research ought, ideally, to be of relevance to understanding problems which affect the whole of EU external action. This study thus argues that levels of coherence and effectiveness within the CFSP might affect and/or reflect levels of coherence and effectiveness in other components of EU external action, and that some of the theoretical tools used to analyse the institutionalisation of the CFSP could also be applied to EU external action as a whole. Before moving to definitional issues, the following sections aim to reacquaint the reader with the key actors and instruments of the CFSP.

CFSP actors

The main actors taking part in the decision-making and implementation of the CFSP are intergovernmental in character. The Member States dominate the agenda-setting and retain a veto power in the decision-making process given that unanimity is still the rule within CFSP, and QMV the exception. The Member States also play an important role in the implementation of the CFSP decisions. Having said that, it has to be noted that Ministries of Foreign Affairs (MFAs) have increasingly been displaced from the core of the process by the intergovernmental bodies located in Brussels, through a so-called 'Brusselisation' process (see Chapter 3).

Figure 1.1. CFSP actors



At the top of the CFSP structure (see Figure 1.1), the European Council is composed of the Heads of State and Government who meet at least twice per year. This is the body responsible for establishing the general guidelines of the CFSP and the overall political direction of the EU, adopting decisions by consensus. The General Affairs and External Relations Council (GAERC) is the body actually in charge of the day-to-day working of CFSP matters and the main decision-making body.⁷ This forum gathers together the Foreign Affairs Ministers. According to a pre-established rotating turn, each Member State holds the Presidency of the Council for six months. The Presidency has an important role in organising the daily activities of the EU. It is supported in its tasks by the Council Secretariat and usually works closely with the High Representative (HR) and the Commission. The Presidency chairs the Council meetings and, as a *primus inter pares*, facilitates compromises. It is explicitly responsible for the implementation of decisions and for representing the EU's position in international forums. Its role in EU

⁷ Previously known as the General Affairs Council (GAC), it was reformed in 2002 by taking over the responsibilities of the Development Council. The formation of Defence Ministers can also meet under the umbrella of the GAERC.

external representation is accomplished within the Troika, composed of the Presidency, the Commissioner for External Relations and the HR.

The Political Committee (PoCo), in place since the 1970s with the establishment of the EPC, and institutionalised with the Maastricht Treaty (1993), is composed of the Political Directors from the MFAs. It was the original body entrusted with responsibility for preparing EPC issues for the Council. However, the Political and Security Committee (PSC) is now responsible for these tasks and, after the entry into force of the Nice Treaty (1 February 2003), PoCo's role has been reduced to a symbolic one. Established as a consequence of the development of the ESDP, the PSC is in charge of monitoring the international situation and helping define policies and strategies in CFSP areas, as well as being responsible for the follow-up of CFSP implementation. It also has responsibility for the political direction and strategic control of EU crisis management operations. At a lower level, the European Correspondents are in charge of the co-ordination and communication between national foreign ministries. The contacts among national capitals are maintained through a telex system, often known as COREU.⁸

Another body involved in the decision-making process, preparing the decisions for the Council, is the Committee of Permanent Representatives, better known as COREPER. In fact, it is more accurate to talk about two formations within COREPER: COREPER I, dealing with European Community (EC) issues, and COREPER II dealing mainly with external relations. The first is made up of deputy ambassadors, and the second of permanent representatives, with ambassadorial status. Below these committees, the role of the Council working groups is to discuss and draft CFSP documents (Joint Actions, Council Conclusions and Action Plans). Currently, there are thirty-six working groups dealing with CFSP issues and these follow thematic or geographical lines. Two specialist working groups can be added: the Nicolaidis Group and the Antici Group, in charge of preparing the agenda of the PSC and COREPER II, respectively. Finally, the CFSP Counsellors are in charge of ensuring horizontal co-ordination between CFSP and Community matters. With the development of the ESDP, two new committees have been established, dealing with the military (EU Military Committee or EUMC) and the

⁸ COREU was the abbreviation of the first telex system named 'Correspondence Européenne', which was then replaced by the COREU Terminal System (CORTESY) in 1997. The single messages are often referred by policy-makers as Coreus.

civilian aspects of EU crisis management (Committee for Civilian Aspects of Crisis Management or CIVCOM).

The HR is charged with the task of assisting the Council regarding CFSP matters, 'in particular through contributing to the formulation, preparation and implementation of policy decisions' (Art. 26, TEU). The HR acts on behalf of the Council and conducts political dialogue with third parties and is also a member of the Troika. Under the responsibility of the HR, the Policy Planning and Early Warning Unit (hereafter Policy Unit) produces security assessments and policy papers for the Council. In the last few years, other bodies have been created within the Council Secretariat, such as the Military Staff of the European Union (EUMS), the Police Unit or the Civ/Mil Cell to support the formulation and implementation of the ESDP.

The Commission is fully associated to the CFSP activities. The Commission does not have an exclusive right of initiative in this area, but operates a shared right of initiative with the Presidency and the Member States. Its most important role has been the implementation of policies, sometimes together with the Member States. As far as the European Parliament is concerned, the Presidency has to consult the European Parliament on the main CFSP questions, take its position into consideration and keep it regularly informed. Yet the main role of the European Parliament involves the approval of the CFSP budget. According to the Treaties, the European Court of Justice does not have a formal role in the second pillar.

CFSP instruments

The CFSP has no instruments in the strict sense of the word, apart from the declaratory-political ones (*démarches*, common positions, political dialogues, and so forth). The more 'operational' instruments (economic or military ones) are provided by the EC pillar or by the Member States. In these cases, even if the decision is taken within the context of the CFSP, it is implemented through other channels. This section follows Karen Smith's catalogue of instruments that can be used in the framework of the CFSP (1998 and 2003: 60-64). In the first place, the EU has at its disposal a range of diplomatic instruments. These include the following:

- *démarches*
- declarations/statements and common positions
- high-level visits (by the Presidency, the High Representative or the troika)

- activities in other international organisations: joint support of resolutions in the context of the UN or the OSCE.
- diplomatic sanctions.
- diplomatic recognition.
- political dialogue (bilateral or regional).
- making peace proposals.
- sending special envoys.
- sponsoring peace conferences.
- sending cease-fire monitors.
- administering a foreign city.
- sending election observers.
- sending civilian experts (including civil servants, lawyers, judges).
- imposing arms embargoes.

Second, military instruments have become increasingly relevant as the EU progressively builds its military capacity. At the Helsinki Council (December 1999), the Member States decided on the creation of a Rapid Reaction Force (RRF) to put the Petersberg tasks into practice.⁹ They also agreed to have a specific number of military and civilian personnel, including police officers, civilian experts, and judges at the EU's disposal.¹⁰ The Headline Goal 2010 agreed in 2004 aims at further enhancing the EU's military capacities and a Battlegroup Concept has been developed. Currently (March 2006), the EU has eight ESDP operations on the ground, plus an EU Border Assistance Mission to Moldova and Ukraine, in cooperation with the Commission. Seven operations have been completed and a possible rule of law operation to Kosovo and a police mission to Afghanistan are in the planning phase.¹¹

Finally, the EU also uses economic instruments within the framework of the CFSP. Most of the EU's economic instruments, and particularly the 'carrots', are deployed as EC instruments under the first pillar (trade, financial assistance, technical, cultural and other forms of cooperation), even if they can be complementary to wider CFSP

⁹ The RRF consists of a militarily self-sustaining force of 15 brigades (50,000-60,000 persons), capable of full deployment within 60 days, sustainable for at least one year and with appropriate air and naval support.

¹⁰ At the Feira Council in June 2000, the Member States agreed to commit up to 5000 civilian police officers for civilian crisis management operations, as well as to create a Rapid Reaction Mechanism to enable emergency civilian aid to be available to help stabilise crises. The objective was to be able to deploy up to 1000 police officers within 30 days for crisis situations.

¹¹ For more on this, see ESDP website:

<http://www.consilium.europa.eu/showPage.asp?id=268&lang=en&mode=g>

strategies. As Karen Smith (2003: 64) notes, offering EU membership could also be considered a CFSP instrument, in the sense that it can serve political objectives, although it falls under the Community or first pillar. The fact that the CFSP pillar is able to utilise the economic strength of the EU via the EC pillar (Nugent, 2003: 423) makes the distinction between EC and CFSP instruments increasingly blurred, particularly when EC instruments are used for highly politicised purposes. Negative economic instruments (the 'sticks'), however, have usually been imposed following an EPC/CFSP decision. Sanctions would have to be agreed within the EPC/CFSP framework and then implemented with EC instruments. Nevertheless, it is worth noting that the EU can only impose effective economic sanctions in the area of treaty-based trade issues. In other cases (national development policies or investment flows), the Member States have to implement the decision (Smith, H., 2002: 116). Hence even though the EU can rely on an ample variety of instruments at its disposal, it is still very dependent on the Member States when it comes to the implementation of the CFSP.

1.3. DEFINITION OF COHERENCE AND EFFECTIVENESS

This section defines the concepts of coherence and effectiveness, establishing different categories to be used in the cases studies of Chapters 4, 5 and 6. In order to do so, this section relies on legal, public policy and European studies literature.

1.3.1. Coherence

The lack of coherence within Union activities has long been criticised, especially since the establishment of the tri-pillar structure under the Maastricht Treaty. The complexity of the institutional framework of the Union has made it hard to develop a coherent external action. However, problems regarding conflicting external policies and the lack of co-ordination of internal bureaucracies are not exclusive to EU external action. Even the most centralised governments in the world are unable or unwilling to solve these problems (see Allison and Zelikow, 1999). This does not mean that they should be neglected. In the light of the visibility, volume, and scope of the EU's external activities in the world, and even more after the enlargement to Central and Eastern Europe, it is important to pay attention to the performance of its external action, and in particular, to the CFSP.

Although referred to by many academics as ‘consistency’ (Krenzler and Schneider, 1997; Nuttall, 2001; 2005), to assess and critically evaluate the CFSP, this study employs the term ‘coherence’ for several reasons, which will be discussed below. Both theoretical and political definitions of coherence are examined. Special consideration is given to the definition of an operational concept of coherence. Moreover, this section identifies the main types of coherence that can be observed in the CFSP: horizontal, institutional, vertical and internal.

Coherence or consistency?

For the purposes of this thesis, the concept of ‘coherence’ is used to analyse the performance of the CFSP. That said, the term ‘consistency’ also has a status in the TEU. In its English version, this term is used in preference to coherence, although it should be noted that there is reference to coherence in the context of enhanced cooperation (Art. 27a, TEU). In the other versions of the treaty, the term used is coherence: ‘cohérence’ for the French version, ‘kohärenz’ for the German version, ‘coherencia’ for the Spanish version, and so forth. The fact that these two terms can be found in different versions of the TEU leads to the question as to whether there is any difference between them, and if so, which term should be used in the context of the CFSP?

According to the *Oxford English Dictionary*, coherence means ‘the action or fact of sticking together and remaining united in arguments’, as well as ‘logical connection or relation; congruity, consistency. Harmonious connexion of the several parts, so that the whole “hangs together”’ (Simpson and Weiner, 1989, Vol. III: 449). On the other hand consistency implies ‘the quality, state or fact of being consistent; agreement, harmony, compatibility’ (ibid.: 773). Therefore, in the normal sense of the words (colloquial language), there is no substantive difference between these two terms and they could be used as synonymous.

However, numerous studies that have analysed the concept of coherence in legal terms maintain that there is a difference. For some authors, the two terms, even though related, have differences of meaning (Medina Abellán, 2002; Missiroli, 2001; Monar; 1997a; Tietje, 1997). In other words, the wording of the Treaty in the various official languages is somewhat confusing, but it is not insignificant. According to this literature, consistency implies the absence of contradictions and this concept has a

negative and static sense. For its part, coherence involves positive interactions, generating synergies between policies or institutions.¹² In other words, two policies would be coherent if they are mutually reinforcing. Ultimately, it means that it would be possible to distinguish different degrees of coherence (something can be more or less coherent), whereas consistency does not allow for such a distinction (it is either consistent or not). Furthermore, a relationship between consistency and coherence can be established, with the former being a necessary, but not sufficient condition for the latter (Medina Abellán, 2002: 3; Tietje, 1997: 212-213). Consistency would thus be a minimal requirement, while coherence would constitute a higher standard for the CFSP. Hence legal studies conclude that the English version of the TEU is misleading because what the EU has to achieve is coherence, not just consistency (Tietje, 1997).

From a political point of view, however, the distinction may appear less important.¹³ Usually, consistency and coherence have been used to articulate a similar concern. Both terms express the need for the EU to speak with one voice in the international scene through co-ordinated and unitary actions. The Member States should fulfil their international duties, acting in a coherent way within the Union (see European Council, 1993: 2). In official documents, coherence and consistency are used interchangeably, although in recent years, the term coherence has become increasingly privileged, as the discussions within the Council and the Convention have illustrated (see Presidency of the Council of the EU, 2001; European Commission, 2006; European Council, 2003b; European Convention, 2002).

In this light, this thesis takes the term coherence, to mean both consistency (minimal requirement) and coherence (a higher standard). However, it would be useful to bear in mind what was said regarding the legal distinction between consistency and coherence for this serves to introduce different degrees of coherence. On this basis, coherence is

¹² The term synergy refers to added value, in other words, the extra energy /power (in mechanical terms), or in this case, effectiveness, achieved by two or more people/institutions working together. In the *Oxford English Dictionary* it is defined as '[i]ncreased effectiveness, achievement, etc., produced as a result of combined action or cooperation' (Simpson and Weiner, 1989, Vol. XVII: 480).

¹³ EU official documents do not offer an explicit definition of coherence, although its meaning can be deduced from multiple allusions. Coherence does not only refer to lack of contradictions, but also involves a positive dimension, being considered in terms of synergies between policies and pillars. For instance, the Council proposed some measures to increase coherence in order to 'make better use of the collective means at the Union's disposal and improve the synergy between Community action and Member State action' (GAC, 2000). The European Convention also adopted a similar position, stating that 'the Union had to use all its instruments, political and economic alike, in a co-ordinated and mutually reinforcing manner' (European Convention, 2002: 16).

defined as the lack of contradictions between policies/institutions/instruments, plus a variable degree of synergy as a result of policies/institutions/instruments working together in order to achieve a common objective.

Measuring coherence can be a difficult task, and to assist matters a threefold distinction is proposed. This involves first negligible coherence, in other words the existence of contradictions between policies, institutions or the policies of the Union and the policies of the Member States. Over and above this, two degrees of coherence can be distinguished: minimal, in the case of absence of contradictions, but lacking synergies; and considerable when there are strong synergies as a result of policies and institutions working together towards a common purpose. In this case, policies converge to common goals, and make an efficient use of common instruments, having the activities in one sphere beneficial effects in other spheres. Box 1.1 summarises the three levels or degrees of coherence that will be considered when analysing CFSP activities.

Box 1.1. Degrees of coherence

Negligible coherence: contradictions among objectives, instruments or/and policies.

Minimal coherence: no contradictions among objectives, instruments or/and policies, but lack of synergies.

Considerable coherence: no contradictions + synergies (instruments, policies and objectives working together in order to pursue a common goal)

It is worth noting that coherence also involves complementarity and co-ordination, and for this reason, these two terms will be used sometimes to refer to specific aspects of coherence. Co-ordination implies the existence of institutional structures that facilitate communication and linkages between different actors (institutional bridges).¹⁴ Co-ordination would help to make policies, instruments and institutions work in an efficient and organized way. It can take place between EU institutions or between Member States and EU institutions (Duke, 1999b, 3). Complementarity, meanwhile,

¹⁴ Co-ordination can be defined as the 'harmonious combination of agents or functions towards the production of a result' (Simpson and Weiner, 1989, Vol. III: 898).

refers to the perfect ‘matching’ of different policies, instruments or institutions working together, each of them adding some useful skills and/or features to the whole.¹⁵ In official documents, the terms complementarity and co-ordination have also been used separately to refer to some aspects that this research includes under the general concept of coherence.¹⁶

A categorisation of coherence

In order to facilitate the assessment of coherence in practice, it is also interesting to discuss different categories. Two types of coherence have been often distinguished by scholars: horizontal coherence among EU policies, and vertical coherence among EU policies and the Member States’ policies (Smith, K.E., 2003, 65-67; Smith, M.E., 2004: 211; Tietje, 1997: 211). Nevertheless, according to Nuttall (2001; 2005), it would be better to establish a triple categorisation: horizontal, institutional, and vertical coherence. This study follows Nuttall’s typology, but adds a fourth category, that of internal coherence. Hence, one can distinguish the following types of coherence:

- **Horizontal coherence** or coherence between different EU policies. The TEU refers to this type of coherence in Article 3: ‘consistency of its external activities as a whole in the context of its external relations, security, economic and development policies’. However, as Nuttall (2001: 4) notes, this formulation is incomplete because there is no reference to internal policies (CAP, EMU, JHA, environmental policies, etc.), neglecting coherence between internal and external policies. This category also applies to different elements of one policy, such as coherence between civilian and military aspects of the ESDP.

- **Institutional coherence** means coherence between the two different bureaucratic bodies of the EU (the Council and the Commission), and basically between two decision-making systems: intergovernmental (unanimity) and communitarian (QMV). According to Nuttall (2005: 97), problems of coherence arise not because of different policy objectives (as is the case in horizontal coherence), but as a result of divergent approaches to the same problem by different bodies.

¹⁵ ‘Mutually complementing or completing each other’s deficiencies’ (Simpson and Weiner, 1989, Vol. III: 611).

¹⁶ The Council has often used the term co-ordination meaning coherence among the EU and the Member States’ policies and between civilian and military instruments. See Development Council, 1997; Council of the EU, 1998b; and Le Courier ACP-UE, 1996: 20-21.

- **Vertical coherence** refers to coherence between EU and national policies. In this case, the treaties establish concrete obligations for the Member States to support the Union's policies. It is formally established, for example, in the case of development cooperation policies (Art. 180, Treaty of Rome). Nothing similar exists for the CFSP. Even so, there is a general obligation that Member States 'shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity' (Art. 11.2, TEU). In those cases where there is no agreed EU common policy (for example, in the case of non-decisions) and/or when the EU is in the process of defining/deciding on a common position, vertical coherence would refer to the existence of agreement among the Member States, and among the Member States and other EU bodies such as the Commission or the European Parliament.

- **Internal coherence** means coherence among the different actors in the chain of command of an existing EU operation and, in general, between actors in Brussels (decision-making level) and those on the ground (implementation level).¹⁷

Problems of horizontal and internal coherence are also experienced by the Member States. For example, incoherence between agricultural, development and trade policies have been a constant in their external policies. By contrast, institutional coherence, between the communitarian and intergovernmental pillars, and vertical coherence, between national and EU policies, appear as unique features of EU external action; they should therefore receive special attention in this study.

The application of these categories to the case studies may lead to different measures of coherence for the same CFSP initiative across different categories. For instance, one can conclude that there is considerable vertical coherence, but minimal horizontal coherence. However, to simplify the analysis, those measures will be amalgamated into a single measure for the decision-making level and another for the implementation level.

¹⁷ As K.E. Smith (2003) has stated, coherence not only has an internal dimension, but also an external one. Even when the formulation of policies is coherent within the Union, some policies may be applied differently according to which third country is concerned (problems of 'double standards'). This aspect of coherence is not examined since the empirical evidence draws on a single case study.

1.3.2. Effectiveness

The concept of effectiveness

To date, the concept of effectiveness has received little attention in the CFSP literature. This concept has generally been taken at face value by academics, as well as in official documents (see Presidency of the Council of the EU, 2000-2003; Secretariat of the Council of the EU, 2000; 2002; 2003a; 2003b). The CFSP has been often judged by observers to be 'effective'/'ineffective', but without explicitly stating what the criteria for effectiveness are. Certainly, since the 1970s an important amount of literature has attempted to describe and analyse the performance of the EU in world politics (Galtung, 1973; Sjostedt, 1977; Allen and Smith, 1990, 1998; Hill, 1990, 1993; Piening, 1997; Bretherton and Vogler, 1999; Ginsberg, 2001). With this objective in mind, different concepts have been introduced attempting to capture the substance of the EU's external activities such as 'presence' (Allen and Smith, 1990), 'actorness' (Sjostedt, 1977) and 'impact' (Ginsberg, 2001) or to describe the EU itself as a 'civilian power' (Duchêne, 1972; 1973), 'superpower' (Galtung, 1973), 'superstate' (Hill, 2002) or 'international identity' (Whitman, 1998). It is argued here that none of these concepts can serve to critically evaluate the CFSP in terms of effectiveness. Effectiveness is more than presence, actorness or just having an external political impact.

Nevertheless, the yardsticks introduced by these concepts can be useful. First, to be effective, the EU should have a presence, i.e. it should have the capacity to act and mobilize resources, and it ought to be recognized by outsiders and shape their expectations and perceptions (Allen and Smith, 1990; 1998). Secondly, to be effective, the EU has to deploy a purposive action reflecting the political will of the Member States to define certain objectives, matched by the necessary resources and institutional capacities. These criteria amount to a measurement of actorness (Sjostedt, 1997). Actorness is a necessary, but not sufficient condition of effectiveness. The key distinction between both concepts is that the latter takes into account the degree of achievement of intended goals. Thus, as in public policy analysis, effectiveness in CFSP, relates to goal attainment (Vedung, 1999: 36-37). According to this, CFSP effectiveness is defined here as the ability of the EU to achieve the CFSP objectives that it was intended to.

This definition is not, however, entirely satisfactory. As mentioned above, analysts have tended to evaluate EU external action in terms of *failure* or *success* (Jørgensen, 1998: 87). These judgements can suggest powerful images, especially when talking about failure; yet it is problematic to judge EU actions in this way. Failure/success assessments are too general and too simplistic. The reality is never so simple. They do not take into account the multiple dimensions that compose EU external action. As Jørgensen (1998: 96) has argued, ‘to get a better understanding of the European Union’s performance in world politics is to acknowledge the existence of multiple realities’. These different realities refer to the actors involved, the activities under examination, and the interest or *telos* pursued. When analysing effectiveness, one has to bear all these multiple realities in mind.

In the political and academic debate, different conclusions about effectiveness have been drawn according to the elements incorporated into the analysis: the period of time selected (short/long term), the activities (CFSP/trade/development), the actors included in the comparisons (US, UN, Member States), or the *finalité politique* behind the process of integration (supranational vs. state-like model). It is also worth noting that EU external action is a ‘moving target’, which makes a final evaluation of its effectiveness difficult. In other words, one cannot establish a general conclusion about the effectiveness of EU external action that would be suitable for any time. Rather, different degrees of effectiveness in different moments and in different geographical contexts should be distinguished. The same is true for the various components of EU external action: trade, development cooperation, and the CFSP.

EU external action is also perceived in different ways depending on who the ‘judge’ is, who provides the criteria or standards, and what the criteria for the measurement of effectiveness of EU external action are said to be (Jørgensen, 1998: 88). These criteria can be set up by external observers (academics, public opinion, third states) or internally, by EU policy-makers.¹⁸ But, even within the EU, assessments would differ between the Commission, the European Council, the European Parliament, or the Member States. The only possible solution is to avoid ‘universal validity claims’ about success/failure and to acknowledge the limitations of one’s suggested standards. Aware of these problems, this thesis is limited to the analysis of the CFSP through

¹⁸ For example, in the academic literature, different criteria have been laid out by different authors to measure EU external outputs (Allen and Smith, 1998; Gordon, 1997/1998; Ginsberg, 2001).

elites' perceptions, and particularly, EU elites.¹⁹ It is an internal assessment, in the sense that objectives are internally fixed. The criteria for effectiveness are established following the EU's own official objectives, i.e. those established in the treaties and, presumably, with an exclusive participation of EU elites (or in the best case, with narrow participation of EU citizens). The line of argument here would be that if they cannot even meet their own standards and expectations then what use would others' be?²⁰ In any case, the degree of achievement of these objectives is assessed taking into account not only insiders' perceptions, but also other external evaluations are considered.

Defined as 'goal achievement', effectiveness takes into account not only outputs (decision-making), but also outcomes (implementation), analysing the whole policy process. An effective external action is not only an action that achieves the planned objectives, but also the action that achieves the objectives *in the way* it was planned.²¹ This thesis will look at both the decision-making process and the implementation level, even though it might sometimes be difficult to establish a clear-cut distinction between the two. For example, some decisions can be an action in itself, such as in the case of *démarches*; whereas in the case of non-decisions (see Chapter 4), the implementation phase is missing; and most of the time, the implementation process will feedback (and have an impact) on the decision-making process (Ginsberg, 2001).

By effective decision-making process (or internal effectiveness) is meant the ability of the EU to produce decisions according to the CFSP objectives (see below). In other words, one should assess the EU's ability to reach a decision, as well as the substance/content of the decision itself. Effectiveness will be also analysed at the implementation level (or external effectiveness). Looking at policy implementation is relevant for several reasons. Firstly, effective decision-making is seen as a necessary, but not sufficient condition for an effective implementation of the CFSP. One cannot expect that once a decision is taken, it will automatically produce the expected results. Implementation can deviate from what was projected by policy-makers and produce a different outcome. Secondly, effective implementation (trying to achieve the objectives

¹⁹ EU elites include policy-makers from different EU institutions (Commission, Council Secretariat and European Parliament), as well as national representatives from the Member States involved in CFSP issues.

²⁰ Having said that, it is true that sometimes internally fixed objectives can also be overambitious.

²¹ For this reason, effectiveness is also related to efficiency and the appropriate use of available resources.

in the way it was planned) is not always synonymous with effectiveness: 'even where implementation of a policy takes place as planned, it may well not lead to the predicted or anticipated results' (Webber and Smith, 2002: 79-80). Even a fully implemented policy can be ineffective because of unintended consequences or changes in the international context. Not only the nature of foreign policy, but also the uncertainties and complexities of the international arena, make it extremely difficult to control all the variables that can affect policy implementation. Thus, any analysis of CFSP performance will have to take into account the impact of exogenous factors.

To sum up, the concept of effectiveness as defined here can be helpful for the analysis of the EU's international performance for several reasons. It is an attempt to measure its performance according to the objectives defined by the EU itself, nor does it anticipate any judgement on the direction of the process of integration (towards a state-like or another *sui generis* actor). By introducing different degrees of effectiveness (see below), this thesis avoids simplistic judgements of failure/success of the CFSP. Furthermore, it is an attempt to keep away from explicit or implicit comparisons with other actors (Member States, US, international organisations such as NATO or UN) that pervade the analysis of EU external action.

The EU's objectives for an effective CFSP

Evaluating CFSP effectiveness depends, among other things, on which objectives the CFSP is intended to achieve. To be sure, the main purpose behind the establishment of a system of foreign policy cooperation in the 1970s was not to solve all the world's problems, but to promote internal cohesion amongst Member States and to avoid disagreements on foreign policy issues that could damage economic integration. It was a modest, but still difficult, attempt to consult and co-ordinate foreign policies among European states. According to Michael E. Smith (2004: 4), the 'EPC was not created to help Europe solve international problems; it was created to prevent international problems from disrupting the Community and, to a lesser extent, to make sure a common European voice was heard in international affairs.' As this cooperative network developed, other objectives were added to the original one. Thus, the EPC and, later on, the CFSP were to assert the EU's international identity (i.e. to promote a common voice in the international scene) and to advance the EU's interests and values worldwide (Art. 2 and Art. 11, TEU). The first of these is analysed in this thesis under

the heading of coherence. The second set of objectives is encapsulated by the concept of effectiveness.

Because the Member States have not been able to agree on specific 'European interests and values' to date, they have established only general (long-term) CFSP objectives.²² The TEU (Art. 11) mentions the following: the maintenance of peace and security; the respect for democracy, rule of law, and human rights; and the promotion of multilateralism. Since the CFSP long-term objectives are too broad to assess CFSP effectiveness, the empirical analysis will mostly be guided by certain CFSP short-term objectives, even if some references to mid and long term objectives can still be made. Thus, one can distinguish between the following objectives:

- **CFSP short-term objectives:** objectives agreed for a given period of time (less than five years) for a specific country. These are often established in a Country Strategy Paper. On some occasions, they are decided *ad hoc* in order to prevent a violent outbreak, to achieve cease-fires or to start negotiations, and then endorsed by a Council Declaration (in the case of BiH, see European Council, 2004). CFSP short-term objectives should concur with mid and long term objectives.

- **CFSP mid-term objectives:** goals set up for a particular region for a pluri-annual period (between five and ten years). Examples are the goals established in the Stabilisation and Association Process (SAP), which are revised periodically by the EU. These goals are set for every country in a Stabilisation and Association Agreement (SAA). CFSP mid-term goals should be designed in accordance with CFSP long-term goals.

- **CFSP long-term objectives:** established in the TEU (Art. 11) and other official documents. These are the respect for democracy, rule of law, human rights, the promotion of peace and stability and the promotion of multilateralism.

²² The problem of establishing priorities and operationalising European values and interests has been a constant one for the EU (Nuttall, 2000; Smith, K.E., 2003). The attempt to find 'common values and interests' before the signature of the Maastricht Treaty with the so-called 'Asolo list' failed, preventing a clearer definition of priorities in the TEU (Nuttall, 2000: 123). Another attempt to define them better led to the Lisbon Declaration Report (1992) where potential objectives for 'joint action' were identified. Eventually, the *European Security Strategy* (European Council, 2003b) has established some geographical areas and some issues to mobilise EU action.

Operationalising CFSP effectiveness

As noted earlier, this thesis rejects categorical assessments of the CFSP. It seems more meaningful to ask to what extent CFSP has been effective rather than to ask the question as to whether it has been effective or not.²³ Therefore, effectiveness is conceived here in terms of a scale or gradation. CFSP will be described as being more or less effective according to some criteria that will be defined in this section. In this way, one will be able not only to assess the effectiveness of a CFSP initiative at a given time, but also possible changes in the overall performance of the CFSP. The tables below introduce an operational concept of effectiveness (for a given CFSP policy). These tables will be used to analyse the cases studies in Chapter 4, 5 and 6. The levels of effectiveness can be negligible, marginal, partial and considerable. At the decision-making level (internal effectiveness), different degrees relate to the question: to what extent CFSP short-term objectives are incorporated into CFSP decisions? In the implementation phase (external effectiveness), degrees of effectiveness indicate to what extent CFSP short-term objectives have been actually achieved.

Table 1.1. Different degrees of effectiveness of the decision-making level (goal setting)

NEGLIGIBLE	MARGINAL	PARTIAL	CONSIDERABLE
NON-PURPOSIVE ACTION (NO AGREEMENT)	PURPOSIVE ACTION (AGREEMENT ON ACTION/INACTION)	PURPOSIVE ACTION	PURPOSIVE ACTION
NO COLLECTIVE DECISION	COLLECTIVE DECISION, BUT NOT ACCORDING TO CFSP OBJECTIVES	COLLECTIVE DECISION ACCORDING TO CFSP OBJECTIVES, BUT WITHOUT ESTABLISHING APPROPRIATE INSTRUMENTS TO ACHIEVE THESE OBJECTIVES	COLLECTIVE DECISION ACCORDING TO CFSP OBJECTIVES, ESTABLISHING APPROPRIATE INSTRUMENTS TO ACHIEVE THESE OBJECTIVES

²³ Sjostedt (1977: 14) suggested something similar to assess the EU's actor capability: '[i]t is not necessary to assume that the capacity of being able to behave as an international actor is something undivisible, some sort of absolute quality which one has or has not [...] the capacity of being an actor is most appropriately conceived of as a variable property which the Community may possess to a greater or lesser extent.'

Table 1.2. Different degrees of effectiveness of the implementation level (goal achievement)

NEGLIGIBLE	MARGINAL	PARTIAL	CONSIDERABLE
NON-PURPOSIVE ACTION	PURPOSIVE ACTION (AGREEMENT ON ACTION/INACTION)	PURPOSIVE ACTION	PURPOSIVE ACTION
NO COLLECTIVE DECISION: NO IMPACT, NEITHER ON PERCEPTIONS NOR ON POLICIES OF NON MEMBERS	IMPACT ON NON-MEMBERS PERCEPTIONS AND EXPECTATIONS, BUT NO CHANGES IN POLICIES ACCORDING TO CFSP OBJECTIVES	IMPACT ON NON-MEMBERS, CHANGES IN POLICIES ACCORDING TO CFSP OBJECTIVES (PARTIAL ACHIEVEMENT)	IMPACT ON NON MEMBERS, CHANGES IN POLICIES ACCORDING TO CFSP OBJECTIVES (TOTAL ACHIEVEMENT)

1.3.3. Interactions between coherence and effectiveness

Coherence and effectiveness interact in several ways. Sometimes, improvements in coherence can enhance CFSP effectiveness, especially, if one considers that coherence implies synergy as a result of mutually reinforcing policies oriented towards a common goal. In most cases, coherence can be seen as a prerequisite for effectiveness. Without a coherent use of the entire panoply of instruments and resources, it is difficult to produce effective outcomes. In official documents, coherence is also mentioned as a requirement for effectiveness. For instance, the Council has stated that ‘reinforcing the coherence of the Union’s external action and realising its policy objectives are priorities if the Union is to pull its full weight in international affairs’ (Council of the EU, 2000b). The assumption is that, by acting coherently, the EU also becomes a more effective international actor.

However, it can be said that this argument, even if true, needs qualifying at least. Coherence does not always guarantee effectiveness – e.g., when a coherent action does not help fulfil the intended objectives. Besides, effectiveness has been hampered on some occasions in the name of a unitary action. The contrary is also true. Sometimes, the EU has privileged effectiveness over coherence. Inconsistencies between the EU objectives and the EU short-term policies, for example, supporting or not censuring authoritarian governments, have been justified as a way of achieving other EU goals in the long term (regional stability, security, democratic transition) (Smith, K.E., 2003). The creation of the Contact Group and other ‘coalitions of the willing’ have also been justified in terms of effectiveness. For all these reasons, it is argued here that coherence and effectiveness require separate assessments.

1.4. THE POLITICAL AND ACADEMIC DEBATE ON COHERENCE AND EFFECTIVENESS.

This section sketches the debate on coherence and effectiveness of EU external action in general, and the CFSP in particular, that have taken place in political and academic circles. It first provides an overview of the degree of concern amongst policy-makers and scholars regarding these issues. Then it describes how coherence and effectiveness have been portrayed amongst officials and academics. It is argued here that assessments have differed according to the particular conceptualisation of the EU and its external action adopted by the observer. Finally, three factors have often been mentioned in order to explain these problems: institutions, interests and identities. These factors are discussed in relation to both the political and academic debate.

1.4.1. The political debate

This section takes up the discussions that have arisen among policy-makers (both Member States' and EU officials) about issues of coherence and effectiveness. Increasing concerns about the poor performance of EU external action have seemingly inspired subsequent treaty reforms. On the other hand, the way in which coherence and effectiveness have been perceived has depended to a certain degree on the different images held by policy-makers about what the EU's role in the world ought to be.

Historical perspective

Since the 1960s, a growing interdependence between economic and political activities made evident the need for greater co-ordination between the foreign policies of the Member States. The Arab-Israeli conflict and the subsequent oil crises were a good example of that interdependence. Hence, the Member States decided to move ahead in the process of political integration to allow the EC to speak with a single voice in the world. As a result, the EPC was instituted. The earliest official concerns about coherence and effectiveness came to the surface with the birth of this intergovernmental practice, especially regarding coherence. Both the Council and the Commission were aware of potential conflicts that could appear between EC and EPC policies. Therefore, the *Luxembourg Report* (1970) and the *Copenhagen Report* (1973) mentioned the requirement of coherence. The latter stated that the EPC machinery

should assume its tasks keeping ‘in mind, *inter alia*, the implications for and the effects of, in the field of international politics, Community policies under construction.’ (Hill and Smith, 2000: 88). In the Paris Summit, the term ‘consistency’²⁴ appeared for the first time in a document covering EPC, and expressed the same concerns.²⁵ In 1983, the *Solemn Declaration of Stuttgart* emphasized the need for more coherent action ‘at all levels’ in its international activities. The European Council was tasked with ensuring this aim. In the following years, the term coherence was incorporated into the ‘euro-jargon’ and became a recurrent issue in official discussions.

In fact, the problem of institutional coherence was more or less under control until the mid-1980s because the Member States were strongly opposed to the use of communitarian instruments to implement the EPC. Similarly, the Commission tried to avoid contamination of the Community pillar with intergovernmental practices (Nuttall, 2000: 25-27). However, the growing interdependence and the development of economic sanctions as an instrument of the EPC increased interferences and the risk of overlap. For this reason, the Single European Act (SEA) (1986) introduced some dispositions regarding this problem (it was also the first time the word ‘consistency’ appeared in a legal document). Moreover, coherence was linked with the objective of an effective external action.²⁶ Although the SEA introduced a general obligation of coherence between the two existing pillars (Art. 30.5, SEA), it did not put in place any real mechanisms to ensure it on the ground. At the same time, this document institutionalised the separation between EPC and EC policies, formalising two different procedures, bureaucracies and cultures. In the long term, it would complicate the overall requirement of coherence. It is not surprising that ‘official’ assessments of the EPC performance were not very positive:

Through the system of European Political Cooperation we tried at least to co-ordinate our policies, but it was all strong nouns and weak verbs: better at spawning committees and empty declarations [...] than at driving policy (Patten, 2002a).

²⁴ As explained before, the term ‘consistency’ is used in the English version instead of ‘coherence’, which would be, however, the appropriate term in this case.

²⁵ The Heads of State and Government ‘considered it essential to ensure progress and overall consistency in the activities of the Community and in the work of political cooperation’ (Hill and Smith, 2000: 99).

²⁶ In its Preamble, the SEA affirmed ‘the aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interests and independence’.

The Maastricht Treaty²⁷ was preceded by an intense debate as a consequence of the important challenges (internal and external) that the EC had to deal with. The discussions about the Economic and Monetary Union (EMU) concentrated a lot of energies inside the EC. Outside, the collapse of the USSR, with the ensuing economic and political transformations in Eastern Europe, called for a stronger role for Europe in the world. In this context, the Belgian government issued a *Memorandum on Reform of the Community* (20 March 1990) that stressed the necessity for a stronger political union through some pragmatic reforms that would increase the effectiveness, the democratic component, and the convergence between EPC and EC mechanisms (Nuttall, 2000: 105).

However, as some observers have argued, the initiative for an intergovernmental conference on political union, launched by Helmut Kohl and François Mitterrand in the spring of 1990, was more a response to German re-unification than to the scanty performance of EPC (Nuttall, 2000: 4-5). Wanted or not, their proposal meant a significant progress on foreign policy issues. In their letter to the Irish Presidency, the two leaders affirmed that the objectives of the Intergovernmental Conference (IGC) were to 'strengthen the democratic legitimation of the Union, render its institutions more efficient, ensure unity and coherence of the Union's economic, monetary and political action, and define and implement a common foreign and security policy' (quoted in Nuttall, 2000: 113-114). Afterwards, the mandate addressed to the IGC by the national governments included the issue regarding how to ensure an 'effective implementation within an institutional framework' and 'procedures ensuring that the Union can speak effectively with one voice on the international stage' (European Council, 1990).

Even if all the Member States agreed on the necessity of ensuring coherence of the Union's activities as a whole, discussions about how to tackle the question of coherence were determined by disagreements between those defending a supranational project and those in favour of an intergovernmental vision of the process of European integration (Nuttall, 2000: 119). During the 1991 IGC, differences between both approaches made it difficult to agree on specific provisions to avoid problems of coherence, in particular, regarding the bodies responsible for compliance, the process

²⁷ The Maastricht Treaty was agreed in December 1991 at the European Council in Maastricht (The Netherlands). It was signed in February 1992 and came into force in November 1993.

of implementation and the financial procedures, the external representation or the possibility of judicial monitoring regarding coherence. Eventually, these differences led to the characteristic ambiguity of the Maastricht Treaty. Even so, it widened the concept of coherence and laid out some provisions on coherence between EU policies (inter and across pillars) and between the Union's and the Member States' policies, guaranteed by a loyalty clause (Art. J.1.4., ToM). Innovations introduced at this stage such as the new instrument of joint actions aimed at increasing the effectiveness of the EU in the international scene.²⁸

In spite of the innovations, the outcome of the CFSP was limited and the incoherence between pillars and policies continued to be obvious. Even though some informal practices had developed to improve matters (Smith, M.E., 2001), the Maastricht Treaty was a major disappointment for those who hoped it would set up the institutional basis for a more efficient and coherent external action. For instance, a Commission Report affirmed that 'the experience of the common foreign and security policy has been disappointing so far' (European Commission, 1995: 5), describing the policy in terms of 'confusion', 'incoherence', and 'paralysis' (ibid.: 63-75). One national representative in the Council affirmed in 1996:

public opinion as well as the governments and even the institutions of the Union have been finding significant faults in the Common Foreign and Security Policy (CFSP) due to its meagre results. Its inefficiency, its lack of credibility and lack of real influence on the international stage are constantly brought to the fore (Durán Loriga, 1996: 31).

The Maastricht Treaty created expectations that could not be fulfilled, as expressed in a statement of the European Parliament (1996):

these problems would not exist if we were still dealing with EPC. The problem as far as the average Community citizen is concerned is that the name CFSP suggests that there is such a thing as a common foreign and security policy, in other words that, at least in certain areas, a broad consensus has been reached on the foreign and security interests of the

²⁸ For a full account of the institutionalisation process and its impact on coherence and effectiveness, see Chapter 3.

Member States and that therefore, as in other policy areas, ways have been agreed of speaking to the world with a single European voice [...] Unfortunately, this is not the case.

These frequent criticisms promoted subsequent institutional reforms in the Amsterdam Treaty, and later on, in the Nice Treaty (see Chapter 3). In European forums and institutions, concerns regarding effectiveness and coherence intensified with time, and both aspects were considered to be a condition for the Union to be a fully-fledged international actor. With this in mind, the European Council at Helsinki (December 1999) invited the Council of Ministers 'to take the necessary steps to ensure that optimum use was made of the various means at the Union's disposal for more effective and comprehensive external action by the Union'. In the light of this discussion, the Council decided to hold an initial policy debate at the beginning of 2001 on the whole of the Union's external action and in particular on external aid and its effectiveness. The first orientation debate took place in January 2001. At that meeting, it was noted that EU external action needed a clarification of its political priorities, improved management of resources and better co-ordination of the whole range of instruments. The debate held in May 2002 highlighted the need for better inter-pillar co-ordination, developing comprehensive regional strategies and strengthening the EU's role in multilateral organisations. Other reports issued by the Council also drew attention to the deficiencies in the management of external action regarding definition of priorities, coherence between instruments, co-ordination between Community and Member States' activities, and financial problems (Presidency of the Council of the EU, 2003; Secretariat of the Council of the EU, 2000, 2002 and 2003a).

Moreover, the Council adopted some measures to ensure coherence and effectiveness in specific policies: development, human rights, conflict prevention, and environmental policies. For instance, the requirement of horizontal coherence between policies was a growing concern in the Council in particular regarding development policy. The *Resolution of the GAC on 5th June 1997* focused on specific areas where policy coherence was considered particularly important (Development Council, 1997). In March 1998, the Council approved some *Guidelines for strengthening operational co-ordination between the Community and the Member States in the field of development cooperation* (Council of the EU, 1998b). As regards conflict prevention, the European Council of Feira (2000) invited the HR and the Commission to submit concrete

recommendations to the Nice European Council to improve coherence and effectiveness. The Report presented at Nice identified the main challenges for the EU in this field (Secretary General/High Representative and Commission, 2000b).

One of the last Council initiatives designed to improve the coherence and effectiveness of external action occurred as part of the 'Debate on the Future of the Union' launched after Nice. The *Declaration of Laeken* (15 December 2001) stated that the Union 'has to become more democratic, more transparent and more efficient'. The shortfalls detected in the external action of the EU obliged the Convention to establish a separate *Working Group on External Action*. The Convention members found early agreement that it was 'important for the EU to be a strong, effective and efficient player on the international scene' (quoted in Duke, 2003: 3). The Convention, acknowledging the importance of these issues, devoted considerable time to discussing them and numerous articles of the Constitutional draft were designed to 'enhance coherence and efficiency' of EU external action (European Convention, 2002). Finally, the *European Security Strategy* also called for a more effective and coherent external action (European Council, 2003b). This document emphasized the need for the EU 'to be more active, more coherent and more capable', to contribute to an effective multilateral system and added that '[g]reater coherence is needed not only among EU instruments but also embracing the external activities of the individual Member States' (European Council, 2003b: 11; 13).

As regards the European Parliament, the same concerns can be documented. In its report evaluating the implementation of the CFSP in 1995, the European Parliament (1996) underlined some institutional deficiencies, including the lack of clarity in the definition of CFSP objectives and security interests, and recommended the better use of the instruments provided by the treaties (joint actions and common positions). Further reports maintained the same tone, describing CFSP developments as 'disappointing as regards improving organisation, raising the Union's profile, and enhancing its ability to act' (European Parliament, 1997: 5). Similarly, on several occasions, the European Parliament criticised deficiencies in the implementation of the EU's human rights policy and 'deplored' the lack of common positions and new initiatives vis-à-vis the Mediterranean countries, Russia, and NATO and EU enlargement to Eastern Europe.

The Commission, concerned by these problems, embarked on an important reform of its external relations service as part of a more impressive reform after the debacle of the Santer Commission (European Commission, 2000). One of the goals of the reform was to enhance coherence and complementarity between programmes, DGs policies, Community policies and CFSP policies, and Member States policies. A similar attempt followed the negative outcomes of the referendums held in 2005 in France and The Netherlands on the Constitutional Treaty. Given the need to improve coherence and effectiveness of EU external action, but aware also that the way for significant institutional reform was blocked, in 2006 the Commission issued a Communication suggesting some pragmatic steps that would ‘enable the Union to define a strong sense of collective purpose in our external action and to ensure that this is backed by the necessary policy instruments’ (European Commission, 2006: 2). These included better links between internal and external policies, better strategic planning and better coordination with the Member States and other EU institutions in external representation.

Conceptualising the EU and its external action

Assessments of coherence and effectiveness hinge on which conceptualisation of the EU integration model is used and which activities are included in the definition of EU external action. From the viewpoint of the Member States, the EU is conceived as an instrumental organisation allowing its member to reach their goals in a cooperative way. This process is not aiming to create a ‘single’ external action or a ‘single European army’, but a ‘common’ policy; facilitating harmonisation or rapprochement of the foreign policies of the Member States. Therefore, the term ‘common’ in CFSP is not comparable to what it means, for instance, in the existing Common Agricultural Policy. In Patten’s words,

a Common Foreign and Security Policy does not mean that there will be a single foreign policy. European Security and Defence Policy is not about a European army [...]. We do not want to become a superstate like the United States. What we want is to work more effectively together in order to better project our combined potential and thus increase our capacity to contribute to the solution of global and regional issues (Patten, 2000, underlined in the original).²⁹

²⁹ In the same vein, the former French Minister for European Affairs, Pierre Moscovici, argued that ‘[l]a France ne souhaite pas fondre complètement sa politique étrangère dans l’Union européenne [...] Il n’y

Since only a 'common' policy is expected, this has reduced policy-makers expectations about what can be judged to be an effective external action at the EU level, especially if one compares with more critical assessments by academics. However, even this limited objective, to co-ordinate and harmonise national foreign policies, is far from easy due to the continuance of different national idiosyncrasies and divergent interests in this area.

The main components of EU external action (trade, development assistance and the CFSP) have usually received different assessments in the political discourse. While in the economic arena, the EU is considered to be a major actor, CFSP developments are, by contrast, seen as disappointing, even within EU institutions (see, for instance, Patten, 2001). The meagre performance of the CFSP has also made it difficult to progress in other areas: 'the CFSP as it currently exists limits Europe's ability to have the influence that its economic and cultural weight deserves' (European Parliament, 1998: 7). The imbalance between the economic and diplomatic/security dimensions has often been seen as preventing the EU from adopting a more active position in international conflicts.

A common argument amongst some Member States and EU officials is that an effective external action requires the development of military capabilities and the framing of a common defence policy.³⁰ The perceived effectiveness of NATO's use of force (which might better be described as US' force) in the Balkans provided a justification for the development of an EU military capability (Prodi, 2003). This argument acquired strong support after the British-French St. Malo summit. According to the St. Malo Declaration,

The European Union needs to be in a position to play its full role on the international stage [...] To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to

aura donc pas de fusion. En revanche, la PESC peut-être un instrument commun pour prolonger nos thèses, pour mieux les faire vivre et partager avec d'autres. Mais il y aura toujours une politique étrangère française (Moscovici, 1999: 106-7).

³⁰ For instance, the Prime Minister of Greece, Costas Simitis, declared during the Greek Presidency of the Union (2003): 'As we strengthen the CFSP, we must also reinforce its defence element, the European Security and Defence Policy (ESDP) [...] it would create the conditions necessary for the development of a coherent, wide-ranging foreign policy' (Simitis, 2003).

decide to use them, and a readiness to do so, in order to respond to international crises (Hill and Smith, 2000: 243).

The *European Security Strategy* backed this argument by insisting that the EU has to be ready to engage, when necessary, in 'robust intervention', using all the instruments at its disposal, including military ones (European Council, 2003b: 11). Other European institutions, like the European Parliament, also agreed that the military dimension should be a tool to increase effectiveness and credibility of the CFSP.³¹ However, this does not mean that policy-makers attach less importance to the EU's civilian capabilities. On the contrary, in recent years, the development of conflict prevention and civilian crisis management capabilities has been considered of utmost importance. The EU is believed to be 'well placed to engage in conflict prevention' and to treat the root causes of conflicts (Secretary General/High Representative and Commission, 2000b). The wide range of instruments at its disposal allows the Union to effectively manage pre and post-conflict situations. Furthermore, the EU is said to play a more important role in the long-term initiatives aiming to maintain stability, peace and economic development than in the short-term management of conflicts (Solana, 2000c). However, even in these cases, the EU has been criticised for acting slowly and in a reactive manner, which has hampered CFSP effectiveness.

The next section moves to the discussion of how the extant CFSP literature has treated these issues. Firstly, it provides a historical overview of what has been said by academics about coherence and effectiveness of EU external action. Then, it argues that different accounts can be explained by referring to exactly how EU external action is conceptualised by scholars.

1.4.2. The academic debate

Historical perspective

'The European Union's (EU) enormous international power and frequent inability to wield it very effectively in the pursuit of European interests surely constitutes one of the most fascinating paradoxes of the "European project"'. With these words, John Peterson (1998: 1) opened his reflection on the role of the EU as a global actor. As this section

³¹ '[I]n order to make the CFSP more credible and more effective, the Union has created a common security and defence policy (CSDP), enabling it to draw on the full range of civilian and military instruments so as to protect its fundamental values and interests' (European Parliament, 2000: 7)

will show, this view about the EU is not an exceptional one among academics; on the contrary, it frequently comes across in the EU literature. The question of coherence and effectiveness of EU external action has been of increasing concern among scholars, developing in parallel with the emergent role of the EU in international affairs, especially since the beginning of the 1970s.³² EC competencies in trade and commercial policy endowed the EC with important external instruments: common external tariff and trade agreements. However, this aspect of EU external action was usually underestimated by Foreign Policy Analysis (FPA). Economic policies ('low politics') were not considered to be a part of foreign policy. In contrast, 'high politics', i.e. diplomacy and security policies, constituted the core of FPA. This conception of external action did not take into account either the importance of external economic activities or the fact that they became *politicised* very fast, and could be and were used as an instrument of 'high politics' (Smith, 1998).

According to Piening, in this initial period, the EC built its external action capacities 'by default'; however, from the end of the 1960s 'it chose to move toward developing a common foreign policy' (1997: 31), detached from its external economic activities. The establishment of the EPC added another component to EU external action that grew in importance with successive institutional reforms. Nonetheless, analyses of Europe's role in international affairs, taking 'high politics' into account, did not fully emerge until the beginning of the 1980s (Allen et al., 1982; Hill, 1983; Pijpers et al., 1988, Nuttall, 1992). During this decade, certain events exemplified the incoherence and weakness of the EPC, especially because of unilateral policies and the conflicting interests of Member States: the unilateral action of France during 1982 regarding the Middle East (Soetendorp, 1999: 110); the case of the Falklands War, and the reluctance of Ireland and Italy to adhere to a common position; South Africa was also an example of incoherence and ineffectiveness at least until the end of the 1980s because of the dissension between the Member States (Smith, H., 2002: 185, White, 2001: 84-93). All these episodes, which took place in parallel with the discussion of the SEA and the institutionalisation of the EPC, increased academic concerns and demands for a more coherent and effective external action.

³² The first evaluations of the EC performance in the international economy did not appear until the 1970s. See, for instance, Galtung, 1973; Sjostedt, 1977.

Undoubtedly, the Maastricht Treaty provided the most significant boost to the analysis of these questions (Hill, 1993; Carlsnaes and Smith, 1994; Nuttall, 2000). In spite of the innovations introduced in the TEU, the capabilities of the EU were soon considered unable to fulfil its desired role in the international arena. Moreover, the fact that more objectives, instruments and mechanisms were created was seen as making it more difficult to achieve coherence. The development of external action entailed the deployment of numerous instruments in different areas that were not always compatible, and sometimes, the aims of economic, cooperation and security-defence policies simply clashed (Holland, 2002).

In addition to the dynamics of the integration process, a combination of unexpected and traumatic events affecting the Union led to fresh analysis of EU external action. Many studies focused on the role of the EU in a more uncertain post-Cold War era (Carlsnaes and Smith, 1994). The end of the Cold War, as well as German reunification, the dissolution of the USSR, the emergence of post-communist states in Eastern Europe, and the Yugoslav wars certainly tested EU external action structures. In particular, Yugoslavia became the *bête noire* of the CFSP during the 1990s according to scholars (Piening, 1997: 194). However, the EU's failure in Yugoslavia was only the tip of the iceberg. As two analysts wrote in the mid-1990s, 'the first experiences with the CFSP are on the whole negative. The handling of the Yugoslavian case is perceived not as an exception to otherwise positive experiences but as highlighting structural deficiencies' (Regelsberger and Wessels, 1996: 29).

The concept of a 'capabilities-expectations gap' (Hill, 1993) was formulated by Christopher Hill in this context, referring to the difficulties of the EU in responding to the demands and expectations that had emerged with the integration process. These expectations emerged 'both inside and outside the Union' (Hill, 1993: 29). Inside, the demands were formulated by politicians, think tanks, lobbies, and academics who expected that the Maastricht Treaty would endow the EU with more efficient institutions and increase its role in the world. Outside the EU, a great variety of demands came from candidate countries, third countries seeking economic assistance, trade preferences or other economic agreements, demands for political dialogue, and US demands for a more significant involvement of the EU in world affairs (Hill, 1998: 20-33). In Hill's words, 'the gap between capabilities and expectations was seen as the significant difference which had come about between the myriad hopes for and

demands of the EU as an international actor, and its relatively limited ability to deliver' (Hill, 1998: 23).

The passing of the Amsterdam Treaty also generated a rich debate on these issues (Peterson and Sjursen, 1998; Regeslberger et al., 1997, Smith, M.E., 2001; Zielonka, 1998a; 1998b). Nevertheless, the widespread view was very a pessimistic one. The instruments and resources of the CFSP were improved to some extent, but not enough to fulfil expectations. In Zielonka's words: 'from one case to another it has become increasingly evident that Europe's common (foreign) policy is neither coherent nor committed' and he added that '[t]he Union is either unable to formulate policies or unable to implement policies already adopted' (1998a: 3).

At the beginning of the twenty-first century, the challenges coming from the globalisation process, the adoption of the euro, and enlargement were viewed as having compounded the need for a more coherent and effective external action (Duke, 2003: 2). However, at the same time as the EU tried to boost the integration process with a new Constitutional Treaty, the war in Iraq provoked a division between the positions of the Member States which was very harmful in terms of their credibility and effectiveness. 'After Iraq, it was a common view that it would take decades, at best, to shape a credible EU foreign policy, and that EU credibility in general had been badly damaged' (Everts and Keohane, 2003: 167). The war in Iraq was the best proof of the weaknesses of EU external action. Nevertheless, some experts talked about the EU 'losing its innocence' or a 'new realism' encouraging new initiatives such as the *European Security Strategy* or the new provisions incorporated into the Constitutional Treaty (Everts and Keohane, 2003: 167).

Conceptualising the EU and its external action

As in official assessments, academic judgements have varied depending on the ideal model leading the observer's analysis. For some authors, the EU cannot have a common foreign policy because it does not fulfil the requirements of statehood and does not have the centralised institutions needed to implement a European foreign policy (Allen, 1998). For their part, Forster and Wallace associate an effective external action with the achievement of a superstate or federation: '(t)ransfer of effective authority (and budgetary allocation) over foreign policy and defence would create – or require – a European federation' (2000: 462).

By contrast to those who reject the idea of an EU external action, some authors would point at specific problems of incoherence and ineffectiveness of EU external action, but without denying the existence of such external action: '[t]he paralysis of recent years does not imply that the idea of a common foreign and security policy is by definition absurd' (Zielonka, 1998a: 7). Since other alternatives to a more coherent and effective external action are not viable – individual European states would not be able to effectively run a foreign policy in the complex post-Cold War era – changes in 'policies, institutions and concepts' are seen as the best response (Zielonka, 1998a: 7). Some authors have indicated that problems regarding coherence and effectiveness are not exclusive to the EU. The majority of states and international organisations also suffer from it (Hix, 2005: 395; Smith, H., 2002: 6). The US, for instance, has failed on numerous occasions to reach its projected external goals – Vietnam, Afghanistan and Iraq provide obvious examples.

At other times, and linked to the state-like model, criticisms have focused on the lack of military power (Hill, 1993, Gordon, 1997/98). For instance, Hedley Bull (1983: 151) argued that 'Europe is not an actor in international affairs, and does not seem likely to become one' because it does not have real power, that is military power. Its influence in the international arena would hinge on the support of military power provided by other actors. By contrast, according to the thesis of 'civilian power' suggested by Duchêne (1972; 1973), given growing economic interdependence the only feasible prospect for the EC to play a significant role in world politics was to emerge as a world economic power, using cooperative and diplomatic tools to promote its interests and values. Duchêne believed it was neither likely nor necessary that the EC play a role in international affairs by developing its military/nuclear capabilities. To be a civilian power, Duchêne argued, the EU needed to eschew the use of force in international relations and to pursue 'civilian' ends such as the promotion of democracy, human rights, rule of law, and multilateralism.

From this viewpoint, the EU is seen as more effective and coherent in two principal domains. First, in the deployment of 'soft security' instruments rather than in 'hard security' (Howorth, 2003: 14);³³ and secondly, the EU is seen to be more effective and

³³ According to this division of international tasks, the EU's role has been often equated to the 'payer' rather than the 'player' (Ginsberg, 2001: 2) or in Dominique Moisi's image: 'the US fights, the UN feeds and the European Union funds' (quoted by Patten, 2002b).

coherent in long term situations than in solving conflicts in the short term (Smith, H., 2002: 7). For Peterson, the EU may have been ineffective in solving crises (peace-enforcement), but it has been relatively effective in helping reconstruction, through peace-keeping and peace-building tasks (1998: 13). This perception of the EU as a civilian power implies that civilian and economic activities are seen to be generally more effective, and that the achievement of military power is neither essential, nor desirable (Manners, 2002; Smith, K.E., 2000; Zielonka, 1998a). For instance, Rosecrance (1998) places greater emphasis on the EU's economic rather than military power, and in the way that this power is used. Unlike the US, the Union gives preference to rewards and incentives rather than threats and punishments. In the same vein, Hazel Smith (2002) affirms that the EU is better equipped to provide the 'butter', while the US still concentrates on the 'guns'. Robert Kagan (2002) has argued however that the EU has favoured multilateral and diplomatic methods because it is weak, and not because it believes in the superiority of those practices; for its part, the US has privileged military instruments because it has the capabilities to do so.

Assessments of the EU have also varied according to the activity concerned. As mentioned earlier, the reduction of EU external action to the CFSP has often led to pessimistic evaluations (Smith, H., 2002: 8-9). By contrast, analyses focusing on the external economic activities of the Union tend to be more positive (Hix, 2005: 404). Even if problems of (in)coherence and (in)effectiveness are common to all dimensions of policy, in general, when the EU is judged solely in relation to its economic power it is believed to be an important actor in world politics. For instance, Hill (1990) has argued that the EU could be seen as a 'power bloc' in the world economy system. Zielonka (1998a: 5) has considered the EU to be a 'strong and dynamic actor' regarding economic activities, but 'in a state of paralysis' regarding security and diplomacy. The poor performance of the second pillar has received numerous criticisms (Gordon, 1997/98; Peterson and Sjurgen, 1998). Rosecrance (1998: 15) argued that the CFSP 'is a misnomer [...], an acronym without empirical context'. In the same vein, Rummel and Wiedemann (1998: 53) considered that the CFSP 'is neither common, nor foreign, nor dealing with security, nor can be called a policy'. In conclusion, for some authors, the CFSP has neither the means, nor the capability to produce and implement foreign policy decisions. Even, on some occasions, the CFSP's performance has impaired the EU's image in world politics. As bluntly summarised by Peterson (1998: 11): 'there seems little question that the CFSP [has not made] the EU a

more important international actor, and may even have damaged its reputation as an international actor'. The next section explores the three factors brought up by policy-makers and scholars in order to explain the above-mentioned problems of (in)coherence and (in)effectiveness: institutions, interests and identities.

1.4.3. Factors explaining coherence and effectiveness

a) Institutions

Institutions (or rather the lack of appropriate institutions) have frequently been identified as a factor explaining the problems the Union has faced in building a coherent and effective external action. Among policy-makers, this question has received a lot of attention, particularly, prior to IGCs (see contributions in Pappas and Vanhoonacker, 1996). From Maastricht to the Convention debates, lengthy discussions have been devoted to institutional engineering. Hans Van den Broek, former Commissioner of External Relations, affirmed: '[t]o some, the IGCs discussion over voting procedures and external representation may seem far removed from Bosnia, Chechnya, Rwanda or Algiers. But such technical issues are in fact of equal relevance to Europe's ability to act decisively in the future' (1996: 24).

The three-pillar structure, the unanimity procedure, the lack of an external representative and the inadequate budgetary provisions have attracted most criticism (Barón Crespo, 1996; Durán Loriga, 1996, European Parliament, 1999; 2000, Van den Broeck, 1996). For example, during the debates of the European Convention, the possibility of increasing QMV in the CFSP was discussed (European Convention, 2002: 24). A large number of delegates in the External Action Working Group concluded that the 'the current need for unanimity restricted the Union's capacity to act and that it resulted in a policy dictated by the least ambitious position' (European Convention, 2002: 24). On the other hand, the European Parliament, the Commission and other national officials have argued that merging the tasks of the HR and the Commissioner of External Relations will improve the visibility and coherence of EU external action.

Academic evaluations of coherence have also concentrated on institutional arrangements (Allen, 1998; Cameron, 1999; Missiroli, 2001; Monar, 1997a; Smith,

M.E., 2004; Zielonka, 1998a). From this perspective, the main source of incoherence is the division in pillars that reinforce the development of two different procedures and two different bureaucratic cultures (Allen, 1998; Nuttall, 2000; Winn and Lord, 2001). For Rummel and Wiedemann (1998), it is difficult to harmonise intergovernmental and supranational cultures, resulting in ineffectiveness. They criticise the three-pillar structure because it undermines the coherence and unity of EU external action, separates policies in an artificial way and hinders interactions between EU institutions, and between the EU and other international organisations. In addition to the pillar structure, the limited use of QMV in CFSP issues, financial arrangements or the lack of a 'voice for Europe' have also been pinpointed in scholarly works (Allen, 1998; Monar, 1997b, Peterson, 1998: 6, 10). In most analyses, the emphasis has been on formal arrangements and legal procedures; whereas informal practices and rules have often been excluded from the final picture.³⁴

b.) Interests

Interests occupy a central place in political and scholarly explanations of coherence and effectiveness. Policy-makers, for instance, have often highlighted the centrality of national governments and MFAs in the making of EU external action. Since national interests have not disappeared, an effective action can only be achieved when national interests converge to a clear and evident common (European) interest. When national representatives were asked about which was the main obstacle for a coherent and effective CFSP/ESDP, 53.6% of respondents referred to 'divergences among Member States' interests', while 25% identified 'inappropriate institutions' and 17.9% 'the lack of a common identity' (On-line Survey, Appendix 1). According to the Working Group on External Action 'the capacity to act on an issue of foreign policy [is] determined by the existence of political will and convergence of views among Member States' (European Convention, 2002: 23). However, sometimes national interests are so entrenched that it is impossible to reach a common position. The resulting situation was neatly summarised by *The Economist* (2003) in relation to the Iraq crisis:

Europe's leaders are gambling for high stakes over Iraq. If you feel in need of light relief at this time of world tension, try reading the European Union's Maastricht Treaty on the subject of foreign policy: 'Member States shall

³⁴ Some exceptions would be Nuttall, 2000; Smith, M.E., 2004; or Winn and Lord, 2001.

support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.' Perhaps there was some transcription error, and the real text reads: 'Member States shall actively undermine the Union's external and security policy in a spirit of loathing and mutual mistrust.' That certainly comes closer to capturing reality.

Academics have also expressed a similar view about interests and their impact in EU external action, although in this case, how interests are theoretically conceptualised has an impact on the final judgement (see Chapter 2). In general, academics have pointed to fixed and material national interests and have illustrated divergences between national interests and subsequent difficulties in reaching collective decisions. In his analysis, Soetendorp concludes that 'foreign policy making in western Europe is still the foreign policy of 15 nation-states rather than the foreign policy of one supranational state' (1999: 147). Soetendorp argues that only in areas where the interests of the national governments were close was it possible to achieve unified action. In the same vein, Ginsberg acknowledges that '[w]hen national foreign policy positions on a given issue are too diverse to be fashioned into a European one [...] the EU will be unable to act in international politics' (2001: 276).

In general, these difficulties are related to the unwillingness of the Member States to accept common policies. Unilateral actions have been frequent in the past, damaging the image of the Union inside and outside its borders. With this conduct, European states have appeared as 'inconsistent [sic] and divided' (Hill, 1990: 49). On other occasions, the EU has been criticised for its inaction: for example, during the 1996 Turkish-Greek crisis in the Aegean when the EU was replaced by the US as the main mediator between the two NATO members (Zielonka, 1998a: 4). Ambiguity is also a common feature of EU policies, usually, as a result of divergent national interests. Enlargement and the difficulties of designing a clear strategy best exemplify this ambiguity (Allen, 1998: 57; Barbé, 1998). It has also been evident in the EU's relationships with its neighbouring areas (Bretherton and Vogler, 1999; Dannreuther, 2004). In short, for many academics, one of the most significant problems in implementing an effective and coherent external action is that this policy has to coexist with the foreign policies of Member States pursuing their own interest in the same arenas as the EU. Or, in other words, 'Europe as an entity has thus become an *extra*

dimension in an already complex web of international relationships still based primarily on state-to-state contacts' (Piening, 1997: 195-196).

c.) Identities

It is possible to identify two different causal relationships between the output of EU external action and a European identity. On the one hand, identity can be seen as a factor determining the effectiveness of EU external action (i.e. a strong European identity might favour unitary action, facilitating the emergence and identification of common interests and values). On the other hand, an effective external action can be a factor promoting a European identity (see Preamble and Art. 2, TEU). Here the focus is on the former relationship: a common identity as a factor contributing to an effective and coherent external action.

The 'official ideology' of the EU is based on the motto 'united in diversity', i.e. the recognition of national identities, while promoting the development of a European identity through the deployment of EU symbols: a coinage, a flag and an anthem (Prodi, 2003).³⁵ According to policy-makers, problems in forging an effective CFSP derive from the fact that sometimes it is not possible to reconcile these two identities. In these cases, national identity has often been privileged and it has prevented the EU from adopting a common position and hence from deploying an effective CFSP. Chris Patten explained the problem in this way:

Because foreign policy goes to the heart of what it means to be a nation. If the separate members of the Union are to retain their national identities, as they can and must, they will inevitably be reluctant to relinquish control of their foreign policies. They are, after all, competitors in the world as well as partners (Patten, 2001).

Some scholars have also argued that the lack of a common identity at the European level has frustrated attempts to establish an external action at the EU level (Peterson, 1998, 3; Zielonka, 1998a). According to Gordon (1997/98: 100), 'the lack – even after forty years of integration – of a European identity sufficient to permit delegation of

³⁵ A European identity does not try to take the place of national identity; but it must respect and promote these identities (Art. 5.1, TEU). The Preamble of the Draft of the Constitution similarly states: 'Convinced that, while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their ancient divisions and, united ever more closely, to forge a common destiny'.

sovereignty to centralized institutions means that EU foreign policy cooperation will probably remain limited, fragmented, and intergovernmental’.

Hill and Wallace consider that an effective foreign policy requires a strong sense of identity: ‘[e]ffective foreign policy rests upon a shared sense of national identity, of a nation-state’s ‘place in the world’, its friends and enemies, its interests and aspirations’ (quoted by Aggestam, 1999: 1). The same requirement holds at the European level, but so far, it seems to be elusive. Thus, Lisbeth Aggestam has argued that ‘the Union has not proved convincing in moving much beyond the primarily negative stage of integration (the removal of barriers) to a positive one that would promote a European identity and interest’ (1997: 92). CFSP is still seen as an instrument to advance national interests in the world. As Dave Allen (1996: 294) has suggested ‘participation in the CFSP is valued for the stimulus that it gives to the continued assertion of national individuality in international politics rather than as a step towards the submerging of those separate identities into some sort of European identity’.

In sum, the academic and political debate has focused primarily on the need of appropriate institutions in trying to address problems of coherence and effectiveness. Convergence among Member States interests has been also pinpointed as a prerequisite for a coherent and effective action. Less attention has been paid to identities, although some policy-makers and scholars have noted that the lack of a shared identity at the EU level also helps explain some of the deficiencies of EU external action.

1.5. CONCLUSION

This chapter has introduced some of the key issues and problems that constitute the main focus of this research. These include the concept of EU external action, the main actors and instruments of the CFSP, and the concepts of coherence and effectiveness. As shown in section 1.4, there is a commonly-held view among policy-makers and scholars that EU external action, and more particularly CFSP, is incoherent and ineffective. This thesis attempts to ascertain to what extent this assessment is valid, concentrating on an examination of CFSP activities in BiH.

In order to facilitate this task, this chapter has defined the main concepts that will be used in the following chapters. Aware of the limitations of any definition, as an attempt to delimitate complex realities, this chapter proposes some working definitions for the concepts of coherence and effectiveness in order to study the CFSP. To avoid simplistic judgements on coherence and effectiveness, it is suggested here that a gradation, as well as the distinction between decision-making and implementation, can allow for a better assessment of CFSP policies in terms of coherence and effectiveness.

This chapter has also described the intense debate that has taken place over coherence and effectiveness of EU external action, in both political and academic forums. Three main factors – institutions, interests and identities – have been pinpointed in order to make sense of these problems. Some conclusions can be noted here. As far as the EU's achievements in the international scene are concerned, official and academic views have been noticeably varied. From the most pessimistic positions to those that underscore partial successes (for example, in 'low politics' or 'soft security' policies), the range of perceptions make it difficult to draw a definitive assessment of EU external action. In general, one can say that there is widespread acceptance that the Union enjoys international presence (Allen and Smith, 1990), even though this presence shows numerous problems of effectiveness and coherence, even in its economic dimension. Countless failures of the EU in coping with international conflicts have alarmed external observers and institutional reforms have not dispelled concern on these issues. On the contrary, the increasing complexity of CFSP institutional design and the functional and geographical broadening of its activities seem to have exacerbated anxieties. Thus, incoherence and ineffectiveness are regarded both by academics and politicians as persistent obstacles in the way of advancing EU presence and actorness.

This thesis intends to contribute to the existing CFSP literature by examining these problems, and identifying those factors that may affect CFSP dynamics. As suggested above, a comprehensive account of CFSP coherence and effectiveness would point to the concurrent impact of three factors: institutions, interests and identities. On this basis, the next chapter explores in more detail alternative theoretical explanations and develops a theoretical framework that will serve to analyse the CFSP coherence and effectiveness of the selected case study.

CHAPTER 2

Historical institutionalism: A framework for analysis

2.1. INTRODUCTION

The objective of this chapter is to make explicit the theoretical assumptions that underpin the thesis. Theory is considered here as an essential tool if one wants to make sense of the world in a structured way. Yet the present chapter does not intend to undertake an endless theoretical discussion of competing theories and approaches – even, if one cannot completely set aside these meta-theoretical debates. Rather, it aims to establish the theoretical pillars that inform the empirical research and to elucidate certain underlying assumptions about the relationship between actors and their material and normative environment. In short, it should have a practical purpose: to illuminate the empirical puzzle that constitutes the focus of this study, namely the coherence and effectiveness of the CFSP.

The present chapter is structured as follows: the first section consists of an in depth review of the factors introduced in the previous chapter – the so-called three I's – and advances some explanations regarding their mutual relationships. It is argued that institutions are the key variable in explaining levels of CFSP coherence and effectiveness. However, this choice does not neglect the relevance of interests and identities in the final explanation of EU external action. Section three comprises the bulk of the chapter. Taking as its starting point the argument of bounded rationality, it puts forward a historical institutionalist approach as a theoretical tool to make sense of the empirical analysis of CFSP. Historical institutionalism can incorporate both the rational and sociological elements of institutions and explain the impact of institutional arrangements *over time*. Arguably, other theoretical approaches such as those based on FPA or public policy could also have been helpful in order to explain CFSP coherence and effectiveness, in particular at the implementation level (see Dimitrakopoulos and Richardson, 2001; Hill, 2003b; Parsons, 1995; White, 2001; 2004). Even if not completely rejecting the insights provided by such perspectives, the approach selected in this thesis draws instead on International Relations (IR) and European Studies theories as well as on organisational theory to disentangle the relationships between the

three I's identified in the political and academic debate. This analytical framework will serve to analyse the process of CFSP institutionalisation with special attention to path dependency, unintended consequences, learning and socialisation.

2.2. THE THREE I'S: INTERESTS, IDENTITIES AND INSTITUTIONS.

As suggested in the previous chapter, one can best make sense of EU external action by analysing the complex interplay between three factors: interests, institutions and identities (see also Hyde-Price, 2004: 100; Landau and Whitman, 1997). A full understanding of EU external action is shaped by how these three factors are conceptualised. For instance, in the political and academic debate sketched in the previous chapter, institutions have usually been treated in a formal sense, as bureaucratic organisations and formal rules, whereas their sociological aspects, including the development of practices and norms, have been neglected. The next section is an attempt to critically explore the treatment of the three I's in the extant IR and European Studies literature. It discusses the main flaws in mainstream realist, neoliberal and constructivist perspectives and adopts a specific conceptualisation for each of the three I's. Based on this understanding of interests, identities and institutions, a historical institutionalist approach, it is argued, can better grasp the dynamics of the CFSP.

2.2.1. Interests

Interests constitute the starting point in rationalist analyses when explaining the behaviour of states at the international level.³⁶ A first question here relates to the nature of those interests. In the realist literature, interests are usually equated with power (in geo-strategic or economic terms). States seek to maximize their power, understood as the ability to get what they want, resorting to the use of force or threat when necessary. While power can have different faces, the most important for realists is military power because the main goal for states, the national interest par excellence, is survival. Thus, Waltz's neorealism (1979) takes states as the main actors in the international system and

³⁶ From a rationalist perspective, individuals behave according to instrumental rationality, i.e. a means-ends strategy. Individuals are usually portrayed as self-interested actors, seeking to maximize their own interests.

describes states' preferences in terms of maximizing their capabilities (their power) to maintain or improve their position in that system.

In spite of some divergences between neorealists and neoliberals,³⁷ the latter follows the same assumptions regarding interests, seeing them as something fixed, exogenously given, taken for granted (not problematised), and mainly conceived in material terms. States enter into bargaining with some prior interests and they will strategize according to these given interests. Usually, rationalist analyses will not consider changes in interests, focusing instead on changes in strategies and behaviour as a consequence of interactions among actors. If there is a change in negotiating positions, it is not because a change in preferences has occurred, but because actors have changed their views about what the optimal strategies to achieve their interests are or because issue-linkages allow them to lower their demands in the current negotiations in exchange for concessions elsewhere.

In the field of European Studies, both intergovernmentalism and rational choice institutionalism have followed this rationalist premise. According to intergovernmentalist analyses (inspired by the realist tradition), decisions are taken by sovereign states that act on the basis of material self-interest in an international context characterised by anarchy. Stanley Hoffman (1995) considers that states' interests are related to the protection of both geopolitical (national security and sovereignty) and economic interests. At the European level, states enter into cooperation because of egoistic interests – to deal more efficiently with problems at the international level – and they are keen to maintain a narrow control on the integration process, in particular, when vital interests are at stake. In Hoffmann's view, the diversity of national interests among Member States, the so-called logic of diversity, has prevented the development of a logic of integration (Hoffman, 1995: 71). A coherent and effective external action at the European level will only be possible in those cases when the national interests of European states coincide. From this point of view, institutional arrangements and ideational factors are less important when explaining degrees of coherence and effectiveness of EU external action.

³⁷ Neorealist and neoliberal approaches take issue, for instance, with the importance given to economic interests or military and geo-strategic power; relative/absolute gains; and how they perceive anarchy and cooperation in international relations (Lucarelli, 2000).

Moravcsik's 'liberal intergovernmentalism' shares some of the above assumptions, but is supplemented by a theory of preference formation at the domestic level (1993; 1994). Moravcsik proposes two levels of analysis. At the first level, domestic actors will try to influence a governmental position, and seek to promote their economic interests. At the second level, states are seen as unitary actors that have to bargain in order to defend the position that has been fixed at the national level. Policy outcomes at the EU level can be reduced to the preferences of the Member States and the distribution of power among them. Moravcsik maintains the postulate of state rationality, but in contrast to realist theory, he argues that state preferences are driven by economic rather than geopolitical interests and that inter-state bargaining can produce positive-sum outcomes. He also concedes some importance to the institutional environment which is information-rich, providing transparency and trust, and thus, liberal intergovernmentalism can be seen as a variant of rationalist institutionalism (Schimmelfennig, 2004: 76).

Although rationalism has been successful in asserting this conception of interests, scholars have recently started to approach interests in a different way. Contrary to what is often assumed, rationalism and constructivism are not irreconcilable in their conception of interests. Rationalist analyses can incorporate ideational factors in actors' conceptions of utility (Finnemore and Sikkink, 1998: 910; Jupille et al., 2003); however, they have often neglected the analysis of preference formation, while focusing on strategic choice. Constructivist approaches are instead process-oriented. From this perspective, interests are not fixed; rather they vary during the process of interaction and they do not always come from within the state, but can be shaped by internationally shared norms (Finnemore, 1996: 3, 11). To paraphrase Wendt (1992), interests are 'what states make of them'. Practices (what states do) construct states preferences and identities (what states are). States' interests are shaped by their interactions and their perceptions of the world they inhabit.³⁸ These perceptions can be the result of objective facts (the possession of wealth and natural resources), but also of social interactions that give meaning to objective facts, hence the importance of the institutional setting wherein these interactions take place. For this reason, 'what is needed is a decision-making theory which includes in its analysis the ways in which preferences, beliefs and

³⁸As Lisbeth Aggestam has pointed out: '[t]he conceptual lenses through which foreign policy-makers perceive international relations tend to set the norm for what is considered rational foreign policy-making' (2004a: 84).

desires are shaped by participation in the decision-making process itself' (Kerremans quoted by Checkel, 2001: 30).

From a constructivist perspective (Christiansen et al., 1999; Tonra, 2003), rationality is not simply informed by economic, geopolitical or other 'material' interests, but it is argued that ideational and social factors also motivate individuals. Interestingly, some rationalist analyses have started to explore ways to incorporate ideas in their accounts of actors' motivations.³⁹ According to Goldstein and Keohane, 'ideas *as well as* interests have causal weight in explanations of human action' (1993: 4, emphasis in the original). However, from this viewpoint, all that is considered is how ideational factors could in principle alter actors' behaviour, not their interests or identities. For Goldstein and Keohane, (1993: 3),

ideas influence policy when the principled or causal beliefs they embody provide road maps that increase actors' clarity about goals or ends-mean relationships, when they affect outcomes of strategic situations in which there is no unique equilibrium, and when they become embedded in political institutions.

Finnemore and Sikkink offer a summary of this rationalistic approach to ideas. By treating ideas as mere information that reduces uncertainty or alters strategies, this approach results in 'politics without passion or principles, which is hardly the politics of the world in which we live' (1998: 916). In sociological analyses (e.g. Finnemore, 1996, chapter 1), by contrast, social factors (such as norms or identities) are incorporated into actors' preferences. Actors will try to behave in an appropriate way in a given situation following social rules or pursuing altruistic goals.

However, in most sociological accounts, agency (and rationality) disappear from the analysis and are subsumed into and determined by structure. As will be explained below, this thesis departs from such a firm structuralist interpretation, but retains a place for structural influence while also conceiving actors as rational and self-reflective. The

³⁹ In traditional realist analyses, ideas and, particularly ideologies, were treated as a mere disguises to hide the pursuit of egoistic material interests (see for example, Morgenthau, 1973: 14, 88-91). However, some realist analyses do take subjective factors such as values and national traditions into consideration in order to explain foreign policy. This is the case with Hoffmann's concept of 'national situation' (Hyde-Price, 2004: 103).

concept of interests that informs this study suggests that: a) interests are not fixed and b) both ideational and material factors need to be considered in the construction of interests. The empirical research will seek to shed light on this framing by exploring whether Member States' interests have remained fixed or have been affected by the institutional context in which the Member States are embedded. It will also attempt to uncover the nature of the interests (ideational, economic and/or geopolitical) that guide Member States' behaviour. But this is only one part of the story, it is also necessary to understand the mediating effects of identities and institutions on interests.

2.2.2. Identities

Rationalist approaches consistently overlook the importance of identities. Actors are seen as rational, self-interested and driven by instrumental rationality. They all make the same means-ends calculations given the same conditions, independently of who they are.⁴⁰ Identities, as interests, are exogenously given and fixed. From the point of view of this research, identities are conceived of somewhat differently. They are socially constructed and they can vary as a result of social interactions; and, more importantly, if identities change, this will impact on the behaviour and interests of actors. Hence the more ambitious goal of this research is to clarify to some extent the role that identity plays in shaping CFSP policy and the relationship of a European identity to overall effectiveness and coherence. This involves explaining the relationship between identities and the other two factors considered by this study, interests and institutions.

In the words of Michael Barnett (1999: 9), '[a]n identity is the understanding of oneself in relationship to others'. Identity is always a social and a relational concept. Identities are the result of the continuous interactions of one community or state with other communities or states, implying something socially constructed and contingent.⁴¹ If identity is socially constructed, this notion allows of an important role for agency in its construction. Thus, Barnett (1999: 9) argues that a process of contestation or identity conflict can take place whereby different actors compete to impose their own interpretation of a collective identity.

⁴⁰ However, more sophisticated non-materialist rationalist analyses have started to take into account the role of identity factors in the final explanation. For example, Schimmelfennig's analysis of the decision to enlarge to Central and Eastern Europe showed how community and identity factors affect actors' strategies and can be used rhetorically to increase actors' bargaining power during negotiations (Schimmelfennig, 2001).

⁴¹ However, it is worth noting that even if identities are contingent, they are also quite resistant to change once they have been institutionalised (see Aggestam, 2004a: 84).

Of some importance for this study is the relationship between identities and foreign policy. It is argued here that identity constitutes a decisive link between institutional structures and interests (Jepperson et al., 1996: 59). In Wendt's words, '[i]dentities are the basis of interests. Actors do not have a "portfolio" of interests that they carry around independent of social context; instead, they define their interest in the process of defining situations' (1992: 398), and they define situations according to their identity. In other words, 'European identity thus provides the cognitive framework within which the EU's foreign and security policy is formulated' (Hyde-Price, 2004: 109). According to Barnett (1999: 10), a 'national identity is a source of interests. Identity, however, does not cause action but rather makes some action legitimate and intelligible and others not so'. This implies that when analysing identities as an independent variable, we should conceive them not as a 'cause' of actions, but as enabling factors, determining the range of possible options (Sedelmeier, 2004: 131). It is expected that identities will have an impact on interests and then, an impact on foreign policy. Following from this, if a shared understanding about the EU's role in the world emerges among CFSP policy-makers, one could expect that this will affect the policy output.

It has to be noted, however, that an EU identity is something recent and relatively weak and, crucially, in an ongoing process of emergence as a result of the interactions between the EU and its Member States. The complex interaction between European and national identities produces some sense of collective EU identity.⁴² This is illustrated in the CFSP domain, wherein the Member States might identify collective goals as their own goals. Of course, the building of this European identity is easier if it is seen as compatible with national identities (Aggestam, 2004a: 85).

To be clear, the notion of identity in this thesis refers neither to the understanding shared by the Member States' populations (mass attitudes), nor to the identities of the Member States as such (i.e. Germany's identity). It refers instead to the understandings shared by the EU elites (national representatives, EU officials) about the EU's appropriate role in the world or the EU's international identity. As put by Aggestam (2004a: 88), the concept of role provides 'an analytical and operational link between identity constructions and patterns of foreign policy behaviour' and suggests 'how cultural norms and values are translated into verbal statements about expected foreign

⁴² As argued by Landau and Whitman, '[i]dentities encompass a set of loyalties that, rather than being exclusive, can coexist' (1997: 7).

policy behaviour and action orientation'. The key questions to be explored by this study will be whether the EU has acquired such an identity, i.e. is there a shared understanding about what the EU's international role should be? The objective will be to explore the ideas that define collective expectations of appropriate action. In the case of the EU, the thesis will investigate how ideas about the EU's role in the world, usually framed in terms of civilian/military power or soft/hard power have evolved throughout the period 1991-2006 in relation to the case of BiH. Moreover, it will assess how this collective identity affects coherence and effectiveness of the CFSP. The next section moves onto the last factor completing the equation to understand EU external action: institutions. As will be explained in section 2.3, by focusing on institutions, a historical institutionalist approach aims to unpack the complex interactions between the three I's and to judge how processes of institutionalisation have affected interests and contributed to the development of an EU international identity/role.

2.2.3. Institutions

In recent years, institutionalist analyses have increased in importance, in particular, following the seminal work of March and Olsen (1989; 1998). From this perspective, an important preliminary question regards the definition of institutions – what should be included within this category without risking 'conceptual stretching' (Lowndes, 2002: 103)? According to North (1990: 83), institutions are the 'rules of the game'; however, his definition seems too broad since it includes tradition, custom and culture as informal institutions. More specifically, for March and Olsen (1998: 948), institutions are 'a relatively stable collection of practices and rules defining appropriate behavior for specific groups of actors in specific situations. Such practices and rules are embedded in structures of meaning and schemes of interpretation that explain and legitimize particular identities'.⁴³ For his part, Peter Hall describes institutions as 'the formal rules, compliance procedures, and standard operating procedures that structure the relationship between individuals in various units of the polity and economy' (quoted in Peters, 2005: 74). Hall's definition seems more suitable for this research since it does not include cultural or customary factors, and therefore it is easier to operationalise. In this sense, institutions would encompass both formal and informal elements; both rules and practices ('standard operating procedures'). Building on this definition, institutions

⁴³ Institutions understood in this way have also been labelled as 'norms' by political scientists (see Finnemore and Sikkink, 1998: 891).

are conceptualised in this thesis as including bureaucratic organisations, formal rules and informal practices.⁴⁴

On the other hand, whether institutions have an impact or not and how they matter is still a source of contention. While international institutions are considered to be epiphenomena in neorealist analyses, i.e. they have no independent effect on states (Mearsheimer, 1994/1995), for neoliberal institutionalists, regimes and international organisations *matter*. Institutions have an independent impact: they constrain state behaviour and modify state strategies. For instance, Oran Young (1992) demonstrates that institutions can be effective even in 'hard cases' and discusses some critical variables that can determine the effectiveness of institutions. Institutions also facilitate cooperative outcomes by helping to overcome collective action problems (Keohane et al., 1993; Martin and Simmons, 1998; Ruggie, 1998). If defection and cheating are problems, then the establishment of rules that constrain state behaviour and make defection less attractive will help to increase opportunities for cooperation – this argument is also endorsed by liberal intergovernmentalism (see Moravcsik, 1993). Institutions provide information about governments' intentions thereby reducing uncertainty and making policies more predictable. They can serve as focal points for policy-making and reduce transactions costs (Keohane and Hoffmann, 1993: 400). Finally, iterative interactions within an institutional framework may increase the credibility of commitments and facilitate issue-linkages (Martin, 1992). In any case, states will seek to establish institutions that allow them to maintain their autonomy, while reducing the costs of cooperation. Intergovernmental arrangements will best suit states' interests and thus the expectation is that international institutions will be *obstinately* intergovernmental (Sjursen, 2004: 7).

From a rationalist perspective, institutions are therefore seen as formal and informal structures only *constraining* actors' strategies, although some neoliberal institutionalists have acknowledged the independent impact of institutions on interests and identities.⁴⁵ By contrast, from a sociological perspective, institutions are considered to be the 'rules of the game', *shaping* and *defining* the behaviour of a specific social group, and then

⁴⁴ For a distinction between bureaucratic organisations, formal rules and informal practices, see Chapter 3, section 3.2.

⁴⁵ For example, Keohane acknowledges that 'institutions do not merely reflect the preferences and power of the units constituting them; the institutions themselves shape those preferences and that power' (1989: 382). Yet, this issue has remained relatively unexplored in rationalist analyses.

having an impact on actors' interests and identities. As March and Olsen (1989: 159) point out, 'political actors are driven by institutional duties and roles as well as, or instead of, by calculated self-interest; politics is organized around the construction and interpretation of meaning as well as, or instead of, the making of choices.'

Sociological approaches have devoted more attention to the deep effects of institutions on interests, exploring how institutions offer a cognitive and symbolic framework according to which actors define their preferences (see Katzenstein, 1996; Finemore and Sikkink, 1998; Legro, 1997; Risse et al., 1999). Because of limitations in rationality and because preferences are often disordered or complex, institutions are seen to offer a script to help order and/or specify preferences. According to March and Simon, '[t]he organizational and social environment in which the decision maker finds himself determines what consequences he will anticipate, what ones he will not, what alternatives he will consider, what ones he will ignore' (1964: 139). Institutions also have constitutive effects over identities: they 'offer a normative context that constitutes actors and provides a set of norms in which the reputation of actors acquires meaning and value' (Katzenstein, 1996: 12-13). According to this sociological perspective, since some institutions become taken for granted, and in so doing determine the preferences and identities of individuals, this can make the possibilities for agential response very limited within this approach. It therefore has been criticised for its determinism in "writing actors out of the script" and treating them as "cultural dupes" (Tonra, 2003: 735).

The supposed impact of institutionalisation processes varies according to which notion of institutions guides the researcher. For example, in sociological analyses, institutionalisation refers not only to the establishment of formal and informal institutions, affecting individuals' behaviour, but also to the cognitive effects of institutionalisation: the emergence of 'codes of meaning, ways of reasoning, and accounts in the context of acting on them' (March and Olsen, 1998: 948). For Zucker (1983), for instance, institutionalisation is both a 'phenomenological process by which certain social relationships and actions come to be taken for granted' and a state of affairs in which shared cognitions define 'what has meaning and what actions are possible' (quoted in Powell and DiMaggio, 1991: 8). The latter dimension is also

emphasized by Wendt, for whom this process will have deep effects in actors' interests and identities (1992: 399). In the CFSP context, M.E. Smith (2004: 30) argues that

Institutions can thus shape the processes of goal selection and the strategies adopted to achieve these goals. This [...] suggests the possibility of the formation of a distinct polity, as actors reconstitute their behaviours and interests in terms of European norms rather than national ones, although there are certainly overlaps between the two.

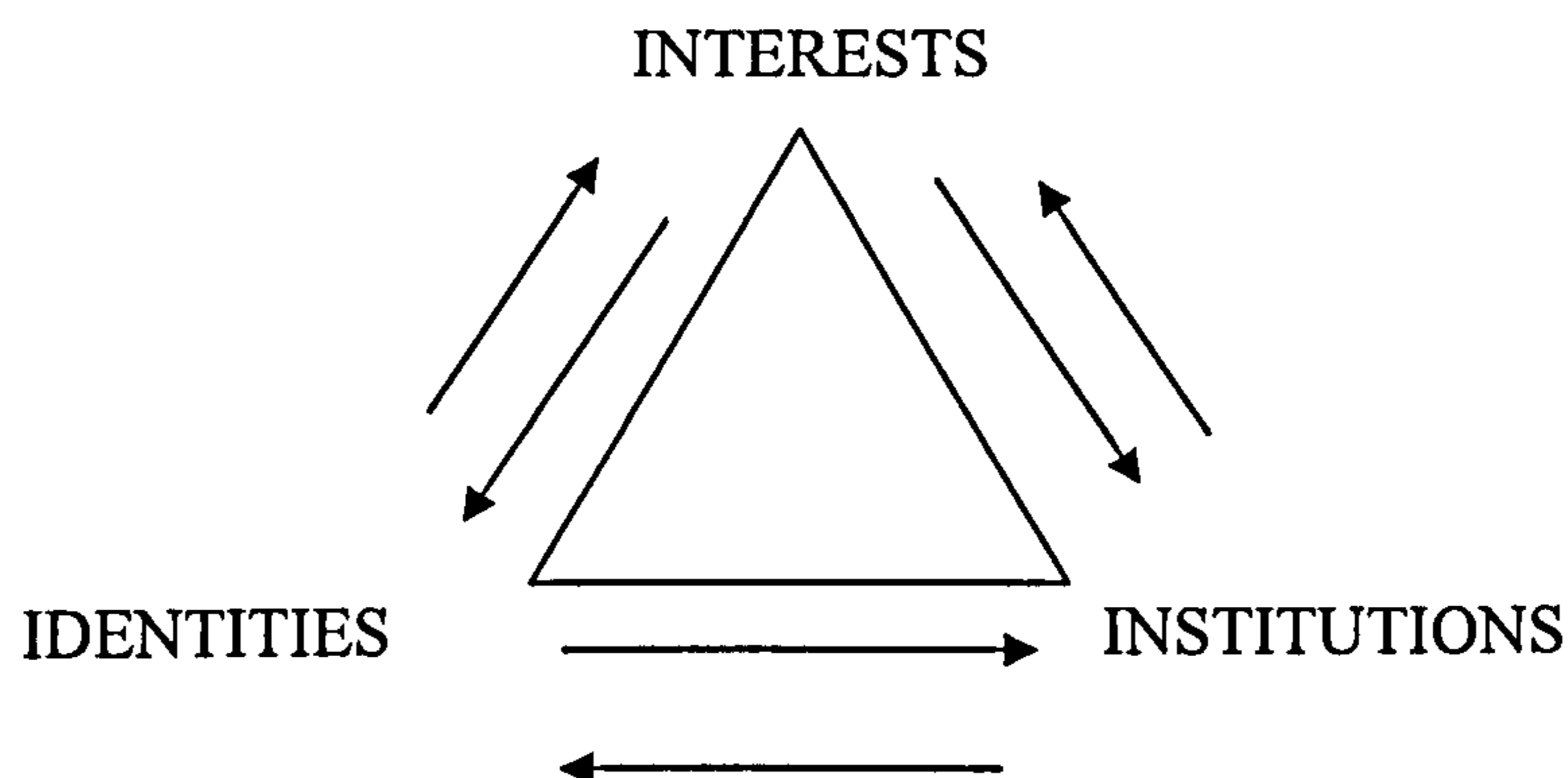
For the purposes of this thesis, institutionalisation is defined as the process whereby CFSP institutions (bureaucratic organisation, formal rules and informal practices) are created and developed, shaping actors' behaviour, and even their interests and identities in the long term. Institutionalisation involves the establishment of some bureaucratic and political bodies, the development of formal rules and informal practices, which together constitute the 'institutions' of the CFSP. This process will have an impact on actors' behaviours since they will have to adapt their strategies to the new procedural and substantive rules that have been established. Besides, although it may well not happen in the short term, institutionalisation does not exclude the internalisation of practices and rules in the long term (i.e. having cognitive effects).

This research will try to clarify the impact of institutionalisation on actors' behaviour, e.g. how it has affected actors' strategies by reducing uncertainty and transaction costs and increasing incentives for cooperation, and how this can affect CFSP coherence and effectiveness. Furthermore, drawing on a broader understanding of institutions, a subsidiary goal will consist of determining the impact of institutions, if so, on interests and identities. For example, it will be interesting to test whether or not the increasing interactions of actors within an institutionalised framework has promoted the development of a 'we-feeling', or a sense of community, and/or whether it has led to changes in actors' preferences and/or identities.

Figure 2.1 summarises the mutual relationships between the three I's. First, institutions can be conceived as arenas within which particular interests and identities emerge and can even constitute those interests and identities. At the same time, institutions can also be an expression of interests and identities. Interests can determine the institutional design and in this way, institutions can be seen as 'ways of propelling interests'

(Landau and Whitman, 1997: 8). For their part, identities serve as a cognitive framework for interests, i.e. they provide with cognitive lenses to policy-makers that help them define their interests. In sum, there is a historical and causal link, therefore, between the three I's. Policy makers must act in inherited institutions which can both facilitate and restrict their agency and constitute their identities; but by acting, policy-makers also shape these very same institutions. These links and the conceptualisation of the three I's that has been introduced underpin the theoretical framework of this research: a historical institutionalist approach. The next section discusses this framework in more detail.

Figure 2.1. Complex interactions between the three I's



2.3. A FOCUS ON INSTITUTIONS: A HISTORICAL INSTITUTIONALIST APPROACH.

It is argued that a historical institutionalist approach can better guide the empirical research and help to illuminate the impact of CFSP institutions on effectiveness and coherence. Although it concentrates on exploring 'how institutions matter', it does not neglect the role of the other two I's; on the contrary, it offers the methodological tools to analyse the complex interactions between interests, institutions and identities *over time*. As put by Thelen and Steinmo (1992: 13),

the emphasis on institutions as patterned relations that lies at the core of an institutional approach does not replace attention to other variables – the players, their interests and strategies, and the distribution of power among them. On the contrary, it puts these factors in context, showing how they

relate to one another by drawing attention to the way political situations are structured.

Before discussing the different institutionalist variants, it is worth mentioning that this analysis takes as a starting point the rational actor: even in highly institutionalised frameworks, rationality plays a crucial role in determining actors' behaviour. As Finnemore and Sikkink have argued, 'rationality cannot be separated from any politically significant episode of normative influence or normative change, just as the normative context conditions any episode of rational choice' (1998: 888). The concept of rationality used here is one of bounded rationality. This approach acknowledges the limited cognitive capacity of individuals. Policy makers do not dispose of all necessary information to make the right choice (they might not know all the alternatives and/or the consequences attached to each alternative). Moreover, their preferences are too complex and they are not ordered. Hence, actors satisfice rather than maximize (Haas, 1990: 33). Most of the activities are concerned with finding satisfactory solutions, and only a small number try to achieve 'optimal' outcomes (March and Simon, 1964: 140-141). In this context of incomplete information, the institutional framework can provide some clues and patterns to decipher the environment and others' behaviour (North, 1990: 20). Actors do not act in a social or ideational vacuum. They are reflexive and take into account the social and normative context in which they find themselves when acting strategically.

Drawing on this conception of rationality, an institutionalist approach seeks to analyse how 'institutions matter', how they affect policies, interests and identities. Given the density of institutional arrangements in the CFSP domain, the application of institutionalist theories to its study would seem particularly appropriate. Three variants of the new institutionalism can be distinguished in the extant literature: rational choice, sociological and historical institutionalism (HI) (Hall and Taylor, 1996). The first two actually mirror current debates between rationalist and constructivist approaches to understanding political decision-making as well as the two logics that can be said to underpin each approach; respectively, those of the 'logic of consequences' and the 'logic of appropriateness' (March and Olsen, 1989; 1998). In rationalist analyses, the logic of consequences, and then, instrumental rationality, occupies the main place in explanations. Actors will engage in a bargaining process according to their prior preferences, as well as to the expected outcome of their actions and others' actions. By

contrast, according to the logic of appropriateness actors are seen as rule followers or role players. The interests and identities of actors are not exogenously given, but socially constructed during the process of interaction. The third variant, HI, is suggested here as a way to transcend this debate, offering, if not a crude synthesis between rational and sociological approaches, an avenue for dialogue between them.

When talking about the new institutionalism, it seems obvious that the adjective 'new' seeks to distinguish these approaches from 'old' institutionalist analyses. The latter was common in Political Science at the beginning of the twentieth century and focused on how political and formal structures (laws, constitutions, bureaucratic organisations) shaped the political outcome. While old institutionalism focused on formal, fixed and *ex ante* arrangements, new institutionalism incorporates broader phenomena into its analysis: formal and informal rules that guide and constrain the behaviour of individual actors.⁴⁶ From this perspective, to understand political outcomes, one should start by exploring the institutional structure and how it constrains the chances of actors. Yet, individuals (or agency) still play a role in institutional analysis. In Peters' words, 'the individual element of policy-making comes into play as the members of the institution interpret what the rules and values of their institutions are' (2005: 164).

Even if the leitmotif of the new institutionalism, 'institutions matter', remains widely accepted, the thorny question, 'how do they matter' does not generate the same agreement. The different branches of institutionalist theory thus offer contrasting images of institutions and their concomitant impact upon actor preferences and identities. According to rational choice institutionalism, institutions are considered to be consciously created in order to facilitate cooperation (Garret, 1995; Pollack, 1997; Tsebelis, 1994). Put simply, they are understood as 'the outcomes of purposive actions by instrumentally oriented individuals' (Powell and DiMaggio, 1991: 8). They provide actors with information and enforcement mechanisms that reduce uncertainty about the environment and the behaviour of others as well as transaction costs. In so doing, institutions affect individuals' utility calculations and help to overcome collective action problems. The role played by agency in the creation and design of institutions and the fact that there is room for learning and institutional change in these analyses are analytically attractive in explaining the development of EU external action.

⁴⁶ For a comparison between old and new institutionalism, see Peters, 2005, chapter 1. He summarises the main features of old institutionalism as being legalism, structuralism, formalism, and holism. This approach is also historical and normative.

However, rational choice analyses often focus on formal rules such as decision-making procedures or formal competences laid down in the treaties, while neglecting the importance of informal rules and norms. Moreover, even though these actor-centred approaches admit that actors' strategies can be modified as a consequence of institutional arrangements, they deny that institutions affect actor preferences. Interests are instead considered to be exogenously formed and to remain fixed. Hence EU-level institutional environments such as CFSP institutions are considered to have no impact upon the definition of national preferences since these are considered to be formed in a domestic context external to the institution itself and no changes would be expected to occur as a result of such routine interactions in Brussels. One could also expect lowest common denominator decision-making given the prevalence of unanimity, fixed national preferences and the fact that package-deals seem improbable in CFSP negotiations.

For sociological institutionalism, by contrast, institutions shape not only actors' strategies, but also their preferences and identities (see Checkel, 2001; Lewis, 2005). Sociological institutionalism embraces a broader conception of institutions including informal rules and 'culture'. Institutions involve a normative dimension, prescribing norms of behaviour, and a cognitive one, giving meaning to the world and determining its interpretation and the limits of the thinkable (Hall and Taylor: 1996: 15). For sociological institutionalists, individual choices and preferences cannot be understood 'outside of the cultural and historical frameworks in which they are embedded' (Powell and DiMaggio, 1991: 10). Even if it has problems explaining the origins of institutions, this perspective captures better the independent dynamics affecting institutions that sometimes make them rather ineffective, producing unintended results. From this perspective, interactions within CFSP institutions would facilitate cognitive processes such as socialisation and learning that may have not only shaped the process of goal selection and actors' strategies, but also led, in the longer term, to a reconstitution of actors' preferences and identities. As put by Tonra (2003: 738), 'CFSP might be better understood in terms of identity creation than as an exclusively rationally-based exercise in national self-interest.' However, the fact that some institutions can become taken for granted, determining actors' preferences and identities, can in turn limit agent's ability to introduce institutional change. According to Hall and Taylor (1996: 8), 'institutions are resistant to redesign ultimately because they structure the very choices about reform that the individual is likely to make.' For this reason, institutions are perceived as being

quite resistant to change and hence the problem of sociological institutionalism to explain it.

For its part HI can be defined, following Pollack, as the analysis of 'the effects of institutions over time, in particular the way in which a given set of institutions, once established, can influence or constrain the behaviour of the actors who established them' (2004: 139; see also Peters, 2005: 71). In a similar vein as sociological institutionalism, preferences are seen as endogenously formed within a given institutional setting. This approach represents a clear rejection of rationalist explanations of institutions. First, institutions are never created from 'scratch', but build upon previous institutional settings. Second, institutions are conceived as developing in a different way than was intended by their original designers and therefore escaping from their control. To explain inefficient institutions, one has to go back to explain the interests at their creation and their subsequent evolution. The notion of path dependency (see below) constitutes one of the main features of HI, i.e. one can only understand the current political context (organisations, rules and practices) by understanding and analysing their historical development. Rationalist analyses that take political interactions as a 'one-shot interaction' miss this point, as well as the fact that historical development can trap actors in concrete dynamics.

Although its notion of path dependency could lead to a reductionist notion of agency (past actions determine the range of possibilities for future action), most HI analyses do not neglect the possibility of strategic action affecting the institutional setting, and in this way, they can allow for a dialectical model of agency and structure. This model entails the possibility of creative agency, i.e. actors are capable of learning from past experiences and new available information, and are able to *adapt* and to *respond* to structural properties (Aspinwall and Schneider, 2001; Bulmer, 1998; Hay and Wincott, 1998).

The historical variant of the new institutionalism can also be conceived as a way to bridge the two logics of action (appropriateness and consequences). For Hall and Taylor, historical institutionalists 'tend to conceptualize the relationship between institutions and individual behaviour in relatively broad terms', and for this reason, it 'stands in an especially pivotal position', embracing explanatory elements of both a 'calculus' (i.e. rationalist) and a 'cultural' (i.e. sociological) approach (Hall and Taylor,

1996: 7, 24; Aspinwall and Schneider, 2001: 10-11; Peters, 2005; Pollack, 2004: 139). For this reason, it can be used as a perspective to explore ways of bridging both logics of action, trying to conciliate them into a specific research design. Hay and Wincott (1998: 953) argue that HI must be erected as a distinctive explanation of the relationship between institutions and behaviour: '[i]t is only if historical institutionalism can transcend the unhelpful dualism of institution and intention, context and conduct, structure and agency that it can be identified as a coherent and consistent approach to institutional analysis in its own right'. The resulting model would be one adopting neither a calculus nor a cultural approach, but a model of strategic action within an institutional context, together with a dialectical model of agency and structure. Thus, according to Hay and Wincott (1998: 954)

Actors are strategic, seeking to realize complex, contingent and often changing goals. They do so in a context which favours certain strategies over others and must rely upon perceptions of that context which are at best incomplete and which may very often reveal themselves inaccurate after the event

This model sees actors as being strategic, but strategic action ought to be conceived here in line with the thesis of bounded rationality formulated above. Change will be the result of intended or unintended actions within a particular institutional framework (Hay and Wincott, 1998: 955). The following sections examine in more detail some aspects of the theoretical framework introduced above: path dependency, unintended consequences, learning and socialisation.

2.3.1. Path dependency

Path dependency appears as an important explanatory factor in HI analyses (Bulmer, 1998; Pierson, 1996; Stacey and Rittberger, 2003). According to this literature, earlier decisions constrain the range of options that actors can consider in later moments. This means that not only does history matter, but what also matters is the particular sequence of events. External forces will not have the same result in every period; previous political outcomes will determine the impact of current external forces and then a specific historical development or 'path' (Pierson, 2000: 251). In other words, 'choices made at a particular moment eliminate a whole range of possibilities from later choices

while serving as the very condition of existence of others' (Hay and Wincott, 1998: 955). Path dependent processes affect the creation of new institutions, since they are not created in a vacuum, there is no *tabula rasa*. According to Pierson, 'actors do not inherit a blank slate [...] instead [they] find that the dead weight of previous institutional choices seriously limits their room for manoeuvre' (in Reynolds, 2007: 55). This will favour some decisions and exclude others, eventually, shaping the political outcome.

Path dependency also implies that particular courses of action, once introduced, can be virtually impossible to reverse. Institutions are 'sticky', or resistant to change (Pollack, 2004: 139-140; Pierson, 1996: 143). What is more, path dependency is self-reinforcing in the sense that steps in one direction induce more steps in the same direction (Pierson, 2000: 252). The resulting situation would be one of institutional inertia and lock-ins. From a HI perspective, institutions are seen more as constraining than enabling actors, emphasizing the enduring effects of past policy choices and institutional inertia. However, change might still occur, usually as a result of a critical junctures or learning.

HI analyses have often referred to critical junctures to explain institutional change, i.e. 'moments when substantial institutional change takes place thereby creating a "branching point" from which historical development moves onto a new path' (Hall and Taylor, 1996: 10). In EU external action, these often occur as a consequence of external events (economic crises or military conflicts) or internal ones (for example, a new IGC or enlargement). Actors may exploit these 'windows of opportunity' to introduce innovative institutional changes, producing a clear departure from previous configurations. However, the problem with critical junctures is that they cannot be predicted, but only identified *a posteriori*. One of the main criticisms against HI regards the fact that, being mostly inductive, it has produced few hypothesis *about under which conditions* institutions become locked-in or produce path-dependent processes (Schneider and Aspinwall, 2001: 15; Pollack, 2004: 149). Pierson's attempts to better specify the conditions under which increasing returns occur (2000), as well as other studies trying to disentangle the dynamics of change (Ackrill and Kay, 2006; Lindner and Rittberger, 2003; Stacey and Rittberger, 2003) appear, in this respect, promising.

A first attempt to specify conditions under which institutional inertia might occur was Scharpf's 'joint-decision trap' (1988). According to Scharpf, institutional change will

be less likely in institutions characterised by intergovernmentalism, unanimity and a default condition in which the status quo remains if there is a lack of agreement. Pierson (2000) has tried to explain institutional inertia by resorting to the concept of increasing returns. In other words, some institutions may require large set-up costs and therefore, the cost of maintaining existing institutions might be lower than the cost of establishing new ones. The same applies with learning effects (as actors learn how to use existing institutions) and coordination effects (new efforts to co-ordinate with the new institutions) (Pierson, 2000: 254). A high number of institutional veto points (i.e. the number of actors that can veto a decision on institutional change), divergences among actors about the desirability of institutional reform or uncertainties as to its potential pay-offs should also be mentioned as factors explaining institutional inertia (see Stacey and Rittberger, 2003). Following from these arguments, institutional change might occur when increasing returns of existing institutions are low. Change could also be expected when there are no veto points or there is high confidence (certainty) in how the institutional reform will work. For instance, in a policy domain such as the CFSP, where unanimity is the rule and the maintenance of the status quo only requires the veto of one Member State, it would be more difficult to introduce change than when QMV is the rule. Learning can also explain change as actors resort to information from past experiences and new available information to respond and to adapt to the institutional setting or to correct unintended consequences (Pierson, 1996: 142).

Before moving to the next section, some conceptual remarks are essential regarding institutional change. First, one has to differentiate between the institutional matrix (or policy framework) consisting of interdependent institutions, and the individual institutions themselves (the specific bureaucratic organisations, formal rules and practices) (Ackrill and Kay, 2006: 114). Change would be more likely at the level of single institutions than in the case of the institutional matrix, where continuity is expected. One can also distinguish between two types of change: incremental and innovative. The first entails solutions to new problems without altering the fundamentals of a given institutional setting. The second, by contrast, leads not to minimal adjustments, but to a fundamental alteration of existing structures (March, 1991). In the case of the CFSP, for instance, change has usually been incremental rather than innovative (Smith, M.E., 2004). As the case study will show, learning, and in particular, learning by doing, has often led to incremental change, whereas innovation

has been less frequent. Critical junctures instead have facilitated innovation – the establishment of the ESDP as a result of the Kosovo crisis being a case in point here.

2.3.2. Unintended consequences

That rationality is ‘bounded’ (March and Simon, 1964) helps to explain the occurrence of unintended consequences. Actors do not have access to complete information and cannot foresee all the consequences of their actions when designing institutions. Individuals are not ‘perfect statisticians’ and make errors when drawing inferences from their experiences (Levitt and March, 1988: 323). The assumption of bounded rationality helps explain the existence of problems of co-ordination/coherence in EU external action. If actors had complete information and could make optimal use of it, they would ‘have little difficulty in co-ordinating their activities across the pillars in order to maximise pay-offs’ (Winn and Lord, 2001: 58). Pierson (1996) also explains unexpected consequences as a result of the complexity at the European level and the fact that sometimes politicians do not take into account the long term effects of their decisions.

Another source of unintended consequences might result from the delegation of powers to supranational institutions. Rational choice theories have often explained this delegation as occurring for functional reasons. Principals (i.e. the Member States) might delegate powers to monitor compliance to the agents (that is, bureaucratic organisations) to solve problems of incomplete contracting, to decide on complex regulations, and even, delegate agenda-setting powers (Pollack, 1997: 103-104). However, because of the limited cognitive capabilities and time horizons of their designers, once established, supranational organisations take on a life of their own and produce unintended consequences. As suggested by Rosamond (2000: 117),

The institutional architects of the Community made their decision to formalize integration on the basis of particular motivations and preferences. But, the very act of creating particular sorts of institutions, with identifiable competencies and powers, unleashed logics that could not necessarily be predicted at the time.

Principal-agent analyses have explored how bureaucratic organisations such as the Commission or the European Court of Justice can act autonomously and perform their task in a way unforeseen by the Member States or even expand their competences beyond the role originally assigned to them (Pollack, 1997:108; Dimitrakopoulos, 2001). Agents usually enjoy more expertise and information about the decision-making process and implementation than the principals themselves. They can exploit the principals' uncertainty and incomplete information to act autonomously and to influence the decision-making process such as the (informal) agenda-setting. The analysis of the role of some CFSP bureaucratic bodies such as the Council Secretariat will help to clarify if that has also been the case in the context of the CFSP.

2.3.3. Learning

Learning appears to be an important mechanism explaining change in the CFSP domain. It enables actors to correct some errors or unintended consequences and to introduce incremental changes. Learning is facilitated by the CFSP institutional setting that prompts information-sharing, consultation and other communicative practices. According to Jack Levy (1994: 283), learning refers to 'a change of beliefs (or the degree of confidence in one's beliefs) or the development of new beliefs, skills, or procedures as a result of the observations and interpretation of experience'.

Learning is usually regarded in positive terms as a *qualitative* change in beliefs that will help to increase the effectiveness or efficiency of a policy: i.e. actors would improve their accuracy about the world what would facilitate their ability to achieve their aims (Levy, 1994: 291). Here it is argued in line with Levy's arguments that an 'accuracy' or an 'effectiveness criterion' should not be included in the definition of learning (see also Haas, 1990: 24-26). Thus, even 'bad lessons' can be considered here as learning if they involve a change in individual beliefs as a result of interpretation of new information. The empirical research in the following chapters will determine in which cases learning has lead to an improved view of the world, increasing the EU's ability to achieve its goals, i.e. its effectiveness.

A question which arises when discussing learning is under which conditions one might expect learning to occur. Some authors have argued, for instance, that learning is more likely to occur when actors are in a new and/or uncertain environment (Checkel, 2001;

Levy, 1994). Hence, learning is more likely in periods of crisis or structural change because, in these situations, individuals are 'cognitively motivated to analyze new information' (Checkel, 2001: 562). Learning is also more likely from perceived failure than from success (Haas, 1990: 45; Levy: 1994: 305). If objectives have been achieved, actors will not be motivated to change or reassess their previous beliefs, to learn from new information or from past experience. Therefore, success often leads to continuity, not to change. Finally, learning is more likely to occur when the interactions take place in less politicised settings, such as meetings of experts (CFSP working groups) than when interactions take place at high-level politicised settings (like the European Council or the Council of Ministers). In less politicised settings, actors are more willing to reassess their prior beliefs when confronted with new information (Checkel, 2001). Also at this level, informal contacts and communicative practices are more frequent, setting the ground for learning.

The concept of bounded rationality introduced earlier means that learning can play a crucial role in the context of CFSP. For example, actors can obtain new information related to their policy goals as well as information about other actors' preferences during informal and formal negotiations. Confronted with new information, actors may reassess their beliefs and, as a result, may change a) their strategies as they consider the new strategy to be more conducive to the achievement of prior preferences; or, b) their preferences since they consider that the new goals will 'better' satisfy their basic or fundamental interests. Thus, one can distinguish between simple and complex learning (Stein, 1994: 171; Levy, 1994: 286). Complex learning – leading to a change in beliefs about the policy goals or to a re-definition of interests – seems less likely to occur than simple learning, especially when it involves changes in fundamental interests. Simple learning will often be associated with incremental change, whereas a change in policy goals and fundamental preferences might lead to innovation.

For learning to occur, there must be a change in individual beliefs as a consequence of the observation and interpretation of experience. Moreover, for learning to have an impact on policy it needs to be transferred from the individual to the organisation and become institutionalised. For this reason, it is important to distinguish between individual and organisational learning. According to Ernest Haas (1990: 26), when we say that 'an international organisation learns', it is 'a shorthand way to say that the actors representing states and members of the secretariat, working together in the

organisation in the search for solutions to problems on the agenda, have agreed on a new way of conceptualizing the problems'. It is not the whole organisation that learns but 'clusters of bureaucratic units within governments and organizations'. Organisational learning stems from previous individual learning, but it does not proceed in the same way. Organisations do not learn as individuals do. Organisational learning requires a consensus among the members of that body (either bureaucrats or national representatives from the Member States) because different lessons may be drawn from the same event (the end of the Cold War, Bosnian war, Kosovo war).⁴⁷ In the case of negotiations among Member States such as in the CFSP domain, the institutionalisation of learning will be constrained by the voting procedures as it will depend on the ability to achieve consensus among the Member States under the unanimity rule.

Institutional routines, organisational culture, problems of internal communication or rotation levels might also interfere with learning. For example, high rotation levels mean that individual learning does not remain in the organisation once individuals have left. Further, even in those cases where organisational learning takes place it might not lead to a policy change (i.e. it might not be institutionalised) due to a lack of resources or institutional turf battles. In other words, learning can help to increase coherence and effectiveness by processing new information, however, it might be limited in this respect by the institutional constraints under which it operates, namely the turnover of personnel, institutional memory (see below), bargaining conflicts and decentralisation (Levinthal and March, 1993).

For the purpose of this research, it is interesting to trace the channels of learning, and, in particular, the links between the implementation and the decision-making level or how learning on the ground is institutionalised and incorporated into new decisions. The empirical research will illustrate how policy outcomes feedback into the policy-making system in the form of policy lessons, fostering institutional change. First, one can distinguish between learning from one's own experiences (learning by doing) and learning from others (Levitt and March, 1988). In the former, processes of learning at

⁴⁷ For instance, David Owen (1995: 3-4) referred to different lessons being drawn by different people concerning the break-up of Yugoslavia. For some the failure of the EU over Yugoslavia was 'an indictment of the whole concept of European unity, a powerful refutation of the arguments for a single foreign policy [...]; for others, the experience [...] heightened their demands for an integrated European defence capability and foreign policy for a United States of Europe. Many see in the ambivalence of US positions over former Yugoslavia the necessity for an independent West European defence organization; for others, it only strengthens the case for greater cohesion and solidarity within NATO'.

the EU level may result from an evaluation of the EU's own experience, such as crisis management exercises (CME) or crisis management operations. In the latter, the EU learns from the information gathered about the experiences of other international actors (UN, NATO, Member States).

Second, CFSP institutions provide mechanisms that facilitate learning. For instance, the establishment of specific EU institutions like the Policy Unit provide EU officials and Member States' representatives with information about policy consequences. By the same token, during formal and informal negotiations, the Member States' representatives to CFSP institutions such as the PSC or the Council working groups have the opportunity to increase their knowledge about a specific issue thanks to the information provided by other Member States representatives and EU actors (the Commission or the Council Secretariat). Confronted with this new information Member States' diplomats might be induced to re-assess their prior beliefs.⁴⁸ In this way, learning from new information can lead to a change in prior beliefs or the development of new ones.

As regards the implementation process, new information that might prompt learning processes is channelled by several EU institutions (the Joint Situation Centre or the Policy Unit) or some CFSP institutions set in specific geographical areas like the EUSRs or the EU Monitoring Mission (EUMM). Usually, learning on the ground would be incorporated into the *Mission's Reviews* (EUSRs or ESDP Mission Reviews) or into the *Lesson Identified/Lessons Learned reports* (ESDP missions). Changes to current missions are decided at the PSC and approved by the GAERC taking into consideration these reports (see Chapter 6). In this way, learning becomes institutionalised. An important element to sustain learning both at the individual and at the organisational level is memory. The lessons of the experience have to be maintained and accumulated. That can be done informally, being incorporated into the routines of the organisation (Levitt and March, 1988, 327) or it can be done by a specialised body in charge of gathering lessons learned and keeping the institutional memory. Of interest will be to investigate whether such a recording system exists within the CFSP and if so, what its impact on policy has been.

⁴⁸ According to the online survey, 64.3% of respondents affirmed that they had changed their prior beliefs regarding EU foreign policy as a result of their participation in the working group/committee (see On-line Survey, Appendix I).

2.3.4. Socialisation

An institutionalist approach also allows for the taking into account of the impact of interactions among foreign policy-makers within CFSP institutions and how such interactions might lead to socialisation. Socialisation has been broadly conceived in the literature as a force shaping 'the practices, perceptions and interests of policy makers, including any possible redefinition of self-interest' (Manners and Whitman, 2000: 7-8) or a 'process by which social interaction leads novices to endorse expected ways of thinking, feeling and acting' (Johnston, 2001: 493). From this viewpoint, interactions within CFSP institutions would have a 'deep' impact shaping not only actors' behaviours, but also their preferences and identities, leading to an internalisation of rules and norms (i.e. they would become taken for granted by actors).

However, recent work on socialisation (see *International Organization*, issue Fall 2005) has distinguished between socialisation and internalisation of norms. Socialisation, understood as the adoption of the rules of a given group, may lead to the internalisation of norms, but sometimes, particularly in the short term, it may well not involve such an effect. Thus, in the aforementioned volume of *International Organization* three different mechanisms for socialisation were identified: role playing, normative suasion and strategic calculation (see Checkel, 2005). According to the first one, actors internalise the norms and follow the group's rules because that is what is socially expected from them, without really reflecting on the intrinsic value of these norms. They just imitate what other actors do. By contrast, normative suasion implies that actors have internalised the norms and they follow them because they are the 'right thing to do'. According to the third mechanism, strategic calculation, actors adopt the group's practices because of social or material incentives. No internalisation would have taken place in the latter case.

The approach followed in this thesis builds on this literature. While this thesis will tentatively examine the impact that socialisation within CFSP institutions has had on national representatives, a thorough examination of the much broader issue of internalisation is clearly beyond the scope of this thesis. However, some intrinsic characteristics of the CFSP domain might suggest that socialisation has mainly followed the third mechanism, strategic calculation. High rotation levels and the often narrow margin of manoeuvre of national diplomats in Brussels are mechanisms established by

the capitals in order to prevent them from 'going native'. Even if internalisation of norms is not ruled out in the long term, what it is often observed in the case of national representatives dealing with CFSP is that they adopt practices, such as consensus-building or the reflex co-ordination because of strategic reasons (see Chapter 3). First, the long term perspective of CFSP negotiations means that complying with the rules of the group may result from a rational cost-benefit calculation. For instance, compromising on an issue today might help to achieve another issue of major importance in future negotiations. Furthermore, since frequent and repetitive contacts take place amongst the same individuals, national representatives have an incentive to maintain their reputation and credibility within the group by following its rules. 'Social influence' can also explain that socialisation as compliance with the group's practices is 'rewarded with social and psychological markers from a reference group with which the actor believes it shares some level of identification' (Johnston, 2001: 494). It is from this perspective that socialisation will be considered in this thesis. The following section draws on the factors outlined above and highlights the main assumptions resulting from the application of such a theoretical framework to CFSP.

2.4. APPLYING THE ANALYTICAL FRAMEWORK TO CFSP.

Using HI of the type discussed above, this research intends to describe how the process of CFSP institutionalisation has taken place and how it has affected CFSP coherence and effectiveness. In order to do so, it draws on the work of M.E. Smith (2004). Smith distinguishes different stages of institutionalisation of European Foreign and Security Policy:

1. EPC as an intergovernmental forum.
2. Development of information-sharing.
3. Development of norms (firstly, informal norms, later on, formal norms and rules).
4. Establishment of formal organisations
5. Development of a governance system since the Maastricht Treaty.

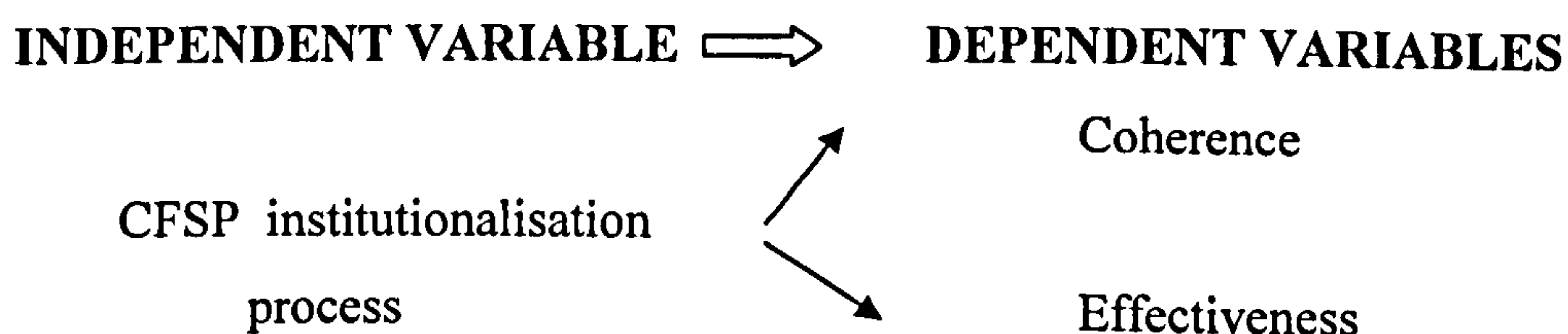
In this way, Smith identifies different stages of institutionalisation leading to a clearer definition of policy goals and agent's behaviours through norms and practices, and eventually leading to the establishment of a system of governance (Smith, M.E., 2004:

39). Each of the aforementioned stages represents a higher degree of institutionalisation and is a consequence of the development of specific institutional elements. Smith's work on CFSP institutionalisation also suggests two further things. First, even if the EPC departed from an intergovernmental, informal, decentralised process, and was controlled by the Member States, repeated interactions and contacts, the sharing of information and the development of some (informal first, formal later) bodies to co-ordinate the activities have promoted higher levels of cooperation, beyond the initial willingness of the Member States. Second, institutions have also facilitated a process of socialisation and the emergence of a 'we-feeling' among CFSP policy-makers. In Smith's (2004: 39) words,

Through this process of institutionalisation, relations among EU states have progressed from the narrow instrumental rationality characterized by intergovernmentalism to a more collective or social rationality characterized by legitimate procedures of governance and corresponding changes in their domestic politics.

According to Smith, CFSP institutionalisation has helped promote greater levels of cooperation among the Member States. However, he does not advance any conclusion about how this process can affect effectiveness or coherence. The objective of this thesis is to verify whether or not a correlation between greater levels of institutionalisation and greater levels of effectiveness and coherence can be established. The hypothesis advanced here would be that greater levels of institutionalisation will lead to greater levels of coherence and effectiveness of the CFSP.

Figure 2.2. Hypothesis



The CFSP institutionalisation process will therefore be the explaining factor, and the levels of CFSP coherence and effectiveness the outcome this thesis seeks to explain. The hypothesis will be tested by analysing the case of CFSP activities in BiH during

the period 1991-2006. The first stage in the empirical research will be to determine, according to the categories fixed in Chapter 1, the degree of coherence and effectiveness of CFSP activities. Having established this, the thesis will aim to explain coherence and effectiveness according to the degree of CFSP institutionalisation (and the dynamics bolstered by it). The focus will be on the *policy* (CFSP coherence and effectiveness) and the *polity* (CFSP institutions), although the *politics* (the decision-making process) will be also taken into account in the analysis when determining whether CFSP institutions, by affecting the decision-making mode (e.g. facilitating consensus-building and information-sharing), have also increased levels of coherence and effectiveness. The empirical research will also seek to verify some assumptions that follow from this initial hypothesis:

Assumption 1: CFSP institutions have a *direct impact* on levels of coherence and effectiveness. The creation of new bureaucratic organisations, formal rules and informal practices increase coherence and effectiveness. New institutions have improved the decision-making process by facilitating information gathering and information sharing, co-ordination and monitoring of EU policies. By contrast, a weak degree of institutionalisation might explain problems of ineffectiveness and incoherence.

Assumption 2: Learning from its own and from others' experiences constitutes an important factor increasing coherence and effectiveness of the CFSP. It has served, for instance, to correct some unintended consequences. Learning may be facilitated by the institutional setting and thus can serve as an example of the *indirect impact* of institutions.

Assumption 3: By means of facilitating communicative practices and socialisation processes, CFSP institutions have an *indirect impact* on levels of coherence and effectiveness, e.g. facilitating the emergence of a common understanding and increased convergence of Member States' interests regarding the EU's policy towards BiH.

Assumption 4: Path dependency can be expected to maintain the status quo or even reduce coherence and effectiveness. Path dependency constitutes another example of the *indirect impact* of the institutional setting on coherence and effectiveness. In CFSP, path dependency usually leads to imitation of past policies. Because of the limited time of response, difficulties in achieving an agreement and the resources that have been invested in past initiatives, decisions often follow past models. This explains why CFSP decision-makers prefer to imitate and to introduce incremental changes than to innovate.

This leads to sub-optimal institutions maintaining the status quo or even reducing levels of coherence and effectiveness. Processes of path dependency can explain why, in spite of higher degrees of institutionalisation, coherence and effectiveness have remained stable or decreased in some cases.

A particular challenge when analysing coherence and effectiveness of the CFSP will be how to account for different dynamics at the decision-making and implementation levels. A HI approach is well suited to explain dynamics at the decision-making level, in particular, the institutionalisation path, the weight of previous decisions (leading to incremental change and/or imitation of past policies) and the existing constraints on the choices of Member States. It is argued here that HI might also be useful in explaining implementation. Thus, policy implementation will be highly dependent on the particular institutional setting that has been previously established – e.g. the pillarisation of EU external policies will affect policy implementation. One could also expect to see the impact of unintended consequences and path dependency on the ground. Moreover, learning can link both the implementation and the decision-making process, operating as a feedback mechanism by changing the parameters of action for the future.

Finally, even though this research focuses on endogenous factors considered relevant in explaining collective decision-making and implementation, CFSP coherence and effectiveness is admittedly affected by exogenous factors (intervening variables). In other words, the deployment of the CFSP does not take place in an international and domestic vacuum. Other factors should be taken into account in an analysis of coherence and effectiveness, and in particular, when explaining them at the implementation phase. One could mention, *inter alia*, the intervention of other international actors (US, NATO, High Representative in BiH) and domestic variables such as the economic and political context in which CFSP policies are implemented. While this thesis does not neglect the impact of these external factors, due to limits of time and space, an in-depth analysis does not seem feasible. However, when possible, some references will be made in order to clarify the impact of these intervening variables on coherence and effectiveness.

2.5. CONCLUSION

Analyses of the CFSP have often led to divergent conclusions, depending on which factor has been privileged in the relevant theoretical framework. Three causal factors – *interests, institutions and identities* – constitute the core of different theoretical approaches to European integration, yet, invariably one of these factors has been prioritised over the rest neglecting the value of incorporating other factors into the final explanation. Intergovernmental and other materialist and rationalist approaches have failed to provide a persuasive account of certain dynamics behind the CFSP development, overlooking the influence of institutional and identity factors. For their part, sociological approaches have underestimated the role of agency (or Member State input) in the formulation of the CFSP.

An approach drawing on HI assumptions could offer a better understanding of how ‘institutions matter’, how they affect policies, interests and identities *over time*. The analytical framework introduced takes institutions as a starting point, but it does not neglect the importance of the other two factors (or I’s) in the explanation of CFSP dynamics. More importantly, it adopts what seems to be a more appropriate conceptualisation of the three I’s. From this point of view, interests are conceived not as fixed, but as evolving during actors’ interactions, and informed both by material and ideational factors. In the same vein, identities are based on common norms and values, the result of a process of social construction. Most significantly, this perspective allows for a broad conception of institutions, including bureaucratic organisations, formal rules and practices. This theoretical framework is an attempt to provide a comprehensive explanation of the development of CFSP, with the institutionalisation process being the main explanatory variable.

A diachronic perspective, i.e. one analysing patterns unfolding over time, highlights the importance of those institutional factors which prevent Member States from having total control over CFSP development. National interests are affected by processes of path dependency that reduce the range of possibilities for legitimate action. A HI approach, however, does not exclude the possibility of change, usually facilitated by learning or critical junctures; but argues that incremental change, rather than innovative or fundamental change, will be most likely to occur. As a result of the boundaries of

rationality, unintended consequences should also be expected, although learning processes might play an important role in correcting them. Processes of socialisation within CFSP institutions can also facilitate convergence of Member States positions, while hard bargaining seems less likely in this context. Building on the theoretical model outlined above, this thesis argues that the CFSP institutionalisation process is an important explanatory variable regarding the levels of CFSP coherence and effectiveness. The following chapter applies the theoretical framework outlined above to explore the evolution of the CFSP in the period post-Maastricht.

CHAPTER 3

The CFSP institutionalisation process

3.1. INTRODUCTION

The aim of this chapter is to identify and explain the main dynamics and outcomes related to the process of CFSP institutionalisation during the period 1991-2006, thus taking in the Treaties of Maastricht, Amsterdam and Nice. It provides an account of the increasing institutionalisation of the CFSP during this period focusing on bureaucratic organisations, formal rules and informal practices. Moreover, it is argued in this chapter that a HI approach can explain both higher levels of institutionalisation and the increasing Brusselisation of the CFSP.

CFSP literature has usually focused either on the institutionalisation of the EU's foreign and security policy in earlier periods (see Nuttall, 1992, 2000; Smith, M.E., 2004) or has analysed it formally from the perspective of organisations and legal procedures (Cameron, 1999; Nugent, 2003). By contrast, this chapter is concerned with two things. First, while acknowledging that institutionalisation started before the signing of the TEU, namely with the establishment of the EPC, this chapter primarily deals with the period post-Maastricht. Needless to say, this choice is due to time and length constraints, but also to the fact that CFSP (formally launched with the Maastricht Treaty) constitutes a new substantial phase in the development of cooperation in foreign policy. As many authors have pointed out, the establishment of the CFSP brought a 'sea change' in EU external action (Nuttall, 2000: 271) and put in place a system of governance without government (Allen, 1998; Smith, M.E., 2004).

Secondly, (and as noted in the previous chapter) here the concept of institution is taken to have a far broader meaning encompassing both formal and informal institutions. Informal practices and working habits among foreign policy-makers are taken into account, even when they have not been (yet) incorporated into the Treaties. The thesis is also not restricted to analysis of the 'grand bargains' among the Member States at the IGCs, as is the case with most rationalist analyses (Moravcsik, 1993). While such

package deals are undoubtedly significant, in line with a HI approach, special attention is paid to long-term and informal processes of institutional development.⁴⁹

The chapter proceeds as follows. The first section proposes some indicators to operationalise the analysis of CFSP institutionalisation. The second section then describes the process of CFSP institutionalisation – distinguishing between bureaucratic organisations, formal rules and informal practices – and discusses how increasing levels of institutionalisation have affected overall CFSP coherence and effectiveness. The final section examines this process of institutionalisation through the lenses of HI, setting the context for the empirical cases that will be analysed in Chapters 4, 5 and 6.

3.2. OPERATIONALISING CFSP INSTITUTIONALISATION.

This section will operationalise ways of accounting for changes in CFSP institutions. However, it is first worth distinguishing between the different types of CFSP institutions identified in this study – bureaucratic organisations, formal rules and informal practices – and making reference to several quantitative and qualitative indicators in order to measure different degrees of institutionalisation. In line with chapter 2, it is argued that the institutionalisation process can be better grasped by analysing the creation and development of these three separate (formal and informal) components of the CFSP institutional matrix over time.

a.) CFSP bureaucratic organisations

Bureaucratic organisations or agencies are conceived as a type of institution. By organisation, is meant '[r]elatively stable groups of officials bound by a common purpose, which often extends to concrete entities with headquarters, staffs, budgets, internal procedures, and other resources that can shape policies or norms' (Keohane, cited in M.E. Smith, 2004: 46). This definition refers to clusters of bureaucrats/diplomats, but also to the 'rules of the game' in which they are embedded. As North (1990: 5) suggests, one must try to conceptually separate 'the analysis of the underlying rules from the strategy of the players'. This thesis, therefore, is more concerned with the competences, resources and policy instruments of these organisations, and less with the individuals working within them. While individuals (the

⁴⁹ For a similar position, see Forster and Wallace 2000: 489; Smith, M.E., 2004.

idiosyncratic element) will have an impact on the functioning of an organisation, at the same time, the organisation itself has a separate existence (and thus a separate impact) and will continue to operate once a given individual has left the organisation. In the CFSP context, analysis of bureaucratic organisations takes account of all the different bodies that have been created within the second pillar. Examples include the PSC, the HR and the Policy Unit. As for levels of institutionalisation, the argument here is that higher levels can be identified by two factors: 1. when there is an increase in the number of CFSP bureaucratic and political bodies and/or an increase in their competencies; and 2. when there is a higher involvement of communitarian bodies in this pillar.

b.) CFSP formal rules

CFSP institutions also include formal rules that govern and structure the relationships among actors (bureaucratic organisations, Member States representatives) within the institutional matrix or governance system. The concept of formal rules is explicitly limited to procedural rules incorporated in official documents (Treaties and official Council decisions). It is not understood here to refer to substantive rules such as respect for human rights, democracy or multilateralism (Title V, TEU). Formal rules refer instead to the procedures that regulate CFSP decision-making and implementation (ordering interactions and allocating competences). They establish agenda-setting powers, and the legislative and executive competences of different CFSP actors. Higher levels of institutionalisation are achieved by the creation of new instruments and procedures for decision-making and implementation.

c.) CFSP practices

Practices refer to informal procedural rules within a specific institutional matrix. This set of rules is characterised by its intersubjective nature, i.e. these practices are the product of interactions among individuals within the CFSP domain – regardless of the fact that they might have been incorporated into official documents prior to or after their emergence. They are recognised by actors as structuring their mutual relationships, even if not always respected as such. Thus, a violation of a practice does not deny its existence. In such a situation, one would have to look at whether or not actors justify the violation of the practice or try to persuade others to respect those practices.⁵⁰ When it comes to informal practices among national diplomats, CFSP practices like reflex co-

⁵⁰ In other words, the existence of a practice can be tracked down not only by analysing actors' behaviours, but also their discursive practices.

ordination, consensus-building and *domaines réservés* can be identified. To ascertain different degrees of institutionalisation one will have to consider how far these CFSP practices have been enacted by national officials.

Quantitative data can be used to measure levels of consultation and communication amongst officials working on CFSP issues. For example, one could use data about the number of COREU messages, a number which has grown in the last years. According to Cameron (1999: 37), COREU messages increased from 15,432 in 1992 to 20,721 in 1995 and 24,680 in 1998. However, one has to be aware that this increase in the number of COREU might be due in part to the 1995 enlargement and the broadening of the geographical and thematic scope of the CFSP. Furthermore, there is no reliable data for the last few years and the rapid expansion in the use of the mobile and electronic e-mail makes it much more difficult to document communications among foreign policy-makers.

The number of meetings at the CFSP level, i.e. the number of days in session for relevant committees, might also be taken as a quantitative indicator. However, this is also problematic since the frequency of meetings and the creation of new *ad hoc* Council working groups might depend on external developments and not on the increasing institutionalisation of these practices. Furthermore, later reforms of the Council of the EU to prepare for the 2004 enlargement have led to a reduction in the number of preparatory bodies, among them working groups, and has therefore reduced the number of meetings at this level (European Council, 1999). For this reason, qualitative data will be mainly used in order to confirm higher degrees of sharing information, consensus-building and a decrease of the *domaines réservés*. Qualitative data is obtained from in-depth interviews conducted with national representatives and EU officials (Appendix II). These are, in turn, complemented by quantitative data from an on-line survey conducted among national representatives to the CFSP Council working groups (Appendix I).

3.3. TRACKING THE CFSP INSTITUTIONALISATION PROCESS

3.3.1. CFSP bureaucratic organisations

Creation and increase in the competencies of CFSP bureaucratic and political bodies.

This section describes the main bureaucratic organisations and bodies that have been created since the signing of the Maastricht Treaty to deal with CFSP activities. This includes not only bodies formally established in the Treaties, but also those which have been established by Council decisions, and only later formalised in the treaties. This section also reviews substantive changes in the roles and competencies of these bodies. At the same time, it considers how this process has affected CFSP coherence and effectiveness.

As far as the CFSP machinery was concerned, the Maastricht Treaty was more of a rationalisation and clarification of the policy-making process than a revolution (Smith, M.E., 2004: 176; see also Forster and Wallace, 2000: 473). The TEU did not involve the creation of new bodies and structures, but maintained the main bodies already formalised by the SEA. However, the TEU entailed a much clearer delimitation of their competencies, and in particular, their integration within a single institutional framework. Both aspects were to improve overall CFSP coherence. For example, the Meeting of Foreign Ministers under the EPC was incorporated into the General Affairs Council, while the EPC Secretariat was integrated into the Council Secretariat. The Political Committee (PoCo) continued assisting the Council to prepare its meetings, now in co-ordination with COREPER, and the EPC working groups were merged with their communitarian counterparts. The European Correspondents maintained their role of liaison between capitals. The Presidency was to represent the Union, chairing meetings and assuring the implementation of decisions, together with the Commission. External representation was a task of the Presidency, assisted by the Troika and the Commission through its external delegations. As regards defence, the TEU did not establish a common defence policy – although this possibility was not excluded for the future – and at that time no common defence bodies were contemplated. Only a compromise could be reached to declare the WEU both the ‘European pillar of the Atlantic Alliance’ and the ‘defence arm of the EU’ (*Declaration on Western European Union, ToM*). Moreover, it was decided that its Secretariat would move from London to Brussels and a small military planning cell would be established.

The ToM (Art. J.4.6) envisaged a new IGC to review the performance of the reforms in particular in the area of the CFSP as an in-built mechanism for institutionalisation. The late ratification of the treaty gave just two years (from November 1993 to the start of the IGC in March 1996) for the CFSP to be tested; and the results were not very satisfactory. Although the establishment of a single institutional framework and the incorporation of the EPC within the Council Secretariat were to improve CFSP wherewithal and coherence, problems of co-ordination among EC and CFSP bodies remained (Bretherton and Vogler, 1999: 181), and the Union remained cacophonous to external parties.

To solve problems of visibility and continuity, the Amsterdam Treaty created the post of the HR. Yet this figure, a senior official reporting to the Council and Presidency, was still considered by some as inadequate to solve problems of EU visibility and representation (Duke, 1999b: 24; Everts, 2002: 7), since it did not rationalise EU external representation, but increased the number of actors claiming to represent the EU. More positively, the nomination of a high profile figure such as Javier Solana, ex-NATO Secretary-General, helped establish its reputation and a certain field of manoeuvre for the new post. For many observers, the HR has been seen to increase the effectiveness of the CFSP, as shown, for instance, by his mediation during the crisis in the Former Yugoslav Republic of Macedonia (FYROM) in 2001 (Everts, 2002: 4; see also Nugent 2003: 428) and, *de facto*, it has not damaged coherence.

At the same time, Art. 18.5 (TEU) established the possibility for the Council to appoint 'a special representative' with a mandate in relation to particular policy issues. Acting under the authority and operational direction of the SG/HR, the EUSR was expected to be the principal bridge between Brussels and the actors in the field. The role of the EUSRs was to improve the effectiveness and coherence of EU external action, playing 'a crucial role in the EU's aim to become a more active, a more coherent and a more capable actor' (Council Secretariat, 2005). In those cases where the EU has deployed ESDP mission the EUSR operates as *primus inter pares* and ensures co-ordination of the different EU bodies on the ground. With the incorporation of this instrument into the Treaty, better co-ordination than in the past between the special representatives and the Commission's Delegations was also to be expected (Bretherton and Vogler, 1999). In practice, this has not always been the case. Recent decisions such as the 'double-

hatting' of the Head of the Commission Delegation and the EUSR in FYROM are intended to fix such problems (Interviews 26, 28, 32).

Under the Amsterdam Treaty, the HR was to be supported by the Policy Unit with staff drawn from all the Member States, the Commission and the WEU Secretariat.⁵¹ The Policy Unit was proposed as an instrument to improve and speed up the Union's response to crises and international conflicts providing comprehensive, relevant and timely information. In this way, it would increase coherence (Duke, 1999b: 23) and also effectiveness (Cameron, 1999: 100). In practice, its role has hinged on the will of the Member States to collaborate in providing the necessary information and its effectiveness has been impaired by the limited amount of resources and staff allocated to it (Everts, 2002). On the plus side, under the authority of the HR, the Policy Unit has managed to provide relevant information to support CFSP policy-making in general (see section 3.4).

The Presidency, the HR and the Commission would constitute the new Troika in the Treaty of Amsterdam, replacing the old Troika system composed of the past, current and future Presidencies.⁵² The new Troika was to ensure more horizontal coherence between communitarian and CFSP policies, and vertical coherence, between the Union and the Member States policies since two of its members were to be permanent (Duke, 1999: 24). However, the current situation is still unsatisfactory in terms of coherence (the endless problem of 'who speaks for Europe?') leading to new proposals during the constitutional debate (see below).

As far as defence provisions are concerned, although there were plans at the Amsterdam summit to merge the WEU into the EU, Britain and the neutral countries blocked them. All that could be agreed was an unspecified commitment to 'enhance cooperation' between the two organisations, that EU members not part of the WEU could participate in some WEU activities, and that a merging of the WEU into the EU was hypothetically possible, 'should the European Council so decide' (Art. 17, TEU). The role of the WEU in the emergence of an EU security capacity in actuality continued to be insignificant.

⁵¹ Currently, it is composed of 25-30 seconded officials from the Member States and Commission officials.

⁵² Following a decision adopted at the Seville European Council of June 2002, co-ordination of the agenda between the past, current and future Presidencies is also maintained through annual strategic programmes in order to ensure consistency of the EU policies.

After the St. Malo summit, new bodies were created to put flesh onto the new bones of the ESDP. These included the PSC, the EUMC, the EUMS and a Joint Situation Centre (Cameron, 1999: 79-80). The political control and strategic direction of the EU crisis management operations would be carried out by the Council as appropriate, including its Defence Ministers. The creation of ESDP bodies has improved the EU's operational capabilities and has allowed for the implementation of civilian and military crisis management operations. This has increased the international impact of the EU, although there are still some problems of coherence (among EU bodies in Brussels and on the ground) and effectiveness (lack of capabilities, procedures still-in-the-making and cooperation with NATO). The institutionalisation of ESDP has continued with the creation of a European Defence Agency in July 2004⁵³ and the setting up of a Civ/Mil Cell within the EUMS that should serve as a basis for an EU Operational Centre.⁵⁴

The draft of the Constitutional Treaty (2004) foresaw the creation of new CFSP bodies. The most important was the figure of the EU Foreign Minister (EUFM). The EUFM would chair the Foreign Affairs Council, with a shared initiative right and would also be both the President of the Foreign Affairs Council (the rotating Presidency would disappear for external affairs) and the Vice-President of the Commission. It was widely assumed that, if adopted, this figure would increase the (horizontal) coherence of EU external policies (Duke, 2004; Allen, 2004). To support the EUFM's activities, a European External Action Service was also foreseen. The creation of an EU diplomatic service would allow for the efficient use of resources, and would promote a better division of labour between the Commission and the Member States in certain parts of the world. Nevertheless, as some experienced observers have noted, the capacity of the new EUFM to improve coherence and effectiveness of EU external action would still depend on the resources allocated to him/her and on how the External Action Service would take shape (Duke, 2004; Hill, 2003a; Allen, 2004). It is also worth noting that the new post of the President of the European Council would have responsibility 'to ensure the external representation of the Union on issues concerning the common foreign and security policy', without prejudice to the competencies of the EUFM (Art I-21).

⁵³ The European Defence Agency is tasked to develop EU defence capabilities, in the area of research, acquisition and armaments in order to improve the interoperability and rationalise the defence expenditure of the Member States.

⁵⁴ The Civ/Mil Cell was set up within the Council Secretariat's structures in June 2005. The Cell has two main functions. It will assume the strategic and conceptual planning of EU's civilian and military operations and should also serve to develop the EU's Operational Centre, i.e. a headquarter to run an EU military operation in the event that there is no EU Member state acting as the leading-nation and the operation is carried out without resorting to Berlin Plus.

Therefore, co-ordination between these two posts (and with the President of the Commission) would be required to maintain a coherent voice in the world (Duke, 2003). To date (March 2007), the Constitutional Treaty has not yet been adopted. Even though there is a broad consensus about the need to improve EU external representation along these lines – the fact that the Member States agreed on these reforms can be said to support this claim–, the question now is how to proceed if the Constitutional Treaty is finally abandoned. Cherry-picking from the Treaty or informal reforms via Council decisions could be a way out, but would lack democratic legitimacy, which was what the Treaty was essentially intended to bring.

Increasing involvement of communitarian bodies (Commission, European Parliament, European Court of Justice).⁵⁵

Since the 1981 London Report, the Commission has been ‘fully associated’ with work in the foreign policy field. The SEA gave it a formal right of attendance to all EPC/CFSP meetings and, at Maastricht, it also gained the right (although shared with the Member States) to refer foreign policy proposals to the Council. The Commission is also in charge of the execution of the budget. Nevertheless, in 1996, Allen (1996: 294-95) noted that the Commission had so far made rare use of its competences, particularly regarding the initiation of policies. Its influence has been higher when the CFSP has required the use of EC instruments (for example, sanctions) and specialised information (Nugent, 2003: 429). One national diplomat argued that ‘[t]he Commission is like any other Member State, it is important but it is not omnipotent as sometimes seems to be the case in Pillar I issues’ (Interview 38). Its role is much stronger in those committees that also have a communitarian component, for example, those dealing with enlargement, neighbourhood policy or development.⁵⁶ In the last few years, the Commission has sought to informally advance its competencies in the field of civilian conflict prevention and conflict management (Interviews 39, 40, 46), albeit seemingly more as a reaction to the Council Secretariat’s active engagement in civilian crisis

⁵⁵ For a detail analysis of the role of these three supranational organisations during the pre-Maastricht period, see M.E. Smith, 2004: 132-34; 154-66; 170-75.

⁵⁶ For example, 50% of the national representatives in COWEB declared that they consulted the most the Commission (33% the Presidency and 16.7% the Council Secretariat) whereas in the case of representatives from CIVCOM and PMG, 57.1% consulted the most the Council Secretariat, 42.9% the Presidency and none the Commission (On-line survey, Appendix I).

management than as a purposive policy on the part of the Commission.⁵⁷ One national diplomat (Interview 38) summarised the current role of the Commission as follows:

The Commission has a special role in CFSP and a difficult one because they administer the money for CFSP operations. The Commission also has its own ambitions in CFSP. And its ambitions and interests are not always completely aligned with the ambitions of the Council, including the Council Secretariat.

The treaties of Amsterdam and Nice have not essentially modified the role of the Commission in the CFSP. The draft of the Constitutional Treaty, meanwhile, has fused *de facto* the two posts of the HR and the Commissioner for External Relations, with the consequences that this change may result in if the Constitutional Treaty finally comes into force (see above). For example, the Commission as a body could lose its previous (shared) right of initiative in CFSP that will pass onto the new EUFM.

Regarding the European Parliament, the TEU reinforced its role, asserting that the views of the European Parliament had to be 'duly taken into consideration' by the Council and that the Presidency should 'consult the European Parliament on the main aspects and basic choices' of CFSP (Art. J.7, ToM). By the same token, the European Parliament was to be regularly informed by the Presidency and the Commission on CFSP issues. The European Parliament may ask questions or make recommendations to the Council and hold an annual debate on progress in implementing the CFSP. The Amsterdam Treaty also increased the power of the European Parliament as a result of the inclusion of operational expenditure (except military operations) within the EC budget. With the Constitutional Treaty, the European Parliament maintains basically the same competencies in CFSP. Finally, it should be noted that the Member States have been very careful to prevent any extension of the competencies of the European Court of Justice to the CFSP pillar.

To sum up, this section shows an increasing institutionalisation of CFSP that can be observed in the mushrooming of bureaucratic and political organisations paralleled by

⁵⁷ The Commission is in charge of the Rapid Reaction Mechanism and has supported the establishment of a Conflict Prevention Network, an EU Analysis and Evaluation Centre and a Community Co-ordination Mechanism.

an increase in their competencies over the years (see Figures 3.1, 3.2 and 3.3). In the case of communitarian bodies, their competencies have not significantly changed since Maastricht, although they have sought to increase their role informally. Thus, the institutionalisation of the CFSP has not led to its communitarisation as a neofunctionalist theory might have expected. Rather, it has maintained its mixed intergovernmental and supranational elements, together with an increasing Brusselisation of this policy (see section 3.4). In sum, the CFSP institutionalisation process has taken place in an incremental way, adapting existing institutions and/or introducing new institutions, but without altering the fundamentals of the institutional matrix that was formalised in Maastricht.

Looking at the increasing institutionalisation of bureaucratic organisations, some aspects are worth highlighting here. First, the institutional setting has had a definite impact on coherence and effectiveness. According to 92.9% of respondents, CFSP/ESDP coherence and effectiveness have increased since 1991 (On-line Survey, Appendix 1). In this respect, several respondents pointed to the creation of several bureaucratic organisations such as the PSC, the HR and the EUSRs, as well as the development of ESDP, as factors increasing the coherence and effectiveness of the CFSP (On-line Survey, Appendix I). Thus, 60.7% of respondents considered that the establishment of the HR had increased coherence and effectiveness, the same percentage thought the same about the PSC and 57.1% about the Policy Unit. When asked about which institutional reforms would increase coherence and effectiveness, most pointed to the creation of new bodies/organisations: 85.7% referred to the EUFM, 60.7% to the External Action Service and 32.1% to the European Defence Agency. However, other factors such as changes in formal rules were also noted. 53.6% believed the EU should be endowed with legal personality and 46.4% that enhanced cooperation for ESDP should be adopted (On-line Survey, Appendix I).

When institutions have been perceived to be dysfunctional, pressures for institutional reform have mounted. Hence CFSP institutionalisation has been incremental in nature with learning from past experiences geared to making the existing CFSP structures work better. Thus, changes to the troika system were intended to reduce perceived problems of a lack of visibility and effectiveness in EU external representation. The creation of the HR has also helped in this respect; but there is still room for improvement, given that coherence and effectiveness have not reached optimal levels.

With the Constitutional Treaty, the introduction of a EUFM and a President of the Council, as well as the abolition of the rotating presidency in CFSP constitute other attempts to solve these problems, although they have yet to be implemented.

In conclusion, the creation of new bureaucratic organisations does not automatically solve problems of incoherence or ineffectiveness despite being one of the original objectives of the reform. This might be the result of unanticipated consequences and problems of institutional adaptation and inertia. Moreover, the reforms themselves may also just be ill-designed. As M.E. Smith (2004: 47) pointed out, ‘the involvement of organisations is not necessarily always efficient in terms of achieving desired outcomes. Bureaucracies can actually complicate or even prevent optimal decision-making; these pathologies may then lead to additional institutional reforms.’ Indeed, growing institutionalisation can actually reduce coherence and effectiveness in the short term, although informal arrangements, adaptation and subsequent institutional reforms might help overcome these problems in the medium and long term. In these cases, not only intergovernmental engineering at the IGCs, but also day-to-day learning can play an important role in institutional reform. This thesis aims to identify in which cases CFSP institutionalisation has actually reduced coherence and effectiveness and whether or not this path has been corrected and which strategies have been followed. The analysis of the CFSP activities in BiH will illustrate these arguments with empirical examples such as the problems suffered by the EU Administration in Mostar, the Stability Pact or the EU Police Mission in BiH (see Chapters 4, 5, 6).

Figure 3.1. EPC organisations before the Maastricht Treaty (1991)

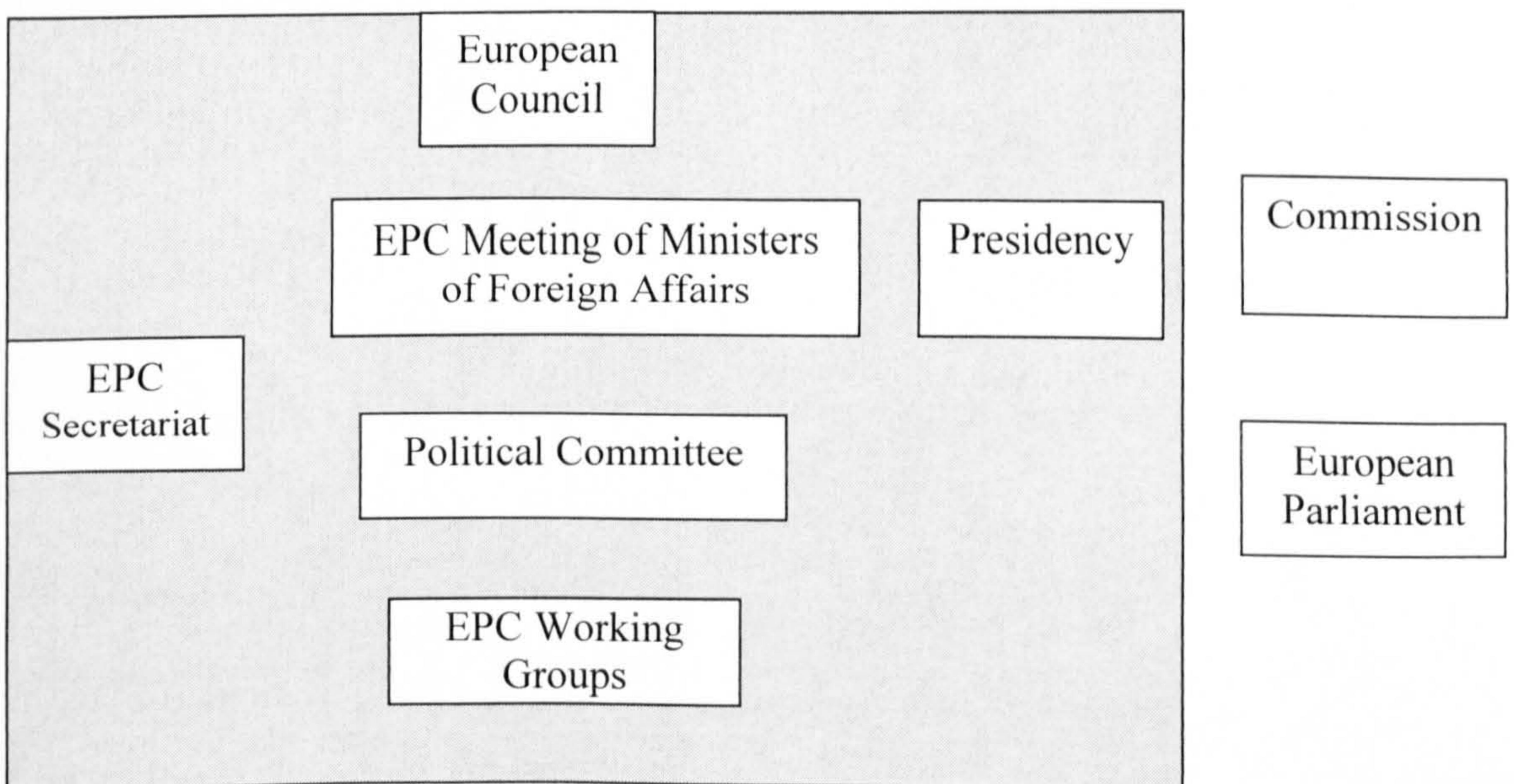


Figure 3.2: CFSP organisations after the Maastricht Treaty (1993)

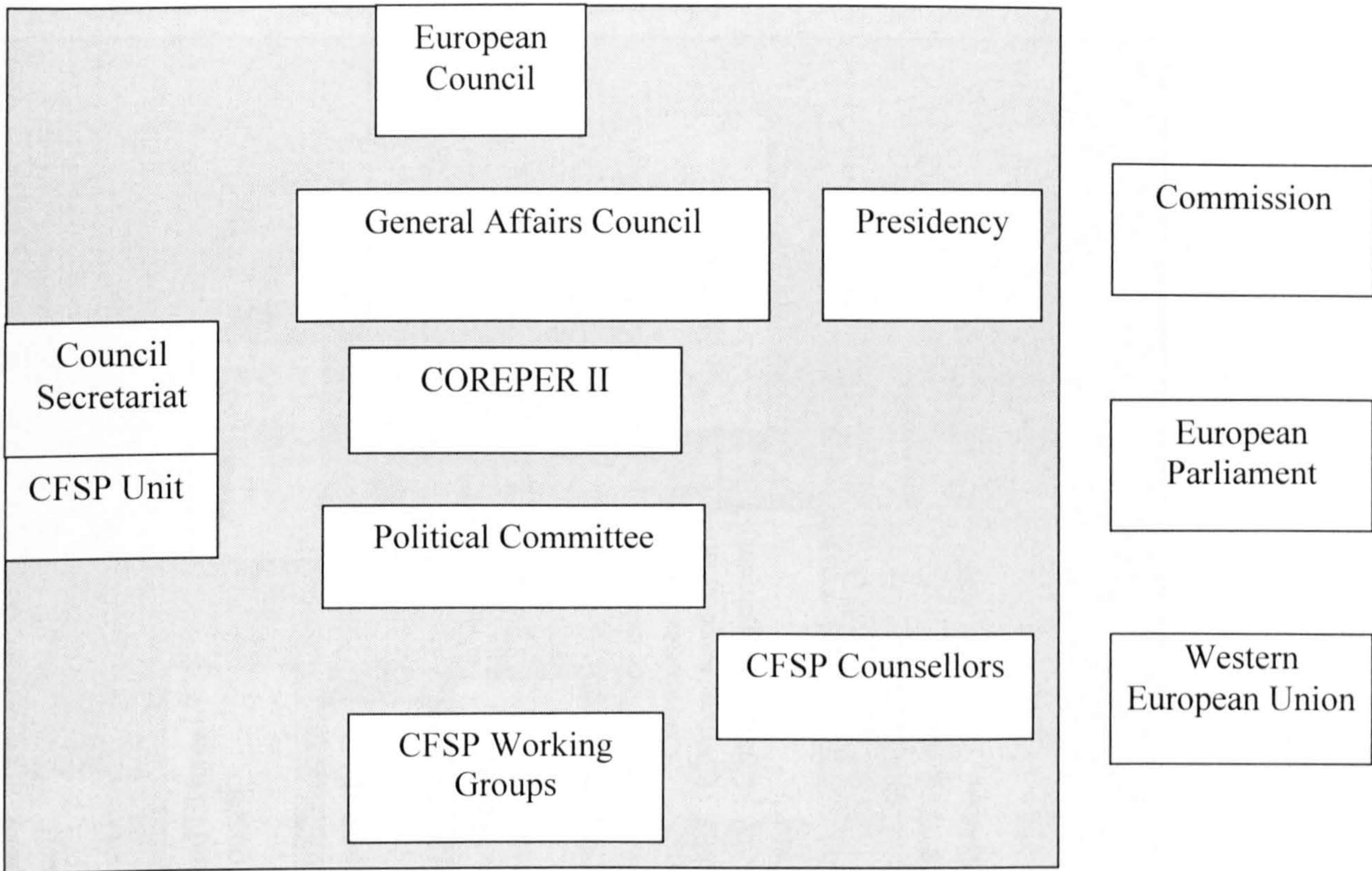
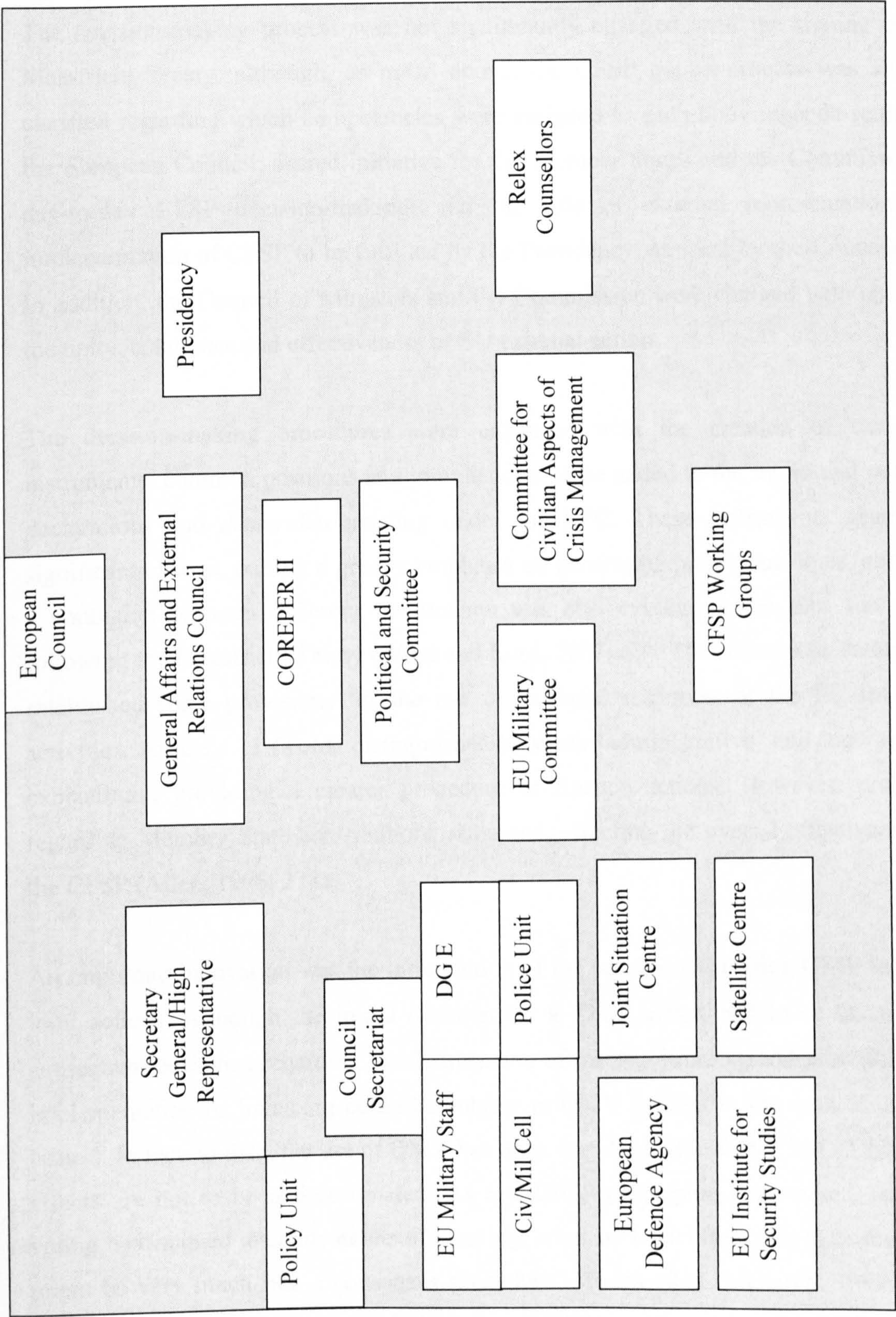


Figure 3.3: CFSP organisations in 2006



3.3.2. CFSP formal rules

The reform of instruments and procedures for decision-making and implementation.

The decision-making process was not significantly changed with the signing of the Maastricht Treaty, although, as noted above, the CFSP policy process was slightly clarified regarding which competencies were assigned to each body: agenda-setting to the European Council; shared initiative for the Member States and the Commission in day-to-day CFSP decision-making; and the role of external representation and implementation of CFSP to be fulfilled by the Presidency, assisted by the Commission. In addition, the Council of Ministers and the Commission were charged with ensuring the unity, coherence and effectiveness of EU external action.

The decision-making procedures were enhanced with the creation of two new instruments: common positions and joint actions, to be added to the traditional political declarations and *démarches* existing under the EPC. These instruments entailed a significant change, putting a greater emphasis on generating policy outcomes, although a confusion between different instruments was still evident in the first few years following the Maastricht Treaty (Winn and Lord, 2001: 67). The Maastricht Treaty also established some provisions for the use of financial resources of the EC in CFSP activities. Article J.11 (ToM) distinguished between 'administrative' and 'operational' expenditure, providing a clearer procedure to finance actions. However, problems regarding Member State contributions remained, affecting the overall effectiveness of the CFSP (Allen, 1996: 228).

An important innovation was the introduction of the possibility of using QMV to adopt joint actions. Although the initial decision for a CFSP action had to be unanimous, subsequent decisions regarding the delimitation of means, duration, and procedures for implementation or financing could be subject to QMV (except in the case of defence issues). In fact, to date, the use of QMV has been very limited in CFSP, but its symbolic effects are not to be underestimated. As one CFSP participant commented, majority voting 'is designed to create habits of thinking, it has no legal effect, but in practice that might be very much like a consensus procedure' (Tonra cited in Glarbo, 1999: 649). The Amsterdam Treaty extended the use of QMV as the norm for implementing common positions and joint actions already adopted by the Council. QMV could also be

used when adopting decisions on the basis of a common strategy, adopted by unanimity by the European Council (Art. 23, TEU). Yet it would not apply to military decisions. This formal extension of majority voting was however accompanied by the proviso that no vote could be taken if a Member State 'for important and stated reasons of national policy' declared its opposition to the adoption of a decision by QMV (Art. 23, TEU). However, it is worth noting that, in this case, the Member State affected would have to justify its position at the European Council. At the same time, the Amsterdam Treaty introduced the possibility of constructive abstention, providing a basis for overcoming potential situations of impasse without undermining the principle of sovereignty.

The Amsterdam Treaty introduced a new instrument, the common strategies, 'to be implemented by the Union in areas where the Member States have important interests in common' (Art. 13, TEU). Decided by unanimity, common strategies were an attempt to increase coherence and effectiveness of EU external action because they not only covered CFSP issues, but also EC activities in a geographical area (Duke, 1999). To date, three common strategies, on Russia, Ukraine and the Mediterranean region have been concluded. These have put particular emphasis on mechanisms for ensuring coherence, mechanisms which seem to have worked out relatively well. However their effectiveness has been limited because of the ambiguity of their objectives – to allow for the conciliation of Member States' interests – and the lack of resources at their disposal. In response to the report of the HR on common strategies (European Council, 2000b), the GAC adopted new guidelines for Common Strategies in February 2001 (GAC, 2001), but no further use of common strategies has been made following this. The Constitutional Treaty would have adopted a more pragmatic view, replacing common strategies and joint actions by so-called 'European decisions' that 'commit Member States to follow the agreed EU policy' (Art. 39, Constitutional Treaty).

Changes in funding procedures were also agreed in Amsterdam as a consequence of the difficulties encountered in funding past CFSP joint actions. Giving legal character to a previous agreement reached between the Council and the European Parliament, Article 28 charged administrative expenditure and non-military operational expenditure to the EC budget, leaving operations with military or defence implications to be funded by those states which have not exercised their right of constructive abstention. Following from the need for a permanent financing mechanism for military operations, in 2003 the

Member States agreed on the so-called ATHENA mechanism which provides a single set of rules and procedures for common costs of military missions.

The Nice Treaty introduced the possibility of enhanced cooperation for the implementation of joint actions and common positions that do not have military or defence implications. But in the Constitutional Treaty, the decision-making rules within the CFSP remain strongly intergovernmentalist. QMV is only foreseen for implementing decisions, for the appointment of special representatives and when adopting a decision on the initiative of the EUFM further to a request from the European Council. Nonetheless, Member States may use the so-called 'passarelle-clause' to decide by consensus in which matters QMV can be introduced (except in defence). Despite its limitations, the Constitutional Treaty, if approved, would represent an improvement by increasing flexibility in ESDP since it allows for the possibility of establishing permanent structured cooperation among a group of countries 'whose military capabilities fulfil higher criteria' (Art. I-41) and enhanced cooperation in CFSP. The flexibility options introduced in the Constitutional Treaty could increase effectiveness of the EU in handling international crises, although risks of fragmentation and lack of transparency remain.

It is still contentious whether QMV will increase CFSP effectiveness, facilitating proactive and timely policies instead of reactive and slow ones, and it is not possible to comment on this in practice because so far CFSP remains mainly subject to unanimity. Besides, it is a well-known fact that Member States are reluctant to submit a decision to a vote (even in the first pillar) and that they prefer to reach decisions by consensus, even if this results in a delay (Hayes-Renshaw and Wallace, 2006: 259-320). However, QMV can have an impact on which action is preferred. Karen Smith (2003: 198) has argued that the EU privileges positive measures (trade and assistance agreements) over negative ones (sanctions), because the first category involves QMV, whereas sanctions have to be decided by unanimity. What is clear from Table 3.1 is that the number of CFSP legal acts (i.e. the formal CFSP outcome) has increased in recent years, following the introduction of new decision-making procedures. Whereas declarations remain an important instrument to convey to third parties the EU position, this increase has been particularly evident in the case of operational decisions (joint actions), especially in the

field of civilian and military crisis management, requiring implementation by the Member States or by the EU.

Table 3.1: Number of EPC/CFSP decisions (1986-2004)

	1986	1987	1990	1994	1997	1998	1999	2000	2001	2002	2003	2004
Declarations	54	63	115	110	123	141	123	184	186	200	143	141
Common Positions¹				8	13	22	35	33	20	23	24	23
Joint Actions²				14	15	20	20	21	19	23	34	30
Common Strategies³							2	1	-	-	-	-
Decisions⁴							-	5	6	-	3	5
Conclusion of international agreements⁵							-	-	2	3	15	8
TOTAL	54	63	115	132	151	183	180	244	233	249	219	207

¹ introduced in Maastricht (Art. 15, TEU)

² introduced in Maastricht (Art. 14, TEU)

³ introduced in Amsterdam (Art. 13, TEU)

Source: Data from 1986 to 2001 from Wessels, 2002: 19.

For the years 2002-2004 own calculations based upon the Annual Reports of the Activities of the EC/EU. See the *List for CFSP Legal Acts 1993-2005*:

http://www.consilium.europa.eu/uedocs/cmsUpload/CFSP_ACTES_JURIDIQUES_2005.pdf

⁴ on CFSP institutional aspects

⁵ according to Art. 24, TEU

3.3.3. CFSP practices

This section examines practices at work at the CFSP level among national officials. As mentioned in section 3.2, CFSP practices consist of collective rules that guide the behaviour of actors. Socialisation processes facilitate the adoption of these practices by actors participating in CFSP institutions. It is also worth mentioning that some of these practices such as consensus-building are not exclusive of CFSP policy-making, but can be found in other EU policy areas (see for example, Lewis, 2005). The fact that there are no enforceable mechanisms in this field and that unanimity is the rule, however, makes their existence even more significant in CFSP. The practices that will be

examined in this section are reflex co-ordination, consensus-building and *domaines réservés* (see also pp. 86-87 above). Other practices have been documented in the literature such as the obligation to justify national positions (Winn and Lord, 2001: 27), confidentiality and the prohibition of hard-bargaining (Smith, M.E., 2004: 122-124); or mentioned by the interviewees, *inter alia*, ensuring vertical and horizontal consistency (Interviews 26, 27, 47) and respect for 'agreed' language (interview 33).⁵⁸ However, due to constraints of space, the latter are left out of the analysis. It should be noted that, in this case, the institutionalisation of CFSP practices refers not so much to the introduction of new practices, as to changes affecting practices at work since the 1970s as a result of the increase in policy-makers' interactions and socialisation. These changes can be summarised as an increase in the co-ordination reflex and consensus-building practices and a decrease in the *domaines réservés* over the years.

To examine CFSP practices, one must operate at the level of individual officials and foreign policy-makers. They are the ones who participate in and are affected by interactions (contacts with other policy-makers, exchanges of information) and, as a result, can be the object of changes in identities, role perceptions and modes of behaviour. As M.E. Smith (2004: 91) points out, the fact that the EPC became institutionalised in a formal body composed of lower-level diplomats and technical experts instead of senior officials, meant that cooperation among this 'epistemic community' was easier to achieve. Other features of CFSP representatives should be mentioned here. First, CFSP national representatives are diplomats, instead of national civil servants as is the case in other EU policy areas. Second, the diplomatic culture in which they are trained, although variable from country to country, often emphasises the need for empathy and mutual understanding in order to facilitate negotiations. However, levels of rotation are usually higher among national diplomats (particularly at the level of the working group) than in the case of civil servants attending Community meetings and this might prevent processes of socialisation (see Juncos and Pomorska, 2006).⁵⁹

⁵⁸ Winn and Lord describe this practice as 'attentiveness to precedent' (2001: 28).

⁵⁹ According to the On-line survey, only 14.3 % of national representatives have attended that group/committee for more than 3 years.

The literature on the development of the EPC/CFSP has documented the existence of several procedural norms followed by policy-makers⁶⁰ and the emergence of a so-called *esprit de corps* (Beyers, 2005, Manners and Whitman, 2000; Nuttall, 1992, 2000; Tonra, 2001, Smith, M.E., 2004; Winn and Lord, 2001). According to Glarbo (1999), Otto von der Gablentz was the first to launch a detailed analysis of EPC socialisation. He noted that diplomats developed a special 'code of conduct' for undertaking common foreign policy in the absence of formal rules in EPC and distinguished several features in these interactions, notably 'a commitment to informal decision-making and a consistently communitarian tone of negotiation where, as a general rule, *fait accomplis* are rarely launched by single diplomacies, even if national interest is felt to be salient' (in Glarbo, 1999: 646-647).

The later development of CFSP institutions, and in particular, the Brusselisation of CFSP might have facilitated socialisation processes, by bringing together diplomats to regular, permanent and highly institutionalised consultations (Tonra, 2000: 158). According to Glarbo (1999: 646), '[t]he vital effect of these institutions is simply that they provide stable arenas and temporal rhythms to social interaction between diplomats from different national diplomacies. As such, institutions in themselves hold a latent promise of social integration'. However, Nuttall (2000: 273) has argued that socialisation would be more difficult with the increase in the number of participants and with the 'Brusselisation' of CFSP. For example, the Maastricht Treaty eliminated the hosting role of the Presidency and hence, the entertainment activities that took place in the national capitals and that had facilitated socialisation so far. According to Nuttall, 'it was certainly the case that expertise in entertaining facilitated personal contacts and fostered the club atmosphere'; hence Nuttall feared that the legalisation and bureaucratization of the CFSP that would most likely follow the implementation of the TEU would make the CFSP no longer the kingdom of diplomats and would erode the '*esprit de corps*'. However, as will be shown below, the procedural norms inaugurated with the EPC still remain in an enlarged EU of 25 members. In this connection, one can mention the following CFSP practices:

⁶⁰ According to M.E. Smith (2004: 121), these practices developed in a very pragmatic way, having being formalised only when they proved their usefulness.

- A consultation or co-ordination reflex

Initially, a process known as the 'co-ordination reflex' developed between the national diplomats involved in EPC. This was noted in the Copenhagen Report, approved in 1973. According to the document, the habit of working together had become 'a reflex of co-ordination [...] which has profoundly affected the relations of the Member States between each other and with third countries' (as quoted in Allen and Wallace, 1982: 26). As Nuttall (1992: 312) observed: '[t]he [...] great success claimed for Political Cooperation is the phenomenon of socialisation. This is an automatic reflex of consultation brought by frequent personal contacts with opposite members from other Member States'. This practice is today a well-known fact in CFSP cooperation.

The co-ordination reflex refers to a process of sharing information with the rest of Member States before a decision has been taken (Smith, M.E., 2004: 122; Winn and Lord, 2001: 26). According to the on-line survey, 89.3% of the respondents stated that they had consulted other national delegations prior to formal meetings always or most of the time (On-line survey, Appendix I)⁶¹ and several interviewees pointed to the importance of informal exchanges to facilitate compromise (Interviews 27, 29, 41, 47). The co-ordination reflex is perceptible in the development of communicative practices among CFSP officials. Informal consultations prior to the meeting are part of every-day work of the representatives to facilitate consensus. By contrast, in those very rare cases where informal contacts are not so intense, cooperation and consensus are harder to achieve. For instance, one national representative (Interview 3) stated:

Because we meet in COTRA [Transatlantic Relations Working Group] so rarely, we look at each other, but we keep our construction of Member States separated from the others. This psychological or symbolical element is probably very important in our work, in our games for the EU foreign policy-making. But in the case of COTRA, we remain separated, we do look at each other, but suspiciously, [...] you don't even find the mood for cooperation.

Communicative practices take place through formal channels, such as the COREU network or official mailing lists. Nonetheless, a large bulk of information-sharing is

⁶¹ 53.6% affirmed that they consulted with other delegations many times per week, 32.1% once per week, 10.7% once per month and 3.6% less than once per month (On-line survey, Appendix I).

informal. The representatives remain in close contact through e-mails, mobile phones and frequent meetings that often occur in the corridors and over lunch. The importance of communicative practices is pointed out by several authors (Glarbo, 1999; Smith, M.E., 2004). For instance, Schutz (in Glarbo, 1999: 639) states that ‘before EPC, respective diplomacies belonged to each other’s *Mitwelts*, i.e. their “world of contemporaries”, characterized by a simultaneous and an equal presence in time, but also by a permanent spatial “separation” and thus no regularized interaction’. This clearly demonstrates the importance of institutionalised interactions and communicative practices as mechanisms facilitating officials’ socialisation.

Consultations might take place bilaterally, in a group formation or in the format of ‘confessionals’ with the Presidency. During these informal negotiations, national representatives inform other colleagues about their positions, in particular ‘red lines’, or exchange other types of information that may help the decision-making process. They also undertake informal negotiations in order to achieve a compromise before the meeting. As a result, ‘many issues appear “pre-cooked” in the agenda, especially the sensitive ones’ (On-line Survey, Appendix I). In some Council working groups, so-called ‘like-minded’ groups, based on similar interests on certain issues, have been established in order to prepare their common line of action beforehand (Interviews 28, 38, 44).⁶²

As a result of the increase of these communicative practices among national representatives, EU Member States no longer feel threatened by sharing information with their European colleagues. On the contrary, they have multiplied their mutual exchanges. According to the online survey, ‘similarity of values and norms’ constitutes the first criteria that national representatives take into account when sharing information with other colleagues, while security interests, geographical proximity or the size of the country were considered less important (On-line Survey, Appendix 1). Some of them admit they even share selected sensitive information with their counterparts, in particular if it helps reach a compromise (Interview 41). Such information includes circulating national instructions, security assessments or other political information at a strategic level (On-line Survey, Appendix I).

⁶² On some occasions, these like-minded groups are very structured, like in the case of the working group on Western Balkans. In other cases, these groups vary depending on the issue for discussion (for example, CIVCOM or the working group on Eastern Europe).

This co-ordination reflex also implies a tendency to take others' views into account when formulating national positions (Winn and Lord, 2001: 27). It might help to develop common understanding among national representatives and so, in other words, foster consensus-building. According to Ben Tonra (2001: 261), many foreign policy-makers and CFSP officials acknowledge the fact that it has become a natural 'reflex' to take into consideration what is acceptable for their European partners, rather than simply what the national position, based on national interest would be. The co-ordination reflex would appear therefore as a habit, a naturally done thing, in contrast with rational calculations to pursue self-interested preferences. However, the interviews supported the argument that national representatives are self-reflective when adopting these procedural rules and that the co-ordination reflex is seen by the diplomats as a way to increase their chances in the negotiations and to prevent being marginalised. According to one practitioner (Interview 47), 'obviously one cannot ignore the positions of twenty four other countries and also the Commission when formulating a statement – this is a starting point to avoid being left in isolation.'

- A consensus-building practice

Another code of conduct that has been identified in the CFSP literature is the consensus-building practice when it comes to the adoption of decisions, by contrast to hard-bargaining or confrontational methods (Lewis, 2005; Tonra, 2001; Smith, M.E., 2004). As noted before, CFSP is subject to intergovernmental bargaining with states, apart from a few exceptions, retaining their veto powers. A national representative (Interview 40) compared this with Pillar I in the following way:

I was before in the MFA, dealing with Pillar I issues, where negotiations are much tougher and you are more prepared to lose something. But in CFSP you can always say no. And if you are really serious about your no, nobody can stop you from blocking it. But this is rarely seen.

Interestingly enough, Member States do not generally make use of their veto power during negotiations; on the contrary, there is a general practice to 'keep everyone on-board' and to achieve consensus. According to one official, 'the most important thing is the readiness of everybody to contribute to a solution' and another mentioned 'there is a very strong impulse to reach a compromise' (Interviews 26, 41). Member States'

diplomats try to generate a broad agreement regarding the decision, so no Member State is excluded (in decisions by QMV) or auto-excluded (resorting to constructive abstention). The objective is to avoid the isolation of any Member State in the decision-making process, and to avoid taking any decision that could damage significantly or in a persistent way the interests of a single country or group of countries (Laffan, 2001: 716). This is a two-way process because not only will the majority try to integrate the minority, but also the potentially isolated will try to find supporters, instead of behaving unilaterally, 'especially if you are a country of small or medium size' (Interview 45). That is why CFSP policies are not the exclusive result of lowest common denominator decisions.

One of the main driving forces in day-to-day CFSP practice is the search for agreement within the group. As stated by a diplomat (Interview 27), 'there is always a pressure to get an agreement, if you don't get a result, you have nothing.' According to the on-line survey, 96.4% of the respondents stated that consensus-building, rather than hard-bargaining is the predominant behaviour in CFSP negotiations (On-line Survey, Appendix I). The national representatives often have a common interest in producing results at the end of the day, i.e. to be effective (Interviews 26, 27, 41). Thus, it is common that at the final stages of a long meeting there is significant pressure stemming from the group and the Presidency to reach agreement and not leave unsolved problems to be passed on to a higher political level. Final agreement can adopt different forms: a consensus formula accepted by all the Member States; a compromise formula or false compromise (different readings of the same document for different Member States); or even a formula listing all the different options (Interview 41).

Despite often expressed doubts whether the *esprit de corps* would continue with enlargement, a majority of the interviewees claimed that the co-ordination reflex and the consensus-building practices still remain. According to participants (Interviews 26, 29, 33, 38, 40, 45, 46), the recent enlargement to 25 has actually increased the importance of these informal practices; informal exchanges of information have increased and more is done outside the formal meetings in order to reach consensus (see Juncos and Pomorska, 2007).

- Domaines réservés

Cooperation in the field of foreign and security policy has been guided by another principle: the existence of *domaines privées* or issues that cannot be submitted to discussion and interference from the rest of the Member States. These areas have traditionally included security issues (national defence, borders, nuclear status or neutrality) and special relationships (like the US-UK relationship). For example, a member of a group dealing with transatlantic relations pointed out that any politically 'hot' matters in EU-US relations, such as Iraq, were always kept out of the discussions (On-line Survey, Appendix I). Other examples of debarred issues include: in the Western Balkans Working Group, issues previously discussed by the Peace Implementation Council (BiH) or the Contact Group (Kosovo); broader cooperation between EU-NATO (in the EUMC Working Group); agreement on money laundering with Switzerland (in the EFTA Working Group); Ukrainian EU membership (in the Eastern Europe Working Group), institutional matters; borders and bilateral issues of the EU Member States (On-line Survey, Appendix I; Interview 28). Nevertheless, since the establishment of the CFSP, a contraction in the number of areas considered as *domaines réservés* can be noted, allowing for a higher inclusion of these issues in CFSP discussions (Manners and Whitman, 2000; Smith, M.E., 2004: 123; 194). According to the on-line survey, for instance, 50% affirmed that there were no sensitive issues excluded from the discussions (On-line Survey, Appendix I), which shows that, unlike the EPC, the CFSP domain is gradually understood as involving *all* aspects of foreign and security policy.

In sum, there is plentiful evidence of actors' socialisation, i.e. adopting shared practices and rules of behaviour as a consequence of their involvement in CFSP cooperation (see also Manners and Whitman, 2000; Nuttall, 2000; Tonra, 2001). As well as the consultation or coordination reflex, consensus-building practices and *domaines réservés*, Lewis (2002) also notes another feature that can be attributed to national officials. He talks of the 'Janus-like nature of COREPER officials who share a sense of responsibility in the collective decision-making process and the search for 'fair' solutions, which is in addition to representing national interests' (2002: 30). This process of divided-loyalties is also documented by Nuttall (1992: 23) in the case of European Correspondents and Political Directors (2000: 272). According to Nuttall, 'this feeling of solidarity was only rarely the product of a cold calculation of reciprocal

interest. It stemmed rather from the process of socialisation, the feeling of belonging to a club'. Michael E. Smith (2004: 223, footnote 26) also observed the same 'loyalty problem' in the case of the CFSP counsellors. However, it seems that processes of socialisation have not implied a full transfer of loyalties from the national to the European level against neo-functionalist expectations. According to the online survey (Appendix I), when national diplomats were asked about 'the degree of allegiance they feel to', the average rank (from 1 to 4) was of 3.6 to their own national governments, 2.8 to the European Union and 2.4 to the CFSP group in which they participate. This data shows that national representatives still feel a strong loyalty to the national level in comparison to the EU or CFSP institutions. Yet it also shows how national and European identities are not mutually exclusive, but complementary to each other. Moreover, these interactions among national diplomats can lead to a redefinition of interests. As observed by Hill and Wallace (1996: 11),

A certain socialisation within these transgovernmental groups, working with each other on specific issues on which they share professional expertise and professional pride, has led 'national interests' to be subtly redefined, and more vigorously contested among different ministries. The result is that there is more confusion than ever about whose interests are being served in any given situation, not least because the idea of the collective interest has been no more successfully elevated to the Europe level than has the concept of identity.

Even though these processes of redefinition of interests do not constitute the main core of this study, research shows that it is increasingly difficult to talk about national positions without acknowledging the impact of interactions in Brussels and how national representatives find themselves in contact with new information that might lead to a redefinition of national positions. As one diplomat (Interview 41) admitted: 'this is the first lesson that you learn when you come to Brussels: the toughest negotiations take place between the capital and Brussels'. The representatives emphasize the difference between the perceptions of officials in Brussels and those in the capital, which occasionally leads to discussion over the instructions or convincing the capital that the instructions should be changed for the sake of the state's (and representative's) credibility within the group. It is not uncommon for national representatives to argue

that the national position is not 'quite in tune with the negotiating atmosphere here in Brussels' (Interview 27). In this way, national diplomats are able to use their expertise and institutional position to influence not only the CFSP negotiations in Brussels, but also the definition of national positions. If this is case, it would be interesting to analyse how interactions in Brussels have affected national positions towards BiH, and whether or not this has increased the overall coherence and effectiveness of the EU's policies in this case (see Chapters 4, 5 and 6).

To conclude, this section has demonstrated that the levels of institutionalisation of CFSP have increased over time, in terms of bureaucratic organisations, formal rules and informal practices. This has had an impact on levels of coherence and effectiveness, helping in some instances by increasing operational capacities, clarifying competences and facilitating information-sharing and consensus-building among the Member States. The perception among policy-makers, for instance, is that this institutionalisation process has increased CFSP coherence and effectiveness. Nonetheless, one can argue that the impact of institutionalisation has been uneven across policy areas and levels of coherence and effectiveness are still suboptimal, something which explains new attempts at institutionalisation with the Constitutional Treaty. The next section intends to explain why this has been the case, by analysing the process of institutionalisation, with particular attention to path dependent processes, unintended consequences and learning.

3.4. A HISTORICAL INSTITUTIONALIST ACCOUNT OF CFSP INSTITUTIONALISATION

As mentioned in the previous chapter, a HI approach is based on the premise that prior institutional structures limit available future options and lead one to expect resistance to change owing to institutional legacies. This is particularly true if one looks at CFSP development having in mind prior institutional developments under the EPC. The particular path of institutionalisation described in this section resulted from particular choices made by the Member States when establishing the EPC, something that led to the development and institutionalisation of particular CFSP organisations, rules and practices. However, it is not the intention here to look at the origins and functioning of the EPC in detail (on this see Allen and Wallace, 1982; Nuttall, 1992; Smith, M.E.,

2004). Rather, the aim of the sections below is to identify some patterns in EPC institutionalisation that determined the subsequent institutional development of the CFSP.

As regards the place of the Member States in an account of CFSP institutionalisation, a HI approach does not neglect the importance of Member States' preferences in determining early forms of cooperation; however, it does emphasize the importance of institutional legacies and the pervasive effect of initial choices on subsequent decisions. What is more, although the Member States remain the 'master of the treaties', their capacity to shape political outcomes in between IGCs might be undermined by the autonomous activity of other institutions. In Wessels' words,

The 'choice for Europe' (Moravcsik, 1999) is no longer an option to be taken or refused freely by national leaders at whatever occasion; the scope of national autonomy gets more limited and the range of options becomes more EU oriented with each treaty amendment (Wessels, 2002: 29).

Finally, a HI approach should not be conceived as static. It does not exclude the possibility of change that might occur as a result of learning or critical junctures, although it might take the form of incremental rather than fundamental change of the institutional matrix. Adopting a fine-grained approach as the one suggested in Chapter 2, one can distinguish between *stability* at the level of the CFSP institutional matrix (a decision-making system of a hybrid nature between intergovernmentalism and supranationalism) and *change* at the level of individual institutions. Whereas the CFSP matrix has remained essentially stable in the last few years, individual institutions have experienced changes (for example, alteration to the Commission's competencies) and new institutions have been created (HR, PSC, EUMS).

Before moving to the discussion of CFSP institutionalisation, the concept of Brusselisation, a theme which pervades the main argument of this section, needs to be introduced. According to Dave Allen (1998: 54), Brusselisation involves a physical move of the CFSP governance system to Brussels or, in other words, 'a gradual transfer, in the name of consistency, of foreign policy-making authority away from the national

capitals to Brussels'. As such, the concept has to be distinguished from socialisation, which refers instead to a behavioural and cognitive process (see Chapter 2). However, Brusselisation does not exclude socialisation, and might even facilitate it. Moreover, it is argued here that the process of CFSP institutionalisation and Brusselisation have run parallel, that is nearly all new CFSP bureaucratic organisations have been established in Brussels, being then accompanied by additional formal procedures to regulate the competences of these new organisations and by an intensification of informal practices amongst Brussels-based policy-makers.

Not only does the concept of Brusselisation refer to the location of CFSP institutions, but it also refers to their *sui generis* nature. The CFSP governance system has arguably followed a particular path of institutionalisation. It follows neither a strict community method nor a pure intergovernmental one, but instead conforms to a hybrid model that combines elements of both (Øhrgaard, 2004: 30; White, 2004: 56). Although Member States are still powerful actors in the CFSP, supranational elements such as the involvement of the Commission and the European Parliament, or the possible resort to QMV also need to be taken into account. Furthermore, it can be argued that the Member States are not fully in control of this Brusselisation process as it will be shown later. The following sections will try to shed light on *which* processes may have facilitated *which* institutionalisation and the role path dependency, unintended consequences and learning have played in determining the current CFSP institutional setting towards a more Brusselised CFSP.

Looking back to the origins: the institutionalisation of the EPC

The establishment of the EPC was the result, among other things, of the disagreement between two views concerning European foreign policy. On the one side, were those such as France and the UK who wanted an intergovernmental system of co-ordination of Member States' foreign policies that would allow Europe to make its voice heard on the international scene, but without implying a communitarisation of national foreign policies. On the other side, were those countries (Italy and certain smaller Member States) who wanted foreign policy co-ordination to be incorporated into the EC framework (Smith, M.E., 2004: 65). Eventually, under French pressure, the first view prevailed. However, no Member State could have predicted at that time the progressive

development of the EPC and later the CFSP. For those who sought to maintain an informal and pure intergovernmental procedure, the institutionalisation of the EPC in the SEA, and later the TEU, implied a significant move away from their original idea. For those who wanted a supranational system firmly on the hands of the Commission and accountable to the European Parliament, later developments fell short of expectations, but were still better than the original form of cooperation established with the EPC. This result points to the fact that, contrary to intergovernmental accounts, the Member States do not tightly control the institutionalisation of CFSP, but unexpected consequences might occur. In the same vein, the Brusselisation process took place 'by default more than design' (Allen, 1998: 48).

It is argued here that the need to increase both coherence and effectiveness helps explain the development of European foreign policy cooperation towards Brusselisation. Thus, the Member States found themselves trying to square the circle of generating a more coherent and effective foreign policy, but keeping it away from the Commission's competencies; or, in other words, to conciliate an autonomous foreign policy with the wish for the EU to play a role as an effective global power. The Brusselisation process was thus an unintended consequence of the tension between EPC and EC policies. The EPC was established in the first place to prevent national foreign policies from colliding with EC policies (Smith, M.E., 2004: 71, 136). However, once established, the Brusselisation of the EPC resulted from the need to ensure a more *coherent* approach in external relations, which required increasing co-ordination with the Commission, and even making use of communitarian instruments to implement the EPC (Allen, 1998: 49-50). Rather than following the logic of communitarising foreign policy, new provisions and new Brussels-based bodies would try to ensure coherence between Community and CFSP policies (see below).

The Member States also realised that acting together was more *effective* than acting alone and that the EU external action machinery should be strengthened in order to be able to play a stronger role on the international scene. The Member States, through the rotating Presidency, were not capable of running the EPC on their own, especially when it was held by the smaller Member States. Even those countries that favoured an intergovernmental system of foreign policy cooperation did acknowledge the need to establish better structures for decision-making and implementation, a need that was

particularly felt during international crises. However, the Member States were not ready to transfer these competencies to the Commission irrespective of the heavy cost to the Presidency. In other words, 'Member States [wanted] to pool their sovereignty on foreign policy in order to generate efficient outcomes, but they [were] not prepared to relinquish that sovereignty' (Reiderman, 2004: 71). The only solution was to create some permanent bodies but under the firm control of the Member States (i.e. within the Council's structures).

A major breakthrough: the establishment of a permanent secretariat

With the SEA, it was acknowledged that both the Commission and the Council should ensure coherence of the external relations. The incorporation of the Commission into the EPC (the Commission was to be 'fully associated') was not among the original intentions of the 'masters of the Treaties', but resulted from the need to ensure consistency between EC and EPC policies. On the other hand, the SEA only gave a legal character to a practice that had taken place since the 1970s.⁶³ Moreover, even though the Member States tried hard to keep EPC away from Brussels (perceived as the domain of the Commission),⁶⁴ the SEA confirmed that the EPC working groups would take place in Brussels and that a permanent EPC Secretariat would be created within the Council Secretariat. The PoCo and the Foreign Ministers meetings would still take place in the state holding the Presidency, although the SEA opened the possibility of discussing EPC matters during GAC meetings. In any case, EPC and Community activities were kept strictly separated from each other. For instance, the EPC Secretariat was separated from the rest of the Council Secretariat 'by doors with special locks on them' (Allen, 1998: 50).

The establishment of the EPC Secretariat was one of the main elements in the SEA. As mentioned above, the Member States learnt 'by doing', that the EPC system required a permanent body to support its day-to-day work. However, for 17 years the EPC did not

⁶³ In the Luxembourg Report (1970), the Commission was invited to make known its views and in the London Report (1981) it was fully associated with EPC.

⁶⁴ The physical site of the EPC Secretariat had been a subject of heated debate among the Member States since the establishment of the EPC. Some Member States (mainly, the Benelux and Italy) argued for the secretariat to be established in Brussels, but this was opposed by France and the UK, since it could risk a 'communitarisation' of EPC. Instead, France pushed for the Secretariat to be based in Paris, something rejected by those Member States which wanted a progressive incorporation of the EPC into the Community structures (Smith, M.E., 2004: 166).

have a permanent secretariat, and every six months the EPC's limited machinery and archives had to move from one capital to the next Presidency capital. The precedent of the EPC Secretariat can be found on the Troika system. The London Report (1981) established the Troika composed of the present, previous and subsequent Presidency in order to maintain EPC consistency. To support the task of the current Presidency, the London Report, formalising a previous practice, foresaw a limited administrative structure consisting of one official of the past and the future Presidency, being at the disposal of the Presidency at the helm (Smith, M.E., 2004: 166). This incremental development made the establishment of the EPC Secretariat at the SEA easier, which was based upon 'an extended troika', staffed with 17 officials, mostly officials from the previous, current and following Presidency, plus an archivist, administrative and communication staff and a Head of Secretariat (Tonra, 2000: 153).

With the establishment of a single institutional framework, the EPC Secretariat was merged with the Council Secretariat. Since it was the only permanent body within the Council structures, the Council Secretariat soon became an important body maintaining the 'institutional memory'. Nowadays, the Council Secretariat still serves the purposes for which it was created in the 1980s: logistical support for the Council meetings, record keeper and provision of legal advice. The second function is crucial, since Council officials, when drafting documents for Council meetings, try to identify 'problems, possible solutions and the respective degrees of support which exist for various options for going forward' (Westlake and Galloway, 2004: 149). This function best exemplifies the trust placed on officials of the Council Secretariat by national representatives. The Council Secretariat also supports the Presidency by writing drafts, although this support varies from one Presidency to the next, with small Member States being more dependent on the Secretariat.⁶⁵ By doing this, Nuttall (2000: 253) has argued, the Council Secretariat is 'assuming in practice the right of initiative without any formal change to its status'.

The Council Secretariat has also developed additional 'new' roles, of a more political nature: 'from being a more active negotiation "manager", to acting as a political counsellor to the presidency, a "good offices" mediator, a political secretariat for the secretary-general/high representative, as well as assuming an executive role in planning

⁶⁵ One national diplomat acknowledged that 'you always look at what the Council Secretariat is saying because they are often better informed than the Member States' (Interview 28).

and organising military and civilian crisis management operations' (Westlake and Galloway, 2004: 149). Some of these are particularly relevant in the case of the CFSP. The Council Secretariat can help to identify points of disagreement among the parties and possible 'ways out'. It might do so by drafting the documents for the meetings, which should be seen by all the parties as a legitimate basis for discussion, including different concerns, but also possible solutions. Thus, the Council Secretariat can help to build consensus and speed up negotiations, supporting also the role of the Presidency.

The Council Secretariat also supports the HR in his political task, and in lower levels (for example, in Council working groups), often intervenes to present papers under the authority of the HR. The Council Secretariat's influence is also amplified by the fact that the Member States second high-ranking officials to it.⁶⁶ Yet, the most important development in the last few years is the extension of its role in ESDP to carry out planning and executive functions. The creation of the EUMS and the establishment of a Civ/Mil Cell have increased the operational capacities of the Council Secretariat in the field of military and civilian crisis management.⁶⁷ The need to undertake these new tasks has however imposed some strains on the Secretariat's structures, which were not originally designed for this type of task and has required the recruitment of a further battery of officials from the Member States (seconded national experts) to cover these functions. It has also led to the creation of a Police Unit within DGE to plan and launch police and other civilian crisis management operations. In the case of civilian crisis management, these developments have created some clashes with the Commission and even with the Member States, which feel that they are no longer in the driving seat (Interviews 29 and 42). They have also resulted in increasing tensions between different bureaucratic cultures (old administrative secretariat/new operational secretariat; civilian/military personnel) coexisting within the Council Secretariat (Christiansen, 2001: 756).

The development of the Council Secretariat over the years can be seen as an example of unintended consequences. Once created, institutions take on a life of their own – acting

⁶⁶ For instance, Robert Cooper, a well-known British diplomat is now the Political Director of DG E and he clearly influenced the drafting of the *European Security Strategy*.

⁶⁷ Commenting on the role of the EUMS, one official also acknowledged its facilitating role in the decision-making process. He argued that when preparing documents for the EUMC or PSC, he would shape the document 'into one which I think is potentially flyable' and added: 'because we sit very close to these guys and we sit in all the committees, we pick up fairly quickly the political nuances and the issues that are running' (Interview 30).

sometimes independently in ways not intended by the Member States that created them. The potential of the Council Secretariat to act in this way was, in fact, already envisaged in the 'Three Wise Men' report (1979). This noted that the Council Secretariat 'possesses a knowledge of procedures, an overall view of the machinery, and an opportunity for neutral assessment of other States' attitudes which even the largest national administration cannot match' (quoted in Westlake and Galloway, 2004: 150). To the discontent of many Member States, the Council Secretariat has become a crucial behind-the-scenes actor that has developed a role in the CFSP beyond what was initially foreseen. Commenting on its role, one national representative mentioned that 'the Presidency depends very much on the Secretariat [...] The Council Secretariat produces papers for the Presidency, but you should be very careful about what is on the papers' (Interview 40). According to another national official (Interview 38)

The Council Secretariat does not have any formal power; they are only the secretariat of the Council... But it is also true that the Council Secretariat is taking upon itself a more dominant role, taking advantage of the rotating Presidency because they have a permanent structure. They are more and more speaking as an autonomous independent actor in line with some other Member States.

The Maastricht Treaty and the single institutional framework

With the Maastricht Treaty, the pillar structure was formalised under one single institutional framework and new Brussels-based bodies such as the CFSP Counsellors were to be set up in order to ensure consistency between Community and CFSP policies. The single institutional framework meant that from then onwards the EPC Meetings of Foreign Affairs took place together with the EC Council meetings (GAC). Moreover, COREPER (based in Brussels) would also discuss EPC activities when preparing Council meetings. For its part, the PoCo (still based in the MFAs) would report to the Council through COREPER. This caused heated rivalry among the two bodies that was only eased with a gentleman's agreement.⁶⁸ However, the competition

⁶⁸ Turf-battles and divergences of administrative cultures were a significant obstacle for consistency between these two bodies. A 'gentleman's agreement' was reached in May 1992 by which the COREPER would only introduce amendments to the PoCo conclusions on institutional, financial and EC matters, but not on political issues, before submitting to the Council. It was not established as a *modus operandi* until

remained for quite some time. Before the Amsterdam Treaty had entered into force, at a time when Brusselisation was still weak, Peterson (1998: 8) described the CFSP in these terms:

What does remain pillar II 'turf' is jealously guarded by foreign ministries. EU Political Directors are based in national capitals, have direct lines to their Foreign Ministers and thus usually have ample opportunity to circumvent COREPER. In a majority of EU Member States, the Political Director is officially a superior of its Permanent Representative.

However, over time COREPER increased its role on foreign policy issues, among other things because it was based in Brussels and could maintain a closer link with the working groups, not possible in the case of PoCo (Nuttall, 2000: 274). Thus, although the single institutional framework aimed to ensure consistency among EC and CFSP pillars, that was not the case during its initial years. Apart from the problems between COREPER and PoCo, there were also problems regarding the merging of the Council working groups. These problems were due, to a great extent, to the organisational culture of the MFAs where economic and political affairs had been traditionally separated. The separation between EC and EPC fitted very well in that context. Therefore, in those cases where the EPC and the EC working groups were merged, it was difficult to determine who would be attending and chairing those meetings (the Brussels representatives or the officials from the capitals). In spite of the single institutional framework, the practice during several years was to separate CFSP from EC items in the agenda, having a different chair depending on which issues were discussed. Even on some occasions, CFSP meetings took place separately. Thus, institutional legacies, unintended consequences and organisational culture limited *de facto* the implementation of legal provisions.

Nevertheless, gradually the merging has led to the Brusselisation of the CFSP decision-making process. There has been a progressive move of the national representatives to Brussels. Representatives in the CFSP working groups are increasingly diplomats based at the Permanent Representations in Brussels, whereas the number of 'capital

January 1996 (Nuttall, 2000: 246-248). On these problems, see also, Allen, (1998: 50-53), Duke, (2005: 11) and Peterson, (1998: 8).

formations' meetings⁶⁹ has decreased to an average of twice per Presidency.⁷⁰ In addition, the change has not only affected the composition, but also the role of the working groups which have become much more 'legislative' (drafting joint actions, common positions, and action plans) and focusing on operational issues. Instead, the few 'capital formation' meetings that still take place in Brussels review the overall policy and raise specific issues, but no formal negotiations take place during the meetings.

The Treaty of Amsterdam: advancing Brusselisation.

According to Allen: '[t]he Amsterdam Treaty appeared to represent continuity more than change in that it continued – perhaps accelerated – the process of “Brusselisation”’ (1998: 57). This supports the argument that the EPC/CFSP institutional matrix has remained stable, in spite of the layering/conversion of individual institutions. As noted above (pp. 89-90), the more important innovations of the Amsterdam Treaty were the creation of the HR and the Policy Unit, two more steps towards the Brusselisation of CFSP. The creation of the Special Representatives was also a way to 'Brusselise' the EU's shuttle diplomacy and to formalise a practice that had already taken place *de facto* during the Yugoslavian wars (see Chapter 4 and 6).

To a great extent, these institutional reforms stemmed from the impact of exogenous factors, and most notably, EU failure over the Yugoslav wars. As mentioned earlier (see Chapter 2), external events may make learning (changes in fundamental beliefs or strategies) easier. In the case of the CFSP, external crises served to put CFSP institutions to the test and often led policy-makers to realise the need for change (learning from failure). In this specific case, and having in mind the problems during the Balkan conflicts, the reforms agreed at Amsterdam led to the creation of several new instruments. These new instruments, for their part, developed a role of their own, far from the one that was initially envisaged by the Member States.

⁶⁹ This was the traditional composition of the EPC working groups, involving directors from the MFAs, who would travel to the capital of the Presidency or to Brussels (since the signing of the SEA).

⁷⁰ However, it very much depends on the Council Working Group. For example, COWEB (Western Balkans) meets three or four times per Presidency, whereas COTRA (Transatlantic Relations) meet very rarely, not even once per Presidency.

The failure over Yugoslavia underlined the need for a permanent external representation instead of the six-monthly rotating Presidency (see contributions in Pappas and Vanhoonacker, 1996). However, as it often happens, even if everyone learnt the lesson, this learning was translated into very different proposals. Following from the EU's failure, and trying to exploit the TEU provisions, the new President of the Commission Jacques Santer attempted to give a stronger role to the Commission by appointing four Commissioners in charge of external relations, co-ordinated by himself (Peterson 1998: 6-7).⁷¹ In response to this move, the French proposed the creation of a Mr PESC or High Representative (Buchet de Neuilly, 2000: 13-20). Some Member States, which were at the outset opposed to the French initiative (mainly, Belgium and Italy),⁷² finally agreed with it, although for different reasons. For the supranationalist camp, the HR could only be conceived as a new 'Commission for the CFSP' (Interview 49). This new institution was justified in their eyes because the Commission had proven unable to take leadership of the EU's external relations in the last few years. For other Member States such as France and the UK, the nomination of a HR, as agreed in the IGC, increased the role of the Member States in Brussels, by placing this institution firmly within the Council's structures (the HR would be also the Secretary General of the Council), hence much more easily manageable than the Commission.

Nowadays, the HR has become a powerful actor in CFSP beyond that foreseen by the Member States who wanted to limit this figure to an administrative assistant to the Presidency. This shows the problems for the Member States in controlling the implementation of decisions agreed in the IGC (Buchet de Neuilly, 2002). It could be argued, however, that by nominating a high profile person like Solana, they allowed for this to happen. In general, the HR is trusted by the Member States and there has been a willingness to provide the post with resources. Currently, the HR can draw on the resources of the Policy Unit, EUMS, Situation Centre, DG-E and the EU Special Representatives. Usually, perceived as less dangerous than the Commission in the field of foreign affairs, the Member States have entrusted the HR with significant mediating missions such as in the case of the Balkans, Ukraine or Iran.

⁷¹ According to Cameron (1998: 68), the Commission had also proposed to solve the problems of coherence, visibility and continuity by reinforcing the Commission/Presidency tandem.

⁷² Some Member States saw in this proposal the danger of large Member States' dominance of CFSP (Forster and Wallace, 2000: 482).

However, it is evident that the HR has his own ambitions, not always in tune with those of the Member States. Although the office does not formally have the right of initiative, the HR can informally influence agenda setting by intervening in the debates and proposing policy papers. To some extent, the attempt to balance the power of the Commission in the communitarian sphere by building a strong actor in the CFSP area has produced the unforeseen result of creating a 'Commission II' (Buchet de Neuilly, 2002: 28). According to one national diplomat: 'sometimes we are too concentrated on the Commission [...], but we do not realise that we have created an instrument that is playing its own game, the High Representative, and [the same can be said about] the Policy Unit' (Interview 29). Yet, the main problems have arisen between the HR and the Commission. According to Claire Piana (2002: 221), '[t]he Commission is very sensitive concerning any potential loss of competency in external relations and the emergence of this new political actor, who is still trying to find its place in the institutional game, worries it'.

The creation of the Policy Unit was also in response to the shortcomings apparent during the Yugoslav conflict (Van der Broek, 1996: 26). It was felt that the EU did not have a clear policy and failed to prevent the outbreak of the war. Thus, the idea of a Policy Unit was strongly supported during the 1996 IGC. According to Cameron, some of the arguments in favour of the Policy Unit were that it would provide a common European assessment of foreign and security policy, an early warning function and produce option papers for the Presidency and GAC (1999: 100). The Policy Unit officials are seconded by the Member States and thus, can turn to their original MFAs to gather information that can be later used in the CFSP decision-making process.

Since its establishment, the Policy Unit has become a significant actor by drafting CFSP policy papers for the Council in areas of particular interest of the HR such as the Western Balkans, the Middle East or Eastern Europe; areas where the Policy Unit is also integrated into the DG-E. For instance, Policy Unit officials attend the PSC meetings to brief on potential crises, in this way playing an important 'early warning' function (Duke, 2005: 28-29). The members of the Policy Unit have vast expertise in CFSP issues and their contribution is highly valued by the Member States, in particular the smaller ones. In this way, the Policy Unit might have a *de facto* agenda-setting power. Because it is composed of seconded national officials and not EU officials, the

role of these officials is a sensitive one, although they have become gradually socialised in the CFSP *modus operandi*, especially in those areas where the Policy Unit works side by side with DG-E. A (British) Policy Unit official defined the Policy Unit as ‘an intergovernmental body’, but described his job as ‘building consensus among the Member States’ (Interview 54). The Policy Unit serves as a link between the MFAs and Brussels. It keeps the HR informed and also transmits information from the ongoing CFSP negotiations to the MFAs (de-briefing), smoothing the decision-making process and helping to forge compromise.

A new peak in the Brusselisation process: the institutionalisation of the ESDP

As regards ESDP, developments took place informally (as opposed to the institutional changes agreed during the IGCs). The Kosovo crisis (1998-1999) is often seen as a critical juncture in the development of an autonomous EU defence policy (Interviews 49, 52, 53).⁷³ The Franco-British summit at St Malo (1998) kicked off the process of building an autonomous EU military capacity, but maintaining the commitment to NATO. At the Cologne European Council (June 1999), it was decided to formally establish, within the CFSP pillar some EU security structures. At the Laeken Council, in December 2001, the ESDP was declared operational.

Even though one could explain these developments by following a purely intergovernmental approach, and especially by focusing on the interests of the Big Three, there are some interesting elements here that cannot be explained from that perspective. Without going into detail about the causal factors that led to the establishment of ESDP (see Howorth, 2004), the decision at St. Malo has to be explained by taking into account long-term positions regarding European defence and security policies that had crystallized around the EPC/CFSP, and therefore, HI seems particularly helpful to understand these developments. With the London Report, the possibility of discussing issues bearing on the political aspects of security was foreseen. The SEA allowed for cooperation on the political and economic aspects of security (Smith, M.E., 2004: 153). The Maastricht Treaty stated as one of the EU’s objectives ‘the implementation of a common foreign and security policy including the progressive

⁷³ Even though it had its origins in the policies of Milosevic during the 1980s, the crisis in Kosovo escalated in spring 1998 when the Serb troops suppressed brutally a demonstration of Kosovar Albanians in Pristina. NATO’s Operation Allied Force took place in March 1999.

framing of a common defence policy, which might in time lead to a common defence' (Art. J.4.1, TEU), entrusting the WEU with this task. The Amsterdam Treaty, by incorporating the Petersberg tasks, reflected the operational ambitions of the EU. These developments paved the way for the incorporation of a security dimension in the integration project; but of course, they alone do not explain the move from the WEU to an *autonomous* EU defence and security policy.

To explain this we have to look at the changes in the British policy on these issues (the main brake on EU defence policy hitherto) and why the UK finally accepted the development of an autonomous ESDP after having vetoed it for so long. What one can see is that learning played a crucial role. First, the Bosnian experience served as a trigger for a change in the strategy of the British elites in the Ministry of Defence (MoD) and the Foreign and Commonwealth Office (FCO). According to Howorth (2004: 217),

Bosnia offered two linked lessons. First, as had in any case become abundantly clear from the burden-sharing debates on Capitol Hill, Uncle Sam's cavalry was no longer available on request to manage minor European security crises. Second, Franco-British cooperation on the ground in the Balkans had brought home to military planners in both countries that the shift within Europe from deterrence to intervention was forcing London and Paris into one another's arms.

Officials in the MoD and FCO (i.e. 'epistemic communities') were the ones behind the change in the Blair government's policy by putting forward new strategic thinking in which the EU would play a more important role in European security (Howorth, 2004; Reynolds, 2007: 61). But another event led Tony Blair to modify his policy. Prior to the elections and also during the negotiation of the Amsterdam Treaty, Blair maintained practically the same position as the Major government concerning this issue, arguing that NATO should remain the main defence organisation in the continent (Latawski and Smith, 2003: 127-128). However, the Kosovo crisis and the poor prospects of the

Europeans responding to this crisis motivated Blair to take a different stance on the EU's security and defence policy.⁷⁴ Howorth (2004: 221) notes that

When Blair was first properly briefed, in mid-1998, on Europe's seriously defective capacity to react to a hypothetical crisis in Kosovo, he was appalled. Europe, he concluded, simply had to turn its attention to defence. The rest followed Pörrtschach, St Malo, Cologne, Helsinki and Nice

Nonetheless, in this case, one can only talk about simple learning or a change in strategies, more than complex learning or a change in fundamental beliefs. Blair and his advisors did not change their standpoint about NATO and about the role it should play in European security. They believed that NATO should not be weakened by the development of the EU's security and defence capabilities. On the contrary, this development should strengthen and complement the Alliance. The fact that it was only a change of strategy also explains some of the problems in agreeing on a clear common policy at the EU level, especially with France. Ambiguity has surrounded the development of the ESDP since then and there is still no agreement on the end state goal.

Later developments in Kosovo created a window of opportunity to consolidate and justify what had been agreed at St. Malo. Most of the institutional design was done in the corridors of the MoDs of the Big Three – although the Nordic countries were also very active in advancing the civilian component of the ESDP – and only then approved by the European Council. For instance, most of the institutional engineering took place during the German Presidency that led to the Cologne European Council. For its part, the PSC and the Headline Goal (that led to the set up of the RRF) were British proposals.

⁷⁴ By contrast, Latawski and Smith argue that other factors such as trying to maintain leadership and influence in Europe, at a time when the UK had opted for self-exclusion from the euro. According to them, in this context, the Kosovo crisis provided the 'backdrop' for the change in the British policy, but '[g]iven the other, political pressures on the Blair government it is highly likely that the Pörrtschach/St Malo initiatives would have been developed anyway' (2003: 133). However, they acknowledge that the Kosovo crisis provided 'an important part of the "atmospherics"', highlighted the lack of military capabilities of Europe and showed that the development of a European force would not weaken NATO (Eurocorps took over the KFOR HQ in December 1999), easing the US approval for the development of the ESDP.

As in the early years of the EPC, the new bodies created to manage the ESDP were first established outside the treaties and only later incorporated into the Nice Treaty (and the Constitutional Treaty). For instance, an interim PSC was established as early as March 2000, just three months after the decision to do so at the Helsinki European Council in December 1999. Clearly the creation of a Brussels-based committee to deal with 'all aspects of the CFSP/ESDP' was intended to represent a significant improvement over its predecessor, the somewhat peripatetic PoCo. The PSC responsibilities were further specified in a Council decision in January 2001 (Council of the EU, 2001a), at the same time as the EUMC and the EUMS were established (Council of the EU, 2001b). For its part, CIVCOM was established much earlier by a Council decision of 22 June 2000 (Council of the EU, 2000a). Finally, the Iraq war can also be considered as a critical juncture for the institutional development of the ESDP. Although not without problems, it has served as a window of opportunity and led to the launch of the European Defence Agency and the establishment of the Civ/Mil Cell, adding new impetus to the Brusselisation of the ESDP.

With the establishment of the ESDP, and its increasing Brusselisation, the decision-making process has shifted from the capitals to Brussels. Indeed the creation of a permanent committee in Brussels and the gradual displacement of the Political Directors (based in the national capitals) as the gatekeepers of the CFSP/ESDP decision-making process best exemplifies the move to a more 'Brusselised' and operational CFSP/ESDP (see Duke, 2005). The ESDP structures created in Brussels are also taking over the planning and day-to-day implementation of the ESDP operations, especially in the area of civilian crisis management, and with the establishment of a future EU autonomous Operational Centre within the Council Secretariat, the EU will be able to run independent military operations.⁷⁵ There has also been a growing tendency on the part of the Council Secretariat to expand its area of competencies to areas traditionally managed by the Commission such as institutional building (through police or rule of law operations) or disaster management.

In sum, the path inaugurated with the SEA and the TEU towards the enhancement of the institutions located in Brussels has been reinforced in recent years. This process might have reduced the direct control of the Member States over CFSP decision-making

⁷⁵ To date, it relies on NATO SHAPE Headquarters in Mons or five national headquarters (Britain, France, Germany, Greece and Italy).

process by shifting the structures to Brussels; however, it does seem to have substantially increased the role of the Commission or the European Parliament in the CFSP. In other words, this institutionalisation process has led to an increasing Brusselisation, rather than a communitarisation of the CFSP. The institutionalisation of CFSP has altered the competencies of specific institutions, created new institutions on top of existing ones and maintained the path towards Brusselisation over the years.

3.5. CONCLUSION

The evidence presented in this chapter confirms that the levels of institutionalisation of CFSP have increased over time. The institutionalisation of the CFSP/ESDP has resulted from several factors: external events (the end of the Cold War, the Yugoslavian wars, the Iraq war) and internal events (the IGCs and enlargements) that have served as windows of opportunity. Several CFSP institutions such as the Council Secretariat and the HR have also developed in an unforeseen way and acquired a life of their own, extending its informal role beyond the scope agreed by the Member States at the IGCs. Actors have introduced incremental changes following from learning processes to remedy previous mistakes and policy failures. However, institutional path-dependency (sunk costs, uncertainty and veto points) have constrained the scope for reform. Overall change has been incremental, not innovative. In other words, it has led to the modification of existing institutions or the introduction of new ones, but this has not altered the fundamentals of the institutional matrix: a mixed system of supranationalism and intergovernmentalism, characterised by an increasing Brusselisation.

Another general conclusion shared by many academics and observers that can be inferred from the above account is that CFSP institutions have had an impact on CFSP outcomes in terms of coherence and effectiveness (see On-line Survey, Appendix 1). Moreover, most experts agree that the subsequent reforms of the Treaties have enhanced CFSP capabilities and structures, increasing coherence and effectiveness, even if maintaining their intergovernmental nature and its non-EC status (Nugent, 2003: 416; Smith, M.E., 2004: 190). Further, the development of common practices has facilitated consensus-building and a convergence of views among national representatives which might, in the long term, produce a redefinition of Member States' interests.

Some remarks are noteworthy here about the Brusselisation process that has been described in section 3.4. Firstly, it has to be noted that Brusselisation does not equal CFSP institutionalisation. It only amounts to a particular aspect of the latter: the creation of new Brussels-based bureaucratic organisations and the physical move of the policy-making competencies from the national capitals to Brussels, and it can also be seen as facilitating the development of CFSP practices. Second, the Brusselisation process has developed 'by default rather than design' (Allen 1998: 58). As we have seen, this process resulted from concerns about coherence and effectiveness amongst the Member States, but how it developed in practice was more the result of unintended consequences and institutional legacies than a previously agreed plan.

This chapter has also shown the importance of looking beyond the formal roles given by the Treaties, and the benefits of looking at the actual implementation process in order to assess the performance of CFSP institutions (Piana, 2002: 220). The role played by the HR, his team (Council Secretariat and Policy Unit) and the ESDP bodies, including the PSC, has grown in the last years, especially with the launching of the first ESDP missions. The process of Brusselisation has also increased the EU's capabilities to autonomously plan and implement foreign policy decisions, and therefore, it has increased the potential to carry out a more effective foreign policy. However, its impact on coherence does not seem so straightforward since it has increased the number of actors and competition with the Commission services.

Besides, even though Brusselisation does not imply socialisation *per se*, we can argue here that it has led to higher levels of socialisation of national representatives and EU officials. Another question is to what extent this physical relocation of national foreign policies has led to changes in Member States' interests. Finally, and linked with the last point, the Brusselisation process has not eliminated the national foreign policy structures, although it has however exerted an important impact upon, and 'Europeanised', the MFAs (Manners and Whitman, 2000; Smith, M.E., 2004). Thus, even though not initially foreseen, the Member States had to adjust the functioning and structures of their MFAs to the working procedures of the new bodies established in Brussels such as the PSC (see, for instance, Allen and Oliver, 2004: 21). A detailed analysis of this last issue is however beyond the scope of this thesis.

The following chapters constitute a step further in the application of the theoretical framework, by examining CFSP activities in BiH during the period 1991-2006 in-depth. The aim is to test whether there is a correlation between higher levels of CFSP institutionalisation, as shown in this chapter, and the levels of coherence and effectiveness achieved by CFSP activities in BiH. The empirical chapters will track the direct and indirect impact of bureaucratic organisations, formal rules and informal practices on levels of coherence and effectiveness. Processes of path dependency, unintended consequences, learning and socialisation are expected to explain *why* the CFSP reached *which* levels of coherence and effectiveness.

CHAPTER 4

Coherence and effectiveness of EPC/CFSP activities in BiH (1991-1995): Struggling for peace

The idea that Yugoslavia would be the test case of a more unified Europe and of new security institutions in the EC or CSCE arose before those institutions were well in place. Yugoslavia was to serve as a vehicle to create those institutions and force that unity, not as its beneficiary

Woodward, 1995: 162

4.1. INTRODUCTION: EU EXTERNAL ACTION IN BIH (1991-1995)

At the beginning of the 1990s, the search for a negotiated solution that could stop the bloody conflict in former Yugoslavia was considered by both European and international observers to be the first test for the embryonic CFSP. However, for most of the duration of the conflict, the EU was forced to resort to the weak foreign policy machinery of the EPC. In other words, institutionalisation was still low. The Bosnian war, more than any other event, showed not just the institutional limitations of the EPC, but also the difficulties of a multi-national organisation agreeing and implementing a common policy. This chapter and the following two track the impact of institutions, interests and identities on CFSP coherence and effectiveness. Regarding institutions specifically, it considers the development of bureaucratic organisations, formal rules and practices. The analysis of the empirical evidence has been distributed across three periods, each covered by a separate chapter. These periods correspond to different stages of engagement by the EU in BiH from a preventive approach based on diplomatic and civilian instruments (Chapter 4), to a stronger economic power approach (Chapter 5) to finally, a comprehensive and robust approach, including the deployment of the first ESDP missions (Chapter 6).

The present chapter analyses EPC/CFSP activities in three case studies: the EC Peace Conference, the non-decision about military intervention and the EU Administration in Mostar. Both the decision-making and the implementation phases are explored, except in

the case of the non-decision about military intervention where the implementation phase is, by definition, absent. At the decision-making level, the analysis will look at policy formulation and negotiation, as well as at whether the mandate, instruments and resources set up at this stage were appropriate to ensure a coherent and effective implementation. At the implementation phase, the aim will be to gauge how coherent a CFSP initiative was and to what extent the CFSP objectives were achieved. The aim of this chapter, as well as of chapters 5 and 6, is first to establish for each case study the degrees of coherence and effectiveness reached by CFSP activities, and second to determine which factors explain this, looking in particular at the impact of CFSP institutionalisation.

Before moving to the case studies, it is necessary to give a brief overview of the EC/EU's activities in BiH during this period (1991-1995) in order to better understand the EU's response. The war broke out at a time when the EC's attention was absorbed by other events: the reunification of Germany, the dissolution of the Soviet Union, the Gulf War and the negotiations surrounding the TEU. In this context, the geostrategic role that the Federation of Yugoslavia had played during the Cold War became less important for the major powers (Woodward, 1995: 150; Holbrooke, 1998: 26). The two parallel IGCs opening in December 1990 were intended to negotiate a monetary union (EMU) and a political union to better deal with these challenges. But not only was the EC in a process of redesign; other international security institutions (NATO, CSCE, UN) were also adapting their structures to the new post-Cold War environment. For its part, the US, trying to find its own place in the international arena and with its attention turned to the events in Iraq and the Soviet Union, was keen to hand the baton to the EC leaders. Some American policy-makers considered that the time had arrived for the Europeans to assume their responsibility in upholding security in the continent (Almond, 1994: 236; Hoolbrooke, 1998: 28). However, within this context of international re-alignment, the response of the Western powers and institutions to the crisis in Yugoslavia was considered by many 'too little, too late' (Woodward, 1995: 147; Buchan, 1993: 69-70) or the 'greatest collective failure' (Holbrooke, 1998: 21).

From the beginning of the crisis, many European leaders echoed Jacques Poos in arguing that the 'hour of Europe' had come and that events in Yugoslavia should be managed and solved by the EC. In this vein, Jacques Delors, the President of the European

Commission, declared: '[w]e do not interfere in American affairs. We hope they will have enough respect not to interfere in ours' (cited in Zielonka, 1998a: 36). His statement summarised the high expectations about the development of a common European foreign policy – expectations which made subsequent failure even more evident and painful. According to some authors, however, the EC lacked the capacity to act appropriately. The traditional instruments of the EC as a civilian power (economic assistance, prospects of association and membership) were brought to the table too late when the crisis in former Yugoslavia was irreversible (Woodward, 1995). For instance, the EC was still in the process of negotiating a series of economic agreements with the Yugoslav Prime Minister, Ante Marković, in the spring and summer of 1991, while *de facto* the Federation had already collapsed under Slovene and Croat pressure on 23 June 1991. Deficient information about the situation in the Federation and an excess of confidence in its own power of attraction could explain this initial reaction of the EC (Vetschera and Smutek-Riemer, 1994; Interview 53).

During the following months the EC adopted a high profile, leading the international response to the conflict. On 28 June 1991 the European Council decided to send the Troika to mediate in the conflict that had just flared up in Slovenia. The EC negotiators achieved the ceasefire which ended the war in Slovenia on 7 July 1991, the Brioni Agreement.⁷⁶ The EC also sent its first ever monitoring mission (ECMM) to observe the cease-fire between the Slovenian and the Yugoslav Federal Army. In August 1991, the Dutch Presidency sent the first EC special representative to negotiate with the parties on the ground, Ambassador Henri Wijnaendts, who was succeeded by Ambassador Jose Cutileiro when Portugal took over the Presidency. At the same time, the EC adopted diplomatic and economic sanctions intended to force the parties to a negotiated solution both in Slovenia and Croatia.⁷⁷ However, the issue of recognition hampered the EC Peace Conference that opened in September 1991. The inability to agree on a common position concerning the recognition of Croatia and Slovenia (see section 4.2.) and the lack of military instruments to back up their threats or even support the ECMM (see

⁷⁶ The Brioni Agreement should not be overestimated. It was reached because it fitted Milošević's interests very well (Little and Silber, 1995: 164). After the failure of the Yugoslav Federal Army (JNA) in Slovenia, and taking into account that there were no Serb minorities in that country, the attention of Milošević moved to Croatia, where a significant Serb minority lived in the Krajina region. While the EC negotiators and the international community were still celebrating the conclusion of the Brioni Agreement, the JNA troops were heading for Croatia (Almond, 1994: 236).

⁷⁷ On 5 July 1991, the Member States agreed on an embargo on all military material and threatened to suspend the EC's aid to the Yugoslav republics.

section 4.3.) showed the limitations of EPC. The final EU attempt to prevent the war in BiH failed at the London Conference on 26-27 August 1992.

As the conflict intensified, the EC was progressively marginalised by the intervention of other international actors, primarily the UN. The EC continued to play an important role in the diplomatic efforts, the implementation of sanctions and the provision of humanitarian aid, but its activities were increasingly carried out within the framework of the UN. A new International Conference on former Yugoslavia (ICFY) was launched in September 1992 in Geneva under the auspices of the UN and the EC, represented by Cyrus Vance and David Owen, respectively. A regime of sanctions was also approved by subsequent UN Security Council Resolutions.⁷⁸ The EC/EU committed itself to assist in their implementation and it was also an important actor in the provision of humanitarian aid from the beginning of the conflict (Tonra, 2001: 235), while the Member States supplied the UN Protection Force (UNPROFOR) with troops.⁷⁹

With the creation of the Contact Group (April 1994), the voice of the EU as a body was barely heard, especially after the end of the German Presidency (December 1994), causing bitterness among some Member States (Neville-Jones, 1996/1997: 46; Owen, 1995: 278-279).⁸⁰ It ought to be noted, however, that efforts were made to keep some illusion of EU involvement: David Owen, the ICFY Co-Chairmen 'appointed' three experts from the UK, France and Germany to the Contact Group, briefed the Twelve, and then issued a *Coreu de facto* establishing the Contact Group (Owen, 1995: 279). From then onwards, the US and the Contact Group led the international effort in BiH, at a time when a growing consensus was emerging favouring military intervention by NATO. At Dayton, although the EU nominally co-hosted the talks and the new EU's Co-Chairman of the ICFY, Carl Bilt, was invited to participate in the negotiation, the European delegation was virtually sidelined, with the US running the show (Neville-Jones, 1996/1997: 48). Notwithstanding these limitations, in the last period of the conflict, the EU was able to deploy an innovative operation with the Administration of Mostar (see

⁷⁸ Among others, UNSCR 757 (1992) of 30 May, imposing comprehensive sanctions on the FRY and the UNSCR 777 (1992) and 821 (1993) recommending the suspension of the FRY membership in the UN and the ECOSOC.

⁷⁹ Out of a total of 25,000 UNPROFOR troops, France provided 6,000 troops, the UK 2,400, Denmark 1,200, The Netherlands 1,030, Spain 1,000, and Belgium 800 (Edwards, 1997, endnote 55).

⁸⁰ The small Member States were hostile to the Contact Group initiative, but also Germany, until it was included, and Italy because it was left out.

section 4.4) and also played a major role after the Peace Agreement by assisting post-conflict reconstruction (see Chapter 5).

In sum, the role of the EC was quite intense during the first stage of the conflict, but it was progressively marginalised by other international actors such as the UN and in particular, the US, and the Contact Group. Nevertheless, this was the first time that the EC/EU had engaged in crisis management, putting in place innovative policy instruments like a monitoring mission, a peace conference, the Administration of Mostar, and special representatives to negotiate the cease-fires and peace agreements.⁸¹ The EU played a significant role in the provision of humanitarian aid and imposing sanctions that were later supported by other international actors. The next section analyses in more detail one of these initiatives: the EC Peace Conference. The aim is to determine whether there is a correlation between levels of coherence and effectiveness and the degree of EPC institutionalisation. With the organisation of the Peace Conference, the EC demonstrated its willingness to play a strong role in putting the conflict to an end. It was the first time that the EC had embarked upon such a diplomatic venture. However, early optimism would soon lead to frustration as the warring parties kept breaking successive cease-fires.

4.2. THE EC PEACE CONFERENCE ON FORMER YUGOSLAVIA: THE ISSUE OF RECOGNITION AND THE PRELUDE TO THE WAR

The EC Peace Conference on Former Yugoslavia opened in The Hague on 7 September 1991, following an EPC Declaration of 3 September. The leaders of the six republics and the Yugoslav Federation were invited to the conference. Lord Carrington was appointed as the EC's negotiator.⁸² The aim of the EC Conference was to stop a conflict that threatened to spread across the whole of Yugoslavia and to find a peaceful lasting solution. By participating in the Conference, the parties subscribed to several principles including the unacceptability of the use of force, the unacceptability of any change of borders by force and respect for human and minority rights (Hill and Smith, 2000: 364). At the opening session, it was agreed to create an Arbitration Commission, presided over

⁸¹ It was also at the EC that a Committee was first set to investigate the atrocities during the Bosnian war in January 1993. The works of this Committee led to the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) (Ginsberg, 2001: 69).

⁸² Peter Carrington, a former British Foreign Secretary, was known as the man that negotiated the 1979 accords that ended the civil war in Zimbabwe. According to Almond (1994: 246), the choice of Lord Carrington was not very neutral as it was perceived both by the German and French more as a British envoy than an EC envoy.

by Robert Badinter, to advise the disputing parties on a solution in line with international law.

From the beginning, the EC Peace Conference did not generate enough support among its participants. It was continuously hampered by Serb attacks on Croatian objectives, as well as by a boycott on the part of the Slovenian and Croatian governments. After five failed cease-fires and a fact-finding tour by Lord Carrington, on 7 October, the parties agreed on some principles for future negotiations. These included, *inter alia*, the creation of a loose alliance of sovereign republics and adequate arrangements for the protection of the rights of minorities, including the possibility of a special status for certain areas. Based on these principles, on 18 October, Lord Carrington presented a peace plan proposal based on an association of independent republics sharing certain central institutions (a council of ministers, a court of justice and a joint parliamentary body) and cooperating in economic and foreign policy, a model inspired by the EC's own institutional arrangements. The plan maintained the borders between the republics, therefore not including Serbia's demands for an independent status of Serb minorities in Croatia, although it set provisions for the protection of minority rights.

However, the Serbian opposition to Carrington's plan prevented a successful outcome of the Conference. The Serbian leader, Slobodan Milošević, opposed the concession of the same rights to minorities within Serbia (i.e. Kosovo) that he claimed for Serb minorities in other republics. Serbia was then given a deadline, expiring on 5 November, to agree to the peace plan or face trade and diplomatic sanctions. On 8 November, the EC announced sanctions against Serbia involving the immediate termination of the EC-Yugoslavia trade and cooperation agreement. The EC also asked the UN Security Council (UNSC) to establish appropriate measures to effectively monitor the arms embargo against Yugoslavia and asked for additional measures such as an oil embargo. In contrast, those republics accepting the agreement were offered new aid packages (Hill and Smith, 2000: 365).

The Serbian rejection of the Carrington plan as well as the continuing violence in Croatia halted the peace process. Although the Peace Conference continued over the following months – Carrington only resigned in August 1992⁸³ – these factors, together with the

⁸³ Another British former Secretary, David Owen, took Carrington's place.

EC's recognition of the republics of Croatia and Slovenia, reduced the chances for an overall settlement in the territory of former Yugoslavia. Increasingly the attention of the international community moved from Croatia to BiH.

4.2.1. Between unity and independence: the search for a coherent policy

The Conference aimed at reaching a peaceful solution acceptable to all parties. According to the principles set down in the EPC Declarations of 3 September and 19 September 1991 (Hill and Smith, 2000: 364), the EC Peace Conference was coherent with other attempts and initiatives that the EC had launched to stop the conflict, including several economic and diplomatic sanctions, the mediation of the Troika and the dispatch of the ECMM. However, the initiative did not establish appropriate co-ordinating mechanisms to ensure vertical coherence – i.e. that the Member States could reach a unitary position represented by Lord Carrington – and did not prevent the Member States from negotiating at other parallel forums such as formal and informal meetings among the Foreign Ministers of the Twelve, and bilateral negotiations with the parties involved in the conflict. This state of affairs was due, in part, to the lack of a permanent body that could speak for the Twelve (Lord Carrington only had a temporary and weak mandate), the lack of resources dedicated to the Conference and the fact that the Presidency was held during this period by three small Member States (Luxembourg, The Netherlands and Portugal). Although an EPC Secretariat was officially established with the SEA, it lacked the wherewithal to play a significant role during the Conference and the UK had to supply a small secretariat to the EC for the duration of the conferences on Yugoslavia (Gow, 1996: 87). The creation of this ad hoc secretariat was an innovative formula since it set up a standing structure to support the peace negotiations, instead of a rotating one dependent on each Presidency; however, it was not an optimal solution and could not rally the Member States in support of a common position.

For its part, the Commission was not represented at the EC Peace Conference in spite of the economic dimension of the crisis. Even though in the first stages of the crisis the Commission was involved in several diplomatic initiatives, with the worsening of the conflict in Croatia and later in BiH, it was relegated to providing humanitarian aid. The involvement of the Commission in dealing with the conflict could only take place when the EC Council asked the Commission to propose new economic measures and sanctions (see below) since at that time it did not have a formal role in the Troika. In sum, only

minimal coherence was achieved at the decision-making level because no specific mechanisms were established in order to fully co-ordinate the communitarian and the Member States' policies with the negotiations that were taking place at The Hague.

During the implementation phase, and in spite of the lack of appropriate arrangements, horizontal and institutional coherence were in evidence. Communitarian and EPC instruments, acted in unison. The Commission advised on new economic measures to be taken against Serbia as required by the Foreign Ministers of the Twelve and the EPC Decision of 11 November established several restrictive measures in order to pressure Serbia to agree to the Carrington Plan. Vertical incoherence, meanwhile, jeopardised the implementation of the Conference. The EC could not prevent unilateral moves from its Member States, which constituted the main obstacle to coherent EC action and, for instance, some observers noted problems with the implementation of the embargoes on Serbia.⁸⁴ But certainly the recognition of Slovenia and Croatia, and Germany's 'Alleingang', constitute the most remarkable example of vertical incoherence.

The EC policy line during the first stage of the conflict reflected its commitment to the unity of Yugoslavia. On 26 March, the Foreign Ministers of the Twelve declared that: 'a united and democratic Yugoslavia stands the best chance to integrate itself in the new Europe' (Hill and Smith, 2000: 362). Jacques Delors and Jacques Santer, Presidents of the Commission and the Council respectively, visited Belgrade on 29-30 May and made conditional the association agreement between the EC and Yugoslavia on the unity of the country (Woodward, 1995: 160). In June, an EC statement on Yugoslavia again emphasized the Community's willingness to retain its relationship with a united Yugoslavia (Kintis, 1997: 149). On 23 June, the EC Foreign Ministers met at Luxembourg and decided not to recognize any unilateral declaration of independence from Slovenia and Croatia. Therefore, during this period, the policy of the EC was quite coherent, with the clear objective of maintaining a united Federation.

However, the images of war in Slovenia and, in particular, in Croatia, had a great impact on public opinion within some Member States. Domestic pressures were particularly felt in Germany and from the beginning of July, German leaders supported Slovenian and Croatian independence. When the Peace Conference opened, the majority of the Member

⁸⁴ Mark Almond mentions in this respect the lack of compliance by Greece (1994: 245).

States were against an early recognition of these two republics and warned that a unilateral recognition by Germany would be counterproductive to the peace talks (The Guardian, 1991a). While the EC Conference and the Carrington Plan were intended to maintain Yugoslav unity in the form of a loose federation, the recognition of Slovenia and Croatia meant that this plan would not have any lever on these two republics and would undermine EC's neutrality in Serbia's eyes. For this reason, several Member States criticised the German position, including the UK, France, and The Netherlands (Interview 53). In spite of these warnings, repeated failures in the negotiations increased German demands for recognition, subsequently joined by Denmark and Italy.

On 8 October 1991, the Badinter Commission declared that Yugoslavia was legally in the process of dissolution and that the federal institutions no longer existed. This endorsed the republics' right to take unilateral measures for secession and therefore, seemingly vindicated German arguments. After the Badinter Commission's report, recognition of the republics was not completely ruled out by other Member States, but it was considered only within the framework of a comprehensive political settlement for Yugoslavia with guarantees for minorities. That was particularly the position of France, whereas the UK was more concerned about the possibility that recognition would make more likely international military intervention, something strongly opposed by John Major's government.

The recognition of the Yugoslav republics was discussed at the EPC meeting on 15-16 December. While the list of conditions was not difficult to agree following from the recommendation of the Arbitration Commission; the difficult issue was the date of recognition, with Germany pressing for recognition as soon as possible. An intricate compromise was reached to avoid an embarrassing split, days after the Maastricht summit. When German Foreign Minister Hans-Dietrich Genscher declared to his colleagues in Brussels that his country would announce recognition of Croatia before Christmas, the other EC Foreign Ministers tried to produce a decision that could keep a semblance of unity. In the final text, the Member States agreed to recognize those republics that had applied for recognition before 23 December and that met the criteria established by the Badinter Commission, but they would not 'implement' the recognition until 15 January 1992.

Germany respected the first compromise: under pressure from its partners, Bonn agreed to postpone implementation of its decision for a month. However, after the meeting, the German Chancellor repeated his willingness to recognize Slovenia and Croatia before Christmas, disregarding whatever the conclusion of the Badinter Commission. On 23 December Germany recognized the two republics, although, as agreed, the decision was not officially implemented until 15 January. In January, the Badinter Commission expressed its concerns about the respect of minority rights in Croatia, and recommended the recognition of Slovenia and Macedonia. In the case of BiH, recognition was made conditional on the organisation of a referendum for independence.⁸⁵ On 15 January, the Member States, taking no notice of the Badinter Commission's advice, recognised Slovenia and Croatia.⁸⁶

In summary, the policies of some Member States were out of kilter with the discussions that were taking place at The Hague Conference. Therefore, at the implementation level, **vertical coherence** can be judged to be **negligible**. Even though national idiosyncrasies can explain a great deal of these problems of coherence (Dover, 2005: 310), it is also worth mentioning the lack of intelligence capabilities at the EC's level. The dissolution of the Yugoslav Federation was a reality in the spring 1991; yet, the EC did not seem to have received these signals or it had not drawn the necessary policy lessons from them.⁸⁷ It was not until October that the Member States, advised by the Badinter Commission, recognised the possibility of Yugoslavia's dissolution. However, by the time the EC had changed its strategy and proposed a confederation, it was too late. Yet, not only the EC had to modify its position over Yugoslavia's status (from supporting the continuation of a single state to recognition of the breakaway republics), but the fact that Germany publicly adopted a different position to the majority of the Member States, undermined the EC's credibility as a mediator. This lack of a coherent approach, in turn, impacted on the effectiveness of the EC's policy, as shall now be discussed.

⁸⁵ The referendum was held on 29 February-30 March 1992. Muslim and Croats voted yes (99.7%); Serbs boycotted en masse the referendum. The EC recognized Bosnia a month later after some hesitations among the Member States and under pressure of the US.

⁸⁶ The main obstacle to Macedonia's recognition was Greece's opposition. Greece objected to the use of the name, historically associated with Greece.

⁸⁷ According to one senior diplomat, 'the Member States did not realise at that time what was the situation in Yugoslavia. They had decided to maintain stability at any price' (Interview 49) and another diplomat acknowledged that it was 'an absolute failure of intelligence' and that 'some countries were deliberately ignoring the information' (Interview 53).

4.2.2. Effectiveness: looking at the objectives, mandate and instruments

When measuring the effectiveness of the EC Peace Conference, CFSP objectives, as defined in the Maastricht Treaty, are utilised as criteria to evaluate EU foreign and security policy (see Chapter 1). It could be argued, however, that because the Maastricht Treaty did not enter into force until November 1993, it is not possible to apply these objectives during the period pre-Maastricht. Notwithstanding this argument, it is worth noting that CFSP objectives had already been incorporated in several EPC documents and in the SEA.⁸⁸ Therefore, it seems appropriate to refer to these objectives when measuring effectiveness during this period. Even though the crisis in Yugoslavia was not considered as a vital threat to the EU's 'fundamental interests and independence of the Union' or to 'the security of the Union and its Member States' (Article J.1.2, ToM),⁸⁹ the decision to establish a Peace Conference to reach a negotiated and lasting peace agreement can be seen as a means to achieve peace and stability in the territory of former Yugoslavia, in line with another CFSP objective: 'to preserve peace and strengthen international security' (Article J.1.2, ToM).

The fact that the EC did not have a clear policy regarding the right to self-determination and recognition at that time (Almond, 1994: 237-240; Woodward, 1995: 153) resulted, nevertheless, in a very ambiguous mandate. According to Woodward (1995:179), the corollary of such a mandate was that 'the EC remained ambiguous about its political objective and competing political principles, inconsistent in its declarations as a result of internal conflict, and unwilling to commit military forces'.

Furthermore, the means that the EC Conference had at its disposal to pressure for a peaceful settlement – economic and diplomatic tools, including the recognition of the republics – were rather limited since, at this stage, the EC did not possess any instruments for crisis management. In other words, 'the Yugoslav conflict [...] highlighted the mismatch between the EU's declared foreign policy objectives and the means available to achieve those objectives' (Cameron, 1999: 32). Against this backdrop, the effectiveness of the Peace Conference was **partial** at the decision-making

⁸⁸ The SEA stated in its Preamble the following objectives: 'to display the principles of democracy and compliance with the law and with human rights to which they [the Member States] attached, so that together that may make their own contribution to the preservation of international peace and security'. See also European Council (1974).

⁸⁹ However, it has to be mentioned that the crisis had a significant impact in terms of the refugee crisis and economic instability, especially for the neighbouring countries (Italy and Greece).

level, i.e. there was a collective decision according to CFSP objectives, but it came into being without establishing an appropriate mandate or instruments to achieve these objectives.

4.2.3 Implementing the mandate: the effectiveness of a civilian power

The implementation of the EC Peace Conference aimed at achieving a peace agreement among the six republics; yet it was prevented by several factors. Obviously, the main obstacle for a negotiated solution at the EC Peace Conference in The Hague was the opposition of Serbia to the Carrington Plan. Nonetheless, the internal divisions among the EC Member States about the recognition of Slovenia and Croatia, as well as the lack of will to intervene with troops in the conflict also contributed to undermining the EC's negotiating strategy. Serbia was confident that the Europeans would never deploy military troops to stop the conflict; hence they did not feel pressured to reach a negotiated agreement. The Serbian government used the EC negotiations to gain some time to pursue its strategy of military aggression and ethnic cleansing, 'giving the impression of participating in the modalities of peace negotiations without seriously committing to them' (Ginsberg, 2001: 65). Serbia was reassured by European officials' declarations, in particular, the British who repeatedly rejected military intervention.

Threats of sanctions and diplomatic recognition were the only instruments that the EC could use to exert pressure. In the first case, economic incentives and sanctions were utilised too late (Buchan, 1993: 68-69), and some Member States failed to apply the arms embargo. Moreover, one could argue that in the context of ethnic conflict, these economic instruments were insufficient to bring the parties to a compromise. This view was already clear at the opening of the Conference:

In the absence of will among the EC governments to send armed troops to enforce a cease-fire in Yugoslavia, the Community has discovered that its clout as the world's leading commercial power and its attraction as a zone of prosperity are not enough to overcome the violent historical animosities there (The Washington Post, 1991).

As far as the 'recognition weapon' is concerned, the divergences among the Member States showed that the EC did not have a clear policy on self-determination, undermined

its credibility at the negotiating table and wrecked the EC Conference (Carrington cited in Almond, 1994: 41). With its decision to recognize Slovenia and Croatia, the EC also lost its last chance to play an impartial role in mediation, losing its neutrality in the eyes of Serbia. Thus, a resumption of the EC Peace Conference on 9 January was not possible because of the increasing suspicions of Serbia. A statement by the Federal Government of Yugoslavia stated that the conference 'showed very soon that the good services, which the Yugoslav side accepted with hope and confidence, turned into a biased approach to the secessionist republics' (United Press International, 1992). The EC's decision to recognise the breakaway republics also came in for a lot of criticism from the US and the UN, both of whom considered that the move risked spreading the conflict to other republics and in particular to the multi-ethnic BiH. The same concerns were voiced by the Bosnian and Macedonian republics (The Guardian, 1991b). Yet, as some authors have pointed out, the EC's recognition did not initiate the conflict in BiH, although it might have speeded up the outbreak of the war. But in reality it was just a matter of time, since preparations for the war were already ongoing in the summer of 1991 (Ginsberg 2001: 81).

Following from this, the effectiveness of the implementation of the EC Conference can be judged as **marginal**. In other words, there was an EC purposive action, according to CFSP objectives (achieving a peaceful settlement of the conflict), but the Conference only had a very limited impact on the ex-Yugoslav republics and did not reach its expected outcome.

4.2.4. Final evaluation

In the context of a redefinition of European security institutions after the end of the Cold War, there were high expectations about what the EC/EU could do. This led the EC to engage intensively in the first stages of the crisis. David Owen described this period as creating 'an air of unreal expectation about the EC's early involvement' (in Tonra, 2001: 226). The EC tried to exhaust all the EC and EPC instruments at its disposal during this period from economic carrots (offering aid and an association agreement), economic sanctions (oil embargo, arms embargo, suspension of trade agreements and assistance), diplomatic sanctions (withdrawal of Member States' Ambassadors), 'good offices' in the peace talks, sending an EC monitoring mission, and finally, convening the EC Peace Conference. Commenting on the latter, Van den Broek, the Dutch Foreign Minister, said:

'[t]he Twelve had tried to go to the limits of their imaginative thinking to endeavour to save the peace in Yugoslavia' (in Kintis, 1997: 151).

In spite of the high expectations, institutional deficiencies meant that the EC punched well below its weight during the negotiations. According to one of the interviewees, the unfortunate declaration of Jacques Poos raised expectations that the EU could not fulfil with the instruments available (Interview 52). Among those deficiencies, one can mention inappropriate intelligence and analysis capabilities and the lack of strong diplomatic machinery to support the negotiations. Commenting on how the EC dealt with the crisis in Yugoslavia, Jacques Delors affirmed that 'the lesson to be learned here is that strategic planning and analysis capabilities are needed at the European level' (cited in Edwards, 1997: 190-191).

Even though many policy-makers realised the need for reform, the institutionalisation of the lessons learned would not take place until the signing of the Amsterdam Treaty. The Maastricht Treaty, in process of negotiation when the conflict erupted, reinforced the foreign policy machinery of the EU by merging the EPC Secretariat with the Secretariat General of the Council. Yet, it has to be noted that the Yugoslav crisis was not so instrumental in this reform, and that other factors were more influential, such as alleviating the burden on the rotating Presidency (see Chapter 3). By contrast, learning from the failure during the Bosnian war would be more important prompting reforms in the Amsterdam Treaty. The latter strengthened EU analysis capabilities with the creation of the Policy Unit and would create a permanent position to improve EU external representation with the establishment of the figure of the High Representative.

Further, one of the main criticisms of the EC Peace Conference was the lack of instruments to compel the belligerents to an agreement (Interview 52). This feature was common, though, to other international organisations including the UN, which convened (together with the EC), the ICFY with similar ill-fortune. Lacking any coercive instrument, apart from economic sanctions, the EC's leverage on the parties was quite limited. Yet, one could argue with Nuttall (1994: 17) that even if lacking these instruments, the EC's effectiveness would have been higher had it acted sooner and had it maintained a unified position from the beginning.

Institutional weaknesses may also explain problems of co-ordination between the different national positions regarding the Peace Conference. Although the EPC had put in place a 'co-ordination reflex' (Nuttall, 1992: 312), meetings among national representatives, consultations and the sharing of information through COREU were still limited. For example, the EPC expert group discussing former Yugoslavia met only once every two or three weeks in spite of the urgency of the situation (Interview 53). Arguably socialisation among EPC officials at that time was less intensive since meetings took place less often and they were attended by officials from the MFAs and not from the Permanent Representations. In these conditions, it was difficult to forge consensus. Closer contacts among national representatives and the creation of a permanent body could have facilitated the co-ordination process among different national positions. For instance, an experienced observer commented about the recognition issue:

neither the other Member States nor the Community as a body had an adequate understanding of the historical antecedents of the respective Greek and German positions [...] Member States arrived at EPC meetings with their national policies, dictated by national attitudes, ready made. There was no independent capacity of analysis and briefing within EPC, which would have made for a better understanding of the positions of individual countries and possibly a greater readiness to accommodate their positions (Nuttall, 1994: 19).

Yet for all its limitations, what seems clear is that 'the EC shaped the interests and preferences of its member states' (Lucarelli, 2000: 121). First, indicative of the impact of EC institutions and the value attached to them is the fact that the first reflex of the Member States was to resort to the EC to intervene in the first stages of the conflict. Second, as Sonia Lucarelli has shown in her analysis of the recognition issue, Germany could have taken a decision recognising Slovenia and Croatia much earlier; however, because of the importance that Germany attached to the integration project, it decided to wait and negotiate at the EC Council between the 15-16 of December, where a compromise was agreed. In the case of the UK and France, when accepting German demands for recognition, they also took into consideration the need to maintain a common position, just after the Maastricht Treaty had been agreed. For example, Douglas Hurd mentioned that the compromise was 'achieved not without difficulty', but

that the alternative of disagreement would have been 'deeply damaging' to the EC (The Press Association, 1991b). What seems clear is the preference of the Member States to achieve consensus at any price. According to Ginsberg (2001: 80), 'the EC members opposed to recognition at the time sacrificed their national positions for the façade of EC foreign policy unity'. Moreover, the fact that the Member States complained about Germany's attitude can also serve as a proof of the significance of this consensus-building practice and that to a great extent it was more important for the EU leaders to do something collectively than the substance of the decision itself (Jørgensen, 1993: 86). As Tonra (2003: 742-743) put it, rationalistic accounts

cannot understand what makes so many policy-makers labour so long and so hard for what can only be seen as so little [...] Policy-makers devote themselves to this task, not only to contribute to a resolution of a particular crisis, but also to see themselves acting, as they believe they must, collectively.

In sum, the examination of this case has shown how deficiencies in institutions had an impact on CFSP coherence and effectiveness, as well as how institutions can be instrumental in facilitating cooperation and consensus-building among the Member States. The next section analyses the debate on military intervention that took place during the second half of 1991 and that continued during the course of the war in BiH.

4.3. THE NON-DECISION ON MILITARY INTERVENTION.

This case study is a very distinct one since it involves a *non-decision*. A balanced and comprehensive analysis of CFSP coherence and effectiveness requires that both decisions and non-decisions are taken into account. According to Christopher Hill (2003: 107), one can distinguish three types of non-decisions:

- Type 1: there is a collective decision 'not to act, to do nothing, despite considerable temptation, and possibly both the need and pressure to act'.
- Type 2: avoiding taking a decision (i.e. deciding not to decide) or the failure to act, which can be deliberate, but is often the result of failure in the decision-making machinery.

- Type 3: a non-decision can also refer to issues that are excluded from the agenda. Simply, some issues become unthinkable as a question for decision. According to Bachrach and Baratz (1963: 641), one could expect this type of non-decision 'when the dominant values, the accepted rules of the game, the existing power relations among groups, and the instruments of force, singly or in combination, effectively prevent certain grievances from developing into full-fledged issues which call for decisions'.

Up until September 1991, one could identify a non-decision of the first type: a decision by the EC not to act. The Member States actually discussed the issue of military force, but having failed to agree on a particular option, decided not to intervene militarily and this was stated in an official declaration. The issue was discussed again in subsequent meetings, but there was no collective decision. This was a non-decision of the second type. Finally, there was a case of a non-decision of the third type: the issue of a possible EC military intervention disappeared from the EC's agenda and moved to the UN and NATO's agendas. Needless to say, this section will only analyse the decision-making phase given that the implementation phase is absent in this instance. Before doing this, a chronological account of the events is presented below.

As early as July 1991, some Member States, most notably France, had called on the EC and the WEU to send some kind of peacekeeping contingent to Yugoslavia as an attempt to force a cease-fire between Serbia and Croatia. The first proposal for military intervention by the WEU was brought to the table by the French Foreign Minister, Roland Dumas on 29 July. This would be one of many French initiatives aimed at giving an operational role to the WEU (Lucarelli, 2000: 171). The Dutch, then holding the EU Presidency, used the possibility of military intervention as a threat to bring the parties to a negotiated solution. Dutch Foreign Minister Hans Van den Broek warned the parties that if they did not stop the fighting 'then probably further appeals will be launched in favour of sending something like a peace force to the country, probably through WEU' (Edwards, 1997: 185). The WEU Council met in London on 7 August at France's request to consider a possible WEU role in supervising a ceasefire. However, for the time being, this proposal was opposed by a majority of Member States, in particular the UK,⁹⁰ but also by Germany as well as the Nordic and neutral countries.

⁹⁰ The British view was summarised by the words of Sir Oliver Wright, former British ambassador to Bonn: '[i]t would be madness to send unwelcome troops into a dreadful quagmire' (as quoted in Kintis, 1997: 150).

Nonetheless, the violence in Croatia exposed the limits of the EC monitors on the ground and the need for an armed force to support their mandate. A proposal to this end was put forward by the Dutch at an extraordinary meeting of the WEU Council in The Hague on 19 September. According to the Dutch Foreign Minister, the type of force proposed would be 'a peace-keeping force of lightly-armed troops like, for example, the UN forces' (The Press Association, 1991a). With the alarming news coming from Croatia, more Member States were in favour of a peacekeeping force. France, Italy, The Netherlands and Belgium espoused the idea of an intervention force but the Portuguese were more cautious. The Germans supported the initiative, but expressed their reluctance to send troops in line with their Constitution's provisions. Although there were different views about what type of force should be dispatched, it seemed clear to all the Member States that troops would only be sent to maintain and not to enforce peace. In the same vein, the WEU Secretary-General, Willem Van Eekelen stressed that 'whatever we are sending is not a force which would engage in military action against any of the military parties' (AFP, 1991a). However, any proposal involving the WEU was strongly opposed by the British who were deeply concerned that the distinction between peacekeeping and peacemaking could become blurred and that WEU forces could be drawn into combat.

In the end, no agreement was achieved. Apart from British opposition, all Member States agreed that any deployment would require the agreement of the warring parties and a durable ceasefire, conditions that had yet to be met. In spite of this, they decided to create, on the initiative of the French, an *ad hoc* working group to examine ways of ensuring better protection of the ECMM. According to the final EPC declaration of 19 September:

It is their [the Twelve's] understanding that no military intervention is contemplated and that, before a reinforced monitor mission were established, a cease-fire would have to be agreed with a prospect of holding and that all Yugoslav parties would have expressed their agreement (in Hill and Smith, 2000: 364)

The options prepared by the committee of WEU experts were discussed at a WEU meeting on 30 September, followed by an EPC meeting. The WEU experts presented four options:

- 1) Logistic support for EC monitors, which might require 2,000 to 3,000 personnel.
- 2) Escort and protection of monitors by armed military forces (5,000 to 6,000 personnel).
- 3) A lightly armed peacekeeping force of military personnel (4,500 to 5,000 soldiers) backed up by a logistical contingent (3,000 to 5,000) to police the ceasefire and to support of the civilian monitors.
- 4) A full-scale peacekeeping exercise requiring 20,000 peacekeeping forces plus 10,000 additional support personnel to control the implementation of the ceasefire agreed upon by all Yugoslav parties.

However, once again, there was no agreement among the Member States (AFP, 1991b). While France was supportive of a full-scale operation (IPS, 1991a), the British expressed their concern that options three and four might provoke an extension of the conflict (Financial Times, 1991b), with everyone aware that any of the options would require the participation of UK troops. Failing to get an agreement, and to avoid criticisms of inaction, the German Foreign Minister Genscher, who chaired the WEU meeting, declared that any decision on whether to send military personnel to Yugoslavia would depend on a request from Lord Carrington for new measures to strengthen the ceasefire mission (AFP, 1991b; Europe Information Service, 1991). The truth was that British opposition was too strong to be overcome and neither the WEU Council nor the EPC meeting that followed could reach agreement on intervention.

This issue reappeared in the following months in the agenda of the EC at the request of France, amidst increasing violence in BiH. At a meeting of the EC Foreign Ministers on 2 May 1992, the French proposed strengthening the EC's involvement in Yugoslavia, including the deployment of troops from the WEU. Roland Dumas proposed 'a step-by-step process' starting with the dispatch of a mission to evaluate the situation in Bosnia, and continuing with the sending of a lightly-armed force of 'a few hundred men'. This force would be in charge of protecting UN buildings and high officials involved in the peace process, but it could grow into 'a fully-fledged peacekeeping force' separate from the UN one (The Independent, 1992). This proposal was again blocked by the UK. The same debate about a possible WEU intervention was held over the re-opening of the Sarajevo airport to allow for the distribution of humanitarian aid. The British position remained unchanged. John Major stressed the military risk involved and compared 'Sarajevo's geographical position with the isolated and doomed French military garrison at Dien Bien Phu in Vietnam in the 1950s' (The Guardian, 1992). However, the Member

States agreed to support an UN intervention if needed (European Council, 1992). On 28 June, after the Lisbon Council, President Mitterrand flew to Sarajevo. As a result of his visit, the Serbs agreed to hand over the airport to the UN. However, by not informing his colleagues at the European Council, it damaged the unity of the EC's policy.

When the discussions on a WEU force failed, the debate moved to the UN where the details of the WEU contingency plans were forwarded (Edwards, 1997: 187), while the EC concentrated on the negotiation of a peace settlement through different initiatives (Vance-Owen Plan and Owen-Stontelberg Plan). On 12 November 1991, through its permanent members, the Twelve asked the UNSC to consider a peacekeeping force to Croatia which led to the creation of UNPROFOR. The EC Member States supported UN resolutions to send peacekeeping forces and were the biggest contributors to UNPROFOR.⁹¹ They also participated in the implementation of the UNSC Resolutions establishing 'no fly zones' and 'safe areas' (Hill and Smith, 2000: 367). When the situation deteriorated as a result of the Serbian atrocities in Sarajevo, Srebrenica and Goražde, they supported NATO strikes against Serbian positions. Hence, during this stage of the crisis, the European countries had 'a coherent collective policy towards BiH' (Interview 52), albeit one outside the EC's framework.

For its part, even if limited, the WEU saw a certain revival during the conflict. From August 1992, the WEU participated in the monitoring of the Adriatic (Operation Sharp Guard) in cooperation with NATO. From April 1993, the WEU was in charge of enforcing the arms and trade embargo in the Danube River and provided a police force for the Bosnian city of Mostar from 1994 to 1996 (see section 4.4). According to Gordon (1997/1998: 90), the WEU was charged with these operations 'more as a way of giving the WEU some sort of a role – in the name of European "identity" – than because the WEU was best equipped for the job'. Without doubt, the role played in the Yugoslavian conflict encouraged the idea that its operational capabilities should be strengthened. With this objective, new bodies such as a Situation Centre, a Satellite Centre and an Institute for Security Studies were created. The Petersberg tasks adopted on 19 June 1992 by the WEU Ministerial Council in Bonn widened the operational spectrum of the WEU. These

⁹¹ See note 79 above.

reforms, which aimed to turn the WEU into the defence component of the EU, set the basis for the development of ESDP.⁹²

4.3.1. Disagreements about Europe's security architecture

The coherence of this non-decision on military intervention was mainly affected by internal divergences among the Member States about the appropriateness of the use of force as well as about which organisation should carry out a given intervention. The last point refers to the role of different military organisations (NATO, WEU) on the continent; and even, the role of the EC in the world, since the traditional image of the EC as a civilian power was still strong in the political discourse. The lack of national interests at stake in Yugoslavia can explain why the Member States could not agree on a military operation there (Rupp, 1998: 160), but it cannot explain why some of them did propose this initiative within the EC context. In the case of France, it called for the dispatch of a European armed force on the argument of a new 'right to intervene', i.e. the view that humanitarian concerns could justify the use of armed force across national borders to prevent massacres. But interestingly one of the main reasons behind the French initiative was based on its institutional preferences. While most of the new institutional design of the CFSP had been agreed upon in the spring 1991, the question of what the role of the WEU should be was still open then.⁹³ Hence France, convinced that the EC should develop autonomous defence capabilities, saw the Yugoslav crisis as a perfect opportunity to encourage the revival of the WEU (Buchan, 1993: 68; Lucarelli, 2000). It was very much about 'symbolism', even though the French knew that this initiative could never be successful (Interview 52).

The French position was not generally supported. Germany, whose Constitution did not allow it to participate in any military operation outside the NATO area, endorsed French proposals after some hesitations, but tried to raise the issue of a peacekeeping force in other fora like the CSCE (The Times, 1991). For its part, the Dutch government called for a credible military threat and participated in both the WEU and NATO operations in

⁹² Furthermore, the Gulf and Yugoslav wars prompted some changes in the NATO doctrine and organisation. Among them, the creation of the Combined Joint Task Forces allowed for an increasing role for the Europeans and the development of a European Security and Defence Identity within NATO.

⁹³ On 11 October, President Mitterrand and Chancellor Kohl published a joint letter suggesting that the CFSP should include all of the issues concerning security and defence and that the Union's decisions in this regard should be implemented by the WEU, without undermining NATO commitments, a proposal that was later accepted by their counterparts and backed by the US at the Rome Atlantic Council held on 7 and 8 November 1991 (Nuttall, 2000: 172-173).

Yugoslavia. Other non-WEU members opposed a military intervention or were more suspicious of it. The position of the Irish was that the use of force should be a last resort instrument, carried out only by the UN (not the EC or NATO), and only when other measures (economic/diplomatic) had failed. Denmark was also very cautious about the use of force to stop the conflict, although it contributed afterwards to the UNPROFOR mission with a tank company (Tonra, 2001: 236-7).

The risks of getting bogged down in Yugoslavia's civil war and the large-scale of the operation were some of the arguments used by the British to oppose sending in a peacekeeping force.⁹⁴ Arguments based on their experience in Northern Ireland were voiced on several occasions (Gow, 1996: 89). Douglas Hurd also repeated that there was 'no sense' in sending a peace-keeping force to Yugoslavia without a ceasefire (IPS, 1991a). He stressed that Europe could not intervene in Yugoslavia either diplomatically or militarily without the full agreement of all parties concerned (United Press International, 1991) and warned that 'it is very much easier to put troops into this with a great deal of excitement than to get them out' (The Xinhua General Overseas News Service, 1991b). Apart from these general concerns about the use of force, the British government had particular arguments against an operation led by the WEU (Jørgensen, 1993: 87). The UK argued that NATO should remain the key security organisation in Europe and could not agree to any action that might endanger the traditional role of the US in Europe. Therefore, the UK opposed to any military intervention by the WEU that could set a precedent, at a time (autumn 1991) when these issues were still to be agreed in the Maastricht Treaty.

These divergences among the Member States prevented the EC from playing a stronger role during the conflict. The debate about military intervention continued during the following years, but it moved from the EC to other forums. The problems involved in agreeing a common position among the Member States explain why, in this case, only **negligible coherence** was achieved. A non-decision could have been perfectly coherent if this was an agreed strategy amongst Member States, but that was not the case concerning the EC's military intervention in Yugoslavia.

⁹⁴ According to Brendan Simms to understand the British position, one has to take into account the 'profoundly conservative philosophical realism of its practitioners' (2003: 6). This led British foreign policy-makers to prefer the status quo and to acknowledge the limitations of British power. James Gow (1996: 97) similarly described the UK's attitude to the use of force during the Bosnian war as 'pusillanimous realism'.

4.3.2. Assessing effectiveness or the 'lack of will'

As a result of the lack of agreement, the Member States could only issue an official declaration that excluded military intervention in September 1991. Although there was a collective decision in this regard, and even when the Member States agreed on the medium term objectives (promotion of peace and stability in the region in accordance to the CFSP objectives), there was no agreement on the short term objectives (monitoring mission, limited military intervention or full-scale intervention) and even less on the institutions that should carry out the implementation of these objectives (WEU, NATO or UN). For this reason, we can argue that in this case, it only achieved **marginal effectiveness**. In later stages (October 1991-June 1992), the Member States could not even agree on an EPC collective decision, which reduced effectiveness to **negligible**.

The argument raised by several authors that the EU was not effective because it did not have military instruments is however more controversial and at least needs qualifying (Cameron, 1999; Gordon 1997/1998; Kintis, 1999; Interview 52). It is interesting to examine several aspects regarding a potential military intervention carried out by the WEU. Firstly, even if the Member States had agreed on a military intervention, it would have required the agreement of all the parties and a ceasefire along with the conditions set in the EPC declaration of 19 September (see above); yet, at the time, no ceasefire was in place. As far as the agreement of the parties is concerned, it is doubtful that the Serbians would have accepted an EC intervention since they were very suspicious of German intentions (The Xinhua General Overseas News Service, 1991a).

Even if the Member States had agreed on the WEU's intervention, it is not clear whether they had the means to carry out a full-scale operation without the support of the US or NATO (Dover, 2005: 302; Gow, 1996: 95; Interviews 49; 52). One British representative at that body recalled that the WEU 'didn't have the military wherewithal to compete with the sort of force structures and arrangements which NATO had at its disposal. The WEU was [...] essentially a political organization. It wanted to flex military muscle which frankly it didn't possess' (as quoted in Simms, 2003: 101). According to Rupp, the European powers were not able to intervene militarily in Yugoslavia since 'only the United States maintained the airlift and sealift capabilities necessary to maintain two or three hundred thousand troops in the Balkans' (1998: 171).

And Yugoslav Army analysts concurred that the EC countries could not have intervened militarily through the WEU without the support of the US (Kintis, 1999: 284).

Finally, to earn the support of all EC members, an operation in Yugoslavia would have required the authorisation of the UNSC, something particularly difficult because of the opposition of Russia during the first stages of the conflict to any kind of intervention against Serbian forces. Hence the need for legitimacy regarding a military intervention implied extra burden to achieve an effective CFSP. As Nicole Gnesotto has pointed out, the fact that an EC military intervention would have required the authorisation from the UNSC, 'reduced the autonomy of the Twelve, insofar as policy then became dependent on the agreement of the United States, Russia, and China' (in Edwards, 1997: 191).

In any case, the lack of military capabilities affected the effectiveness of the EU not so much because the EU could have actually used these capabilities to stop the war – many authors have questioned the effectiveness of military force during the Bosnian conflict, in particular air-strikes and the costs of deploying ground troops⁹⁵ –, but because had the EU had military capabilities to threaten the use of force at an early stage of the crisis (1991), this might have contained the Serbian expansionist ambitions. Instead EC diplomatic actions not backed up by military threats were not credible: '[i]t was goodwill without the will to power' (Kintis, 1999: 284).

4.3.3. Final evaluation

The problems encountered regarding the dispatch of an armed force to former Yugoslavia have been summarised succinctly by Nuttall as follows: 'there was neither a force to send nor consensus to send it' (1994: 22). Firstly, although the EC had been mediating since the first stages of the conflict, the means at its disposal were limited to economic and diplomatic tools. Military capabilities were under the control of the individual Member States. The EC as such did not have any military capabilities and could only act through the WEU, which was composed of nine of the twelve Member States.

⁹⁵ According to Edwards: 'it is difficult to be certain that a speedier and more forceful intervention at the beginning would have been sanctioned either by the international community or by Europe's own public, or would even necessarily have been successful' (1997: 192-3). See also Piening, 1997: 63

The role of the WEU as the defence arm of the EU was only formalised with the signing of the Maastricht Treaty a couple of months later, but these provisions would not enter into force until November 1993, i.e. when the conflict in BiH was well advanced. In spite of the operations carried out by the WEU during the Yugoslav conflict (see above) and the new treaty provisions (Art. J.4, ToM.), the role of the WEU would remain vague and weak, showing the limitations of institutional design and the incremental (instead of optimal) pace of institutional reform. The new CFSP established in the TEU extended the EU foreign policy domain to 'include all questions related to security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence' (Art. J.4.1., ToM). However, any question regarding defence issues had to be decided by unanimity. In other words, although the TEU gave a role to the WEU as the EU's defence arm, it did not establish specific provisions about how it could play that role, but was actually dependent on the agreement among the Member States. In this respect, the lessons from the Yugoslav conflict were not appropriately incorporated, among other reasons, because the treaty provisions had been almost agreed before the summer 1991 and the debate about military intervention only took place later on. Neither did the Amsterdam Treaty bring a 'sea change', although it introduced the Petersberg tasks and mentioned the possibility of merging the WEU with the EU, arguably, reforms that were motivated by the failure in BiH (WEU Assembly, 2004). Institutional legacies and path dependency can explain why no other alternative/innovative model was sought. The cost of establishing new arrangements (including learning and co-ordinating effects) concurred with the unanimity procedures that required consensus among the Member States, something virtually non-existent at that time. In this situation, the default option, maintaining the existing defence arrangements, was retained. As expected from a HI approach, institutions became 'sticky'.

Other lessons were learnt from the war in BiH concerning European security and defence policy, supporting the argument presented in Chapter 2 that learning is more likely to occur in situations of crisis/failure. One of the main elements of discord during the Bosnian war was the disagreement over which should be the main security organisation in Europe. Whereas some countries, most notably France, supported the idea of an autonomous European defence capability, other countries, and in particular the UK, would not support any initiative that threatened to damage NATO's role in the continent. However, the conflict in Yugoslavia would have an impact on these

positions, producing if not a change in preferences (complex learning), at least a change in strategies (simple learning) in some instances. Firstly, US policies towards Bosnia, by supporting 'lift and strike' and denying diplomatic backup to the Vance-Owen Peace Plan, created a certain frustration among its European allies, especially the UK. For example, Sir Dudley Smith, President at that time of the WEU Parliamentary Assembly, suggested that the US decision proved just how much Europe needed 'to be autonomous where intelligence gathering, satellite reconnaissance and logistics support' were concerned (as quoted in Kintis, 1997: 161).

These transatlantic tensions thus confirmed the need for an autonomous defence capability and hence reaffirmed French beliefs. According to the French Foreign Minister, Alain Juppé: 'The conflict in Bosnia has shown the necessity to move beyond NATO and American guarantees' (Simms, 2003: 111). Therefore, from the beginning France asked for a strong role of the WEU as a symbol of a nascent autonomous European defence capability. However, confronted by the realities of the war and the failure of the peace process, France modified its strategy and would progressively adopt a position closer to that of the US, supporting the enforcement of the 'no-fly zone' by NATO. The conflict in BiH also facilitated a certain reintegration of France, NATO's *enfant terrible*, into the Alliance's structures. For the first time in almost three decades, the Defence Minister Francois L  otard attended a ministerial meeting of the Alliance in September 1994 (Lepick, 1996: 85). The war in Bosnia also served to bring France back to NATO's integrated military command structures with French officers seconded to the operational level Headquarters for contingency planning from 1995 (Simms, 2003: 112).

Another important element that would later facilitate the Franco-British initiative on a common European defence was the cooperation on the ground experienced during the Bosnian war. According to Douglas Hurd: 'the experience in Bosnia brought service cooperation between the British and the French to a new post-war high' (as quoted by Simms, 2003: 111). The Bosnian conflict also raised the issue of German military intervention outside the NATO area. In 1994, the Constitutional Court allowed the Federal Republic to take part in military operations beyond the country's borders (Cali  , 1996). But even before this decision, German AWACs participated in the surveillance of 'no fly zones' in BiH, since the German Constitutional Court in a decision of April

1993 considered such participation compatible with the German Constitution. Thus, the Bosnian war served as a testing ground, a learning-by-doing experience for later developments in the European security and defence policy.

The next section offers another example of 'learning by doing': the EU Administration in Mostar (EUAM). In November 1993, the Maastricht Treaty entered into force. A major breakthrough was the possibility of the Council deciding on joint actions (Art. J.3, ToM), a new CFSP instrument that increased the operational impact of EU external action, along with the possibility of resorting to the EC budget in order to fund CFSP expenditure. The EUAM was one of the first CFSP Joint Actions decided by the EU and, without doubt, the biggest up to that point in terms of funding and personnel.⁹⁶ The EUAM also served to test cooperation between the EU and the WEU, since it was the first full involvement of the WEU in an EU joint action (Edwards, 1997: 185).

4.4. THE EU ADMINISTRATION OF MOSTAR

The idea of supporting the administration of Mostar, a city that had suffered the heaviest fights between the Muslim and Croats, was launched in October 1993 in the context of the negotiations of the Owen-Stoltenberg Peace Plan. According to that peace plan, Sarajevo would be under UN administration and Mostar under that of the EU. At a meeting in Luxembourg on 4 October 1993, the EC's Foreign Ministers discussed the issue and called on the WEU to examine the support it might provide for the organisation of a police force in Mostar under EC Administration.⁹⁷ The next day, the WEU Council created a working group to consider the practical problems involved in this operation (AFP, 1993).

The EC's proposal was accepted by all parties, but it was made dependent on the signing of the Washington Agreement between Croats and Muslims. As soon as the agreement was signed (March 1994), the EU sent an Advance Party to study the situation on the ground and to prepare the deployment of the EUAM. The Joint Action

⁹⁶ The first Joint Action ever adopted by the Council of the EU was also on BiH, the Joint Action on support for the convoying of humanitarian aid in Bosnia and Herzegovina (Council of the EU, 1993).

⁹⁷ However, it is worth noting that this request was made *without* reference to Art. J.4.2 (ToM); instead the operation was organised on the basis of a Memorandum of Understanding between the EU and the WEU (Missiroli, 1999).

of 16 May 1994 provided support for the administration with the aim of reunifying the city and restoring its basic infrastructure (Council of the EU, 1994). A WEU police force was also envisaged to maintain public order and to establish a joint Muslim-Croat police force. The EUAM commenced its operations on 23 July 1994, once the city had been demilitarised, with a mandate of two years. The EUAM was composed of 150 technical experts and 40 administrators, plus the WEU police force contingent.

A Memorandum of Understanding was signed on 5 July 1994 in Geneva, by the EU and the WEU Member States and the parties involved in the conflict.⁹⁸ It was the first step in the process of establishing a multi-ethnic city that could serve as 'a model for other parts of Bosnia and Herzegovina' (Presidency of the EU, 1994b). However, from the beginning, the Administration suffered from obstructionism by the Croat side, who wanted to maintain a city divided along ethnic lines. For instance, on 11 September, there was a failed assassination attempt against Hans Koschnick, the EU Administrator, when an anti-tank rocket fired by Croat extremists destroyed his room at EUAM headquarters.

One of the main objectives of the EUAM was to establish an Interim Statute for the city administration. During the negotiations, the EU Administrator proposed the idea of establishing a unified 'central zone' administered by a joint city administration, a proposal that was accepted by the Muslims, but strongly rejected by the Croats. When on 7 February 1996 Koschnick issued a decree with his plan, the Croats responded with a riot and an infuriated crowd trapped the EU Administrator in his car, threatening to lynch him (AFP, 1996a). The EU Presidency called for an emergency meeting in Rome with all the parties. The EU's cave-in to Croat pressure resulted in the Rome Agreement signed on 18 February 1996. This agreement reduced the size of the central zone, against Koschnick's proposal. The European Council also decided to extend the mandate until 31 December 1996 as requested by the parties provided that the elections were successful (European Council, 1996a).

⁹⁸ According to Edwards (1997: 185), the fact that the EU did not have legal personality created some problems in launching the mission. The solution was a Memorandum of Understanding, involving the Member States, within the framework of the EU, and the Commission.

The Rome agreement considerably damaged the EU Administrator's image among the parties (ICG, 2000: 9). He resigned a month later and was succeeded by Ricardo Pérez Casado until the end of the EUAM's mandate on 22 July 1996. The latter was responsible for the organisation of the municipal elections held on 30 June. The coalition including the Muslim party SDA won the election by a narrow percentage, however the Croat party HDZ rejected the official results and asked for the elections to be nullified, arguing that there had been irregularities. The EU supported the results of the elections and pressured the Croat side to accept them, fearing that a Croat rejection could jeopardize the upcoming Bosnian elections due on September. The EU also put pressure on the Zagreb authorities to force the HDZ to accept the results (Council of the EU, 1996c). Moreover, the EUAM issued a threat to withdraw its personnel and assistance if the Croats did not end their boycott of the elections. Following this diplomatic pressure, on 6 August, the Croats accepted an agreement regarding the city council composition.

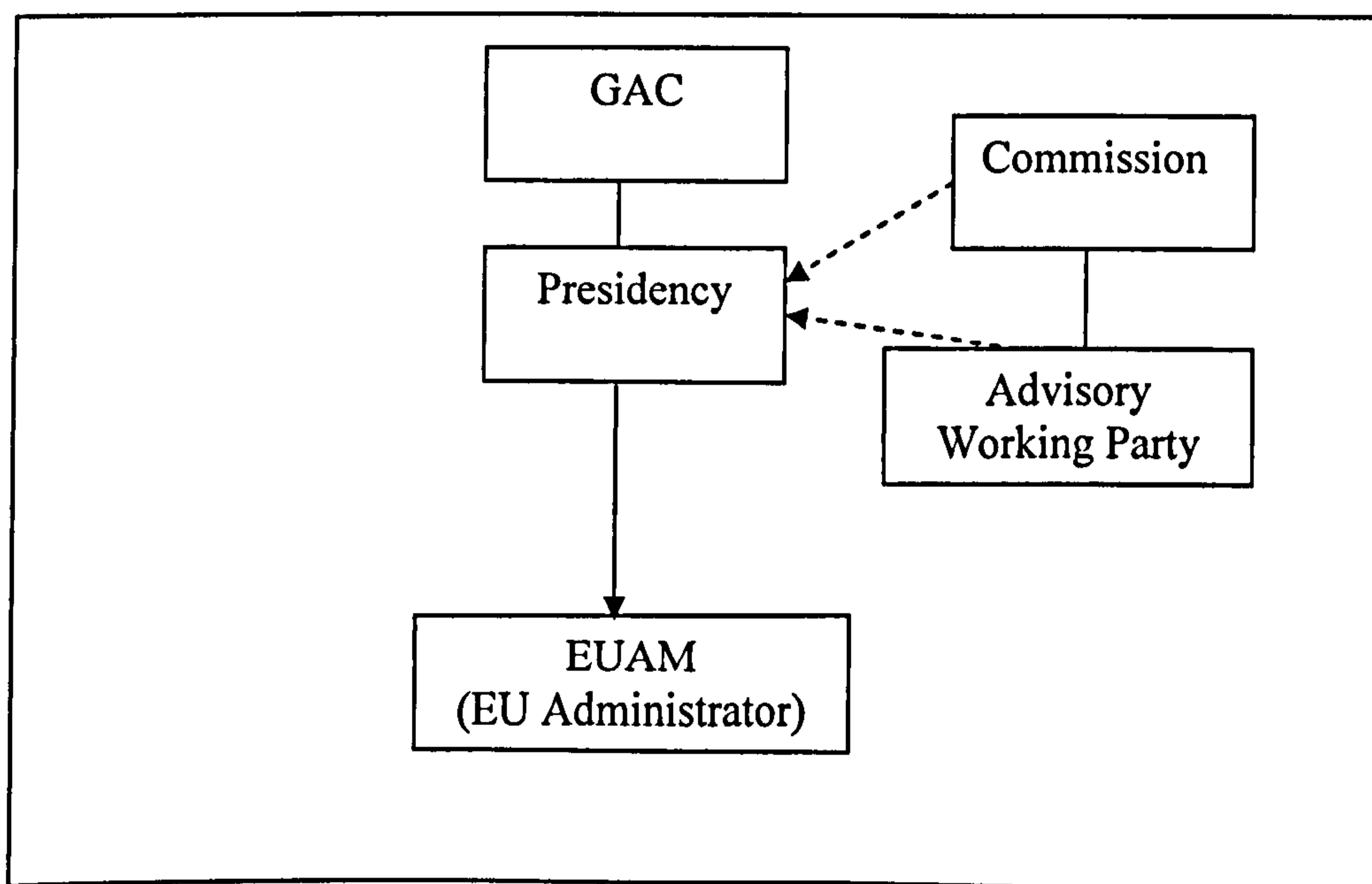
From 23 July 1996, the EU appointed an EU Special Envoy to Mostar, Sir Martin Garrod. He was in charge of co-ordinating the phasing-out of the EUAM, the transfer of authority to the new city administration and the reintegration of Mostar into the overall Dayton structures. Obstacles to freedom of movement and practices of ethnic cleansing continued to be a reality, especially on the West side of the city (European Council, 1996b). On 31 December the EUAM put an end to its presence in Mostar.

4.4.1. Coherence: designing a new organisational matrix

This was the first time that the EU engaged in civilian administration and not surprisingly, the EU did not have appropriate arrangements for the planning or day-to-day management of these kinds of operations. During the planning phase, internal co-ordination was inadequate, mainly due to the fact that the Presidency, at that time Greece, was overloaded. Before drafting the Joint Action, the Council sent a three-person Advance Party or fact-finding mission to Mostar in mid-April to prepare for the arrival of the Administrator and to report on the situation on the ground. The Advance Party submitted 28 reports to the Presidency. Some of them requested advice or approval from the Presidency; however, none of these responses were provided (Court of Auditors, 1996: 6).

It is also worth analysing the internal managing structures foreseen by the Joint Action to see whether they were appropriate to ensure coherence (see Figure 4.1). According to the Joint Action 'the Presidency, assisted by an advisory Working Party composed of representatives of the Member States and in association with the Commission, shall issue guidelines, determine what measures are needed to meet those requirements and decide to release the amounts necessary to finance them' (Council of the EU, 1994). The Council Secretariat would perform a purely administrative function supporting the Presidency and the Working Party. These arrangements however did not promote a coherent policy since the six-month rotating Presidency did not provide continuity in the management of this initiative (see below). To ensure institutional and horizontal coherence, the Commission had one representative in the Council Working Party and two staff seconded to the EUAM to ensure institutional coherence. However, despite the fact that the Commission was in charge of administering the EC budget of the mission, the EU Administrator had no obligation to report to the Commission, only to the Presidency.

Figure 4.1. Bureaucratic institutions in the chain of command of EUAM



The funding of the Joint Action also raised some tensions with the European Parliament.⁹⁹ One problem arose because there was no formal Council mechanism in

⁹⁹ The initial budget of the EUAM was up to Euro 32 million to be used to finance the initial establishment of the operation. These monies were charged to a previous Joint Action issued on 8 November 1993 to support the conveying of humanitarian aid in BiH (Council of the EU, 1994). The

place to ensure that adequate funding was provided for the fact-finding mission. For this reason, the Council decided to finance the Advance Party with loans from the ECMM and from the German Federal Budget. The loans were then repaid with a payment from the Council administrative budget. The Council classified the expenses of the Advance Party as administrative expenses under the terms of Article J.11 of the TEU. However, the decision of declaring this expenditure administrative was criticized by the European Parliament who asked the Council to better define what administrative and operational expenditure were. According to a previous gentlemen's agreement between the Council and the European Parliament, only operational expenditure had to be submitted to the European Parliament oversight. Hence the latter feared that the Council could use the strategy of declaring other expenditure as 'administrative' to escape from its control (Monar, 1997b: 37). These battles over the Mostar Joint Action financing led to subsequent reforms in the Amsterdam Treaty. Because of these shortcomings in the design and financing of the Joint Action – which would consequently affect the implementation of the EUAM – coherence can be deemed **minimal** at this stage.

4.4.2. Putting Maastricht to work

As mentioned before, at the time of the launching of the EUAM, there was no permanent EU body in charge of the day-to-day implementation of crisis management operations. For this reason, the management of the EUAM fell under the responsibility of the Presidency, assisted by an advisory Working Party. The lack of a standing structure contributed to the fact that on some occasions it was unclear to the people on the ground which body or individual within the Council was responsible for overall coordination. According to a Special Report of the Court of Auditors:

The six-monthly rotation in the Council Presidency is, unfortunately, ill-adapted to the need for continuity in management of a Joint Action such as Mostar. The personnel responsible for the ultimate decisions and their execution change every six months, and, as is normal with the functioning of the Presidency of the Council, the apparatus shifts from one Member State capital to another as the Presidency rotates. The ad hoc Working Party

total budget for the period July 1994 to July 1996 was Euro 144 million, to which it has to be added the salaries and *per diem* of the national experts, police officers and the Commission officials paid by their countries of origin or the Commission respectively (Court of Auditors, 1996: 7).

also has not provided a suitable permanent structure for the overall supervision of the Joint Action (Court of Auditors, 1996: 9).

As a result of these deficient arrangements, people on the ground lacked strategic direction from Brussels. For example, regarding one of the main documents negotiated on the ground, the EUAM Strategy Document, the Administrator did not receive any comment from the decision-making bodies in the Council (Court of Auditors, 1996: 9). Besides, the Member States in Brussels decided on the appointment of the EUAM staff without consulting the EU Administrator-Head of Mission, and the arrival of the staff was not well co-ordinated with the Advance Party (Court of Auditors, 1996: 6). Regarding the selection method, the Special Report of the Court of Auditors (1996: 9) also mentioned that it was more a question of assigning posts to Member States candidates than selecting the appropriate ones.

For its part, inter-pillar co-ordination can be said to have worked well (Winn and Lord, 2001: 102). Because of the nature of the projects carried out by the EUAM (reconstruction projects and humanitarian assistance), in practice, the role of the Commission during the agenda-setting and implementation was very important. According to Winn and Lord (2001: 96-97), the experts from the Commission (DG 1A) were instrumental in the design of the Joint Action and in later reforms during the implementation phase, advising national representatives in the Advisory Working Party and officials in the EUAM. The role of the Commission was also crucial in the disbursement of funds from the Community pillar to implement the projects of the EUAM.

From the account above, it seems that the main problems affecting coherence during the implementation phase refer to the deficient internal structures for managing and co-ordinating these types of operations, that resulted in problems of (internal) coherence. The overall coherence of the EUAM at the implementation level was thus **minimal**. Although the Member States agreed on the main goal and on the mandate and there were no contradictory objectives among the different levels (Brussels/Mostar) and between the Council and the Commission policies, the above co-ordination problems affecting the decision-making process prevented synergies among the activities of the different actors involved in implementation. As pointed to in the Special Report, it was

'more a matter of chance than a consequence of the procedure adopted that the team has managed to work well together' (Court of Auditors, 1996: 12).

4.4.3. Coming down to earth: adjusting EUAM's objectives

The main objective established in the Memorandum of Understanding was to create conditions for the unification of the city of Mostar (see Winn and Lord, 2001: 82). The main criteria set in the EUAM strategy document to achieve this included:

- (a) a population willing to live under a common set of rules;
- (b) a central municipal authority acceptable to the population;
- (c) a common legal framework and guaranteed rights for all citizens;
- (d) a common public service, tax system, and police force;
- (e) freedom of movement for all citizens residing in the city (Reichel, 2000: 5).

In the case of the WEU police force, the main task was 'to monitor the demilitarization of Mostar with UNPROFOR, to restore and to maintain public order with local police forces, and to establish and train a unified police force in Mostar (UPFM), capable of carrying on after the final departure of the EUAM and the WEU Police force' (Court of Auditors, 1996: 14).

These goals were consistent with the CFSP long-term objective to promote peace and stability (Article J.1.2, ToM) and with the EU's medium term objective to contribute to a peaceful solution to the conflict (European Council, 1995). Nevertheless, several reasons prevented the EU from achieving significant effectiveness at the decision-making level and explain why effectiveness was only **partial**. First, regarding the EUAM's mandate, its objectives were too broad for a two-year mission, especially taking into account the context of ethnic cleansing and fighting that had ravaged the city months before. Second, another weakness of the mandate was that the instruments foreseen to implement EUAM objectives can be judged insufficient. The EUAM did not have the back up of its own military force, but was dependent on the support of UNPROFOR first, and IFOR later. The only leverage that the EUAM had was the possibility to withdraw the economic assistance granted for the reconstruction of the city – not a very powerful one when the vital interests of the warring parties were at stake.

4.4.4. Implementing the mandate in a hostile environment

Within Council structures, the Advisory Working Party on the Bosnia-Herzegovina Joint Action was in charge of preparing work for the Presidency. The Special Report of the Court of Auditors pointed to the fact that decisions were usually delayed because the national representatives had to consult with their capitals and could not cope with the day-to-day management of the operation (Court of Auditors, 1996: 8). The limited room for manoeuvre from their capitals, the lack of experience on these issues and the fact that they had to attend other working parties may explain the problems which affected the implementation of the EUAM.

As far as the mandate is concerned, its objectives were not quantified (there was not a benchmarking system) and therefore, it is difficult to determine to what extent they were fulfilled. In the first months, the work of the EUAM concentrated on the reactivation of the local economy and the reconstruction of basic infrastructure (bridges, houses, public schools and hospitals), activities more suitable for an EC initiative than a CFSP one. There was significant progress on the achievement of these objectives (Court of Auditors, 1996: 3; Reichel, 2000: 23-32). However, some of the projects had not been implemented by the end of 1995, and others (like the reconstruction of Mostar's hospital) were awaiting compliance by the Croats regarding free access for all citizens (Reichel, 2000: 25).

The main problems, however, concerned the achievement of the EUAM's political objectives. At the end of its mandate, the city was still divided, in spite of the fact that a Mayor had been elected for a single municipal council. Freedom of movement was severely restricted with complaints from the Muslim side. The lack of a unified police force prevented freedom of movement and refugee return to the Croatian side of the city. In December 1996, the assessment of the European Council was as follows:

The European Council is satisfied that the primary objective of the EU Administration of Mostar – ensuring the establishment of a basis for a functioning unified local administration in the town – has now been met [...] However, many problems persist in Mostar, including continuing expulsions, harassment, intimidation and the influence of organised crime,

and some local parties continue to obstruct political progress (European Council, 1996b).

One of the main reasons for the lack of success was the obstructionism from the Croat side which continued over the next years (ICG, 2000). Hans Koschnick noted in 1995: 'the Herzegovinian Croats have been quickly learning to sign agreements but not to respect them' (in ICG, 2000: footnote 3). These problems might have been reduced had the Member States had the will required to pressure the parties to respect their commitments. As early as 1995, in a report to the Council, Koschnick pointed out that 'it is obvious that notably our political aim – the single, self-sustaining and multiethnic administration of Mostar – will not be achieved without the forceful assistance of our governments' (ICG, 2000: 5). The Member States failed to back Koschnick when the Croats rejected his project of Interim Statute and when he was attacked by a furious mob. The Rome Agreement, where the Council of the EU accepted Croat demands, undermined the credibility of the EU Administrator and served as an example of incoherence between the different political levels managing the mission. Unhappy with the lack of support from the Member States, he resigned. According to an EUAM official,

The EU said loud and clear that it supported his plan and then changed it [the plan]. The Croats won [...] Koschnick has no more leverage over the Croats now [...] It means that a few hundred criminals can attack the European administrator and 10 days later they get what they want' (AFP, 1996b).

The reactions to the Croat boycott of the municipal elections in June 1996 were, however, more consistent, including cooperation with other international partners (mainly, the US) to pressure the government in Zagreb and a EUAM ultimatum. This strategy forced the HDZ to accept the results of the elections.

The financing of the operation also affected its effectiveness. Apart from the internal inter-institutional quarrels (see above), there were some problems and delays with the contributions from the Member States that affected the implementation of the operation on the ground. From the initial 32 million euros, 15 million was financed from the EC

budget and 17 million from the Member States, on a GNP basis. Yet, by 31 December 1994, 4.9 million (around 15 % of the EUAM budget), was still unpaid by France and the UK (Court of Auditors, 1996: 9). Interestingly, these two countries had opposed the communitarization of the CFSP budget at Maastricht. Due to these problems, the 1995 budget for the EUAM, set at 80 million euros, was entirely financed from the EC budget: 20 million from the 1994 outstanding budget and 60 million from the 1995 budget (Monar, 1997b: 46).

For its part, of the around 200 officers that were supposed to compose the WEU Police Force (WEUPOL), only 15 had arrived in Mostar in September 1994 (AFP, 1994). This delay in deployment impaired the effectiveness of the mission, requiring support from UNPROFOR. According to Reichel (2000: 15), the WEU never provided the entire contingent of police officers envisaged, and only 163 officers were deployed in Mostar. Commenting on the lack of resources, the International Police Commissioner Col. Jan Meijvogel said 'I am not able to drive in a car that only exists on paper' (Reichel, 2000: 15).

The WEUPOL was to advise and train the Croat and Muslim police forces with the aim of establishing a Unified Police Force in Mostar. Yet, the opposition of the parties prevented the implementation of this mandate. From the beginning, the police from West Mostar opposed the creation of mixed police units and by August 1995, the Administrator acknowledged that there were still two separate police forces (ICG, 2000: footnote 6). Phase one of the WEUPOL mandate included the establishment of a joint operations centre, improvements in police communications, and joint patrolling between WEUPOL and the police forces of East and West Mostar on the demarcation line between both parts of the city. This phase was completed in March 1995 (Court of Auditors, 1996: 3). Following an agreement of 18 September 1995, Phase two foresaw the establishment of a joint headquarter, the beginning of joint patrols between East and West Mostar and WEUPOL, and a gradual process aiming at the creation of the United Police Force. Only after the Rome Agreement, was a joint police force created to patrol the central zone and joint patrols started on 1 March 1996 (AFP, 1996a). In August 1996, the WEUPOL put forward a plan to create the United Police Force composed of 380 officers (AFP, 1996b). The WEUPOL contingent assisted the EU Special Envoy until the transfer of powers to the local authorities on 15 October 1996.

Following from the previous account, the effectiveness of the EUAM can be judged as partial. An important number of the EUAM objectives were achieved, but there were still some that remained unfulfilled due to external factors (lack of cooperation from the warring factions) or internal ones (overambitious objectives, problems of internal co-ordination or problems with financial arrangements).

4.4.5. Final evaluation

The effectiveness of the EUAM, in comparison with previous initiatives, was high (see Table 4.1). It had a considerable impact on the ground, achieving part of its objectives. Yet, in spite of the changes introduced by the TEU, this section showed that there were still problems. Whereas the position among the Member States over Mostar was quite unified (Interview 49), the lack of appropriate decision-making structures within the Council caused delays and problems of co-ordination. As pointed out in the Special Report of the Court of Auditors (1996: 13), an operation of this type would have required a permanent body to oversee the day-to-day implementation of the operation and to provide a strategic direction from Brussels, as well as a special unit within the Council Secretariat or Commission to prepare the planning. Problems with the financing of the mission, meanwhile, were due to 1) turf battles between the Council and the European Parliament and 2) the lack of experience of the EU in crisis management. Finally, the deployment and implementation of the WEU police force also experienced some problems, although it would be a good learning experience for this organisation and for the development of the EU civilian crisis management capabilities more generally (WEU Assembly, 2004).

The analysis of this initiative also illustrates how policy learning was crucial during implementation. Programmes and budgets were adjusted in order to correct gaps between objectives and actual implementation, and to adapt to changing conditions on the ground. In this process of policy learning, networks of experts were crucial in devising new policies (Winn and Lord, 2001: 89, 98-103). Experts and mid-level officials 'framed the policy for the higher levels to rubber stamp' (Winn and Lord, 2001: 170). The first policy change took place with the preparation of a Strategy Document by the EU Administrator, turning the objectives of the Memorandum of Understanding into more limited and pragmatic ones. During the implementation of the mandate, changes had to be made to fit problems on the ground. Thus, after non-

compliance by the Croats, the EUAM suspended the completion of the project of the Bijeli Brijeg Hospital. Similarly, due to the delays suffered in implementation, the working plan of the WEU police force had to be adjusted accordingly. The implementation gaps can be explained because some of the assumptions upon which the EUAM was designed did not materialize, and in particular the assumption that 'the EUAM would progressively gain the confidence of the citizens and not be obstructed in achieving its aims and objectives by any of the parties' (Reichel, 2000: 5; Winn and Lord, 2001: 95). Learning thus served to correct unintended consequences that resulted from the limited knowledge available to policy-makers and the limits of their foresight and rationality.

4.5. CONCLUSION

The intervention of the EC in the conflict in former Yugoslavia has been seen 'as a way to redefine the EC's role within the changing international and European context', at a time when a new system for enhanced cooperation in foreign policy (CFSP) was in the process of being agreed (Lucarelli, 2000: 120). It was seen not only as a challenge for the EC – requiring an effective response to a conflict in its neighbourhood – but also as an opportunity to define the EC's role in the world and its relationship with other international organisations. However, when the Yugoslav conflict began, the only mechanism at the EU's disposal was the EPC, that is, a co-ordinating mechanism of foreign policy, and not a conflict prevention and crisis management policy *per se*. Military capabilities were still under the control of the individual Member States. According to Jacques Delors, then president of the Commission,

The Community is like an adolescent facing the crisis of an adult [...] It now only has the weapons of recognition and economic aid. If it were 10 years older, it might be able to impose a military peace-keeping force (The Washington Post, 1991).

Although the Member States tried to produce innovative solutions, the three cases presented above have shown some deficiencies of the EPC/CFSP institutions when dealing with the conflict in BiH that affected mainly effectiveness, but also coherence of the CFSP and that contributed to broaden the capabilities-expectations gap (Hill, 1993).

These problems were due to a large extent to the low degree of institutionalisation and Brusselisation of the EPC/CFSP. These institutional weaknesses, together with divergences between the Member State's interests may explain the inadequate response of the EC to the crisis and the degrees of coherence and effectiveness of the EPC/CFSP during this period (see Table 4.1). Moreover, the impact of external factors – in particular on the effectiveness of the EU's activities – cannot be forgotten. Some examples have been presented throughout this chapter such as obstruction from the warring parties during the EC Peace Conference and the implementation of the EUAM.

Table 4.1. Degrees of coherence and effectiveness (1991-1995)

DEGREES OF COHERENCE IN EPC/CFSP ACTIVITIES (1991-1995)			
EPC/CFSP initiative	EC Peace Conference	Non-decision on military intervention	EU Administration of Mostar
Decision-making	Minimal	Negligible	Minimal
Implementation	Negligible	N/A	Minimal

DEGREES OF EFFECTIVENESS IN EPC/CFSP ACTIVITIES			
EPC/CFSP initiative	EC Peace Conference	Non-decision on military intervention	EU Administration of Mostar
Decision-making	Partial	Marginal/Negligible	Partial
Implementation	Marginal	N/A	Partial

As far as institutional deficiencies are concerned, the EC/EU lacked appropriate arrangements for external representation. The Troika system composed of the three Presidencies (past, current, future) did not seem an appropriate arrangement to deal with a crisis and to lead the negotiations with the parties (see section 4.2). This was particularly evident during the first period of the conflict when the Troika was composed of three small Member States (Luxembourg, The Netherlands and Portugal), whose influence and resources were limited (Tonra, 2001: 229). On the other hand, the EC/EU did not have a permanent body in charge of the planning and running of CFSP operations,

but these tasks were to be carried out by the six-month rotating Presidency, thus having a negative impact on effectiveness as shown by the example of the EUAM. Moreover, there was neither a permanent body with an exclusive right of initiative to put policy proposals on the agenda nor a policy planning unit to provide an informed analysis of the situation. The Council Secretariat had very limited resources and would exclusively undertake administrative tasks for the time being.

As expected from an institutionalist point of view, the low levels of institutionalisation before the signing of the TEU also meant lower opportunities for socialisation among national diplomats. In the case of the Political Directors and Foreign Ministers, contacts were limited to those taking place during meetings organised in the capital of the Member State holding the Presidency. In the case of the EPC working groups, meetings took place in Brussels, but national representatives were still based in the MFAs. Although the COREU network could and was used as a means to communicate with other colleagues, the fact that they were not permanently based in Brussels limited the impact of socialisation among them and thus made the search for compromise among different national positions more difficult.

For some authors, one of the main drawbacks of the EC's intervention in BiH was the lack of military instruments, which was seen to highlight the need for an autonomous defence capability (Gordon, 1997/1998; Kintis: 1999; Piening: 1997). Had the Maastricht Treaty been in place in 1991, it is not clear, however, whether it would have significantly changed the EU's approach to the crisis. As mentioned in Chapter 3, CFSP did not imply a revolution in foreign and security policy, but built upon previous EPC institutions, preserving the existing institutional path. Even if the TEU introduced the possibility of a security and defence policy, no specific provision to enact this policy was foreseen; instead, the TEU served as a reminder of NATO's commitments for all its members.

This operational limitation might be explained because at that time the image of the EU as a civilian power was still predominant among the EU Member States, thus highlighting the importance of the EU's international role and its impact upon the EU's foreign policy output.¹⁰⁰ When the use of force was considered indispensable, the

¹⁰⁰ As declared in a Presidency's statement, the Member States agreed that 'every attempt must continue at finding a solution through negotiations, ruling out a military solution and therefore the action plan of the European Union is the only basis still, for further negotiations' (Presidency of the EU, 1994a).

majority (as seen in the case of non-decision examined above) expressed their preference for another international organisation taking over this task, either NATO (UK, Germany, The Netherlands) or the UN (Nordic countries, Ireland) – the significant exception being France. The prevalence of this civilian power image meant that the Member States did not have problems with agreeing on humanitarian assistance, economic sanctions or diplomatic initiatives, all of them within the traditional realm of the EU. It was also easy to agree on the organisation of a peace conference or the EU's control of the civilian administration of Mostar but obstacles to agreeing on military intervention proved insuperable. While the EUAM focused mainly on reconstruction activities, and therefore did not imply new roles for the EU (Dover, 2005: 307), a military intervention involved high start-up costs, co-ordinating and learning effects (as actors had to establish new structures, learn how to implement this role and establish new co-ordinating arrangements), thus making innovation in EU policies difficult and reinforcing institutional legacies in the security policy domain.

In conclusion, both a combination of institutional deficiencies and divergences in the Member State's preferences can explain the low degrees of coherence and effectiveness of the CFSP during this period. The Maastricht reforms prompted some improvements to CFSP effectiveness and coherence, but there were still manifest problems in terms of formal and informal rules and policy instruments at this stage of CFSP institutionalisation.

CHAPTER 5

Coherence and effectiveness of CFSP activities in BiH (1996-2000): An economic power without strategy

The conflicts in the Balkans have demonstrated a tendency for the European Union to be little more than the paymaster of policies directed from the other side of the Atlantic [...] the European Union cannot afford to be an economic giant but a political dwarf in its own part of the world

Bildt, 1998: 388

5.1. INTRODUCTION: EU EXTERNAL ACTION IN BIH (1996-2000)

This chapter examines the post-conflict intervention of the EU in BiH. As the chapter will show, EU external action during this period was mainly economic and humanitarian in nature, with political and security initiatives avoided by the Member States, at least until the Kosovo crisis exposed the limitations of this approach. This first section explores in more detail the whole of EU external action. Section 5.2 moves on to a more specific analysis of coherence and effectiveness in relation to a non-decision by the Member States on the use of military and police instruments in BiH. This is followed by a discussion of the Stability Pact, which raises issues concerning the impact of path dependency and imitation on coherence and effectiveness.

Despite the marginalisation suffered by the EU during the latter stages of the armed conflict, with the signing of the Dayton peace accords, the EU assumed responsibility for helping with the post-conflict reconstruction of the war-torn region. While negotiations were taking place at the US Air Base of Dayton, the EU was in the process of designing a strategy to rebuild BiH, a strategy first spelt out in the Council Conclusions of 30 October 1995. Here, the EU Foreign Ministers agreed on several principles to lead the peace process and stated their view that, since the Union would be one of the major contributors to the peace process, the High Representative for BiH, should be a European and should report to the Union where necessary (GAC, 1995).

At the Madrid European Council, the EU expressed its commitment to contributing to the implementation of the civilian aspects of the peace agreement by providing humanitarian aid and participating in reconstruction efforts (European Council, 1995), playing on its strengths as a civilian power, something that had proved impossible during the war. Carl Bildt, the new High Representative, was also appointed to co-ordinate the EU's involvement from Sarajevo. According to the Joint Action (Council of the EU, 1995), the EU would bear part of the expenditure of the establishment and running of the Office of the High Representative (OHR). The Joint Action also stated that the Presidency, in association with the Commission would represent the EU at the Peace Implementation Council (PIC), the main decision-making body for the implementation of the Dayton Peace Agreement.¹⁰¹

Table 5.1. 1991-2003 EC assistance to BiH (allocations in millions of Euros)

1991-1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
BOSNIA AND HERZEGOVINA										
Phare, OBNOVA and CARDS										
0.21	0.65	229.77	211.16	190.50	118.36	90.30	105.23	71.90	63.00	1081.08
ECHO (humanitarian assistance)										
495.26	145.03	142.45	105.00	87.95	58.90	0.40	0.75			1035.74
Specific actions										
	70.00	65.40	39.90	15.00	30.90	3.96				225.16
Democracy & Human Rights										
	0.70	4.80	4.80	1.80	0.80	0.60	0.80	2.30	2.00	18.60
Balance of payments support (1)										
					25.00	10.00	25.00		15.00	75.00
Total EC assistance										
495.47	216.38	442.42	360.86	295.25	233.96	105.26	131.78	74.20	80.00	2435.58

(1) Figures refer to disbursement and include grants and loans

Source: European Parliament, 2004a.

Over the following years, EU activities in BiH concentrated on the economic recovery of the country, and the EU was the main donor of humanitarian aid and economic assistance. From 1996, BiH benefited from trade preferences and from the PHARE and

¹⁰¹ At the Peace Implementation Conference held in London in December 1995, a Peace Implementation Council, comprising 55 states and international organisations, was established in order to support the peace process in BiH. It was also decided to establish an executive body, the Steering Board, to provide the High Representative with political guidance in his/her mission.

OBNOVA programmes (see Table 5.1). Apart from the economic carrots, the EU also continued some initiatives that had been launched during the war, such as the ECMM or the Administration of Mostar. After the cessation of hostilities, the ECMM was in charge of monitoring the security situation in the region and providing comprehensive assistance to other organisations, in particular the OSCE in charge of the electoral process. In its meeting of May 1996, the Council also agreed to further assist with the organisation of the elections by sending a group of EC observers funded by the Community budget (Council of the EU, 1996b). In addition, problems affecting the implementation of the EUAM occupied the majority of the Foreign Ministers' meetings during 1996 (see chapter 4).

In its Council Conclusions of 30 October 1995, the EU Foreign Ministers declared that clear economic and political conditionality should govern the EU's policy towards BiH and that it would be structured regionally. These two principles, that would go hand in hand, were developed in subsequent documents and would constitute the main pillars of the EU's policy towards the region. The regional approach was present from then on in all EU initiatives, from the Royaumont Process and the Regional Approach to the Stabilisation and Association Process. The objective was to encourage cooperation in the region and good neighbourly relations between these countries, providing a long-term structural solution to the conflicts in the Balkans. The Commission, similarly, favoured a regional approach, which meant that future cooperation agreements between countries in the region and the EC would be dependent on the readiness of each of them to cooperate with their neighbours and to fulfill other conditions such as respect for human rights (European Commission, 1996). In sum, the main contribution of the EU to peace resolution would be the use of its 'power of attraction' to support 'the process of stabilisation and economic renewal' through regional cooperation (GAC, 1996b).

The first initiative within this wider context of regional cooperation was the Process of stability and good-neighbourly relations in South-Eastern Europe, otherwise known as the Royaumont process, launched on 13 December 1995. Originally, this initiative was designed to complement the implementation of the Dayton Peace Agreement, although afterwards the emphasis was placed on regional cooperation, in particular on democratisation and civil society (Council of the EU, 1998c). Its objectives were, however, too broad, limiting the potential effectiveness of the initiative. These were,

inter alia, 'to contribute to reducing the tensions arising from the conflict and preventing a resumption of hostilities [...], contribute to restoring confidence and dialogue, and overcome ethnic divisions and hatred' (Council of the EU, 1998c). The first projects financed within this framework concentrated on promoting NGO co-ordination in the region, along with civil society and inter-parliamentary meetings, but according to an European Stability Initiative Report (ESI, 1999: 5), it was 'not clear what the contribution of the Royaumont Process consisted of'.

On 29 April 1997, based on a Commission strategy paper (European Commission, 1997), the GAC adopted the Regional Approach establishing political and economic conditionality for the development of bilateral relations with the countries of Southeastern Europe (Albania, BiH, Croatia, FYROM and the Federal Republic of Yugoslavia). Even though conditions applied to all the countries in the same way, it was stated that 'each country will be judged on its own merits' (GAC, 1997). Conditionality continued to be at the core of the EU's relationships with the region. The regional approach adopted by the EU was designed to facilitate reintegration of BiH into the Balkan region and endorse the peace process. The development of closer relations between the countries of the region and the EU was made conditional upon 'full support for the Peace Agreement, including respect for Bosnia and Herzegovina as an independent, democratic, multi-ethnic State with secure borders' (European Council, 1996b). The regional approach was also used as an instrument to support integration of BiH into the European structures. The EU confirmed its European perspective by declaring 'that Bosnia and Herzegovina belongs in Europe' (Presidency of the EU, 1998a) and reiterated 'the prospects for BiH's closer integration into Europe and the willingness of the EU to help the people of BiH build a modern country that could take its rightful place in the European family of nations' (Presidency of the EU, 1998b).

However, the regional approach lacked a clear and purposive strategy. The EU gave no indication of what its long-term relationship with the region (and for that matter BiH) would be. It was not ready to offer the prospect of membership at a time when it was having difficulty in meeting the demands of potential new members from Central and Eastern Europe (Friis and Murphy, 2000). The EU also faced deep problems of trying to encourage regional cooperation among countries that had been at war with each other in the recent past. Furthermore, the EU did not occupy the primary position of leadership in

the region in that US intervention during the war had relegated it to a secondary role, limited to providing economic assistance under the umbrella of the UN mission in BiH. The EU's role in the Balkans region would, however, start to change after the events in Kosovo.

The conflict in Kosovo (1998-1999) made clear that without a clear offer of membership the EU's engagement in the region could not provide long-term stability to the Western Balkans. This suggested an increasing awareness of the fact that the problems in the Balkans directly affected the EU and thus drove home the point that the EU had a responsibility to promote stability in the region. In other words, 'Europeanising Bosnia and the Balkans' seemed more attractive than 'Balkanising Europe' (Wheeler, 2003: 5). With this in mind, the EU launched the Stability Pact (1999), an initiative of the German Presidency to develop a long-term strategy for the region, including the prospect of EU membership for the Balkan countries. In this spirit, the EU also decided to launch the Stabilisation and Association Process (SAP) (1999), which remains to date its main strategy for the region (see Chapter 6).

Aside from its regional approach toward BiH, the EU has used other carrots and sticks during the period 1996-2000. For instance, economic incentives were very important in pressuring the Republika Srpska to comply with the Dayton Peace Agreement. For example, following a UNSC Resolution of March 1996, the EU suspended sanctions that were imposed during the war against those areas of BiH under the control of the Bosnian Serb forces in order to support economic recovery. Moreover, after the establishment of a new moderate Government in Republika Sprska headed by Milorad Dodik, in February 1998, the EU agreed on a Joint Action to provide rapid short-term assistance to the new Government (Council of the EU, 1998a).

Sanctions or the 'stick approach' were brought into play when economic incentives seemed not to work. On several occasions, the Commission and the Council representatives reminded Bosnian authorities that aid from the EU was dependent upon compliance with the terms of the peace accord, respect for human rights and full cooperation with the ICTY (see Presidency of the EU, 1997). The suspension of aid was one of the most frequent threats against the parties, but it was rarely used and remained

an instrument of last resort.¹⁰² On a few occasions, the EU suspended economic aid to Republika Srpska in protest at the refusal of the authorities there to arrest indicted war criminals, such as Radovan Karadžić or Ratko Mladić (The Guardian, 1997; see also Council of the EU, 1998a). On 15 September 1997, the EU defined a common position on restrictive measures to be taken against persons in BiH acting against the peace agreements (Council of the EU, 1997). Finally, even though the EU decided to lift the arms embargo to the countries of former Yugoslavia following UNSCR 1021, the Member States pledged 'a policy of moderation on the part of arms-exporting countries' and adopted a common position on arms exports to former Yugoslavia, maintaining the embargo towards BiH, Croatia and the FRY (Council of the EU, 1996a).

Against this background, the following sections focus on two issues. Firstly, on a non-decision on military/police measures, which allows us to explore why the EU limited its involvement in BiH to 'soft' and low-level activities during 1996-1998. And second, on the origins, effectiveness and coherence of the Stability Pact, an initiative that was launched as a reaction to the recurrence of conflict in the Balkans and gave a boost to the EU's political involvement in the region.

5.2. THE AFTERMATH OF THE WAR: THE LACK OF EU POLITICAL ENGAGEMENT

Drawing on the definition and categories of non-decision introduced in the previous chapter, it is argued here that one can identify a case of non-decision making regarding the lack of EU political engagement in BiH during the period 1996-1998. As illustrated in the previous section, the EU concentrated on economic activities, whereas CFSP activities (diplomatic, civilian administration, police or military operations) were ruled out, limiting the political influence of the Union in the overall peace process. European Parliament reports confirm the low level of engagement of the EU during this period and the paralysis of the CFSP. The European Parliament affirmed in its *1996 Report on CFSP* that 'rather than breaking new ground, the purpose of the joint actions relating to former Yugoslavia was to continue the measures already adopted in 1995' (European Parliament, 1997: 8) and pointed out the lack of a bold strategy: '[w]hat is lacking is a wide-ranging common position to chart the general directions for Union policy over the

¹⁰² On the problems regarding the application of conditionality in BiH, see Bildt, 1998: 242-243.

next two years' (European Parliament, 1997:16). In another report, the European Parliament deplored

the lack of ambition in defining an overall policy through a common position on the Balkans, which has meant that, despite its considerable financial contribution to the post-war reconstruction of Bosnia and Herzegovina, the political impact of the EU has been very limited compared to that of the USA (European Parliament, 1998a: 8).

The High Representative for BiH, Carl Bildt drew a similar conclusion in his memoirs (Bildt, 1998: 388). These criticisms came in spite of the aspirations of the EU to make 'a major contribution' to the peace process (Presidency of the EU, 1996). Since there was no official decision regarding a possible EU military or police mission, the question is whether this issue was on the EU agenda and was discussed among the Member States representatives and EU officials, or whether it was ruled out as a question for decision. In other words, did the Member States *decide not to decide* (type 2 non-decision) or were these issues *simply not on the agenda* (type 3 non-decision)?

While limiting its contribution to 'the implementation of the civilian aspects of the Peace Agreement' (European Council, 1995), discussions on a possible role for the EU in the implementation of the military, police or political aspects of the Dayton Peace Agreement do not appear in the official documentation of the Council (GAC Conclusions and European Council Conclusions). Nevertheless, references to the latter can be found in the declarations of other EU institutions (the Commission or the European Parliament), the WEU Assembly, and in the informal discussions among the Member States which filtered out through the press. For example, after the signing of the Dayton Agreement, several actors (the Commission, the European Parliament and the WEU Assembly) called for a stronger EU role in the implementation of the Dayton agreement by contributing (through the WEU) to its military aspects – taking over from the NATO operation – or the police operation, i.e. taking over from the UN International Police Task Force (IPTF); yet, no decision was adopted by the Member States. Instead, the EU's 'major contribution' was limited to providing humanitarian aid, technical assistance, economic assistance to support the establishment of the OHR and other minor actions, such as providing support for the elections, organised under the aegis of the

OSCE. In other words, in this case, the Member States decided not to decide (type 2 non-decision), even though the issue was on the EU agenda.

In relation to the potential EU military mission in BiH, the debate concentrated on the take-over from the NATO-led force by the WEU. This debate was especially lively in the first half of 1996 because of the uncertainty surrounding the retention of US troops on the ground. According to the Dayton Agreement, the NATO peace Implementation Force (IFOR) of 60.000 troops was to stay in the country for twelve months. On several occasions the US administration made clear that its troops would not stay in BiH a day longer, and the subject was a very sensitive one, with US Presidential elections due in November 1996. The European allies were however in favour of maintaining a military force, but one that involved US troops remaining in BiH. In this context, public discussions on a possible follow-on force were 'taboo' (The Guardian, 1996a) and 'heresy in official circles' (The Independent, 1996a). No one wanted to mention this issue until the US elections had passed (The Observer, 1996).

Nevertheless, to maintain stability on the ground, some kind of reassurance that there would be a successor to IFOR was required. From spring 1996, there were some suggestions to use the WEU, 'the military arm of the EU', to send a follow-on force to BiH (The Guardian, 1996a). It was argued that the WEU could launch an operation to test the CJTF, which would allow the WEU to make use of NATO's assets, even when the US did not participate in the operation (making the WEU 'separable' from NATO, but not 'separate'). On 7 May 1996, Hans van den Broek, the External Relations Commissioner, called on the EU and the WEU to take over from IFOR when the mission would end to avoid a security vacuum (The Guardian, 1996b). However, the Member States disavowed these comments which were regarded as 'irresponsible' by the French Foreign Minister, Herve de Charette, a judgement supported by British diplomats. The German Foreign Minister, Klaus Kinkel, was reported to have telephoned the External Relations Commissioner to remind him of the European stand (The Guardian, 1996c).

The reluctance of the Member States to discuss this issue at formal Council meetings was due to several reasons. Although the WEU had experienced a revival during the armed conflict in BiH, it was still seen by the majority of EU Member States as incapable of taking over the NATO mission. Jose Cutileiro, the then WEU Secretary-

General stated that 'the magnitude of the task [...] is simply too big' (The Guardian, 1996b). The WEU Assembly, however, was more committed to the eventuality of a WEU operation and reminded the EU Member States that 'Europeans should bear in mind, however, that in the not too distant future they will have to face their own responsibilities for security in European territory' (WEU Assembly, 1996). Nonetheless, it was also acknowledged that

As regards the question of whether the Europeans would be able to assume their responsibilities in a purely European military operation after the end of the IFOR mission in December 1996, there is little cause for optimism [...]. A common European defence policy, which should be considered a logical consequence of the common foreign and security policy, is therefore still an objective for the future rather than a tangible reality (WEU Assembly, 1996).

Even though the French had always pushed for an autonomous European defence policy, in this instance they adopted a more pragmatic attitude and strongly supported the idea of 'in together, stay together, leave together', referring to the fact that US troops and European troops have gone to BiH together and would leave together (The Independent, 1996b). In the end, amid fears that violence might erupt when the pull-out of IFOR took place, NATO members decided to maintain a new force in BiH. In the autumn of 1996, the NATO Foreign and Defence Ministers assessed the different security options and agreed that a reduced military presence was needed to provide the stability necessary for consolidating peace. The possibility of sending WEU troops was not even mentioned. The North Atlantic Council approved the launching of a Stabilisation Force (SFOR) with an initial mandate of eighteen months and around 32,000 troops.

However, discussions concerning a possible European takeover continued in the following years, in particular when the end of the SFOR's mandate was approaching (June 1998), but the position of the Member States remained unchanged. Commenting on a possible follow-on force to SFOR, George Robertson, then British Defence Secretary, argued that 'it will have to be NATO-led, with NATO-led credibility, and

with all the major players sharing the risks on the ground' (in Winn and Lord, 2001: 131).

This issue was also discussed in academic literature (see for example, Clément, 1998; Wilson, 1998). For instance, in their analysis of different post-SFOR alternatives, the contributors to the Clément volume (1998) argued that the EU could assume the responsibilities in BiH, although there were still problems because of a lack of political will and problems with the implementation of the CJTF concept.¹⁰³ According to Marie-Janine Calić (1998: 11): 'only a minority seem to believe that it would be wise to establish a purely European post-SFOR (EFOR) as early as mid-1998, or that such a force would be likely to succeed'. In spite of this, she proposed three phases that would lead to a progressive reduction of the American troops and the 'Europeanization of the Bosnian peace operation in the long run' (Calić, 1998: 11). According to Jane Sharp (1998: 23-24), Europe had the capabilities to replace US components of SFOR and carry out an effective operation. The problem was the lack of political will to assume this task. Nicole Gnesotto (1998: 5) also agreed that 'no European country is ready to accept that Europe alone takes on Western intervention in Bosnia'. European troops on the ground and a NATO/US reaction force outside the theatre would probably have replicated what happened during the conflict and it would have never been accepted by the Europeans. Apart from the fact that the US contribution was still considered crucial, there was an agreement that the European Security and Defence Identity (ESDI) within NATO and the CJTF were still not ready to be tested on the ground, and particularly in such a complex situation as BiH. According to Gnesotto (1998: 5), from the EU's point of view, '1998 has the appearance of yet another missed opportunity'.

As far as institutional actors are concerned, this time the request for a more proactive EU strategy came from the European Parliament, which recommended to the Council, the continuation of EU participation within a NATO operation, but co-ordinated by the WEU. In this way, the European Parliament wanted to improve 'the consistency, quality, impact and visibility' of the EU's engagement in BiH (European Parliament, 1998b).

¹⁰³ The CJTF concept (multinational, multiservice, easily deployable forces) was adopted at the NATO Brussels summit in 1994. With the CJTF, upon decision of the North Atlantic Council, NATO assets were made available to the WEU, supporting the building of a European Security and Defence Identity. This would be the precedent of the Berlin Plus Agreements (see Chapter 6).

However, the Council seemed to have ignored this recommendation and again, no references to a possible WEU mission in BiH appeared in Council documentation.

Another issue raised during this period was the launching of a European police mission to replace the existing UN one (IPTF). This possibility was mostly discussed at the WEU Assembly during the years 1996-1998, but it was never echoed by debates in the GAC. Already in October 1996, a WEU *Report on the role of Europe in BiH* stated that

there is a need for a European-run public security force which should be an armed body, more substantial in size and better equipped but with the same general mandate as the IPTF and able to implement it without the support of an IFOR successor force (WEU Assembly, 1996).

On these grounds, the WEU Assembly recommended that the WEU Council establish a successor of the IPTF under WEU command and also a WEU mine-clearing operation in the country. Later, in its *1997 Report*, the WEU Assembly suggested setting up an operation under WEU command to provide 'assistance' to the IPTF, and replace it later if need be (WEU Assembly, 1997). Arguably, in the light of its recent experience during the Yugoslav wars, and in particular, of the establishment of a WEU police force in Mostar and the Multinational Advisory Police Element (MAPE) in Albania, confidence was high regarding its ability to run police missions. The argument was that since the IPTF had greatly depended on IFOR and SFOR to implement its mandate, a reduced military force after June 1998 could hamper the mission's effectiveness. For this reason, it was suggested that 'the IPTF be strengthened by greater European involvement through the deployment of a substantial WEU police force' (WEU Assembly, 1997). This proposal seemed even more appropriate in autumn 1997 and the beginning of 1998, when the possibility of creating a special police element to maintain public order was being discussed, to fill in the 'security gap' between SFOR and IPTF. The WEU Council did not agree on this mission, arguing that it was 'premature to elaborate on the question of the establishment of an SFOR successor force'. This answer however missed the point, since the WEU Assembly's recommendation only referred to a European armed police element and not to the taking over of SFOR as such. After the creation in 1998 of the Multinational Specialized Unit which included some non-

European countries as part of SFOR, this recommendation disappeared from subsequent WEU Assembly Reports.

5.2.1. Assessing coherence and effectiveness

When analysing coherence and effectiveness only the decision-making process will be examined here since no policy outcome was implemented. As shown in the previous section, there were no formal discussions in the GAC on a military deployment despite the fact that other actors (the Commission, the European Parliament and the WEU Assembly) had previously raised this possibility. According to the statements by different national representatives, the Member States opposed the EU's engagement in a military mission, police operation or through diplomatic activities other than the existing soft approach. As far as the Big Three are concerned, they agreed that the EU/WEU was not the appropriate organisation to undertake military tasks in BiH, and that any mission in the country needed the support of the US, and thus should be carried out by NATO. On this basis, it can be said that, there was **minimal vertical coherence** between the positions of the Member States. While they all agreed what the EU's role in this case should be (and this explains why these issues were not on the agenda of the Council), there was no collective decision as such stating what the EU's official position was. As for institutional coherence, here there was a contradiction between the Member States' position and the position of other EU institutions (the Commission and the European Parliament) and actors such as the WEU Assembly and for this reason, one could argue that in this case **institutional coherence was negligible**.

Turning to effectiveness, even though the possibility to launch a military or police operation in BiH was not officially on the Council's agenda, other actors, notably the European Parliament and the WEU Assembly had requested action. The Commissioner for External Relations, moreover, had publicly expressed the view that the EU/WEU should take over the IFOR mission. These initiatives point to the fact that there was a situation which required the EU's attention. Yet, the Member States did not want to intervene, and what is more, did not officially want to discuss these issues: i.e. they decided not to decide. This constitutes an example of a lack of purposive collective action and therefore, it can be deemed as **negligibly effective**. The Member States' position resulted from the realisation that the EU did not have the capabilities necessary for an appropriate operation. In other words, this was an example of adjusting

expectations to existing capabilities. This strategy was at work during the post-war period and, in a way, it (artificially) increased the effectiveness of the Union by lowering the objectives that the EU was supposed to achieve. That said, this remained a case of negligible effectiveness because of an absence of any collective action to be pursued.

5.2.2. Final evaluation

According to the categorisation established in the previous chapter, the issue of military deployment entailed a type 2 non-decision, i.e. an implicit refusal to decide on the part of the Member States. A stronger role for the EU as a political or even security actor in BiH was not on the official agenda of the EU Foreign Ministers even though it was part of the extant political debate about the EU's engagement in BiH. Institutional preferences and institutional limitations explain the Member States' reluctance to discuss these issues. For the time being, the Member States could only foresee a civilian role for the EU, while 'hard power' was reserved to NATO. Surprisingly, even France would support this assessment.

The low profile of the CFSP during these years can also be linked to problems stemming from institutional deficiencies such as the lack of a single voice, a permanent body with the right of initiative, a planning unit and defence capabilities. The experiences of the Bosnian crisis did prompt some reforms in the Amsterdam Treaty such as a reinforcement of Council Secretariat structures and the inclusion of the Petersberg tasks. However, a further failure during the crisis in Kosovo was needed to move things forward, something that illustrates how learning processes are not always accompanied by the institutionalisation of the lessons learned, especially in a multi-national organisation such as the EU.

From his experience as High Representative for BiH, having to report regularly to the GAC, Carl Bildt (1998: 387) mentioned that the co-ordinating process and policy-making machinery in Brussels had improved since the war with the establishment in 1996-1997 of an extensive network of committees involved in the decision-making process. Yet despite this improvement, and even when it was easier for the EU to reach a common position, the main weakness of the EU related to its capacity to implement policy compared to the US. He added:

I often wished that there were a strong European Union apparatus in Brussels, planning policy, offering resources, ready for initiatives, with which I could have cooperated in order to complement and balance the strong pressures of the US machinery in Washington (Bildt, 1998: 388).

During the period 1996-1998, CFSP policy machinery was still in the making, especially when compared with the Community committee network. In the area of external relations, the merging of the working groups that should have followed the signing of the Maastricht agreement did not occur. CFSP issues were still dealt with by 'capital formation' working groups composed of representatives coming regularly from the MFAs to the meetings in Brussels; whereas the representatives to the Council working parties, based in the Permanent Representations in Brussels, focused on community and economic matters. According to one practitioner, the former did not produce many decisions and the meetings served mainly to generate a common analysis, not substantive policies. Instead, the work of the latter, had a bigger impact and it was a key aspect of the EU's policy at that time (Interview 52).

The EU's policy in BiH also lacked visibility and a political dimension. The absence of clear leadership helps explain these shortcomings. In the context of the transition between the Delors and Santer Commissions, the Commission was 'a weak institution' and 'very shy to take some leadership' (Interview 49). At the same time, the Commissioner in charge of External Relations, Van den Broek, had a very radical position on some issues, particularly on former Yugoslavia, a position which was too distant from the preferences of the Member States. Because of this, the Commission isolated itself and could not play a role as *primus inter pares*; it did not represent a medium position that could bring the Member States together around a common policy. According to one interviewee, before the creation of the post of HR, 'we did not have a person capable to present a common view [...] a position reflecting the common feeling among the Member States' (Interview 49).

Finally, as regards the development of a European security and defence policy, this period still witnessed hesitation amongst the Member States between an autonomous European defence or one under the umbrella of NATO (i.e. the US); between an institutionalised mechanism (either in the form of an autonomous WEU operation or

through the CJTF) or an *ad hoc* coalition of the willing (as seen during the crisis in Albania in 1997).¹⁰⁴ These discussions went beyond crisis management in BiH. The issues at stake were the development of the EU as an autonomous security actor and the nature of the transatlantic relationship. The events in Kosovo and the St. Malo summit of 1998 were to change the direction of these debates. Thus, at an informal meeting of the EU defence ministers in November 1998, the then British Defence Secretary, George Robertson, noted that 'Europe had reached a "defining moment" for defence policy and that Bosnia and Kosovo had raised the question of "when we press the button for action, is it connected to a system and a capability that can deliver?"' (quoted in Duke, 1999a). For Aggestam (2004b: 244), the events in Yugoslavia could be seen as a 'formative experience' and opened the 'discursive space for the reasoning of new rules of action'. The next section turns to the analysis of the Stability Pact, a policy consequence of the crisis in Kosovo.

5.3. THE STABILITY PACT FOR SOUTH EASTERN EUROPE.

Following the crisis in Kosovo that broke out in spring 1998, a growing consensus that something had to be done to break the cycle of conflict in the region emerged among EU leaders (Busek, 2004: 1). The crisis in Kosovo meant that the EU had failed once more to prevent a war in the Balkans. Once again it was confronted by a humanitarian and refugee crisis in its neighbourhood and, as experienced during the Bosnian war, the US had taken the leadership in the military and political arena. In this state of affairs, and immediately after the beginning of the NATO bombings in March 1999, the German Foreign Affairs Minister, Joschka Fischer suggested that the EU should take responsibility for bringing stability to the Balkans. The idea was to launch a long-term strategy promoting regional cooperation as a way to prevent conflict in the region, and to offer the perspective of EU membership.¹⁰⁵ The Council Conclusions of 26 April 1999 affirmed that: '[t]he stability pact will give all countries in the Balkans region a concrete perspective of stability and integration into Euro-Atlantic structures' and in the case of

¹⁰⁴ In April 1997, Operation Alba, a coalition of the willing under Italian command was deployed in Albania to prevent an escalation of the conflict and a civil war in the country.

¹⁰⁵ According to Friis and Murphy, the initial reception to this offer by the Political Directors was not too positive. The initiative was very ambiguous and it included the prospect of membership, something never discussed until then within this forum (2000: 771).

BiH noted that 'Bosnia and Herzegovina too shared in the perspective of European integration in accordance with the EU's regional approach' (GAC, 1999a).

Even if the Stability Pact could be primarily considered as a first pillar initiative given the focus of its activities (regional economic development, infrastructures, foreign investment), it was initially launched under the framework of the CFSP and, for this reason, it is examined here. Firstly, the EU's Foreign Ministers discussed the issue at the GAC; then, there was a common position adopted concerning the launch of the Stability Pact (GAC, 1999a) and finally, a Joint Action appointing the Special Co-ordinator and covering its financial costs was agreed upon (GAC, 1999b). The Stability Pact was adopted in Cologne on 10 June 1999 and officially launched at the Sarajevo Conference on 30 July 1999 by 28 states and the main international organisations involved in the region, as well as different regional initiatives (Stability Pact, 1999). It was the first time that such a multilateral initiative was organised to deal with the complex situation in the Balkans. Although the EU launched the initiative, it was agreed that the Stability Pact would be formally placed under the auspices of the OSCE.

To date, the main body for discussion of the Stability Pact has been the Regional Table which includes all the governments and international organisations participating in the initiative. The Stability Pact is chaired by a Special Co-ordinator and supported by a small office with staff seconded by the participating governments and international organisations. The first Special Co-ordinator was Bodo Hombach, followed in 2002 by Erhard Busek (Council of the EU, 2001c). The Office of the Special Co-ordinator plays a role of political co-ordination of the Stability Pact activities; however, it does not have the staff and resources to manage the projects itself; instead the main role of the Office is to put donors and beneficiaries in contact. However, the co-ordination, monitoring and evaluation of the projects is very limited given the lack of resources of the Office. In spite of this, the Special Co-ordinator plays an important role of mediation and good offices, as was the case, for example, during the negotiations between Romania and Bulgaria on the construction of a new Danube bridge (ESI, 2001: 10).

The first phase of the Stability Pact focused on the launch of a Quick Start Package aimed at raising international funding to undertake urgent tasks – most of them infrastructure projects (see ESI, 2001). Also during this first phase, the political aim of

the Stability Pact was to prompt a political change in FRY and to bring a new democratic FRY into the Stability Pact, which was achieved at the end of 2000 after the fall of Milosevic. Once the first phase was completed, the activities of the Stability Pact were re-focused, concentrating on narrower initiatives in specific sectors such as energy, cross border issues or organised crime and corruption (ESI, 2001:11). Institution-building projects also have had a greater significance in the second phase. At the time of writing (March 2007), discussions are being held to transform the Stability Pact into a new framework for cooperation, the Regional Cooperation Council, effectively led by the countries from the Southeastern European region.¹⁰⁶

5.3.1. Reacting to the crisis: bad times for coherence

Looking at the decision-making phase, as Friis and Murphy (2000: 768-771) have suggested, confronted by the crisis in Kosovo, the EU was urged to take immediate action. However, there was limited time to design a coherent strategy and to think about how this initiative would fit together with other EU and international initiatives in the Western Balkans. The unnecessary multiplicity of initiatives and bureaucratic structures was criticised by the former Commission President Jacques Santer in a letter to the Heads of State and Government of 16 July 1999. He argued that the proliferation of initiatives undermined the clarity and visibility of EU policies. He also pointed out that there was no transparency regarding the financial arrangements and that the EU should co-ordinate the different initiatives, for example, incorporating the work of the Royaumont Process within the Stability Pact (Friis and Murphy, 2000: 777). Following some of his recommendations, the Member States decided that the Common Strategy for the Western Balkans that was in the process of being drafted was no longer required.¹⁰⁷ However, the existing regional initiatives were not merged.

Regarding horizontal coherence, i.e. coherence with other EU policies in the region, in principle, there was no contradiction between the Stability Pact's objectives and other initiatives launched in the Western Balkans, in particular the Royaumont Process and the SAP. Having said that, it should be noted that there was no 'added value' coming from the Stability Pact. In other words, there were no synergies between this initiative

¹⁰⁶ For more on the current activities of the Stability Pact, see www.stabilitypact.org

¹⁰⁷ The Conclusions of the Vienna European Council, 11-12 December 1998, urged for the 'preparation of the first Common Strategies on Russia, Ukraine, the Mediterranean Region and the Western Balkans' (European Council, 1998).

and others, and that is why, in this case, only **minimal coherence** was achieved. This reflected a lack of co-ordination and the overlapping aims of the different initiatives, in particular, between the Stability Pact and the Royaumont Process. In both cases, the objective was to promote good neighbourly relations through regional dialogue, confidence building measures, regional cooperation and economic reconstruction. However, in spite of the commonalities between the two initiatives, the Royaumont Process was not integrated into the Stability Pact, in part because of institutional legacies and the lack of an overall strategy for the region, and in part because of conflict of interests between the Member States.¹⁰⁸

Relations between the Stability Pact and the SAP were, in principle, meant to be complementary. According to the Cologne document of June 1999, aspirants to EU membership would be evaluated on, *inter alia*, their contribution to achieving ‘the objectives of the Stability Pact, in particular progress in developing regional cooperation’ (ICG, 2001: 247). The SAP, meanwhile, aimed to establish the basis for a contractual relationship between the EU and the individual countries of the Western Balkans, but also placed considerable emphasis on regional cooperation. Therefore, one of the conditions to start membership negotiations is a ‘proven readiness to promote good neighbourly relations’ and regional cooperation has been included in the individual Stabilisation and Association Agreements,¹⁰⁹ as one of the criteria to determine readiness for integration into the EU; however, no mention has been made about how this commitment relates to the process launched within the Stability Pact.¹¹⁰ In sum, during the initial period, one can note only **minimal coherence** at decision-making level.

5.3.2. Squaring the circle: implementing the regional approach

Problems in its design affected the implementation of the Stability Pact, especially regarding co-ordination with other regional initiatives. With the creation of the Stability Pact, the Royaumont Process concentrated on exchange and cooperation between the

¹⁰⁸ Greece proposed that the then Special Co-ordinator of the Royaumont Process, Panagiotis Roumeliotis, become the Special Co-ordinator of the Stability Pact which would *de facto* merge the two initiatives. However, Germany had its own candidate, Bodo Hombach. An informal deal was achieved at the Rio Conference, where Greece accepted the German candidate in exchange for the European Agency for Reconstruction being based in Thessaloniki (Friis and Murphy, 2000: 776).

¹⁰⁹ For example, in the SAA with Croatia, it appears in Title III: Regional Cooperation.

¹¹⁰ Besides, in spite of the declared regional dimension of the SAP, only 10 per cent of the CARDS assistance goes to regional projects (Triantaphyllous, 2003: 71).

Parliaments of the region, carrying out some projects within the Stability Pact structures (Parliamentary Cooperation Taskforce); yet, its independent role was never clear. The Royaumont process has only recently been dismantled and its projects incorporated into the Stability Pact.

To ensure institutional coherence, the Commission was included as a signatory of the Stability Pact, and participated in the Regional Table. In practice, the Stability Pact has been complementary to the initiatives of the Commission in the Western Balkans and contacts between the Office of the Co-ordinator of the Stability Pact and the Commission have been frequent. Thanks to the high degree of flexibility and low level of politicization of the former, it can launch initiatives that the Commission can take over later.¹¹¹ However, because of problems in design, for some Balkan countries, it has been difficult to pursue the regional approach advocated by the Stability Pact and the individual approach of the SAP at once, regional cooperation being the loser in this game. This has resulted not only from the way the Stability Pact and the SAP were presented, but also from the particular circumstances of the region. The Western Balkan countries are still suspicious that regional cooperation might serve as a Trojan horse for reconstituting a new Yugoslavian project and that it could lead to the loss of recently achieved sovereignty. Furthermore, there is a broad view in the region that if the Balkans are treated as a group, progress would move forward at the pace of the slowest country, hindering and even stopping the whole process of integration. Finally, given the limited resources of these countries, for many of them, investing in regional cooperation means sacrificing the resources required to support the process of reform prior to EU membership. Due to these difficulties, horizontal coherence has only been minimal.

However, after *learning* the consequences of this fragmented approach to the Balkans¹¹², the need for co-ordination and complementarity between the Stability Pact and the rest of the EU initiatives has been made more explicit in official documents and speeches in recent years, trying to correct unintended consequences. Although the emphasis has been placed on the SAP as the main approach towards the region, 'the

¹¹¹ The negotiation of a Regional Energy Market serves as an example.

¹¹² Several reports (ESI, 2001; ICG, 2001), the letter from Jacques Santer, as well as a joint report Patten-Solana (Secretary General/High Representative and Commission, 2000a) pointed out these problems, leading to some amendments in the EU's policy.

regional dimension' added by the Stability Pact has recurrently been brought to the fore (see Secretary General/High Representative and Commission, 2000a), making it more explicit to the potential candidates that regional cooperation is one of the criteria that will be taken into account when evaluating progress towards membership.

5.3.3. Aiming too high?

At the decision-making level, the effectiveness of the Stability Pact has been **partial**. Even though there was a purposive action (an agreement to act), and a collective decision according to CFSP objectives, these did not clearly establish how the objectives would be achieved, how the Stability Pact would be financed and how it related to other EU initiatives. The main problem being that the objectives of the Stability Pact are too broad: establishing long-term stability; fostering democratization and civil society; preserving ethnic diversity, protecting human rights and minorities; creating dynamic market economies; improving the infrastructure, health, and education; and combating crime and corruption (Stability Pact, 1999).

In this connection, there are no clear deadlines, no benchmarks for the target countries to adopt the reforms, and not enough resources (both financial and human) to support their implementation. To some extent, the roots of these problems can be found at the time of the establishment of the Stability Pact. At that juncture, there was (1) a lack of agreement among its members about how the Stability Pact should achieve its objectives; (2) an excess of expectations about what the Stability Pact was and about what it could deliver, both among the international donors and the Southeastern European countries themselves. In short, there was no clear strategy for the Western Balkan region. For most of the participants, the Stability Pact

seems to have generated more frustration than satisfaction. The high-profile launch in Sarajevo in 1999 encouraged a misconception in the region that the Pact would serve as second Marshall Plan [...] In fact, the Pact was not provided with independent funds [...] The Pact will never become more effective than its participants [...] allow it to be. It depends on their financial resources, know-how and political commitment (ICG, 2001: 242).

5.3.4. How effective has the Stability Pact been in implementing its mandate?

The problems mentioned at the decision-making level have, of course, affected the implementation of the Stability Pact. A more operational agenda (establishing benchmarks and deadlines) and more staff and resources for the selection, monitoring and evaluation of projects would have increased the effectiveness of the implementation of Stability Pact projects. As a result of these deficiencies, the effectiveness of its implementation has been partial, achieving only some of the stated objectives. For example, it has been successful in the areas of energy, investment, and free trade (ICG, 2001: 243); but there has not been comparable progress regarding corruption, organised crime and issues related to the promotion of democracy. For instance, initiatives like the promotion of free trade agreements¹¹³ and the harmonisation of the energy sector have been quite successful. Still, the Stability Pact does not involve the conditionality and enforcement mechanisms open to the EU or other international financial institutions, something which has limited its effectiveness in the implementation of projects.¹¹⁴

The Stability Pact has initiated regional initiatives on some of the most urgent problems for the region, including, the Anti-Corruption Initiative, and the Anti-Organised Crime Initiative. Other important initiatives have focused on cross border policies, migration, the return of refugees, and human trafficking. These regional initiatives, while promoting regional cooperation have not involved a regional treaty. This approach has the advantage of flexibility and low cost. However, to work it requires a strong commitment from the participants, because there are no formal obligations, and over time, the power of attraction diminishes as it assumes the appearance of just another top-level bureaucratic process. Furthermore, these regional initiatives overlap with others launched in the same areas by the Commission, the Council of Europe, the Black Sea Economic Cooperation forum, the Southeast European Cooperative Initiative, and the World Bank. It is true that the Stability Pact has helped to establish contact among officials from the region to consult and co-ordinate on different issues. However, the impact on the ground, on the real harmonization of these sectors is still limited because

¹¹³ In 15 months after the Stability Pact was initiated, 21 bilateral free trade agreements between seven countries were negotiated, creating a tariff free market of 55 million consumers (Bendiek, 2004).

¹¹⁴ Conditionality was, in fact, incorporated into the Stability Pact, but not firm criteria or deadlines were set up: 'speedy and measurable progress' towards Euro-Atlantic integration was made dependent upon respect for 'the objectives of democracy, respect for human rights, economic and social development and enhanced security' (Stability Pact, 1999)

of obstacles at the local level. On the other hand, the 'ownership' dimension that was expected from the Stability Pact is still lacking.

It seems difficult to isolate the effectiveness of the Stability Pact, since most of its initiatives are also part of the SAP and other donors' projects. The question then is: are the countries implementing a specific reform because of the process taking place at the Stability Pact or because of the membership carrot offered by the SAP? What seems clear is the fact that the objectives of the Stability Pact were and still are valid and appropriate. The question is whether or not it had the instruments and resources to achieve these objectives, or in other words, could it match rhetoric with reality, words with actions? Unfortunately, the answer is negative. Even after the change of orientation at the end of 2000, the Stability Pact has not been able to deliver what was expected when it was launched in the summer of 1999. Announced as the 'Marshall Plan' for Southeastern Europe, it is not clear today what the real impact and added value of this initiative have been. According to one report: 'there is no evidence that the total value of aid to the region has increased as a result of the Stability Pact, or that the portion of assistance which now comes within the auspices of the Stability Pact is more effective as a result' (ESI, 2001: 12-13).

5.3.5. Final evaluation

The Kosovo crisis marked a point of no-return in EU policy, a critical juncture that explains not only the developments in the EU's security and defence policy, but also the decision to offer the perspective of membership to the Balkan region. Having said that, Member States' interests are also crucial in explaining why such a decision was adopted. For example, the Stability Pact was mainly supported by a core group of countries: Germany, Austria, Greece, and Italy because of their specific interests in Southeast European stability and security (Bendiek, 2004: 15).

However, material interests (economic impact and the refugee crisis) cannot explain this decision alone. The role of the German Presidency in framing the issue as a question of credibility and responsibility of the EU as an international actor should also be taken into account (Friis and Murphy, 2000: 769). Even if some Member States were not

particularly keen on the initiative,¹¹⁵ they were compelled to support it. The German Presidency presented the issue in such a way that to oppose the initiative would contradict the self-understanding of the EU as a promoter of democracy and peace (the presumed constitutive values of the Union). As stated by Chancellor Schröder: 'it is unacceptable for the European Union to do nothing when human rights are being trampled upon only an hour's jet flight away' (quoted in Friis and Murphy, 2000: 769). Reference to EU common values as a means of persuasion worked reasonably well in this case highlighting how identity (and not only material) factors can be used strategically by policy entrepreneurs to mobilise action (Sedelmeier, 2004: 132-133; Schimmelfennig, 2001). This example also shows how institutions (in this case, the EU Presidency) can be instrumental in promoting a specific initiative.

Path dependence helps to explain why the Member States decided to propose the Stability Pact and why it assumed a particular institutional design (Friis and Murphy, 2000). The limited time that the Member States had to react to the crisis in Kosovo explains why they decided to imitate rather than engage in the design of a more innovative plan. The costs of establishing a wholly new institution from scratch would have outweighed the benefits of doing so. This was not the first time that the idea of a 'stability pact' had been suggested within the EU context. The Plan Balladur for Central and Eastern Europe adopted in 1995 and a similar initiative for BiH proposed by Hubert Védrine can be seen as antecedents. When the Kosovo conflict erupted, and given the limited time of response, EU leaders decided to resort to earlier initiatives. Hence the initiative closely followed the model set up at the Helsinki process and modelled as the CSCE. As in the case of the CSCE, the Stability Pact was set up not as an international organisation, but an intergovernmental forum for dialogue. There is no foundational treaty or charter, only the political declarations signed at Cologne and Sarajevo. Three Working Tables, similar to the 'three baskets' system of the CSCE, were established on democratisation and human rights; economic reconstruction, development and cooperation; and security issues. Those past models, in particular, the CSCE, were perceived as highly effective and legitimate by European policy-makers, which explains why actors opted for these models, rather than elaborating new ones. The preferred strategy, then, was one of imitation, something which clearly shows the impact of path dependency in CFSP. Moreover, without reflecting on the actual needs of the Balkan

¹¹⁵ Some Member States such as France feared that the Stability Pact could result in obligations for the EU, having to deal with another round of enlargement (Friis and Murphy, 2000: 773).

region, EU leaders decided to launch an initiative, which added little to existing international engagement in the region. The only innovative element was the perspective of membership, but without any specific commitment that could bind the EU.

5.4. CONCLUSION

During the 1996-2000 period, the EU adopted a civilian power approach, primarily based on economic tools. This long-term and 'softer' (economically focused) approach sharply contrasted with the 'tougher', short-term military intervention, led by the US. CFSP adopted a low profile, EU activities were increasingly channelled through Community instruments and the EU's policy was characterised by a certain degree of continuity with the war period up to 1995. In other words, the CFSP lacked an imaginative and proactive policy. The analysis above concluded that only low levels of coherence and effectiveness were reached during this period (see Table 5.1.)

Table 5.2. Degrees of coherence and effectiveness (1996-2000)

DEGREES OF COHERENCE IN CFSP ACTIVITIES		
CFSP initiative	Non-decision (1996-1998)	Stability Pact
Decision-making	Negligible	Minimal
Implementation	N/A	Minimal

DEGREES OF EFFECTIVENESS IN CFSP ACTIVITIES		
CFSP initiative	Non-decision (1996-1998)	Stability Pact
Decision-making	Negligible	Partial
Implementation	N/A	Partial

The non-decision on the use of military instruments, illustrates not only the limitations of CFSP institutions, but also a degree of resignation on the part of the Member States to

the EU's role as an 'economic giant', but a 'political dwarf', a sort of self-imposed operational paralysis. Even countries such as France, which traditionally supported the building of autonomous defence capacities for the EU, gave in to this and opposed any moves by other actors to increase the role of the EU in BiH. The fact that the EU limited itself to economic activities had a negative impact in its image and visibility. Even though the EU was the biggest contributor in terms of humanitarian aid and economic assistance (PHARE, OBNOVA) and individual European nations were the biggest providers of troops on the ground via SFOR, in the mind of the local media and populations the US was still seen as the lead actor in the peace process (Clémet, 1998: 3).

Only the events in Kosovo seemed to provide the necessary stimulus to change the EU's approach towards BiH and the Western Balkans in general, by opening up the accession perspective. Yet, the element of 'emergency' behind the Stability Pact might explain why imitation, instead of innovation was the selected strategy at the time and hence some of the problems that it experienced afterwards, in particular, problems of compatibility with other EU initiatives. Although the Stability Pact was meant to increase the coherence and effectiveness of the CFSP in BiH, problems of design, resources and strategy limited its impact in practice.

The crisis in Kosovo would also serve as a reminder of the limitations of the EU's power in its own neighbourhood, and facilitated changes in the EU's self-image as a civilian power. The EU could not continue to 'wait and see' whether the Americans would come and save the day once again in its neighbourhood. From then on, EU policy-makers would admit the need to develop military capabilities as an additional instrument in the EU's toolbox. This critical juncture would be a crucial factor behind the Franco-British agreement at St. Malo (see Chapter 3). However, it would still take time before the operational capabilities of the EU would reach maturity. In this respect, as the following chapter will illustrate, BiH would again become a crucial testing ground for CFSP/EDSP capabilities.

CHAPTER 6

Coherence and effectiveness of CFSP/ESDP activities in BiH (2001-2006): putting ESDP into action

The security of Europe depends on stability in the Balkans. They are also a test case for Europe's enhanced Common Foreign and Security Policy. Nowhere more than in the Balkans is the EU expected to deliver

Solana, 2001

6.1. INTRODUCTION: EU EXTERNAL ACTION IN BIH (2001-2006)

This chapter examines CFSP activities in BiH from 2001 to 2006. During this time, the strategy of the EU was still based on two approaches: regional cooperation and conditionality. Hence, this period shows certain continuity with the previous one. However, two main elements were added to the EU's strategy in this latter phase. First, the EU put the offer of membership clearly on the table at the Thessaloniki Council in 2003. Second, the EU evolved from a civilian power to a more muscular and multidimensional one, resorting to military instruments in order to promote its values and objectives. As a result, in BiH 'the EU is seen more and more as a political player, rather than just an economic player' (Interview 5).

During this third period, the EU has assumed a position of leadership in BiH, taking over from the UN and NATO operations in the country, symbolising the Europeanisation of both the agenda and the external presence in BiH (Chandler, 2005a). Two main factors explain the initiatives recently launched by the EU in BiH. First, the EU's engagement has been the result of a 'guilty conscience': having failed to stop the bloody conflict that ravaged the country between 1992 and 1995, the EU felt a responsibility to promote peace and stability and to bring BiH closer to the European perspective. Second, BiH became a testing ground for the new capabilities developed under the ESDP. As one Member State representative has put it, 'BiH is a kind of hangover for EU politicians [...], but it has also become a laboratory for the EU to test new instruments, and for our co-ordination and effectiveness' (Interview 33).

The chapter proceeds as follows. After a brief discussion of the main trends in EU external action during this period, the chapter analyses the coherence and effectiveness of three CFSP initiatives: the establishment of the post of EU Special Representative (section 6.2); the launch of the first ever civilian crisis management operation, the EU Police Mission (section 6.3); and the deployment of what constitutes the largest EU-led military contingent, the EUFOR Althea operation (section 6.4). The analysis should serve to assess the performance of CFSP decision-making and implementation structures and the impact of growing CFSP institutionalisation and Brusselisation on levels of coherence and effectiveness.

The prospect of future membership for the Western Balkans, endorsed by the European Council in Feira in June 2000, was reconfirmed by the European Council in Thessaloniki in June 2003 (European Council, 2003a) and more recently in Salzburg (Council of the EU, 2006b). The criteria and the process were established following the strategy used in past accessions in Central and Eastern Europe: conditionality and the 'regatta principle', i.e. each country proceeds towards membership on its own merits and at its own speed. In addition to the political, economic and institutional criteria established at the Copenhagen European Council in 1993, the SAP added five further specific criteria: full cooperation with the ICTY, respect for human and minority rights, the creation of real opportunities for refugees and internally displaced persons to return, and a visible commitment to regional cooperation (European Commission, 2003: 5). Those countries complying with the relevant criteria would be offered a Stabilisation and Association Agreement (SAA) that mirrored the European Agreements, but were tailored to the particular conditions of the Balkan region. From October 2004, the Western Balkan countries would be the responsibility of DG Enlargement, and no longer of DG External Relations, which denotes that BiH 'is no longer a matter of classical foreign policy, but it is all about enlargement' (Interview 29).

With the introduction of the SAP, further preferential trade concessions were adopted for BiH, as well as, from 2001, more economic assistance under the new CARDS programme. The 'membership carrot' was intended to promote internal changes in BiH, propelling the country from stabilisation to association and eventually to integration. The medium term objective was the signature of an SAA, as an initial (albeit distant) step toward membership. In this connection, successive EU documents identified

reforms that the country was required to carry out to bring it closer to EU standards.¹¹⁶ The agreement on police reform signed on 5 October 2005 allowed for the start of the SAA negotiations (European Commission, 2005; GAERC, 2005a), marking a new phase in the construction of a self-sustaining state in BiH. The signing of the SAA (due by the end of 2007) should lead to the phasing out of the structures that were established at Dayton, favouring local ownership instead. Thus, at its meeting on 23 June 2006, the PIC Steering Board declared that 'it was in the interest of all for BiH to take full responsibility for its own affairs' and recommended that the OHR begin preparations to close its offices by 30 June 2007 (PIC, 2006), a decision recently postponed for June 2008 due to delays in the implementation of reform projects and the security situation in the region (PIC, 2007).

The process of stabilisation of BiH has run parallel to an increase in the levels of Brusselisation of the CFSP in recent years. The institutions set up in Brussels – the HR, the Policy Unit and the Police Unit among others – have contributed to the better design and implementation of activities in BiH. For instance, the role of the HR has increased the visibility of the EU in BiH. On several occasions, the HR has issued public statements or contacted Bosnian authorities to express his concern or dissatisfaction about political developments in BiH as a way to press for reforms (Interview 24).¹¹⁷ The HR is also in the chain of command of the EUSR and EUPM, linking *de facto* the implementation and the decision-making levels. He receives information from the different CFSP bodies in the country (with the EUSR being the main point of contact), and reports to the PSC. The Policy Unit assists the HR in gathering information and helping in policy design and some its staff have been seconded to support the EUSR in BiH. For its part, the EUMM constitutes one of the main sources of information about the political and security developments in BiH, and supports policy-making in Brussels (Interview 23).

An upward degree of institutionalisation has also been evident in the launch of new ventures in BiH, namely the EUSR, EUPM and EUFOR Althea. These activities have

¹¹⁶ In March 2000, the Commission issued a Road Map, indicating eighteen basic steps for reform. According to the Commission's evaluation, these steps were 'substantially completed' in September 2002. A second phase started with the Feasibility Study published in November 2003 that set out sixteen areas in which the country had to make significant progress. Successive European Partnerships (2004 and 2006) have identified other short and medium term reforms.

¹¹⁷ This has been the case during the negotiations on the police reform (Interviews 14, 15, 24). See also Dnevni Avaz (2006).

not been limited to economic and civilian initiatives. The main lesson from the Bosnian conflict was that if the EU wanted to be a credible and effective actor in its neighbourhood, it needed to be able to back up its diplomacy with the possibility of using military instruments (European Council, 2003b; Interviews 42, 49; On-line Survey, Appendix I). From the Cologne European Council (1999), the use of military force has been included in the EU 'toolbox', and it has been considered a necessary development in order to achieve an effective external action. EUPM and EUFOR Althea constitute the best examples of the new security capabilities developed by the EU.

Finally, the export of EU internal security or the externalisation of JHA (Rees, 2005) has been another factor behind the deployment of ESDP instruments in BiH. The fact that transnational organised crime has become a subject of concern at the EU level, being identified as a key security threat in the *European Security Strategy* (see European Council, 2003b), explains the emphasis the EU has placed on its anti-organised crime policies, particularly in its own neighbourhood. Since the Balkans are considered by EU policy-makers as the first line of defence of the EU borders, ESDP policies towards the region have placed the fight against organised crime and security sector reform among their top priorities as the analysis of EUPM and EUFOR will illustrate.

In the summer of 2004, with a view to preparing the deployment of EUFOR, the European Council approved a *Comprehensive policy for BiH* (European Council, 2004). With this document, the EU selected BiH as one of the initial priorities for implementation of the *European Security Strategy*. The objective was 'to ensure that the EU has a comprehensive approach to Bosnia and Herzegovina, based on a clear EU policy and modalities to pursue that policy in a coherent manner' (European Council, 2004). The document mentioned among the Union's objectives, the full implementation of the Dayton Peace Agreement and the SAP, with the aim of integrating BiH within the EU. Overall objectives were phrased as follows:

- **Short term objectives:** continued progress in the implementation of the Peace Agreement, and the opening of negotiations on an SAA (which requires progress on issues such as maintaining deterrence and security, police reform and defence reform and the strengthening of state capacity).
- **Medium term objectives:** the completion of the OHR's Mission Implementation Plan and the signing of an SAA.

- **Long term objectives:** a stable, viable, peaceful and multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

The document includes a long section on coherence, acknowledging the difficulties in BiH 'given the magnitude of the EU's involvement' in the country. For this reason, different arrangements both in Brussels and in Sarajevo are suggested in order to ensure a coherent and effective policy. In the following sections, three initiatives launched by the EU during this period are analysed in terms of their coherence and effectiveness. This should allow determining to what extent the above mentioned objectives have been achieved and how the co-ordinating arrangements have worked in practice. Furthermore, the chapter tracks the causal impact of the institutionalisation process on degrees of effectiveness and coherence, including path dependency, learning, unintended consequences and socialisation processes.

6.2. THE APPOINTMENT OF AN EU SPECIAL REPRESENTATIVE.

The practice of sending EU envoys to conflict zones was institutionalised in the Amsterdam Treaty (Art. 18, TEU), and has since become common practice.¹¹⁸ With the development of the ESDP, a further responsibility has been added to the traditional roles played by the EU Special Representatives (EUSRs) in political representation, mediation and political co-ordination (Council Secretariat, 2005): the exercise of political direction of the ESDP operations. The EUSRs are the lynchpin in a two-way information flow: they report to the HR and the PSC in Brussels about progress on the ground and convey the political directions coming from the PSC to the Heads of Mission in the field. The first time that the EUSR assumed this responsibility was in BiH. Having agreed to the launching of the first ESDP operation in the country, the EUSR was to play a co-ordinating role and be in the chain of command of the new operation (Council of the EU, 2002a and 2002b). The same logic applied to subsequent cases (FYROM, DR Congo, Georgia, etc).

¹¹⁸ By the end 2006, the EU had eleven EUSRs concerned with: Central Asia, South Caucasus, BiH, FYROM, Sudan, Moldova, Middle East Peace Process, Afghanistan, Great Lakes, the Stability Pact and an EU Representative to the Kosovo future status process. The EU has appointed three Personal Representatives (on non-Proliferation of Weapons of Mass Destruction, Human Right and the Montenegro referendum) and there is also an EU Counter-terrorism Co-ordinator.

On 18 February 2002, the GAC agreed that the next High Representative in BiH should also be the EUSR (Council of the EU, 2002b). Paddy Ashdown took up his duties as EUSR and on the same day, 3 June 2002, he became the High Representative. He took charge of this position against the background of the EU's poor performance during the war. At that time, the EC nominated a series of special representatives to mediate among the warring parties. But both Lord Carrington and David Owen failed to implement their missions and the memories of this failure were still present in the minds of the Bosnian population. By nominating a EUSR, the EU sent a strong and 'clear signal' about the EU's commitment to the country, reaffirming its willingness to support the integration of BiH into the European mainstream (Council of the EU, 2002b). There was a common interest among the EU Member States in playing a stronger role in BiH, particularly among those not represented at the PIC (Interview 47). The EUSR was also proof of the EU's growing assertiveness as an international power in its own neighbourhood.

The EUSR position has been financed out of the CFSP budget (Council of the EU, 2004a). Member States have also contributed through seconding some of the EUSR's staff members. These 'double hatted' staff have, however, only arrived in the last three years and their numbers have been relatively small, especially by comparison to those of the OHR.¹¹⁹ As of 2005, the EUSR had five people at its disposal: a political reporting co-ordinator, a spokesperson, a political adviser and a pol-mil adviser, plus a contact person in Brussels linking with the office of the HR and the PSC. With the appointment of the new EUSR Christian Schwarz-Schilling on 30 January 2006 (Council of the EU, 2006a), the EUSR has been reinforced with a pol-mil adviser, a police reform adviser, two prosecutors, a border expert, and a fraud and special finance adviser (Interview 42, 46). This decision was adopted with a view to the disbandment of the OHR structures and the strengthening of the anti-organised crime capabilities of the EUSR. Nevertheless, it seems that further staff and budget provision will be required to support his/her mandate if the EUSR is to take over the leading role of the OHR in the country. At the time of writing, it is still not clear what the overall responsibilities of the EUSR will be, whether simply co-ordinating the work of EU bodies in the country, or

¹¹⁹ In January 2007, the OHR had 250 staff (ICG, 2007: footnote 198).

undertaking a role, closer to that of the OHR, including the use of the Bonn Powers,¹²⁰ with a view to leading BiH on a path towards EU membership (ICG, 2007; Interview 21). It seems that among the specific tasks the new EUSR will have to perform are: supporting the implementation of police restructuring, constitutional reform, the fight against organised crime and cooperation with the ICTY (EUSR/OHR, 2006a).

Another issue currently being discussed is the possibility of merging the posts of the Head of the Commission Delegation and the EUSR, following the example of FYROM in 2005 (Interviews 26, 27). Given the unusual role of the OHR in BiH, however, there is no obvious model that the EU can really build upon. Moreover, such a reform runs the risk of creating new tensions between the Council and the Commission in their battle for influence over EU external action. The Commission, even though acknowledging the need for a stronger political figure in BiH, fears that the creation of a Council-led EUSR will reduce the influence of its Delegation and it does not accept the nomination of a Head of Delegation that has not been put forward by the Commission (Interview 32). In the last Joint Report by the HR and the Commission presented to the Council (EUSR/OHR, 2006a), only co-location of the EUSR and the Commission Delegation premises was foreseen.

6.2.1. Who co-ordinates the EU family?

The appointment of a EUSR was aimed at increasing the coherence of EU activities in BiH. The EUSR's mandate was regulated in the Joint Action 2002/211/CFSP, and later repealed by Joint Action 2004/569/CFSP in order to incorporate his/her role regarding EUFOR Althea (Council of the EU, 2004a). The latter also introduced some modifications seeking to improve co-ordination arrangements on the ground and between Brussels and Sarajevo in line with the *Comprehensive Policy for BiH*. The Joint Action of 30th January 2006 appointing the new EUSR, Christian Schwarz-Schilling, slightly modified the mandate in accordance with the new adjusted role of the EU police mission and to prepare for the phasing out of the OHR (Council of the EU, 2006).¹²¹

¹²⁰ The PIC Conference in Bonn in December 1997 strengthened the mandate of the High Representative by granting him the power of removing from office public officials who fail to comply with the Dayton Peace Agreement, and imposing laws when Bosnian legislative bodies failed to do so.

¹²¹ Schwarz-Schilling's mandate has been extended until 30 June 2007 (Council of the EU, 2007).

According to the Joint Action 2004/569/CFSP, the main tasks of the EUSR were to promote overall EU political co-ordination in BiH, as well as to maintain an overview of the whole range of activities in the field of the Rule of Law (Council of the EU, 2004a). The EUSR was also to be in charge of assuring coherence of ESDP activities in the country and have authority to give direction as necessary to the Head of EUPM and to offer political guidance to the EUFOR Commander as necessary. The EUSR was also meant to ensure that the EU speaks with one voice to the public and media (Council of the EU, 2004b). In addition, Joint Action 2006/49/CFSP incorporated a new duty to co-ordinate EU activities in the fight against organised crime (Council of the EU, 2006a).

Joint Actions (Council of the EU, 2004a; 2006a) have also indicated different mechanisms to ensure horizontal, institutional and vertical coherence. These include, briefings to EU Heads of Mission, Member States' missions and the Commission Delegation, as well as facilitating regular meetings of all EU actors on the ground. Specifically, the Joint Actions stated that the EUSR would provide advice and take part in local co-ordination *vis-à-vis* Community activities and the JHA Pillar. In sum, at the decision-making level, coherence can be judged **considerable**, because of the existence of clear provisions intended to increase the synergies between different EU bodies, as well as between Union and Member States' policies.

Following from these Joint Action provisions, different mechanisms have been established in the field and have ensured **considerable** coherence in implementation. The EUSR role regarding co-ordination of CFSP/ESDP policies has worked well so far, especially with EUFOR. There has been fluent and excellent communication between the EUFOR Commanders and the EUSR (Interviews 7, 8, 14, 15, 35). Although the EUSR is not within EUFOR chain of command, he has offered political advice to EUFOR regarding organised crime, ICTY indictees and the EUFOR's six-month review. In the case of EUPM, the EUSR is in its chain of command and this has helped co-ordination. The EUSR, for instance, has been instrumental in the agreement reached by EUPM and EUFOR on the fight against organised crime (see below) (Interview 30, 38). However, several interviewees pointed out that the missions of the EUSR and EUPM should have been more integrated (merging the political, legal and media departments) to avoid duplication of functions and a divergence of voices and as a way of saving money (Interviews 5, 14, 15, 21). After some discussion in Sarajevo, this

recommendation was incorporated into the EUPM Review sent to the PSC in September 2005 in order to decide on the future of the police mission (Interview 14, 21, 24). The issue was discussed in Brussels and initially rejected by CIVCOM because it was seen by many Member States as a strategy of the outgoing EUSR to reward friends before leaving (Interview 45, 48). Eventually, it was decided that any changes would be negotiated between the new EUPM Head of Mission and the new EUSR, who in the spring of 2006 agreed to a few small-scale reforms, instead of the wholesale reorganisation of the legal, political and media departments that had been recommended. This example shows, therefore, how the institutionalisation of lessons learned can be obstructed by political process.

Coherence between the EUSR and the Community policies has been achieved through dialogue between the EUSR and the Commission Delegation on the ground. Although not always easy, it has improved substantially, especially in recent years.¹²² There has been constant consultation on CARDS priorities and the EUSR has given input on Feasibility Study priorities, for example, regarding police reform (Interview 14). Nonetheless, it has to be noted that their mutual styles are very different. Whereas the Commission Delegation has used a largely persuasive approach, trying to promote local ownership of the reforms, the High Representative/EUSR has scope for a more interventionist style with the possibility of resorting to the Bonn powers. However, it is worth noting that the former EUSR, Paddy Ashdown, decided not to use these powers to impose EU priorities in the country (Interviews 15, 24, 32). The new EUSR, Schwarz-Schilling, similarly, has been committed to 'maintaining a hands-off approach' (EUFOR Forum Online, 2006; ICG, 2007).

Horizontal and institutional co-ordination also takes place at the EU's Head of Missions meetings held fortnightly in Sarajevo. These meetings are chaired by the EUSR and attended by the Head of Mission of the Commission Delegation, EUFOR, EUPM, EUMM and the EU Presidency. Furthermore, co-ordination between EU and other international agencies is facilitated by a Board of Principals' meetings. This body meets once a week in Sarajevo and is chaired by the EUSR. Its permanent members are the

¹²² According to one interviewee, 'sometimes [co-ordination] is more difficult between the Council and the Commission in Brussels than [it is] on the ground. That maybe [is] due to personalities because the Commission Delegation's Ambassador and Paddy Ashdown get along very well. I am not saying that the initial positions are always the same, but they arrived to a common line, for example regarding police restructuring. There have been frictions, but not major problems' (Interview 15).

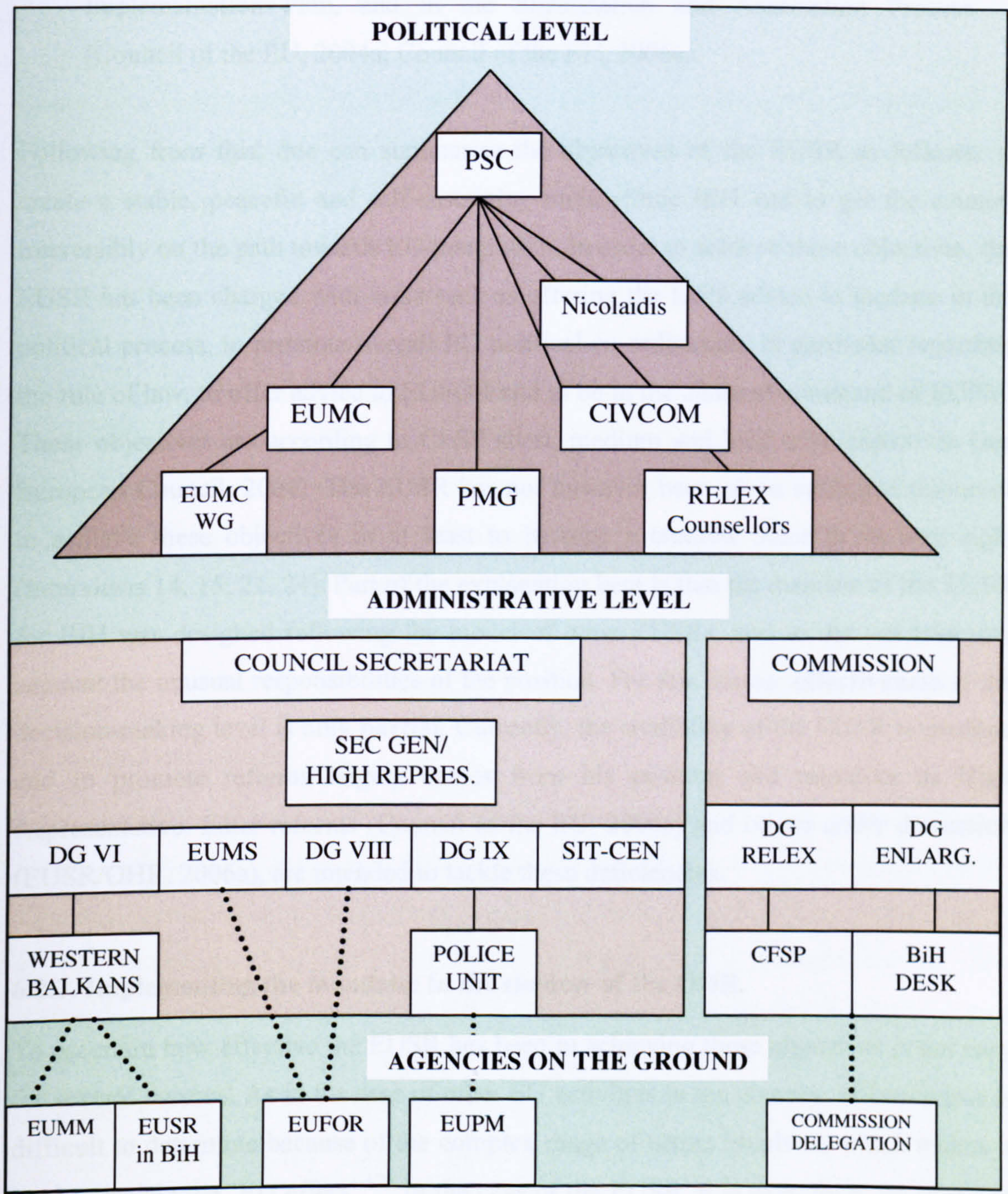
OHR, EUFOR, OSCE, UNHCR, EUPM and the European Commission. As far as vertical coherence is concerned, the EUSR has established a weekly meeting with the ambassadors of the EU Member States. This meeting is not chaired by the EUSR, but by the EU Presidency. The EUSR only attends the meeting once a month, at the breakfast meeting with the ambassadors of the Member States.¹²³ Some Member States, in particular, small ones, have expressed their discontent at what they consider to be second-class treatment when compared to the PIC Steering Board (Interview 21). This body, which also meets weekly, is chaired by the High Representative who personally informs the attendees about the latest political developments. Therefore, these ambassadors (France, Germany, UK, Italy and the EU Presidency) receive more information than the rest of the EU ambassadors (Interview 15). Finally, to ensure coherence and co-ordination the EUSR office regularly sends Coreus through the CORTESY network to all EU Member States and it has also launched the first dedicated EUSR website.¹²⁴

The EUSR is also meant to facilitate co-ordination between CFSP structures in Brussels and Sarajevo (Interview 14, 15, 24, 48). However, this has not always been the case due to a compartmentalisation of the Council Secretariat into several Directorates-General (see Figure 6.1). The EUSRs are managed by relevant geographical desks, with BiH falling under the Directorate-General VI in charge of Western Balkans, Eastern Europe and Central Asia. DG VI is also in charge of the EUMM. For its part, EUPM is the responsibility of DG IX (Civilian Crisis Management). Finally, the politico-military aspects of the EUFOR operation are dealt with by DG VIII (Defence aspects), supported by the EUMS. This institutional division makes it difficult for the EUSR to communicate and to co-ordinate the overall strategy for BiH across bodies.

¹²³ He may also contact the EU ambassadors in an informal basis or when he is due to take an important decision.

¹²⁴ The website can be accessed at: <http://www.eusrbih.org/>

Figure 6.1. Brussels' based bodies involved in the management of EU activities in BiH and their links with EU agencies on the ground.



6.2.2. The EUSR's effectiveness: objectives and resources.

As seen in the previous section, one of the EUSR's aims is to co-ordinate EU agencies in BiH, something that has been a marked success. Apart from this general objective:

The mandate of the EUSR shall be based on the policy objectives of the EU in BiH. These centre around continued progress in the implementation of the

General Framework Agreement for Peace in Bosnia and Herzegovina, in accordance with the Office of the High Representative's Mission Implementation Plan, and in the Stabilisation and Association Process (Council of the EU, 2004a; Council of the EU, 2006a).

Following from this, one can summarise the objectives of the EUSR as follows: to create a stable, peaceful and self-sustaining multi-ethnic BiH and to get the country irreversibly on the path towards EU integration. In order to achieve these objectives, the EUSR has been charged with tasks such as offering the EU's advice to mediate in the political process, to promote overall EU political co-ordination, in particular regarding the rule of law, to offer advice to EUFOR and to be in the chain of command of EUPM. These objectives are according to CFSP short, medium and long term objectives (see European Council, 2004). The EUSR has not however been given sufficient resources to achieve these objectives or at least to become a credible actor in its own right (Interviews 14, 15, 21, 24). Part of the explanation here is that the mandate of the EUSR for BiH was designed following the model of other EUSRs, and so did not take into account the unusual responsibilities of the position. For this reason, effectiveness at the decision-making level is only **partial**. Currently, the credibility of the EUSR to mediate and to promote reforms largely comes from his position and resources as High Representative. Later reforms (Council of the EU, 2006a) and others under discussion (EUSR/OHR, 2006a), are intended to tackle these deficiencies.

6.2.3. Implementing the mandate: in the shadow of the OHR.

To ascertain how effective the EUSR has been in achieving these objectives is not easy for several reasons. As in the case of other EU activities in the country, effectiveness is difficult to determine because of the complex range of actors involved, which makes it hard to isolate the 'EU effect'.¹²⁵ In the case of the EUSR, it is even more problematic to analyse due to the fact that the EUSR and the High Representative are the same person and it is not always easy to distinguish which impacts are due to the use of the Bonn powers and which to the 'membership carrot'.¹²⁶ However, it can be argued that 'the possibility of becoming an EU member has been one of the most significant

¹²⁵ In the words of a BiH official: 'I can't clearly cut a line between the intervention of the EU and other international organisations' (Interview 22).

¹²⁶ Regarding Paddy Ashdown, one EUSR official affirmed that he was still primarily devoted to his role High Representative and only marginally to that of EUSR. Interview 14, also Interviews 21, 51.

leverages' mobilised by the HR/EUSR to pressure local authorities to comply with EU criteria (Interview 15). For this reason 'Brussels magnetism' has started to replace the Bonn powers (Interview 24; also 5).

Thus, if one analyses the effectiveness of the EUSR in pressuring local authorities to adopt the reforms required by the Feasibility Study to start negotiations on an SAA, the results have been quite positive overall, with a **partial to considerable** degree of effectiveness. Considerable effectiveness has been achieved in the sphere of defence reform, where an agreement between the entities was reached in July 2005. Thus, in the NATO summit in Riga in November 2006, BiH was invited to join the NATO Partnership for Peace. Partial to considerable effectiveness can also be noted regarding institutional capacity building, especially in the areas of rule of law although there is still some room for improvement here (ICG, 2007). Finally, after intense pressure from the HR/EUSR and the Commission Delegation, an agreement on police reform was achieved in October 2005. However, at the time of writing, the implementation of the political agreement had not been agreed by Bosnian political parties (ICG, 2007).

6.2.4. Final evaluation

As discussed above, the establishment of the EUSR does not constitute an innovation in the EU's policy, but finds a precedent in the practice of appointing EU special envoys. However, in this case, the institutionalisation of this practice represents a huge step in the EU's involvement in BiH. From the shuttle diplomacy that characterised the EU's policy during the first period (1991-1995), the EU has moved to having a continuous presence on the ground. As expected from an institutionalist perspective, this has facilitated constant communication between Brussels and Sarajevo and has allowed for political monitoring, early warning and problem-solving diplomacy on a daily basis. According to EU officials, the EUSR has improved the coherence of the EU in BiH, among EU bodies and Member States, helping to convey a clear, single message to the Bosnian authorities (Interviews 7, 14, 15, 24).

However, coherence on the ground has been impeded by the limited resources at the EUSR's disposal and the number of actors involved, the latter, clearly, an unintended consequence of the EU's increasing engagement in BiH. Resource limitations have also

affected the EUSR's effectiveness, although strong personality and the backing of the OHR's power has partly compensated for these deficiencies (Interview 14). The complexity of decision-making structures in Brussels coupled with complex chains of command has, similarly, obstructed co-ordination on the ground. Even though the EUSR has been instrumental in promoting increased integration of EU missions in theatre, problems remain. Problems of co-ordination between civilian and military instruments have already prompted some reforms in the Council Secretariat (see below) and Javier Solana has also suggested the need for a reform of Council Secretariat structures (Secretary General/High Representative, 2005).

Analysis of the EUSR's role also provides evidence of the EU learning by doing. The original Joint Action appointing the EUSR (Council of the EU, 2002b) has been amended on several occasions to incorporate new tasks. This has led to an increase in funding, a reinforcement of co-ordinating mechanisms in line with the *Comprehensive Policy for BiH* and other alterations in line with the deployment of ESDP missions in the country. These changes highlight the importance of policy learning and incremental change in the structures of the EUSR that have facilitated regular adaptation of its instruments and policy goals. Furthermore, the EUSR has had to submit a comprehensive mandate implementation report to the PSC before the end of its mandate, that has served as a basis for any decision on renewal, amendment or termination (Council of the EU 2002b; 2006a). In this way, the EU has established an in-built mechanism able to adjust to changes on the ground or to new CFSP/ESDP developments.

6.3 EU POLICE MISSION IN BOSNIA AND HERZEGOVINA (EUPM)¹²⁷

The launching of EUPM made the EU's commitment to develop autonomous civilian crisis management capabilities operational. It was the Union's first ever crisis management operation within the framework of the ESDP. Demonstrating the credibility of commitments laid down at the Helsinki Council (1999) and further developed at Feira (2000) and Göteborg (2001) was consequently of some importance. At the Feira Council, the EU Member States identified four priority areas in civilian

¹²⁷ This section focuses on the coherence and effectiveness of the first mandate of the EUPM (2003-2005). References to the second mandate (2006-2007) are only made to exemplify learning processes.


























crisis management (policing, rule of law, civilian administration and civil protection) and made a commitment to provide 5,000 police personnel by 2003. Even though civilian crisis management has developed in the shadow of the EU's military capabilities, progress in this area has been rapid. Of the institutional structures set at Helsinki, CIVCOM was the first body to become operational and of the fifteen ESDP missions launched so far, eleven have been civilian in nature.

EUPM officially began on 1 January 2003 with a three year mandate (Council of the EU, 2002a).¹²⁸ The operation was staffed by around 500 police experts from the 25 Member States and from 9 non-Member States (see Table 6.1). However, the participation of non-Member States introduced financial and legal difficulties that required individual *ad hoc* arrangements being negotiated with each contributing state. Although the financing of the mission was agreed among the Member States without too much trouble, in 2003 problems arose concerning operational costs because the approval of the European Parliament was required to increase the CFSP budget. In November 2003, the European Parliament finally agreed to an increase of €17,5 million. The compromise formula used – one part covered by the participating states for the *per diems* of their seconded personnel and the other by the Community budget for the operational costs – was later used for other civilian crisis management operations (Hansen, 2006: 18).










¹²⁸ The mission was also endorsed by UNSCR 1396 of 5 March 2002 and was launched following an invitation by the host state, BiH.

Table 6.1: EUPM - Participating personnel by country¹²⁹

**WEEKLY ESTABLISHMENT OF EUPM PERSONNEL BY COUNTRIES
- MEMBER STATES**

19-Aug-2005		Current EUPM Establishment				EUPM Current total
COUNTRY	Police officers		International Civilians			
	Contracted	Seconded	Seconded	Contracted		
 Austria		5		2	7	
 Belgium		3		2	5	
 Cyprus		6			6	
 Czech Republic		7			7	
 Denmark		12			12	
 Estonia		2			2	
 Finland		6	3	2	11	
 France		63		2	65	
 Germany		55	1	4	60	
 Greece		9			9	
 Hungary		5			5	
 Ireland	1	3		6	10	
 Italy		13		6	19	
 Latvia		4			4	
 Lithuania		2			2	
 Luxemburg		2			2	
 Malta		2			2	
 Netherlands		30	1	2	33	
 Poland		11			11	
 Portugal		7		1	8	
 Slovakia		6			6	
 Slovenia		3			3	
 Spain		15		5	20	
 Sweden		12			12	
 United Kingdom		44	5	3	52	
Sub-total	1	327	10	35	373	

**WEEKLY ESTABLISHMENT OF EUPM PERSONNEL BY
COUNTRIES - THIRD STATES**

19-Aug-2005		Current EUPM Establishment			EUPM Current total
COUNTRY	Police officers	International Civilians			
		Seconded	Contracted		
 Bulgaria	3		2	5	
 Canada	7			7	
 Iceland	1			1	
 Norway	6	2		8	
 Romania	9			9	
 Russia	3			3	
 Switzerland	4			4	
 Turkey	9		3	12	
 Ukraine	4		1	5	
Sub-total	46	2	6	54	
TOTALS:	374	12	41	427	
			53		

Source: EUPM website, www.eupm.org [last update 27 May 2005].

¹²⁹ In the new EUPM launched in January 2006, the total number of personnel is 200: 168 from the Member States and 32 from third countries (www.eupm.org, last access 5 January 2007).

6.3.1. Addressing the challenge of coherence

The planning of EUPM allows for a closer examination of EU decision-making procedures. The planning of a police mission is done by several bodies in Brussels (see Figure 6.1). The first draft planning, and subsequent documents, are elaborated by DG-IX (and particularly, the Police Unit) within the Council Secretariat, in conjunction with the Planning Team. It then goes through the intergovernmental committees in the Council, composed of the representatives of the Member States. The Council committee in charge of police missions, CIVCOM, discusses the main aspects of the operation. Before being approved by the Council, all the documents necessary to launch a mission (Joint Action, Concept of Operations, Operational Plan) are forwarded to the PSC and COREPER II. Not surprisingly, this cumbersome decision-making process has been criticised for slowing down the launching of civilian crisis management operations, including EUPM (Interview 48). EUPM was also affected by the lack of personnel available for the planning of these types of missions with only 7-8 people co-located in DG-IX. (Hansen, 2006: 18). In spite of these problems, EUPM constituted a huge step forward compared to previous crisis management operations such as the EUAM. In this case, as a result of the Brusselisation process undergone by the CFSP, a standing structure – even if a relatively small one – was in place to plan and run the operation. However, some national representatives expressed their dissatisfaction with the large room of manoeuvre that the Council Secretariat enjoyed in planning and running the police mission in BiH, and especially when determining the composition of the police force (Interviews 39, 42, 45). This fact supports the observation made in Chapter 3 that the Council Secretariat has developed a role beyond what was intended by the principals (i.e. the Member States).

In terms of **vertical coherence**, there were no major divergences among the Member States' positions. EU Member States that had been looking for a 'benign' environment in which to test ESDP capabilities, saw BiH as the best opportunity to do so. Even though the OSCE had previously expressed its desire to take over from the UN Implementation Police Task Force (IPTF), the EU's proposal was finally accepted by the PIC and the Bosnian authorities (Hansen, 2006: 18). Only the issue of the type of mandate (executive or non-executive)¹³⁰ raised some controversy, but in the end,

¹³⁰ In executive missions, international police officers with enforcement powers are deployed on the ground and participate in police operations to substitute/support the local police forces. Non-executive

following the advice of the IPTF and the Planning Team, a non-executive mission was preferred.

The relevant Joint Action (Council of the EU, 2002a) established a clear chain of command in order to ensure **internal coherence**: PSC, advised by CIVCOM, has exercised political control and strategic direction of the mission. In the field, the Police Commissioner is in command and reports to the HR through the EUSR. **Horizontal coherence** with EUFOR Althea was to be facilitated by a co-ordination cell, as well as the EU Head of Mission's meetings chaired by the EUSR. Co-ordination with the Commission at the decision-making level was facilitated by the fact that the Commission attends CIVCOM and PSC meetings. According to the Joint Action, EUPM aimed to support the Rule of Law dimension of the EU's policies in the country together with Community projects in this area managed by the Commission (Council of the EU, 2002a). In sum, the different co-ordination arrangements established in Brussels and Sarajevo ensured **considerable coherence** at this level.

6.3.2. Coherence at the implementation level: learning by doing

According to several EUPM officials, problems of **internal co-ordination** and communication in Sarajevo have affected the mission implementation. 'Problems with the leadership of the mission' and 'problems with personalities' were repeatedly raised by EUPM officials (Interview 3, 9, 15, 36, 48).¹³¹ According to some EUPM officials, the former Head of Mission Kevin Carty did not listen to lower levels, did not communicate with them and undertook independent initiatives without consultation (Interviews 3, 9, 36). An EUPM official described internal co-ordination in the following terms: 'it is appalling, dreadful [...] It is far too hierarchical, far too military, very old fashion, the communication is dreadful. Most of this is because of personalities, or "the" personality to be clearer' (Interview 9). These problems appear to be idiosyncratic, rather than organisational for they have not been so acute with either the first Head of Mission (Sven Frederiksen) or the third (Vicenzo Coppola) (Interviews 3, 51). Problems of leadership not only affected the overall effectiveness of the mission,

police missions such as the EUPM do not have an operational role, but are limited to specific tasks such as monitoring, advising, training and mentoring, and have limited enforcement powers.

¹³¹ The first Police Commander/Head of Mission was Sven Frederiksen. Kevin Carty was designated Police Commissioner after the sudden death of Frederiksen in February 2004. From January 2006, the Head of Mission of the new EUPM has been Vicenzo Coppola.

but they had another consequence: a loss of EU credibility and influence among local authorities who realised that there was no clear policy line coming from EUPM Headquarters.

As regards horizontal coherence, coordination with the Commission has been facilitated by an informal Joint Co-ordination Group. Moreover, a small CARDS team has been co-located at the EUPM Headquarters. Although horizontal co-ordination with the Commission has worked fairly well (Interview No. 50, 51), some difficulties are worth noting. The lack of appropriate funding procedures caused some troubles to EUPM, which had to apply for CARDS funding in order to launch new projects or seek funding through the Member State's embassies (Interviews 2, 50). Other problems were of an institutional nature. As mentioned by Hansen (2004: 181), missions in the field of policing can be considered a cross-pillar instrument, but they are conceived from a different perspective according to which pillar is involved: for the first pillar (EC), they are a long-term tool to support development projects; for the second pillar (CFSP), police missions are considered a short term instrument of security; for the third pillar (JHA), police missions are a preventive instrument to fight organised crime and secure EU borders. Police operations like EUPM are designed by the Council structures to tackle the urgent needs of police forces, whereas the Commission designs its own long term institution-building projects which do not always follow the same logic (Interview 5, 50). Therefore, the main challenge relates to co-ordination between the first and the second pillar, and particularly, between the Council Secretariat and the Commission (Gourlay, 2004). In this specific case, EUPM officials complained that there was not always full cooperation in harmonising the projects launched by the Commission and EUPM (Interview 2, 50). For instance, there were problems due to the duplication of advisors to some Bosnian institutions, with one co-located police officer coming from EUPM and one advisor from the Commission's twinning projects (Interviews 36, 50).

Co-ordination with the EU military operation, EUFOR Althea, has been an even more problematic exercise. The deployment of EUFOR involved a new challenge for the EU: the need for enhanced co-ordination between the military and the civilian elements of the ESDP. In theory, the mandates of the two missions did not clash. Whereas, the EUPM's mandate aimed at long-term capacity-building of the police forces, EUFOR focused on short term deterrence. The first had a non-executive mandate (monitor,

mentor and inspect); the latter an executive one with enforcement tools to be used if appropriate. In spite of this, during the first year of EUFOR's mandate, there were some tensions between the two missions as a result of the existence of some grey areas between the EUPM and EUFOR's mandates, especially regarding the fight against organised crime.

EUPM supported institution-building projects as the most effective way to tackle organised crime. To this end, it provided expert advice and monitored the creation and strengthening of various institutions (the Ministry of Security, State Border Service, Interpol) to increase the local capabilities in the fight against organised crime. EUFOR's role in the fight against organised crime was rather different. Having been identified as one of the supporting tasks of EUFOR's mandate, then EUFOR Commander, General Leakey expressed his personal commitment to play a significant role regarding this issue (The Times Online, 2004; Interview 6, 13, 25, 44). Once EUFOR took over from SFOR, several operations were launched to support local law enforcement agencies in fighting illegal activities such as weapons smuggling, drug trafficking and illegal logging. Although EUFOR officials stressed that these operations were not meant to usurp local efforts (Interviews 6, 7, 8, 25, 37), this assertive approach generated some criticism amongst EUPM and other EU officials for exceeding its mandate (Interviews 3, 5, 9, 12, 15, 21, 36).

This tension between the two operations showed Brussels' difficulty in designing a comprehensive civilian and military approach to crisis management. However, efforts were made to improve co-ordination on the ground as the different actors realised the need for better arrangements. In September 2005, EUPM, EUFOR and the EUSR representatives agreed on *Seven Principles for co-ordination* (EUPM, EUFOR and EUSR, 2005). According to this document, EUPM was to take the lead in the policing, while EUFOR would provide operational support for these operations, all under the political co-ordination of the EUSR. This agreement was developed further in the *Operational Guidelines* adopted on 11 May 2006 that specified new 'adjusted roles' for EUPM and EUFOR. EUFOR will only support local efforts when the capacity does not exist within existing Bosnian police forces, or when local police lack confidence to carry out their duties. Nonetheless, this support would still require endorsement by the EUPM (Interview 51).

As a result of some of the problems encountered at the implementation level, coherence has been negligible in this case. Problems were mainly due to the EU's fragmented presence in the country, problems of inter-pillar and intra-pillar co-ordination and in some specific cases, the impact of personality.

6.3.3. A realistic task ahead?

EUPM operated as the leading organisation in the field of police reform, as part of the programme of rule of law reform launched by the OHR/EUSR – the objective being to create independent, professional and sustainable police forces.¹³² This objective was therefore in accordance with the EU's objectives in the country, supporting the Mission Implementation Plan of the High Representative and the SAP. The aim of EUPM was 'to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice' (Council of the EU, 2002a).

The question is whether EUPM's mandate was realistic and whether it had been endowed with appropriate instruments to achieve it. Regarding the first issue, the mandate was too vague. The Joint Action stated that EUPM will 'mentor, monitor and inspect', according to 'best European and international practice', but without any guidelines that could help in the implementation of these criteria. Secondly, EUPM was a strengthening mission with the objective of educating, instructing, assisting, monitoring and advising local police. That is, EUPM pursued long term, structural reform aimed at producing a change in the police structures (Merlingen and Ostrauskaite, 2005: 8). It was not just about providing quick relief to a crisis situation, but strengthening institutions, capacity-building and the sustainability of the Bosnian police forces. The need for a long-term approach was acknowledged by EUPM officials, as well as the difficulties of achieving its objectives within a short three-year mandate. One official recognised that '[i]t is very easy to create structures and institutions, but you also have to change the mindset and that takes time. The more you go on to the substance and the cultures, the more it takes time' (Interview 12). Commenting on EUPM objectives, some officials pointed to the fact that the mandate was too broad: 'bringing the Bosnian police standards to the European ones in three years was unrealistic' (Interview 48).

¹³² To implement its mandate, the EUPM co-located police officers, in around 30 monitoring units, at the medium and senior level, supported by two mobile inspection teams, operating around the country.

As far as the instruments are concerned, EUPM's main strategy was based on a management approach consisting of 'monitoring, mentoring and inspecting managerial and operational capacities of the BiH police' (Council of the EU, 2002a). This means that EUPM had to implement its mandate through advice and mentorship, trying to persuade BiH police officers that the identified reforms were the ones to be followed. Obviously, this choice entailed some problems in terms of effectiveness as there were no consequences when the locals did not comply with what had been advised by EUPM officials. Even if conditionality from other EU projects could and was linked,¹³³ it only had a limited impact, as proven by the police reform.¹³⁴ By contrast to the IPTF, the EUPM was not an executive operation and it did not have enforcement tools. The only person who could remove non-compliant individual officers was the High Representative at the recommendation of the Head of the Mission. EUPM only resorted to this procedure a couple of times, and the High Representative was, according to some interviewees, very reluctant to remove police officers (Interviews 36, 48). Against this backdrop, the effectiveness of EUPM at the decision-making level can be deemed **partial**: there was a collective decision, according to CFSP objectives, but the mandate and the instruments were not appropriate.

6.3.4. Progress in the implementation of EUPM's mandate

EUPM did have a benchmarking system, but it was only established after a year and a half of the operation. According to this benchmarking system, 70-75% of programmes had been achieved by the end of its mandate (Interview 36). Yet, the benchmarking system was not a good one. In the words of one official, 'what it does is to measure progress, but it does not tell you about quality' (Interview 48; also 38).¹³⁵ The long-term approach of EUPM also meant that it was difficult to evaluate its effectiveness on the ground given that the expected results would take time to materialise (Interview 15). In spite of this, one can identify several successes during the period 2003-2005:

- There was some progress regarding institution and capacity-building with the establishment of a Ministry of Security at the state level, the strengthening of the

¹³³ The EUPM made clear at the Police Steering Board meetings the links between required reforms and assistance from the EU (Interview 2).

¹³⁴ For months, the Bosnian authorities failed to achieve an agreement on police reform, in spite of the pressures from the EUPM, the Commission and the HR/EUSR.

¹³⁵ One EUPM official also noted that according to this evaluation system, the SBS dogs' project was almost implemented, apart from the fact that it did not have dogs (Interview 48).

State Investigation and Protection Agency (SIPA), the State Border Service (SBS) and other state-level agencies. EUPM helped in drafting and implementing laws, the recruitment of personnel, and the provision of financial and other expert advice on police matters.

- It also managed to create an understanding of the necessity of intelligence in fighting crime, and a culture of exchanging intelligence among law enforcement agencies. There were also some successes in trying to improve cooperation in the field among state and entity institutions,¹³⁶ and even with other agencies from the Balkan region.
- EUPM tried to strengthen local ownership of reforms with the establishment of a Police Steering Board at the level of the Police Commissioner/Director of Police, where projects of reform were discussed and agreed upon. EUPM also advised on the creation of Project Implementation Boards that were set up throughout BiH to develop projects at a local level.

The EUPM thematic programmes aimed at improving the operational capacities and effectiveness of the local police forces. The programmes focused on the restructuring of the crime departments; increasing cooperation between the police and the rule of law agencies; improving the capabilities in the area of crime prevention, crime reporting, witness protection and investigation; strengthening the control of external borders; enhancing the accountability of the police; and providing training to improve the administrative capacities of the Bosnian police. Training was also provided to improve the skills of the local police in managing budgets. Some progress was achieved, but most projects were hampered by a lack of resources and structural problems.

In dealing with the reform of the Bosnian police forces, EUPM encountered several problems stemming from difficult local circumstances. According to Osland, 'the EU may learn some hard lessons regarding resources, mandate etc, connected to the institutional establishment of the EUPM. Nevertheless, it is the legacy of the war in BiH that represents the greatest obstacle to the success of the EUPM' (2004: 553). These legacies include organised crime, corruption, and hardline nationalism. EUPM activities took place in the context of an ethnically-fragmented country with an unsettled political situation and a fragile economy. Several EUPM officials and national representatives in

¹³⁶ The Dayton Agreement created two entities within a state: the Republika Srpska (of Serbian majority) and the Federation of Bosnia and Herzegovina (Croat-Muslim).

Brussels pointed to local circumstances to explain some of the problems experienced by EUPM. For instance, in spite of EUPM's efforts to promote an ethnically-balanced police force and to integrate minorities, this had limited success owing to minorities' reluctance to operate outside their ethnic area (Interviews 3, 9). The fragmentation of the Bosnian police forces (due to the complex constitutional set up of the country) also hindered efforts at reforms (Interviews 2, 12, 50) as did a lack of financial resources, a politicisation of projects and corruption among politicians and police officers (Interviews 2, 3, 9, 12, 36, 48, 50).

Another issue refers to the implementation of the EUPM's non-executive ('soft') mandate. Although most of the EUPM officials, as well as officials in Brussels agreed that an executive mandate would not have been appropriate for this specific operation (Interviews 2, 12, 34), they argued that EUPM could have been 'tougher' in applying its existing mandate, in particular, the inspecting component. As one interviewee put it, 'the inspecting component has been utilised only in the last few months and I think that has been a real failure [...] Had it been from the very beginning we would have been able to see more progress' (Interview 36). The inspection power and the possibility to remove non-compliant police officers would have increased the capacity of EUPM to get reforms through.

EUPM officials also voiced concerns relating to the ambiguity of their mandate on several occasions (Interviews 2, 3, 21, 48). It was very difficult to determine what was meant by 'monitor, mentor and inspect' on the ground; what was the 'best European practice'; and how to develop programmatic objectives into operational projects, especially when most of police officers of the first contingent were former IPTF officers and were not used to a non-executive mandate (Interviews 2, 3, 21, 48). It took some time and a lot of discussion during the first months of the operation to clarify these issues, and this limited the effectiveness of the mission, although, presumably, 'teething troubles' of this sort were inevitable. In the case of the 'European standards', given the difficulty of defining common standards among the contributing countries, resolution was found in assigning particular programmes to different countries.¹³⁷

¹³⁷ For example, German police officers concentrated on border management and on support of the SBS (Interview 48).

Another problem experienced by EUPM concerned personnel. At the beginning of the operation some Member States did not provide sufficient committed personnel, and some positions remained unfilled for lengthy periods of time. Rotation levels were also quite high, affecting the performance of the mission (Interview 9). Further, while the first contingent of personnel was highly qualified, later participants did not maintain the same quality (Interviews 2, 12). Sometimes the officers recruited were not the most suitable for a specific position or did not have sufficient English language skills (Interviews 9, 12, 15, 36, 48). EUPM officials also agreed that this type of mission (management at medium and senior levels) would require more civilian experts or police experts with high qualifications and experience in the management of projects instead of police officers (Interviews 2, 3, 9, 12, 15, 21, 34, 36).

The effectiveness of the EUPM mission was only **partial** in implementation due mainly to three factors. First, because of the nature of the reforms supported by EUPM (long term capacity building projects), a three year mandate was unrealistic. Second, the inexperience and still-in-the-making EU civilian crisis management capabilities caused many troubles regarding personnel, planning and mandate. Third, the local circumstances in which the projects had to be implemented also jeopardised EUPM effectiveness.

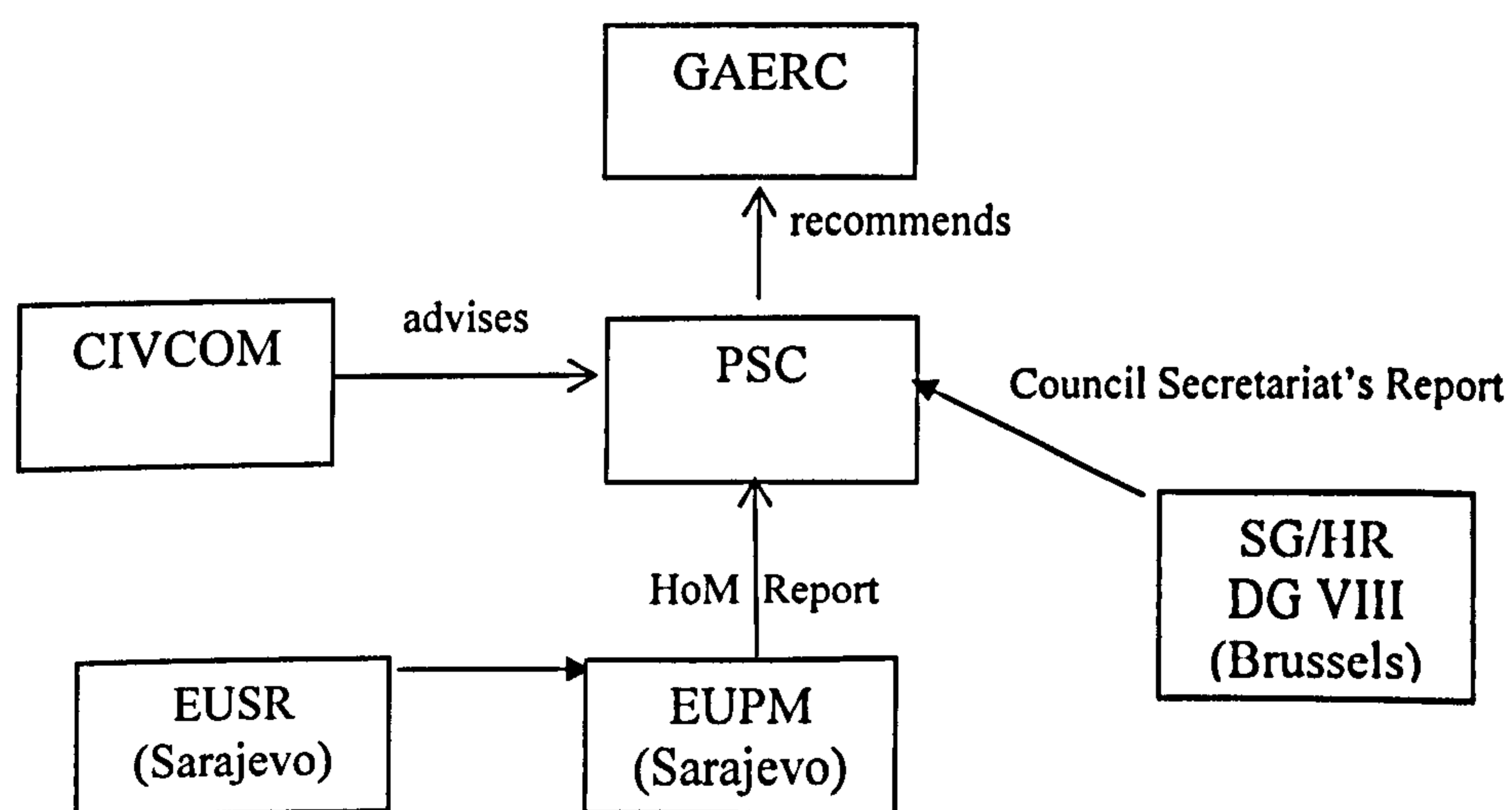
6.3.5. Final evaluation

To a certain extent, some of the pitfalls of EUPM were due to the fact that it was the first EU mission of its kind: the EU, therefore, lacked both experience and the appropriate capabilities. Problems with planning (lack of staff in DG IX), co-ordination (in particular, civ-mil co-ordination) and the ambiguous mandate can be explained in this way. This 'first mission' factor also introduced a certain degree of undue pressure because, from planning to implementation, the mission '[had to] be a success' (Interviews 15, 37, 45). Being the first civilian crisis management operation also meant it could set a precedent, a model for subsequent operations, and everyone (Member States and EU institutions) was wary of it. According to one member of the Planning Team, 'as a result, finding workable solutions for issues such as financing took on an extended significance' (Hansen, 2006: 18). Other police operations would follow the funding procedures established for the EUPM and similar criteria were set in their mandates – 'to establish sustainable policing arrangements [...] in accordance with best

European and international practice'. The shortcomings in EUPM personnel numbers, meanwhile, highlighted the difficulties of extracting resources already highly valued and sometimes in short supply within the Member States. Finally, the analysis of EUPM has underlined the impact of idiosyncratic factors like mission leadership, and the importance of the local context.

The importance of learning cannot be underestimated here. In this case path dependency did not have a role since it was the first EU's mission of its kind. The EU at this juncture did not have a 'manual' for crisis management procedures. Therefore, it had to 'learn by doing' in launching a police operation from scratch (Interviews 2, 3, 12, 34, 48, 50). The mission's implementation provided the EU with a number of lessons that were later used for the improvement of follow-on EUPM and the EU crisis management capabilities more generally. The lessons learned were gathered through several EUPM Mission Reviews (see Figure 6.2), a *Lessons Learned Report of the Planning of the mission* (Council Secretariat and European Commission, 2003), *Lessons from the first 100 days of the mission* (Council Secretariat, 2003a) and another Lessons Learned Report was produced at the end of EUPM's mandate in December 2005.

Figure 6.2. EUPM mission review process



In spite of the existence of these formal procedures, it seems that informal processes of learning were more important in this case: oral briefings from EUSR officials, EUPM and EUFOR political advisers, and exchanges amongst DG IX staff and people on the ground during field visits. For example, during the preparations for the new EUPM mission launched in January 2006 (or EUPM-II), Council officials came to Sarajevo

(Interview 50, 51) and the Police Commissioner and the EUSR briefed CIVCOM and PSC on several occasions. The importance of informal processes can be explained by the fact that the EU does not have a developed/centralised lessons-learned system to process all the information gathered during the running of a mission (Interviews 30, 34). According to Hansen (2006: 25), the planning for EU civilian operations, 'has been conducted largely by the same small group of staff and institutional memory is personified rather than formally recorded'.

Despite these problems, the EUPM provided ample ground for learning. Firstly, the problems that were encountered during the implementation of the Joint Action led to some changes and adjustments. For example, in the summer of 2004, a more programmatic approach to implement the mandate and a benchmarking system was introduced to improve the effectiveness of the EUPM. According to a former member of the EUPM Planning Team:

planning can never foresee perfectly the reality of the operational mission. It became clear almost instantly that some adjustments would be necessary, mainly an increase in key equipment – computers, mobile telephones and cars – and shifts in staffing, the strengthening and creation of additional units, etc. In addition, any organisation – mission or otherwise – has to engage in a constant review of its structures and functioning and EUPM made some significant changes in its second year in response to an altered environment, but also to correct inevitable misjudgements of the planning team (Hansen, 2006: 19).

Learning also led to changes being incorporated into the new mandate of EUPM agreed in November 2005 (Council of the EU, 2005a). EUPM-II (2006-2007) is a more targeted mission in terms of personnel and objectives. Its focus is on assisting police restructuring, providing technical advice and expertise, and supporting capacity-building of SIPA and the SBS (Council of the EU, 2005a). EUPM-II also has a stronger, more proactive role in the fight against organised crime, assisting the local authorities in planning and conducting investigations, following from the *Seven Principles* that were agreed among EUPM, EUFOR and the EUSR (see above).

The new EUPM has also strengthened its inspecting component. One of the new strategic priorities has been to monitor the local police, looking at operations carried out by Bosnian police forces and the conduct of individual police officers. This mission has also responded to criticisms that EUPM had neglected the rule of law dimension in the fight against criminality (Interview 12). Even though EUPM-II is still a police mission, it thus also includes some rule of law experts to support its mandate. A Criminal Justice Interface Unit has been created to address problems regarding cooperation between the police and the prosecutorial authorities. Regarding the merging of the EUSR-EUPM departments, there has been some restructuring of the press and public information functions to the EUSR, but no merging has taken place. In the area of police restructuring, some EUPM staff have been co-located within the EUSR and further changes with the transition from the OHR to a EUSR-led mission are expected. Moreover, the new Operational Plan of the mission established detailed success indicators to assess progress in each of the areas covered by the mandate.

The lessons learned gathered from this mission have also helped to improve the EU's crisis management capabilities and procedures. First, it has led to an expansion of the Police Unit (Hansen, 2006: 18). Problems with procurement and personnel, also identified in other civilian crisis management operations such as Proxima or EUJUST-Themis, have led to the launching of a Civilian Headline Goal 2008 (Interviews 31, 45). As far as the planning phase is concerned, some recent developments like the initiative of an *EU Concept for Comprehensive Planning* (GAERC, 2005b) and the creation of a Civ/Mil Cell within the Council Secretariat are meant to improve problems of civ-mil co-ordination (Interviews 23, 34, 37). However, officials suggest that further changes are required, including the reorganisation of the Council Secretariat and an increase in the financial resources devoted to civilian crisis operations (Interviews 38, 39, 45, 46, 48). The next section examines the coherence and effectiveness of the latest and most ambitious EU operation in BiH: EUFOR Althea.

6.4 EUFOR ALTHEA

In the aftermath of the rift between the 'Old' and the 'New Europe' over Iraq, the deployment of a large scale NATO-supported EU operation in BiH, was seen as a sign of appeasement by the two sides. BiH appeared as the best scenario to make two

different approaches compatible: those who wanted to develop a robust EU security and defence policy, if possible independent of the US; and those who wanted to demonstrate that resorting to Berlin Plus and to NATO was in the interest of the EU. BiH, as with FYROM before it, enabled the testing of the EU's capabilities in a 'controlled' environment.

Operation EUFOR Althea¹³⁸ constitutes the largest EU-led military operation to date. In June 2004, NATO decided to end the SFOR mission and to hand over responsibility to an EU military operation. The reasons for this decision can be found in a combination of several factors. First, a general agreement from both Washington and the EU Member States that the security situation in BiH and in the Balkan region more broadly had improved considerably. Second, the fact that the US (and, by extension, NATO) had other priorities (Interviews 1, 6, 7, 8, 11). The 9/11 attacks and the 'war on terror' shifted American priorities to areas of the world such as Iraq and Afghanistan. Third, the launch of the first ESDP missions in 2003 – EUPM in BiH, Concordia and Proxima in FYROM and Artemis in DR Congo – convinced the US (and reassured the pro-Atlanticist Member States) that the EU possessed the necessary capabilities to gradually take the lead in ensuring security in the Balkans. Fourth, after the fiasco of UNPROFOR (mainly a European force), this new force epitomised the EU's desire to rebuild its credibility in the region, as well as on the world stage, thus making it clear that ESDP was not simply a talking shop (Interviews 1, 30, 42).¹³⁹ Last, but by no means least, it was the last step in the process of Europeanisation of the international intervention in BiH.

The Brussels European Council expressed the EU's readiness to take over from the NATO mission in BiH as early as December 2002 (European Council, 2002). One year later, and after the EU had successfully taken over the NATO operation in FYROM, preparations for EUFOR Althea started in Mons and Brussels (Interview 25). However, the launch of the mission had to wait until NATO's official announcement at the Istanbul Summit on 28 June 2004 that SFOR would be concluded (North Atlantic

¹³⁸ The EU chooses the names for its peacekeeping missions from classical mythology in order to avoid translation problems among its many languages. The operation in BiH is named after the Greek goddess of 'healing', as a metaphor for the healing/reconciliation among the peoples of BiH.

¹³⁹ The symbolism of the operation can be seen from the high number of contributors (34 countries). For many countries, in particular, EU Member States, participating in EUFOR is in itself important, even though they can only make small contributions (see Table 6.2.).

Council, 2004). Soon thereafter, the Council adopted Joint Action 2004/570/CFSP of 12 July (Council of the EU, 2004b) and launched the EU Planning Team. In the autumn, the EU adopted a Concept of Operations (CONOPS) and an Operation Plan (OPLAN). On 22 November 2004, the UNSC adopted Resolution 1575 authorising the EU Member States to create EUFOR as a legal successor to SFOR, an operation in the framework of Chapter VII of the UN Charter. The transfer of authority from SFOR to EUFOR took place on 2 December 2004.

EUFOR took over the job with approximately 7,000 troops, the same number that SFOR had in December 2004. This similarity can be explained by the task EUFOR had to perform (to maintain a safe and secure environment), and because the Union wanted to reassure the Bosnian authorities and population that it was serious (Interviews 6, 7, 8, 13, 25, 44). Essentially the same forces which contributed to SFOR were present in EUFOR (the soldiers just swapped their badges for the insignia of the European Union Force), but with the major difference that there were no US troops. 22 EU Member States¹⁴⁰ and 12 other non-EU Member States have contributed to EUFOR Althea (Table 6.2).¹⁴¹ Non EU Member States participate in the Committee of Contributors and are regularly briefed about the progress of the operation, but they do not have a voice in EUFOR's decision-making structures.

¹⁴⁰ Three Member States do not participate in EUFOR: Malta, Cyprus and Denmark. In the case of the Mediterranean states, they do not take part in this ESDP operation because it is being carried out following Berlin Plus arrangements and, as these two states are not NATO PfP members, they are not allowed to take part in either the operation or in the discussions at the PSC. In the case of Denmark, it does not participate in ESDP operations according to the opting-out on defence issues agreed at the Treaty of Maastricht (Protocol 5, TEU). Denmark, as a member of NATO, is, however, allowed to be present at the PSC discussions.

¹⁴¹ FYROM participates in EUFOR since July 2006 with 17 soldiers.

Table 6.2. EUFOR Althea troops

EU MEMBER STATES TROOPS		n-EU MEMBER STATES TROOPS	
AUSTRIA	265	ALBANIA	70
BELGIUM	48	ARGENTINA	1
CZECH REPUBLIC	61	BULGARIA	192
ESTONIA	2	CANADA	112
FINLAND	158	CHILE	24
FRANCE	381	MOROCCO	133
GERMANY	1227	NORWAY	3
GREECE	182	NEW ZEALAND	3
HUNGARY	119	ROMANIA	110
IRELAND	45	SWITZERLAND	9
ITALY	1032	TURKEY	229
LATVIA	3	Sub Total non-EU	886
LITHUANIA	1		
LUXEMBURG	1		
THE NETHERLANDS	447		
POLAND	206		
PORTUGAL	167		
SLOVAKIA	4		
SLOVENIA	165		
SPAIN	538		
SWEDEN	81		
UNITED KINGDOM	669		

Source: EUFOR Althea website (www.euforbih.org), accessed on 7 April 2005.¹⁴²

An Integrated Police Unit (IPU) with executive powers was also created as part of EUFOR. The IPU started its mission by taking over from its predecessor in SFOR, the Multinational Specialized Unit. It is under the control of the Force Commander and composed of troops from seven countries: Italy, Hungary, Austria, Slovenia, Romania, Turkey and The Netherlands. It combines the unique features of a military unit with the capabilities and experience of a police force. Therefore, it can perform a wide range of tasks from support to maintaining a safe and secure environment to conducting police-like investigations (EUFOR Forum Online, 2005a). To facilitate co-ordination with the civilian authorities and population, EUFOR has also established 46 Liaison and Observation Teams (LOTs) living in rented houses among the Bosnian population.

¹⁴² In January 2007, the total number of troops in EUFOR was of 5,949 (see http://www.euforbih.org/organisation/050810_strength.htm)

They are usually deployed at potential hot-spots and serve as an 'early-warning system'. The LOT practice is based on the Civil-Military Cooperation Concept of SFOR, as well as on the experience of the EUMM.

The running costs of this operation amount to € 71.7 million per annum (reference amount) and are administered by the ATHENA mechanism (involving contributions from Member States on a GDP basis). Personnel and other items are funded on a 'costs lie where they fall' basis. The mission is being carried out with recourse to NATO assets and capabilities, according to the Berlin Plus arrangements (see below).¹⁴³

6.4.1 Planning the mission

The military aspects of the planning and management of the operation have been dealt with by the EU Cell in SHAPE (Mons), with around 20 staff, while the politico-military aspects have been under the responsibility of four national seconded experts in DG VIII (Pol-Mil Affairs) of the Council Secretariat, supported by the EUMS (see Figure 6.1). Input from the Commission and the European Parliament in the planning of the mission has been virtually nonexistent, a state of affairs heavily criticised by the latter (European Parliament, 2004b: 77).

Some logistical problems affected the Planning Team: a lack of personnel, often sent to Sarajevo too late; a lack of expertise in strategic planning, and a lack of English language skills (Interview 8). A EUFOR official also mentioned that better consultation mechanisms with other civilian bodies (for example with EUPM and EUMM) at the planning stage would have prevented problems during the implementation of the operation (Interview 25). Planning was also complicated because NATO was already on the ground and a small contingent was to remain after the termination of the SFOR mission. SFOR's advice was, therefore, very important (Interview 7, 25, 30) and the EUMS staff involved in the early planning of operation Althea spent an enormous amount of time co-ordinating with the NATO Headquarter in Mons (Interview 30).

¹⁴³ The Berlin Plus arrangements were firstly agreed at the 1996 NATO's meeting in Berlin to make NATO assets available for a possible WEU operation. With the development of the ESDP, a series of formal agreements for EU-NATO cooperation were adopted between December 2002 and March 2003.

The Chief of the EU Planning Team admitted that 'the planning was frustrated because at times positions were not speedily taken in Brussels' (Interview 8; also 25). In this respect, two main disagreements amongst the Member States had to be surmounted. First, regarding the use of Berlin Plus agreements, and second, the establishment of the IPU. Even though all the Member States initially agreed on the use of Berlin Plus, there were some disagreements on the way the particular distribution of tasks and intelligence-sharing would take place, with the UK and France leading two opposing camps (Interview 13, 25, 30, 44). Given that a final agreement on the distribution of tasks could not be reached at the political level (NAC-PSC), it was up to the Commanders in theatre to come up with the technical arrangements for cooperation (Interviews 7, 13, 25, 35, 44).

The issue of the IPU was more delicate, and was linked to the specific role of EUPM and the role of the EU more broadly in the fight against organised crime. In this respect, some countries, in particular, the Nordic countries, opposed the use of any paramilitary police forces in EU operations. Other countries such as France and Spain, even though they did have paramilitary police forces, resisted their use within a military chain of command. Moreover, France and other Member States were initially very reluctant to take on the proactive role of EUFOR in the fight against organised crime because they did not want this supporting task to determine the size of the mission in the future (Interview 44). Italy, by contrast, was very keen on the establishment of this type of force within EUFOR (it was already the main contributor to the paramilitary force in SFOR) (Interviews 13, 21, 25, 30, 38, 44). Due to the divergent views amongst the Member States, the final decision was to set up a paramilitary police contingent, but only consisting of forces from those few Member States willing to contribute to it. Furthermore, the composition and status of the IPU would be submitted to regular revision by the PSC. The resulting EUFOR was a very robust one with the same tasks as SFOR and an even tougher approach to organised crime.¹⁴⁴

6.4.2. The hour of truth for EU-NATO cooperation

The EU followed the 'Macedonian model' in BiH. There the EU took over from the NATO mission deployed in 2001 to monitor the security situation and to oversee the

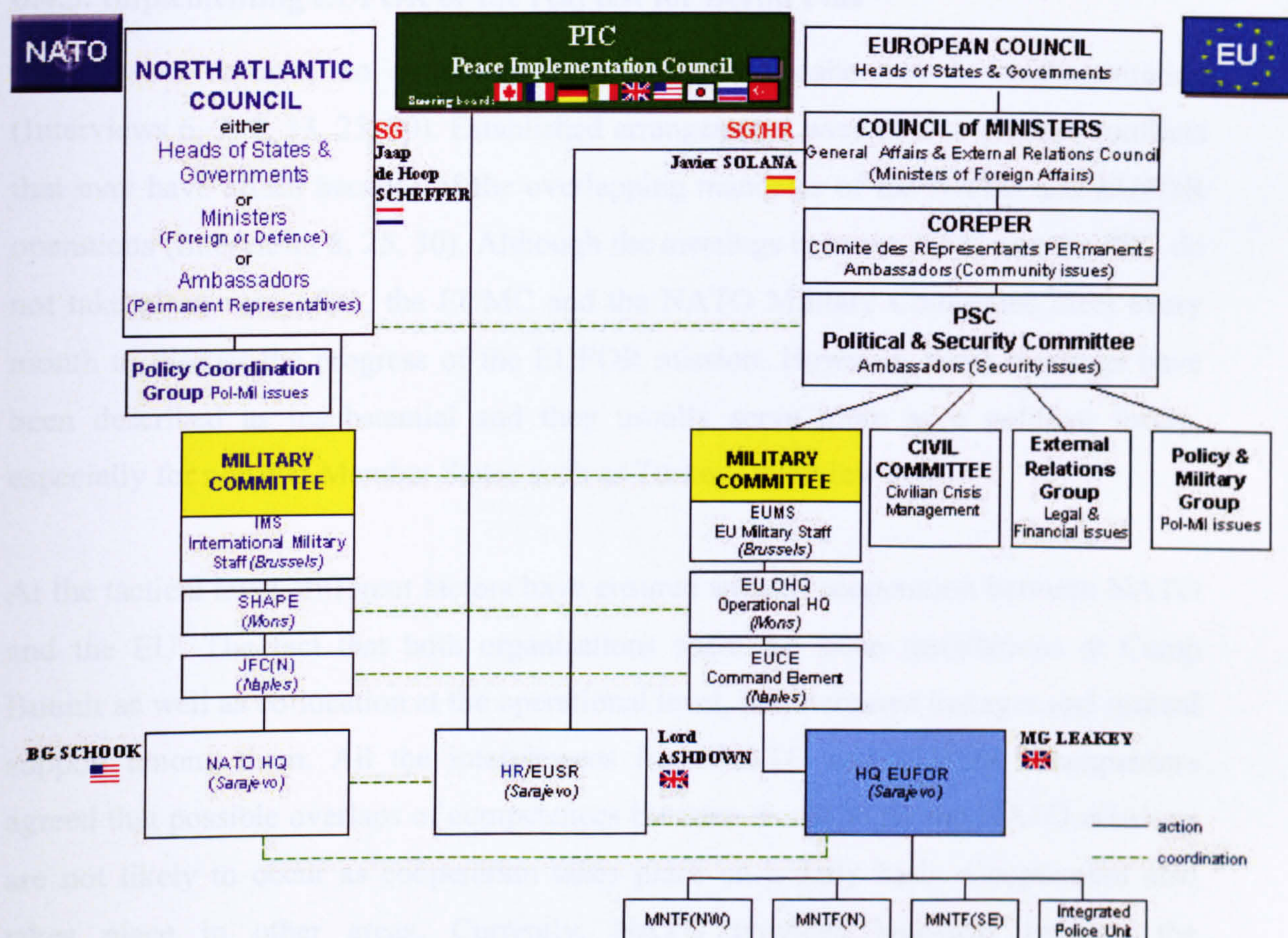
¹⁴⁴ Thus, even if the pursuit of war criminals was at the beginning understood as an exclusive competency of NATO Headquarters in Sarajevo, in the current mandate of EUFOR it is included as a supporting task.

implementation of the reforms agreed in the Ohrid Peace Agreement. The Concordia Operation, the first ever EU military operation, was also the first one resorting to Berlin Plus arrangements and therefore this operation served as a 'test-case' for EU-NATO cooperation (WEU Assembly, 2005: 9). It was not until 17 March 2003 that a final agreement was reached regarding how to make Berlin Plus operational. The agreements allowed the Alliance to support EU-led military operations, including resort to NATO assets and capabilities (headquarters, IT facilities, access to NATO's planning capabilities and intelligence). These arrangements sought to avoid unnecessary duplication of capabilities between the two organisations, and in principle, were originally designed to support an EU mission where NATO was not engaged at all. The latter, however, was not the case in the EU operations undertaken in FYROM and BiH. This was especially problematic in BiH, where NATO had been camped for so many years, and the size of the operation was considerable (7,000 troops). Moreover, NATO would maintain a Headquarter to support defence reform, counter-terrorism and the detention of persons indicted for war crimes. Thus, negotiations were quite painful, but essential to ensure full co-ordination between EUFOR and the NATO Headquarters (Interviews 7, 8, 13). At the decision-making level, working arrangements have been established to ensure co-ordination, with meetings between the North Atlantic Council (NAC) and the EU bodies at the Ministers, ambassadors, and committee level. The EUFOR chain of command also allows for EU-NATO co-ordination at the strategic, operational and tactical levels (see Figures 6.3).

The same provisions ensure internal coherence and strategic direction from Brussels to Sarajevo (see Figure 6.4). The Joint Action establishes a clear chain of command with the aim of maintaining internal coherence. The political control of the operation lies with the Council, with the assistance of the HR. For more day-to-day management, the PSC exercises political control and strategic direction of the operation. Regarding the operational command of the mission, and, in line with the Berlin Plus arrangements, NATO's Deputy Supreme Allied Commander Europe (DSACEUR), General John Reith, has been appointed as Operation Commander. The chain of command goes from the EU Operational Headquarters (EU OHQ) in SHAPE (Mons, Belgium) down to Naples where it has established an EU Command Element (EUCE). Both in Mons and Naples, the double-hatted posts guarantee the linkage between the EU and NATO.

Major General David Leakey was appointed in December 2004 as the first EU Force Commander at the EUFOR Headquarters at Camp Butmir in Sarajevo.¹⁴⁵

Figure 6.3. Berlin Plus Agreements and EUFOR



Source: EUFOR Althea website (www.euforbih.org) [accessed 5 January 2007].

As regards EU internal coherence, the Joint Action 2004/570/CFSP also has a specific section on the 'Coherence of EU response', where one is reminded of the responsibility of the Council to ensure the coherence of EU activities, and the responsibility of the EUSR to promote overall EU political co-ordination in theatre (Council of the EU, 2004b). The Joint Action asks that the EUFOR Commander should take into consideration the EUSR local political advice, for instance, on issues like the IPU style capability. In this way, both the Council, from Brussels, and the EUSR, from Sarajevo, should ensure horizontal, institutional and vertical coherence. The Joint Action also states that the EU Force Commander shall liaise with the EUPM. Looking at the

¹⁴⁵ Major-General Gian Marco Chiarini took over as EUFOR Force Commander on 6 December 2005 and Rear Admiral Hans-Jochen Witthauer on 5 December 2006.

provisions that have been established in the Joint Action, as well as the arrangements with NATO at the decision-making level, coherence can be judged to be considerable.

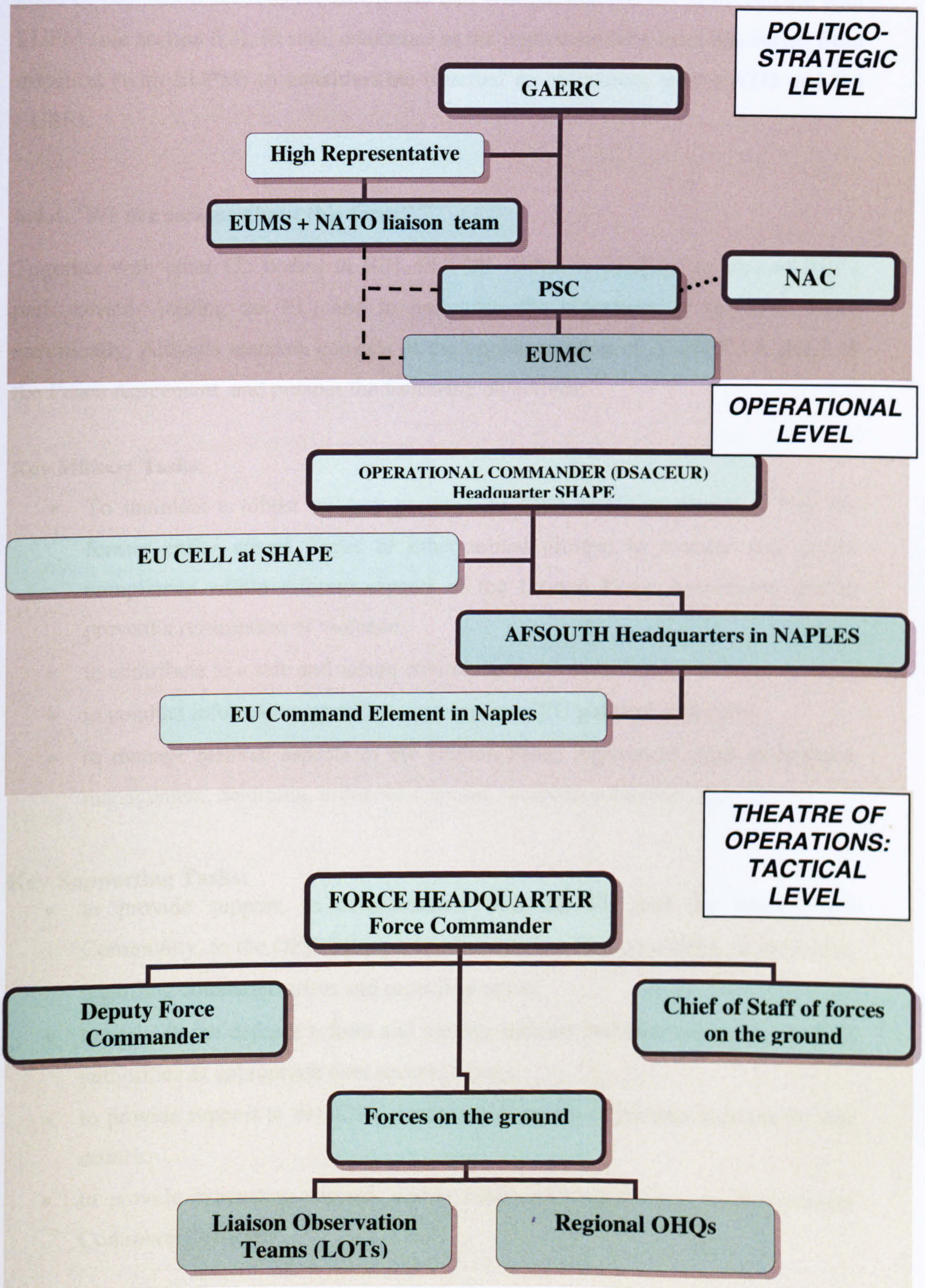
6.4.3. Implementing EUFOR or the real test for Berlin Plus

Interviewees reported no major problems of internal coherence in implementation (Interviews 6, 7, 8, 13, 25, 30). Established arrangements were able to prevent conflicts that may have arisen because of the overlapping mandates of the NATO and EUFOR operations (Interviews 8, 25, 30). Although the meetings between NAC and the PSC do not take place very often, the EUMC and the NATO Military Committee meet every month to discuss the progress of the EUFOR mission. However, these meetings have been described as insubstantial and they usually serve more as a political forum, especially for non-EU Member States such as Turkey (Interview 25).

At the tactical level, different factors have ensured smooth cooperation between NATO and the EU. The fact that both organisations share the same installations at Camp Butmir as well as co-location at the operational level, has increased linkages and mutual support among them. All the interviewees from NATO and EUFOR Headquarters agreed that possible overlaps of competences between the EUFOR and NATO missions are not likely to occur as cooperation takes place on a daily basis. Cooperation also takes place in other areas. Currently, NATO provides logistical support, the Headquarters for the EUFOR mission (Camp Butmir) and support for secure communications (Interview 35). Contingency plans also exist for NATO to provide Over-The-Horizon Forces if required.¹⁴⁶ EUFOR has also provided support for the NATO operation in Kosovo, sending an IPU unit in 2005 (Interview 8, 13). Despite the smooth transition, it was not until June 2005, a year into EUFOR's mandate, that the EU-NATO cooperation agreement was implemented and NATO handed intelligence it had gathered during the implementation of the SFOR operation over to EUFOR (Interviews 13, 44).

¹⁴⁶ To ensure that these arrangements work when required, NATO and EUFOR have already carried out joint training exercises in BiH. From 24-28 January 2005, EUFOR and NATO troops conducted the Operational Rehearsal Level 1 to train for a possible crisis situation. NATO Strategic Reserve Forces and Operational Reserve Forces are capable of deploying at relatively short notice to reinforce EUFOR (Interview 13).

Figure 6.4. EUFOR Chain of Command



As regards institutional and horizontal coherence, as mentioned earlier, there has been good co-ordination between the EUSR and EUFOR, but that has not been the case with EUPM (see section 6.3). In sum, coherence at the implementation level has varied from **minimal** (with EUPM) to **considerable** (internal co-ordination, with NATO and the EUSR).

6.4.4. ‘We are serious about this force!’¹⁴⁷

Together with other EU bodies in BiH, EUFOR Althea is designed to support BiH’s path towards joining the EU, and in particular, the objectives of the SAP. More specifically, Althea’s mandate consists of the implementation of ANNEX 1A and 2 of the Peace Agreement, and pursues the following objectives:

Key Military Tasks:

- To maintain a robust military presence to deter recidivist elements from the former entity armed forces or other armed groups; to monitor and ensure compliance within military aspects of the Dayton Peace Agreement; and to prevent a resumption of violence.
- to contribute to a safe and secure environment.
- to conduct informative operations in support of EU political objectives.
- to manage residual aspects of the Dayton Peace Agreement, such as airspace management, demining, ordnance disposal, weapons collection, etc.

Key Supporting Tasks:

- to provide support, in co-ordination with the EU and the International Community, to the OHR Mission Implementation Plan core tasks, in particular, regarding counterterrorism and organised crime.
- to assist in the defence reform and provide military and technical advice to BiH authorities as appropriate over security issues.
- to provide support to the ICTY, including detention of persons indicted for war crimes.
- to provide evacuation support, within means and capabilities, to International Community officials.

¹⁴⁷ Interview 7.

EUFOR objectives are clearly defined in the Joint Action and subsequent documents elaborated by the EUFOR Headquarters (Interview 8) and they are in accordance with EU short (EU Comprehensive Policy for BiH), medium (SAP) and long term objectives (promotion of peace and stability in the region). EUFOR has also been provided with the means to achieve them (approximately 7,000 troops and the logistic support offered by the Berlin Plus arrangements). Therefore, the degree of effectiveness at the decision-making level is **considerable**.

Every six months the PSC assesses how much progress has been achieved in EUFOR's objectives and forwards its recommendation to continue, terminate or adjust the operation (in terms of resources, mandate or personnel) to GAERC. Hence, in December 2006 the Council noted that the 'security situation in BiH has evolved enough' to permit a substantial reduction of EUFOR (GAERC, 2006)¹⁴⁸ and on 27 February 2007, the PSC approved the new mission's Operational Plan. According to this document, EUFOR will retain 2,500 troops on the ground, backed up by Over-The-Horizon Forces if needed (GAERC, 2007). A multinational battalion will be based in Sarajevo and Liaison and Observation Teams will be dispersed throughout the country to maintain early warning in case of a worsening of the security situation. EUFOR's reconfiguration should take place by the end of May, but could be reversible in case of worsening of the local or regional security situation. Also, EU officials have been quick to reassure the Bosnian population that the mandate of the remaining EUFOR will be as robust as the previous one and that it will stay in the country as long as needed (Dnevni Avaz, 2006; EUSR/OHR, 2006b).

6.4.5. EUFOR bares its teeth

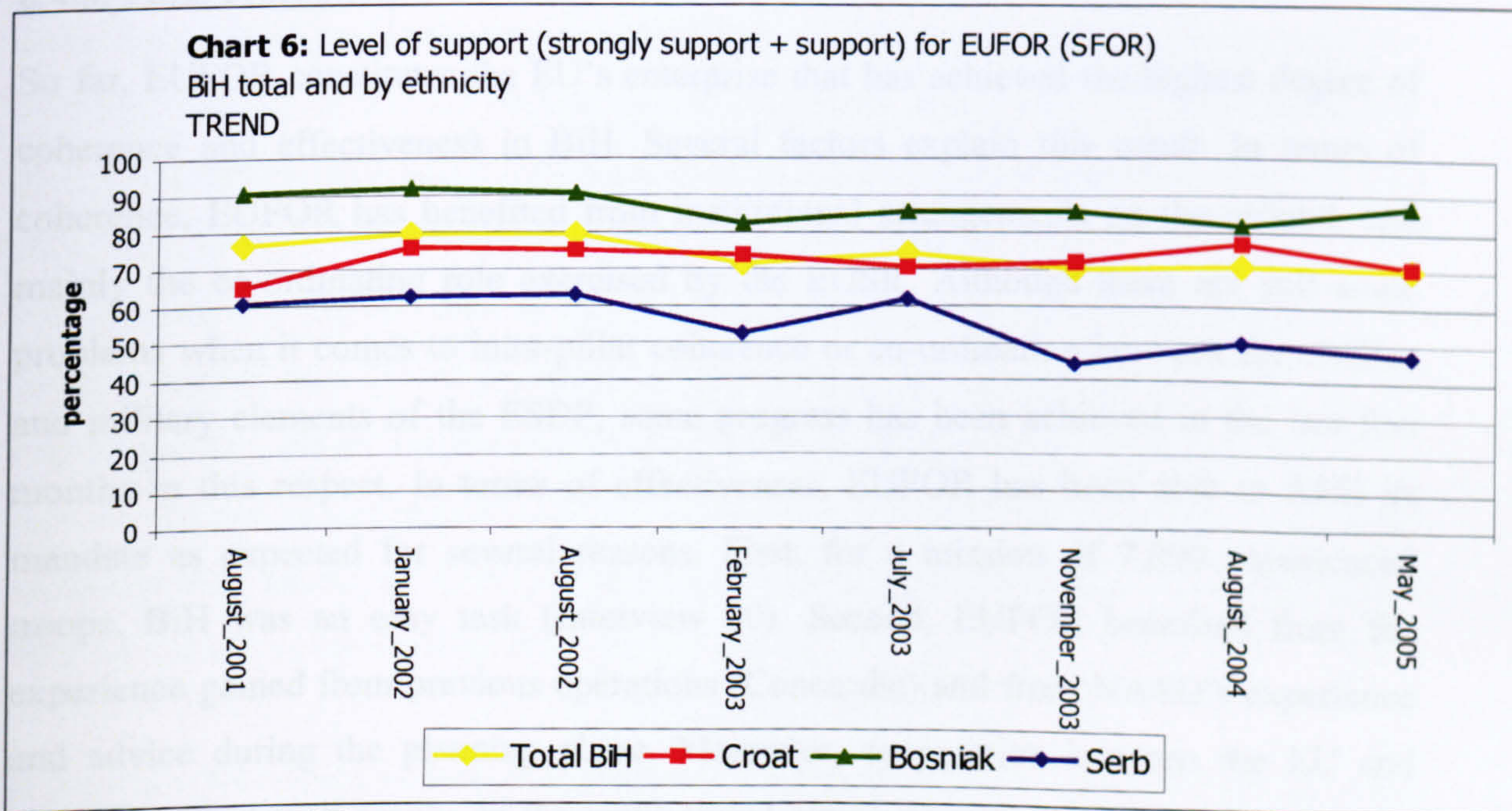
As noted above, EUFOR has to date performed the same functions as did SFOR regarding deterrence and other aspects of ANNEX 1A and 2 of the Dayton Agreement. The conclusion so far is that EUFOR has been **considerably effective** in performing these tasks (WEU Assembly, 2005; Interviews 6, 8, 14, 24, 30, 44). Although before its deployment there were some concerns among local authorities and the population about

¹⁴⁸ During the interviews in 2005, some factors were identified by EUFOR officials as having an impact on the duration of EUFOR's mandate (Interview 6, 7, 8, 13, 25). These included the dissolution of the State Union of Serbia and Montenegro and the general elections in BiH in October 2006. Both took place in a peaceful way. The final status of Kosovo, expected for 2007, can still cause some instability in the region that may indirectly impact on BiH's security situation, forcing EUFOR to stay in for a longer period.

the EU undertaking this mission (Interview 6, 7, 15, 24), an active public diplomacy exercise on the part of the EU, as well as, the actual performance of EUFOR on the ground have set aside those concerns (see Figure 6.5). EUFOR is undoubtedly contributing to a safer and more secure environment in BiH, just as SFOR did.

As mentioned earlier (see section 6.3.2), EUFOR has had a very proactive role regarding the fight against organised crime. By tackling a problem that the local public is worried about, EUFOR’s credibility has been increased among the local population and authorities (Interview 21). However, it has also raised criticisms among other EU officials that have led to subsequent changes in the EUFOR’s operating procedures (see above). There are still some important challenges for EUFOR. One of them refers to the control and supervision of weapons that are stored throughout the country and that can be the object of smuggling activities. Several operations were launched in 2006 to tackle this issue (EUFOR Forum Online, 2006; Interview 35). De-mining also constitutes a threat to human security in the country, and, even though the main responsibility for this is local, EUFOR and other EU bodies are expected to support it. There is still room for improvement in this area.

Figure 6.5. Public perceptions about EUFOR



Source: EUFOR (2005)

Other problems are worth noting here even though they have not affected EUFOR's overall effectiveness. First, the problems with secure communications between EUFOR Headquarters and Brussels. As of December 2005, this had still not been solved (Interview 35). Another important issue was the multinational character of the operation, which meant not only that the contingent consisted of many different countries, but also that there was no framework nation leading the operation, as was the case with France in Concordia. Some officials have pointed out that this makes EUFOR more difficult to manage than other operations (Interviews 6, 7, 25, 35). National caveats (domestic laws that limit the way in which a national contingent can contribute to international peacekeeping forces) have also affected the performance of the mission (Interviews 7, 25, 44) although in this respect, EUFOR is not very different from other international missions. The French troops, for instance, are not allowed to participate in crowd control operations, nor can they use dogs or bullets. The Dutch caveats are also significant in the fight against organized crime and corruption, and German troops are not allowed to use tear gas and need approval from the Bundestag for several types of operations. Some officials have also complained about the quality of forces provided (Interviews 13, 25, 44, 45). Finally, the lack of personnel with English language skills has also been a problem during implementation (Interviews 8, 35, 44).

6.4.6. Final evaluation

So far, EUFOR constitutes the EU's enterprise that has achieved the highest degree of coherence and effectiveness in BiH. Several factors explain this result. In terms of coherence, EUFOR has benefited from institutional arrangements on the ground, and mainly the co-ordinating role exercised by the EUSR. Although there are still some problems when it comes to intra-pillar coherence or co-ordination between the civilian and military elements of the ESDP, some progress has been achieved in the last few months in this respect. In terms of effectiveness, EUFOR has been able to fulfil its mandate as expected for several reasons. First, for a mission of 7,000 experienced troops, BiH was an easy task (Interview 30). Second, EUFOR benefited from the experience gained from previous operations (Concordia) and from NATO's experience and advice during the planning phase. Moreover, cooperation between the EU and NATO worked well thanks to the institutional arrangements established at all levels, and the good working relationships between the two Force Commanders in theatre. In sum, institutional arrangements were adequate, the mandate realistic, the resources

appropriate for the operation and other factors (and conditions on the ground, personalities) were favourable.

As regards the design of the mission, policy makers did not just follow past models, they also incorporated lessons learned from past missions and adapted the mission to the specific situation in BiH. EUFOR Althea was designed on the model of Operation Concordia but in such a way that path dependence did not have a negative impact on coherence and effectiveness. The 'Lessons Identified' from the Concordia operation were useful at the strategic/mil/pol levels (Brussels/SHAPE) *vis-à-vis* intelligence-sharing arrangements, the use of NATO assets (communications and force reserves arrangements) and issues regarding the chain of command (e.g. whether or not to incorporate the NATO's Naples Headquarters) (Interview 25). At the tactical level, Concordia's lessons-learned were taken into account to design the structure of the Headquarters and the division of labour between EUFOR and the NATO Headquarters (Interviews 8, 25).

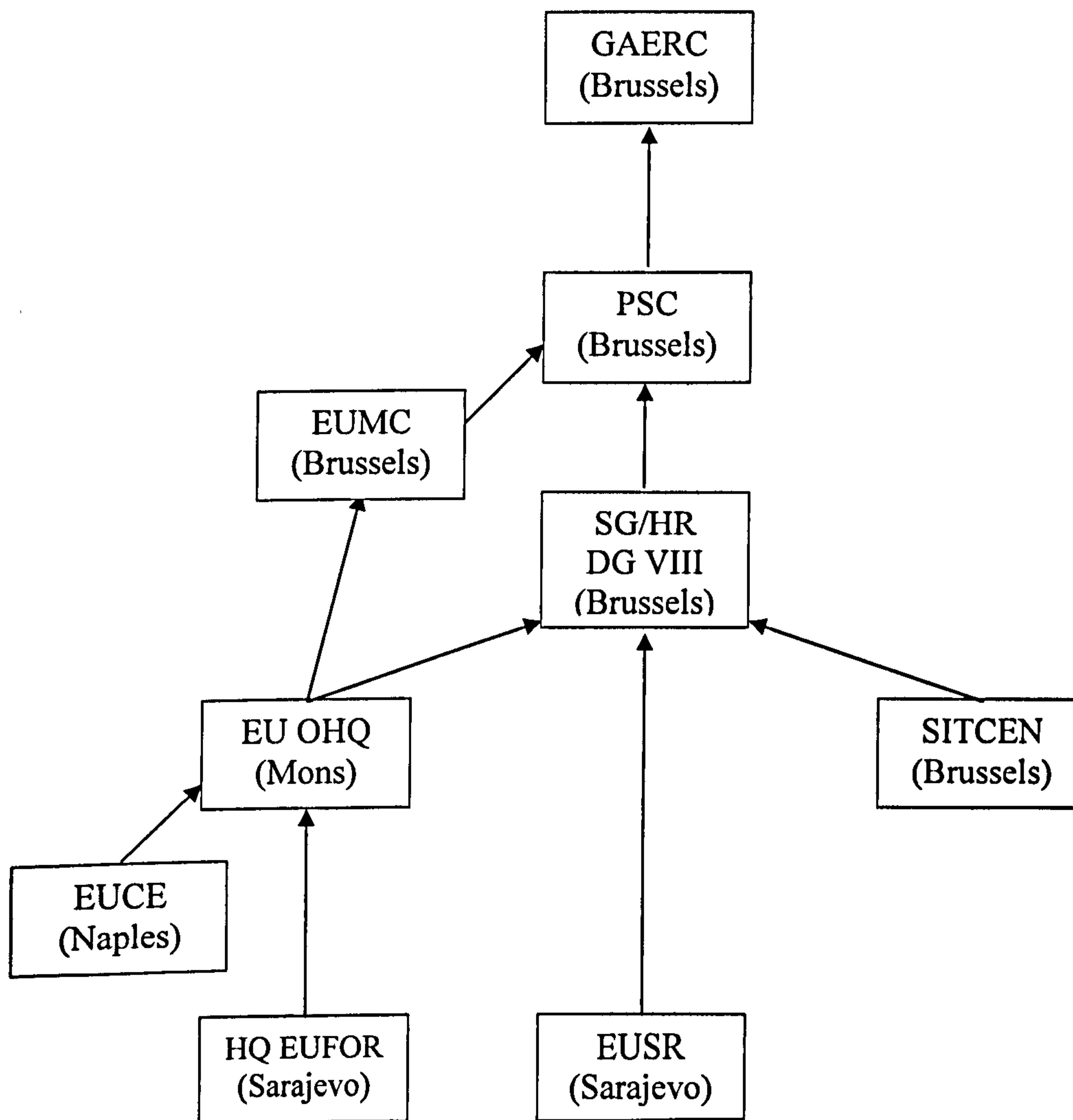
Even if valuable, these lessons were not always transferable to the planning of EUFOR, especially at the tactical level (Interview 8). Hence, the operation also had to resort to learning-by-doing. It was the first time that the EU had launched an operation of such a large scale (7,000 troops) under Berlin Plus arrangements, and many arrangements had to be designed as problems emerged, during the implementation phase. In this case, the informal transfer of lessons learned was as important, if not more so, than the formal one. Even though there was a document of Concordia's Lessons Identified, there was no time to go through this document in detail and at the operational level, many of the staff that planned EUFOR had already worked for Concordia, thus, operational routines were more important than formal procedures (Interviews 8, 25). During the planning and the implementation phase, the transfer of operational procedures and practices from NATO was also of paramount importance.¹⁴⁹ The fact that many officials in charge of EUFOR had previously taken part in NATO missions (including SFOR) or had been seconded to SHAPE cannot be underestimated.

A Lessons Identified Report was produced for the EUFOR's Planning and since the launch of the mission regular Six Month Reviews have been submitted to the PSC (see

¹⁴⁹ For example, EUFOR's Civil-Military Cooperation (CIMIC) concept or the IPU built upon SFOR's ones.

Figure 6.6). The lessons learned system that was established in EUFOR owed significantly to the NATO one.¹⁵⁰ These mission reviews have played a crucial role in the process of policy learning and have identified necessary adjustments to the changing conditions on the ground, such as the current decision on the reduction of troops (see above).

Figure 6.6. EUFOR's mission review process



In spite of the considerable effectiveness of EUFOR, some observers have identified problems-in-the-making in EU's defence capabilities that could affect future ESDP operations, particularly if tested in high-risk scenarios. For instance, although the Member States have committed themselves to achieve greater defence capabilities at the EU level, the investments in defence are still too small to achieve the headlines.

¹⁵⁰ EUFOR was the first operation where an evaluation of the ongoing operation took place (with Concordia the review only took place at the end of the operation) (Interview 13).

Problems relate not only to the amount of money spent, but also to the quality of what the EU Member States get in return, in terms of training of troops and equipment, especially if we compare it with the US (Biscop, 2004: 516-17). Experts have identified a number of shortfalls in ESDP, among them, problems of interoperability of forces, deployability (for example, the EU lacks an effective strategic air-lift), sustainability of deployed forces and strategic intelligence (Biscop, 2004; ICG, 2005a). Because of these deficiencies which refer not only to quantity, but in particular to quality, the EU would have difficulties in conducting a high-intensity operation (peace-making) for a sustained period (ICG, 2005a: 24). A European Capabilities Action Plan (ECAP), a new Headline Goal 2010 and the European Defence Agency have been set up in order to solve these problems.

6.5. CONCLUSION

During the period 2001-2006, the CFSP has experienced a process of increased institutionalisation as a result of arrangements introduced in the Amsterdam and Nice Treaties. New bureaucratic initiatives such as the High Representative, the Policy Unit, the EUSRs, as well as new bodies accompanying the development of ESDP (PSC, CIVCOM, EUMC, EUMS, Police Unit) have started to work. The Petersberg tasks were also incorporated into the Amsterdam Treaty and a new financing mechanism for military operations (ATHENA) was also agreed by the Member States. In sum, during this period there was an increase in the number of CFSP bureaucratic and political bodies and their related competencies; new instruments and procedures for decision-making and implementation were created; the scope and number of CFSP activities increased; and there was a higher, although still limited, involvement of the Commission in this pillar, by providing flanking missions and administrating the budget for civilian crisis management operations – the role of the European Parliament was, however, much reduced, in particular, concerning military operations.

The increasing CFSP institutionalisation has had a positive impact on the role and the levels of coherence and effectiveness of the CFSP as the cases of the EUSR, EUPM and EUFOR have shown (see Table 6.3). Nonetheless, there were still some problems as a result of the mushrooming of new bureaucratic bodies both in Brussels and in Sarajevo. Even though it has generally increased the capabilities and visibility of the EU (hence

its effectiveness), coherence seems particularly difficult to achieve. Thus, one could argue that coherence has decreased in the short term as a consequence of increasing institutionalisation, although in the medium term new mechanisms have been established at both levels to correct these problems (e.g. Seven Principles or a new Civ/Mil Cell).

Table 6.3. Degrees of coherence and effectiveness (2001-2006)

DEGREES OF COHERENCE IN CFSP/ESDP ACTIVITIES			
CFSP initiative	EUSR	EUPM	EUFOR
Decision-making	Considerable	Considerable	Considerable
Implementation	Considerable	Negligible	Minimal/ Considerable

DEGREES OF EFFECTIVENESS IN CFSP/ESDP ACTIVITIES			
CFSP initiative	EUSR	EUPM	EUFOR
Decision-making	Partial	Partial	Considerable
Implementation	Partial/ Considerable	Partial	Considerable

The interviews conducted in Brussels also pointed at an intensification of practices of sharing-information and communication due to more regular contacts among CFSP officials during this period. Increasing levels of socialisation would have had a positive impact on coherence and effectiveness facilitating agreement on a common policy for BiH. With the Brusselisation of the CFSP, and the creation of permanent bodies in Brussels such as COWEB (Western Balkans working group) or CIVCOM, national officials attending these meetings are permanently based in Brussels and thus, it is easier for them to maintain frequent contacts than was previously the case (see Chapter 4 and 5). This has had an impact on decision-shaping and policy formulation. In the case of EU policy towards BiH, representatives in Brussels emphasized the consensus atmosphere in COWEB, and also the efforts made by all sides to maintain this

atmosphere (Interviews 26, 27, 28, 29, 33, 47). According to a national diplomat, in COWEB,

there is no big divide between the Member States, which makes work easier. We have a general policy line and an economic agenda, and no one is against that. [...] This is the biggest achievement [of EU external action] and not individual Member States looking at 'who is my best friend in the region' (Interview 26).

Another added that 'the main elements of the EU policy towards the Balkans are shared by most of the countries. There is a large consensus on the main directions that we have to follow in the Balkans' (Interview 27). There are only some divergences regarding how to operationalize this policy, and in particular, regarding how to approach the issue of conditionality, with a division amongst the Member States between 'soft-liners' and 'hard-liners' (Interviews 14, 22, 24, 26, 27, 47). The three case studies presented above have also shown that even though there might be certain disagreements about the cooperative arrangements with NATO or the role of police forces in general, there is a broad consensus about the need to remain strongly engaged in BiH, if necessary by resorting to military instruments.

To maintain consensus, the regular exchange of information with other Member States and the process of reporting back to their capitals are seen as crucial. Regarding the first one, because of the limited time during the formal meetings, informal contacts in Brussels help understand nuances in the positions of other Member States and even serve as a first step to try to achieve compromise, with the Presidency, the Commission and the Council Secretariat (depending on the issues) playing an important mediating role (Interviews 26, 27, 28). Meetings take place not only in the corridors, but also in other informal forums. As summarised by one representative: 'COWEB is quite lively, we meet quite often in formal meetings, but also informal ones, at events organised not only by COWEB members, but also Western Balkans countries missions to the EU or bilateral embassies' (Interview 33). Frequent contacts with other Member States and in particular with the Presidency facilitates mutual adjustments to Member States' positions and helps forge compromise.

Regarding the process of reporting back to their capitals, one Member State representative affirmed that 'before every important meeting I talk to my colleagues in the MFA and I let them know what is feasible, because it does not make too much sense to send me to die with an instruction which is completely off the point' (Interview 26). The latter shows to what extent national instructions are influenced by the interactions that take place in Brussels. In many cases, representatives in Brussels would not have detailed instructions, sometimes none at all, which makes the process of consensus-building easier (Interview 27, 33). According to one diplomat 'I am very happy when I do not have instructions. Generally, when I received instructions, I am much more constrained in achieving a result. Sometimes, the instructions that you received they are not in line with the context here in Brussels' (Interview 27). To avoid these gaps between perceptions in the capitals and in Brussels regular contacts are essential. Member States representatives will report to their MFAs and try to influence them at an early stage, so they do not get ill-advised instructions (Interviews 26, 27, 28). In sum, common interests, socialisation among policy-makers and the emergence of a self-understanding of the EU as a regional power with a special responsibility in bringing stability to its neighbourhood, have facilitated convergence among EU positions during this last period. Arguably, 'national sensitivities' are still important, for instance, when it comes to issues such as conditionality or cooperation with NATO, but informal practices such as consensus-building and the co-ordination reflex are helpful in bringing national positions to a common EU stance.

On the other hand, two issues demonstrate the existence of unintended consequences and that Member States cannot fully control the integration process and/or overturn past decisions. First, as mentioned in Chapter 3, the Council Secretariat has increased their role in CFSP/ESDP beyond what some Member States had foreseen in principle. For instance one national representative affirmed that in recent years the Council Secretariat has transformed its role from a mere secretariat to 'a policy defining institution', especially in the Western Balkans. According to him, the establishment of the figure of the HR and the Policy Unit help explained this development (Interview 26). The suspicions on the part of the Member States about the role played by the Council Secretariat in the case of EUPM is a case in point. The degree of expertise required in the planning and running of this type of operations, as well as the need for an

institutional memory to take stock of previous operations explains why the role of the Council Secretariat has become so significant in ESDP.

Second, the EU's policy towards the Western Balkans is perceived by some national representatives as a process that has escaped the Member States' control, and that has 'its own dynamic' (Interview 29). According to one national diplomat, 'nobody seems to be in the driving-seat, we [the Member States] lost control on certain things' and no Member State seems able to 'speak up' against the membership perspective for this region or 'to take the blame' for it (Interview 29). Such behaviour would break the unwritten rule to respect the *acquis politique*, and the 'agreed language'. As one national diplomat put it: 'you cannot say now I do not agree with the Thessaloniki agenda' (Interview 33). The enlargement discourse seems unchallenged and the consensus atmosphere remains within COWEB even after the accession of the Central and Eastern European countries (Interviews 27, 33). This demonstrates the path dependent effects of discursive factors on Member States and how past policy discourses can limit their actual room of manoeuvre. As a result, Member States cannot fully control the integration process and/or overturn past decisions.

Finally, this chapter has pointed to the role of learning as a mechanism to improve CFSP coherence and effectiveness. It has shown numerous examples of learning from past experiences, in particular, learning from failure, but also learning from others (e.g. NATO). Policy learning has led to the adjustment of the EUSR's mandate, it has been crucial in the design of a new mandate for the EUPM-II or in establishing the operational procedures of EUFOR (drawing from NATO or the EU Member States). At the decision-making level, the lessons from BiH have also fostered some changes for instance with the development of a *Concept for Comprehensive Planning* or the creation of the Civ/Mil Cell (GAERC, 2005b). In sum, learning from experiences in the field often feeds back to the decision-making level through different channels (e.g. mission reviews) and then becomes institutionalised, contributing at the same time to the process of CFSP institutionalisation.

However, *ad-hocism* still prevails in the EU's crisis management activities as a result of the need for flexibility, but also the inexperience of the EU in this field. To some extent, this results from the fact that the EU does not have a developed/centralised lessons-

learned system to process all the information gathered during the running of a mission. There is no department/person within the Council Secretariat in charge of the Lessons Learned or Best Practices process. Some officials pointed to the need to establish appropriate mechanisms (e.g. a database) to compile the lessons learned from the planning and implementation of police operations, so it could be used for later operations and also as a proper system to allow for the exchange of lessons learned between the civilian and the military missions (Interviews 2, 30, 34). For its part, the workload of the Council Secretariat, PSC or CIVCOM makes it difficult to take stock of past missions (Interviews 30, 34, 48). As one EU official put it: 'The papers are there, the lessons are available, but no one bothers to read them, because they are rushing from one mission to the next' (Interview 48). Finally, the fragmentation of the Council Secretariat makes it difficult to exchange lessons, especially between the civilian and the military branches (Interview 34). In sum, a better system of lessons-learned is required if the EU wants to improve its still 'fresh' capabilities in order to play a distinctive role in crisis management.

CHAPTER 7

CONCLUSIONS:

Towards a more coherent and effective CFSP?

[We need to be] more active in pursuing our strategic objectives. This applies to the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities [...] We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention.

European Security Strategy
(Council of the EU, 2003b: 11,
emphasis in the original)

7.1. INTRODUCTION

This thesis has examined the process of CFSP institutionalisation and its impact on levels of coherence and effectiveness over time, focusing in-depth on the case of CFSP activities in BiH. Its primary goal has been to determine whether a causal link exists between the increasing number of bureaucratic bodies, formal rules and informal practices, and the degrees of coherence and effectiveness reached by the CFSP in BiH. In this regard, the empirical case has provided mixed results. It has demonstrated the impact of the institutional setting on coherence and effectiveness, both at the decision-making and the implementation stages. In many cases, increasing levels of coherence and effectiveness have resulted from new institutional developments or improvements in existing ones. CFSP institutionalisation has also prompted other processes (path dependency, unintended consequences, learning and socialisation) that have affected coherence and effectiveness in different ways. Nonetheless, institutionalisation has not resolved deficiencies in CFSP coherence and effectiveness; there are still problems with the institutionalisation of lessons learned; and the impact of socialisation processes remains limited. After summarising the content of the previous chapters, this concluding chapter reflects further on the strength of the theoretical framework and revisits some of the issues tackled in previous chapters.

The aim of Chapter 1 was to address terminological issues (the definition of EU's external action, coherence and effectiveness) and provided the conceptual tools to operationalise the concepts of coherence and effectiveness. It then moved to the political and academic debates surrounding these matters. How these problems were approached depended, *inter alia*, on the conceptualisation of EU external action and of the EU more broadly (as a state-like entity, an international organisation or *sui generis*), the components of the external action considered and the time-frame of the analysis. Three main factors were devised to explain problems of coherence and effectiveness: divergences among national interests, lack of appropriate institutions, and a lack of a shared identity at the EU level. Chapter 2 elaborated further on the three I's and how these have been conceptualised in the extant literature. The conclusion was that an institutional approach to CFSP is most appropriate in accounting for the mutual relationships between these three variables. This approach could also provide a more comprehensive explanation of CFSP coherence and effectiveness. In this respect, the merits of historical institutionalism by comparison with sociological and rationalist approaches, made it the most suitable approach. From this perspective, path dependency, unintended consequences, learning and socialisation processes were singled out for their potential explanatory power regarding the institutionalisation process of the CFSP and its links with coherence and effectiveness.

Chapter 3 moved one step further by applying this theoretical framework to the evolution of the CFSP. The chapter tracked down the levels of institutionalisation by looking at the number and competencies of bureaucratic organisations (including supranational institutions); the number of formal rules; and the breadth and expansion of informal practices among policy-makers. The conclusion from this account was that CFSP institutionalisation has been considerable and that it has generally boosted levels of coherence and effectiveness. The second part of the chapter looked more closely at the driving forces behind the process of institutionalisation of the CFSP and how path dependency, unintended consequences, learning and socialisation have put this process on track towards greater 'Brusselisation'.

Chapter 4, 5 and 6 constituted the final step in the process, going from the abstract, theoretical framework, to the particular empirical analysis of CFSP activities in BiH. These three chapters provided a detailed examination of eight CFSP initiatives and

offered substantial empirical evidence for claims made regarding levels of coherence and effectiveness and institutionalisation. During the first period from 1991 to 1995 (Chapter 4), low degrees of EPC/CFSP coherence and effectiveness, as evidenced by the EC Peace Conference and the non-decision concerning military intervention, were seen as resulting from a combination of factors: lack of appropriate institutions and crisis management capabilities (including military capabilities), EU inexperience in managing international conflicts, a poor understanding of the situation in the Balkan region, an unwillingness of the Member States to get militarily involved in the conflict, and inflated expectations both from insiders and outsiders of what the EU could do in the situation. In spite of these limitations, one of the main contributions of the TEU was the possibility of launching joint actions and making use of Community funds to finance CFSP decisions. In this way, the CFSP became an operational and not merely a declaratory policy. Greater effectiveness of the CFSP in this respect was evident from the Mostar Joint Action of 1994.

During the second period (1996-2000) (Chapter 5), CFSP was characterised by a low level of activity, a continuation of past initiatives (such as the EC Monitoring Mission) and a secondary role in BiH in comparison with Community activities and the operations of international organisations such as the UN or NATO. The non-decision analysed in this chapter best exemplifies the (self-imposed) paralysis of the CFSP during this period and the consensus among the Member States that the EU should not resort to the use of military instruments. Only the crisis in Kosovo in 1998-1999, because of its impact on the stability of the region, triggered some changes in the EU's approach towards BiH, and with it bolstered significant institutional developments (ESDP). In a time of crisis, the EU's response was the launch of the Stability Pact, but time and institutional constraints meant the initiative did not significantly improve levels of coherence and effectiveness.

The last period examined in Chapter 6 illustrated the dynamic engagement of the EU in BiH since 2001 with the launch of several missions: the EUSR, EUPM and EUFOR. The EUSR has clearly helped improve the coherence of the CFSP in BiH thanks to the establishment of numerous forums for co-ordination. The position has also increased the visibility of CFSP activities, but only partially its effectiveness. It would still require more resources and staff to undertake the more important roles of exerting political

pressure and co-ordination in the country. As for EUPM, this first EU police mission suffered greatly from inexperience. Problems regarding personnel and logistics limited its effectiveness, and negligible coherence during the implementation phase owed much to 'idiosyncratic factors' (and rather less to inefficient institutional arrangements). Finally, EUFOR Althea has presented high levels of coherence and effectiveness. The mission was planned in coordination with NATO and SFOR Headquarters and it was deployed under the Berlin Plus arrangements. The agreed mandate established a clear chain of command and the double-hatted posts ensured a close working relationship with NATO. Taking over from SFOR, EUFOR has maintained the same levels of deterrence and has accomplished most of its mandate. In this way, it has served to foster EU credibility. What is revealing from this third period is the high degree of consensus among the Member States *vis-à-vis* EU policy towards BiH, and more specifically the responsibility of the EU to uphold stability in the region. There is also an increasing consensus concerning the need to use (and combine) both civilian and military instruments to achieve this end.

Box 7.1 Instruments/initiatives deployed in BiH in the framework of EPC/CFSP

- EC Peace Conference (1991-1992)
- Economic sanctions and arms embargoes (decided by a common position, implemented by Community methods) (1991-1998).
- EC/EU Envoys (Lord Carrington, Lord Owen, Carl Bildt) (1991-1995)
- EC/EU Monitoring Mission (1991-...)
- EU Administration in Mostar (1994-1996)
- Stability Pact for Southeastern Europe (1999-...)
- EU Special Representative in BiH (2002-...)
- EU Police Mission (2003-...)
- EU Military Force Althea (2004-...)

Chapters 4-6 also provided evidence of the developing CFSP institutionalisation process in BiH during the period under study (1991-2006). First, new bureaucratic bodies were added at the decision-making level to better deal with foreign policy and civilian and military crisis management operations. In many instances these bodies were set up as a response to the difficulties encountered in dealing with the crises in BiH, and in the Western Balkans more generally. A comparison between the management bodies behind the EUAM (see Figure 4.1, Chapter 4) and those which were operative in 2001-2006 (see

Figure 6.1, Chapter 6) illustrates the growing institutionalisation and Brusselisation of the CFSP in relation with BiH. Furthermore, new specific bodies/organisations have been established in theatre. Box 7.1 provides a list with the EU initiatives/instruments deployed in the country throughout this period.

The number of CFSP decisions and legal acts in relation to BiH has accordingly escalated, an indication of the EU's increasing engagement in the country and the CFSP/ESDP becoming operational (see Table 7.1). Finally, informal practices among Member States' representatives have also increased in recent years, facilitating consensus-building on the subject of the EU's policy towards BiH. The 2004 enlargement to include ten new Member States has not affected this consensus and has even multiplied the level of contacts among national diplomats based in Brussels.¹⁵¹ That said, because more people are now sitting around the table, the exchange of information before formal meetings, the existence of like-minded groups and the role of the Presidency as a *primus inter pares*, have become crucial in order to ensure smooth decision-making. Socialisation has also been instrumental in facilitating consensus concerning the idea of a new international role for the EU in its neighbourhood.

Table 7.1.: Number of EPC/CFSP decisions on BiH*

	1993	1994	1995	1996	1997	1998	1999
Declarations	-	-	7	7	4	5	1
Common Positions	0	1	1	2	2	2	5
Joint Actions	2	5	5	6	4	4	5
TOTAL	2	6	13	15	10	11	11

¹⁵¹ This evidence puts into question previous fears that enlargement to Central and Eastern Europe would increase the risks of deadlock (Gordon 1997/1998; Nugent 2003: 503).

	2000	2001	2002	2003	2004	2005	2006
Declarations	1	1	4	2	0	0	1
Common Positions	1	1	0	2	5	2	5
Joint Actions	3	4	6	7	9	9	5
TOTAL	5	6	10	11	14	11	11

Source: http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/loadBook.asp?BID=73&LANG=1&cmsid=257 [last access 13 december 2006]

* The table also includes decisions targeting the whole of the Western Balkan region such as the Stability Pact or the EUMM.

This concluding chapter summarises the main findings of the thesis regarding levels of CFSP coherence and effectiveness and by so doing it addresses the question of what explanatory power can be attributed to the theoretical framework (historical institutionalism) and to the factors introduced in Chapter 2 (i.e. path dependency, learning, unintended consequences and socialisation). The conclusion also reflects on other issues raised by the analysis of CFSP activities in BiH as follows: (1) the three I's: CFSP institutions, Member States' interests and the EU's international role (2) the evolution of EU external action, looking at the gap between expectations and institutions and (3) certain dilemmas and broader normative implications regarding the CFSP institutionalisation process, coherence and effectiveness.

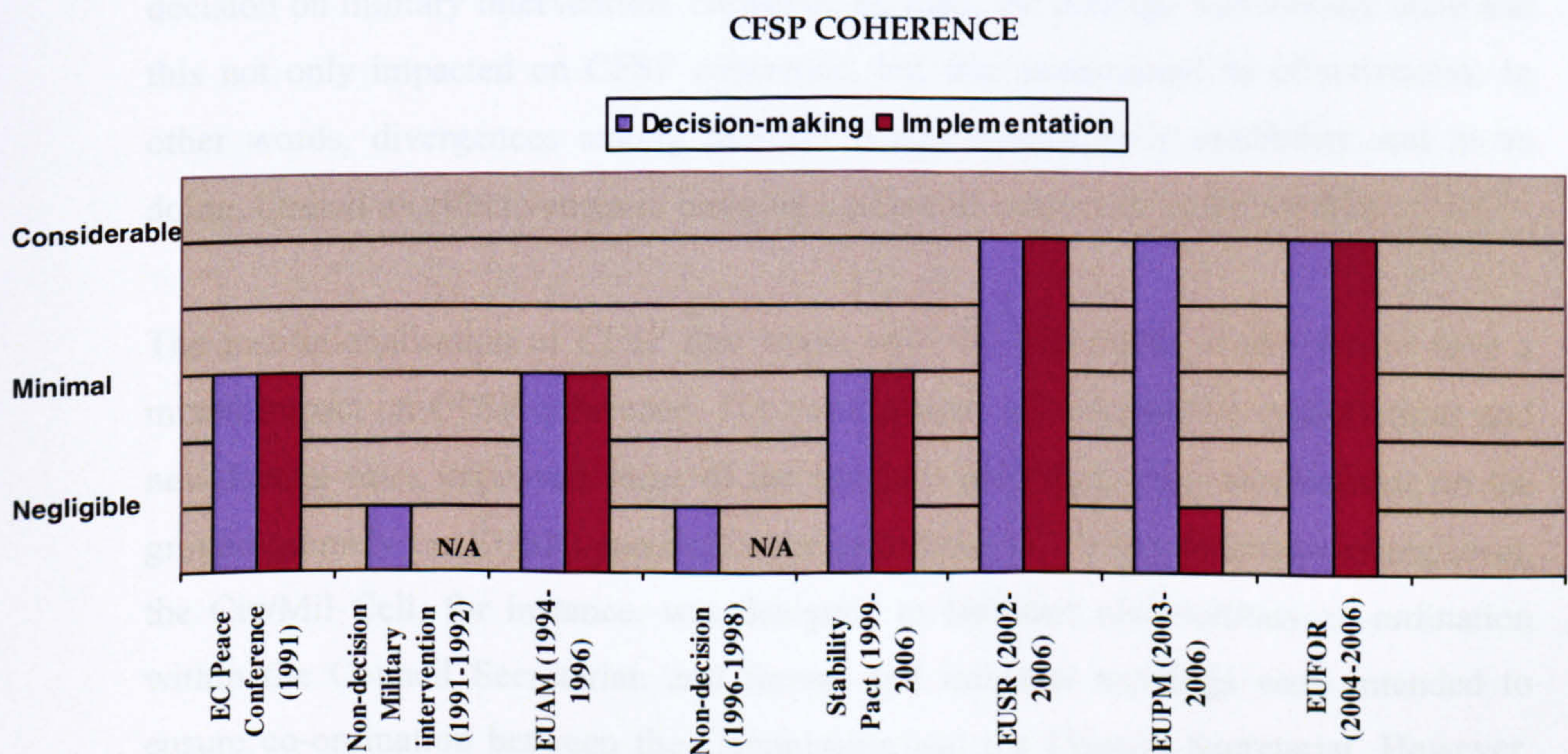
7.2. THE EVOLUTION OF CFSP COHERENCE AND EFFECTIVENESS

First, some brief remarks on conceptual and definitional issues are in order. The concepts of coherence and effectiveness introduced in Chapter 1 have been useful in providing a subtle evaluation of CFSP performance by distinguishing different degrees and dimensions of these variables in contrast to the more categorical judgements of success/failure that have proliferated in the literature. For instance, the initial period of the EC/EU's intervention (1991-1995), generally labelled as a 'fiasco' by many observers, actually gives rise to a more nuanced conclusion when critical appraisal is based on the terms employed in this thesis. The activities carried out during this period

exhibited different degrees of effectiveness, ranging from negligible to partial. Furthermore, the separate examination of the decision-making and implementation phases allowed for the identification of particular factors and their impact at each level (e.g. socialisation processes at the decision-making level; the role of implementing agents and local context during implementation).

Applying these concepts to the case studies was, however, not without problems. The first difficulty related to the distinction between the decision-making and implementation phases. This distinction was never clear-cut and often proved challenging, especially since actors would operate on the two levels simultaneously. The different stages often overlapped with implementation sometimes feeding back into decision-making (e.g. through the lessons learned system) thereby turning policy-making into a circular rather than a linear process. While the case studies aimed to give an overall picture of degrees of coherence and effectiveness, the final assessment (e.g. whether effectiveness and coherence were considerable, partial minimal or negligible) could only imperfectly take into account variations over time and across different dimensions. This was especially the case with coherence, where the final assessment had to account for different degrees across different categories (horizontal, vertical, institutional and internal coherence).

Figure 7.1. CFSP COHERENCE IN BiH



Figures 7.1 and 7.2 illustrate graphically the degrees of coherence and effectiveness at the decision-making and implementation levels for the eight relevant policy initiatives. Whereas these graphs cannot capture the fine nuances that have been described in detail in the case studies, they do provide a snap-shot view of the evolution of CFSP coherence and effectiveness during the period 1991-2006, one that might be helpful in identifying main trends.

Drawing on these findings, some general conclusions can be drawn concerning CFSP and EU external action. First, levels of coherence showed a steady improvement over time; the exception here being the problems encountered during the implementation of EUPM. Second, CFSP coherence at the decision-making level has mainly suffered from divergences amongst Member State interests and problems in reaching a collective decision at 12, 15 or 25. Examples of this were the divergent positions on the diplomatic recognition of the Yugoslav republics and WEU-led military intervention, and the preference of some Member States for dealing with the crisis in alternative forums (the UN and the Contact Group). As a result, degrees of coherence were particularly low (negligible) during the first stage of the EC/EU's intervention in the Yugoslav conflict. Nonetheless, in those cases, when it seemed impossible to reach a common position, the Member States tried to close ranks and agree, at any price, in order to maintain at least the façade of a collective position. This was the case regarding the decision on 15 December 1991 concerning the recognition of the Yugoslav republics and the non-decision on military intervention. However, by then, the damage was already done and this not only impacted on CFSP coherence, but also constrained its effectiveness. In other words, divergences among Member States eroded EC's credibility and in so doing, limited its effectiveness in bringing a peaceful settlement to the conflict.

The institutionalisation of CFSP that began with the Maastricht Treaty would have a mixed impact on CFSP coherence. The development of bureaucratic organisations and new formal rules improved some of the previous problems. New mechanisms on the ground (namely the EUSR) ensured better co-ordination. At the decision-making level, the Civ/Mil Cell, for instance, was designed to facilitate civil-military co-ordination within the Council Secretariat, and formal and informal meetings were intended to ensure co-ordination between the Commission and the Council Secretariat. However, CFSP institutionalisation – and particularly the creation of new bureaucratic bodies –

has had a perverse effect on coherence. For example, attempts to increase effectiveness by establishing new bodies (e.g. ESDP bodies within the Council Secretariat) have sometimes been counterproductive in that they have reduced coherence. The more institutionalisation and the more complex the institutional structure has become, the more difficult it is to co-ordinate and achieve coherence among different bodies. Even though informal communication practices can, to certain degree, overcome some of these problems, there is still room for improvement. Thus, the increasing bureaucratization and compartmentalisation of the CFSP has affected institutional and internal coherence. This has been a critical factor at the decision-making level (Chapter 6).

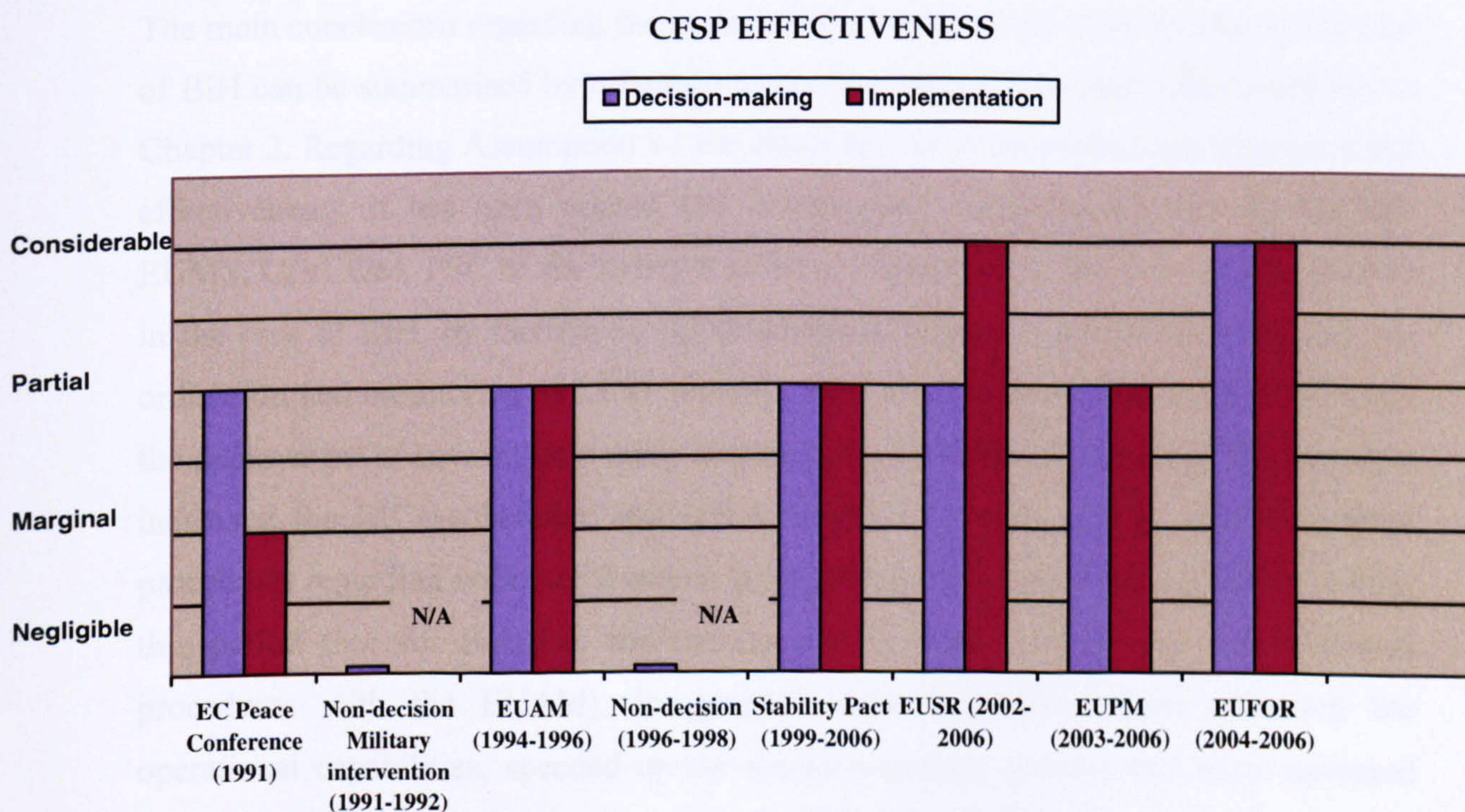
Furthermore, coherent external action has been difficult to achieve on the ground, not only because of the EU's fragmented presence, but also because different actors have arrived at different times. Thus, the EC Monitoring Mission (later the EUMM) was dispatched in July 1991 to observe the cease-fire in Slovenia and then deployed to other countries in the region, including BiH, to monitor human rights and other security-related issues. For its part, the Commission had maintained various activities in the country since the beginning of the war in 1992 with the provision of humanitarian aid and, later, technical assistance in the framework of the SAP. Later the ESDP instruments (EUPM and EUFOR) provided some flesh to the EU's engagement in the country. At the same time, Paddy Ashdown, the High Representative in BiH, was also appointed as the EU Special Representative (EUSR). Over the years, the presence of the EU in BiH has increased, reflecting both the commitment of the EU to the stabilisation of BiH, and the development of the EU as a crisis management actor. However, this growing presence has created enormous challenges of coherence. This is mainly due to the fact that there is no unified chain of command and there are still tensions between Community and Council instruments and between civilian and military ones.

In this way, the CFSP institutionalisation process may have actually reduced levels of coherence in some cases (e.g. EUPM). In the medium and long term, learning by doing and learning from failure can correct the situation as actors come to realise the need for better mechanisms of co-ordination. As mentioned in section 6.3.2 above, the *Seven Principles* agreed in Sarajevo fall into this pattern. The creation of the Civ/Mil Cell within the Council Secretariat, the new mechanisms established to guarantee

comprehensive planning and plans to restructure the Council Secretariat are other examples of the process of adjustment in the medium and long term as a result of perceived flaws in the short term.

In terms of effectiveness, there has also been an improvement in CFSP initiatives. Yet, most CFSP activities have only attained partial effectiveness, with the exception of EUFOR. In this regard, two issues are of particular interest. First, when the EU Member States have been able to agree on a policy, i.e. when there was a collective and purposive action, the decision tended to be in accordance with the EU's putative short, medium and long term objectives, which explains why there are no examples of marginal effectiveness at the decision-making level. In the case of the non-decisions analysed in chapters 4 and 5, however, there were no collective decisions and therefore, only negligible effectiveness was achieved.

Figure 7.2. CFSP EFFECTIVENESS IN BiH



Second, it was often the case that there was agreement on the overall objectives, but not on the specific mandate and instruments to implement them. As a result, mandates were usually too broad and/or unrealistic and had to be adjusted during the implementation phase, where policy learning played a crucial role. Instruments were insufficient most of the time, i.e. CFSP lacked compliance mechanisms or inadequate personnel/financial

resources (EUAM, EUSR, EUPM). In some cases, these problems resulted from divergences in strategies (rather than in interests) amongst the EU Member States. For example, this was the case with the EUPM over the issue of deciding between an executive or a non-executive mandate; or in the case of EUFOR about the role of the IPU and organised crime. On other occasions the EU's operational inexperience explains the deficient mandates/instruments. In this regard, learning by doing together with institutional development (the establishment of new CFSP bodies/instruments) has helped overcome many of these problems in subsequent operations. Thus, some of the problems that jeopardised the planning and implementation of the EUPM were addressed later and did not affect the civilian crisis management operations in Rafah or Iraq launched in 2005. New bureaucratic organisations and formal and informal procedures have increased the capacity of response and have speeded up the decision-making process. Hence, overall CFSP effectiveness has been enhanced, especially when compared with earlier initiatives, such as the EC Peace Conference.

The main conclusions regarding the impact of the institutionalisation process in the case of BiH can be summarised by reference to the four assumptions that were laid down in Chapter 2. Regarding Assumption 1 (the direct impact of institutions on coherence and effectiveness), it has been argued that bureaucratic organisations such as the HR, EUMS, CIVCOM, PSC or the Policy Unit have improved the decision-making process in the case of BiH, by facilitating information-gathering and information-sharing, co-ordination and monitoring of CFSP policies. New organisations such as the EUSR and the deployment of new military crisis management instruments (e.g. EUFOR) have also increased the EU's coherence and effectiveness. The same can be said for formal procedures regarding voting or financial arrangements that have been established during this period (see for instance, the introduction of Joint Actions and new financial procedures with the EUAM). In general, these institutions have increased the operational capabilities, speeded up the decision-making process and thus, increased coherence and effectiveness. They may have also slightly increased the learning capacity (organisational memory) of the EU thanks to the establishment of new techniques and procedures (Lessons Learned Reports and Mission Reviews), and the development of intelligence expertise within the Council Secretariat.

Learning has proven to be an important factor in enhancing the coherence and effectiveness of EU external action, and thus Assumption 2 (learning as a factor increasing coherence and effectiveness) seems to have been verified. Learning has often resulted from the EU's own experiences or from new information provided by non-EU actors. Moreover, events external to the EU such as the Bosnian war and the Kosovo crisis made evident the weakness and problems of CFSP and this too served as a driving force for change. In many cases, the EU had to learn by doing since it was the first time that the EU launched these kinds of initiatives. This was the case with the EC Peace Conference, the EUAM, the EUPM, and EUFOR Althea, which showed the importance of BiH as a testing ground for EU capabilities. The EU did not have any experience in diplomatic mediation among warring parties; it did not have any preliminary doctrine or experience in transitional civilian administrations, in civilian crisis management and police missions; nor did it have any experience in the deployment of such a large military contingent under Berlin Plus. The EU had to learn how to solve problems as they came along. Furthermore, operational practices and knowledge were often transferred from other international organisations (mainly UN, OSCE and NATO) and individual EU Member States. For instance, in the case of EUFOR, learning was the result of knowledge transfers through formal and informal contacts between the EU and NATO bodies (i.e. the meetings between the PSC and NAC), but also by individuals from the Member States participating in the planning and implementation of this operation (mainly, France, UK and Germany through their Defence Ministers).

Learning usually led to incremental adjustment, rather than institutional innovation. This usually involved adjusting mandates to conditions on the ground, improving the quality and the amount of resources, and incremental changes to the institutional setting. Thus, learning can be seen to have been one of the main mechanisms of remedying institutional faults. However, learning has not always increased coherence and/or effectiveness. As mentioned above, incremental changes resulting from learning sometimes led to the creation of new structures that were added on top of existing ones (e.g. creation of new committees or units within the Council structures) that hampered both coherence and effectiveness.

Arguably, socialisation of EU policy-makers has also facilitated consensus-building and the growth of 'we-feeling', something that has also had an impact on EU policy towards

BiH (Assumption 3). The empirical record demonstrates that policy-making was not about hard-bargaining between Member States, and that interests were not defined in isolation in capitals, but rather within the context of negotiations taking place in Brussels. Even though there were still some divergences regarding strategies, the general tendency toward compromise increased the chances of achieving policy coherence. By facilitating socialisation processes, CFSP institutions in Brussels such as the Council working groups or the PSC have increased the convergence of Member States interests regarding EU policy towards the Western Balkans and therefore, have enhanced vertical coherence. As for effectiveness, by increasing the information available to decision-makers, the reflex co-ordination has had a positive impact on EU foreign policy-making.

By contrast, the impact of path dependency on coherence and effectiveness has been generally negative, confirming Assumption 4 (i.e. path dependency can be expected to maintain the status quo or even sometimes reduce coherence and effectiveness). Path dependency and uncertainty usually led to the imitation of past policies. Because of the limited time of response, difficulties in achieving an agreement and the resources that have already been invested in past initiatives (co-ordination and learning costs), 'successful' decisions tended to follow past models (when they existed), which explains why CFSP decision-makers preferred imitation rather than innovation. In some cases, such as the Stability Pact analysed in Chapter 5, this led to non-functional institutions maintaining the status quo, which did not increase coherence and effectiveness. The cost of dumping existing policies was also evident regarding the EU's security and defence architecture. The role of the WEU as the defence arm of the EU, even though a sub-optimal solution, was difficult to reverse because of the weight of institutional legacies. Only a critical juncture such as the Kosovo crisis created the momentum to move things forward.

In spite of the institutionalisation process, there remain numerous challenges to CFSP effectiveness and coherence. The development of ESDP capabilities can be seen here as a case in point (see Chapter 6). ESDP operations are still the result of a time-consuming process accompanying the planning and deployment of the operation on the ground. This is largely due to the difficulties imposed by both the political process – painful negotiations at 25 and among the different EU institutions – and the recent development

of ESDP capabilities. The complexity of the decision-making structures at the Council and the fragmentation of the Council Secretariat might compromise the EU's capacity of response given the 'crisis' nature of these operations. These problems should be taken into account when it comes to tinkering with institutions. The EU still needs to streamline its structures and speed up its crisis management procedures to be able to respond in an effective manner to international crises. Moreover, to overcome fragmentation on the ground, a bold and comprehensive strategy and the establishment of a single chain of command for the different EU bodies would be desirable. Other problems regarding national caveats, personnel and the financing of ESDP operations cannot be solved only by means of institutional engineering, but will require a stronger commitment from the part of the Member States to provide the necessary resources to these operations.

The conclusion that can be drawn from this discussion is that the hypothesis advanced in Chapter 2 (that higher levels of institutionalisation have increased levels of coherence and effectiveness) cannot be entirely verified. Even though institutional developments have increased the overall impact, credibility and effectiveness of the EU in BiH, and the CFSP in general, some problems persist. In particular, greater institutionalisation, or in other words, the increasing complexity of the EU's institutional setting, has aggravated problems of horizontal and institutional coherence in the short term. Moreover, these problems have also affected the effectiveness of missions on the ground. Thus, in spite of increasing CFSP institutionalisation, coherence and effectiveness of CFSP in BiH has only marginally increased. Finally, one ought not to forget the impact 'external' factors have had on coherence and effectiveness independent of the degree of institutionalisation. In this regard, the empirical analysis has pointed to the importance of local context and idiosyncratic elements such as personalities, as key intervening variables, particularly at the implementation level.

7.3. CFSP INSTITUTIONS, MEMBER STATES' INTERESTS, AND THE EU'S INTERNATIONAL ROLE

This thesis has not only served to explore issues of coherence and effectiveness, but it has also helped examine the three I's and their mutual relationships. Firstly, regarding interests, the research has shown that Member States' interests are informed not only by the desire to maximize security and economic interests, but also by institutional

preferences, i.e. what the 'appropriate' institution to deal with a particular issue and by social factors (share collective values or norms) should be. For instance, during the first stages of the crisis in Yugoslavia, even when the Member States did not have vital economic and security interests at stake, they agreed to intervene and they did so primarily via the EC. In the case of the recognition of the breakaway republics, it seems that institutional factors and the desire to maintain a collective position have mattered more than geostrategic factors.

The decisions on the Stability Pact and ESDP operations in BiH also demonstrated how institutional factors and shared values can be mobilised to gain the support of the Member States for an initiative. With regard to the latter, other organisations could have carried out these operations. For instance, there was no need for the EU to take over from NATO. A NATO operation could have stayed in the country for 2-3 years more, even without US troops on the ground. As for the police mission, a replacement mission led by the OSCE was suggested long before the EU decided to take over. Factors other than material, security-related considerations were thus important in this case. Two motives help account for the EU's decision to launch ESDP operations in BiH. First, a desire on the part of the EU Member States to test and develop EU crisis management capabilities (i.e. its desire to strengthen the EU's global role), and second, a shared responsibility towards the future of BiH, symbolised by the prospect of EU membership.

As mentioned in Chapter 2, interests are not fixed, but are subject to change. Changes in the French and UK positions during the debate on diplomatic recognition at the end of 1991 serve as examples of this. Alterations in Member States' positions also occurred with the Kosovo crisis, something that opened up the membership perspective for states in the Balkans and the possibility of an autonomous defence policy at the EU level. However, it is difficult to determine whether these changes in Member States' positions were only changes in strategies or whether they reflected more fundamental preferences. In any case, it seems that participation in CFSP institutions might have prompted and reinforced these changes through socialisation processes. Related to this, rising levels of CFSP institutionalisation have been a reflection of an emerging consensus among the Member States concerning the need to develop EU's capabilities, but this institutionalisation, in turn, has also facilitated consensus by increasing cooperation,

informal exchanges and socialisation processes. In other words, Member States (and, specifically, national policy-makers) have been involved in the shaping of the institutionalisation process, but they, in turn, have been shaped by this process. This illustrates the mutual relationship between interests and institutions, and between structure and agency.

Institutions have also been instrumental in the process of defining a new role or identity for the EU from a civilian power to a more muscular one, committed to the promotion of certain norms and resorting to military instruments when required – here referred to as normative power.¹⁵² Socialisation processes can be seen in this light as instrumentally bringing the different positions of the Member States to a common stance and thereby endorsing this identity for the EU. The High Representative has also played a key role in bolstering these changes, for instance, with the drafting of the *European Security Strategy* (European Council, 2003b). As regards the impact of this normative role on foreign policy, the EU's identity can be seen as a source of Member States' interests and has arguably determined the limits of conceivable action by the EU. For example, the image (i.e. identity) of the EU as a civilian power determined the range of EU activities the Member States could agree upon during the first and second period.

The transformation of the EU's role/identity from a civilian to a normative power during the period under study (1991-2006) also demonstrates that even though identities tend to be 'sticky', they can also change. The role played by the EC/EU during the whole of the first period was that of a civilian power, an actor on the international scene which exerts its influence by diplomatic and economic means rather than the use of military force (Duchêne 1972, 1973). This conceptualisation of the EC/EU had been the predominant one both in academic and political circles, determining to some extent the limits of 'possible' EC/EU actions. However, civilian instruments were not mobilised quickly enough at the beginning of the Bosnian conflict, and were not sufficient to stop an ethnic war, as shown in Chapter 4. In spite of its limitations, the EU tried to promote its own norms and its own model through peace negotiations, although not very successfully. For example, at the EC Peace Conference, the EU proposed a

¹⁵² The term 'normative power' was coined by Ian Manners (2002). Other terms referring to the normative dimension of EU external action are those of 'ethical power' (Aggestam, 2004b) and 'civilising process' (Linklater, 2005).

confederation based on its own arrangements, i.e. a pre-Maastricht model (Buchan, 1993: 75), but it was rejected by the Serbian government.

The model of the EU as a civilian (particularly economic) power was also the dominant one during the second period. Following the signing of the Dayton Peace Agreement, the EU assumed responsibility for helping BiH in post-conflict reconstruction. Through various different initiatives (the Royaumont Process, the Regional Approach), the EU established political and economic conditionality in the Balkan region for the first time. In other words, economic assistance was provided on condition that the recipients respect human rights, democracy, and the rule of law. By so doing, the EU started to emphasize the normative aspect of its involvement in the Balkans. Another characteristic aspect of this period was that Community activities took pre-eminence over CFSP ones, with the Member States refusing to give the EU a stronger role in the implementation of the political, police or military aspects of the Dayton Agreement. Yet, this regional approach lacked a clear and purposive strategy and the EU gave no indication of what its long-term relationship with the region would be.

The approach started to change after the events in Kosovo and the St. Malo summit (1998), when the UK and France agreed on the need to develop the EU's military capabilities. One of the main lessons of the conflicts in the Balkans was that CFSP, if it was ever to be worthy of its name, would have to deal with peacekeeping and peace-management particularly in neighbouring areas. As suggested by Aggestam (2004b: 245), the dealings of France, Germany and the UK in the wars in the Balkans (and one could argue the same for other Member States) could be seen as

a learning process that eventually resulted in the manifestation of a common role of Europe as an ethical power – a role based, in the first instance on ideational and soft power, but with the instruments of hard power as a last resort.

The identity of the EU as a normative power will be that of a Union committed to norms – including *inter alia*, the rule of law and respect for human rights, democracy and multilateralism –, still privileging civilian means, but ready to use military instruments to promote those norms when necessary. Hence, such an EU's role/identity would

consist of both substantive and procedural norms, the former referring to *what* norms the EU should promote worldwide, and the latter to *how*, i.e. by which instruments, the EU should promote those norms.

Nowadays, the normative dimension appears to have become an integral part of the discourse and the praxis of the EU and it can be traced through numerous official documents and speeches.¹⁵³ Thus the *European Security Strategy* endorsed by the Member States affirmed that the EU 'should be ready to share in responsibility for global security and in building a better world' and, similarly, should be committed to contributing 'to an effective multilateral system leading to a fairer, safer and more united world' (European Council, 2003b: 1; 14). The objectives of EU external action were then seen as 'restoring good government', 'fostering democracy', 'establishing the rule of law and protecting human rights' and developing 'a stronger international society, well functioning international institutions and rule-based international order' (European Council, 2003b: 6; 10; 9). For his part, Javier Solana (2002: 2) defined the EU's foreign policy in the following terms: '[o]ur common foreign policy cannot just be interests based. Protecting and promoting values, which are part of our history and very dear to the hearts of our citizens, must continue to be a priority'.

Parallel military developments within the EU would not challenge the building of a 'civilising' power, given that these were seen as in the service of the aforementioned goals. What is more, given the reality of armed conflict, the development of ESDP appeared to be a necessary requirement. In other words, military intervention might well be needed for the EU to act as a promoter of fundamental human rights and democracy. According to Javier Solana (2000b), the EU

cannot continue to publicly espouse values and principles while calling on others to defend them [...] In the final analysis, as a last resort, after all possible instruments had been tried, the Union has to have the capacity to back up its policies by the use of military means.

¹⁵³ In the online survey, national representatives considered that the promotion of EU's values was almost as important as the promotion of security interests. Economic interests came last in the evaluations (see On-line Survey, Appendix I).

EU activities in BiH best exemplify the way these arguments have been applied in practice. First, EU activities have aimed at promoting the Copenhagen criteria by offering membership as the prime incentive. As summarised by an EU official (Interview 24):

We have now a clear strategy that offers, on the one hand, the prospect of membership of the EU, and, on the other, the need to undertake the reforms that are necessary to join the EU. This is not just about technical reforms; there is also a commitment to the values that the EU embodies [...] Membership is the most successful, the most effective tool for entrenching democracy.

Economic incentives and the membership perspective are not yet sufficient to maintain stability in BiH and to keep the country on track to closer integration. For this reason, ESDP instruments, including a military operation, have been launched in the country to support the transition process and the rule of law. Obviously, one could argue that this is far from an altruistic enterprise, and security interests also motivate the EU particularly if BiH should again become unstable and a source of violence (European Council, 2004; Interviews 22, 24, 33, 34). Even so the normative dimension remains a strong motivation for EU engagement in BiH to the extent that one could argue that its involvement in recent years has been key to facilitating two processes: (1) the integration of BiH into Euro-Atlantic structures and (2) the building of a new EU identity as a regional normative power, whose influence relies on a combination of carrots and sticks, civilian and military instruments. These two parallel processes, that started to converge at some point at the end of the 1990s, are currently two sides of the same coin.

7.4. THE EVOLUTION OF EU EXTERNAL ACTION: CLOSING THE INSTITUTIONS-EXPECTATION GAP?

The analysis of CFSP activities in BiH is also illustrative of the development of EU external action more broadly. One issue is of particular interest here: how the EU has responded to internal and external expectations/demands by improving its institutional arrangements. In this regard, the Bosnian case best exemplifies the process of adjusting

internal expectations to capabilities, as well as improving both diplomatic and military capabilities to respond to external developments. Member States and EU institutional expectations are of utmost importance in this respect because they have a determining impact in the setting out of the short and medium term objectives that guide EU activities. The narrowing of the gap between objectives and institutional capabilities has helped to improve the effectiveness of EU external action, and in particular, the CFSP.

At the beginning of the conflict, the gap between expectations of the role the EU should play and the actual means at its disposal – the so called ‘capabilities-expectation gap’ (Hill, 1993) – was difficult to close. Internal and external expectations were high, especially after the signing of the TEU and the establishment of the CFSP. According to Ginsberg, ‘by trumpeting a new Common Foreign and Security Policy (CFSP) for the EU in the Maastricht Treaty (1993), the EU raised expectations for a collective diplomacy that exceeded the capabilities of its institutions, instruments and resources’ (1999: 430). In other words, economic instruments and a weak diplomatic machinery were not sufficient to put an end to a conflict as complex as the Bosnian one. The inability of the EC/EU to bring a peaceful settlement to the conflict had the consequence of lowering internal and external expectations. The credibility of the EC was highly damaged, particularly in the Balkan region. According to Gnesotto (1998: 15), the EU’s role during the war, the divisions and problems in agreeing a common line of action were ‘all notorious handicaps that detract[ed] from the deterrent power of the European in the eyes of the Croats, Serbs and Bosnians’. Looking at how this affected particular initiatives, after a first period of high but unfruitful involvement, during the second half of the war in BiH (1993-1995), the role of the EU diminished to become almost imperceptible.

During the first half of the second period (1996-1998), one could argue that internal expectations and hence the EU’s objectives were streamlined so as to adjust them to its capabilities. In other words, the EU narrowed its expectations-capability gap by lowering its internal expectations, instead of increasing its capabilities. Furthermore, it seems that after the inability of the EC/EU to stop the conflict in Yugoslavia, external expectations had also decreased among the warring parties. Talking about wider responses to the Yugoslav crisis, Buchan (1993: 172) argued that ‘[s]uch over-ambition discredit[ed] the Community in the eyes of the outside world, which is innately doubtful about the role of a multinational conglomerate in an international system fashioned for single nation

states'. The early experience in BiH was a 'baptism by fire' (Ginsberg, 2001) that forced the EU to become more realistic about its limitations and to realise in which areas it could play the most significant role. In sum, expectations were adjusted to capabilities almost across the board.

During the last period (2001-2006), confidence, and hence expectations, have increased with the creation of new institutions and instruments at the EU level that allow the Union to undertake crisis management operations, including peace-enforcement by resorting to military instruments. Today there is a willingness to use these instruments even by those Member States regarded as pro-Atlanticist or neutral. Therefore, it can be argued that the development of expectations and capabilities run in parallel, although expectations are likely to increase rapidly with the successful implementation of the first ESDP operations.

7.5. NORMATIVE IMPLICATIONS AND DILEMMAS REGARDING COHERENCE, EFFECTIVENESS AND THE CFSP INSTITUTIONALISATION PROCESS

This thesis has raised several normative questions that deserve some consideration here. First, one could wonder whether the highest levels of CFSP coherence and effectiveness are achievable or even desirable. Normative implications are therefore inescapable. As regards coherence, one might well argue that absolute coherence would seem impossible in anything other than a pure anarchy or dictatorship (Nuttall, 2005: 93). Even in the most centralised systems problems of coherence arise not only because of faults in institutional design, but also because of organisational culture, the boundaries of rationality, or turf battles between departments and units within a government or organisation (see, for instance, Allison and Zelikow, 1999). In the case of the EU, it seems that coherence would always be imperfect so long as pillarisation remains. Besides, as shown throughout this thesis, sometimes effectiveness has clashed with coherence. While, one could argue that on some occasions (e.g. decisions on military intervention), the requirements for a unitary (coherent) action have undermined CFSP effectiveness and the credibility of the EU. The need for flexibility in the EU (e.g. constructive abstention, enhanced cooperation) also makes it difficult to achieve coherence amongst *all* the Member States' positions. Moreover, the need for new instruments and/or units has put enormous pressures on the CFSP to achieve coherence.

As regards effectiveness, implementation gaps as a result of the limits in the rational capabilities of policy-makers or because of external factors (local context, the impact of third parties) seem difficult to overcome. The question of effectiveness, and in particular the fact that the EU has acquired military instruments in order to better achieve its objectives also brings up other implications. The first is obvious and refers to the need for military instruments in order to be effective on the international stage. The limitations of the EU when dealing with the war in BiH might have pointed to this in the sense that the EU could have mobilised or at least threatened the warring parties with the use of force in order to stop the conflict at an earlier stage of the crisis. By contrast, only the combination of American diplomatic pressure together with NATO's bombings brought the warring parties to the negotiating table. The second normative issue has been raised by many authors (Smith, K. E., 2000; Manners, 2002; Stavridis, 2001) and relates to the question: does the EU need to bestow itself with military instruments or should it concentrate on civilian matters? Arguably, the answer to this question will depend on what task and norms the EU should want to promote through its external action. For only economic and developmental issues, civilian instruments would appear to be sufficient. For a broader set of objectives, such as those laid down in Article 11 of the TEU, including the promotion of democracy, human rights, and the rule of law, as well as maintaining peace and stability, civilian instruments alone are insufficient and military ones may have to be utilised

With the development of the ESDP and the EU's military instruments, it seems that this question has, in any case become superfluous although, in principle, these developments are not irreversible. The emphasis now has been placed on the conditions under which the instruments that have been developed should be used, especially as the EU could engage in 'tasks of combat forces in crisis management, including peacemaking' (Art. 17.2, TEU). Thus, one could advance several conditions that have been, thus far, respected by current ESDP operations. First, military force should be used only as an instrument of last resort, when it is considered to be the only effective means to achieve or protect civilian ends, and when it is internationally legitimate (i.e., exercised under the mandate of a UNSC Resolution and with a broad international consensus). Looking at the operation launched in BiH, one could say that military instruments have been deployed there as a last resort (a 'green force' is still considered necessary by the locals), with the authorisation of the UNSC and under a broad international consensus,

of which its troops composition (thirty four states) gives testimony. Other criteria mentioned by scholars such as democratic control and accountability (Lodge, 1993; Maull, 2000) however seem far from having materialised in EU practice. The limited role of the European Parliament during the planning and implementation of EUFOR seems especially worrying, since national parliaments are also being sidelined in this regard. As the EU develops into a full fledged international actor resorting to a broad range of instruments at its disposal, including military ones, this fault line in its institutionalisation process needs to be addressed.

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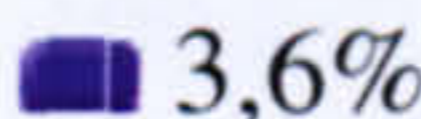
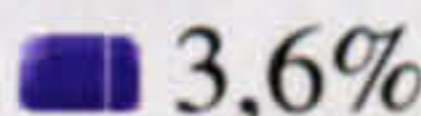
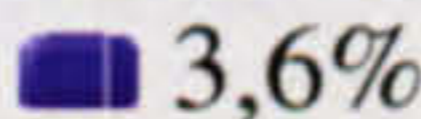



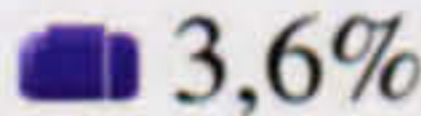

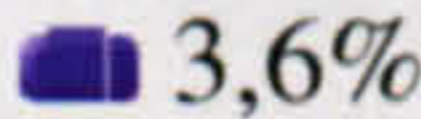
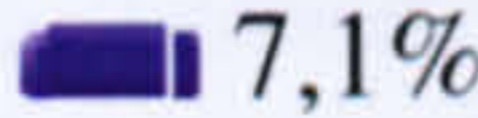




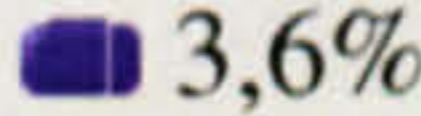


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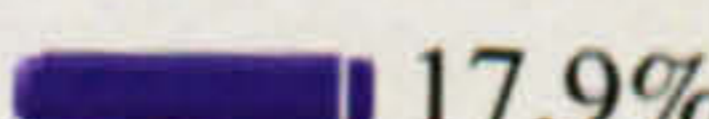

9. APPENDICES

Appendix I: Council Working Groups On-line Survey

2. Please select your nationality from the list below

Austrian	 7,1%	(2)
Belgian	 7,1%	(2)
British	 3,6%	(1)
Cypriot		(0)
Czech		(0)
Danish	 3,6%	(1)
Dutch		(0)
Estonian	 3,6%	(1)
Finnish	 3,6%	(1)
French	 10,7%	(3)
German	 7,1%	(2)
Greek	 3,6%	(1)
Hungarian	 3,6%	(1)
Irish	 3,6%	(1)
Italian	 7,1%	(2)
Latvian		(0)
Lithuanian	 3,6%	(1)
Luxembourg		(0)
Maltese		(0)
Polish	 7,1%	(2)
Portuguese	 7,1%	(2)
Slovakian		(0)
Slovenian	 7,1%	(2)
Spanish	 3,6%	(1)
Swedish	 7,1%	(2)
TOTAL	 100,0%	28

3. Which is your working group/committee?

Western Balkans (COWEB)	 21,4%	(6)
Political and Security Committee (PSC)		(0)
Military Committee (EUMC)		(0)
Committee for Civilian Aspects of Crisis Management (CIVCOM)	 17,9%	(5)
Political and Military Working Group (PMG)	 7,1%	(2)

Other: COCEN-COSEE, ENLARGEMENT	3,6%	(1)
Other: COEST	32,1%	(9)
Other: COMAG, COMEM, COMED, COMEPP	3,6%	(1)
Other: COTRA, EFTA	3,6%	(1)
Other: ENLARGEMENT	3,6%	(1)
Other: EUMC WG	3,6%	(1)
Other: transatlantic relations (COTRA)	3,6%	(1)
TOTAL	100,0%	28

4. How many years have you been member of this working group/committee?

Less than 1 year	17,9%	(5)
More than 1 year	42,9%	(12)
More than 2 years	25,0%	(7)
More than 3 years	14,3%	(4)
TOTAL	100,0%	28

5. From your experience, which one, from the list below, is the main obstacle for a coherent and effective CFSP/ESDP?

Inappropriate institutions	25,0%	(7)
Divergence among Member States interests	53,6%	(15)
Lack of a common identity	17,9%	(5)

6. Any other reason that you would like to add

#	Response
1	Inexperience
1	Institutional room for improvement (External Action Service!)
1	Lack of a common identity
1	Lack of commitment of the member states to the region
1	Lack of finance and quick procurement rules for civilian missions
1	Limited financial support
1	Poor description of goals
1	Some member States are playing too much for their national external policy
1	Too many EU instruments on the ground

7. Do you think that coherence and effectiveness of CFSP/ESDP have increased or decreased since 1991?

Increased	92,9%	(26)
Decreased		(0)
Remained constant	3,6%	(1)
TOTAL	96,4%	28

8. If you think coherence and effectiveness have increased, can you mention any reform that you believe have made possible increasing levels of coherence and effectiveness of CFSP/ESDP? (Please, specify)

#	Response
1	Adoption of the SAp, adoption of missions on the ground (EUMM, EUPM...)
1	An increased role of the OHR/EUSR
1	Because of the growing experience on implementation
1	Constitutional Treaty would have made a difference; EC Cologne, Nice, ESS
1	COPS; development of Commission's DG Relex and SEC; geographical cross pillar working groups
1	Creation of PSC
2	Creation of the SG/HR
1	EU High Representative, launching of ESDP
1	Experience
1	Fusion of CFSP Working Groups
1	Institution of Mr CFSP and, later on, all EUSR
1	Institutional reforms- strong executive body
1	Mutual acceptance by Council bodies and Commission services to cooperate more and better in order to increase the EU interests and values, while respecting each other competencies.
1	New adopted treaties since Maastricht, draft of the new treaty on the EU
1	PSC, HR
1	Role of HR/SG
1	St Malo, Nice, PSC, EUMC, principle of EU autonomy in ESDP operations
1	The Cologne European Council

9. Please can you indicate which of the following institutional settings have increased coherence and effectiveness of CFSP/ESDP

The High Representative	60,7%	(17)
A rotating Presidency	7,1%	(2)
The Policy Unit	57,1%	(16)
The Political and Security Committee	60,7%	(17)
Constructive abstention	7,1%	(2)
Common Strategies	21,4%	(6)
Unanimity as the rule in CFSP decisions	21,4%	(6)
QMV for joint actions	10,7%	(3)
Right of initiative for the Commission	32,1%	(9)

10. Which of the following reforms do you think would increase coherence and effectiveness of CFSP/ESDP

An EU Foreign Minister	85,7%	(24)
Abolition of the rotating Presidency	21,4%	(6)
An EU Diplomatic Service	60,7%	(17)

An EU Defence Agency		32,1%	(9)
An EU President		17,9%	(5)
QMV for all CFSP/ESDP decisions		17,9%	(5)
Increased role for the Commission		25,0%	(7)
Increased role for the European Parliament		7,1%	(2)
Enhanced cooperation in ESDP		46,4%	(13)
Permanent structured cooperation in ESDP		32,1%	(9)
Legal personality for the EU		53,6%	(15)

11. Do you consult with other national delegations prior to formal meetings?

Yes, always		17,9%	(5)
Yes, most of the time		71,4%	(20)
Yes, rarely		10,7%	(3)
Never			(0)
TOTAL		100,0%	28

12. If yes, how often your delegation consults with other delegations prior to the formal meetings?

Many times per week		53,6%	(15)
Once per week		32,1%	(9)
Once per month		10,7%	(3)
Less than once per month		3,6%	(1)
TOTAL		100,0%	28

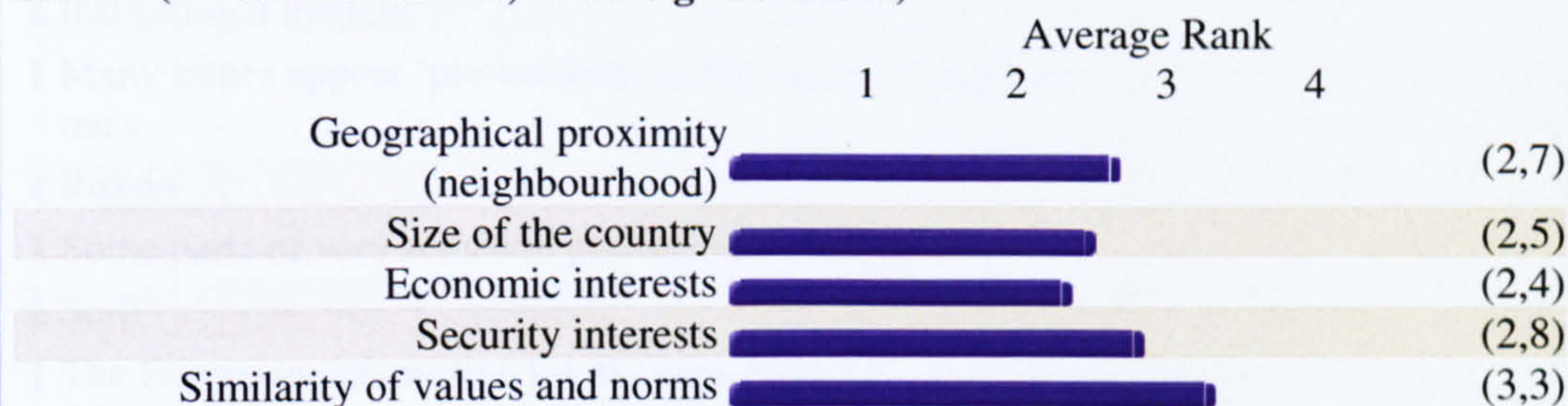
13. Which actor, from the following, do you consult the most?

Commission		28,6%	(8)
Presidency		39,3%	(11)
Secretariat General		32,1%	(9)
TOTAL		100,0%	28

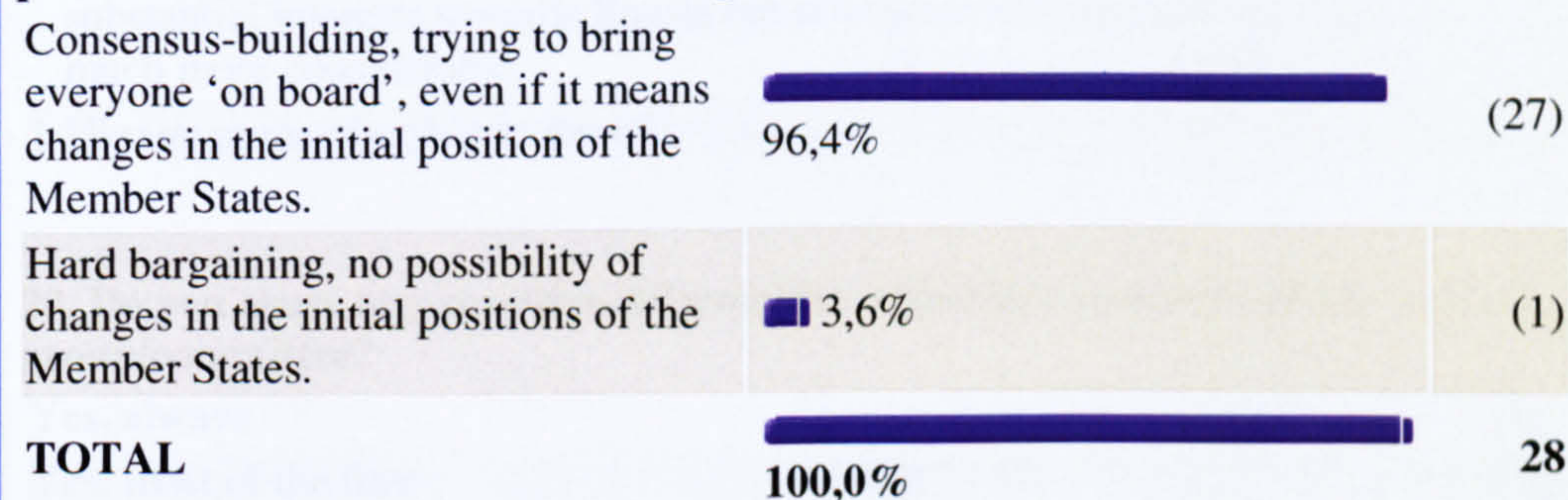
14. When participating in the Council working parties do you feel allegiance to... (1=To a less extent; 4=To a great extent)

	Average Rank				
	1	2	3	4	
Your own government					(3,6)
The group in which you participate					(2,4)
The European Union					(2,8)

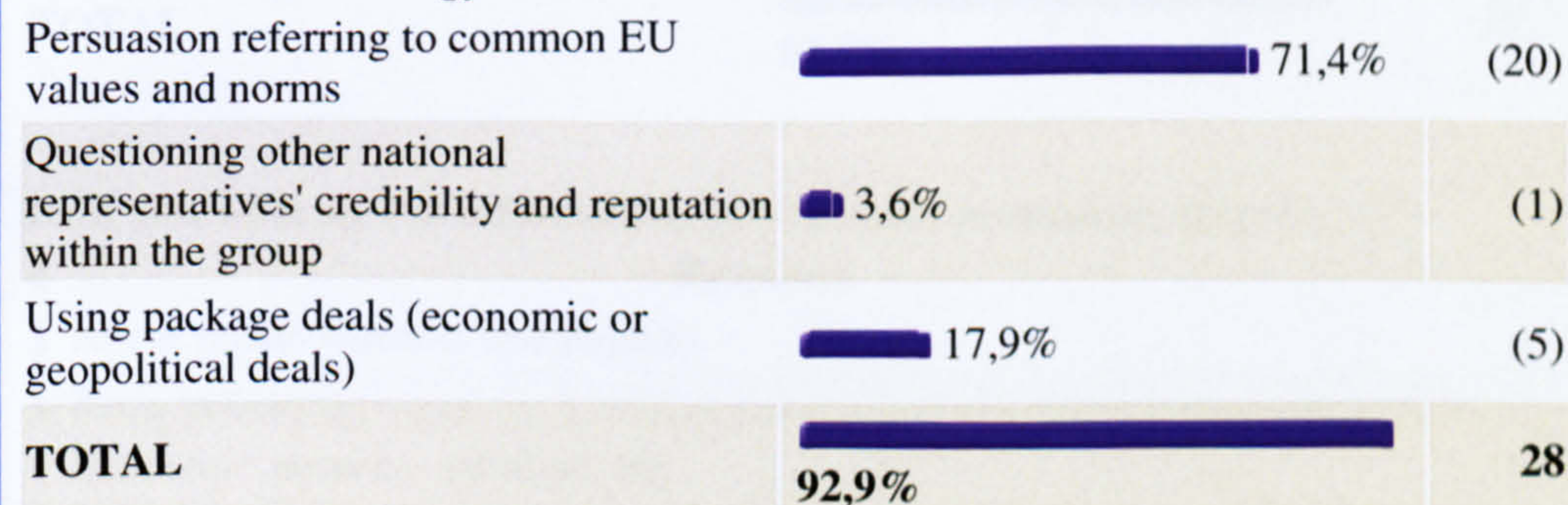
15. From the following criteria, could you indicate which one do you take into account in order to privilege communication with partners from other Member States? (1=To a less extent; 4=To a great extent)



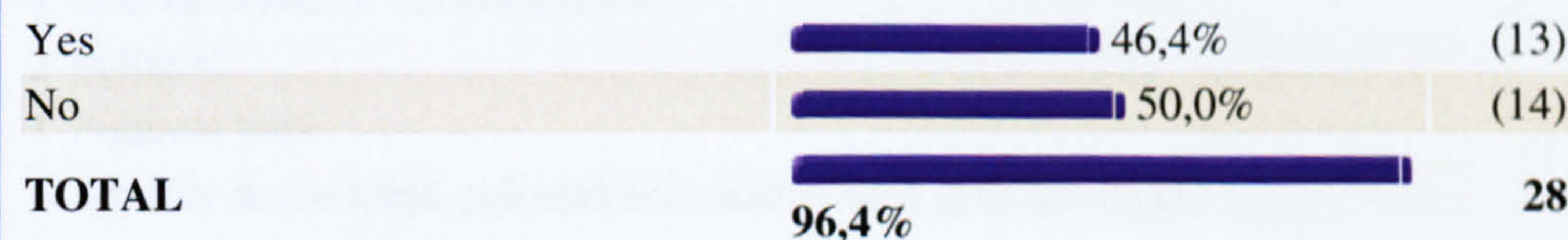
16. From your own experience, which of the following images is closer to the predominant behaviour in CFSP negotiations?



17. To get the support from other Member States to your proposals/positions, the most often used strategy is...?



18. According to your own experience, are there any sensitive issues that are excluded from discussions?



19. If yes, can you give any example?

#	Response
1	Agreement on money laundering with Switzerland
1	Best examples when I dealt previously with Transatlantic Relations: the 'hot' issues EU/US relations on Iraq were always kept out of the discussions
1	Borders and some bilateral issues would not appear on formal agenda but still be discussed

- 1 Broader cooperation EU-NATO
- 1 Corruption, security
- 1 Institutional matters
- 1 Many issues appear 'pre-cooked' on the agenda, especially the sensitive ones
- 1 Russia
- 1 Some parts of very sensitive political discussions
- 1 Staff
- 1 The European perspective for Western Balkans - from Thessaloniki summit this is taken for granted, in a broader sense the enlargement policy of the EU; the political issues on the transatlantic agenda - this is discussed in a smaller format meetings rather than in the EU Council meetings; the EU strategy towards Russia - like in case of the US each Member State has substantial interests towards Russia but divergences of national positions are much more considerable
- 1 Ukrainian membership to the EU

20. Do you share any sensitive information with other members of the working group/committee?

Yes, always		(0)
Yes, most of the time	17,9%	(5)
Yes, rarely	46,4%	(13)
Never	21,4%	(6)
TOTAL	85,7%	28

21. If yes, what sort of information do you share (economic, security...)?

#	Response
1	About Italian interests and policies
1	Both, but rarely
1	Economic, security, political, etc.
1	More about circumstances behind the positions
1	National positions
1	No
1	Oral information (meeting reports)
2	Political
1	Political lines
1	Security assessment, political information on a strategic level

22. Did you change your prior beliefs regarding EU Foreign Policy as a result of your participation in the working group?

No, it didn't affect my prior beliefs	7,1%	(2)
No, it reaffirmed my prior beliefs	14,3%	(4)
Yes, it changed my prior beliefs (I've learnt something)	64,3%	(18)
TOTAL	85,7%	28

23. Which objective should be given priority in EU's external action? (1=To a less extent; 3=To a great extent)

	Average Rank			
	1	2	3	
The promotion of EU's security interests				(2,8)
The promotion of EU's economic interests				(2,4)
The respect of human rights, democracy and rule of law				(2,7)

24. Additional comments

#	Response
1	I have also been Portuguese delegate to other Groups, including PMG, and I observe that almost all delegations become more familiar with defence/security and crises management issues and this often helps to reach a compromise. The fact the UE has already launched 15 or more Operations/Missions under ESDP is a good experience with lessons learned which facilitates the solutions to be reached whenever a new one needs to be launched. Procedures adopted are well satisfactory. General Council Secretariat has now appropriate structures in place and is performing better and better. The danger could come if it tries to get too much power and to follow in great extent the interest of one or few Member States.

Cross-analysis:

13. Which actor, from the following, do you consult the most (COWEB)?

Commission	50,0%	(3)
Presidency	33,3%	(2)
Secretariat General	16,7%	(1)
TOTAL	100,0%	6

13. Which actor, from the following, do you consult the most (CIVCOM + PMG)?

Commission		(0)
Presidency	42,9%	(3)
Secretariat General	57,1%	(4)
TOTAL	100,0%	7

Appendix II: List of Interviews¹⁵⁴

EU Officials

European Commission

Interview, Delegation of the European Commission in BiH, Sarajevo, 17-03-2005.

Interview, EC Liaison Office, EAR Building, Pristina, 31-05-2005.

Interview, EC Liaison Office, EAR Building, Pristina, 31-05-2005.

Interview, EC Liaison Office, EAR Building, Pristina, 31-05-2005.

Interview, European Commission, Brussels, 28-11-2005.

Interview, Delegation of the European Commission in BiH, Sarajevo, 19-05-2006.

General Council Secretariat

Interview, Council Secretariat, Pristina, 30-05-2005.

Interview, Council Secretariat, EAR Building, Pristina, 31-05-2005.

Interview, Council Secretariat, DG-E, Directorate VIII, Brussels, 21-04-2005.

Interview, EU Military Staff, Council Secretariat, Brussels, 28-11-2005.

Interview, Civ/Mil Cell, Council Secretariat, Brussels, 29-11-2005.

Interview, Civ/Mil Cell, Council Secretariat, Brussels, 24-01-2006.

Interview, Council Secretariat, Brussels, 13-09-06.

EU Police Mission

Interview, EUPM Headquarters, Sarajevo, 15-03-2005.

Interview, EUPM Headquarters, Sarajevo, 15-03-2005.

Interview, EUPM Headquarters, Sarajevo, 05-04-2005.

Interview, EUPM Headquarters, Sarajevo, 19-04-2005.

Interview, EUPM Headquarters, Sarajevo, 06-12-2005.

Interview, London, 02-02-2006.

Interview, EUPM Headquarters, Sarajevo, 19-05-2006.

¹⁵⁴ For reasons of confidentiality, neither the names nor the respective positions of the interviewees are mentioned.

EUFOR Althea

Interview, EUFOR Headquarters, Sarajevo, 04-04-2005.

Interview, EUFOR Headquarters, Sarajevo, 04-04-2005.

Interview, EUFOR Headquarters, Sarajevo, 04-04-2005.

Interview, EU Cell, SHAPE, Mons, Belgium, 14-11-2005.

Interview, EUFOR Headquarters, Sarajevo, 05-12-2005.

EU Special Representative/Office of the High Representative

Interview, OHR Headquarters, Sarajevo, 18-04-2005.

Interview, OHR Headquarters, Sarajevo, 25-04-2005.

Interview, OHR Headquarters, Sarajevo, 03-05-2005.

Interview, OHR Headquarters, Sarajevo, 09-06-2005.

Interview, OHR Headquarters, Sarajevo, 28-07-2005.

EU Monitoring Mission

Interview, EU Monitoring Mission, Sarajevo, 14-06-2005.

Permanent Representations of the Member States to the EU

Interview, German Permanent Representation, Brussels, 15-11-2005.

Interview, Italian Permanent Representation, Brussels, 15-11-2005.

Interview, Austrian Permanent Representation, Brussels, 15-11-2005.

Interview, Belgian Permanent Representation, Brussels, 28-11-2005.

Interview, Spanish Permanent Representation, Brussels, 28-11-2005.

Interview, Polish Permanent Representation, Brussels, 29-11-2005.

Interview, Danish Permanent Representation, Brussels, 24-01-2006.

Interview, Hungarian Permanent Representation, Brussels, 25-01-2006.

Interview, Slovenian Permanent Representation, Brussels, 25-01-2006.

Interview, German Permanent Representation, Brussels, 26-01-2006.

Interview, Portuguese Permanent Representation, Brussels, 26-01-2006.

Interview, Czech Republic Permanent Representation, Brussels, 27-01-2006.

Interview, French Permanent Representation, Brussels, 27-01-2006.

Interview, Austrian Permanent Representation, Brussels, 27-01-2006.

Interview, Swedish Permanent Representation, Brussels, 27-01-2006.

Interview, Estonian Permanent Representation, 31-01-2006.

Other EU Member States' Officials

Interview, Belgian MFA, Brussels, 6-04-2006.

Interview, former British diplomat, 11-07-06.

Interview, Belgian MFA, Brussels, 13-09-06.

Bosnian Government

Interview, Directorate for European Integration, Sarajevo, 10-06-2005.

Other International Organisations

Interview, NATO-Headquarters, Sarajevo, 10-03-2005

Interview, two members of the international defence reform community, Sarajevo, 16-03-2005.

Interview, OSCE, Sarajevo, 14-04-2005.

Appendix III: Declaration of confidentiality¹⁵⁵

In order to facilitate accuracy in social science research it is vitally important that the researcher have access to informed and authoritative sources. At the same time the researcher is under a strict obligation to protect the trust which such sources place in her/him. The recording of interviews is an important tool to ensure accuracy in the research process.

In view of the above, I undertake to abide strictly by the following principles:

- No material gathered in an 'off-the-record' interview will be attributed to the interviewee, without the interviewee's written consent.
- Quoted remarks will be attributed only in an agreed formula (e.g. 'according to a national representative, according to a senior EU official').
- The interviewee may, at any time, opt to go 'on background.' Such information is provided solely for purposes of elucidation and may not be quoted in any form.
- An interviewee may, at any time, opt to go 'on-the-record.' Such remarks are available for attributed quotation.
- A list of interviewees must be appended to the final thesis. Any sources wishing anonymity may request that their names be provided on a separate list which shall be submitted only to the examining authorities.

The above rules may also apply to a transcribed interview - with written notes taken in longhand. The undersigned would be happy to discuss emendations or additions to the above.

Signed:

Ana E. Juncos

Date:

¹⁵⁵ The author would like to express her gratitude to Prof. Ben Tonra who kindly provided a previous version of this Declaration.