

EVALUATING THE EU'S CRISIS MISSIONS IN THE BALKANS

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CONTENTS

1. Introduction by Michael Emerson & Eva Gross	1
2. Governance of EU Crisis Management by Ursula C. Schroeder.....	17
2.1 Introduction	17
2.2 Conceptualising innovation and change	21
2.3 Political solutions: Fostering coordination from above	23
2.4 Organisational solutions: Diverging strategies of innovation	28
2.5 Towards a comprehensive response?.....	34
2.6 Conclusions.....	39
References	40
Appendices	
I. EU budget procedures for crisis management.....	44
II. EU crisis-management architecture.....	45
3. Police Mission in Bosnia and Herzegovina by Ana E. Juncos	46
3.1 Introduction	47
3.2 The planning of the mission	48
3.3 The legacy from the International Police Task Force	51
3.4 The challenge of coherence	54
3.5 Effectiveness of the EUPM.....	61
3.6 Learning by doing.....	74
3.7 Conclusions.....	77
References	79
4. Police Mission in Macedonia by Isabelle Ioannides	81
4.1 Introduction	82
4.2 The EU's dual-track approach.....	83
4.3 Assessing inter-pillar coherence	85
4.4 Evaluating 'effective multilateralism'	99
4.5 Perceptions of EU police reform activities.....	111
4.6 Prospects for the future	114
4.7 Conclusions.....	118
Bibliography	120

5. Civilian and Military Missions in the Western Balkans
by Eva Gross126

5.1 Introduction126

5.2 ESDP operations in the Western Balkans.....128

5.3 Macedonia132

5.4 Bosnia and Herzegovina139

5.5 Conclusions145

References.....148

Appendix I. Current and completed ESDP missions as of May 2007...152

Glossary153

About the Authors155

1. INTRODUCTION

MICHAEL EMERSON & EVA GROSS

Crisis management has become a new frontier for the functions of the European Union. It is a vital component of the EU's European security and defence policy (ESDP), which in turn completes the set of policy instruments available for the broader concept of the common foreign and security policy (CFSP). The potential significance of these developments has reached the point that political scientists are now treating the CFSP and ESDP as a research domain. Accordingly, this book is devoted to the findings of four scholars – Eva Gross, Isabelle Ioannides, Ana E. Juncos and Ursula C. Schroeder – who in the context of their PhD researches have been analysing the EU's first crisis-management missions. They look in some detail at how these first operations have gone, what lessons are to be drawn, and indeed, whether the lessons have been drawn by the EU institutions themselves.

Long preliminaries. The turn of the century saw the EU perhaps finally start to become serious about the remaining major gap in its system – the capacity to project power forcefully beyond its frontiers. The economic and monetary union was more or less complete, with the single market having been in existence since 1992 and the single currency entering circulation with the euro banknotes in 2002. The area called 'freedom, security and justice' had had its hard core established in the Schengen provisions since 1990. In the area of climate change, the EU was on track towards its emergence as the world pioneer. But the idea of an autonomous European military capability had long remained taboo for some member states, and so the field had been left reserved for NATO.

It is quite usual for major systemic developments of the EU to have long gestation periods, during which ideas are floated but not quickly agreed upon, and token actions are implemented first without real

operational significance. Yet the question of a European defence capability took this evolutionary prudence to exceptional lengths, with the Western European Union (WEU) struggling unsuccessfully for half a century, from 1948 until its demise in 1999, to become much more than an empty gesture.¹

Military affairs began to creep into the EU with the (Maastricht) Treaty on European Union of 1992, which included vague wording about the EU possibly framing a common defence policy at some future point in time. Nonetheless, also in 1992 WEU ministers, in one of their most significant meetings in Petersberg near Bonn, defined a certain number of missions that the WEU might undertake. These tasks, which came to be known as the Petersberg tasks, involved humanitarian, rescue and peacekeeping activities, along with the deployment of combat forces in crisis management, including peacemaking.² There followed a further incremental advance in the Treaty of Amsterdam of 1997, which amended the Maastricht Treaty with slightly more engaging language (see Box 1.1).

The real breakthrough for the EU's role came at the St Malo meeting of President Jacques Chirac and Prime Minister Tony Blair on 4 December 1998, in which these leaders of the EU's two most militarily capable member states agreed that the EU must acquire a capacity for autonomous military action.

This agreement was rapidly followed up. At the European Council meeting of June 1999, Javier Solana was appointed the dual function of Secretary General of the Council and High Representative for the CFSP, and the WEU was considered (euphemistically) to have 'completed its mandate', with its assets transferred to the EU. By December 1999, the European Council was able to declare the first Headline Goals for a deployment capacity of 50,000–60,000 military personnel.

¹ For detailed accounts, see W. van Eekelen, *From Words to Deeds – The Continuing Debate on European Security*, CEPS and DCAF, Brussels and Geneva, 2006.

² See M.E. Smith, "Implementation: Making the EU's International Relations Work", in C. Hill and M. Smith, *International Relations and the European Union*, Cambridge, MA: Cambridge University Press, 2005.

Box 1.1 Steps towards establishing the EU's crisis management capabilities

February 1992, Maastricht Treaty: “The common foreign and security policy shall include all questions related to the security of the union, including the *eventual* framing of a common defence policy, which *might in time* lead to a common defence” (emphasis added).

October 1997, Amsterdam Treaty: “The common foreign and security policy shall include all questions related to the security of the union, including the *progressive* framing of a common defence policy, which *might* lead to a common defence” (emphasis added).

December 1998, St Malo: “[T]he Union *must* have the capacity for autonomous action, backed by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises” (emphasis added).*

December 1999, Helsinki European Council: “Member States must be able, by 2003, to deploy within 60 days and sustain for at least one year military forces of up to 50,000–60,000 persons capable of the full range of Petersberg tasks.”**

June 2000, Feira European Council: “International efforts to strengthen, and where necessary re-establish, credible local police forces cannot be fully successful if the police are not complemented by a functioning judicial and penal system.”***

November 2001: Commitments were made by the Council to maintain a capacity of 5,000 police officers and other civilian personnel, of which 1,400 were to be available at short notice.

May 2003, General Affairs and External Relations Council (GAERC): “[T]he EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognized shortfalls.”†

June 2004, Brussels European Council: Member states “must be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union. ...[Minimum] force packages must be militarily effective, credible and coherent and should be broadly based on the Battlegroups concept” (Headline Goal 2010).††

* Foreign and Commonwealth Office, Joint Declaration issued at the British-French Summit in St Malo, France, 3-4 December 1998, London, 4 December 1998.

** European Council, Presidency Conclusions of the Helsinki European Council of 10-11 December, SN 300/1/99, Brussels, 1999.

Box 1.1, cont.

*** European Council, Presidency Conclusions of the Santa Maria da Feira European Council of 19-20 June, SN 200/100, Brussels, 2000.

† General Affairs & External Relations Council (GAERC), Council Conclusions of the GAERC meeting of 19 May, Brussels, 2003.

†† European Council, Presidency Conclusions of the Brussels European Council of 17-18 June, SN 10679/2/REV 2, Brussels, 19 July 2004.

In 2000, the issue of *civilian* crisis management came to the fore with the European Council of June, chaired by Portugal in Santa Maria da Feira. The new emphasis on civilian crisis management was further supported under the Swedish presidency of 2001, with the European Council meeting in Göteborg emphasising the rule of law in its conclusions. A ministerial conference in November 2001 established commitments to maintain a capacity of 5,000 police officers and other civilian personnel, of which 1,400 were to be available at short notice. In addition, four priority areas for civilian action were identified: policing, the rule of law, civilian administration and civil protection.

In May 2004, the 1999 Helsinki Headline Goal morphed into the new Headline Goal 2010, which calls for member states “to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union”.³ The experience of Operation Artemis in the Democratic Republic of Congo was to be the benchmark for the development of ‘battlegroups’. Originating in a Franco-British proposal and endorsed by Germany in 2004, the first operational battlegroups were to be set up by 2007. The new battlegroup concept was designed to provide the force packages required to mount a rapid response to a crisis, consisting of battalion-size formations of 1,500 soldiers each. The year 2004 also saw the endorsement of work towards a Civilian Headline Goal 2008, which is

³ See Council of the European Union, Capabilities Improvement Chart I/2006 (retrieved from <http://www.consilium.europa.eu/ueDocs/newsWord/en/misc/89593.doc>).

currently elaborated under the auspices of the Council.⁴ Under this Headline Goal, civilian ESDP capabilities should be deployable within 30 days.

So unfolded the main political steps towards the EU becoming operational in 'crisis management', now an official term of art for the EU institutions. The EU chose to go for a comprehensive and integrated concept of crisis management, ranging from peacemaking and peacekeeping to establishing the rule of law by the police and judiciary, with where necessary a complete military-civilian array of instruments. The logic of doing so is widely supported. According to opinion polls, the citizens of the EU consider keeping the peace in Europe, setting immigration policy and managing the EU's borders to be the most important new tasks that they want the EU to fulfil. Nevertheless, now the EU has to face up to the consequences of its chosen political logic. In practice, this entails a formidable task of developing and coordinating the EU's complex institutional, legal and administrative structures, as well as liaising with NATO.

A cascade of missions. After the long preliminaries, there followed a rapid cascade of missions, starting in 2003 with a first police mission in Bosnia and a first military mission in Macedonia. By the end of 2006, a total of 16 missions had been launched operationally, of which 6 had been completed and 10 remained active. Among these, the greatest concentration has been in the Balkans (6), followed by Africa (5), the Middle East (3), the South Caucasus (1) and South-East Asia (1). A further major Balkan mission, for Kosovo, is at the planning stage and a police mission in Afghanistan is currently being launched.

The initial experience has seen a stronger focus on civilian rather than military missions, compared with what seemed to have been expected when the ESDP was being launched. The St Malo declaration had highlighted the word "military", and the first Headline Goals had only concerned military operations, followed two years later by the smaller Headline Goal for police and other civilian exercises. Of the 18 missions undertaken or planned, only 4 have been military, with the large majority consisting of activities related to policing, the rule of law, political monitoring or border management.

⁴ See G. Lindstrom, *The Headline Goal*, EU Institute for Security Studies, Paris, 2007.

The Balkan missions have been the most complex, since the EU's commitment to the region's Europeanisation is by its nature permanent, whereas missions elsewhere tend more to be based on an in-and-out model. Crisis management is in principle a temporary activity in any given theatre of operation. Yet in the post-Yugoslav Balkans, the EU's involvement in the crises of governance – in Bosnia, Macedonia and Kosovo – is seen strategically as leading on through successive stages of Europeanisation to full EU membership in the long run. The presumed sequencing is for the military component to be required at the beginning to stop violent conflict and stabilise the situation, but then to be retired relatively soon; while the police component may also be present early on, it leads on to the agendas of reform of the judiciary and penal establishments, which may be tasks of decades. The political context is assumed to shift sooner or later from that of the (quasi-) protectorate to that of the truly sovereign state. This development in turn means that the logic of the mission mandates should shift from entailing executive responsibilities (i.e. with the right and duty of forceful intervention by the EU's military or police) to advisory, training and institution-building roles.

For the EU institutions, this has implications for all three of the EU's legal pillars of its competences (with pillar I largely relating to economic and development affairs, pillar II to foreign and security policy, and pillar III to freedom, security and justice). The crisis management operations launched under the auspices of the ESDP fall under pillar II, but as the transition logic of the Europeanisation of the Balkans unfolds, all three pillars have become involved, with a host of complex coordination and sequencing issues for the institutions to confront.

The stabilisation-integration transition. In other words, the missions in the Balkans are working with a process of transition from the first imperative of stabilisation for ending overt conflict through to the long-term objective of integration with the EU. Stabilisation means stopping violence and civil war or restoring order in a failing state. In the Balkans, the intended model was for the stabilisation phase to give way rapidly to the processes of integration with the EU (i.e. 'Europeanisation'), with legislative adoption of EU norms and standards and their obligatory implementation.

This distinction between stabilisation and integration has profound operational implications. The former is short-term crisis management for which the period of time may be months or a few years, whereas the latter

is a longer-term process for which the period of time may be within one or more decades. The former is the uncontroversial focus of ESDP operations. The latter, however, involves an area broadly termed the ‘rule of law’, which covers a range of functions from the police to the judiciary and penitentiary, with concerns for the general quality of governance, and which in turn is recognised as a crucial factor for economic development. This long chain of policy reasoning and of instruments cuts across the EU’s complex structure of institutions and legal competences grouped under the three pillars. What may begin as a crisis management operation clearly in the province of the ESDP ends up as part of the pre-accession process of Europeanisation. The former is a mainline responsibility of the Council and its Secretariat, whereas the latter is a mainline responsibility of the Commission. Yet in practice, the frontiers between the stabilisation and integration functions are fuzzy and overlapping at least for a certain period of time, meaning a grey area of uncertainty as to where the central responsibility should lie.

Brussels tries to shape its system. In chapter 2, Ursula C. Schroeder addresses these issues of the EU’s governance of its crisis management functions. She notes that the creation of the EU’s crisis management architecture has been “amazingly swift”. This architecture is portrayed as having three lines of command and control, through the Council, the Council Secretariat headed by the high representative, and the Commission. ESDP operations are themselves firmly entrenched under the authority of the member states in the Council. Nevertheless, the Commission also has crisis management and conflict-prevention interests and instruments of action, and there have already arisen issues of whether given missions should be Council/ESDP or Commission responsibilities.⁵ The Council Secretariat is of course legally subordinated to the Council of Ministers, but its growing executive role in ESDP operations makes it a de facto actor, especially where matters of inter-institutional relations are concerned.

⁵ For example, the ongoing Border Assistance Mission around Transnistria is a Commission mission, whereas the ongoing Border Assistance Mission in Rafah in Palestine is an ESDP mission. Both missions could have been allocated to either the Commission or the Council’s ESDP. Similarly, the Rule of Law Mission to Georgia (EUJUST Themis), which was an ESDP mission, could have well been a Commission mission.

Attempts have been made to rationalise and coordinate the emerging system. In November 2000, a crisis-management procedures document was submitted by High Representative Javier Solana, subsequently becoming the grandly entitled, "Procedures for Coherent, Comprehensive EU Crisis Management". At least this was signalling that the EU institutions were aware that they were managing a wide-ranging set of instruments, although it largely remained a paper exercise. In 2002, the Danish presidency promoted a civil-military coordination (CMCO) process, but Ursula C. Schroeder reports one interviewee saying frankly, "the process was a total failure", with the Council and Commission agreeing on the case for continuing the informality of contacts among the institutions. The Council Secretariat advanced the Crisis Response Coordination Teams (CRCTs) as an instrument for planning crisis management operations, but again these ad hoc task forces did not become notably effective.

Ursula C. Schroeder examines these inter-institutional issues through the prism of the "negative coordination" paradigm, according to which institutions or units try to ensure that any new initiative by another will not undermine their own status quo interests. She observes that the ESDP initiatives of the Council have led to defensive reactions by the Commission, which is what could have been predicted. In theory, the Council/ESDP is concerned with crises and emergencies, which should mean short-term security, whereas the Commission is concerned with long-term policies or conflict prevention and institutional development. The Council has nonetheless followed an expansionary strategy, giving itself mandates to enter the fields of the rule of law, the judiciary and civil protection. The Commission's definition of its competences overlaps considerably with those of the Council, wherever the Council goes beyond the strictly military sphere. The Council has thus been moving from pillar II into pillar I and pillar III areas, and from the short term to the long term. A large grey area of competences has emerged, and the result is that in the domain of civilian crisis management and peacebuilding the relationship between the Council (Secretariat) and the Commission has been at least initially tense and competitive. Still, it is said that in the last year or so the institutions have resolved to work more smoothly together and learned to do so.

The question of mandates. The crisis management missions have a primary divide between the civilian and the military spheres. One might suppose that the corresponding mandates would be for the civilian exercises to be concerned with the rule of law, and the military operations

with keeping the peace and preventing outbreaks of inter-ethnic violence or civil war. This supposition has been only approximately true for the missions in Bosnia, however. Two factors have meant a less clear divide in practice. First, as time went on it became increasingly the case that organised crime was the main enemy, with the renewal of inter-ethnic violence becoming a more remote prospect. Second, there has been the issue of whether there was to be a so-called 'executive mandate', meaning the authority to intervene forcefully. There are several kinds of executive authority powers: arrest, physical intervention to stop outbreaks of violence and the dismissal of police officers, judges or other officials on grounds of corruption or failure to respect agreed political objectives. The initial situation in Bosnia was for the EU police personnel to have only advisory, monitoring and mentoring roles, to the exclusion of powers to intervene forcefully – e.g. to make arrests – whereas the military had the power to intervene. This issue of the existence of an executive mandate, or not, is a political litmus test of the relationship between the EU and the partner state. Where the mission has an executive mandate the implication is that the relationship is one of protector and protectorate. In instances where the mission has no executive mandate the relationship is one of assisting a sovereign partner state. This issue is thus of the highest political sensitivity for states aspiring to full EU membership, with Macedonia seeking and in 2005 obtaining membership candidate status. How the executive mandate question is decided also effectively defines whether the mission is part of the stabilisation function or the integration process.

As Ana E. Juncos observes in chapter 3, the experience of the Bosnian missions has been problematic with regard to the definition of mandates. As noted above, the EU Police Mission (EUPM) of 2003-05 did not have an executive mandate, while the EU Force (EUFOR) could intervene. This approach caused two problems. The relative weakness of the police mandate was evident to all, and the mission suffered in terms of reputation and motivation from not having the power to do those tasks for which its personnel were trained. On the other hand, the military were entrusted with police tasks for which they were not trained. Consequently, the combined EU civilian and military presence in Bosnia was marked by poor coordination and a lack of delineation of tasks or clear hierarchies between the civilian and the military operations. With the benefit of hindsight, the police mission could at least have had a stronger mandate at the beginning, and difficult issues of police–military coordination on the ground could have been eased.

A different manifestation of this issue was seen in Macedonia, where the priority of the government to obtain EU candidate status led them to push for an early end to the military operation but especially the civilian missions that followed EUFOR's Operation Concordia, which were seen as implying protectorate status. Arguably, this resulted in a premature end to the ESDP presence and the transfer of responsibility to Commission-led police reform.

A general feature of the police missions has been the objective of helping the local police to achieve 'European standards'. This goal was easy enough to write into the mandate documents, but the practical definition of what it was to mean and how it might be benchmarked has remained elusive. This in turn has meant ambiguity over what the real objective is. It has been open to the interpretation that the EU's ESDP presence has to a degree only been symbolic. Indeed, for both police and military missions it could be said that the implicit objective has been to have a certain visibility of forces in European uniforms, sufficient to discourage outbreaks of renewed violence, perhaps under the assumption that potential troublemakers would be dissuaded if they believed that stronger forces or intervention mandates would be introduced if necessary. Tactically, this amounts to signalling the presence of a credible deterrent, which actually did not need to be used. But to describe that role in an official mandate document would be manifestly awkward politically, so it was decided to go ahead with the positive-sounding objective of achieving European standards in the local police forces, even when this was only vaguely defined and certainly only achievable over a much long period than the two- or three-year mission mandates.

Coordination in an overcrowded field. From an EU institutional perspective, the police missions involve a highly complex multi-pillar operation, involving the interests of pillar I for long-term development, pillar II for short-term security (at least in principle if not in practice, as the time span of the EUPM has shown) and pillar III for the combat against organised crime and border management. This situation calls for operational coordination between the Council Secretariat and the Commission, for which the institutions were not initially prepared, as evidenced by experts being deployed by the two institutions with similar profiles.

On the ground in Bosnia the tricky issues of coordination among the police (EUPM), military (EUFOR) and the political interface (through the

EU's special representative or EUSR) led after some time, by the end of 2005, to the adoption by the three parties of a set of seven operating principles, with the EUSR taking responsibility for overall coordination.

The first police mission in Macedonia began at the end of 2003, thus profiting from the initial Bosnian experience. It was also preceded by the EU's first military mission from March to December 2003, so that in this case the logical sequencing of military before civilian missions was observed. Still, the same issues of coordination of the EU's short-term stabilisation and long-term development missions arose, with the police mission of the ESDP (Proxima) tending to become involved in longer-term issues of institutional development and reform, which are central concerns of the Commission-led programmes financed through the budget for the CARDS⁶ programme. The EU actors present in Macedonia included the EUSR, the EU presidency's ambassador, the head of the European Commission Delegation, the head of the Proxima police mission and the Skopje office of the European Agency for Reconstruction. For a time, there were notoriously poor communications between some of the parties. In November 2005, however, it was decided to combine in one person the head of the Commission Delegation and the EUSR, which has worked much better. This 'double-hatting' initiative is also interesting as an 'in-the-field' decentralised version of what had been intended in the (incompletely ratified) European Constitution for the double-hatting in Brussels of the high representative for CFSP with the position of vice president of the Commission for external relations. Although the double-hatting in Brussels raises further issues of institutional coherence between the Council and the Commission that go beyond the scope of the present study, there are valid operational reasons at the level of planning and executing crisis management missions for this double-double-hatting, i.e. both in Brussels and in the field.

Bosnia and Macedonia have seen a further complexity, beyond those internal to the EU, with the presence of virtually all the major international organisations (NATO, UN agencies, the OSCE, the World Bank, the International Monetary Fund and the Council of Europe). In chapter 4, Isabelle Ioannides labels this frankly as "an over-crowded scene". In the

⁶ CARDS refers to Community Assistance for Reconstruction, Development and Stabilisation.

case of police reform, the Council of Europe and the OSCE were both seeking their part of the action in addition to the EU's several actors. Communications between the parties were reportedly less than full and transparent, and coordination procedures more formal than effective, with tensions surrounding the apparent sidelining of the OSCE. It is evident that the international community was not well prepared for the challenges it faced in the Western Balkans after the Yugoslav wars of the 1990s. Diplomats sought 'improved coordination' among multiple and overlapping agencies. But the great powers were unable to face up to the challenge of rationalisation, leaving the field wide open for the paradigm of negative coordination already reported for the EU alone. The EU proclaimed the leading role for itself, but its own instruments of action are still taking time to build up.

Effectiveness. There has been considerable official use of the word 'success' in relation to various missions. Yet the criteria for success and the meaning of such judgments have often been less than clear. Of course, the institutions have understandably been concerned that such a seminal development of the EU system, with entry into the force projection field, should be branded as successful.

A minimalist standard of success would be of a purely administrative nature internal to the EU, namely achieving the deployment of military or police forces (or both) with necessary equipment and resources to the various theatres of operation. Here the level of achievement has been mixed. There have been no deployment disasters, but there have been some delays in the deployment of personnel, with significant problems in recruiting the required numbers of civilian officers with the requisite skills, as well as lags in the procurement of equipment. Although member states have substantial experience of military deployment under NATO or UN mandates, the scale of the police missions caught the member states insufficiently prepared, with complaints about their real level of commitment towards fulfilling their obligations. In addition, there has been a lack of specific training for each mission. The creation of Civilian Response Teams (CRTs) and training manuals have gone some way in rectifying this. Delays in procurement have been reported, attributable to the intricacies of coordination between the Council and the Commission, wherein the Commission has had to do the procurement for Council missions, with the well-known heaviness of Commission tendering procedures in the interests of financial regularity. Suggestions have been made for stocks of pre-prepared equipment to be organised.

The problem of procurement and the broader question of human resources and capacity development for ESDP missions remains a challenge. While the creation of CRTs represents an important step in solving the shortages in appropriately trained personnel, the fact remains that police forces as well as judges and judiciary personnel are primarily needed, who are educated and developed for domestic rather than international needs. The establishment of an adequate pool of really qualified personnel is going to require serious investments. Judging also from the experience gathered in the EUJUST Themis mission in Georgia, the system for the secondment of judges needs to be improved, notably to reduce career uncertainties for those participating in ESDP operations.⁷ The deployment of police and military forces has so far been much quicker than that of judges and lawyers. This predicament represents an additional challenge for future civilian crisis-management missions – particularly the one presently planned for Kosovo.

A more fundamental standard of success is whether the peace has been kept and consolidated in theatres of operation previously suffering civil war or serious threats of inter-ethnic violence. Indeed the peace has been kept in both Bosnia and Macedonia. In Bosnia, the period of convalescence after a major war is proving long and inter-ethnic tensions remain serious at the level of government structures. That being said, the inter-ethnic violence has stopped, which is illustrated by the switch of focus of the missions to combating organised crime. In Macedonia, the threat of civil war has receded, following the Ohrid political agreement to restructure the country's constitution, and the switch from stabilisation to integration modes has clearly advanced. The strategic sequence of the EU's actions in Macedonia has been logical and positive, from mediating the Ohrid Framework Agreement through to military and then police missions, leading on to the present situation in which Macedonia is accepted as a candidate state.

A more difficult question is attribution of the credit for these rather positive developments, in which the ESDP missions have been components of a complex set of international and European operations. In both Bosnia

⁷ See European Parliament, "Lessons Learned from ESDP Operations", Public Hearing, Committee on Foreign Affairs, Subcommittee on Security and Defence, Brussels, 9 October 2006.

and Macedonia, the EU missions have been follow-on operations, taking over from NATO or UN missions. Clearly, the peacemaking breakthrough in Bosnia came from the US-led NATO military operations, followed by the forging of a constitution at Dayton in 1995 under the leadership of the US State Department's Richard Holbrooke. Only in 2003 did the EU's police mission there take over from the UN and the EU's military mission take over from NATO. Similarly, the EU's military mission in Macedonia took over from NATO. Overall, the EU has followed a cautious, low-risk policy for feeling its way into the crisis management field. To a degree, these have been institutional training exercises, which is legitimate in itself, but the level of 'success' should correspondingly not be overestimated.

There is a further rather subtle standard of effectiveness that may be relevant, where the role of uniformed military or police forces (or both) is mainly symbolic. The forces are visible to the media and society, and show that order is being supervised, with the implication that they could be switched to a more forceful role should a renewed outbreak or the need arise. As already noted above, for effectiveness in 'convalescent' cases the symbolic presence and the credibility of possible intervention may be sufficient and indeed optimal.

A more demanding and rigorous standard of effectiveness is that now appearing in the mandates of police missions in the Balkans, namely of achieving European standards of policing and rule of law. Here the experiences in Bosnia and Macedonia both reveal shortcomings. First, the operational definition of European standards has been lacking and so the benchmark for success has hardly existed. Second, to the extent that an informal and common sense view of European standards is assumed, it is evident that there is a problem of time horizons. The missions of two or three years have been manifestly too short for processes that are going to take a decade or so.

Are the lessons being learned? Given the rapid growth of ESDP and particularly civilian crisis-management missions, EU officials themselves openly state that the lessons-learned process is a continuing one. Whereas the military operations have benefited from better and more established structures and processes than the civilian crisis-management missions, the number of civilian crisis-management missions makes paramount the questions of capacity development, improving human resources and more generally that of implementing a lessons-learned process.

In light of the ‘growing pains’ documented by the four contributions in this volume, the question naturally arises about the extent to which the lessons highlighted by the experiences in the Balkans have been learned and applied. On some counts, the prognosis is rather promising. On others, old dilemmas and problems have either re-emerged or not been sufficiently addressed at the start.

With respect to mandates and the coordination between civilian and military instruments, in Bosnia the mandate for the police mission (EUPM) has been refocused and given an appropriate lead responsibility in its field compared with the military. The seven principles, outlined in more detail by Ana E. Juncos, established this lead role. Furthermore, the mandate of the EUPM has been strengthened so that it can more effectively fight organised crime. The different instruments in place have been streamlined and coherence has improved, although it is too early to tell whether this will translate into success in practice.

The dilemma of integration versus stabilisation remains in Bosnia, where the need for reform of the justice sector and the police, and the fight against organised crime are the biggest problems. The EU has recently been reported as moving towards replacing Christian Schwarz-Schilling, the current EU Special Representative, who has been considered ‘insufficiently tough’.⁸ This brings the stabilisation–integration dilemma back into focus. Mr Schwarz-Schilling’s less top-heavy approach compared with that of his predecessor, Paddy Ashdown, was initially seen by many as necessary and timely to foster Bosnia’s self-sufficiency and gradual move towards greater responsibility. Now there seem to be second thoughts, however, over whether this was not premature. Perhaps this is less a question of lessons learned, but rather more an enduring dilemma as to the appropriate response to regional tensions.

On shaping the EU’s crisis management system, the need for better coordination of instruments – including the call for trained personnel and more efficient procurement procedures – has been recognised by both the Council and the Commission as a serious problem. In an effort to correct it, in the case of the expected Kosovo mission personnel from the Commission and the Council have joined together in fact-finding missions at the

⁸ See the article “Nato officials fear unrest over Kosovo”, *Financial Times*, 25 January 2007.

planning stage. How involvement in the fact-finding missions later translates into operational improvements remains to be seen, but the mutual recognition of the need for improvement can be taken as a positive sign.

Finally, the increasing public debate and analysis of ESDP missions in the member states and in Brussels has served to underline an unresolved fundamental weakness remaining at least in second-pillar operations: the reluctance on the part of member states to equip the EU with the trained personnel needed to fulfil the missions. This issue has most recently been made clear by Javier Solana when he stated,

[M]ember states have not yet fully addressed how to resource additional police, prosecutors, judges and penitentiary officials for external deployment, when they are usually in short supply at home. If we don't change this, then we have to face up to the fact that supply will not meet demand, and ambition will be greater than the capability to realise it...we must make sure that we are clear about one thing – our willingness and capacity to act, and to act successfully.⁹

⁹ See the address given by Javier Solana at the European Security and Defence Policy Conference “From Cologne to Berlin and Beyond – Operations, institutions and capabilities” held in Berlin on 29 January 2007.

2. GOVERNANCE OF EU CRISIS MANAGEMENT

URSULA C. SCHROEDER*

***Abstract.** This chapter assesses the translation of recent European Union crisis-management concepts into practice. In its quest for a comprehensive crisis-management policy, has the EU been able to move from strategic concepts to coherent planning? Assuming an institutionalist perspective on organisational change, the chapter explores the gap between crisis management concepts and the organisational realities of everyday and work-level interactions. Through tracing the development of crisis management coordination in the EU architecture, the chapter takes stock of the successes and failures in the EU's governance of its policies in this area. It contends that the Council and the Commission have followed different organisational strategies for implementing comprehensive crisis-management operations and outlines three general trends in their relationship: convergence, coordination and compartmentalisation.*

2.1 Introduction

The creation of the EU's crisis management architecture has been an amazingly swift process that has considerably enhanced the EU's options for pursuing its external policy goals. In rapid succession, the European Council meetings between 1999 and 2001 fleshed out the basic architecture of the crisis management capability in the Council Secretariat. By 2003, the first ever EU crisis-management mission – the EU police mission (EUPM) –

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had deployed to Bosnia and Herzegovina (BiH) with the task of monitoring, training and inspecting the Bosnian police forces. Between 2003 and 2006, 16 further missions with military, rule of law, security sector reform, police and monitoring mandates were sent to crisis regions across the globe.¹ At the same time, the European Commission also considerably expanded its conflict prevention and civilian crisis-management activities within its development and external relations policies.

Yet, the EU's new crisis-management actors have been entering a complex and already crowded international field. Developed initially within the context of the United Nations,² doctrines and practices of crisis management have changed fundamentally since the deployment of the first UN peacekeeping mission in 1948. Limited in their early manifestations to the interposition of neutral troops into the borderlands between warring parties, peacekeeping operations have since moved from their impartial, military observer status to multifunctional peacebuilding missions deployed by international and regional actors such as the UN, the OSCE and the EU. Particularly since the late 1990s, awareness has grown that the fostering of stable peace requires not only the provision of military security through armed peacekeepers, but also relies on functioning political and judicial systems as well as on a societal reconciliation process. Accordingly, the new and broader crisis management and peacebuilding operations focus on managing the transformation of post-conflict societies towards a stable and peaceful order. Thus, to be successful, crisis management now incorporates aspects of traditional security provision together with conflict prevention, humanitarian relief, institution-building and development tasks. This new complexity has led to a convergence of formerly separated fields of activity: the task of providing a full range of responses to the multiple challenges of civil strife and weak statehood has sometimes forced development specialists, humanitarian actors, police and rule of law experts as well as military personnel into close proximity.

¹ See chapter 5, appendix I in this volume.

² See B. Jones and F. Cherif, *Evolving Models of Peacekeeping: Policy Implications and Responses*, External Report, UN Peacekeeping Best Practices, United Nations, New York, 2003. See also A.J. Bellamy, P. Williams and S. Griffin, *Understanding Peacekeeping*, Cambridge: Polity Press, 2004.

In response, recent concepts of EU crisis management and conflict prevention have emphasised comprehensive strategies that focus on establishing coherence among the different sets of actors involved. For instance, the European security strategy calls for more coherence and argues that in complicated crises and responses to failed states, the “challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from member states and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development”.³ Earlier, the European Commission had addressed the need to link Community activities such as humanitarian relief work and development within an “integrated approach towards preventing crises and disasters...as well as preventing and resolving conflicts.”⁴ Additionally, the European Commission’s annual report on development aid and external assistance promotes an explicitly “holistic approach to governance, peace, security and development”.⁵

In terms of competences, the EU’s activities in the crisis management and peacebuilding sphere are divided into first-pillar Community actions and second-pillar civilian and military crisis-management missions.⁶ While the former generally take the shape of longer-term institution-building projects, the latter are mostly short- to medium-term military or civilian missions aimed at operational capacity-building. Having at its disposal both military and civilian instruments (short-term missions as well as longer-term projects), the EU is widely seen to be in a unique position to provide an integrated approach to peacebuilding. This sentiment is also

³ See Council of the European Union, *A Secure Europe in a Better World, European Security Strategy*, presented by Javier Solana, Brussels, 12.12.2003(c), p. 13.

⁴ See European Commission, *Communication on Linking Relief, Rehabilitation and Development – An Assessment*, COM(2001) 153 final, Brussels, 23.04.2001(b), p. 3f.

⁵ See European Commission, *Annexes (Commission Staff Working Document, SEC(2004) 1027) to the Communication on the Annual Report 2004 on EC Development Policy and External Assistance*, COM(2004) 536 final, Brussels, 29.07.2004(a), p. 143.

⁶ See the appendices to this chapter for an overview of EU crisis management actors and budget procedures.

reflected in its own recent policy statements.⁷ The following discussion takes a closer look at the EU's success so far.

Specifically, this chapter is interested in the questions of whether and how the EU has translated its concepts into practice: Has the EU been able to move from strategic ideas to coordinated planning in its quest for a comprehensive crisis-management policy? The chapter traces the ways in which the EU coordinates its different crisis-management activities to further its goal of developing a coherent crisis-management facility able to provide assistance across the full spectrum of peacebuilding in complex crises. In contrast to assessments of how its member states have shaped the EU's overall approach to crisis management, it shifts the focus from explaining the *origins* of European security integration towards analysing the *development* of the EU's crisis management capacity itself. The development and governance of the EU's political system, understood as a "stable system of transnational governance outside the framework of the state",⁸ moves into the centre of analysis. Written four years after the very first crisis-management mission was deployed under the European security and defence policy (ESDP), this chapter is an exercise in taking stock of the successes and failures of the EU's governance of its crisis management policies. To pursue this aim, the discussion notes the trends and innovations within the EU's policy-making structures for its crisis management functions. It explicitly does not deal with the implementation of the EU's crisis management operations on the ground.

The following analysis of the EU's crisis-management planning and coordination capabilities also attempts to shed light on the divergence between the *political consensus* on comprehensive crisis management and the *organisational realities* of everyday and work-level interactions. It first introduces an institutionalist perspective on organisational development and change to explore this gap. The main part of the chapter then follows the evolution of both high-level political and work-level organisational solutions in the quest for multifaceted crisis management. Here, it first

⁷ See for instance Council of the European Union (2003c), *op. cit.* and European Commission (2004a), *op. cit.*

⁸ See W. Wallace, "Post-Sovereign Governance", in H. Wallace, W. Wallace and M.A. Pollack (eds), *Policy-Making in the European Union*, 5th edition, Oxford: Oxford University Press, 2005, p. 491.

analyses the challenges of implementing political coordination projects and then emphasises differences in the Council's and the Commission's organisational strategies for innovation. Lastly, the chapter highlights three general trends in the relationship between the Council and the Commission: convergence, coordination and compartmentalisation.

2.2 Conceptualising innovation and change

According to Olsen's (2002)⁹ characterisation, the process of institutionalising the EU follows two intertwined logics of innovation, with one being bottom-up and the other top-down. The EU, as Olsen argued, has "a history of founding acts and deliberate institution-building, as well as informal and gradual evolution where common practices have been codified into formal legal institutions". This chapter makes a similar distinction by arguing that the development of the EU's crisis management architecture is characterised by both high-level political decisions to establish particular organisational structures and individually pursued innovation strategies on the part of different agencies within the EU's pre-existing organisational architecture. Both kinds of innovation strategies with their respective advantages and drawbacks are discussed in turn.

Conceptually, the discussion starts from a sociological-institutionalist perspective on organisational change in order to explore the gap between higher-level political concepts and their realisation within an organisational field.¹⁰ It is argued that the specific institutional arrangements present within a policy field mediate the impact of external incentives for change and both enable and constrain processes of organisational adaptation and innovation. In contrast to rational theories that predict the success of deliberate forms of institutional design, the chosen institutionalist framework highlights the likelihood that top-down initiatives for change will be filtered through pre-existing organisational structures, potentially leading to outcomes unintended by the reformers. In general,

⁹ See J.P. Olsen, "Reforming European Institutions of Governance", *Journal of Common Market Studies*, Vol. 40, No. 4, 2002, p. 596.

¹⁰ See P.J. DiMaggio and W.W. Powell (eds), *The New Institutionalism in Organizational Analysis*, Chicago, IL: University of Chicago Press, 1991; see also J.G. March and J.P. Olsen, *Elaborating the 'New Institutionalism'*, Working Paper No. 11, March 2005, ARENA Centre for European Studies, University of Oslo, 2005.

institutionalist theories predict that organisational restructuring often occurs in an incremental fashion¹¹ and remains inherently conservative.¹² Rapid preference reversals in response to environmental change are seen as unlikely.¹³ The strategies for innovation chosen by organisations are likely to involve improvisation with and rearrangement of existing organisational resources and units, rather than the demolition of old organisational forms and creation of new organisational structures from scratch.

Drawing on work by March (1991)¹⁴ and Genschel (1997),¹⁵ one can differentiate two specific logics of organisational adaptation to external pressures for change: using terminology introduced by March (p. 71), these are divided into “the exploration of new possibilities and the exploitation of old certainties”. The essence of *exploitative* adaptation is the “refinement and extension of existing competences”, while March characterises *exploration* as a form of organisational adaptation through experimenting with new alternatives (ibid., p. 85). These two logics of organisational change are mirrored in Genschel’s (1997) distinction between the strategies of *patching up* and *transposing* organisational structures. The explorative strategy of “patching up” (ibid., p. 53) existing competences entails the search for solutions to new problems by locally ameliorating inefficiencies without centrally changing the overall structure of the organisation. The exploitative strategy of innovation “transposes” (ibid., p. 55) existing competences into new fields and reappraises earlier arrangements to see whether and where they could be re-employed successfully: “the strategy of transposition reuses the sunk costs of an old institution for a new

¹¹ See C.E. Lindblom, “The Science of Muddling Through”, *Public Administration Review*, Vol. 19, No. 2, 1959, pp. 79–88.

¹² See J.G. March, “Footnotes to Organizational Change”, *Administrative Science Quarterly*, Vol. 26, No. 4, 1981, p. 565.

¹³ See G.F. Lanzara, “Self-destructive processes in institution building and some modest countervailing mechanisms”, *European Journal of Political Research*, Vol. 33, No. 1, 1998, p. 10, 20.

¹⁴ See J.G. March, “Exploration and Exploitation in Organizational Learning”, *Organization Science*, Vol. 2, No. 1, 1991, pp. 71–87.

¹⁵ See P. Genschel, “The Dynamics of Inertia: Institutional Persistence and Change in Telecommunications and Healthcare”, *Governance*, Vol. 10, No. 1, 1997, pp. 43–66.

purpose” (ibid., p. 59). Here, the existence of certain capabilities and fields of expertise is converted into an inclination to discover goals these abilities might serve.¹⁶ This strategy can be characterised as solution- rather than problem-driven, since organisational activities are advanced by available and not necessarily efficient solutions to observable problems. The following argument uses the two strategies of innovation as heuristic tools to trace the ways in which the EU has adapted its policies to its comprehensive crisis-management concepts. The argument first outlines the challenges of political – top-down – projects designed to enhance the coordination among the different crisis-management actors. It then moves on to the question of how the individual agencies respond to political calls for comprehensive crisis management and highlights the strategies of patching-up and transposition used by the Council and the Commission.

2.3 Political solutions: Fostering coordination from above

In recent years, the EU has formulated several political strategies for fostering coordination among its various crisis-management actors. On the level of strategic planning analysed here, three of these initiatives have been particularly prominent: the process of developing the EU’s crisis management procedures (CMPs), the initiative to enhance civil–military coordination (CMCO) and the establishment of Crisis Response Coordination Teams (CRCTs) at the organisational level.

Crisis management procedures. The first strategic steps to coordinate the EU’s crisis management activities had already been taken before the new ESDP architecture was fully institutionalised. In November 2000, Secretary General/High Representative Javier Solana presented a report on the development of a “reference framework” to facilitate the implementation of the EU’s crisis management instruments “in synergy”.¹⁷ Later entitled “Procedures for Coherent, Comprehensive EU Crisis Management”, this reference framework establishes formal mechanisms of

¹⁶ See B. Levitt and J.G. March, “Organizational Learning”, *Annual Review of Sociology*, 14, 1988, p. 319.

¹⁷ See Council of the European Union, Contribution by the Secretary General/High Representative: Reference framework for crisis management, Annex, Procedures for Coherent, Comprehensive EU Crisis Management, 13957/1/00, Brussels, 30.11.2000, p. 1.

coordination for civilian and military crisis-management missions. As a basic, if preliminary, strategic planning document, it was envisaged to “bring together, at least on paper, the whole range of existing and possible EU activities...[and] to serve as a basis for the definition of a coherent EU response to a given crisis”.¹⁸ Being a ‘living document’, the CMPs that it elaborated were continuously revised in the time period between the first early draft in January 2001 and a last public draft in July 2003. The document evolved from its initial focus on military planning towards a more encompassing understanding of crisis management that also includes police and other civilian planning procedures. In the first draft,¹⁹ little mention was made of civilian crisis-management options and the Commission’s role was noted only in passing. Further revisions expanded the scope of Community involvement in EU crisis management: the document incorporated a planning and policy advice role for the Commission on aspects of civilian crisis management and advocated not only close coordination, but also “coordinated advance planning” between Council and Commission services and asked for policy analysis input from the Commission.²⁰ In the last round of updates,²¹ planning elements for civilian ESDP missions were included in the document.

Despite the successive broadening of the crisis management procedures into a comprehensive approach, the CMP process remained essentially a political project without much impact on the actual coordination of the various Council and Community crisis management policies. The CMPs in effect did not change the tasking and planning procedures of the different bodies involved and remained an exercise in *documenting* the relationships among available instruments for EU crisis management. Nevertheless, if asked about the practicalities of the EU’s crisis management coordination, EU actors routinely have pointed to the

¹⁸ See Council of the European Union, Civil Military Coordination, 12307/02, Brussels, 24.09.2002(a), p. 9.

¹⁹ See Council of the European Union, Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management, 12505/1, Brussels, 05.10.2001(a).

²⁰ See Council of the European Union, Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management, 8257/01, Brussels, 30.04.2001(b), p. 10f.

²¹ See Council of the European Union, Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management, 11127/03, Brussels, 03.07.2003(d).

existence of the EU's crisis management concept as evidence of full inter-organisational coordination.²² In practice, however, the EU's recent crisis-management exercises and early experiences in the planning and support of civilian ESDP missions have shown departures from the "rather lengthy"²³ document.

Civil-military coordination. In 2002, the Danish EU presidency promoted a comprehensive approach to crisis management through its initiative for CMCO in the context of the ESDP. This initiative addressed a perceived need for effective coordination of the actions of all relevant EU actors involved in the planning of crisis management missions. Yet, in spite of its promising title, the initiative's outcome fell short of establishing a thorough framework for coordination: potential solutions to the problem of coordinating civilian and military instruments within the EU institutions were limited to fostering a "'culture of co-ordination'...based on continued co-operation and shared political objectives".²⁴ In one of the rare instances of inter-institutional consensus, both the Council's General Secretariat and the Commission agreed with this statement, arguing that coordination between their services should continue and that it should be maintained at a mostly informal level. Accordingly, the Council Secretariat made clear its intention to "continue and intensify this practice of early and informal contacts".²⁵ The Commission's position strengthened this point by holding that the formats for interactions between the Council and the Commission "should not be set in stone for the time being",²⁶ because the "informality of co-operation and co-ordination procedures among services increases transparency and frequency of contacts and promotes adaptation to the actual situation".²⁷ The subsequent final output of the CMCO initiative resulted in a brief report that above all documents the reluctance of both

²² See for instance the exchange in House of Lords, Select Committee on the European Union, *EU – Effective in a Crisis?*, with evidence, London, 11.02.2003, para. 55.

²³ *Ibid.*, p. 16.

²⁴ See Council of the European Union, Civil Military Coordination (CMCO), 14457/03, Brussels, 07.11.2003(a), p. 2.

²⁵ Refer to Council of the European Union (2002a), *op. cit.*, p. 7.

²⁶ *Ibid.*, p. 13.

²⁷ *Ibid.*

sides to take on board comprehensive changes in their relationship.²⁸ Arguing that it would be unwise to “put too much emphasis on detailed structures or procedures”,²⁹ the paper works on a ‘lowest common denominator’ approach in seeking “to encourage and to ensure the coordination in the actions of all relevant EU actors in all phases of the operation”.³⁰

Overall, the initiative failed to provide practical ways of achieving better coordination outside the fostering of a ‘culture of coordination’ and did not go into the details of how it would be implemented. Initiated at the political level, it relied on the promotion of informal and work-level contacts to fix coordination failures within the formal institutions of the EU’s crisis management functions. Also, the visibility of the committee-driven CMCO process remained low at the work level: when asked about it, officials from both the Commission and the Council did not attribute much relevance to it. Wording used to describe the negotiations included comments by interviewees that they “had at some point seen a document about it”, that “the process was a total failure” or that “the whole procedure was a ploy from the Council to incorporate competences of the Commission into its decision-making mechanism”.³¹

Crisis Response Coordination Teams. In parallel to the conceptual CMCO process, the Council also initiated a more practical instrument to enhance Council–Commission coordination. The instrument of CRCTs was introduced to address coordination shortfalls among the different EU instruments in the immediate planning phase of crisis management operations. Generally, CRCTs are tasked with ensuring effective coordination among the civilian and military mission components, including relevant Commission activities. Aimed at bringing all the involved services to the same table to ensure inter-institutional coherence during the planning phase, the new instrument was initially hailed as an organisational success. Still, the CRCTs were planned as ad hoc and

²⁸ Refer to Council of the European Union (2003a), op. cit.

²⁹ Ibid., p. 2.

³⁰ Ibid.

³¹ Derived from interviews with officials from the Council’s General Secretariat in February 2004 and February 2005, and an official from the Commission in March 2005.

impermanent “vehicles for inter-service coordination in response to a given crisis” and “not as standing structures”.³² And in terms of their organisational standing, these interdepartmental task forces have only a rather limited mandate: the team, to be pulled together when a crisis occurs, does not have the status of a Council working group, and “*a fortiori*, it does not take decisions”.³³ Similar to the language used in the CMCO process, the CRCTs’ terms of reference painstakingly avoided the impression that a new formal coordination structure had been put into place.

Assessing the achievements of the new instruments, Council and Commission staff found that the added value of the CRCTs was low. For instance, an observer of the first EU crisis-management exercise (CME 02) noted that while the CRCT had indeed been pulled together from Commission and Council Secretariat officials, “its role needed greater definition” since “the CRCT was little played”.³⁴ In the case of Operation Althea conducted by the EU Force (EUFOR) in Bosnia and Herzegovina, CRCT meetings were discontinued months before the end of the planning stage of the mission. A further assessment limited the practical role of the CRCTs to being the “forum where the Commission is informed of what is going on”.³⁵ Other assessments welcomed the semi-informal nature of the CRCT meetings and emphasised that ‘forced solutions’ for enhancing inter-institutional relations seldom worked.³⁶

All three initiatives share the quality that they were initiated at the political level with the aim of fostering coordination among the different EU crisis-management actors. The tangible effects of these top-down initiatives were limited, however: being mostly symbolic in scope, none of them established new formal venues for inter-institutional coordination nor

³² Refer to Council of the European Union (2001a), *op. cit.*, p. 19.

³³ See Council of the European Union, Follow-up to the CMCO Action Plan: Council Secretariat/Commission outline paper on the CRCT, 14400/2/02, Brussels, 02.12.2002(c), p. 4.

³⁴ Refer to House of Lords (2003), evidence, p. 37.

³⁵ Derived from an interview with an official in the Council General Secretariat in February 2004.

³⁶ Derived from an interview with an official in the Council General Secretariat in March 2005.

did they adapt existing formal chains of command to the necessities of comprehensive crisis management. Rather, the results of the brief analyses show an across-the-board preference for informal and (in infrastructural terms) weak solutions to the challenge of inter-institutional coordination. Both the intra-Council CMCO coordination project and the more encompassing solutions of the CMPs and CRCTs attempted to strengthen the coverage and coherence of the EU's crisis management activities without creating new, formal institutional venues for coordination. Informal forms of cooperation were assumed to be the easiest way to cooperate substantively across organisational divisions. Yet, these can undermine the transparency and accountability of security-political decisions. Also, they strongly depend on interpersonal contacts among actors in different EU institutions and are therefore difficult to sustain over prolonged periods of time. The observed informalisation of coordination in EU crisis management thus poses its own problems.

2.4 Organisational solutions: Diverging strategies of innovation

The two main institutional actors of EU crisis management, the Council and the Commission, have both expanded their competences and activities in this field. This section traces their individual organisational strategies for incorporating the notion of comprehensive and multi-actor crisis management into EU policies and planning. It argues that the EU's first- and second-pillar actors have followed diverging strategies of organisational innovation and contrasts the Commission's exploitative trajectory of change with the Council's explorative strategy.

Commission: Exploiting existing solutions. The long-standing experience of the European Commission in the realms of crisis prevention and post-conflict reconstruction is currently nearly eclipsed by the highly visible deployment of second-pillar ESDP missions. While for instance police missions that have deployed under an ESDP mandate have received wide publicity, the Commission's efforts in training and supporting local police forces in, among others, the Palestinian Territories, Guatemala, South Africa, Albania, Algeria and Macedonia (FYROM) have received

substantially less attention.³⁷ Moreover, European Commission assistance to countries at risk of violent conflict remains the bulk of stabilisation, relief and rehabilitation as well as development assistance programmes pursued by the Union. In addition to the Community's traditional long-term strategy of preventing conflicts through development, political dialogue and trade, the European Commission has considerably expanded its activities in the areas of direct conflict prevention and crisis management in recent years. Within the Commission's general remit to develop and consolidate democracy, to promote the rule of law and to foster the respect of human rights and fundamental freedoms enshrined in Art. 130 TEU, the link to crisis response activities has become particularly prominent: measures to promote good governance, the rule of law and democratisation are increasingly carried out in the context of preventing conflict and dealing with its consequences. And as the Commission's 2001 conflict prevention strategy explicitly expressed, "within the limits of its competencies, the Commission intends to play an increasingly active role in the security sector area".³⁸

The European Commission, having been for most of its existence profoundly uninterested in security issues, has subsequently assumed competences in the security field that range from security-sector assistance programmes to the funding of security- and defence-related research.³⁹ The further integration of clearly security-relevant policies into the Commission's external assistance programming progressed by bringing conflict prevention concerns into traditional policy domains. The Conflict Prevention and Crisis Management Unit, founded in 2001 within the Directorate-General for External Relations, aims at doing just that. It

³⁷ See European Commission, Communication on the Financing of Civilian Crisis Management Operations, COM(2001) 647 final, Brussels, 28.11.2001(c); see also European Commission, Annexes (Commission Staff Working Document, SEC(2006) 658) to the Communication on the Concept for European Community Support for Security Sector Reform, COM(2006) 253 final, Brussels, 24.05.2006(a).

³⁸ See European Commission, Communication on Conflict Prevention, COM(2001) 211 final, Brussels, 11.04.2001(a), p. 14.

³⁹ See European Commission, *Research for a Secure Europe: Report of the Group of Personalities in the Field of Security Research*, Brussels, 15.03.2004(b); see also European Commission, Communication on a Concept for European Community Support for Security Sector Reform, COM(2006) 253 final, Brussels, 24.05.2006(b).

introduces conflict-prevention indicators – a rough ‘checklist’ of root causes of conflict – into the Commission’s country and regional strategy papers that set the political agenda for further Community involvement in a specific region or state. Additionally, the Unit has started to develop Community expertise in disarmament, demobilisation and reintegration, and security sector reform. In sum, in a rather quiet process of re-prioritising its external assistance policies, the scope of Community activities has widened to include crisis management competences. Through slowly but steadily expanding its range of activities over the past decade, the European Commission has a vast number of instruments and funding mechanisms in the field of peacebuilding at its disposal today.

The Commission has pursued an exploitative strategy to reorient some of its external assistance away from more traditional developmental activities and has expanded its competences mostly through transposing established organisational components. For instance, large developmental and trade budget lines have been ‘securitised’ by mainstreaming conflict-prevention indicators into their programming.⁴⁰ Other projects relevant for crisis management and peacebuilding have been set up under cross-cutting budget lines, such as the European Initiative for Democracy and Human Rights. Also, in contrast to the Council’s construction of a completely new crisis-management facility, the Commission has patched up its infrastructure through installing new, small-scale organisational task forces in order to adapt existing arrangements for peacebuilding. Establishing the Conflict Prevention and Crisis Management Unit as the main body tasked with streamlining conflict assessment and early warning indicators into the work of the Commission is a case in point. Yet, owing to its small number of dedicated staff, it has been characterised as being a “focal point more than a facilitator”⁴¹ and is far too small single-handedly to refocus the Commission’s external policies towards peacebuilding. The Unit is

⁴⁰ One example of this is the Cotonou Agreement. It contains a new political dimension specifically meant to address issues previously dealt with outside the developmental agenda, including arms and drugs trafficking, excessive military expenditure, organised crime and religious or ethnic discrimination (see International Crisis Group (ICG), *EU Crisis Response Capability Revisited*, Europe Report No. 160, ICG, Brussels, January 2005, p. 36).

⁴¹ Refer to ICG (2005), op. cit., p. 14.

therefore generally not seen as very proactive in terms of first-pillar policy development in crisis management. Overall, the record of the Commission in repositioning its work in a crisis management frame is mixed.

Council: Exploring new options. In contrast to the Commission, the European Council's General Secretariat constructed a whole new security architecture from scratch that today comprises civilian, police and military mission support and strategic planning capabilities. Despite serious and continuing military-force generation delays and initial lags in building up the civilian part of its crisis management infrastructure, the Council deployed 16 civilian and military ESDP operations with a wide variety of mandates between 2003 and 2006. With mission mandates quickly expanding from traditional military stabilisation and police advisory roles to the rule of law, security sector reform and civilian monitoring tasks, the Council's new crisis-management architecture has had to rapidly diversify and consolidate its organisational base. The Council, faced with the task of instituting a completely new function within its structure, has both improvised with new structures and quickly exported the resulting organisational solutions to new policy fields. During this difficult transition from being a 'political' body to becoming an 'operational' one, the Council Secretariat has thus pursued the logics of both exploration and patching-up.

Following a first explorative phase in which the Council built up its civilian crisis-management architecture and deployed its first police missions, it transposed the instrument of civilian short-term crisis-management missions into a broader range of uses. Starting out with only a moderate planning capability for police missions, the Police Unit, the Council rapidly expanded the conceptual scope and range of civilian crisis management to include a whole new host of civilian ESDP operations. These different kinds of Council missions all belong to a single generic model of civilian crisis management: they are modelled on the concept of short-term advisory and training missions, which first gained ground in Europe in the context of, for instance, the early Western European Union's Police Advisory Mission to Albania (MAPE) between 1997 and 2001. In subsequent years, this organisational solution of a short-term civilian police mission was exported to the fields of civil administration, security sector reform, civil protection, monitoring and the rule of law. Sometimes, regardless of whether the chosen form of short-term assistance was the most suitable instrument at the EU's disposal for the task at hand, the Council took over more and more activities in the realm of post-conflict

reconstruction. We can therefore argue that the Council both exploratively extended the substantive scope of civilian crisis-management missions, and at the same time exploited the already time-tested model of civilian police missions for this goal.

This expansion of civilian ESDP missions into the traditional competence sphere of the European Commission was first of all made possible by the ample discretion built into the major strategic documents relevant to the ESDP. Both the Petersberg tasks of 1992 – enshrined in Art. 17.2 TEU – and the European security strategy left the scope of second-pillar security policies wide open. While the original Petersberg tasks brought humanitarian and rescue missions as well as the whole spectrum of peacekeeping and peacemaking activities into the remit of EU crisis management, their update in the context of the debate on the European Constitution extended these tasks. The proposals of the Working Group on Defence during the European Convention mentioned conflict prevention, joint disarmament operations, military advice and assistance, post-conflict stabilisation and support for the authorities of a non-member state in combating terrorism as being among the wider Petersberg tasks. The European security strategy painted a similarly vague and broad picture for the future tasks of the ESDP.⁴² With both documents open to an inclusive interpretation of the ESDP's mandate, political players in the Council were able to fill the expansive, but vague, strategic guidelines with their own policy ideas and the Council was subsequently able to take over the series of outlined civilian tasks.

Yet the diversification of civilian roles and the recent increase in civilian ESDP missions have not been matched by a similar extension of the civilian crisis-management infrastructure in the Council. The EU's operational and planning capabilities in the field of civilian crisis management have had problems in keeping up with the enlarging scope of civilian crisis-management missions. Not only the recruitment of mission personnel, but also the introduction of civilian planning functions has lagged behind the EU's substantive targets. In both cases, the gap between the political decision to deploy a specific mission, and the means available to pursue this goal, remains large.

⁴² Refer to Council of the European Union (2003d), *op. cit.*, p. 6.

On the other hand, the evolution of the EU's military crisis-management architecture differs from the civilian case in the sense that EU-level structures have remained confined to advisory roles (the EU Military Committee and Military Staff) and intelligence (the EU Situation Centre). Operational planning for military crisis management mostly takes place outside the EU structures in different national headquarters. One exception is the introduction of a Civil-Military Cell as a core, operational planning unit within the Council's EU Military Staff.⁴³ Still, despite the concentration of media attention and EU resources on these military aspects of crisis management, soon after its initiation the civilian capability of the EU outdistanced the emerging military architecture: "[T]he paradox in this is that civilian crisis management is the area in which the EU has made fastest operational progress."⁴⁴ In the brief period of time since its inception, only 4 of the 16 missions conducted so far have been military operations.

Overall, the two discussed trajectories of innovation shed light on the extent to which the adaptation of policy sectors to new challenges depend on the chosen organisational strategy for innovation. First- and second-pillar actors have chosen different strategies to adapt their organisational structures to a changing security environment. While the Commission has taken an exploitative approach to transform its traditional relief and rehabilitation instruments into a comprehensive peacebuilding capability, the Council has followed a mostly explorative path by incrementally expanding its new ESDP instruments into the sphere of civilian crisis management. Generally, the costs of these explorative policy innovations have been lower in the less entrenched and newer structures of the Council than in the long-standing and cumbersome architecture of the Commission. In the end, the Council Secretariat has been able to increase substantially its standing and competence base for civilian crisis management. In contrast, regardless of the comparative advantages of resources, experience and established organisational structures on the side of the Commission, its

⁴³ See Council of the European Union, Civil Military Cell: Terms of Reference, 10580/1/04, Brussels, 15.06.2004(a).

⁴⁴ See R. Dwan, "Civilian tasks and capabilities in EU operations", Paper prepared for the Study Group on Europe's Security Capabilities, Berlin, 2004, p. 2.

activities have received considerably less attention. Observers have characterised this process as the “second-pillarization” of EU crisis management.⁴⁵

2.5 Towards a comprehensive response?

So far, this chapter has concentrated on the development of the two different institutional architectures for crisis management planning that currently co-exist within the EU. It has shown that first-pillar Community assistance projects and second-pillar Council missions are supported by two parallel planning structures with different hierarchies, legislative underpinnings and institutional histories. To what extent have these actors been able to translate the political calls for comprehensive crisis management into their planning arrangements? The exercise of tracing the different trajectories of innovation chosen by the Council and the Commission at the level of strategic planning highlights three general trends in their relationship: convergence, coordination and compartmentalisation.

Convergence. While the Council deals with both civilian and military aspects of ESDP crisis management, the Commission pursues civilian crisis-prevention, management and post-conflict reconstruction policies. In theory, the activities of both actors are distinct: they are substantively different, since Commission activities generally focus on long-term institution-building and Council missions deal with shorter-term operational capacity-building. First-pillar activities thus cover conflict prevention and post-conflict reconstruction, while second-pillar actions deal with short-term crisis-management interventions. Yet, as a result of the pursued trajectories of expansive innovation in which pre-existing solutions have been converted to new policy fields, the operational areas of both actors have converged. The Council's General Secretariat has followed an explorative strategy of expanding its tasks into the sphere of civilian crisis management, bringing it rather close to some of the Commission's traditional competences. With this expansion of second-pillar civilian crisis-

⁴⁵ See for instance G. Bono, “The EU's Military Doctrine: An Assessment”, *International Peacekeeping*, Vol. 11, No. 3, 2004; see also C. Gourlay, “European Union Procedures and Resources for Crisis Management”, *International Peacekeeping*, Vol. 11, No. 3, 2004.

management, the demarcation between first- and second-pillar peacebuilding and conflict prevention has started to erode. Envisaged as complementary to the long-term institution-building and crisis prevention policies pursued under Commission competences, civilian crisis-management missions are shaped as transitional and relatively short-term operations. In practice, however, “there is considerable overlap between Commission programmes and the ESDP”.⁴⁶

Recent compilations of Commission and Council competences highlight this overlap. The Presidency Conclusions of the Feira European Council identified four second-pillar priorities in civilian crisis management that cover the following areas: police assistance, training and substitution tasks; the strengthening of the rule of law through judicial and penitentiary assistance; civil administration and civil protection. A fifth Civilian Headline Goal, the conduct of EU monitoring missions, was added more recently.⁴⁷ The Commission, on the other hand, has declared Community instruments in the field of peacebuilding to be civil protection, police operations and the rule of law, fact-finding and civilian monitoring missions as well as training for crisis management personnel.⁴⁸ Even at first glance, the competences considerably overlap and at the outset of a given action for crisis intervention it can be unclear which EU instrument will be used. And as for instance in the case of planning civilian administration missions, even the Council has acknowledged, “the distinction between Civilian Administration and other EU priority areas may not always be easy to make”.⁴⁹ In sum, the encroachment of the second pillar into first-pillar affairs has led to the emergence of a rather large ‘grey area’ of competence overlap for the Council and the Commission.

Coordination. The convergence of Council and Commission activities in the field of civilian crisis management and peacebuilding has led to a

⁴⁶ Refer to House of Lords (2003), *op. cit.*, p. 9.

⁴⁷ See Council of the European Union, Civilian Capabilities Commitment Conference: Ministerial Declaration, Brussels, 22.11.2004(b), p. 2.

⁴⁸ See European Commission (2001c), *op. cit.*, Annex; see also European Commission, *Civilian instruments for EU crisis management*, Conflict Prevention and Crisis Management Unit, Brussels, April 2003.

⁴⁹ See Council of the European Union, EU Concept for Crisis Management Missions in the Field of Civilian Administration, 15311/03, Brussels, 25.11.2003(b), p. 4.

deterioration of their relationship, rather than to better coordination of their work. Particularly the Commission has interpreted the Council's expansive moves as an intrusion in its sphere of competences and has subsequently assumed a defensive position towards civilian crisis-management operations in an ESDP framework. In the case of the Council's civilian crisis-management Headline Goals, Commission officials have criticised the chosen focus of the goals as being "in direct competition to Commission goals".⁵⁰ Generally, as another Commission official is quoted as saying, "the entry on stage of Mr Solana changed a lot for us. It did not make our lives in organisational terms easier."⁵¹ The same official took issue with the "tendency" in the Council from time to time to "consider the Commission as just another secretariat".⁵² Consequently, and in contrast to the outlined political initiatives to foster interaction among the different EU crisis-management actors, actual forms of coordination between Council and Commission activities have remained limited. *Negative coordination*, i.e. the protection of the status quo interests of an organisation against intrusions, has frequently been the default option of choice. The basic goal of negative coordination, according to Scharpf (1994),⁵³ is to "ensure that any new policy initiative designed by a specialised subunit within the ministerial organisation will not interfere with the established policies and the interests of other ministerial units".

Undoubtedly, the Commission's recent defensive posture towards the Council falls into this category. Arguing that the border delimiting the competences of the EU institutions between the first and second pillars has been eroded through recent Council actions, the Commission has spent considerable time and effort trying to reinstate this separation. A major written opinion by the Commission's Legal Service on the issue of inter-pillar competence divisions backed the Commission in this defence of the integrity of Community competences against encroachments. The Legal

⁵⁰ Derived from an interview with an official from the European Commission, March 2005.

⁵¹ Refer to House of Lords (2003), *op. cit.*, evidence, p. 13.

⁵² *Ibid.*, p. 11.

⁵³ See F.W. Scharpf, "Games Real Actors Could Play: Positive and Negative Coordination in Embedded Negotiations", *Journal of Theoretical Politics*, Vol. 6, No. 1, 1994, p. 39.

Service interpreted the principles of competence division in the Treaty on European Union as following first of all the *pre-eminence* of Community interests and it judged the common foreign and security policy (CFSP) to be complementary to first-pillar activities. Thus asserting that Community interests generally take precedence over second-pillar initiatives, the Legal Service contended that some recent second-pillar CFSP actions infringed on Community competences.⁵⁴ Drawing on Art. 47 TEU – which codifies the inviolability of Community precedence – the Legal Service underlined that if an action is *in principle* subordinate to Community competences, this particular action cannot be executed under CFSP competences, whether the Community has taken action in this particular field or not.⁵⁵

Based on this legal opinion, the Commission defended Community competences by going to court against the Council. In a legal action against the Council brought before the European Court of Justice in February 2005 (Case C-91/05, *Commission v Council*), the Commission argued that actions taken by the Council to combat the spread of small arms⁵⁶ impinge on Community competences under Art. 47 TEU: since they affect Community powers in the field of developmental aid, the Council's actions in this area should be annulled owing to lack of competences. Although the outcome of this case has not been made public, the case itself is indicative of the Commission's legal culture in trying to roll back the Council's infringements of its competences.

Compartmentalisation. Between the Council and the Commission, many conflicts remain unresolved and their crisis management structures have largely evolved in parallel and in a disjointed and compartmentalised

⁵⁴ See European Commission Legal Service, *Critères généraux pour l'exercice soit de la compétence communautaire, soit de celle de l'Union européenne au titre de la PESC*, JUR(99)50931, Brussels, 07.10.1999.

⁵⁵ *Ibid.*, p. 3.

⁵⁶ See Council of the European Union, Joint Action 2002/589/CFSP of 2 July 2002 on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons, OJ L 91, 12.07.2002(b); see also Council of the European Union, Decision 2004/833/CFSP implementing Joint Action 2002/589/CFSP with a view to an EU contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons, OJ L 359, Brussels, 02.12.2004(e).

manner. This problem is exacerbated by the lack of a coherent decision-making system for *all* EU instruments in the field. Gourlay (2006)⁵⁷ noted in this respect that since there is “no unified EU chain of command with regard to EU instruments for crisis response, neither the Council nor the Commission have this strategic oversight of all EU instruments”. The general preference for informal and personal forms of coordination observed in both institutions adds to this problem. As a result, compartmentalised solutions prevail and some civilian crisis-management instruments have emerged in duplicate, such as the capacities for civil protection, civilian monitoring and training as well as advisory missions for police and judicial reform. Additionally challenged by the diverging decision-making rules embedded in the pillar structure of the current EU treaty base, crisis management remains institutionally divorced under Commission and Council policy initiatives. Conflicts and negative coordination among the actors are the norm, rather than comprehensive forms of coordination. Clearly, this is not a fault that affects the EU alone. Inter-institutional turf wars and coordination failures are a common occurrence in policy domains in which organisations have to deal with complex and cross-cutting issues. The coordination of the fight against transnational terrorism – in the EU, but also in the United States – is a case in point. Here, for instance, the reports of the National Commission on Terror Attacks upon the United States⁵⁸ narrate similar stories of inter-institutional competition, failures to exchange information and general confusion about competences in the run-up to and aftermath of 9/11.

Recently, the Council's General Secretariat initiated structural changes within its own crisis management architecture to overcome its internal compartmentalisation and to better integrate its civilian and military mission components. And although it is too early to assess comprehensively their relevance for the overall planning of EU crisis management operations, they have been hailed as a step in the direction of

⁵⁷ See C. Gourlay “Civil-Civil Co-ordination in EU Crisis Management”, in A. Nowak (ed.), *Civilian Crisis Management: The EU Way*, Chaillot Paper No. 90, EUISS, Paris, 2006, p. 112.

⁵⁸ See the website of the National Commission on Terrorist Attacks upon the United States (retrieved from http://www.9-11commission.gov/staff_statements/index.htm).

coordinated EU civil–military responses to crises. Aimed at linking up the civilian mission elements with the military component of an ESDP mission, the Civil–Military Cell within the EU’s Military Staff is the first promising initiative. Although its main task is to undertake general, “strategic contingency planning” in situations pertaining to both civilian and military actors,⁵⁹ its ultimate goal is to provide “joint options including civilian and military dimensions”.⁶⁰ The second initiative deals with the better integration of the five Headline Goals separately developed for civilian crisis-management missions. For this purpose, the Council created the Civilian Headline Goal process, tasked with developing multifunctional resources for civilian crisis management.⁶¹ Its recommendation was to deploy “integrated civilian crisis management packages” varying “in size, composition and tasks” according to the specific needs of each mission.⁶² Later, this notion of multifunctional, civilian crisis-management ‘packages’ was further developed into the concept of civilian response teams that would in future increase the EU’s rapid reaction capacity.⁶³

2.6 Conclusions

In the few years of its existence, the EU’s crisis management architecture has made considerable and rapid progress. Despite its awkward institutional position between Community and intergovernmental decision-making processes, the creation of a crisis-management policy field within the EU has become a reality and it is thus a significant policy development. Yet, alongside the fact that the EU has quickly been able to develop instruments dealing with complex emergencies and crises, the initial institutional set-up remains problematic. This analysis has found that

⁵⁹ See Council of the European Union, European Defence NATO/EU Consultation, Planning and Operations, 13990/04, Brussels, 28.01.2005(b), p. 4.

⁶⁰ *Ibid.*, p. 5.

⁶¹ See Council of the European Union, Draft Action Plan for Civilian Aspects of ESDP, 10307/04, Brussels, 2004(f), p. 3.

⁶² See Council of the European Union, Civilian Headline Goal 2008, 15863/04, Brussels, 07.12.2004(c), p. 3.

⁶³ See Council of the European Union, Civilian Headline Goal 2008, 10462/05, Brussels, 23.06.2005(a).

in contrast to the EU's comprehensive political concepts for crisis management, the organisational practices of strategic planning within the Council and the Commission have remained institutionally divorced. Policy innovations have taken place *within* each pillar, thus leading to the convergence and overlap of operational areas of first- and second-pillar actors. As a result, negative coordination among different EU actors has become the norm. Political attempts to fill the gap between the concepts and the organisational realities of EU crisis management have remained both inconclusive and limited to fostering informal forms of coordination among the different actors. Beyond the achievement of rapidly institutionalising the EU's crisis management architecture, the coherence of EU operations in this field can still be improved.

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Appendix I. EU budget procedures for crisis management

The EU's budget procedures for its crisis management and post-conflict reconstruction policies are rather complex. At the time of writing, the EU had three funding options at its disposal, as outlined below.⁶⁴

1) Operations under a Community instrument, financed under the appropriate Community budget line

These operations may include civilian emergency assistance, civil protection assistance and intervention, institution-building, election monitoring, the consolidation of democracy and the rule of law, food aid, securing the livelihoods and safety of refugees, rehabilitation, reconstruction and security-sector reform. The Community budget funds these activities among others through the following policy instruments:

- Title 19, External Relations
Chapter 19 04, European Initiative for Democracy and Human Rights
Chapter 19 06, Crisis Response & Global Threats to Security
- Title 22, Enlargement (including transition and pre-accession assistance)

2) CFSP operations not having military or defence implications, financed under the CFSP budget

The Council decides on a joint action and the budgetary resources to put into it, while the Commission commits, contracts and disburses the budget allocated to the action.

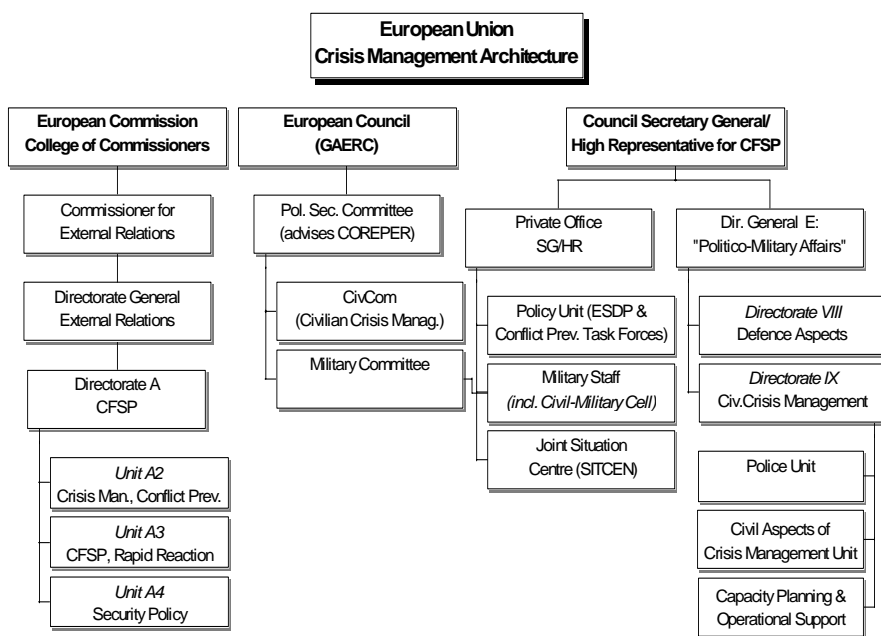
- Administrative and non-military operational CFSP expenditures are charged to the European Community budget and implemented by the Commission under its auspices, except for costs that arise from operations with military or defence implications and cases in which the Council unanimously decides otherwise (Art. 28 TEU). In civilian missions, the salaries of personnel are borne by the member states.⁶⁵

⁶⁴ Refer to European Commission (2001c), *op. cit.*, p. 4. The future funding of European Commission crisis-response activities will be delivered through a new 'stability instrument' designed to integrate the European Community's separate financing channels (see Gourlay, 2006, *op. cit.*, pp. 110–12).

⁶⁵ Refer to Gourlay (2006), *op. cit.*, p. 109.

- The CFSP budget is itemised in the Community budget under Title 19, External Relations, Chapter 19 03. The 2006 CFSP budget amounted to €102.6 million.
- 3) ESDP operations having military or defence implications, which fall outside the Community budget**
- ESDP military operations are funded by the member states according to the principle of ‘costs lie where they fall’.
 - The recently established ATHENA mechanism administers the financing of the common costs of EU operations having military or defence implications.⁶⁶

Appendix II. EU crisis-management architecture



⁶⁶ See Council of the European Union, Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications, OJ L 63, Brussels, 28.2.2004(d).

3. POLICE MISSION IN BOSNIA AND HERZEGOVINA

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***Abstract.** In the last few years, the European Union has used Bosnia and Herzegovina (BiH) as a 'laboratory' to test its crisis management capabilities. In 2003, the EU launched its first ever Police Mission (EUPM) in BiH. Taking over from the UN's International Police Task Force in Bosnia, the EUPM aimed at supporting the reform of the Bosnian police forces in order to establish sustainable police arrangements according to best European and international standards. Yet two main kinds of obstacles have prevented the EUPM from accomplishing its mandate. First are the external factors stemming from the unsettled political situation in BiH. Second are the internal factors such as the inexperience of the EU in the field of civilian crisis management, the fragmentation of the EU's presence on the ground, the complexity of the EU's policy-making structures and the lack of resources. This contribution examines in detail the coherence and effectiveness of the EUPM during the first three years of its mandate. In particular, it analyses how the above-mentioned obstacles hindered the implementation of a coherent and effective crisis-management policy. It also identifies the main lessons from this period and assesses whether or not the EU has actually learnt from them.*

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3.1 Introduction

The sobering experience of the EU in the Balkans, from the Yugoslav conflicts at the beginning of the 1990s to the war in Kosovo, provided the EU with a significant number of lessons. The conflict in Kosovo made it evident to the EU that it was time to show stronger commitment to the region by offering a clear membership prospect as the only recipe to promote stability and democracy in the countries of the Western Balkans. Therefore, the prospect of membership was endorsed by the European Council in Santa Maria da Feira in June 2000 and confirmed by the European Council in Thessaloniki in June 2003. Another lesson drawn by EU policy-makers was that the EU had to improve its crisis management capacities to be able to deal with peacekeeping and crisis management in its neighbouring areas. These ambitions gathered momentum with the St Malo summit in 1998 and the reforms that followed.

In the last few years, the EU has also learnt other lessons as a result of the implementation of its crisis management operations in the region, first in Bosnia and Herzegovina (BiH), and then in the former Yugoslav Republic of Macedonia (FYROM). BiH is seen by policy-makers in Brussels as one of the main 'laboratories' to test its crisis management capabilities. The involvement of the EU in the country is one of the most ambitious to date and here the Union has gone beyond being a traditional civilian power towards a more robust role with the deployment of several instruments under the European security and defence policy (ESDP). In January 2003, the first ever EU police mission began its operations, and in December 2004 the EU launched its largest military mission, EU Force (EUFOR) Althea, taking over from the NATO-led Stabilisation Force (SFOR).

This chapter concentrates on the EU's Police Mission (EUPM) in BiH. It examines in detail the performance of the EUPM during its first three years of its mandate (2003–05), including the planning phase and the transition from the UN's International Police Task Force in Bosnia (IPTF).¹

¹ This chapter is based on 35 confidential, face-to-face interviews conducted by the author in Brussels, Mons and Sarajevo with EUPM, EUFOR and EUSR officials, national representatives to the Council working groups and officials from the European Commission and the Council Secretariat in 2005 and 2006. These interviews were conducted as part of the author's PhD research on "Coherence

It is argued that two main kinds of obstacles have prevented the EUPM from accomplishing its mandate. First are some factors stemming from the unsettled political situation in BiH. Second are the internal factors such as the inexperience of the EU in the field of civilian crisis management, the fragmentation of the EU's presence on the ground, the complexity of the EU's policy-making structures, and the lack of human and material resources. The coherence and effectiveness of the operation are analysed below and, in particular, how the above-mentioned obstacles have impinged on the implementation of a coherent and effective crisis-management policy. It concludes by looking at whether or not the EU has learnt from the EUPM, i.e. by introducing changes in the new EUPM launched in January 2006 or by improving the EU's overall crisis-management capabilities.

3.2 The planning of the mission

The launch of the 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. Hence, the planning and implementation of the mission was strongly influenced by the need to make credible the EU's pledge to develop its crisis management capabilities as agreed at the Helsinki European Council (1999) and further developed at the Feira (2000) and Göteborg (2001) European Council meetings. The planning of this mission was "an important learning experience for the EU and the first test of its crisis management concepts, procedures and instruments".² Thus, the lessons drawn from its establishment are relevant for not only police operations, but also for other civilian and military crisis-management operations.

and Effectiveness of the EU's Common Foreign and Security Policy in Bosnia and Herzegovina (1991–2006)". The author would like to express her gratitude for the kind assistance given by the interviewees during her fieldwork. All of the interviewees agreed to be quoted as part of this research; however, for reasons of confidentiality neither the names nor the positions are mentioned here.

² See Council of the European Union and European Commission (2003), *Lessons from the planning of the EU Police Mission in Bosnia and Herzegovina (EUPM), Autumn 2001–December 2002*, Joint Paper, Brussels, 29.04.2003, p. 1.

The EUPM officially started on 1 January 2003 with a three-year mandate,³ although the Planning Team was preparing the transition from the IPTF mission from 2002.⁴ The Planning Team and the Police Unit (within the Council Secretariat) were in charge of the formulation of the concept of operations. It has to be noted that the EU did not have any 'manual' for crisis management procedures at that time, but was in the process of drafting these procedures.⁵ It effectively had to 'learn by doing' the tasks of how to launch an operation from scratch. Fortunately, in this case, the EU had plenty of time to plan and set up this operation.⁶ Nevertheless, the planning of the EUPM demonstrated the convoluted character of the decision-making process surrounding the launch of an EU operation, with several bodies involved in Brussels (from the working group level to the Council of General Affairs and External Relations). Given the 'crisis' character of these operations, these procedures need to be streamlined, for instance, by enhancing the role of the Council Secretariat (particularly the Police Unit) and the head of mission. Yet, the member states are still very reluctant to lose their control over the whole process and are very suspicious of any autonomous role for the Council Secretariat.⁷

The launch of an operation is also complicated by two other factors: financial arrangements and non-member states' contributions. As regards the first issue, although the financing of the EUPM was agreed among the

³ Regarding its legal basis, EUPM's provisions were approved by the Council of the European Union in the Joint Action 2002/210/CFSP of 11 March 2002 on the European Union Police Mission, OJ L 70, 13.03.2002, pp. 1–6. This mission was also endorsed by the Peace Implementation Council (PIC) Steering Board and the UNSCR 1396 of 5 March 2002. Furthermore, it was launched following an invitation by the host state, BiH.

⁴ The Planning Team was composed of around 30 persons. It was led by Sven Christian Frederiksen, who at that time was also the Head of the Mission of the IPTF, to ensure a smooth transition from the IPTF to the EUPM (for problems related to this transition, see the next section).

⁵ See Council of the European Union, Suggestions for procedures for coherent, comprehensive EU crisis management, 7116/03, Brussels, 06.03.2003(a).

⁶ The first fact-finding mission was deployed in BiH in November 2001.

⁷ Derived from interviews held in Brussels, 2005–06.

member states without too much trouble,⁸ some problems arose concerning the operational costs of the mission, since the approval of the European Parliament was required to increase the common foreign and security policy (CFSP) budget for the year 2003 to cover those costs. In November 2003, the European Parliament finally agreed to increase the CFSP budget by €17.5 million.⁹ Moreover, in the case of civilian crisis-management operations, the Community budget involves tough procedures regarding procurement, under the Commission's surveillance, which result in a cumbersome process when it comes to the release of funds to the missions on the ground. In a similar vein, a national diplomat stated that there are "heavy procedures about procurement of material and transport, procedures that are justified in terms of the normal EU activities in pillar I, but for crisis management activities, it is very slow".¹⁰ The EUPM suffered from these constraints, in particular, during the deployment phase. Owing to procurement problems, during the first months, the mission was under-equipped in terms of computers, cars and mobile phones.¹¹ According to one official, "procurement was appalling. We didn't have enough computers for almost a year and a half!"¹² A good strategy in this respect would be to look at other organisations' procedures (the UN, OSCE and NATO), for example, "creating start-up kits consisting

⁸ According to Missiroli, from this point of view, it seems much easier to finance a police mission (civilian crisis-management operation) than a purely military or a mixed one (see A. Missiroli, *Euros for ESDP: Financing EU operations*, Occasional Paper No. 45, EU Institute for Security Studies, Paris, 2003). In police missions, the member states often do resort to the Community budget, making the whole process more transparent. The member states only pay separately for the *per diems* of their seconded personnel. In military operations, which are much more sensitive, the member states prefer to pay themselves (on a GDP basis) rather than be submitted to any control by the European Parliament.

⁹ See A. Nowak, *L'Union en action: la mission de police en Bosni*, Occasional Paper No. 42, EU Institute for Security Studies, Paris, 2003, p. 27.

¹⁰ Derived from an interview with a national representative to CIVCOM in Brussels, 2006.

¹¹ Other missions like EUJUST Themis in Georgia or Proxima in Macedonia have experienced the same problems.

¹² Derived from an interview with an EUPM official in Sarajevo, 2005.

of pre-stocked items needed for mission launch and start-up funds that can be rapidly released to pay for essential procurements”.¹³

As regards personnel, this operation was staffed with around 500 police experts from the 25 member states and from 9 non-member states.¹⁴ In total, 34 states contributed to this mission, a very international effort led by the EU. Yet the participation of non-member states introduced some challenges in terms of financial and legal arrangements that were solved in an ad hoc way, such as negotiating agreements on an individual basis with each contributing state. In the case of the EUPM, there was enough time to undertake these negotiations, but in other cases, time for preparations may have to be drastically reduced if the viability of the EU's crisis management operations is not to be endangered.

3.3 The legacy from the International Police Task Force

The EU expressed its readiness to take over from the UN police mission, the IPTF, in early 2002.¹⁵ The IPTF, which had been working on the reform of the police structures in the country for seven years (1996–2002), was an executive police mission with police officers in the field to support the implementation of the rule of law in BiH. One of its main tasks was to carry out a “certification process” with the objective of creating an

¹³ See M. Merlingen and R. Ostrauskaite, “ESDP Police Missions: Meaning, Context and Operational Challenges”, *European Foreign Affairs Review*, Vol. 10, No. 2, 2005, p. 9. In a way, the Rapid Reaction Mechanism set up by the Commission aims at solving this problem in the area of communitarian policies, but in the case of the Council, the possibility to resort to emergency reserves is very limited. This concern was raised in the final report of the Working Group on Defence of the Convention on the Future of Europe, but such a start-up mechanism to provide cash or material has not yet been established.

¹⁴ The non-member states participating in the mission were Bulgaria, Canada, Iceland, Norway, Romania, Russia, Switzerland, Turkey and Ukraine. The 10 new member states had the status of non-member state contributors until May 2004.

¹⁵ Problems in obtaining approval for the extension of the IPTF's mandate, because of opposition from the US, led the EU to launch a temporary mission to replace the IPTF in June–July 2002. At the end, however, agreement at the UNSC was achieved and a resolution extending the IPTF's mandate until the end of 2002 was issued.

independent and legitimate police force under the rule of law.¹⁶ In spite of the problems encountered, the IPTF improved the standards of the police forces in BiH, introduced public oversight mechanisms, streamlined the Bosnian police forces and played a role in setting up the State Border Service (SBS) and the State Investigation and Protection Agency (SIPA).

The EUPM was conceived as a mission of a different nature. Allegedly, once the certification process had been finalised, what was needed in BiH was not an executive mission, but a mission to monitor and advise the process of reform of the Bosnian police forces, placing the emphasis on institution-building and sustainability, and bringing the country closer to its prospect of joining the EU. From the outset, the EUPM sought to detach itself from the IPTF's legacy,¹⁷ which proved to be difficult. First, the certification process had not been completed, and that caused some troubles for the EUPM.¹⁸ Second, the EUPM did not establish new programmes, but took over most of the IPTF ones. According to some EU officials, this was owing to the fact that the IPTF had not completed its mandate. As stated by one EU official, "the start-line of EUPM [was] questionable. ... You could say that they [the IPTF] had not completed all their tasks, but that's not what appeared in the official documents."¹⁹

Third, most of the EUPM's personnel in the first rotation (police officers and civilian experts) had been previously employed by the IPTF. The head of mission had also been the former IPTF head of mission. This arrangement was meant to facilitate the transition from the IPTF to the

¹⁶ With the certification process, the IPTF submitted Bosnian police forces to a process of screening in order to check for valid credentials and training, war crimes convictions, human rights violations and domestic legal crimes, among others. Those who did not meet the IPTF standards were removed from their posts. For an evaluation of the certification process and the minority police recruitment carried out by the IPTF, see G. Collantes Celador, "Police Reform: Peacebuilding Through 'Democratic Policing'?", *International Peacekeeping*, Vol. 12, No. 3, 2005, pp. 364–76.

¹⁷ Derived from interviews with EUPM officials.

¹⁸ *Ibid.*; several appeal cases by police officers who were de-certified are yet to be resolved in the Bosnian courts and the Bosnian government has requested that the UN reviews the process.

¹⁹ Derived from an interview with an EU official in Brussels, 2005.

EUPM, by taking advantage of the IPTF's experience. In practice, it was difficult to change the officials' mindset from one day to another.²⁰ During the first year and a half of the EUPM's mandate, there was some confusion regarding what was supposed to be the role of the EUPM on the ground and an outstanding tendency to conceive police operations in an executive way. Commenting on the lessons learnt for future missions, one EUPM official affirmed: "I would be more careful in planning and understanding what the mission is about. Because [in] the first 18 months it was not really going anywhere. After that, the focus of the mission changed and it was better, but still it was not as focused as it should [have been]."²¹ Evaluating the EUPM's effectiveness, another EUPM official stated, "I will give it just a five; the mark could have been higher if we had realised from the beginning that we were just a programmatic mission; that we were not an executive mission like the UN-IPTF".²² This problem of focus was not sorted out until the summer of 2004 when a conference in Neum (BiH) was held. From then on, the EUPM started to adjust its organisational structure to a more programmatic management approach based on monitoring, mentoring and inspecting, and it introduced a benchmarking system.²³

Some national representatives to the Committee for the Civilian Aspects of Crisis Management (CIVCOM) also complained that the UN did not provide all the necessary information for the deployment of the EUPM. Had the UN done so, the transition from the IPTF would have been smoother and the EUPM's mandate better suited to the circumstances on the ground.²⁴ The EU will have to bear in mind these problems when planning future missions such as the EU's rule of law operation in Kosovo.

²⁰ According to Osland, these arrangements also made it difficult for the public to distinguish between the missions of the UN and those of the EU. She suggests that one possibility to have avoided these problems would have been "to establish a special transition team, under the umbrella of neither the UN nor the EU (see K. Osland, "The EU Police Mission in Bosnia and Herzegovina", *International Peacekeeping*, Vol. 11, No. 3, 2004, p. 553).

²¹ Derived from an interview with an EUPM official in Sarajevo, 2005.

²² Ibid.

²³ Ibid.

²⁴ Derived from interviews in Brussels, 2005–06.

3.4 The challenge of coherence

In the case of BiH, coherent external action has been difficult to achieve not only because of the EU's fragmented presence on the ground, but also because different actors arrived at different times. Thus, the EC Monitoring Mission (later the EU Monitoring Mission or 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, subsequently, technical assistance to the country in the framework of the Stabilisation and Association Process (SAP). Later the ESDP instruments (the 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 the EU Special Representative (EUSR). Thus, over the years the presence of the EU in the country has increased, reflecting both the commitment of the EU to the membership prospects of BiH, and the development of the EU as a crisis management actor. It has also created enormous challenges in terms of coherence, however.

The 2002 Joint Action²⁵ established a clear chain of command in order to ensure internal coherence of the EUPM: the Political and Security Committee exercises the political control and strategic direction of the mission, advised by CIVCOM. In the field, the police commissioner/head of mission is in command of the mission and reports to the high representative for CFSP through the EUSR.²⁶ The EUSR plays a central role in the coordination among the different EU bodies in the country. The main task of the EUSR is to promote overall EU political coordination in BiH, as well as to maintain an overview of the whole range of initiatives in

²⁵ See Council of the European Union (2002), *op. cit.*

²⁶ 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 is Vincenzo Coppola.

the field of the rule of law.²⁷ In particular, the EUSR is in charge of assuring the coherence of the ESDP activities (the EUPM and EUFOR): the EUSR is in the chain of command of the EUPM and can offer political advice to the EUFOR regarding organised crime, indictees of the International Criminal Tribunal for the former Yugoslavia or the six-month review of the EUFOR. The EUSR should also facilitate coordination between Brussels and Sarajevo, something that is not always easy given the compartmentalisation of the Council Secretariat into several directorates-general.²⁸

On the other hand, according to several EUPM officials, poor internal coordination and communication in Sarajevo affected the mission, particularly during the last year and a half of the mandate. These problems were identified at top levels of the mission, meaning that the higher levels did not communicate adequately with the lower levels and sometimes the lower levels were confronted by conflicting orders. An EUPM official described the internal coordination in these terms: “[I]t is appalling, dreadful. ...It is far too hierarchical, far too military, very old fashion. And most of this is because of the personalities, or the personality to be clearer.”²⁹ “Problems with the leadership of the mission” and “problems with personalities” were repeatedly raised by EUPM officials.³⁰ According to some EUPM officials, the Head of Mission, Kevin Carty did not listen to lower levels, did not communicate with them and undertook independent initiatives without consulting them. To be sure, these frictions were related to “personalities” or “personality” rather than to the organisational design

²⁷ See Council of the European Union, Joint Action 2004/570/CFSP of 12 July 2004 on the mandate of the European Union Special Representative in Bosnia and Herzegovina and repealing Council Joint Action 2002/211/CFSP, OJ L 252, 28.07.2004(a).

²⁸ The EUSRs are managed by each respective geographical desk; in the case of BiH, this is Directorate-General (DG) VI (Western Balkans, Eastern Europe and Central Asia). DG VI is also in charge of the EUMM. For its part, the EUPM is the responsibility of DG IX (Civilian Crisis Management and Coordination). Finally, the politico-military aspects of the EUFOR operation are dealt with by DG VIII (defence aspects), supported by the EU Military Staff (EUMS).

²⁹ Derived from an interview with an EUPM official in Sarajevo, 2005.

³⁰ Ibid.

of the mission. Problems of leadership not only affected the overall effectiveness of the mission, but also had another consequence: the loss of credibility and influence among the local authorities who realised that there was no clear policy line coming from the EUPM headquarters. For example, one official mentioned how internal complications damaged the EUPM's strategy concerning the SIPA project.³¹ Even though these issues were commonly known in BiH, they were never singled out in the mission reviews as a problem affecting implementation.³²

As regards coherence with the Commission's activities, the EUPM aimed at supporting the rule of law dimension of the EU's policies in the country together with the Community projects in this area managed by the Commission and financed through the budget for the CARDS programme (Community Assistance for Reconstruction, Development and Stabilisation). According to the 2002 Joint Action, "the EUPM, supported by the Community's institution-building programmes under the CARDS Regulation, should contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the Union's overall policy in the region, notably the Stabilisation and Association Process".³³ To ensure institutional coherence, the Joint Action stated the need for coordination arrangements in Brussels and Sarajevo and noted "the intention of the Commission to direct its action towards achieving the objectives of this Joint Action, where appropriate, by relevant Community measures".³⁴

Coordination between EUPM and Commission projects was facilitated by an informal Joint Coordination Group, which met to discuss current and planned activities in the field of policing. Moreover, a small CARDS team was co-located at the EUPM headquarters. Commission efforts in this area were supported by the CARDS programme, which

³¹ Ibid.

³² For some interviewees, better mechanisms for the evaluation of the internal coordination of the mission needed to be established. As an EUPM official put it: "instead of Brussels coming down and checking financial stuff, why do they not come and assess the quality of the people running the mission? Because then, maybe we would have a well organised, well run mission" (ibid).

³³ Refer to Council of the European Union (2002), op. cit.

³⁴ Ibid.

budgeted €5 million per year for police-related projects during the period 2003–05. Some of these projects included the improvement of the communication networks of the police stations, twinning programmes and the supply of equipment for other law enforcement agencies (the SBS, SIPA and Ministry of Security).

Although horizontal coordination with the Commission worked fairly well, some difficulties are worthy of consideration. The lack of appropriate funding procedures caused some troubles for the EUPM, which had to apply for CARDS funding to enable it to launch new projects or seek funding through the member states' embassies.³⁵ Other problems were of a structural/institutional nature. As mentioned by Anika Hansen, police missions can be considered a cross-pillar instrument, but they are conceived from a different perspective according to which pillar is involved. For pillar I (Community actions), they are a long-term tool to support development projects. For pillar II (CFSP), police missions are seen as a short-term instrument of security. For pillar III (justice and home affairs), police missions are a preventive instrument to fight against organised crime and secure EU borders.³⁶ Police operations like the EUPM are designed by the Council structures to tackle the urgent needs of the police forces, whereas the Commission designs its own long-term institution-building projects, which do not always follow the same logic as those of the Council.³⁷ Therefore, the main challenge relates to the coordination between the first and second pillars, and particularly, between the Council Secretariat and the Commission.³⁸

In this specific case, EUPM officials complained that there was not always full cooperation for harmonising the projects launched by the Commission with those of the EUPM. For instance, there were problems

³⁵ Derived from an interview with an EUPM official in Sarajevo, 2005.

³⁶ See A. Hansen, "Security and Defence: The EU Police Mission in Bosnia-Herzegovina", in W. Carlsnaes, H. Sjørusen and B. White (eds), *Contemporary European Foreign Policy*, London: Sage Publications, 2004, p. 181.

³⁷ Yet it is increasingly difficult to distinguish the rationale behind the Commission's and the Council's projects in the area of policing and the rule of law, with the Council gradually expanding its area of activity.

³⁸ See C. Gourlay, "European Union Procedures and Resources for Crisis Management", *International Peacekeeping*, Vol. 11, No. 3, 2004.

owing to the duplication of advisers (one co-located police officer coming from the EUPM and one adviser from the Commission's twinning projects) for some Bosnian institutions:³⁹

In many of the projects there was one EUPM officer, for example, in organised crime at the Ministry of Security, and the Commission would bring another police expert...they [the Commission] had the money and we had to work with them. But it was terrible. And it was also badly perceived by the locals, they could not understand what was going on.⁴⁰

Coordination with the EU military operation, EUFOR Althea, was an even more distressing exercise. Apart from the obvious challenges of planning and running a mission of 7,000 troops, the deployment of this force involved a new test for the EU: the need for enhanced coordination between the military and the civilian elements of the ESDP. In theory, the mandates of the two missions did not clash. The role of the EUPM was to monitor, mentor and inspect at the medium and senior levels, assisting in the building of the capacities of the Bosnian police forces. EUFOR Althea was, and still is, to provide a safe and secure environment, and to implement other aspects of Annexes 1.A and 2 of the Dayton Agreement. Whereas the EUPM's mandate aimed at the long-term capacity-building of the police forces, the EUFOR focuses on the short term (deterrence). The former had a non-executive mandate (monitor, mentor and inspect); the latter an executive one, i.e. with enforcement tools to be used if appropriate. In spite of the different mandates and approaches, in practice, during the first year of EUFOR's mandate, there were some tensions between the two missions. The implementation of these operations has shown that there are still some grey areas between the mandates of the EUPM and EUFOR, especially regarding the fight against organised crime.

³⁹ The EUPM and the Commission are not the only actors involved in police reform activities in BiH. Several organisations have projects on police restructuring, border management, counter-terrorism and organised crime such as the International Criminal Investigative Training Assistance Program (supported by the US government) or the initiative of the Council of Europe. The member states also have bilateral projects in the field of police reform (among others, the UK, Spain and Germany).

⁴⁰ Derived from an interview with an EUPM official in Sarajevo, 2005.

The existence of a paramilitary police force under the chain of command of EUFOR only exacerbated these tensions.⁴¹

During its first three years of mandate, the EUPM supported institution-building projects as the most effective way to tackle organised crime. It provided expert advice and monitored the creation and strengthening of various institutions (the Ministry of Security, SIPA, SBS and Interpol) to increase the local capacity for this task. The role of the EUFOR in the fight against organised crime was rather different. Even though the EUFOR's mandate identified the fight against organised crime as only one of its supporting tasks, the former EUFOR Commander, General David Leakey, expressed his personal commitment to tackling this issue.⁴² From December 2004, several operations were launched by the EUFOR to support local law enforcement agencies to combat illegal activities such as weapons and drug smuggling, human trafficking and illegal logging. The EUFOR's assertive approach generated some criticism amongst EUPM officials. According to them, the EUFOR's operations had gone beyond their mandate, and by participating actively in operations against organised crime, the EUFOR was actually doing the locals' job.

The tension between these two operations showed the EU's difficulty in designing a comprehensive civilian and military approach to crisis management. Nevertheless, in the last months of the EUPM's mandate, an effort was made to improve coordination on the ground as the different actors realised the need for better arrangements.⁴³ Thus, at the end of 2005, the representatives of the EUPM, EUFOR and the EUSR agreed on seven principles for coordination and on general guidelines for increasing

⁴¹ An Integrated Police Unit with executive powers was created as part of the EUFOR. The Unit was deployed but not without problems, since some member states did not agree with a police mission being placed under a military command. It has often been used to support EUFOR operations in the fight against organised crime.

⁴² Derived from interviews held in Brussels and Sarajevo, 2005–06.

⁴³ This effort could also be seen as part of the 'exit strategy' of EUFOR to reduce its presence in the country.

cooperation⁴⁴ (Box 3.1). According to the related documents, the main coordinating role falls under the responsibility of the EUSR, who will chair a new body, the Crime Strategy Working Group. The seven principles also foresee the development of a joint action plan that will set the goals and define the tasks for each of the EU organisations. The EUPM will be taking the lead in the policing aspects of the ESDP, supporting efforts in tackling organised crime. The EUPM will assist the local authorities by mentoring and monitoring the planning of these operations, while the EUFOR will provide the operational capacities for them, all under the political coordination of the EUSR. These activities should aim at supporting the work of the BiH authorities in the fight against organised crime, in an effort to promote local ownership.

Box 3.1 Seven principles for coordination between the EUPM, EUFOR and the EUSR

1. The EUPM, EUFOR and the EUSR/Office of the High Representative will strengthen their complementing and coordinating roles in the fight against organised crime.
2. The EUSR will take responsibility for this coordination and will chair the Crime Strategy Working Group.
3. The relevant EU players will observe the general guidelines for increasing cooperation.
4. The EUPM will play a more proactive role and take the lead in coordinating the policing aspects of ESDP in BiH.
5. The EUFOR will coordinate and align its future anti-organised crime operations with the EUPM.
6. A task force will be set up to develop a joint action plan delineating the tasks, goals and benchmarks for the relevant EU instruments.
7. This joint action plan will align with and support the efforts of the BiH authorities.

Source: EUPM, EUFOR and EUSR (2005).

⁴⁴ See EU Police Mission (EUPM), EU Military Force in Bosnia and Herzegovina (EUFOR) and EU Special Representative (EUSR), *Guidelines for Increasing Cooperation between EUPM–EUFOR and EUSR*, Sarajevo, 2005.

This agreement has since been developed into operational guidelines (adopted on 11 May 2006) that specify the new ‘adjusted roles’ of the (extended) EUPM and EUFOR in supporting Bosnian law enforcement agencies in fighting organised crime and corruption. The EUFOR will only support Bosnian police forces when the capacity does not exist within any Bosnian police force or when it exists, but local police lack confidence, and this support will always have to be endorsed by the EUPM. The implementation of these guidelines should lead the EUFOR progressively to reduce its role in the fight against organised crime (but without leaving a vacuum) and to transfer these tasks to the Bosnian police forces.⁴⁵

In sum, the problems of coherence affecting the initial EUPM exercise mainly stemmed from factors such as the EU’s fragmented presence in the country, the lack of an overall strategy, frictions in inter-pillar coordination and in some specific cases, among personalities. In the next section, the effectiveness of the EUPM is analysed. It is argued that effectiveness was also hampered by difficulties connected with the recent development of the EU’s crisis management capabilities and lack of resources, but external factors (relating to the local context) are also pointed out to explain the failure of the EUPM to fulfil its first mandate.

3.5 Effectiveness of the EUPM

A realistic task? The EUPM operated as the leading project in the field of police reform, as part of the programme of rule of law reform launched by the high representative in BiH, with the aim of creating independent, professional and sustainable police forces.⁴⁶

The goal of the EUPM was “to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice”.⁴⁷ The EUPM had strategic objectives in four areas:

⁴⁵ Derived from interviews in Sarajevo, 2006.

⁴⁶ To implement its mandate, the EUPM co-located police officers in around 30 monitoring units at the medium and senior levels, supported by two mobile inspection teams operating around the country. EUPM officers were deployed at the levels of the state, the entities, the Brcko District, the cantons of the Federation and the Public Security Centres in the Republika Srpska.

⁴⁷ Refer to Council of the European Union (2002), op. cit.

- 1) the development of police independence and accountability,
- 2) the fight against organised crime and corruption,
- 3) the financial viability and sustainability of the police forces, and
- 4) the enhancement of institutions and capacity-building.

These objectives were pursued through programmes on seven themes:

- 1) Crime police
- 2) Criminal justice
- 3) Internal affairs
- 4) Police administration
- 5) Public order and security
- 6) SBS
- 7) SIPA⁴⁸

The role of the EUPM in the country became even more important following the feasibility study of the Commission, which identified police reform as one of the requirements for BiH to initiate negotiations on the Stabilisation and Association Agreement.⁴⁹ The EUPM, together with the high representative/EUSR, advised and participated in the negotiations on the police restructuring.

The EUPM had the mission of educating, instructing, assisting, monitoring and advising local police. That is, the EUPM pursued a long-term, institutional reform programme aimed at producing a change in the police structures.⁵⁰ It was not just about providing a quick relief to a crisis

⁴⁸ The new EUPM launched in January 2006 has different objectives as well as a different organisation (see section 3.6).

⁴⁹ The police reform is guided by three criteria: the creation of an independent, sustainable police force (to ensure that all budgetary competencies are vested at the state level), the elimination of overt political interference and the principle that police reform can only proceed on the basis of the geographical/functional regions that have been drawn up to ensure maximum efficiency in the fight against crime and to reduce political interference. After a series of failed attempts, the Republika Srpska Assembly finally accepted the agreement on police restructuring on 5 October 2005. As of February 2007, however, there was still no political agreement on the implementation of this reform.

⁵⁰ Refer to Merlingen & Ostrauskaite (2005), *op. cit.*, p. 8.

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 were the difficulties of adopting this approach: “[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.”⁵¹ Commenting on EUPM objectives, some officials pointed to the fact that the mandate was too broad: “[B]ringing the Bosnian police standards to the European ones in three years was unrealistic.”⁵² Nevertheless, one can identify several successes achieved during the period 2003–05.

There was some progress regarding institution- and capacity-building with the establishment of a Ministry of Security at the state level, and the strengthening of the SIPA and other state-level agencies (the SBS and Interpol). The EUPM helped with the drafting and implementation of the respective laws and the recruitment of personnel, and provided financial advice and other expert assistance on police matters.

The EUPM also managed to create at least an understanding of the need for 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 institutions at the state and entity (Federation of BiH and Republika Srpska) levels, and even at the regional level. This was a very important step in order to improve the fight against organised crime and corruption, although there is more to be done in this respect. The EUPM also tried to strengthen local ownership of the reforms with the establishment of a Police Steering Board at the level of the police commissioner/director of police, where reform projects were discussed and agreed (with the support of several working groups). At the lower levels of the police hierarchy, the EUPM advised on the creation of Project Implementation Boards, which were created throughout BiH to develop projects at the local level.

EUPM thematic programmes aimed at, *inter alia*, improving the operational capacities and effectiveness of the local police forces. The programmes focused on goals:

⁵¹ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁵² *Ibid.*

- restructuring the crime police departments;
- increasing the cooperation between the police and the rule of law agencies;
- improving capabilities in the area of crime prevention, crime reporting, witness protection and investigation;
- strengthening the control of the external borders;
- enhancing the accountability of the police; and
- providing training to improve the administrative and management capacities of the BiH police.

Training was also provided to improve the skills of the local police in terms of police budgets (salary scales, inventories and payrolls, budget planning and rationalisation of the use of police equipment) to help the local police achieve financial viability and sustainability. Some progress was attained in this respect, but most of these projects were hampered by the lack of resources and structural impediments. For example, in the case of financial sustainability, the EUPM projects only offered a patchy solution to a problem that required an overall reorganisation of the Bosnian police forces, as was suggested by the Police Restructuring Commission.⁵³ An International Crisis Group report⁵⁴ gave a gloomy picture of the EUPM's performance, arguing that criminal activity had increased in the last years and that the functioning of the Bosnian police forces had not improved in spite of the implementation of EUPM programmes.

Contextualising the EUPM's activities. In dealing with the reform of the Bosnian police forces, the EUPM encountered several problems arising from the difficult local circumstances in which the mission had to operate. According to Osland (2004), "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

⁵³ Police expenditure amounts to around 10% of the government budgets at the cantonal, entity and state levels (see International Crisis Group (ICG), *Bosnia's Stalled Police Reform: No Progress, No EU*, Europe Report No. 164, ICG, Brussels, 6 September 2005(b)). The Police Restructuring Commission suggested a reduction and reorganisation of the Bosnian police forces in order to reduce this burden and rationalise resources.

⁵⁴ Ibid.

that represents the greatest obstacle to the success of the EUPM.”⁵⁵ This legacy includes organised crime, corruption and hardliner nationalism (ibid.). The EUPM’s activities (2003–05) took place in the context of an ethnically fragmented country with an unsettled political situation and a fragile economy. For example, the economy in BiH was at its worst level during the period 2003–05.⁵⁶ The Ministry of Security’s *Report on security in Bosnia and Herzegovina in 2004* explicitly linked the decline in the economy with the worsening of the security situation in the country, explaining increases in the number of robberies and in organised crime.⁵⁷ Moreover, it does not come as a surprise that “a high percentage of the population would like to leave the country (36%)” (ibid., p. 3).

Several EUPM officials and national representatives in Brussels have also pointed to local circumstances to explain some of the problems experienced by the EUPM.⁵⁸ For instance, the EUPM’s efforts to promote an ethnically balanced police force and to integrate minorities did not succeed because of the negative response from minorities, who felt threatened outside their ethnic areas.⁵⁹ The lack of financial resources and deficiencies in local training also hindered the projects carried out by the EUPM. On the other hand, the technical reforms undertaken by the EUPM were politicised, stalling the process of reform. For instance, they were linked to the police restructuring by both entities (the Federation and Republika Srpska) in the working groups of the Police Steering Board. One EUPM official affirmed that the restructuring of the police,

has created a deep unease among the local members in our working groups, in particular, among the representatives of the Republika Srpska. They have been blocking other reforms encouraged from

⁵⁵ Refer to Osland (2004), op. cit., p. 553.

⁵⁶ See Ministry of Security of Bosnia and Herzegovina, *Report on security in Bosnia and Herzegovina in 2004*, Sarajevo, April 2005, p. 2.

⁵⁷ For instance, “in the field of the crimes against security of people and property, there [was] recorded a certain increase as compared with 2003. One of the reasons is the actual economic situation in BiH” (ibid., p. 30). This increase was 26.4% in the Federation of BiH (no percentage is available for the Republika Srpska).

⁵⁸ Derived from interviews in Brussels and Sarajevo, 2005–06.

⁵⁹ According to an ICG report (2005b, op. cit., p. 4) ethnic imbalances persist in the Bosnian police forces 10 years after the war.

EUPM. Linking the police restructuring with other reforms, they have intentionally [slowed] down the path of reforms.⁶⁰

Finally, the lack of independence of the police at the political level and the problems with corruption and organised crime among politicians and police officers alike are notable. The low salaries of the Bosnian police forces have often been used to explain corruption among police officers and the failure to implement reforms. As one EUPM officer put it, “there is a broad agreement that we need to reform the police, but [at] the lower level, the station commander does not have an interest in European integration. [W]hat does it mean to him? He needs to survive now, to get money now.”⁶¹

The implementation of the SIPA project can serve as a good example of the above-mentioned issues. The EUPM faced some inherent difficulties given that when this state-level agency is fully operative, it will pose a threat to corrupt politicians and criminals who are often protected by their ethnic groups. Thus, from the beginning, the SIPA has suffered from obstruction coming from local politicians who have been threatened by the creation of this agency. For instance, the first laws did not give SIPA police powers of investigation and later reforms prompted by the EUPM were approved only under pressure. Regarding minority recruitment, according to an EUPM official, “what is unique about SIPA is that it is the first institution that will operate over the whole country and that it is multi-ethnic”.⁶² Nevertheless, there were challenges in recruiting personnel from minority groups and some posts remained vacant even though SIPA offered higher salaries than other police agencies.⁶³ In the case of those who accepted the job, they usually did not live in the majority area, but preferred to travel from their place of origin where they felt safer. Another

⁶⁰ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ By mid-2005, only 500 of the SIPA's 690 personnel had been recruited (*ibid.*).

constraint was the lack of financial resources and an adequate budget.⁶⁴ Despite these problems, there has been some progress – the laws and the budget are now in place, and the SIPA has already initiated some protection and investigation cases.⁶⁵

On the other hand, some of the weaknesses of the EUPM projects can be reduced to the fact that they did not take into account the local circumstances in which the projects were to be implemented. As Merlingen & Ostrauskaite (2005) note, “the challenge of devising reform programmes that take account of local circumstances and locally defined needs has so far not been taken seriously enough by ESDP police reformers”.⁶⁶ Not being aware of this challenge can hamper the effectiveness of EU police missions. For example, even though organised crime constitutes a real issue in BiH, its perception as a threat by the local population differs from the priority it is given by the EUPM. Ordinary citizens in BiH do not consider organised crime as the highest security threat and are rather more concerned about low-level criminality – which affects their daily lives. Therefore, maybe there should be a more balanced approach between the objectives established in Brussels and local needs. These problems could also be avoided by a better fact-finding team, to include both civilian and police experts who could provide a better understanding of the local circumstances and identification of the needs of future programmes and projects.⁶⁷

In any case, the EU police missions should have in mind a long-term strategy aimed at developing a democratic and accountable police force. The objective should give more consideration to the needs of civil society, promoting a participatory policing style.⁶⁸ Commenting on the need for this long-term perspective and local ownership, one EUPM official stated:

⁶⁴ This shortcoming has also affected the SBS. Although the report on security in BiH by the Ministry of Security (2005, *op. cit.*) acknowledges the improvement of the SBS, it also affirms that the Bosnian borders are still not covered in an appropriate manner. More personnel and a better communication network is required, as well as a strategy on integral border management (*ibid.*, p. 29).

⁶⁵ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁶⁶ Refer to Merlingen & Ostrauskaite (2005), *op. cit.*, p. 11.

⁶⁷ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁶⁸ Refer to Merlingen & Ostrauskaite (2005), *op. cit.*

Our focus has been wrong; we should be looking at a more long term development of management skills. We should be developing local ownership much more than we have. We should be developing sustainable improvement, rather than to pick up one or two things. Now if you look at our mandate for three years, [it] is ridiculously short. You cannot change the police culture in three years. You are lucky if you [can] do it in fifteen years.⁶⁹

EUPM projects neither fully involved the citizens and non-governmental organisations nor gave them an active role in the policing of their communities.⁷⁰ This approach undermined the long-term effectiveness of the reforms.

A clearer, stronger mandate? The effectiveness of the mission was also complicated by other factors linked to the development of the EU's crisis management capabilities. The inexperience of the EU in crisis management and the lack of resources are the main factors underlying problems of effectiveness here. The EUPM's strategy was based on a management approach consisting of "monitoring, mentoring and inspecting managerial and operational capacities of the BiH police".⁷¹ This means that the EUPM had to implement its mandate through advice and mentorship, trying to persuade BiH police officers that the identified reforms were to be followed. In this way, the EUPM was to ensure that the domestic policing structures worked effectively and that European standards were met. This emphasis was meant to be compatible with the global approach of ownership favoured by the SAP. Obviously, this choice also entailed some flaws in terms of effectiveness, as the role of EUPM officers was limited to mentoring and monitoring. In other words, 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,⁷² it had a limited impact, as proven by the police

⁶⁹ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁷⁰ Perhaps the only exception here is the establishment of a hotline called "Krimo-Lovci" [Crime-Catchers], which allowed citizens to make anonymous calls with information about possible crimes.

⁷¹ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁷² According to an EUPM official, at the Police Steering Board meetings the EUPM made clear the links between required reforms and assistance from the EU. Derived from an interview with an EUPM official in Sarajevo, 2005.

reform.⁷³ In any case, given the degree of development of BiH, and the passage of 10 years after the Dayton Agreement, it was to be expected that the locals would themselves realise the need for reforms and proceed with their implementation, supported by the EUPM.

In contrast to the IPTF, the EUPM was not an executive operation, which means that EUPM monitors were not present in the field to implement or oversee police operations and they did not have enforcement tools. Although the EUPM had also been given the mandate to remove non-compliant officers, it was a complex procedure that differed from the IPTF's. With the UN mission, authority to remove individual officers rested with the IPTF commissioner. With the EUPM, that authority rested with the high representative, who would issue decisions at the recommendation of the EUPM commissioner. Yet the practice followed by the EUPM was that, initially, cases of non-compliance had to be pursued by the appropriate domestic authorities and it was to these authorities that cases were to be referred by the EUPM commissioner. Only if the domestic disciplinary process was obstructed was the commissioner to refer the case to the high representative. The EUPM only resorted to this procedure a couple of times, and the high representative was, according to some interviewees, very reluctant to remove the police officers as recommended by the EUPM.⁷⁴

As pointed out by some EUPM officials, this 'soft' approach might have damaged the effectiveness of the EUPM. Although most of the EUPM officials as well as officials in Brussels agreed that an executive mandate would have been inappropriate for this specific operation, they argued that the EUPM could have been 'tougher' in applying its mandate, particularly the inspecting component. As one interviewee put it, "the inspect component has been utilised only in the last few months and I think that has been a real failure. ...Had it been [used] from the very beginning we would have been able to see more progress."⁷⁵ According to this view, the

⁷³ For months, the Bosnian authorities failed to achieve an agreement on police reform, in spite of pressures from the EUPM, the Commission and the high representative/EUSR. Even after the October agreement, the implementation of the reform remains blocked.

⁷⁴ Derived from interviews with EUPM officials in Sarajevo, 2005.

⁷⁵ Ibid.

inspection power and the possibility to remove non-compliant police officers would have increased the capability of the EUPM to push through reforms.

On the other hand, EUPM officials voiced problems when trying to implement the mandate because it was quite ambiguous. The Joint Action stated that the EUPM will “mentor, monitor and inspect”, according to “best European and international practice”,⁷⁶ but without setting any guidelines that could help in the implementation of these criteria. As articulated by several EUPM officials, it was very difficult to determine on the ground what “monitor, mentor and inspect” meant, what “best European practice” was and how to develop the programmatic objectives into operational projects. It took some time and a lot of discussion during the first months of the running of the operation to clarify these issues, and this limited the effectiveness of the mission. For example, in the case of “European standards”, given the difficulty of defining common standards among the contributing countries, the problem was resolved by assigning particular programmes to different countries.

In sum, a clearer mandate would have saved money and time, along with increasing the effectiveness of the EUPM. To avoid these problems in future operations, it would be desirable to develop generic concepts and modalities for the programme management of EU police missions. Some interviewees also mentioned the need for a better benchmarking system. In the words of a national representative to CIVCOM,

What we have to make sure is that we have a proper benchmarking system that can ensure that we are on the right track, that gives us some very concrete and clearly defined tasks. ...For example, if we want to reform SIPA, how do we do [it]? Because if not, we end up in a situation like the EUPM [wherein] we don't really know if they have made a difference.⁷⁷

The EUPM did have a benchmarking system – one that was established a year and a half after the operation started. According to this evaluation system, around 70–75% of the EUPM's programme objectives

⁷⁶ Refer to Council of the European Union (2002), *op. cit.*

⁷⁷ Derived from an interview with a national representative to CIVCOM in Brussels, 2006.

were achieved.⁷⁸ Yet, according to officials in Brussels as well as those on the ground, this system was not a good one: “[W]hat it does is to measure the progress, but it does not tell you about the quality.”⁷⁹ Thus, the EU needs to establish a better benchmarking system, which will help to measure effectiveness and enable better decision-making about whether to refocus, extend the mandate or end a mission.

Only a symbolic commitment on the part of the member states?

Another problem experienced by the EUPM concerned personnel. As mentioned in the report on the first 100 days of the mission, there were difficulties with national contributions of personnel and their rotation.⁸⁰ At the beginning of the operation, some member states did not provide the committed personnel and therefore various positions remained empty for some time.⁸¹ The frequency of rotation was quite high, which also affected the performance of the mission. According to one EUPM official, “You need the first two months to start up with the job and the last two months are not very productive. So what is left is just eight months where the staff is working at 100% of their capabilities.”⁸² In addition, as pointed out by several officials, in a one-to-one mentoring relationship police officers need time to build trust, which is not possible during such a short period.⁸³ The first contingent of personnel was highly qualified, but later rotations did not maintain the same quality of staff.⁸⁴ Sometimes the officers recruited were not the most suitable for a specific position nor did they have adequate English language skills, irrespective of the emphasis by the

⁷⁸ This data stems from December 2005; interview with an EUPM official in Sarajevo, 2005.

⁷⁹ For example, one EUPM official mentioned that the SBS dogs’ project was almost implemented, except for the fact that they did not have dogs (ibid).

⁸⁰ See Council of the European Union, *A Review of the first 100 days of the EU Police Mission in Bosnia and Herzegovina (EUPM)*, 11760/03, Council Secretariat, Brussels, 23.07.2003(b), pp. 7–8.

⁸¹ Derived from an interview with an EUPM official in Sarajevo, 2005.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

EUPM headquarters on the need for specialist and highly qualified police officers and the development of specific job descriptions.⁸⁵

Problems related to the low quality of police forces are not unique to EU police operations. The UN police operations had experienced these complications and the EU was aware of them.⁸⁶ Other EU police missions have suffered similar hindrances owing to the fact that there is no common pool or roster of human resources from which the required personnel can be selected. It is a decision in the hands of the member states, which do not always take into account the requirements of the job position, making it more a question of filling the quotas.⁸⁷ Moreover, member states prefer to keep the best experts at home. This is particularly the case with police officers with specialised skills such as forensics, narcotics or witness protection. As stated by one EUPM official,

We don't need more human resources, but better qualified, highly specialized people, and that is the main problem. For example, you need expertise on witness protection, and you don't get these people from the member states, because they are already accommodated at home, and they don't let them go.⁸⁸

Furthermore, training and recruitment has mainly been undertaken at the national level, without establishing any mechanism to harmonise procedures and guarantee interoperability of the personnel deployed on the ground, which is a common weakness of EU civilian crisis-management operations. There have already been some exercises to try to identify the available personnel from each member state, and some training and formation courses have been held at the EU level. Still, this pool of trained personnel has not been systematically used because, so far, there has not been a link between the training courses and deployment, nor a mechanism to

⁸⁵ Refer to Hansen (2004), op. cit., p. 179.

⁸⁶ See Council of the European Union, *Presidency Report to the Göteborg European Council on European Security and Defence Policy*, June 2001.

⁸⁷ According to an EUPM official interviewed in Sarajevo in 2005, "there is not a good procedure to select people...I do not blame this or that country, they do not know what will be the role of the person they have to select, they do not know what kind of skill they have to select for, so they cannot select the right person for the job".

⁸⁸ Ibid.

ensure that those trained are also willing and able to take part in EU operations,⁸⁹ which constitutes a waste of resources and skills.

EUPM officials also agreed that this kind of mission (management at medium and senior levels) required more civilian experts or police experts with higher qualifications and experience in the management of projects.⁹⁰ The main constituent of such a mission should be comprised of civilian management experts, whereas police officers would only offer technical assistance on the ground. Some officials have also recommended that police officers should be senior experts if co-location is the modality employed. Even though young experts could have the same knowledge, in this one-to-one relationship, experience is more important.⁹¹ Local police officers would not like to be “taught” by a younger person. The monitor and mentorship mandate is better carried out by senior staff.⁹²

These problems demonstrate the difficulties in providing highly experienced and qualified personnel, given that police officers are a limited resource at home. Without a real commitment on the part of the member states, the EU police missions will always suffer from these shortfalls. In sum, as shown in this section, while the effectiveness of the EUPM mission was affected by external/local factors that impinged on the projected reforms, the recent development of the EU’s crisis management capabilities could also explain some of the shortcomings in relation to the mandate and personnel.

⁸⁹ See International Security Information Service (ISIS), *Developing Civilian Crisis Management Capabilities*, European Security Review No. 20, ISIS Europe, Brussels, December 2003.

⁹⁰ Derived from an interview with an EUSR official in Sarajevo, 2005.

⁹¹ Ibid.

⁹² In the same vein, Merlingen & Ostrauskaite (2005, op. cit.) acknowledged that co-location has worked better in the case of the EUPM than in the case of the IPTF because Bosnian police officers tend to appreciate more the mentorship from their Western counterparts than from some of the non-Western police officers who constituted part of the contingent of the IPTF.

3.6 Learning by doing

The EUPM's mandate ended on 31 December 2005. The Council then decided to extend the mission for two more years. The subsequent mission launched in January 2006 is more limited regarding its personnel⁹³ and objectives: it focuses on assisting police reform, combating organised crime and supporting the capacity-building of the SIPA and SBS, which seems a more realistic mandate.⁹⁴ The new EUPM mission has a stronger, more proactive role in the fight against organised crime, assisting the local authorities in planning and conducting organised crime investigations, following from the seven principles agreed among the EUPM, EUFOR and the EUSR (see above). The new Head of Mission, Vincenzo Coppola, former Head of the Police Unit in the Council Secretariat and former Chief of Staff of the Multinational Specialised Unit in SFOR,⁹⁵ understands the complexities of both the political and the operational sides of the matter.⁹⁶

With this new mission, the EU has tried to overcome some of the pitfalls of the previous one. For example, it has strengthened the inspecting component. Hence, one of the new strategic priorities is to monitor and assess the accountability of the local police, by looking at the operations carried out by Bosnian police forces, but also the conduct of individual police officers. Two mobile inspection teams have been created to carry out this task. On the other hand, this mission also tries to respond to criticisms that pointed to the lack of an integrated approach in the previous EUPM, neglecting the importance of the rule of law dimension in the fight against

⁹³ The new EUPM is staffed with 173 police officers and 28 international civilians (see "Weekly establishment of EUPM personnel by countries", retrieved from www.eupm.org on 05-09-06).

⁹⁴ See Council of the European Union, Joint Action 2005/824/CFSP of 24 November 2005 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), OJ L 307, 25.11.2005(a). Regarding those EUPM programmes that were not finalised in December 2005, they are to be carried out by the local authorities and monitored by EUPM. A Joint Programme Development and Coordination Department began to operate in February 2006.

⁹⁵ The Multinational Specialised Unit was the paramilitary police force established within SFOR, which was mainly composed of *carabinieri*.

⁹⁶ Derived from interviews in Brussels, 2006. See also "The Sheriff: Vincenzo Coppola", *European Voice*, 19 January 2006.

criminality. Even though the new EUPM is still a police mission, it also includes some rule of law experts, who should support the mandate of the EUPM in this field. Thus, a Criminal Justice Interface Unit has been set up to address problems regarding cooperation between the police and the prosecutorial authorities. In the same vein, the EUSR has been reinforced with a police/military adviser, a police reform adviser, an adviser on prosecutorial matters, a border expert, and a fraud and special finance adviser.⁹⁷ Some restructuring and transfer of the EUPM's press and public information functions to the EUSR have taken place, in order to facilitate coordination and to reinforce the EUSR's structures; yet, there has not been a full merging of the political and press departments as early EUPM reports had recommended.⁹⁸

The lessons gathered from this mission have also helped to enhance the EU's crisis management procedures. As far as the planning phase is concerned, some recent developments such as the initiative of an EU concept for comprehensive planning⁹⁹ and the creation of the Civ-Mil Cell within the Council Secretariat are meant to improve the situation. Still, some officials have suggested that further changes are required,¹⁰⁰ and plans for the restructuring of the civilian crisis management structures within the Council Secretariat are currently being discussed to implement the post-Hampton Court agenda.¹⁰¹

To speed up the planning phase, the EU has developed the "framework participation agreements" and the "model participation agreements" for the inclusion of officers from non-EU member states.¹⁰² The former is an agreement with a five-year duration, which would be

⁹⁷ Derived from interviews in Brussels and Sarajevo, 2006.

⁹⁸ Ibid.

⁹⁹ See the General Affairs and External Relations Council (GAERC), Council Conclusions of the 2691st Council Meeting, Brussels, 21-22 November 2005.

¹⁰⁰ Derived from an interview with an EUPM official, 2006.

¹⁰¹ See Council of the European Union, Letter of the Secretary General/High Representative to the Presidency and the Members of European Council, S416/05, Brussels, 14 December 2005(b).

¹⁰² See House of Commons, *Tenth Report of the Select Committee on European Scrutiny*, Section 9, 03.03.2004(a); see also House of Commons, *Seventeenth Report of the Select Committee on European Scrutiny*, Section 8, 07.05.2004(b).

used in the instances of states that usually participate in ESDP operations, such as Norway, Iceland, Bulgaria, Romania, Turkey or Canada, to fix the terms of their contributions. The latter are meant to facilitate case-by-case negotiations with states that might join EU missions only occasionally. The framework agreement establishes the arrangements regarding the chain of command and financial aspects, clarifying the conditions under which the non-member state would contribute to the operational budget or to common costs. These agreements should help speed up the EU's response time in launching crisis management operations. They will also help to reinforce the transparency of the budgetary procedures and to avoid the ad hoc methods that dominated the process in the past.¹⁰³

The lack of qualified and experienced personnel has also been identified as one of the main limitations during the implementation of the EUPM. This shortfall is surprising if one recalls what the 2001 Göteborg European Council affirmed in its conclusions: the need for "agreed standards for selection, training and equipment of officials".¹⁰⁴ A roster at the EU level could enhance the quality of the personnel in ESDP operations, allowing experienced persons to participate in later missions. In this respect, there have been some recent developments that can improve the current situation. The Council has approved a new standard training concept that has the potential to increase interoperability among civilian officials from different member states.¹⁰⁵ From this training concept, an EU Training Programme in the field of ESDP has recently been developed.¹⁰⁶

¹⁰³ Another aspect of contributions by non-member states remains problematic, however, relating to the fact that these states have a voice but not a vote concerning the decisions adopted. They can participate in a consultative body (the Committee of Contributors), but not in the Political and Security Committee meetings. This situation creates problems of accountability (see ICG, *EU Crisis Response Capability Revisited*, Europe Report No. 160, ICG, Brussels, 17 January 2005(a), p. 33).

¹⁰⁴ Refer to Council of the European Union (2001), op. cit.

¹⁰⁵ Refer to ICG (2005a), op. cit., p. 31.

¹⁰⁶ For more on the EU Training Programme see the website of the Council of the European Union (retrieved from http://www.consilium.eu.int/cms3_fo/showPage.asp?id=1168&lang=ES&mode=g).

3.7 Conclusions

To a certain extent some of the pitfalls of this mission were owing to the fact that it was the EU's first police mission, so the EU had to "learn by doing" the tasks of planning and implementing this kind of exercise.¹⁰⁷ The 'first mission' factor also introduced a degree of pressure on the operationalisation of the mission because from the planning to the implementation stage, "it had to be a success".¹⁰⁸ Problems with the planning, coordination and an ambiguous mandate can be explained in this way. The EU is still very much in the process of building its civilian crisis-management capabilities.

In the case of the EUPM, there was a long lead-time to prepare the mission, but the EU will not always have so much time. Thus, the EU needs to streamline its structures and speed up its crisis management procedures to be able to respond in an effective manner to international crises. To overcome fragmentation at the decision-making level as well as on the ground, a holistic approach to crisis management is also required. As far as shortfalls in personnel and finance are concerned, the main difficulty in this respect has been the lack of strong commitment from the member states to provide the necessary resources to the EU civilian crisis-management operations – although it is worth noting that these hindrances have also been experienced by other organisations such as the UN and OSCE.

Other issues highlighted by EUPM officials were linked to the local context in which the mission had to operate. Challenges related to the fragmentation of the Bosnian police forces, ethnic tensions, corruption and a fragile economy affected the implementation of the mandate. Nevertheless, the EUPM operated in the same context as the IPTF had before it and better consideration should have been given to these issues when designing the EUPM, especially given that the first EUPM head of mission was the former IPTF commander.

¹⁰⁷ Derived from an interview with an EUPM official in Sarajevo, 2005.

¹⁰⁸ "There is a kind of inevitability that the mission will be a success. Brussels will declare the mission as a success whatever happens because it is politically necessary for them to be a success. So everything we write, everything we do is designed to make it sound as a success" (ibid.).

On the other hand, the planning and implementation of the EUPM provided the EU with a number of lessons that can be used for the improvement of its crisis management capabilities. Some of them have already been taken on board, such as the need for a more integrated approach in police missions, including rule of law components, enhanced coordination mechanisms with the EUSR's structures and a better benchmarking system. Other lessons remain to be learnt, however, such as the need for better planning and management structures at the decision-making level, clearer mandates and more inter-pillar coordination.

Finally, when it comes to the build-up of the EU's crisis management activities, ad hoc methods still prevail in the EU's practices. Moreover, the EU has appeared unable to learn from other international organisations such as the UN and OSCE. For instance, although the Brahimi report (2001) identified some aspects to consider for future civilian crisis-management operations including the need for highly qualified personnel, integrated rule of law teams and efficient procurement systems, the EUPM, launched two years later, still suffered from all these problems.¹⁰⁹ To some extent, this stems from the fact that the EU does not dispose of a developed/centralised lessons-learned system to process all the information gathered during the running of a mission. Some officials have pointed to the need for establishing mechanisms to compile the lessons learned from the planning and implementation of police operations to make them available for later exercises, along with a proper system enabling the exchange of the lessons learned between civilian and military missions. So far, however, the workload of the Council Secretariat and CIVCOM makes it impossible to take stock of previous missions and other international organisations' experiences. 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."¹¹⁰ In sum, a better system for integrating the lessons learned is required if the EU wants to improve its still 'fresh' policing capabilities in order to play a distinctive role in crisis management.

¹⁰⁹ See United Nations, Letters dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council, UN doc. A/55/305-S/2000/809, 21 August 2000.

¹¹⁰ Derived from an interview in Brussels, 2006.

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4. POLICE MISSION IN MACEDONIA

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***Abstract.** The 'lessons learned' by the European Union in crisis management largely result from the EU's considerable experience in the Western Balkans, which has helped it to develop its capabilities, institutions and instruments in the European Commission and the Council General Secretariat. A full range of civilian and military crisis-management tools, as well as development and humanitarian assistance, have been put into practice in support of the reconstruction of the Western Balkans, where the EU is now the lead international actor. This chapter concentrates on the implementation of EU efforts towards police reform in Macedonia, where the EU supports the peace process and seeks to bring the country closer to the EU. It provides an assessment of coherence at the operational level between intergovernmental and Community instruments, as well as cooperation between EU operations and other international actors active on the ground. It argues that while Commission projects for police reform and the Council's EU Police Mission Proxima have brought some results, the biggest challenges hindering progress are ineffective EU cross-pillar and international coordination and the EU's limited ability to learn from its experience in this field.*

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4.1 Introduction

The EU claims to have drawn significant lessons from its lengthy Balkan experience in crisis management, as noted in the European security strategy. These in turn have helped the Union to develop a full range of civilian and military crisis-management capabilities, institutions and instruments in the European Commission and the Council General Secretariat. Along with development and humanitarian assistance, crisis management tools have been put into practice in support of the Stabilisation and Association Process (SAP) in the Western Balkans, where the EU is now the lead international actor. The EU has been engaged in the management of crises and the reconstruction of the Western Balkans for more than a decade, and is the single largest donor to the region. Specific actions taken by the EU demonstrate that its wider strategy on the Western Balkans is to bring the countries of the region into the Union. These actions include the SAP, subsequent declarations (especially pledges made at the Thessaloniki summit in June 2003), the move of the Western Balkans portfolio from the Directorate-General for External Relations to the Directorate-General for Enlargement with the Barroso Commission, the opening of accession negotiations with Croatia and the granting of candidate country status to Macedonia.

In the case of Macedonia, the expression of the EU's continuing commitment to support the peace process in the country and to bring it closer to the Union is translated into the presence of both European Commission instruments and Council capabilities in reforming the Macedonian institutions. The Macedonian case is heralded by EU officials as its big success story in the Balkans and as having provided a useful testing ground for future efforts in crisis management, with police reform in the country being a particular area from which the EU holds that it has learned important lessons. For this reason, this chapter concentrates on EU efforts in police reform in Macedonia, where the EU has established a 'dual-track' approach. In this context, the European Commission is responsible for the long-term police reform in the country, while the Council tackles 'urgent needs' in support of the Ohrid Framework Agreement that was signed at the end of the 2001 conflict.

This chapter questions the success of the EU's learning process. What are the lessons the EU has gathered from its use of the dual-track approach in reforming the Macedonian police? Has the EU been able to draw the right lessons? To answer these questions, the chapter sets out to assess the

effectiveness of the implementation of the EU's dual-track approach in Macedonia in police reform. It focuses on coherence at the operational level between intergovernmental and Community instruments as well as cooperation between the EU operations and other international actors active on the ground. The chapter argues that although the Commission's projects in police reform and the Council's police mission Proxima have had some positive results, the biggest obstacles hindering progress in EU efforts in police reform are ineffective EU cross-pillar and international coordination, as well as the EU's limited ability to learn from its experience in the field.

4.2 The EU's dual-track approach

EU peacebuilding efforts in Macedonia involve the co-existence and inter-linking of short-term Council missions with long-term European Commission activities. Council efforts are undertaken within the framework of the EU-brokered Ohrid Framework Agreement signed on 13 August 2001, which brought an end to several months of clashes in the northwest of the country between the Macedonian security forces (primarily composed of ethnic Macedonians) and the ethnic Albanian militia. The compromise between these two largest communities in Macedonia encompasses two important goals. On the one hand, the Framework Agreement has committed the signatories to introducing a number of constitutional amendments, legislative modifications and structural reforms designed to end inter-ethnic tensions and restore a stable political environment. On the other hand, it has explicitly paved the way for "the development of closer and more integrated relations [with] the Euro-Atlantic community".¹ In particular, Arts. 5.2 and 5.3 of Annex C of the Framework Agreement have established clear objectives and benchmarks, addressing the issue of inequitable representation of minorities in the police and the provision of technical assistance for structural changes in the public security institutions. Besides setting the framework for domestic reforms, the Framework Agreement has also provided the international community with a mandate to organise international assistance. Specifically, the OSCE, the EU and the United

¹ The English version of the Ohrid Framework Agreement is available at www.president.gov.mk/eng/info/dogovor.htm.

States are explicitly named as actors in the reform of the Macedonian police force. An EU special representative (EUSR) has been appointed to help ensure, inter alia, “the coherence of the EU external action” and “co-ordination of the international community’s efforts”.²

Reforms in Macedonia also encompass a long-term perspective in the context of European Commission activities. These are carried out under the Stabilisation and Association Agreement (SAA), emanating from the SAP, which the country signed on 9 April 2001.³ It should be remembered that along with conferring on Macedonia the status of a potential EU candidate, the SAA also incorporates the provisions agreed upon in the Ohrid Framework Agreement. Consequently, assistance has concentrated on the needs related to the overall implementation of the Framework Agreement, in order to favour the gradual integration of the country into EU structures. The stated objective of the SAA in justice and home affairs (JHA) is to help Macedonia develop institutions that function effectively at national and regional levels. Specifically, the EU seeks to assist Macedonia improve internal security by developing a capable, depoliticised, decentralised, community-based, multi-ethnic police service that is responsive to citizens’ needs, accountable to the rule of law and transparent. It also endeavours to support regional security by developing a functioning border control

² See Council of the European Union, Joint Action 2002/963/CFSP of 10 December 2002 amending and extending the mandate of the Special Representative of the European Union in the former Yugoslav Republic of Macedonia, OJ L 334/7, 11.12.2002, pp. 7–8. This post, created within the Policy Unit, allowed the EU’s high representative for the common foreign and security policy (CFSP) to be permanently represented in Skopje when he could not be there. See C. Piana, “The EU’s Decision-Making Process in the Common Foreign and Security Policy: The Case of the Former Yugoslav Republic of Macedonia”, *European Foreign Affairs Review*, Vol. 7, No. 2, 2002, pp. 209–26; see also U. Schneekener, *Developing and Applying EU Crisis Management: Test Case Macedonia*, ECMI Working Paper No. 14, European Centre for Minority Issues, Flensburg, January 2003 (retrieved from http://www.ecmi.de/doc/download/working_paper_14.pdf).

³ The SAA focuses on the respect of international peace and stability, the development of better neighbourly relations, democratic principles and human rights, minority rights, international law principles and the rule of law, and includes provisions on cooperation in a wide range of fields, such as justice and home affairs.

service and strengthening its ability to fight organised crime (illegal migration and the trafficking of humans, drugs and cars), processes already set in motion before the crisis. The reform process was further strengthened in June 2004 by the Council decision on the principles, priorities and conditions contained in the European Partnership for Macedonia, which identified short- and medium-term priorities for the country's preparation for further integration with the Union. It was subsequently reinforced in December 2005 by the Council decision to grant candidate status to the country.⁴

Hence, a complex framework was established for the implementation of EU assistance in Macedonia. On the one hand, the long-term perspective embodied in the SAP and the European Partnership is funded under the Community Assistance, Reconstruction, Development and Stabilisation (CARDS) Regulation (EC No. 2666/2000) of the European Commission and is largely managed by the European Agency for Reconstruction (EAR) in Skopje. On the other hand, parallel short-term activities are ensured through the Council instruments supporting the Framework Agreement. By contributing to the full implementation of the Framework Agreement, the EUSR also supports the SAP, and therefore indirectly facilitates Macedonia's progress towards European integration. This arrangement is how a dual-track approach was set up in Macedonia whereby Community and intergovernmental instruments are used in parallel.

4.3 Assessing inter-pillar coherence

The dual-track approach is also pursued in EU efforts to reform the Macedonian police. It entails the European Commission assisting long-term structural changes in the Ministry of Interior (MoI) and the police in support of the country's institutional development, in line with the SAP. Meanwhile, short-term crisis-management missions under the auspices of the European security and defence policy (ESDP), such as the now-completed EU Police Mission (EUPOL) Proxima, tackle 'urgent needs' in support of the Framework Agreement.

⁴ In September 2004, a National Strategy for European Integration and draft Action Plan for implementation of the European Partnership were adopted.

Coordinating the long-term perspective. The European Commission first became active in JHA reforms in Macedonia in 2000 through the provision of technical assistance to the Police Academy, equipment to the judicial sector and support to the police and customs administration under the EU's PHARE programme. Its extended presence in the country and the region had provided the Commission with the necessary first-hand experience and knowledge to tackle reforms confidently.⁵ But it was only after the signature of the Framework Agreement in support of both the peace process and the implementation of the SAA that EU engagement in police reform in Macedonia substantially increased.

Immediately after the 2001 crisis and until the beginning of 2002, the Commission made the first ever use of its Rapid Reaction Mechanism (RRM), providing €2 million to launch programmes on police reform, in addition to funds disbursed under the CARDS Emergency Assistance Programme.⁶ One of the most important initiatives funded under this scheme was the European Commission's Justice and Home Affairs Mission to Macedonia (ECJHAT), which ran for 18 months beginning in March 2002 and whose broad stated objective was to provide support to the Macedonian authorities in the development of reform strategies for the police and judicial sectors. In practice, this meant that experts from EU member states were seconded to the Macedonian MoI to assist in the development of key strategic documents for police reform and to set the direction of the current police reform activities. A direct consequence of these efforts was the formal adoption by the Macedonian government of the National Police Reform Strategy in February 2004, which was largely

⁵ During the pre-conflict period, the European Community had contributed to Macedonia a European Community Monitoring Mission and assistance under the Critical Aid Programme, PHARE and OBNOVA, as well as humanitarian assistance from ECHO to address the needs arising from the influx of more than 300,000 refugees from Kosovo. See H.J. Hansen (ed.), *The Former Yugoslav Republic of Macedonia: A Future with Europe*, Directorate-General for External Relations, European Commission, Brussels, March 1999.

⁶ See European Commission, *Rapid Reaction Mechanism End of Programme Report, Former Yugoslav Republic of Macedonia*, Conflict Prevention and Crisis Management Unit, Brussels, June 2004(b) (retrieved from http://europa.eu.int/comm/external_realtions/cpcm/rrm/fyrom.pdf).

based on ECJHAT recommendations.⁷ The National Police Reform Action Plan, which followed in January 2004, identified the legislative and organisational measures needed in the police service for the implementation of the strategy and defined the MoI relationship with other relevant services and the public at large.⁸ The European Commission's Police Reform Project (ECPRP), which took over from ECJHAT, consisted of a resident member-state advisory team deployed from June 2004 to September 2005 in the Macedonian MoI to guide the implementation of the police reform process in the MoI and its partner institutions (i.e. the Police Academy).⁹ Today, member-state advisory support for the implementation of the National Police Reform Strategy is carried out through a small-scale member-state twinning project, which was deployed in October 2005.¹⁰

⁷ This legislative framework still requires development, amendments where necessary, the adoption of new acts where appropriate and their implementation and consolidation thereafter. It is the development of these laws, bylaws, derivative regulations and operational procedures (e.g. rulebooks) that forms the basis of the irreversibility of the police reform process, which also ensures its independence from the political environment.

⁸ The new structure of the MoI's Directorate for Public Security comprises three pillars: Territorial Police Services (eight regional units), a Police Border Service (four regional units) and Central Police Services. Furthermore, some small advisory sectors are specified to advise the director and his cabinet on particular issues. The guiding principles of the reform process include decentralised and devolved management responsibility, task-oriented functions, transparency and public accountability, and separation of the executive from political functions. In addition, new 'common function' departments have been created under the reformed Central Police Services, e.g. the Departments for Specialised Units; Organised Crime, Forensic Science and IT & Telecommunications.

⁹ This effort includes advisory support for the implementation of the Police Reform Strategy and the derivative Action Plan as well as the development of a national integrated border management strategy. See European Agency for Reconstruction (EAR), *Modification to the Action Programme 2004 for the former Yugoslav Republic of Macedonia*, EAR, Skopje, 19 October, 2004(a), p. 1; see also EAR, *Draft Action Programme 2004 for the former Yugoslav Republic of Macedonia*, EAR, Skopje, 2004(b), p. 22; and also EAR, *Annex: Annual Action Programme for 2005 for Community Assistance to the former Yugoslav Republic of Macedonia*, EAR, Skopje, 2005.

¹⁰ The twinning programme was exported to the CARDS programme, taking into account the experience of the EU accession countries and the methodology used in

Although considerable progress was achieved in reforming the legislative framework, the ECJHAT project raised a number of administrative complications, which were not resolved in subsequent Commission projects. First, European Commission efforts adopted the model of a 'framework member state', meaning that although the Commission's expert teams deployed in Macedonia consisted of police experts from different member states, the project was tendered to one EU member state. In the case of the ECJHAT, for example, the project was implemented by the Direction Générale de la Gendarmerie Nationale (France). This set-up proved to be problematic. It was difficult for the implementing partner to provide logistical support and to mobilise expertise from other member states in a timely manner. This complication is why the launch of the ECJHAT project was delayed by several months. Despite these difficulties, the Commission used the same model for the ECPRP that followed, which was also funded by CARDS national assistance but was implemented by the Federal State of Brandenburg, and which also faced the same delays.

Second, while CARDS financing was supposed to ensure a seamless follow-up to the RRM programme, the six-month limit on the duration of programmes allowed under the RRM Regulation (EC No. 381/2001), proved to be an arbitrary constraint on the design of police reform, which is by its nature a medium- to long-term challenge.¹¹ The decision to open a permanent office of the EAR in Skopje in December 2001 was seen as a way of resolving this problem. It was based on the logic of bringing the programmes under a single, well-resourced, field-based presence to reinforce coherence among the different Community funding instruments.¹² Accordingly, the EAR was responsible for the

the PHARE programme, *albeit* in an adapted form to reflect the different levels of association of SAP countries with the EU. It supports and finances the secondment of civil servants from EU member states to work as advisers to beneficiary institutions for a period of at least 12 months to help with the implementation of institution-building programmes.

¹¹ See European Commission, *Rapid Reaction Mechanism End of Programme Report Former Yugoslav Republic of Macedonia*, Conflict Prevention and Crisis Management Unit, Brussels, November 2003, p. 11.

¹² *Ibid.*, p. 3.

implementation of the RRM programme and is now in charge of the follow-up projects financed under CARDS. Yet, as numerous international officials based in Macedonia unofficially admit, the presence of the EAR has led to confusion over who designs and monitors Commission programmes, hence creating a power struggle between the European Commission Delegation in Skopje and the EAR. The Delegation has been particularly concerned about keeping political control over some of the more sensitive elements of the programmes (especially the police reform activities).

The EAR was also supposed to be better equipped to deal with the huge backlog of funding that it had inherited from the Commission and which had been pending disbursement since the late 1990s. The good reputation that the EAR had developed through its reconstruction work in Serbia and Kosovo resulted in Brussels thinking that it would be able to ensure that monies were paid out at a faster pace.¹³ This issue was particularly important in September–October 2001, in the post-Ohrid environment, when the Commission decided that it would disburse an extra €26.5 million to Macedonia – first through the RRM and then through the CARDS programme. As MoI officials maintain, however, much-needed funds for national and regional initiatives in police reform are still disbursed with great delay, which results in poorly equipped police and obstructs the development of the MoI.¹⁴ Such initiatives include, among others, the CARDS funding to upgrade the Blace border crossing with Kosovo, the development of migration and asylum programmes, and supervision of the construction of a reception centre for asylum seekers in Dracevo. In addition are the efforts towards institutional capacity-building

¹³ The Commission had been slow in delivering aid and there was a huge backlog of €140 million from the PHARE programmes of 1997–2000 and the CARDS programme of 2001.

¹⁴ By the end of 2003, the EAR had only disbursed approximately 49% of the €210.2 million backlog committed by the Commission, which it had inherited when it was set up in January 2002. This amount was a substantially lower percentage compared with the disbursements made by the EAR in Kosovo, Montenegro and Serbia. See the Development Researcher's Network Consortium, *Evaluation of the Implementation of Council Regulation 2667/2000 on the European Agency for Reconstruction, Synthesis Report, Volume II, Part A and B – Historical Perspective and Summary of the Agency's Functioning in Line with the Regulation*, Rome and Brussels, June 2004(b), p. 30.

of the customs administration, the supply of communications equipment and the rehabilitation of the national Interpol office to help create a basis for regional cooperation.

Slow Commission procedures and the lack of streamlined European Community policy instruments have also affected the pace of regional police reform. In order for the EU and the national authorities of countries in the Western Balkans to initiate a comprehensive reform programme for JHA institutions, as part of the CARDS regional programme¹⁵ the Commission undertook detailed evaluations of the current state of JHA sectors in the entire region in June 2002. Prior to JHA reforms being set in motion, the Army Border Brigade was responsible for border policing operations. In May 2004, the Police Border Service began a phased transfer of responsibility for border management from the Ministry of Defence to the MoI, scheduled for completion by December 2005. Although the National Strategy for Integrated Border Management (drafted with the assistance of CARDS funds and EU member-state experts) was adopted in December 2003, its practical implementation is lagging behind schedule. Beyond the cumbersome, bureaucratic Commission procedures, this delay has also been owing to the failure of the Macedonian government to adopt the Integrated Border Management Action Plan in a timely manner and to finalise the related Framework Law for Integrated Border Management.¹⁶ An added complexity is the fact that EU assistance for a sector affecting regional policing, that of customs administration (as provided by the Customs and Fiscal Assistance Office to Macedonia or CAFAO-MAK), has not been delegated to the EAR, but rather is implemented centrally from Brussels through the EuropeAid Cooperation Office.

Tackling short-term security concerns. EUPOL Proxima – named as such to suggest its proximity to the citizens – was launched by the Council on 15 December 2003 initially for a year and then extended for another year to 14 December 2005. It followed on from the EU's first military mission, Operation Concordia, which had taken over from NATO to maintain a visible military presence and to support stability and confidence-building

¹⁵ Projects under this heading are primarily on asylum, immigration, visas, organised crime, money laundering and combating the drugs trade.

¹⁶ See EAR (2005), op. cit.; see also European Commission, *Guidelines for Integrated Border Management in the Western Balkans*, final version, Brussels, 2004(d).

in areas of potential ethnic tension, hence allowing the implementation of the Framework Agreement.¹⁷ Nonetheless, NATO and the EU were mindful of preventing Macedonia's chronic dependency on foreign security forces. Moreover, EU assessments of security developments had concluded that an international military presence was no longer necessary, but that further steps were needed before the rule of law could be considered fully established in the former crisis areas.¹⁸ Despite European Community contributions to Macedonia through the RRM and CARDS programmes,¹⁹ the political and security situation in Macedonia remained fragile. The proliferation of arms in private possession exacerbated security fears. Meanwhile, the new government coalition of the SDSM (Social Democratic Union) and the DUI (Democratic Union for Integration) was weak. In addition, territories in the ethnic Albanian-dominated areas remained beyond the control of law enforcement, with incidents such as the kidnapping of a police officer compromising public confidence in the police.²⁰ Human rights organisations proclaimed that the Macedonian police remained largely unreformed, relying on outmoded tactics,

¹⁷ See Council of the European Union, Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the former Yugoslav Republic of Macedonia, OJ L 34/26, 11.02.2003(d).

¹⁸ EU efforts in police reform are also supported by an EU Monitoring Mission, consisting of unarmed civilian observers, who monitor political and security developments, borders and inter-ethnic issues. Their reports are complemented by the SAP documents of the European Commission. See, for example, European Commission, *Former Yugoslav Republic of Macedonia: Stabilisation and Association Report 2004*, COM(2004) 204 final, Brussels, 30.03.2004(a).

¹⁹ EU funding (including CARDS 2006) of approximately €14 million was invested in direct support of police reform, with a further €27 million invested in related actions. The figures presented exclude centrally managed support for the Customs Administration (the CAFAO-MAK project).

²⁰ See A. Matveeva et al., *Macedonia: Guns, Policing and Ethnic Division*, Saferworld and Bonn International Centre for Conversion, London and Bonn, 2003; and International Crisis Group (ICG), *Macedonia: No Room for Complacency*, Europe Report No. 149, ICG, Skopje and Brussels, 23 October 2003; see also B. Vankovska, *Current Perspectives on Macedonia Part IV: Problems and Prospects of Security Sector Reform: Conflict Prevention and/or Post-Conflict Reconstruction in Macedonia*, Heinrich Böll Foundation, Berlin, 18 February 2003.

including ill-treatment and torture, which fuelled public mistrust while undercutting police effectiveness. At the same time, the Macedonian government wanted Concordia out, primarily because it considered the presence of any international peacekeeping force stigmatising. Eager to boost its chances for NATO and EU membership, it would only accept an EU police assistance mission and the existing OSCE mission. It was equally important to address the concerns of ethnic Albanians, who still favoured a visible security presence in the country: a uniformed police mission also met their expectations.²¹

EUPOL Proxima was the second police mission falling under the ESDP, but unlike the EU Police Mission (EUPM) in Bosnia-Herzegovina, which took over from the UN International Police Task Force, it was the first EU police mission to start from scratch, that is, from concept to a fully operational mission.²² The deployment of EUPOL Proxima, at the Macedonian authorities' request, was preceded by a joint European Commission–Council General Secretariat fact-finding mission to assess the Macedonian police structures and understand the needs of the country. In an effort to learn from past missions and liaise with existing actors on the ground, the mission incorporated officers from the EUPM, informally consulted with Concordia, and sought the advice of the OSCE and bilateral actors. It was the first time a joint Commission–Council Secretariat fact-finding mission had been carried out and constituted an important lesson for the EU.²³ This approach was used again in 2004 when the EU planned

²¹ Ethnic Albanians had been unhappy with NATO's decision to terminate Operation Allied Harmony and see 'trustworthy' forces being replaced by EU forces. NATO's good reputation with the ethnic Albanians rested on the fact that it had already established relations with the UÇK (Albanian National Liberation Army) and had won their confidence. In addition, NATO had accumulated many years of experience in managing peace support operations in the Balkans and had benefited from a significant presence in Macedonia in the form of the Kosovo Force (KFOR) Rear.

²² See B. D'Hooge, Speech given at the Medal Parade Ceremony, 12th October, EUPOL Proxima, Skopje, 2004, p. 1.

²³ In the past, joint fact-finding missions were conducted with the UN, for example in 2004 when investigating the establishment of a UN peacekeeping operation in Burundi, or earlier in 2003 when planning the set-up of the EUPM in Bosnia–

its Rule of Law Mission in Georgia (EUJUST Themis) and when assessing the possibility of sending a monitoring mission to the Ukrainian–Moldovan border (including the Transnistrian segment). The lesson was similarly applied in 2004 when the EU explored the possibilities of EU civilian crisis-management activities for Iraq, and when considering an EU response in the field of security sector reform in the Democratic Republic of Congo.²⁴

In line with the objectives of the Framework Agreement and the SAP, the mission aimed at promoting the gradual stabilisation of the country. Unlike the Commission, which acted at a strategic level through small teams co-located in the MoI, Proxima deployed approximately 200 EU police officers and civilian experts in the Macedonian MoI and in police stations at central, regional, sub-regional and local levels in the former crisis areas, where a majority of ethnic Albanians live. Their objective was to mentor, monitor and advise middle- and senior-management police officers. Their role thus meant that Proxima was more visible to the Macedonian public – it had a human face. Proxima personnel worked at an operational level, helping to improve police performance and internal communication in the MoI through the transfer of skills, and assisted the implementation of the National Police Strategy and the National Strategy for Integrated Border Management, both of which had been adopted by the Macedonian government.

The short two-month planning period, however, did not allow the development of a well-defined mission statement. Proxima's broad mandate covered support for the Macedonian authorities to consolidate law and order, including the fight against organised crime; to undertake the practical implementation of the reform of the MoI, police and border police; to build confidence with local populations; and to enhance cooperation with neighbouring countries.²⁵ The mandate was translated into 28 programmes, a very ambitious load to handle during a one-year

Herzegovina. Similar initiatives have been suggested to determine how the EU might support an expanded presence of the African Union in Darfur.

²⁴ See EU Institute for Security Studies (EUISS), *EU Security and Defence: Core Documents 2004*, Volume V, EUISS, Paris, February 2005.

²⁵ See Council of the European Union, Joint Action 2003/681/CFSP of 29 September on the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL 'Proxima'), OJ L 249, 01.10.2003(c), p. 66.

mission. These enveloped all the functions of the uniformed police, the criminal police, the Department for State Security and Counter-Intelligence, and internal control. In addition, a team of EU border police officers was deployed at the border crossing points and the international airports of Skopje and Ohrid to support the strengthening of regional cooperation.²⁶ In line with Proxima's mandate to work "within a broader rule of law perspective", law enforcement monitors assisted the development of cooperation among all bodies in the criminal justice system (the police, the Public Prosecutor's Office, investigative officers and the courts). To enhance public confidence in the police, they supported Proxima Internal Control co-locators in the investigation of police misconduct complaints and monitored the investigation carried out by the newly established Internal Control and Professional Standards Unit in the MoI and the conditions and treatment of detainees in police stations.²⁷

Proxima's short planning phase also highlighted that force generation and procurement are not easier for the EU than for the UN or the OSCE: force generation for EU missions happens in an ad hoc manner across the member states and often leads to delays and shortfalls. In addition, it underscored yet again that the EU has no mechanisms for the rapid delivery of ESDP police resources. Indeed, Proxima had to cope with the fact that some of its field offices had not received computers or other essential office equipment three months after the launch of the mission. The lack of swift action has to do with the EU's structural legacy, which institutionalises consultation, deliberation and negotiations at multiple levels and across institutions. The European Commission's current rules for procurement are a particular problem, which apply to ESDP civilian crisis-management missions.²⁸ Furthermore, the inflexibility in recruitment in the

²⁶ See T. Flessenkemper, *Proxima Presentation Brochure 2004*, EUPOL Proxima, Council of the European Union, Brussels, May 2004, p. 10.

²⁷ See Council of the European Union, EUPOL Proxima, "Internal Control/Law Enforcement Monitoring Programme", Factsheet, EUPOL Proxima, Brussels, June 2004(a); see also Flessenkemper (2004), *op. cit.*, p. 14.

²⁸ Little progress has been made in reforming these cumbersome and inflexible procedures. Proposals to learn from the UN and the OSCE by creating start-up kits consisting of pre-stocked items needed for mission launches and start-up funds that can be rapidly released to pay for essential procurements on the ground have not yet been implemented. See M. Merlingen and R. Ostrauskaite, "ESDP Police

member states led to a high turnover rate, meaning that precious relations built with the local police in this ‘consultancy-like’ mission had to be rebuilt from scratch. As a Proxima police officer explained, personal relationships created with local staff in the Macedonian MoI are the only way to receive reliable information.²⁹ Proxima, set up at the Macedonian government’s request, faced a different set of problems from executive policing missions, such as in Kosovo, where member states have more experience. EU police officers with a professional background sometimes felt frustrated that they could not prevent an operation from failing because the absence of an executive mandate constrained them from intervening or offering advice during the conduct of the operation.³⁰

In response to the results of the mid-term review (June 2004), the mission (during the extension of its mandate) was adjusted to focus more on urgent operational needs, where EU police officers could have “a significant impact”.³¹ The number of staff and programmes was reduced to cover public peace and order, organised crime and border police. Yet the main changes were in the organisation and structure of Proxima to modify the way it engaged in the areas in which it was active. To a great extent, the actual issues that the mission dealt with were the same – apart from the programme on traffic police, which had ended. During the first year of its existence, however, Proxima had been unable to tackle the more demanding facets of its mandate, namely organised crime. This was mainly attributable the fact that the mission worked only during office hours, that is, Monday to Friday from 9 am to 5 pm, while such activities predominately take place at night. Indeed, Proxima police officers recognised that the teams deployed at regional, sub-regional and local

Missions: Meaning, Context and Operational Challenges”, *European Foreign Affairs Review*, Vol. 10, 2005, p. 225.

²⁹ Derived from interviews with a Proxima police officer, in Skopje, June 2004.

³⁰ Derived from interviews with Proxima police officers, in Tetovo and Kumanovo, June–July 2004.

³¹ See J. Scholz, Speech given at the European Affairs Commission of Parliament on 31 January, EUPOL Proxima, Council of the European Union, Brussels, 31 January 2005(a), p. 5.

levels should have operated on a 24/7 basis.³² Simultaneously, Proxima expanded its geographical coverage to a countrywide deployment, although retaining a greater presence in the former crisis area. Thus, while Council missions proved to be more receptive to change and more adaptable than Commission exercises, adjustments were made primarily on the form of the mission rather than on the substance.

In order to fulfil the programmes' objectives, result-based activities tied to a specific timeframe were developed and were monitored on a weekly basis. This benchmarking system, created by Proxima's team in the Analysis Cell during the extension of Proxima's mandate, was not founded on the benchmarking mechanism used by the EUPM in Bosnia-Herzegovina, which had been highly criticised. Unlike the first year of Proxima's mandate when activities in the field offices were organised on an ad hoc basis in agreement with the chiefs of police in the local police stations, this newly established system resulted in extending the mission to tackle very specific projects, which had been endorsed *ex ante* at a strategic level by the MoI. The benchmarking document, approved by the MoI prior to launching the extension of the mission, constituted a political tool that ensured the implementation of reforms. Consequently, it was essential in dealing with resistance to change on the part of the local police, especially among the older generation, who were a great impediment to Proxima's work. It also contributed to the evaluation of the mission, although it is a mechanism whose benefits are limited to assessing whether an activity is achieved, and is not able to verify the quality attained. According to certain circles in the Council General Secretariat, Proxima's experience with benchmarking – setting clear project aims, milestones and a timeframe for what needs to be achieved – could feed into the development of a generic benchmarking model and a formal channel for the improved internal exchange of information in future crisis-management missions.³³

EU inter-institutional coherence: A persistent puzzle. The complex post-conflict environment in which EU activities in support of the continuing police reform process in Macedonia have been launched have

³² Derived from interviews with Proxima police officers, in Tetovo and Skopje, June 2004.

³³ Derived from interviews with officials of the Council General Secretariat in Brussels, April 2005.

provided the Commission's projects and Proxima with challenges and opportunities. They faced the challenge of having to find out where and how they best complement each other, as well as how to coordinate their efforts successfully. In doing so, during its mission Proxima had the opportunity to draw upon the Commission's experience and presence.

A very elaborate set-up sought to ensure that the coordination of EU efforts in police reform in Macedonia would be effective. Political coordination among the EU institutions took place at weekly informal meetings, led by the EUSR, bringing together the EU presidency and the heads of the Commission Delegation, the EAR, the now-terminated Proxima and the EU Monitoring Mission office in Skopje. When issues related to police reform were discussed, the ECJHAT (later ECPRP) coordinator was also invited. In this way, contacts with the Macedonian government relating to EU police efforts were synchronised and agreed upon by all the EU actors concerned.³⁴ At an operational level, the EUSR was mandated with providing local political guidance to the police head of mission, while the head of mission/police commissioner led Proxima and assumed its day-to-day management. In addition, to ensure coherence in the EU approach, the EUSR's political adviser provided the Proxima head of mission with advice on political affairs in Macedonia and assisted in defining the mission's strategic approach.³⁵ A common media strategy and a shared press office for the EUSR and Proxima aimed at presenting a single political face to the Macedonian public.³⁶

Despite this comprehensive organisation, EU inter-institutional coordination on the ground suffered greatly because of competition among the EU missions. This situation led to an acrimonious relationship among the different parties. A recent evaluation of the EAR posits that the Agency model is experiencing difficulties in Macedonia because of an "unclear interpretation of the division of roles and difficult coordination between the Agency, on the one hand, and the Commission and the Delegation on the

³⁴ See Council of the European Union, *Coordination Aspects of Proxima*, 13532/1/03 REV 1, COSDP 590, Brussels, 16.10.2003(b), p. 3.

³⁵ Refer to T. Flessenkemper (2004), *op. cit.*, p. 7.

³⁶ The Delegation of the European Commission, however, has its own press team.

other hand".³⁷ The transfer of institution-building projects from the European Commission Delegation to the EAR, including the ECJHAT project (thereby taking away from the Delegation's responsibilities), is a point of contention. It not only resulted in the reduction of the number of staff in the Delegation, but it inevitably meant a decrease in its influence. The same evaluation argues that the situation was made even more complex through the EUSR's presence. In fact, it was well known in Brussels and among international actors in Skopje that in the period 2001–05 the head of the European Commission Delegation and the EUSR did not speak to each other.³⁸ It was not until 1 November 2005 that these two positions were combined with a double-hatting arrangement. Although in principle the rivalry is in Brussels, it trickles down to the field. The European Commission fears that it will lose its competencies in external relations to the emergence of a reinforced Council General Secretariat, which is trying to find its place in the institutional game.³⁹ Beyond doubt, the Council sets the ideational tone and regards the Commission as primarily a technical partner. The difficulties faced by the European Commission in recruiting police officers for its missions, stemming from the fact that member states prefer seconding their police officers to Council police missions over which they have control, adds fuel to the fire.⁴⁰ It also points to unease about the way the Commission recruits experts, that is, outsourcing the task to third parties, since it is felt that the process somehow slips out of control and close surveillance.

In practice, the rivalry within the Commission and between the Commission and the Council led to the European Community's advisory support for police reform – the ECJHAT and ECPRP – being launched late

³⁷ See Development Researcher's Network Consortium, *Evaluation of the Implementation of Council Regulation 2667/2000 on the European Agency for Reconstruction, Synthesis Report, Volume I – Part C, Main Evaluation Report*, Rome and Brussels, June 2004(a), p. 57.

³⁸ The permanent Delegation of the European Commission in Skopje was opened in February 2000.

³⁹ Refer to Piana (2002), *op. cit.*, p. 221.

⁴⁰ Derived from interviews with personnel from the Directorate-General for External Relations, European Commission and the Council General Secretariat in Brussels, April–May 2005.

and the substantive work of Proxima being delayed. In particular, the follow-up on the ECJHAT project only effectively took off in Skopje almost six months into Proxima's mission. Former Head of Mission Bart D'Hooge's statement on the six-month review of the mission, "the first three months of Proxima were the build-up phase...the assessment phase, where we did in-depth assessments of the MoI, both at the field and central level", highlights the consequences of poor coordination in the dual-track approach.⁴¹ Evaluations of the state of the police institutions in Macedonia had been conducted by many actors and on many occasions. For example, the work of the ECJHAT constituted in many ways a detailed assessment of the police and the MoI in Macedonia, in addition of course to the evaluations conducted under the CARDS regional programme.

4.4 Evaluating 'effective multilateralism'

As is commonplace in peace-support operations, the EU's presence in Macedonia exists alongside that of other international organisations and bilateral actors (Table 4.1). Both the Council and the Commission recognise the significance of an effective relationship of interdependence with other international actors in the field based on sound coordination to ensure coherence in police reform efforts. As the EUPOL Proxima's mandate stipulated, the success of both the initial mandate and its extension depended to a large degree on its ability to work "in strong partnership with the relevant authorities, in full coordination and complementarity with Community institution-building as well as OSCE and bilateral programmes".⁴² Similarly, the CARDS JHA strategy emphasised that it would "be implemented through the transfer of expertise, knowledge and professional working practices from member states to the partner

⁴¹ See Council of the European Union, EUPOL Proxima, Press Statement by the Proxima Head of Mission on the Six-Month Review, EUPOL Proxima, Skopje, 4 August 2004(b).

⁴² See Council of the European Union, Joint Action 2004/789/CFSP of 22 November 2004 on the extension of the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA), OJ L 348, Vol. 47, 22.11.2004, pp. 40–44; see also Council Joint Action 2003/681/CFSP (Council of the European Union, 2003c, op. cit., p. 66).

countries, working closely [with] other international bodies, to ensure streamlined and effective regional co-operation”.⁴³

Table 4.1 Major international efforts in police transformation in Macedonia

	International actors involved								
Police Reform (Strategic)	European Commission (ECJHAT, ECPRP, twinning project)	EAR	OSCE	ICITAP					
Police Development (Operational)	EUPOL Proxima and EUPAT	OSCE	French Embassy	UK Embassy (REFLEX and DFID)	ICITAP	Dutch Embassy			
Border Police	EUPOL Proxima and EUPAT	EAR	OSCE	Stability Pact for South-eastern Europe					
Organised Crime	European Commission (ECJHAT, ECPRP, twinning project)	EAR	EUPOL Proxima and EUPAT	Stability Pact for South-eastern Europe	OSCE	Council of Europe	IOM	US-AID	UK Embassy (REFLEX)

Notes: See the glossary for acronyms and abbreviations. The table does not include contracted local and international non-governmental organisations that are involved in police transformation efforts in Macedonia. Apart from the largest non-EU actor, the US, this table does not include the contributions of non-EU member states.

Source: Author’s compilation.

An overcrowded international scene. International actors, namely the OSCE (since 1992) and the UN (1993–99), had been present in Macedonia since the country’s independence in 1992 to monitor the borders and policing activities on the border with Kosovo. The actual reform of the police, however, began in 2000 through a law-enforcement development

⁴³ See European Commission, “EU Justice and Home Affairs Policy and the Western Balkans”, Paper prepared for the “Second Regional Conference for South East Europe”, Brussels, 2001, p. 3.

programme of the US International Criminal Investigative Training Assistance Programme (ICITAP), which included technical assistance and ‘train the trainers’ programmes. The ICITAP also carried out the initial training of mostly ethnic Albanian police cadets after the signature of the Framework Agreement to meet the equitable representation quota for minorities in the police forces. Once these efforts were taken over by the OSCE, ICITAP helped to establish the police Professional Standards Unit in the MoI. The ICITAP is currently involved in training efforts aimed at community policing and MoI officials on measures for tackling organised crime.

Immediately following the signature of the Framework Agreement, the OSCE moved beyond police monitoring to engage in the restructuring of the Macedonian police force. In August 2001, it established a Police Development Unit in the OSCE Spillover Mission in Skopje (with the contribution of the EU Police Unit in Brussels and the US administration), which trained police cadets taking over from the ICITAP and until 2002 concentrated on the redeployment of the police to the former crisis areas.⁴⁴

In many ways, these initial steps in police reform were mechanical, with the international community intending to meet quantified goals within a specific timeframe.⁴⁵ Although deadlines agreed upon in the Framework Agreement regarding training police cadets and redeploying the police in the former crisis areas were met, which is commendable, they were met with serious shortcomings: first, in the quality of the training

⁴⁴ There were also a number of small-scale initiatives in police training implemented during 2001, including the “Stability Pact Regional Police Training Initiative” implemented by Norway, Finland and Germany, and the Norwegian initiative “Training of local police units and local communities in the field of crisis management”.

⁴⁵ During the first three police training courses held in 2002, 526 students were trained, of which 439 were men and 87 were women. In terms of ethnicity, 63% were Albanians, 19% were Macedonians, 6% were Roma and 7% Turks. The fourth police-training course launched in February 2003 at the Police Academy in Idrizovo included 309 students, of which nearly 69% were ethnic Albanian, while 16% were ethnic Macedonian. See Organisation for Security and Cooperation in Europe (OSCE), “Chapter 7: Facts and Figures”, in *Police Development Unit Annual Report 2002*, OSCE Spillover Monitor Mission to Skopje, 2002(c), pp. 80–82.

provided; and second, in the degree of redeployment of the police.⁴⁶ Specifically, when the training of local police was transferred from the ICITAP to the OSCE to make certain that 'European standards' in policing were met, much of the training had to be repeated, condensed (from nine to six months) and rushed. There were also problems with the training of the border police (consisting of former military personnel): although they only received border police training, they were able to move to other divisions of the police service.⁴⁷ In addition, the recruitment process for cadets was politicised with ethnic Albanian parties succeeding in pushing forward their candidates under the watchful eye of the international community.

Once the Macedonian police had redeployed to the former crisis areas (in the northern and western parts of the country), the OSCE consolidated its activities to focus on community-based policing and training. Accordingly, it has facilitated the creation of Community Advisory Groups in the former crisis areas (initially with funding from the Dutch embassy in Skopje), which regularly bring together the local police and community actors to discuss matters related to day-to-day safety. It has also supported the creation of local capacity in the Police Academy, through 'train the trainers' courses and provides specialised and advanced training for police officers (with cadets' training having since been transferred to local trainers). In addition, the OSCE has financed numerous information and awareness campaigns on human trafficking, the office of the Ombudsman and confidence-building campaigns between the police and the different minority groups in Macedonia and has organised Community Policing Open Days.⁴⁸

⁴⁶ The police did not redeploy in all the former crisis areas. Rather, police cars would wait 200–400 metres outside the villages in the Tetovo area so that the villagers had to go and place their complaint. This setting was neither conducive to the promotion of inter-ethnic relations in the village, nor to the creation of a constructive relationship between the villagers and the police officers. Derived from a confidential interview with an international police officer, in Skopje, 22 June 2004.

⁴⁷ *Ibid.*

⁴⁸ See the OSCE project reports of 2004 and 2005 – *OSCE Spotlight on Projects*, OSCE Spillover Mission to Skopje, Nos. 1-4, 2004(a-c) and 2005(d).

Some EU member states have participated in police efforts in Macedonia on a bilateral basis, albeit on a limited budget and at an operational level, in parallel with EU-level involvement in this field. France has supported the organisational and operational development of the Police Special Tasks Unit and provided training for uniformed police, riot control and criminal investigation. The UK has provided intelligence-related training to the Human Trafficking and People Smuggling Unit of the MoI. The UK has also been assisting the development of a criminal intelligence capability and a Rapid Deployment Unit, and has offered training in community policing.⁴⁹ The Dutch government has provided funding for awareness campaigns on community policing and has supported the strategic development of the Police Academy, as well as targeted training for senior police officers. Finally, Italy has heavily invested in border policing. These efforts have been regarded as complementing the European Community's work taking place at the strategic level and as providing a particular added expertise. Yet several Proxima police officers interviewed in the course of this study questioned the necessity of the programmes. This tension has also been acknowledged in Brussels in Commission communications calling for better coordination and increased exchange of information between EU efforts and EU member-state activities, "not just on assistance already being provided by member states but also on what is being planned in order to avoid duplication".⁵⁰

The proliferation of actors involved in the reform of national Macedonian police forces has been mirrored at the regional level. Since the late 1990s, Macedonia has benefited from funding and training on combating organised crime (including the fight against human trafficking and the drug trade along with issues associated with visas, immigration and asylum) and on police cooperation, which has been made available at a regional level to all the countries of the Western Balkans. A whole host of programmes have been financed and implemented by the Council of

⁴⁹ Non-EU member states have also been active in this area, notably Norway, which contributed to regional police activities (police training and funds for the border police).

⁵⁰ See, for example, European Commission, *European Security Strategy: Fight against Terrorism*, SEC(2004) 332, Brussels, 2004(c), p. 15.

Europe⁵¹ and the Stability Pact for South Eastern Europe, to develop a 'shared strategy' for growth, stability and inter-ethnic harmony in the Western Balkans, and to link security interests and promote regional integration. Specifically, regional police efforts have endeavoured to harmonise police institutions in the region and ensure that policies, laws and practices in policing develop in a parallel way in all the countries of the region. These objectives have increasingly become a political priority for the EU. European Community programmes are complemented by regional networking and the exchange of information, aimed at defining common standards and at building effective regional coordination in areas such as the issuing of visas, border controls and police cooperation.⁵² Naturally, regional programmes entail a great deal of EU cooperation with other international actors, for example with the Council of Europe, whereby the two organisations increasingly develop and implement regional strategies against serious forms of crime based on European best practices in policing.⁵³

⁵¹ Octopus II is a joint programme of the European Commission and the Council of Europe against corruption and organised crime in states in transition. The first phase of Octopus II (1996–98) analysed problems related to organised crime and corruption, as well as the measures taken by governments, resulting in a first set of recommendations for each country. It included seminars and study visits during which participants from programme countries formulated recommendations to improve the policies, legislation, institutions, standards and practices in their respective countries. It was followed by a second phase of Octopus II, which had a lifespan of two years (February 1999 to December 2000). In 2001, regional programmes, such as the Council of Europe's Programme against Corruption and Organised Crime in South Eastern Europe (PACO) sought to make the channels of police and judicial cooperation more efficient. That same year, the PACO Networking project was launched to further this aim.

⁵² These activities complement other Community projects in the broader area of the fight against organised crime, in particular the interventions related to police reform (funded under the CARDS programme for 2001–04).

⁵³ Together they undertake the following activities: provide tools for dealing with and developing national strategies on economic and organised crime; deliver training against human trafficking, smuggling and illegal migration; harmonise legislation; organise study visits to assist the development of special crime investigative means and intelligence in line with human rights standards; assist the

In an effort to build local capacity and prepare the ground for their exit, international donors have also financed local non-governmental organisations for the purpose of training the police and civil servants in human rights and minority issues, providing legal advice to citizens on police misconduct, monitoring the respect of human rights and lobbying the Macedonian government on legislative issues. Thus, besides targeting government structures, support has been directed at the development of grassroots efforts and an active civil society, *albeit* to a limited degree. These programmes have either fallen under the rule of law projects of the OSCE or the European Initiative for Democracy and Human Rights managed by the European Commission Delegation (now the EU Mission).

Working in a multilateral environment. Beyond the framework provided for managing EU inter-institutional coordination, regular meetings of the heads of the main international actors in Macedonia – the so-called ‘principals’ – are chaired by the EUSR and aim at ensuring overall political coordination within the international community. In addition, a formal mechanism for coordination in the field of police, the Police Experts Group, was created. Chaired by the police adviser of the EUSR, it regularly brought together the EUPOL head of mission and the ECJHAT/ECPRP coordinator, the European Commission Delegation, the EAR, EU member states, the OSCE, ICITAP and other international actors actively engaged in supporting the transformation of the Macedonian police. To promote a broader approach to the rule of law, international actors involved in supporting the judicial and the penal systems were also associated with this group.⁵⁴ Interestingly enough, these meetings only included international actors involved in the national police reform efforts and not regional ones.

International actors who participated in the Police Experts Group agree that the forum was inefficient in coordinating efforts, because of the formality of the event, which led actors to defend their mandates. EUPOL Proxima’s presence and mandate was constantly questioned by other international actors because the mission was the last one to arrive in an already very crowded scene with competing international mandates. This

development of witness protection programmes; and strengthen capacities for cooperation in criminal matters.

⁵⁴ Refer to Council of the European Union (2003b), op. cit., p. 3.

suspicion was further aggravated by Proxima's weak exit strategy: the decision to terminate the mission in December 2005 was largely predetermined for political reasons, namely the Macedonian government's perception that the presence of a crisis management mission in the country could jeopardise Macedonia's chances of a positive *avis* from the European Commission on its prospects for EU membership.⁵⁵ The post of police adviser was not renewed beyond July 2004, but coordination of international police efforts was instead moved to the European Commission Delegation/EU Mission, where an expert on JHA issues was to be recruited. This development perhaps points to the Council's tacit acceptance that police reform is a long-term process and thus it must be led by the Commission. It is nevertheless a clear indication that Macedonia is moving away from stabilisation and towards integration. Similar problems to those that the ECJHAT project met led to delays in recruiting a JHA expert in the EU Mission; hence, until recently police coordination occurred on an ad hoc basis.

What one notes about the coordination of police reform efforts is that informal contacts and bilateral meetings help build vital relationships of trust among the different actors and therefore override the weight of formal channels. As international actors admit, however, maintaining such contacts is time-consuming, especially given the high turnover in the international community in Macedonia. Proxima heralded its benchmarking plan as a possible solution, since it was the outcome of consultation with all the relevant international actors and required the approval of the MoI. Proxima officials explained that, as a result, active coordination became less important.⁵⁶

The quest of international donors to justify their mandates has translated into a lack of exchange of information on the efforts underway,

⁵⁵ On 1 April 2004, the SAA between the European Union and Macedonia entered into force, the first among such agreements with the countries of the region. This step also gave Macedonia the green light for submitting its application for membership. The country provided its answers to the Commission's questionnaire (in February 2005) and received the Commission's positive *avis* on the granting of candidate country status (in December 2005).

⁵⁶ Derived from an interview with an official of the Analysis Cell of EUPOL Proxima, in Skopje, June 2005.

which has led to programmes and initiatives being duplicated. This consequence has been particularly true for regional programmes in police cooperation and integrated border management, including projects to deal with organised crime, the drug trade, human trafficking, immigration and asylum. In addition, regional initiatives seem to be self-contained and do not build on other international efforts. The Council of Europe, for example, carried out numerous ‘end of programme’ evaluations in the 1990s pointing out the shortcomings of the MoI, which were identified yet again by Proxima and the European Commission’s projects.⁵⁷ These ‘turf wars’ have also led to a lot of time being lost and resources being wasted, while much-needed training in other areas has not been undertaken. Proxima law enforcement officers explained that there has been much overlap in the monitoring of the legal process with the OSCE, but that no one is providing training to the armed court guards.⁵⁸

Tension between the OSCE and Proxima was inevitable, given that both missions were ‘hands on’, visible among the Macedonian population and to a large extent dependent on Macedonian perceptions of their work. The increasing sidelining of the OSCE to the benefit of EU missions, owing to the growing importance of EU membership prospects for Macedonia for encouraging the reform process, constituted a headache for the OSCE. OSCE police officers, who unlike personnel involved in Proxima and the Commission projects, have been present in Macedonia for years and have a better sense of reality on the ground. The OSCE police officers felt that they had been marginalised by EU efforts and that the numerous EU operations and activities had not tried to benefit from their understanding of the local context and challenges. Proxima’s involvement in community policing

⁵⁷ See for example, Council of Europe, *First Evaluation Round, Evaluation Report on “the former Yugoslav Republic of Macedonia”*, Greco Eval I Rep (2002) 7E final, adopted by GRECO at its 12th Plenary Meeting held in Strasbourg on 9–13 December, Directorate-General I – Legal Affairs, Department of Crime Problems, Strasbourg, December 2002; see also Council of Europe, *First Evaluation Round, Compliance Report on “the former Yugoslav Republic of Macedonia”*, Greco RC-I (2004) 15E, adopted by GRECO at its 21st Plenary Meeting held in Strasbourg on 29 November–2 December, Directorate-General I – Legal Affairs, Department of Crime Problems, Strasbourg, December 2004.

⁵⁸ Derived from an interview with a Proxima law enforcement officer, in Kumanovo, on 18 June 2004.

efforts was a constant subject of contention in discussions with OSCE police officers.⁵⁹ One of the reasons the EU police mission had launched a programme on community policing and supported the Community Advisory Groups, originally an OSCE programme, was the EU's expectations that the OSCE's exit was due at the end of 2004. Yet what actually happened was that Proxima left Macedonia, handing over its work on community policing back to the OSCE, rather than the other way around. In addition, Proxima's broad mandate increased the risk of the mission being perceived as overstepping into other organisations' competencies. Such power struggles have been the norm among actors with operational mandates on police reform. Relations between the EU member-state activities and Proxima were also stressed, with Proxima police officers complaining about the duplication of efforts and the lack of transparency in bilateral exercises, and labelling these efforts as "superfluous".⁶⁰

Difficulties in international coordination hindering the effectiveness of police reform were also present between the OSCE, on the one hand, and the EAR and the European Commission Delegation on the other. The police reform process had initially been led by the OSCE, but was moved to the European Commission with the launch of the ECJHAT project. In order to enhance cooperation between the two teams, a Memorandum of Understanding was signed between the Commission and the OSCE in February 2002, which effectively meant that the ECJHAT and the OSCE would be working together on the long-term structural reform of the police in Macedonia.⁶¹ In practice, two EU experts were seconded to the OSCE mission in Skopje and a small European Community financial contribution was made to the OSCE. Still, as the Commission evaluation report of the RRM acknowledges,

While this collaboration was judged satisfactory by EAR monitors during the six months of financing under the RRM, it has

⁵⁹ Derived from interviews with OSCE police officers in Skopje, Kumanovo and Tetovo, in the summers of 2004 and 2005.

⁶⁰ Derived from interviews with EUPOL Proxima police officers in Skopje, June-July 2004.

⁶¹ See OSCE, "Chapter 4: Police Reform Programs", in *Police Development Unit Annual Report 2002*, OSCE Spillover Monitor Mission to Skopje, 2002(b), pp. 52-57.

subsequently proved difficult to build upon this initial co-operation. The inherent difficulties in co-ordinating policy-inputs from different international actors have on occasion weakened the effectiveness of efforts to make progress in the reforms, and have provided some measure of political cover to the Ministry of the Interior in delaying important decisions.⁶²

The biggest challenge today in activities on police transformation in Macedonia, as MoI officials recognise, is linking national and regional initiatives. The proliferation of actors and programmes involved in the projects, training and the production of manuals on the fight against human trafficking as well as on visa, asylum and migration issues co-exist but are not necessarily connected to the police reforms underway at the national level. These initiatives, which are not usually based on needs assessment studies, not only involve the MoI, but also the ministries of justice, foreign affairs, health and science, to name a few.⁶³ In the case of Proxima, while international donors expected that the mission's activities would be limited to 'on-the-job training', Proxima also organised country-wide workshops for police officers working at border crossing points, providing them with training on the detection of forged travel documents. The mission was also involved in workshops for Macedonian police officers on laws related to organised crime and training on working methods in accordance with European standards. Moreover, Proxima increasingly worked in the fight against organised crime, resulting in the publication of two handbooks for forensic police inspectors in the field. As a result, some international donors perceived the mission as going beyond capacity-building (an ESDP prerogative) and moving closer towards institution-building (a Commission competency). Such fears further compromised cooperation among international actors in Macedonia.

Ultimately, a great responsibility for ensuring that overlap does not happen and that the police work is carried out effectively rests in the hands of the Macedonian MoI and national authorities. This view seems to be the EU official line on coordination. After all, an Aid Coordination Unit was created in the Secretariat for European Integration, and, as a part of the

⁶² See European Commission (2003), *op. cit.*, p. 11.

⁶³ For example, nine different ministries are involved in National Strategy for Integrated Border Management and six ministries in the fight against human trafficking.

national system for the coordination of foreign assistance, it supports the national aid coordinator. In addition, the MoI established the Police Reform Working Group and the Strategic Steering Group in April 2002. At first, the Police Reform Working Group comprised 10 full-time police and ministry officials seconded from their normal service functions, and was (and remains) the primary driving force behind the police reform process. To coincide with the deployment of the member-state twinning project in October 2005, the Police Reform Working Group was restructured and boosted to 15 permanent members. Under the guidance of the Strategic Steering Group (currently chaired by the minister), the Police Reform Working Group has institutional ownership of and responsibility for the overall direction and implementation of the police reform. Yet, the low absorption capacity of the MoI, which is often overwhelmed with technical assistance offered by various donors, is a big constraint to programme planning and implementation in Macedonia. Such constraints also reduce the propensity for local ownership and the sustainability of projects.⁶⁴ The MoI admits that at the beginning of the reform process it was unsuccessful in coordinating international efforts, but has since created a matrix of all the donors present in Macedonia, the benefits of each mission and a timeframe of the aid granted, therefore prioritising partners.⁶⁵

Some scholars, however, most notably David Chandler,⁶⁶ argue that desolate post-conflict states are in a poor position to resist international mechanisms of regulation, which come replete with carrots of international aid, trade privileges, debt forgiveness and/or integration into international organisations in return for external support for governance reforms and institutional capacity-building. In view of such arrangements, the 'negotiation power' of the Macedonian authorities is seriously constrained: given their wish to integrate into the EU, the Macedonian authorities know they must play the game, 'obey' the international community and keep doors open by accepting funding for overlapping activities. 'Conditionality'

⁶⁴ See EAR (2005), *op. cit.*, p. 25.

⁶⁵ Derived from an interview with an official of the Ministry of Interior, in Skopje, June 2005.

⁶⁶ See D. Chandler, "International State-Building: Beyond Conditionality, Beyond Sovereignty", Paper prepared for the "Guest Seminar", Royal Institute for International Relations (IRRI-KIIB), Brussels, 17 November 2005, p. 14.

thus compromises to a certain extent Macedonian sovereignty. Rather, the leverage that the Macedonian government uses to advance its positions is to play the different international actors against each other in an effort to extract from them the maximum amount of funds. In addition, since the Ohrid Framework Agreement explicitly mandates that coordination of international activities by the international community be managed under the leadership of the EUSR, it is fair to say that the EU has its own share of responsibility in the coordination of police reform activities in Macedonia.

4.5 Perceptions of EU police reform activities

The “maximum transparency and information-sharing” between the European Commission and Council “in order to ensure that they are mutually reinforcing and achieve the greatest possible joint impact and effectiveness” as promised in Council declarations was not achieved in the eyes of the Macedonians.⁶⁷ On the contrary, what became transparent to both the Macedonian political elite and the population is that EU inter-institutional relations are strained.⁶⁸ The ‘turf wars’ that seemed to be fought between the EUSR and the European Commission Delegation generated some confusion in the eyes of the Macedonian authorities as to who was in charge. The perceived divergence in goals and contradictions of purpose between the European Commission and the Council have not only been detrimental to the EU’s image, but have also compromised EU police reform efforts. Proxima police officers privately confessed that such infighting creates a motivation problem within the local police forces as well as a lack of confidence in the reforms.⁶⁹

The Council decision to pre-empt the (incompletely ratified) European Constitution and to replace, as of 1 November 2005, the head of the European Commission Delegation and the EUSR with a single ‘double-hatted’ EU representative who can liaise with both institutions in Brussels

⁶⁷ See Council of the European Union (2003b), op. cit., p. 3.

⁶⁸ See for example the Macedonian daily newspaper, *Utrinski Vesnik*, 1 April 2005.

⁶⁹ Derived from interviews with Proxima police officers, in Skopje, June 2004.

could put an end to the confusion.⁷⁰ While in the EU Mission in Macedonia coordination on a day-to-day basis appears to have improved and the EU infighting on the ground to have decreased, the Brussels turf war seems to persist with continued bickering between the Commission and the Council. Admittedly, this may be related to the fact that the merger of the two roles is still a 'work in progress', which has been surrounded by much controversy and has met the resistance of numerous EU member states. Although it is treated as a prototype, the precise form and arrangements regarding the double-hatting of the various EUSR/head of European Commission Delegations remain undecided. Word in the Commission is that the double-hatting will involve a head of the European Commission Delegation taking up in parallel the role of an EUSR, while the Council Secretariat tends to prefer a sharing of the double-hatted role between the two pillars. Thus, the double-hatting would interchangeably fall under the authority of either the Commission or the Council.⁷¹ Although it is unclear whether the results of recent Macedonian polls are linked to the ability of the EU to speak with one voice, it is worth noting that they reveal the "positive perceptions and expectations of the [Macedonian] public towards the EU. These results demonstrate that the citizens of [Macedonia] have a strong wish for a European future and are willing to actively support policies that in their view will contribute to the realisation of this goal."⁷²

The dual-track approach in the EU's police efforts, with Proxima having operationally supported the Commission's long-term police reform, created much confusion as to 'what' each mission was really about. EUPOL Proxima's stated aim of helping the Macedonian national police meet European standards and Secretary General/High Representative Javier Solana's characterisation of the mission as a milestone on the path leading

⁷⁰ The new joint EUSR/head of the Commission Delegation will continue to report to, and be instructed by, the Council on CFSP matters but will be responsible to the Commission for areas of Community competence. See Council of the European Union, Joint Action 2005/724/CFSP of 17 October 2005 appointing the European Union Special Representative in the former Yugoslav Republic of Macedonia and repealing Joint Action 2005/589/CFSP, OJ L 272/26, 18.10.2005(a).

⁷¹ Derived from informal discussions with officials from the European Commission and Council General Secretariat in Brussels, September 2006.

⁷² See United Nations Development Programme (UNDP), *Early Warning Report FYR Macedonia*, UNDP, Skopje, June 2006, p. 5.

Macedonia to “integration with, and eventually into, the EU”⁷³ led the political elite and the wider population to perceive Proxima as a ‘Europeanising’ mission.⁷⁴ The dual-track approach has therefore put into question the notion of ‘crisis management’ and its implementation by the Council as a rapid reaction to a crisis situation. Indeed, it is questionable whether the ‘urgent needs’ that Proxima identified and tackled could have been fulfilled in the short-term. The discussions underway in the European Commission and the Council General Secretariat about how to develop crisis management capabilities need to be brought together to ensure a common understanding of the concept and a more integrated EU approach when engaging in future crises.

The visibility of the Proxima police officers among the population, especially during the first year when the traffic police programme was active, played to the mission’s advantage. A nationwide survey carried out by the Institute for Democracy, Solidarity and Civil Society in May 2004 found that 55.3% of Macedonians had a positive opinion of the mission’s work, ahead of the EAR and the European Commission Delegation. Yet a more detailed survey by the United Nations Development Programme (UNDP), which differentiated among respondents according to their ethnic background, found that while 57.5% of ethnic Albanians had a positive attitude towards Proxima, there was a higher degree of distrust (44%) among ethnic Macedonians.⁷⁵ Public perception of Proxima as a Europeanising mission also helped the mission’s image, as recent polls have demonstrated,⁷⁶ but raised local expectations very high. Expected

⁷³ See Council of the European Union, EUPOL Proxima, Remarks by Javier Solana at the ceremony marking the end of the EU-led Operation Concordia (and the launch of the EU Police Mission Proxima in the former Yugoslav Republic of Macedonia), Skopje, 15 December, Press Release, S0256/03, Brussels, 15.12.2003, p. D.

⁷⁴ See I. Yusufi, “Europeanizing the Western Balkans through Military and Police Missions: The Cases of Concordia and Proxima in Macedonia”, *European Balkan Observer*, Vol. 2, No. 1, May 2004, pp. 8–12.

⁷⁵ See UNDP, *Early Warning Report FYR Macedonia – November 2004*, UNDP, Skopje, November 2004, p. 37.

⁷⁶ The UNDP’s 2005 *Early Warning Report* (UNDP, Skopje, June 2005, p. 16) illustrated that Macedonian support for EUPOL Proxima exceeded support for the OCSE by 49.5%, which is more clearly associated with crisis management.

results included a change in the mentality of the police, an impossible task to accomplish in the short timeframe of Proxima's two-year mandate. The public's lack of understanding of the mission's objectives stemmed from the fact that Proxima, unlike EAR reconstruction projects, did not produce tangible results and therefore did not attract the attention of the media. The only visible result of police reform to the average Macedonian is the increase of the quota of ethnic Albanians in the police service, which is an OSCE accomplishment. The Macedonian media concentrated on reporting specific events concerning Proxima rather than explaining the process of police reform.

Interestingly enough, surveys conducted by local research centres and international organisations do not explicitly mention the Commission's police reform projects. This lack of recognition is perhaps because of the small size of the Commission's police reform team and the fact that it is deployed centrally within the MoI and therefore has no direct contact with the Macedonian population. While some of the blame rests with the media for not covering the work of the ECJHAT or ECPRP, it is important to note that local researchers have repeatedly complained of the reluctance of the European Commission Delegation and the Commission's police reform teams to meet with them.⁷⁷

4.6 Prospects for the future

Macedonia has made substantial progress since the 2001 conflict and the security situation in the country has mostly remained stable over the last two years.⁷⁸ Some incidents, however, such as the events in the village of Kondovo near Skopje, which for a few months was under the control of an armed group of ethnic Albanians who are still at large, are a sign of the inefficiency of law enforcement agencies and the level of corruption in public institutions. In addition, some of the population – primarily ethnic Albanians – are still afraid of the police and some citizens rely on the

⁷⁷ Derived from interviews with a number of local non-governmental organisations and research centres based in Skopje, June 2004.

⁷⁸ The removal of the Integrated Police Unit deployed in the initial mandate of EUPOL Proxima for the protection of mission members demonstrates the increased stability in the country.

possession of a weapon.⁷⁹ In fact, according to recent polls, “the security situation has not improved...when it comes to the territory of the country as a whole and to situations where [Macedonian citizens] are outside of their own communities; instead it has worsened”.⁸⁰ The Commission’s *avis* emphasises that Macedonia needs to “make additional efforts in particular in the fields of...police reform, judiciary reform and the fight against corruption”.⁸¹ Specifically, there is a need for more devolution of decision-making to the regional and local police stations, a transparent and exclusively merit-based career system, improved levels of efficiency and effectiveness in policing and public safety operations, and an increased level of transparency in decision-making and operations.

The influence that (uncertainty over) the final status of Kosovo and the pending demarcation of the border with Kosovo can have on Macedonia’s stability should not be underestimated. The full implementation of the Framework Agreement has nevertheless turned attention away from security; rather, it is the political stability of Macedonia that is at stake. Unemployment (and the increasing fear of losing one’s job), poverty and corruption are the most pressing problems for the population (far more important than inter-ethnic relations are) and could, in the long run, have a negative effect on Macedonia’s stability.⁸² In fact, according to the latest UNDP *Early Warning Report* (June 2006), 80% of the uniformed personnel (army and police) are directly affected by unemployment and consider it the biggest challenge in Macedonia today. Proxima police officers have suggested that the perpetual economic stagnation encourages corruption, including among the border police. The lack of suitable equipment (cars, torchlights and communication apparatus)

⁷⁹ See UNDP (2005), *op. cit.*, p. 44.

⁸⁰ See UNDP (2006), *op. cit.*, p. 48.

⁸¹ See European Commission, Communication on the Commission’s Opinion on the Application from the former Yugoslav Republic of Macedonia for Membership of the European Union, COM(2005) 562, Brussels, 09.11.2005(a), pp. 6–7.

⁸² That being said, ethnic Albanians and ethnic Macedonians live quite separately, hold deep prejudices against each other, and few of the initiatives to bring the communities to live together have had positive results. See Foundation for Open Society Institute in Macedonia (FOSIM), *Organised Crime – Macedonia*, FOSIM, Skopje, April 2005, p. 12; see also UNDP (2006), *op. cit.*, pp. 5, 23, 27.

further hinders the work of the police.⁸³ It is not surprising then that criminal activities, including human trafficking and the trade in drugs, munitions and contraband materials are widespread.⁸⁴

In October 2005, at the request of the Macedonian government, the European Commission launched a two-year twinning project on police reform, which, as with previous European Commission advisory missions, involves a member-state team being co-located within the MoI, with implementation undertaken by one EU member state. This latest programme summons the end of the 'post-conflict phase' in Macedonia and a shift towards EU integration. It was drafted taking into consideration the recommendations of preceding European Commission advisory missions (the ECJHAT and ECPRP) and the monitoring findings of EUPOL Proxima. To ensure continuity and that changes are sustainable the twinning project includes three police advisers from the ECPRP mission.⁸⁵ The stated aim of the project is to "establish and consolidate an effective and publicly accountable police service...that respects human rights and the rule of law and operates according to international standards and practices".⁸⁶ In practice, the team helps to improve technical and institutional capabilities, along with operational ones related to the fight against organised crime, the development of rulebooks, and operating procedures and standards.

The twinning programme on police reform is deployed only within the MoI. Yet, the Council has been concerned about possible instability resulting from the opening of Kosovo status negotiations and is seeking to ensure that police reforms are sustainable and that the fragile progress that Macedonia has achieved in the past four years is consolidated. Thus, the Council has felt that a continued EU presence in the rural areas and outside Skopje is necessary. The logic here has been that Council activities at an operational level would once again complement the Commission's twinning programme on police reform deployed within the MoI. At the

⁸³ Derived from interviews with EUPOL Proxima police officers, in Tetovo and Kumanovo, May–June 2004.

⁸⁴ See EAR (2005), *op. cit.*, p. 6.

⁸⁵ Derived from an interview with a member of the ECPRP, in Skopje, June 2005.

⁸⁶ See European Commission, *Advisory Support to Police Reform – FYR 04.04/03.01*, CARDS 2004, CARDS Twinning Project Fiche, final version, Brussels, 14.03.2005(b), p. 2.

same time though, as the country moves closer to the EU, the Council has recognised that assistance in police reform should be pursued primarily through Community activities and programmes. For this reason, the European Commission launched a project focusing on the implementation of reform at the field level and capacity-building within the MoI in April 2006. Nevertheless, to bridge the time gap (a six-month period) between the end of Proxima and the commencement of the Commission field-level project, the Council decided to replace Proxima with an EU Police Advisory Team (EUPAT) from 15 December 2005 to 14 June 2006.⁸⁷ The presence of a Council mission coupled with the perceived need for continued external support and mediation among the different ethnic groups, including on security issues, meant that the function of an EUSR was still necessary. This situation would explain the current double-hatting of a single EU representative in Macedonia, which member states are quick to qualify as “an exceptional measure [that] does not set a model for the appointment of future EUSRs”.⁸⁸ But member states have been considering using this model in Bosnia–Herzegovina and Kosovo, where there is a similar congruence of Commission and Council responsibilities.

The Macedonian government welcomed EUPAT “under certain conditions” that ensured that its EU membership prospects were not compromised. It insisted that EUPAT be presented as a reform-oriented effort rather than a stabilisation-oriented one, that it not be defined as “a mission” and that it be clearly linked with the possible CARDS-funded projects.⁸⁹ EUPAT was similar to Proxima in its goals, mission and organisation. It was much smaller than Proxima (comprising 140 international police officers), with 30 EU experts who monitored and mentored the Macedonian police in the fields of border management,

⁸⁷ See Council of the European Union, Joint Action 2005/826/CFSP of 24 November 2005 on the establishment of an EU Police Advisory Team (EUPAT) in the former Yugoslav Republic of Macedonia (FYROM), OJ L 307/61, 25.11.2005(b).

⁸⁸ See House of Commons, *European Union Special Representative in Macedonia*, Nineteenth Report, Select Committee on European Scrutiny, London, 2 March 2006.

⁸⁹ Other conditions included EUPAT having a clear mandate with a defined end-date; that EUPAT not be presented as a follow-up to Proxima, but as a transitional measure before a possible CARDS-funded project was in place; and that international police officers not wear a uniform.

public order and peace (particularly cooperation between the police and the judiciary, professional standardisation and internal control), and the fight against corruption and organised crime. The new element of EUPAT was the creation of a 'consultation mechanism' that was designed to improve Proxima's benchmarking system. According to this new mechanism, EUPAT submitted a report on a monthly basis to the Macedonian government on the progress accomplished in its activities, the progress made in the reforms by the Macedonian authorities and the shortcomings in the Macedonian police (through monitoring performance, corruption and organised crime). This system aimed at creating a certain degree of openness and transparency between the two parties – the EU and the Macedonian government – but could also act as leverage over the Macedonian authorities.⁹⁰ Indeed, the reciprocity created by the consultation mechanism entailed that the Macedonian side honoured its promises and made certain that reforms were actually carried out and not simply endorsed through legislation or in political declarations. Hence, this mechanism helped deal with the absence of an executive mandate, a recurring problem for Proxima, since it made certain that the government of Macedonia implemented reforms.

4.7 Conclusions

It is too soon to say what the impact of EU efforts has been on police transformation in Macedonia. It is notable, however, that opinion polls by international organisations show an increasing trust in the police on the part of the Macedonian population, although the confidence of ethnic Albanians in the police is still well below that of ethnic Macedonians, at less than 50%.⁹¹ Macedonia should be treated with cautious optimism. The main concern is that reforms in the police have been implemented because of the international presence in the country. It is unknown to what extent these reforms are sustainable in the long run, whether they go beyond being accommodated institutionally or within a legal framework, and whether they are internalised in the everyday work of the MoI and the

⁹⁰ Derived from interviews with an official in the Council General Secretariat in Brussels on 14 December 2005.

⁹¹ Compare the UNDP's *Early Warning Report FYR Macedonia*, No. 1 (UNDP, Skopje, 2003) with its report of November 2004 (UNDP, 2004, op. cit.).

police. Considering the role of the Macedonian police in the 2001 conflict, the unstable regional context and the weaknesses in the rule of law in the country, international monitoring of the Macedonian police is still needed in the short to medium term.

The EU heralds the success of its intervention in Macedonia and argues that important lessons can be drawn for future ESDP police operations. In this regard, Proxima Head of Mission Jürgen Scholz asserted that the mission “will set the standards for future EU police missions”.⁹² Useful lessons that arise from EUPOL Proxima’s experience for future crisis-management operations include the handing over of a mission (from Operation Concordia to Proxima), mission planning and set-up, the need for carrying out joint Commission–Council fact-finding initiatives and the use of benchmarking for evaluating progress and performance. Proxima has also highlighted the benefits of ESDP civilian operations: EU police advisers are in the field alongside local police and have a real sense of the situation. It has also become clear that missions can be set up faster by the Council than the Commission and that it is easier for the Council to find the necessary resources, although the increasing threat of terrorism in Europe will undoubtedly affect both the Council’s capacity for police force generation and the quality of police officers sent to ESDP missions.⁹³

The dual-track approach in police reform has also pointed to a recurring question, however: that of ‘how’, which goes beyond the question of ‘how much’; in other words it focuses on how EU resources are used effectively and not simply how much capacity is available. This model has revealed that serious problems remain unresolved when it comes to EU inter-institutional and wider multilateral coordination of police efforts. The complex environment that characterises post-conflict societies requires missions to have tight mandates, to consult each other and to be

⁹² See J. Scholz, Welcome speech given at the Induction Training held on 24 January, EUPOL Proxima, Council of the European Union, Skopje, January 2005(b), p. 1.

⁹³ Indeed, as noted by Merlingen & Ostrauskaite (2005, op. cit., p. 227), EUPOL Proxima (just like the EUPM) experienced problems maintaining the high quality of their staff as rotations proceeded. See also the presentation by M.M. Leinonen, “Lessons Learned from ESDP Operations”, at the Public Hearing, Committee on Foreign Affairs, Subcommittee on Security and Defence, Brussels, 9 October 2006.

transparent. If the vocabulary of the Council's crisis management operations is to include 'rapid reaction' to a crisis, then future police missions must concentrate on 'urgent needs' and have a clearer exit strategy, which can be revised taking into account the realities on the ground. A common EU definition of 'crisis management' is imperative for a functioning dual-track approach by the EU. The success of this approach entails a clear division of labour between pillars I and II in Brussels – lack of clarity at that level easily trickles down to the field, as the dual-track experience in Macedonia has demonstrated. An effective partnership within the EU, especially in a context such as the Western Balkans in which the EU is the lead organisation, would also enhance multilateral cooperation. In addition, a more proactive and cohesive EU communication strategy would help the EU to sell itself to actors on the ground and explain its benefits to the population, whose support is the cornerstone of any sustainable policy.

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5. CIVILIAN AND MILITARY MISSIONS IN THE WESTERN BALKANS

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***Abstract:** The EU has made great strides in the development of its European security and defence policy (ESDP) and its regional presence in the Western Balkans as a security actor. Yet the success of its police and military crisis management to date has been hampered by problems of a steep institutional learning curve over the design and implementation of missions and the decision-making structures in Brussels. This chapter analyses the design of the existing missions and asks whether they are appropriate and relevant for their effective implementation and for meeting their declared goals in the field. It shows that missions have suffered from difficulties in their design, problems in attracting appropriate personnel and issues of inter- and intra-pillar coordination, and therefore coherence. Efforts have been made to rectify some of these problems, but more needs to be done for ESDP crisis management missions to become truly effective. The stakes for the ESDP in the Western Balkans, particularly with a view to the impending rule of law mission in Kosovo, remain high.*

5.1 Introduction

Since the initiation of the European security and defence policy (ESDP) in 1999, the EU's conflict prevention and crisis response capacities have undergone significant operational and institutional developments, and have added further tools to meet the EU's political objectives in conflict prevention, crisis management and post-conflict reconstruction. ESDP is

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meant to provide the EU with the means to respond to global and regional security threats, and to enable the EU to better realise the goals it set for itself in the 2003 European security strategy. To date, the EU has undertaken no fewer than 18 ESDP operations, some of them underway, of varying nature and range.¹ The military operations in particular constitute important test cases for the EU's crisis management capabilities in carrying out operations at the high end of the spectrum of the Petersberg tasks.²

Although the geographic reach and ambition of the EU and its evolving ESDP is global rather than confined to a particular region, the Western Balkans hold a special place in European security because much of the impetus to create the ESDP came from the conflicts in former Yugoslavia during the 1990s and the EU's inability to formulate an appropriate response.³ The majority of ESDP operations have been undertaken in the Balkans, and much of the operational and institutional learning has taken place there. The stakes for ESDP remain high and the application of the lessons learnt from the operational experience of the existing missions is recognised as important in order to make further missions more effective and coherent. The Operational Programme of the Council prepared by the Austrian and Finnish presidencies in 2006 highlighted improving the coherent and complementary functioning of military and civilian means. It singled out the need for the EU's military exercise (EU Force or EUFOR Operation Althea) in Bosnia and

¹ See appendix I to this chapter. For a complete list of current and completed ESDP operations, see the Council of the European Union's website, ESDP Operations (retrieved from <http://ue.eu.int/showPage.asp?id=268&lang=en&mode=g>).

² The Petersberg tasks were defined by the Western European Union in 1992 and incorporated into the TEU (Title V, Art. 17) by the Treaty of Amsterdam in 1997. They lay the framework for three kinds of missions: humanitarian and rescue, peacekeeping and those involving combat forces in crisis management, including peacemaking.

³ For detailed analyses of EU and member state involvement in the Yugoslav conflicts see J. Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War*, New York: Columbia University Press, 1997; see also S. Lucarelli, *Europe and the break-up of Yugoslavia: A political failure in search of a scholarly explanation*, The Hague: Kluwer Law International, 2000; and also A. Danchev and T. Halverson (eds), *International perspectives on the Yugoslav Conflict*, Basingstoke: Macmillan Press, 1996.

Herzegovina (BiH) to take account of “both the wider EU presence in Bosnia and Herzegovina and the expected evolution of the international community’s involvement”.⁴ It also stated that with regard to civilian crisis management, the Council will “need to decide on transition and follow-up for those civilian operations which will come to an end”. These aspects should be part of the challenge of ‘Europeanising’ the Balkans with a view to eventual EU membership for the countries in the region,⁵ which involves policy instruments beyond the ESDP and spans the range of political and economic instruments in the EU’s toolbox.⁶

5.2 ESDP operations in the Western Balkans

Despite, or because of, the inadequate showing of the EU’s policies in the Balkans throughout the 1990s there is widespread agreement that policies towards the region present “an opportunity...a test of our commitment to the region, to a wider Europe, and to a mature common foreign and security policy”.⁷ Furthermore, the Balkans are also mentioned as a priority area in the European security strategy.⁸ Owing to the number and density

⁴ See Council of the European Union, Operational Programme of the Council for 2006 submitted by the incoming Austrian and Finnish presidencies, 16065/05, Brussels, 22.12.2005(e).

⁵ The 2003 EU–Western Balkans summit in Thessaloniki affirmed the prospects of integration and eventual EU membership for the countries in the Western Balkans. See the Declaration of the EU–Western Balkans Summit (Thessaloniki, 21 June 2003), available on the website of the Council of the European Union, 10229/03 (Press 163), (http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/misc/76291.pdf). Whereas Macedonia was granted candidate status in December 2005, BiH had negotiations with the EU on a Stabilisation and Association Agreement in January 2006.

⁶ On this point see for instance, J. Batt, “Introduction: The stabilisation/integration dilemma”, in *The Western Balkans: Moving on*, EU Institute for Security Studies, Chaillot Paper No. 70, Paris, October 2004.

⁷ See J. Solana, “The Development of the CFSP and the Role of the High Representative”, Speech given at the Institute of European Affairs in Dublin on 30 March 2000.

⁸ For the full text, see Council of the European Union, *A Secure Europe in a Better World, European Security Strategy*, presented by Javier Solana, Brussels, 12.12.2003(b) (retrieved from <http://www.iss-eu.org/solana/solanae.pdf>).

of missions in the Balkans, it is also considered a test ground for the new capabilities under the ESDP.

To date there have been five ESDP missions in BiH and Macedonia, of which three (one military, two civilian) have been completed. Three sequential missions have taken place in Macedonia. Operation Concordia (a takeover mission from NATO's Operation Allied Harmony) was the first ever ESDP military mission, which was followed by the EU Police Mission (EUPOL) Proxima, which in turn led to an EU Police Advisory Team (EUPAT) that was concluded in June 2006. On the other hand, BiH is hosting two concurrent missions. The EU Police Mission (EUPM) launched in 2003 was joined by a military operation, EUFOR Althea, at the end of 2004. Both missions are takeover missions: Operation Althea took over from NATO's Stabilisation Force (SFOR) in BiH and the EUPM took over from the UN's International Police Task Force (IPTF) (see Box 5.1).

Box 5.1 ESDP operations in the Western Balkans

Macedonia

1) Operation Concordia

First ever ESDP military operation, to contribute to the stabilisation of Macedonia

Number of troops: 350

Duration: 31 March to 15 December 2003

Cost: €6.2 million

Lead component: France

2) EUPOL Proxima

Police mission to monitor, mentor and advise the country's police

Number of personnel: 200

Duration: 15 December 2003 to 15 December 2005

Cost: €15 million per year

3) EUPAT

Police experts to monitor and mentor Macedonian police

Number of personnel: 30

Duration: 15 December 2005 to 15 June 2006

Cost: €1.5 million

Box 5.1, cont.

Bosnia and Herzegovina

4) EUPM I

Police mission to advise on police restructuring; to monitor, mentor and inspect police capacity

Number of personnel: 531

Duration: 1 January 2003 to 31 December 2005

Cost: €38 million per year

Lead components: UK, France, Germany and Italy

EUPM II

Refocused mandate to support the police reform process

Number of personnel: 198

Duration: 1 January 2006 to December 2007

Cost: €9 million per year

Lead components: UK, France, Germany, Italy, the Netherlands and Spain

5) EUFOR Operation Althea

Military operation to provide deterrence and to contribute to a safe environment

Number of personnel: 7,000

Duration: Launched 2 December 2004

Cost: €71.7 million

Lead components: UK and Germany, with major contributions from France, Italy, the Netherlands and Spain

Sources: Council of the European Union and EU Institute for Security Studies.

The engagement of the ESDP in the Western Balkans has been substantial and the operations themselves closely followed by observers. Although the speedy institutional development of the ESDP has been generally and positively acknowledged,⁹ the design and implementation of

⁹ See J. Howorth, "From Security to Defence: The Evolution of CFSP", in C. Hill and M. Smith (eds), *International Relations and the European Union*, Oxford: Oxford University Press, 2005.

these particular missions have been frequently criticised.¹⁰ The list of the missions' alleged shortcomings and inconsistencies is indeed lengthy. First, it has been argued that these missions have not been 'crisis management' missions in the traditional sense. BiH and Macedonia had been largely pacified by a sustained international presence, and in this sense were no more than a training ground for ESDP instruments. The reform projects undertaken by the police missions in BiH and Macedonia have been carrying out long-term institution-building rather than short-term crisis management tasks.¹¹ In addition, the delivery of police aid has not taken place in the expected logical sequence, in which ESDP crisis management tools are to be used first, followed by long-term Commission tools. In the case of Macedonia, for instance, the Commission had deployed a team of experts through its Rapid Reaction Mechanism, to develop a reform strategy for the Ministry of Interior (MoI) and the police well before the Proxima mission was launched.¹² This example reflects the challenges of coherence among the different EU agencies and between the first (Community) and the second (intergovernmental) pillar.

¹⁰ For a particularly damning – and therefore controversial – analysis, see International Crisis Group (ICG), *Bosnia's Stalled Police Reform: No Progress, No EU*, Europe Report No. 164, ICG, Brussels, 6 September 2005(a). At the same time, it ought to be born in mind that the EUPM was the first ESDP mission, and the planning mistakes made reflect the absence of prior experience in planning and designing missions on the part of the EU, and the still-developing institutional structures in the Council Secretariat.

¹¹ See D. Orsini, "Future of ESDP: Lessons from Bosnia", *European Security Review*, No. 29, June 2006. Yet a number of the member states' officials interviewed highlighted that the advantage of an ESDP operation lies in the fact that it carries with it political pressure, as "politicians talk to politicians rather than managers [the Commission] talking to politicians" (derived from an interview with a member state official, April 2006).

¹² Other aims of the programme included improving cooperation among law enforcement bodies in the country and developing a strategy to tackle organised crime as well as one for integrated border management. These tasks were undertaken within the 'framework nation' model and implemented under a French lead. See European Commission, *Rapid Reaction Mechanism End of Programme Report Former Yugoslav Republic of Macedonia*, Conflict Prevention and Crisis Management Unit, Brussels, November 2003 (retrieved from http://ec.europa.eu/comm/external_relations/cfsp/cpcm/rrm/Macedonia.pdf).

This experience in turn raises the question of where the disconnection lies between the aspirations of the ESDP on the one hand and the perceived insufficiencies of the actual operations on the other. Why, given the substantial investments of member states and the EU in the Western Balkans and the often-stated commitments to the region's security, do the ESDP missions appear to have fallen short of their declared goals? The detailed account of the individual missions that follows aims at answering these questions.

5.3 Macedonia

The EU's intervention in Macedonia has had a number of positive aspects. It has had a strong symbolic character for EU crisis management and has been a 'first' in several respects:

- The mediation of the 2001 crisis constituted the first time the EU made use of crisis management tools under the common foreign and security policy (CFSP) and eventually the ESDP.¹³
- It was the first time for NATO and the EU to work together on a practical level.¹⁴
- It was the first time an EU military operation (Concordia) was suggested and eventually realised under the new CFSP/ESDP framework.
- Operation Concordia was also the first ESDP military mission to put into practice the 'Berlin Plus' agreements.

The presence of international organisations – the UN, OSCE, NATO and ultimately, the EU – in Macedonia dates back to 1992, shortly after the country declared its independence in November 1991. The end of the UN Preventive Deployment Force mandate in 1998, coupled with NATO's apparent lack of interest in internal Macedonian stability, created a window for ethnic Albanian extremists to radicalise their political agenda. Stability began to unravel as members of the Albanian National Liberation Army

¹³ See C. Piana, "The EU's Decision-Making Process in the Common Foreign and Security Policy: The Case of the Former Yugoslav Republic of Macedonia", *European Foreign Affairs Review*, Vol. 7, No. 2, 2002, pp. 209–26.

¹⁴ See J. Eldridge, "Playing at Peace: Western Politics, Diplomacy and the Stabilisation of Macedonia", *European Security*, Vol. 11, No. 3, pp. 46–90, 2002.

(NLA), many infiltrating from Kosovo, staged several attacks along the ill-defined Kosovo–Macedonian border during 2000, increasingly doing so from January 2001. The EU intervened early in the crisis, successfully employing economic as well as political incentives in the resolution of the conflict, culminating with the Ohrid Framework Agreement signed on 8 August 2001.

After the launch of NATO's Operation Essential Harvest, the EU soon expressed an interest in an ESDP mission to take over from NATO, reflecting the convergence of views among member states that the EU should assume a military role in the stabilisation of the Western Balkans.¹⁵ At the Barcelona summit in March 2002, the European Council announced its willingness to take over NATO's operation in Macedonia, although the dispute between Greece and Turkey over EU access to NATO assets led to delays.¹⁶ After the EU and NATO reached the Berlin Plus agreements, giving the EU access to NATO assets for crisis management, EU foreign ministers formally approved the first EU military mission in Macedonia. The EU had been present on the ground before the launch of Operation Concordia through the office of the EU special representative (EUSR),¹⁷ the European Commission Delegation and a number of missions in the field.

¹⁵ Derived from an interview with an EU official in Brussels, June 2005. As for the exact timing, interest in an ESDP mission arose during the Swedish presidency in the first half of 2001 and therefore during the crisis itself (derived from an interview with member state official, September 2006).

¹⁶ See A. Missiroli, "EU-NATO cooperation in crisis management: No Turkish Delight for ESDP", *Security Dialogue*, Vol. 33, No. 1, pp. 9–26, 2002.

¹⁷ The post of EUSR was established in June 2001, and was initially held by the former French Minister of Defence, Francois Léotard, who was replaced in October 2001 by Alain Leroy, another Frenchman. There have been four EUSRs to FYROM since then: Alexis Brouhns (from 30 September 2002); Søren Jessen-Petersen (from 26 January 2004), Michael Salin (from 12 July 2004) and Erwan Fouéré (from 17 October 2005) (see Council of the European Union, Joint Action 2006/49/CFSP of 30 January 2006 appointing the European Union Special Representative in Bosnia and Herzegovina, OJ L 26, 31.01.2006). Erwan Fouéré, the former Head of the Commission Delegation in Skopje, is 'double-hatted' as the EUSR and the Head of Delegation in an effort to improve the coordination of instruments and coherence on the ground.

These included the EU Monitoring Mission (EUMM) and various long-term projects carried out by the Commission to aid police reform.

Concordia's launch was helped by improving political conditions on the ground, particularly the outcome of the September 2002 elections, which brought the Albanian party, the Democratic Union for Integration (DUI), into the government, and the EU's increasing engagement through the Stabilisation and Association Agreement in 2001, which later in 2005 culminated in the granting of EU candidate status to Macedonia.¹⁸ The application for EU membership submitted by Macedonia on 22 March 2004 and the granting of EU accession status to the country in December 2005 contributes to internal stability, as the prospect of EU integration secures the commitment and the motivation by local politicians to pursue reform policies and efforts for the peaceful coexistence of the main ethnic groups.

Military mission – Operation Concordia. Concordia was launched on 31 March 2003¹⁹ and it completed its mission on 15 December 2003. Its mandate was to ensure the follow-on to NATO's Operation Allied Harmony and to contribute further to a stable, secure environment and to allow the implementation of the August 2001 Ohrid Framework Agreement. Concordia made use of NATO assets based on the Berlin Plus agreements. France initially acted as the 'framework nation' of the 357-strong force from EU member states and non-member countries until EUFOR Concordia took over the responsibilities at Force Headquarters level as of 1 October 2003.²⁰ With Concordia, the EU assumed the tactical-operational part of Allied Harmony, while NATO kept an advisory role. General Rainer Feist (German) assumed the task of EU Operational Commander while the first EU Force Commander, Major General Pierre Maral (French), was replaced by General Luis Nelson Ferreira dos Santos

¹⁸ See ICG, *EU Crisis Response Capabilities Revisited*, Background Report, ICG, Brussels, 17 January 2005(b).

¹⁹ See Council of the European Union, Decision 7537/03 relating to the launch of the EU Military Operation in the former Yugoslav Republic of Macedonia, Brussels, 18.03.2005(b).

²⁰ See also G. Grevi, D. Lynch and A. Missiroli, *ESDP Operations*, EU Institute for Security Studies, Paris, 2006.

(Portuguese) in September 2003. Operation Concordia in Macedonia had the same operational mandate as Allied Harmony and in essence was a practice mission for ESDP.

By and large, Concordia had a positive impact on local conditions and constituted a test of the EU's ability to undertake a military mission and to develop operating procedures. This was important also with a view to the EU's subsequent takeover of NATO's SFOR in BiH. Concordia's presence enabled the Macedonian government to concentrate on reforms and demonstrated international/EU support for the political process and legitimate institutions in the country. In terms of improving the social and economic situation of the country, civil-military cooperation projects in the former crisis areas helped the operation establish relationships with the local population and raised the EU's profile as a security actor.²¹ This aspect was particularly important in light of concerns that the local, particularly Albanian, population had preferred to have NATO soldiers remain.²²

There were some operational difficulties in implementing Concordia's mandate. These included problems with information sharing, a cumbersome reporting chain, a NATO-EU division of labour that sent different messages to the host government and disagreements over what border management required – with NATO advocating military and the EU civilian instruments.²³ As for the chain of command, there arose a controversy over the role of NATO's regional headquarters, AFSOUTH. Some member states suggested that its role had not been agreed in the original joint action and “amounted to a manipulation of the EU chain of command”,²⁴ whereas others did not take issue with this. There were no

²¹ See the article, “Concordia Soldiers Improve Relationship with Community”, EUFOR Concordia News, 15 September 2003 (retrieved 05.05.2006 from <http://www.delmkd.cec.eu.int/en/Concordia/news2003-09-15.htm>).

²² See I. Yusufi, “Europeanizing the Western Balkans through Military and Police Missions: The Cases of Concordia and Proxima in Macedonia”, *European Balkan Observer*, Vol. 2, No. 1, May 2004, p. 8.

²³ *Ibid.*

²⁴ See G. Quille, *ESDP takes over from NATO: Operation ALTHEA, coherent, effective and democratically accountable?*, ISIS European Security Review No. 24, ISIS Europe, Brussels, October 2004.

violent incidents on the ground,²⁵ although as a member state official stated, “it was pure luck that nothing serious happened”.²⁶

Mindful of the continued reliance on the EU/NATO security presence in Macedonia, an EU assessment of security developments in Macedonia concluded that an international military presence was no longer needed, but that further measures were necessary to establish the rule of law in the former crisis areas. Remaining security problems included the proliferation of arms, a weak coalition government, territories in ethnic Albanian-dominated areas beyond the control of law enforcement and lack of trust in the police among the public. Nevertheless, the Macedonian government preferred not to have a heavy-handed military presence in the country, which might jeopardise its applications for NATO/EU membership, although ethnic Albanians supported a continued security presence. These factors led to the creation of EUPOL Proxima, the second ESDP police mission after the EUPM in BiH.

Police mission – EUPOL Proxima. The Proxima mission was launched on 15 December 2003 following an invitation by Macedonia's Prime Minister Branko Crvenkovski to Secretary General/High Representative Javier Solana, and was completed on 14 December 2005. It consisted of around 200 police officers. Its aim was to support the consolidation of law and order, with an emphasis on monitoring and mentoring. It focused on several sensitive areas: the fight against organised crime, the comprehensive reform of the MoI, including the police; the creation of a border police, as a part of the wider EU effort to promote integrated border management; confidence-building among the local population in the local police; and enhanced cooperation with neighbouring states in the field of policing.²⁷

Proxima's police experts were co-located at senior levels of management in over 20 locations in northwest Macedonia, where fighting had taken place in the first half of 2001. An imprecise mission statement and the ambitious number of projects coupled with a short planning phase

²⁵ Ibid.

²⁶ Derived from an interview in Brussels, October 2005.

²⁷ See Council of the European Union, Joint Action 2003/681/CFSP of 29 September on the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL 'Proxima'), OJ L 249, 01.10.2003(c).

meant that Proxima was at first inefficient because of delays in the build-up phase, the slow delivery of police resources (which included personnel as well as equipment) and management deficiencies. Recruitment, a recurring constraint in the EU's civilian crisis-management operations, came to haunt Proxima as well, and the provision of personnel by the contributing member states saw delays and shortfalls. Moreover, the mission got off to a slow start as the first three months constituted a build-up and assessment phase rather than the launch of projects. These shortcomings illustrate the problems of coordination with other EU actors present in Macedonia, since the Commission had been assisting structural changes at the MoI prior to the launch of Proxima. Indeed, inter-institutional cooperation between the first and second pillars was contentious, with the divergence of goals between the Commission and the Council. This friction has compromised the impact and effectiveness of EU programmes in general – an issue that goes beyond this particular ESDP operation. Specifically in Macedonia, however, the Council decision to double-hat, as of 1 November 2005, the head of the European Commission Delegation and the EUSR as one EU representative, who liaises with both institutions in Brussels, has gone some way to alleviate this confusion.

These inefficiencies led to a mid-term review to revise the operational mandate. Co-location was expanded. The work schedule was streamlined to 5 programmes and 28 projects, increasing the emphasis on organised crime while downgrading the focus on ethnic conflict and policing. In addition, a benchmarking system replaced the ad hoc basis on which activities had been organised in the first year of Proxima's mandate. The benchmarking document, which had been endorsed by the MoI prior to the extension of the mission, also provided a political tool to aid the implementation of reforms.²⁸ When Proxima was extended for a second year, the mission additionally covered a wider geographical area. The number of Proxima officers was reduced to 140, in part on account of difficulties in recruitment by the member states, and in part on account of political pressure from the Macedonian government for the EU to reduce its security presence in the country. This change also reflected the tensions

²⁸ See I. Ioannides, "EU Police Mission *Proxima*: Testing the 'European' Approach to Building Peace", in A. Nowak (ed.), *Civilian Crisis Management: The EU Way*, Chaillot Paper No. 90, EU Institute for Security Studies, Paris, June 2006.

between the political objective to limit the duration of the mission and a situation on the ground that, in the view of some member states, would have benefited from a longer ESDP presence.²⁹

In terms of the mission's aim of improving the policing environment, there were some achievements. Ethnic Albanian representation was boosted, officers were trained and multi-ethnic controls were deployed. The MoI assumed full responsibility for the border police, having established a Police Academy and an Organised Crime Unit along with a Rescue Directorate. It also organised community-based outreach mechanisms to encourage citizen engagement. On the management side, it produced strategic and action plans, drafted the Law on Police and an operational plan for assisting regional police chiefs, and set up an internal Professional Standards Unit (PSU).³⁰ On the downside, internal oversight and the functioning of the two units within the MoI that are supposed to deal with it – the Organised Crime Unit and the PSU – as well as attempts to address institutional dysfunction have been modest.³¹ And, organised crime remains a problem that Proxima has not been able to fix.

EU Police Advisory Team. EUPAT began on 15 December 2005 and had a specified duration of six months. Its aim was to support the development of an efficient and professional police service based on European standards of policing and to monitor and mentor the country's police on priority issues in the fields of border policing, public peace and order, public accountability, and the fight against corruption and organised crime.³² About 30 police advisers were to give attention to the overall implementation of police reform in the field, police-judiciary cooperation

²⁹ Derived from an interview with a member state official, April 2006. Approximately one-third of EU member states were in favour of continuing the ESDP operation.

³⁰ See ICG, *Macedonia: Wobbling toward Europe*, Europe Briefing No. 41, ICG, Skopje and Brussels, 12 January 2006.

³¹ *Ibid.*

³² See Council of the European Union, Joint Action 2005/826/CFSP of 24 November 2005 on the establishment of an EU Police Advisory Team (EUPAT) in the former Yugoslav Republic of Macedonia (FYROM), OJ L 307/61, 25.11.2005(d).

and professional standards/internal control. The exercise was essentially a bridging operation, awaiting the launch of a Commission police reform project.

5.4 Bosnia and Herzegovina

Given the legacies of the war in Bosnia the mid-1990s, BiH remains a major political focus for the EU. The Dayton Agreement of 1995 recognised the Federation of Bosnia and Herzegovina as well as the Republika Srpska (RS) as two entities under a tri-partite presidency. The hope was that over time, nationalist politics would fade and a more pluralistic party system would develop. But, 12 years after Dayton, political life is still led by three nationalist parties and there is mistrust between the two entities, which hampers the creation of common institutions and multi-ethnic parties.

International and EU support, particularly in the person of the high representative,³³ has been crucial to sustain the unity of the state. The creation of single state-level structures has been a laborious process, however. A common currency and a Central Bank were not established until 1998. Reforms of the internal security and judiciary institutions have been induced in large part through international pressure. These reforms have led to the restructuring of the police and the creation of the Ministry of Security, the State Information and Protection Agency (SIPA), the State Border Service (SBS), the Intelligence and Security Agency and the State Court. The Ministry of Defence was established in 2004.

Two EU missions have been launched in BiH. These operate concurrently and illustrate the complexity of successfully coordinating active civilian and military operations within the same institutional structure.

Police mission – EUPM. The EUPM, the first ever ESDP mission, was launched on 1 January 2003 “to establish [a] sustainable, professional and

³³ Paddy Ashdown had since 2002 also acted as the EU Special Representative. He was succeeded by Christian Schwarz-Schilling on 30 January 2006, who was appointed EU Special Representative in Bosnia and Herzegovina (see Council of the European Union, Joint Action 2006/49/CFSP of 30 January 2006 appointing the European Union Special Representative in Bosnia and Herzegovina, OJ L 26, 31.01.2006).

multiethnic police service operating under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards".³⁴ This aim is to be accomplished through monitoring, mentoring and inspection activities at the level of mid- to senior management. Importantly, like Proxima in Macedonia, the EUPM is a non-executive mission and has no armed component.³⁵ Some 531 police officers from EU member states and non-member states participate, together with about 400 support staff. Strategic priorities of the initial EUPM mission (EUPM I) were organised crime, the security of returning refugees and the development of police institutions. The mission has since been extended until the end of 2007 under a revised mandate (EUPM II).³⁶

Four primary objectives were identified for EUPM I. These included the development of police independence and accountability, the fight against organised crime and corruption, the financial viability and sustainability of the local police, and institution- and capacity-building.³⁷ These objectives were pursued through seven main programme areas: crime police, criminal justice, internal affairs, police administration, public order and security, the SBS and the SIPA. These seven programme areas translated into some forty projects. The complexity of BiH's political arrangements made these tasks daunting. The co-location of EUPM police officers extended to the levels of state (the BiH Ministry of Security, Interpol, SIPA and SBS) and the entities (the MoI, Police Academy, cantonal police of the Federation, cantonal police and public security centres/stations of the RS and the Brcko district police).³⁸

³⁴ See Council of the European Union, Joint Action 2002/210/CFSP of 11 March 2002 on the European Police Mission, OJ L 70, 13.3.2002.

³⁵ In contrast with the UN police mission in Bosnia that had preceded the EUPM, the EUPM can refer to the high representative for the removal of non-compliant officers – a tool that has rarely been used, however.

³⁶ See Council of the European Union, Joint Action 2005/824/CFSP of 24 November 2005 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), OJ L 307, 25.11.2005(d).

³⁷ See the European Union Police Mission in Bosnia and Herzegovina (EUPM), *PPIO Review 2003: The first year*, EUPM, Sarajevo, 2003 (retrieved 06.05.2006 from www.eupm.org/Documents/PPIO%20Review%202003.pdf).

³⁸ *Ibid.*

The political environment was not conducive to comprehensive police reform with the RS and Federation police forces “worlds apart”.³⁹ As a result, there ensued severe criticism of EUPM I, including assertions that its mandate was premature, that a public administration rather than police reform would have been called for and that EUPM I had underestimated the task in terms of both size and complexity.⁴⁰

The first difficulty in drafting the mandate stemmed from the ESDP takeover from the UN police mission.⁴¹ The EU believed that the UN had finished the job, and indeed the UN personnel took their records with them, making a break in continuity and the transfer of information.⁴² The mandate focused on assistance to the local police, rather than on operations. The view was that an ESDP police mission should not be of an executive nature.⁴³ Yet there was no effective policing environment. Consequently, a monitoring mandate with a focus on local ownership was premature, and the overall goal of this ESDP operation was too optimistic to be realistic. The prevailing mood of institutional competition, requiring that the ESDP operation be ‘different’ from the earlier UN mission, further hampered the definition of an adequate mandate.⁴⁴

The operational impact and the implementation of the mandate of EUPM I were criticised on several points, including the ill-coordinated timing of decision-making processes for the different EU instruments, an over-long planning process of eight months along with continued procurement and programme development delays well into 2004, and insufficient follow-up between Brussels and the headquarters in Sarajevo. There were also problems associated with receiving quality personnel in a timely manner and an insufficiently proactive stance by the head of mission

³⁹ See Council of the European Union, Office of the High Representative, Speech by Senior Deputy High Representative Ambassador Dr Martin Ney given at the European Union Presidency Seminar on Security Sector Reform in the Western Balkans, 13 February 2006.

⁴⁰ See ICG (2005a), *op. cit.*

⁴¹ Derived from an interview with a member state official in Brussels, April 2006.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

in interpreting the mandate or in driving local police reform.⁴⁵ Furthermore, the inspection part of the mandate received emphasis only in late 2004 and mission personnel were not always appropriate for the given task.⁴⁶ The Council's review of the first 100 days of the mission⁴⁷ subsequently identified additional operational weaknesses: the lack of premises for the SIPA headquarters, problematic communication between the EUPM headquarters and personnel in the field, lack of full deployment and a disruptive first rotation, and lack of advance planning for a media strategy.

The working relationship between the police and military missions has represented another difficulty, with their partially overlapping responsibilities. The EUFOR's robust approach to the fight against organised crime undermined the EUPM's efforts to promote local ownership, despite the fact that there was a need for EUFOR to step in to compensate for the EUPM's weak mandate. There were also difficult interpersonal relationships between the two mission heads. Although regular joint meetings were instituted in 2005, more remains to be done at the policy level in Brussels.⁴⁸

On the plus side, there are some results. At the beginning of 2003, the EUPM and the High Representative/EUSR Paddy Ashdown established the SIPA as an important law-enforcement element required to fight organised crime across the country. The European Commission's feasibility study of November 2003 required BiH to develop state-level law enforcement agencies. SIPA has among its priorities the collection, analysis and dissemination of information and intelligence. The Agency has signed several important Memoranda of Understanding with other BiH law

⁴⁵ Ibid. See also S. Penksa, "Beyond Regional Security to International Peacebuilding: The Case of the EU Police Mission (EUPM) in Bosnia and Herzegovina", Paper presented at the 47th International Studies Association (ISA) Annual Convention, San Diego, 22–25 March 2006(a).

⁴⁶ For example, no civilian experts were included, and the reform programme was not appropriate for young police officers.

⁴⁷ See Council of the European Union, *A Review of the first 100 days of the EU Police Mission in Bosnia and Herzegovina (EUPM)*, 11760/03, Council Secretariat, Brussels, 23.07.2003(a).

⁴⁸ Ibid.

enforcement agencies on the entity and cantonal levels. The financial intelligence department of SIPA has frozen €555,000 in 67 bank accounts. The department is investigating cases in which the sums involved total around €6.6 million. The war crimes investigation centre of SIPA gathered intelligence that led to the arrest of one person indicted by the International Criminal Tribunal for the former Yugoslavia. There are 63 other cases under investigation. Three persons have been arrested for being involved in human trafficking and nineteen cases linked to terrorism are being investigated.⁴⁹

In addition, the revisions made to the mandate of EUPM II reflect a number of lessons learned. Improvements in the decision-making structure⁵⁰ and the creation of Civilian Response Teams⁵¹ should mean improved implementation and planning in the future. The size of the mission has been reduced and the mandate has been strengthened.⁵² The EUPM's leading responsibility in relation to the EUFOR in the fight against organised crime has been made clear. While still having a non-executive mandate, EUPM II now has planning and inspection powers, which are more easily acceptable to BiH leaders while allowing more oversight by EUPM II personnel.⁵³ Nevertheless, the problems of recruiting qualified personnel and defining European standards of policing persist. Although EUPM II is more appropriate than EUPM I, the underlying challenge of policy coherence among the individual policy instruments remains.

Military operation – EUFOR Althea. The takeover by the EU from NATO of the stabilisation tasks in BiH was intended to demonstrate that the EU could take responsibility for such a mission, and in particular to

⁴⁹ For further information, see the EUPM website (www.eupm.org).

⁵⁰ In the mandate, this refers in particular to having EUPM II take the lead “in the coordination of policing aspects of the ESDP efforts in the fight against organised crime, without prejudice to the agreed chains of command” (refer to Council of the European Union, Joint Action 2005/824/CFSP of 24.11.2005(c), *op. cit.*).

⁵¹ For more detail, see Council of the European Union, General Secretariat, “Civilian Headline Goal 2008”, in *Multifunctional Civilian Crisis Management Resources in an Integrated Format – CIVILIAN RESPONSE TEAMS*, 10462/05, Brussels, 23.06.2005.

⁵² Refer to Office of the High Representative (2006), *op. cit.*

⁵³ Derived from an interview with a member state official in Brussels, May 2005.

show the 'value added' of an EU approach that could combine civilian and military missions.⁵⁴ When it was announced at the 28–29 June 2004 NATO summit in Istanbul that the EUFOR would replace the SFOR by the end of the year, it was argued that the motives “had less to do with the real security situation in that country than with EU eagerness to bolster its credibility as a security actor and US desire to declare at least one of its long-term military deployments [was] successfully over”.⁵⁵ And indeed, Javier Solana's explicitly stated goals for the EUFOR was that it be “new and distinct” and “make a difference” while at the same time continuing the SFOR's key military tasks.⁵⁶

Operation Althea was launched on 2 December 2004 to fulfil the role specified in Annexes 1.A and 2 of the Dayton Agreement and thus to contribute to a safe and secure environment in BiH by providing deterrence and reassurance. The end of the mission is to be decided by the Council. The largest mission to have been launched by the EU, it includes 7,000 troops from EU member states as well as non-member countries.⁵⁷ Troop levels have thus remained the same, with Finland replacing the US troops. General John Reid was appointed Operation Commander, and Major General David Leakey was appointed EU Force Commander.⁵⁸ The EU and NATO headquarters are co-located. The executive military mandate is interpreted as working to i) apply pressure on criminal networks, ii) enhance the capacity of and provide direct assistance to the BiH law

⁵⁴ Derived from an interview with a member state official, June 2005.

⁵⁵ See ICG, *EUFOR: Changing Bosnia's Security Arrangements*, Europe Briefing No. 31, ICG, Sarajevo and Brussels, 29 June 2004.

⁵⁶ See D. Leakey, “ESDP and Civil/Military Cooperation: Bosnia and Herzegovina, 2005”, in A. Deighton (ed.), *Securing Europe? Implementing the European Security Strategy*, Zürcher Beiträge zur Sicherheitspolitik Nr. 77, ETH Zürich, Center for Security Studies, Zurich, 2006.

⁵⁷ The EU has since decided progressively to reduce the size of EUFOR, eventually to retain about 2,500 troops in the country (see the EUFOR website, <http://www.euforbih.org/index.html>).

⁵⁸ General Leakey was replaced by Major-General Gian Marco Chiarini on 6 December 2005. Since December 2006, Rear Admiral Hans-Jochen Witthauer has been Commander of EUFOR.

enforcement services, and iii) change attitudes by demonstrating that organised crime networks are not invincible.⁵⁹

EUFOR Althea has established credibility for the EU's ESDP and visibility through information campaigns and the collection and destruction of weapons.^{60, 61} There are nonetheless complicated issues of coordination and overlap with NATO, which retains a role to assist with defence reform. There is also overlap between the EUFOR and EUPM. Owing to lagging police reform, military capabilities have to be used to support law enforcement authorities. Police operations to tackle organised crime would have required an executive mandate, which EUPM has not possessed. EUFOR Althea was thus given a role that its commanders have considered neither the EUFOR's job nor its core mission.⁶²

5.5 Conclusions

Although both countries had been pacified by the time of the launch of the ESDP crisis management missions, there were considerable differences affecting the success and implementation of the missions on the ground. The operations in Macedonia have benefited from a relatively stable political situation, a weak but largely functioning state and a broad consensus on the part of the elite over the goal to join the EU, which has given the EU political leverage in driving political reform. The situation in BiH is more complicated. There, a de facto protectorate situation with dysfunctional political institutions has considerably complicated the work of the ESDP missions, in addition to the EU's general image problem on account of its inaction during the 1990s. Despite these differences, the analysis of the missions to date yields some similarities.

⁵⁹ Refer to Office of the High Representative (2006), op. cit.

⁶⁰ For a list of operations undertaken within the framework of EUFOR Althea, see the EUFOR website article "Operation ALTHEA" (retrieved from <http://www.euforbih.org/history/history.htm>).

⁶¹ See Council of the European Union, "ESDP in action: Supporting Bosnia on the way to the EU – Interview with Major General David Leakey, Commander of the stabilisation force (EUFOR)", ESDP Newsletter, No. 1, December 2005(a).

⁶² Derived from an interview with a member state official in Brussels, May 2006.

The missions in Macedonia fulfilled a number of important functions in the construction of the ESDP as well as in the lessons learned for the future. Operation Concordia established and tested the ESDP military structures and established the EU as a security actor in the region.⁶³ Proxima offered useful lessons in the planning of a mission as well as in questions pertaining to the chain of command and overall political oversight. The mandate of the Proxima mission showed too much ambition, however, and not enough realism over what was possible on the ground. The EUPAT exercise illustrated the tensions between the objective of local ownership and the pursuit of effective security-sector reform, and of coordinating first and second pillar instruments. The fragmented nature of the EU's presence in Macedonia (represented by the head of the ESDP mission, the EUSR, the head of the Commission Delegation and the European Agency for Reconstruction) led to charges of poor coordination among these EU actors.⁶⁴ But the double-hatting of the EUSR and the European Delegation head decided in late 2005 has gone some way in rectifying this.

The Bosnian missions also fulfilled the roles of putting the European Union on the map as a regional security actor, and of improving the actual policing and security environment. Still, the concurrent police and military missions have not been entirely appropriate for the task at hand. The mandate of EUPM I was not strong enough for the conditions on the ground. Combined with personality problems, this meant that EUPM I was not able to carry out the functions for which it was created. EUFOR Althea, on the other hand, has been faced with having to fill in for the EUPM's operational weaknesses in fighting organised crime, even if the military is not the best instrument for doing so, as recognised by members of the EUFOR themselves.⁶⁵ A strengthened EUPM II mandate as well as

⁶³ It also did so in Brussels – as the first ESDP military mission it served to familiarise/socialise EU institutions with military procedures and components. Derived from an interview with a member state official on 22 May 2006.

⁶⁴ See I. Yusufi, "EU Police Missions: From Conflict Management to Institution Building in the Western Balkans", unpublished manuscript, EU Institute for Security Studies, Paris, 2005.

⁶⁵ Derived from an interview with a member state official in Brussels, May 2006.

personality changes within both the EUPM and EUFOR Althea stand to improve implementation in the future.⁶⁶

Three main shortcomings emerge from this experience in the Western Balkans and need to be addressed in order to improve the coherence and effectiveness of future missions.

Recruitment and training of personnel. The police missions in both BiH and Macedonia have flagged the need for improving the recruitment of appropriate personnel, given shortfalls in national secondments for these civilian crisis-management operations. The EU requires experts with specialised as well as field expertise for its operations. The establishment of Civilian Response Teams, with the initial goal of a cadre of up to 100 national experts who can be rapidly deployed, represents a first step towards addressing the problems of appropriate personnel. But, if the number and the range of ESDP operations continue to increase, this cadre will have to expand, which may conflict with member states' priorities for their home needs. In addition, planning could be enhanced by bringing together experts with field experience from ESDP operations when designing future ones, and so add to the availability of expertise, institutional memory and the lessons-learned process.⁶⁷

Institutional coherence. The analysis of operations to date has highlighted problems of coherence among various EU instruments. At the level of personnel, the double-hatting of the EUSR and the head of the Commission Delegation has alleviated some coordination problems in Macedonia.⁶⁸ In BiH, the position of High Representative (who is also the EUSR in BiH) will be phased out by mid-2008. But, unlike in Macedonia, the Commission's Delegation and the EUSR in BiH will continue to be headed by two different officials. At the level of mandates, there has been

⁶⁶ Derived from an interview with a member state official in Brussels, May 2006.

⁶⁷ See S. Penksa, *Policing Bosnia and Herzegovina 2003–05: Issues of Mandates and Management in ESDP Missions*, CEPS Working Document No. 255, CEPS, Brussels, 2006(b).

⁶⁸ The case-by-case decision on 'double-hatting' and the appointment of one EUSR double-hatted as head of the European Commission Delegation so far illustrates the reluctance on the part of some member states to "introduce features of the Constitution through the backdoor". Derived from an interview with a member state official in Brussels, May 2006.

the problem of military missions having to fill in for the weaknesses of the police missions. The revised mandate of the EUPM in BiH has been strengthened, however, as has been the EUSR's coordination role, while cooperation between the EUPM and the Commission Delegation has worked quite well. Coordination between the two pillars is now pursued through monthly meetings with the operational EU actors (the EUFOR, EUPM, EUMM, the Commission and presidency). But the organisational processes and cultures of the first pillar are not always coordinated with those of the second.

The integration–stabilisation dilemma. Lastly, the individual missions have also exposed tensions between the political goal of fostering local ownership and the drive to secure effective security-sector reform. Although integration into the EU represents the end-goal for all Western Balkan states, this objective should not override the needs of stabilisation to the point of mission designs that are inappropriate for the local environment. BiH has to become less reliant on direct intervention and more focused on assistance for the authorities to undertake reforms themselves. Yet the experience with the EUPM illustrates that a more robust role of oversight, even if falling short of an executive mandate, would have increased the effectiveness of the first mission and pre-empted the changes to the mandate made in 2005. Similarly, the switch from military to police missions in Macedonia was determined not so much by conditions on the ground, as by political considerations relating to Macedonia's quest for EU accession prospects. While there are no easy solutions to the integration–stabilisation dilemma, experience to date has shown that the EU's political judgment on this account has not always been sufficiently attuned to the local political context in the country in question.

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Appendix I. Current and completed ESDP missions as of May 2007

Europe

Western Balkans

Military operation in Macedonia (Operation Concordia), 2003, *completed*

Police Mission in Macedonia (EUPOL Proxima), 2003-05, *completed*

Police Advisory Team in Macedonia (EUPAT), 2005-06, *completed*

Police Mission in BiH (EUPM I), 2003-05, *completed*

Military operation in BiH (EUFOR Operation Althea), 2004-

Police Mission in BiH (EUPM II), 2006-December 07

Police Mission in Kosovo, 2007- (*at the planning stage*)

Moldova and Ukraine

Border Assistance Mission to Moldova and Ukraine, 2005-

South Caucasus

Rule of Law Mission in Georgia (EUJUST Themis), 2004-05, *completed*

South-East Asia

Aceh Monitoring Mission (AMM), 2005-06, *completed*

Afghanistan

Police Mission (EUPOL Afghanistan), 2007- *launched on 17 June*

Middle East

Police Mission in the Palestinian Territories (EUPOL COPPS), 2006-

Border Assistance Mission in Rafah, Palestinian Territories (EU BAM Rafah), 2005-

Rule of Law Mission for Iraq (EUJUST LEX), 2006-

Africa

Military operation in DR Congo (EUFOR Operation DR Congo), 2006-

Police Mission in Kinshasa (EUPOL Kinshasa), 2004-

Security-sector reform mission in DR Congo (EUSEC DR Congo), 2005-

Support to AMIS II Darfur, 2006-

Military operation in DR Congo (Operation Artemis), 2003, *completed*

Source: Council of the European Union.

GLOSSARY

BiH	Bosnia and Herzegovina
CAFAO-MAK	Customs and Fiscal Assistance Office to Macedonia
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CFSP	Common foreign and security policy
CIVCOM	Committee for the Civilian Aspects of Crisis Management
CMCO	Civil–military coordination
CMPs	Crisis management procedures
CRCT	Crisis Response Coordination Teams
CRTs	Civilian Response Teams
DFID	Department for International Development (UK)
EAR	European Agency for Reconstruction
ECJHT	European Commission Justice and Home Affairs Mission to Macedonia
ECPRP	European Commission Police Reform Project
ESDP	European security and defence policy
EUFOR	EU Force
EUJUST Themis	EU Rule of Law Mission in Georgia
EUMM	EU Monitoring Mission
EUPAT	EU Police Advisory Team
EUPM	EU Police Mission in Bosnia and Herzegovina
EUPOL Proxima	EU Police Mission in Macedonia

EUSR	EU special representative
FYROM	Former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
ICITAP	International Criminal Investigative Training Assistance Programme (US)
IMF	International Monetary Fund
IOM	International Organisation for Migration
IPTF	International Police Task Force in Bosnia (UN)
JHA	Justice and home affairs
KFOR	Kosovo Peace Implementation Force (NATO)
MoI	Ministry of Interior (Macedonia)
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Cooperation in Europe
PHARE	<i>Pologne, Hongrie Assistance à la Reconstruction Economique</i> (EU programme that has since been extended to countries in the Western Balkans)
Proxima	EU Police Mission in Macedonia (see also EUPOL Proxima)
REFLEX	Task force to tackle human trafficking in South-Eastern Europe (UK)
RRM	Rapid Reaction Mechanism
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SBS	State Border Service (Bosnia and Herzegovina)
SFOR	Stabilisation Force in Bosnia (NATO)
SIPA	State Investigation and Protection Agency (Bosnia and Herzegovina)
TEU	Treaty on European Union
UNDP	United Nations Development Programme
USAID	US Agency for International Development
WEU	Western European Union

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