

Policing Bosnia and Herzegovina 2003-05

Issues of Mandates and Management in ESDP Missions

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Abstract

The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) represents a watershed development for the EU and its emerging European Security and Defence Policy (ESDP). Never before has the EU organised and managed this type of stabilisation programme. In some ways, the launching of EUPM defined a new stage in the evolution of the EU itself, and certainly of the ESDP. An examination of the implementation of the EUPM in 2003-06 and the current planning for an EU mission in Kosovo suggests that a process of institutional change and learning has occurred among EU and national officials. At the same time, it is apparent that significant improvements are still necessary in the coordination between and within EU pillars as they relate to ESDP operations. To that end, this study focuses on five important challenges revealed by EU field operations in BiH: mission mandates; personnel expertise, recruitment and training; program design, implementation and assessment; reporting and decision-making procedures and structures; and the functions of EU representatives in the field (EU Special Representatives, Commission Head of Missions and Member States). Lastly, it also suggests the means to materially improve EU crisis response, paying special attention to lessons learned during the first EUPM and from EU efforts to address organised crime in BiH.

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POLICING BOSNIA AND HERZEGOVINA 2003-05

ISSUES OF MANDATES AND MANAGEMENT IN ESDP MISSIONS

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1. Introduction

The European Security and Defence Policy (ESDP) is an extension of the Common Foreign and Security Policy (CFSP) of the European Union and, as such, it permits the EU to undertake missions with explicit security and defence objectives as part of a multifaceted EU strategy of conflict prevention, security enhancement and post-conflict reconstruction.¹ ESDP missions can provide the EU with rapid and collective responses to global or regional security threats, complementing and supporting the range of ‘soft power’ tools already in the EU toolbox, and enabling the EU to better meet the goals it set for itself in the 2003 *European Security Strategy*.²

Since ESDP became operational in 2003, the EU has completed four operations and there are currently eleven ESDP missions ongoing.³ In addition, on 10 April 2006, the Council (2006b) established an EU Planning Team (EUPT Kosovo) for Kosovo, in anticipation of a future EU civilian operation in Kosovo. While many of the ESDP operations have been small and focused, the range and scope of missions is noteworthy, especially considering that the EU structures for ESDP did not even exist until 2002.

With missions in the Middle East, Asia and Africa, ESDP is no longer limited to the Balkans, its immediate neighborhood. The EU has solidified its position as a global provider of security. In the case of Bosnia and Herzegovina (BiH), the complete range of EU instruments – Pillar 1 and Pillar 2, civilian and military – are deployed and thus make the lessons identified there of great relevance to future operational planning in the area of full-spectrum EU crisis response.⁴ BiH, admittedly, is unique given the special status of the Office of the High Representative (OHR) and the extent to which the international community is present in the country. ESDP operations in BiH function in a relatively safe and benign post-conflict environment, which may not be the case for ESDP operations that are deployed in the middle of a genuine crisis scenario. And both ESDP operations in BiH are successor missions: EUPM took over from the United Nations police mission (IPTF) while EUFOR replaced NATO’s military mission (SFOR).

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¹ Notable studies of CFSP/ESDP include publications by Bono (2004); Carlsnaes et al. (2004); Ginsberg (2001); Jorgensen (2004); Keane (2005); Koenig-Archibugi (2004); Marsh & Mackenstein (2005); Menon (2004); Nutall (2000); Smith (2003); Smith (2004); Treacher (2004) and White (2004).

² See Council (2005e; 2006d) for recent *European Council Presidency Reports on ESDP*.

³ The website of the European Union, (www.europa.eu.int) provides a detailed list of ESDP operations.

⁴ The EU endorsed a ‘Comprehensive Policy’ for BiH as part of its implementation of *The European Security Strategy* (see Council, 2004a).

This analysis focuses on the European Union Police Mission (EUPM) and its relationship to the other EU instruments in BiH (EUFOR, OHR/EUSR and the European Commission).⁵ This is important for several reasons. First, EUPM was the *first* ESDP operation. Its initial mandate was extended and revised for an additional two-year period, so EUPM has already completed a three-year mission. An analysis of the experience of EUPM allows an assessment about the degree to which the EU is becoming a more effective, coherent security actor, especially in post-conflict situations where more than one international actor operates and where there is more than one EU mission deployed in the field. The issue is not whether the EU is becoming a global security actor. It is already a foreign, security and defence actor, albeit one with certain capability limitations.⁶

Second, while there are analyses that chronicle the evolution of ESDP and EU crisis response, there are few case studies of ESDP field operations and even fewer analyses which connect operational developments in the field with the centres of decision-making power in Brussels and the national capitals (Hansen 2004; Merlingen & Ostrauskaite, 2005; Nowak, 2006; Osland, 2004). The implementation procedures of ESDP are under-studied.⁷

Third, given that policing is one of the priority areas of the Civilian Headline Goal, and that civilian ESDP missions have been increasing, EUPM-type missions are likely to continue.⁸ Currently, there are three EU police missions: in the Democratic Republic of Congo (EUPOL Kinshasa), in the Palestinian territories (EUPOL COPPS) and in BiH (EUPM-II). In Kosovo, the EU will probably deploy its largest police mission with around 800 to 1000 police officers, double the size of EUPM-I, in an integrated mission with rule of law activities.

As the number, type and complexity of these EU operations increase, scholars, practitioners and national politicians will need to develop more systematic evaluations of ESDP. What is the impact of ESDP on conflict situations? Are the programmes that are being designed and implemented, effective and sustainable? Are requisite national and EU personnel and capabilities available to support complex, integrated, and multi-pillar missions throughout the world? What should be the division of responsibilities and methods of cooperation among EU pillars as well as between the EU and other international stakeholders? The credibility and effectiveness of future EU operations will depend on timely responses to these salient questions.

The analysis presented here uses five years of primary research derived from annual meetings with national, EU, international agency and member state officials in Brussels, Sarajevo, London, Paris and Berlin, and official documents from the European Union. In Brussels, yearly interviews have been conducted with officials from the European Commission; from the

⁵ The primary draft of this Working Paper was completed in August 2006. An earlier version of this study was presented at the 47th Annual International Studies Association Convention, San Diego, CA, 22-25 March 2006, and at the Austrian Presidency of the EU International Workshop on “The Role of the EU in Civilian Crisis Management”, Vienna, Austria, 12-13 January 2006. The author is grateful to Cornelius Friesendorf, Roy Ginsberg, Warren Mason, colleagues from EUPM and the European Commission, and three reviewers at CEPS, all of whom provided helpful comments on earlier iterations of the paper.

⁶ Plans such as the Civilian Headline Goal 2008, Civilian Crisis Response Teams (CRTs) and the 2010 Headline Goal and Rapid Reaction Force address these capability restrictions. For information about the Civilian Headline Goal, see Council (2004c); Council (2005c) and European Council (2004a). To learn more about the CRT proposal, refer to Council (2005a). For reference to the parallel capability requirements in the military sector of EU crisis response, see European Council (2004b).

⁷ The contributors to Nowak (2006) present an excellent examination of civilian crisis management operations such as EUJUST Themis and EUPOL Proxima; however, EUPM is not one of the case studies.

⁸ See Karlas (2005) for a recent analysis that accounts for the inclusion of conflict prevention ideas in the domain of ESDP.

Council structures which support ESDP: DG E (the Council Directorate for External and Politico-Military Affairs), the Police Unit, the EU Military Staff (EUMS), the Civil-Military Cell; with national officials of the Council working groups chaired by the EU Presidency: the Committee for Civilian Crisis Management (CIVCOM); the Political and Security Committee (PSC) and the Political-Military Group (PMG); EU member state representatives; NATO officials and US government representatives.⁹ In Sarajevo, consultations have been held annually with high-ranking national embassy officials from both the EU and the US; with officials from the Office of the High Representative (OHR) and European Union Special Representative (EUSR); with IPTF and EUPM; with SFOR and EUFOR; with the delegation of the European Commission and with cabinet level officials from the government of Bosnia and Herzegovina.

An examination of the implementation of ESDP in BiH, and the current planning for an EU mission in Kosovo, suggests that a process of institutional change and learning has been and is underway among EU and national officials. At the same time, it is apparent that significant improvements are still necessary in the coordination between and within EU pillars as they relate to ESDP operations.

2. Five Challenges

2.1 Mandate and Vision

EUPM (or EUPM-I, as it came to be called when its successor EUPM-II was shaped) officially commenced its work on January 1, 2003 as the first mission for ESDP and was established by a decision of the Council of the EU on March 11, 2002 (Council 2002a; Council 2002b; Council 2002c; and Council 2002d). EUPM was endorsed by both the Peace Implementation Council (PIC) Steering Board and the UN Security Council (USCR 1396). Established for three years with an annual budget of 38 million Euros, EUPM-I received 20 million Euros a year from the European Community budget and the rest from a “costs lie where they fall” method of member state contributions (Council 2002a).¹⁰

EUPM-I was a successor mission to the UN’s International Police Force (IPTF) which had been deployed in BiH for seven years. IPTF carried out reforms such as separating the police from the intelligence service, certifying BiH police officers through a vetting procedure that was designed to create a BiH police force comprised of personnel meeting internationally recognized standards of personal integrity and professional performance, and accrediting Law Enforcement Agencies (LEA) that met basic democratic policing standards. IPTF began the process of building a democratic and sustainable BiH police force. EUPM built on the work of the UN by focusing its mandate on middle and senior level management development and the enhancement of BiH state level security institutions, which were not yet fully functional or independent.

In accordance with the general principles outlined in the Paris/Dayton Accord, the agreement between the EU and BiH called on EUPM to “establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards” through “monitoring, mentoring and inspecting” local police at the level of mid-to-senior management. EUPM-I identified four primary mission objectives which included:

⁹ See Penksa (2003) for a study of the structures which support ESDP.

¹⁰ Scannell (2004) offers an important assessment of the mechanisms for financing ESDP military operations while Oel (2005) provides a study of financing ESDP civilian crisis management. See Council (2006e), *Financing of ESDP Operations*, for a contemporary overview of ESDP financing procedures.

- the development of police independence and accountability;
- the fight against organized crime and corruption;
- the financial viability and sustainability of the Local Police (LP); and
- institution and capacity building.

These four objectives were pursued through seven main program areas:

- crime police;
- criminal justice;
- internal affairs;
- police administration;
- public order and security;
- State Border Service (SBS); and
- State Information and Protection Agency (SIPA).

The tasks were daunting for EUPM-I, given the complexity of the political arrangements created for BiH. A tri-partite Presidency had been created with eight State level ministries while two entities of BiH were also established, the Federation (with Cantons) and the Republika Srpska (RS), both of which maintained their own administrative and legal systems. EUPM-I employed approximately 500 police officers from more than thirty countries as well as civilian staff through a process of co-location at the State level (at the BiH Ministry of Security, INTERPOL, SIPA, and SBS), the Entities level (Ministry of Interior, Entity Police Academy, Cantonal Police (Federation), Public Security Centres/Stations (RS) and the Brcko District Police. The thirty-three co-locations of EUPM-I monitored more than 400 projects and nearly 10,000 monthly reports were submitted.¹¹

What did EUPM achieve during its first term? Among its contributions to police reform in BiH is that it furthered the institutionalization of the BiH State Investigation and Protection Agency (SIPA) as a police agency able to fight organized crime; it enhanced the development of other state-level agencies such as the State Border Service (SBS) and Ministry of Security (MoS); and it established the Police Restructuring Directorate, which it co-chairs with local authorities. It also has engaged in community building activities such as Returnee Forums which has brought together returnees with local police and political authorities to discuss and negotiate common security concerns affecting returning people.

Many of the challenges for EUPM-I are unlikely to be as acute for other missions. EUPM-I was the first mission for ESDP. The Police Unit and DGIX were under-staffed and lacked prior experience in designing and overseeing a EUPM type of mission.¹² The first Head of Mission for EUPM was Sven Fredriksen, who was double-hatted as the last commissioner for the UN police mission (IPTF) in BiH. Commissioner Fredriksen expressed considerable frustration that EUPM became operational with significant procurement and program development delays that

¹¹ Personal interview, Sarajevo, Official, Joint Programmes Development and Coordination Department, May 2006.

¹² DG IX of DG E of the Council Secretariat provides planning and support for EU civilian crisis management operations. The Police Unit, which is currently comprised of nine police officers and two political advisers, conducts planning and preparation for ESDP police missions and advises the Council's working bodies, such as CIVCOM, the Committee for Civilian Crisis Management.

decreased the efficiency and effectiveness of the mission in its first year.¹³ An important condition to Commissioner Fredriksen's consent to lead EUPM was that he be "free from micromanagement from Brussels",¹⁴ a concern that demonstrates the complexity of ESDP style operations where there are multiple actors shaping and directing policy and where the decision-making arrangements between Brussels, field HQ and co-locations require further clarification, such as the specific kinds of support to be provided by the Police Unit and DG IX in Brussels to mission HQ in Sarajevo.

Micromanagement from Brussels was not a problem for EUPM-I; the structures in Brussels were just beginning to operate and if anything, needed to supply more direction to the implementation of EUPM's mission objectives, rather than less. EUPM was not just the first ESDP operation, but the first *civilian* operation to be planned by DG E of the Council Secretariat. There was a steep learning curve for the officials who staffed DG IX and the Police Unit, especially in terms of the division of responsibilities among DG IX, the Police Unit and EUPM's officials in the field.

Furthermore, given the complexities of the handover process from IPTF to EUPM-I (e.g. EUPM did not receive all of the documentation it needed from IPTF), the procurement and personnel delays, and the urgent need to design and implement new programs in an intricate and sensitive post-conflict environment, EUPM-I simply was not in an advantageous position to develop a timely and well-articulated vision for a complex strengthening mission. EUPM-I inherited many of its first police officers from IPTF, some of whom did not appreciate the difference in mandates between IPTF and EUPM-I. The inadequate specification of guidelines for program implementation during the first rotation of EUPM field officials further exacerbated the problem.

From the beginning, EUPM-I faced an ongoing debate about the gray zone between executive mandate and advisory capacity.¹⁵ In fact, the EU needed to persuade the United States to accept an EU police mission in BiH; the US originally wanted the OSCE – with some armed elements – to follow the IPTF mission.¹⁶ Although the US eventually was persuaded to accept EUPM-I, it wanted EUPM to have an executive mandate, as did some of the EU member states. The Mission Statement for EUPM, however, explicitly states that "the mission will not include executive powers or the deployment of an armed component" (Council 2002b: 5). While IPTF was unarmed, it had an executive mandate. EUPM did not have the mandate to decertify non-compliant police officers, nor the authorization to initiate criminal investigations against local police.

The focal controversy about EUPM-I's mandate concerned the political/strategic level where EUPM was tasked with "monitoring, mentoring, and inspecting, police managerial and operational capacities . . . to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions. . . and to monitor the exercise of appropriate political control over the police" (Council 2002b: 5). From the perspective of EUPM-I, its primary mandate at the operational level was to "monitor, mentor and inspect" fourteen different objectives that the BiH police services were supposed to meet, a programmatic approach intended to increase local ownership and capacity.

EUPM-I officials explain that the planning team for EUPM designed the mission using a UN style peacekeeping approach based on an executive mandate, rather than a strengthening

¹³ Personal interview, Sarajevo, Head of Mission EUPM, October 2002; July 2003 and October 2003.

¹⁴ *Ibid.*

¹⁵ Personal interview, Brussels, EU Member State Official, June 2005.

¹⁶ Personal interview, Sarajevo, United States Department of State Official, July 2005.

mission devoted to monitoring, mentoring, and inspecting, and that neither the Concept of Operations (CONOPS) nor the Operation Plan (OPLAN) for EUPM-I adequately defined what it meant for EUPM to “mentor, monitor and inspect”.¹⁷ When interviewed in 2003 and 2004, EUPM-I officials in HQ Sarajevo often commented that they required more support from DG IX. Neither the HOM nor DG IX wanted to micromanage EUPM-I and yet the officers staffing the mission were unclear about how best to implement the mandate of EUPM-I.¹⁸

During EUPM-I, a significant number of EU member state officials and international community representatives continued to criticize EUPM for not interpreting its mandate robustly enough in terms of its monitoring, advising and inspection functions, for not being more proactive in coordinating local authorities nor for leading the way on BiH police reform or in the fight against organized crime.¹⁹ As one EUFOR official succinctly stated, “the conflicts have been about mandates, interpretations and personalities”.²⁰

In the context of 2002, there was an incentive for the UN to declare IPTF a success and pressure to make EUPM distinct from IPTF, especially given that EUPM was the first ESDP mission. And, because EUPM’s first Head of Mission was the former IPTF Commissioner, it made it difficult for EUPM clearly to demarcate itself from IPTF and caused BiH officials to associate the IPTF decertification process with EUPM.²¹ While problems of mandate impeded EUPM-I, a related obstacle stemmed from the absence of a remit to involve the criminal justice system as a whole and specifically, the lack of authorization to monitor prosecutors.

In retrospect, many of the planning mistakes and delays experienced in EUPM-I were simply part of the EU learning curve in designing, planning and running a large police mission without prior or adequate EU-level or HQ Sarajevo experience. In contrast to EUFOR, which had time for considerable advance planning and the resources of the EU Military Staff (EUMS), EUPM-I was at a disadvantage in 2002-2003. The civilian structures in the Council Secretariat were underdeveloped by comparison with the military side of the house in 2003, and continue to be so, even in 2006.

2.2 Personnel Recruitment, Expertise and Training

How should a mission like EUPM be properly staffed?. Quite understandably, many police officers lack experience in program development/evaluation, survey research and the regional politics of the Balkans. They need appropriate expertise if they are to do their job effectively in a foreign setting with a multinational team. Missions like EUPM “need civilians who know how to design and run projects and police who know the details”.²² Former EUPM-I Commissioner Carty explains that there was an over-reliance on police for program development (an expertise not always in the remit of experience for even senior police officers). Rather, Carty believes, there needs to be close cooperation between civilian experts and specially trained police officers, as well as between police officers and regional experts.²³

Both civilian and police personnel at HQ Sarajevo reported that EUPM was lacking sufficient specialized expertise in organized crime, financial crime, and human trafficking. Well into

¹⁷ Personal interviews, Sarajevo, EUPM Officials, 2003-2005.

¹⁸ Personal interviews, Sarajevo, EUPM Officials, 2002-2004

¹⁹ Personal interviews, Sarajevo, OHR, EUFOR and EU Member State Officials, 2003-2006.

²⁰ Personal interview, Sarajevo, EUFOR Official, July 2005.

²¹ Ibid.

²² Personal interview, Sarajevo, EUPM Official, July 2005.

²³ Personal interview, Sarajevo, EUPM Head of Mission, July 2005.

2004, EUPM HQ Sarajevo was still reporting to DG IX its critical need for an improved fit between the qualifications of national secondments and EUPM job descriptions and for improved pre-mission training by the sending states. Indeed, some states sent officers with no pre-mission training at all.²⁴ In order to increase ownership of ESDP program objectives among multi-national personnel, contributing member states need to provide standardized pre-mission training and ESDP field operations must refine their induction training as well. Lastly, member states must ensure that personnel meet the appropriate language requirements (English is the official language) in order to effectively fulfill their responsibilities.

Clearly, the EU needs to do better in appropriate mission staffing than has the UN, which has struggled considerably to find appropriate national secondments. With higher-level police missions that have sophisticated mandates for the mentoring, advising and training of target police forces, having the right kind of personnel in the field is especially critical. The EU requires experts with both specialized expertise and field experience, but “some of the most scarce personnel resources in civilian police operations, such as forensics experts or narcotics police, are not surprisingly the most expensive and the most prized domestic resources” (Hansen 2004:179).

As the number of ESDP civilian missions has increased, it has become obvious that the civilian personnel in DG IX are overstretched. The Political Adviser for EUPM-II in DG IX has responsibility for three ESDP operations. Currently, the Secretariat is dependent on the mission in the field to generate lessons identified.²⁵ If the number of operations expands without an increase in personnel, the Council Secretariat will find it increasingly difficult to provide adequate mission oversight and strategic planning capacity. It would seem that the first and somewhat obvious steps toward a solution are to augment the capacities and personnel of DG IX, especially in light of the upcoming ESDP operation in Kosovo, and over the medium and long-term, to reorganize the Council Secretariat bodies responsible for ESDP (an issue addressed in the conclusion of this paper).

A second need that emerges from the experience of recent operations is for the EU to hire independent analysts to assist with program development and assessment (in Brussels and in field operations). There are too few personnel devoted to this important task, both within the Brussels structures and within field operations, let alone enough officials who have the time to prepare comparative “lessons identified” studies. Currently, there is not financial support to recruit civilian contractors and missions must “make do” with national secondments.²⁶ Having independent civilian contractors to augment the work of those EU officials charged with documenting “lessons identified/best practices” would provide greater objectivity in analysis, increase transparency and allow officials to analyze best and worst practices not only within missions, but also *across missions*. If the EU is to develop more comprehensive planning capacities, its effectiveness, in part, will be dependent on the institutional knowledge and memory of best and worst practices from mission to mission. Experts with field experience from completed ESDP operations need to be in contact with those officials designing and working in future ESDP missions, at the level of Brussels and in the field, as is now the case for EUPT-Kosovo.

The creation of Civilian Response Teams (CRT’s) as a means to redress shortfalls in national secondments for civilian crisis management operations should provide a partial solution to the

²⁴ Compared with IPTF, however, there is general agreement among EU and member state officials that over time, EUPM has generated a higher quality of personnel for its mission.

²⁵ Personal interviews, Brussels, DG E, Council Secretariat, June 2006.

²⁶ Personal interview, Sarajevo, EUPM Official, July 2005.

personnel problem (Council 2005a).²⁷ The initial cadre of CRT experts will consist of up to one hundred pre-selected and trained national experts who can be rapidly deployed to offer early assessment of a crisis, to assist the establishment of a civilian ESDP mission, and/or to temporarily support the EU Special Representative or an ongoing civilian crisis management operation. If the number of ESDP civilian operations continues to increase rapidly, then the EU will certainly need to move beyond the initial cadre of one hundred experts. While the CRT concept will improve the EU's ability to rapidly deploy personnel, it does not provide for the use of civilian contracts outside national secondment practices, nor does it address the more generalized problem of personnel expertise.

A third initiative to improve the quality of missions and the decision-making procedures that support them would be to have a separate budget line for policy oriented research, especially in the area of civilian crisis management. For example, the EU could appoint "in-house" research scholars to facilitate the exchange of best and worst practices not only within and across EU missions but with other international actors, such as among the EU, NATO, OSCE and UN in realms such as security sector reform,²⁸ the rule of law and integrated crisis response.²⁹ Many of the suggestions called for in the 2000 Brahimi Report (United Nations 2000), by the OSCE (2005), and the Challenges Project (2005) are also applicable to the EU. Understandably, the Council Secretariat is absorbed by time-consuming internal coordination procedures, and so its officials are rather isolated from other colleagues at the UN, NATO or OSCE. During a period of time in which the EU is extending its scope of actions in security sector reform³⁰ and the rule of law, officials have an interest in distinguishing the EU from other organizations involved in similar activities, especially those that are sometimes seen as competitors. An official from EUPM-I suggested that EUPM could have benefited from the experiences of the OSCE office in Belgrade but that there was political resistance to doing so.³¹ While other international organizations have valuable field and operational experience that could be utilized by EU officials, the EU is attempting a level of integrated crisis response through its many instruments that surpasses anything currently possible in NATO, OSCE or UN.

A more systematic research effort by the EU is related to a fourth step to enhance the on-the-ground effectiveness of ESDP missions: an increase in the quality of induction training for personnel serving the mission. It is especially important that mission officials in the field learn how to represent the aims, policies and procedures of the European Union, and not just the approaches and standards of their home country or their technical field of expertise.³² Many EU officials believe that "best European and international standards" are derived organically from bringing together well-trained police officers. This is certainly true, at least in part. Nevertheless, throughout the duration of EUPM-I, police officers expressed frustration and a lack of clarity about what they were to achieve in meeting the mission objectives, an uncertainty that hindered mission success. There is a widely held perception among field operatives that one

²⁷ The "Brahimi Report" of the United Nations (2000) suggests the same idea, but in the context of UN peace operations.

²⁸ The international challenges of security sector reform are studied by Ball (2004); Bellamy (2003); Celador (2005) and Wilson (2005).

²⁹ The EU Institute for Security Studies in Paris serves this purpose, in part. But, the EU also would benefit from having dedicated in-house research fellows located in its Brussels offices.

³⁰ See Council (2005b) and European Commission (2006) for the current articulation of concepts and strategies to guide EU security sector reform. It is noteworthy that both the Council and European Commission produced their own papers and that there is still a long way to go in achieving a comprehensive and joint EU approach to SSR.

³¹ Personal interview, Sarajevo, Quality Control Department, EUPM Official, July 2005.

³² *Ibid.*

year rotations are still not long enough because it “takes time to get on the ground, to develop a clear understanding of projects and how to carry them out and to become trusted among local counterparts”.³³ EUPM-I “upgraded its own mission training so that new officers learned the basics of project management and how to be culturally and politically sensitive to their local counterparts” but EUPM officials still express the belief that EU member states need to do a better job of training their national secondments to participate in EU missions.³⁴

The critical need for mission training holds true even for the highest levels of ESDP officials, including Heads of Mission (HOM), whose EU expertise and understanding of ESDP can vary widely. Heads of Mission for ESDP operations must, and do, possess technical competence but their role in a complex mission environment such as BiH, Kosovo or Congo requires political acumen about the EU and the domestic political environment. While Heads of Mission are provided with Political and Legal Advisers both in the mission and in the Council Secretariat, their own public leadership roles require political savvy about the EU, the domestic context, and the challenges of coordination among multiple EU and international stakeholders.

These four priority areas, then, can be summed up as the need to find qualified personnel who are able to design, implement and evaluate programs through the entire duration of a mission. This is dependent on a shift of priorities in the member states. As things stand now, it is hard for them to encourage their best police officers, lawyers, auditors, prosecutors or experts in organized crime to go to BiH, Palestine or Congo. The Council Secretariat cannot recruit its own mission personnel and must rely on member state databases and recruitment procedures, which vary widely in quality. It is very difficult to find senior experts willing to interrupt their professional trajectory to participate in EU missions that, as of yet, do not result in career advancement at home.³⁵ If the Union is to be genuinely capable in this area, the available cadre of qualified specialists must be expanded, and rapidly so if it is going to undertake a large-scale mission in Kosovo.

2.3 Program Design, Implementation and Assessment

The issues of program design, implementation and assessment will continue to pose a significant challenge for future ESDP operations. This is a subject that goes beyond a concern with “benchmarking”. Depending on whom one asks, the lessons about EUPM-I are not all perceived in the same way. Some officials believe that the programs developed were too sophisticated for implementation by both EUPM-I and BiH officials. Others suggest that the programs and benchmarking systems were innovative and appropriate, but that officials lacked adequate time for proper implementation and that there were simply too many programs attempted. Still others interpret the issue to be one about expertise, that the mission needed a different combination of professional skills.

The type of strengthening mission envisaged for EUPM-I indeed was complicated. Its mandate required both “inspections” and “mentoring” of the mid-to-senior management level. The officials tasked with program design continued – throughout the duration of the mission – to express questions about the best methods for program implementation and assessment. These questions tend to confirm the need for additional training and greater oversight, and perhaps even different kinds of expertise. But, most importantly, the apparent lesson is not “that a programmatic approach failed” for EUPM-I, as some EU and member state officials have suggested, but that the implementation and assessment criteria for ESDP operations need further development in the light of field experience.

³³ Personal interview, Sarajevo, Quality Control Department, EUPM Official, July 2005.

³⁴ Ibid.

³⁵ Personal interview, Brussels, EU Member State Officials, 2005-2006.

Complex missions like EUPM must not only have the right expertise, but a well-developed approach to program design and standardized assessment procedures. In the case of ESDP, DG IX provides guidance and support to its missions for achieving broad program objectives for implementation. The programs for ESDP operations are designed by mission HQ, and not by DG IX. But unless the personnel in the field who have the responsibility for designing and implementing program have the right professional expertise, the mission will struggle to reach its program objectives.

In the case of EUPM-I, officers were sent out into the field offices without implementation guidelines or assessment protocols. EUPM Officials in the thirty-three co-locations identified different program needs and there were inconsistencies of interpretation and implementation throughout the entire program cycle. A EUPM-I police official reported the problem in the following way: “we had hundreds of police officers in the field reading project descriptions, left alone to decide their own implementation methods”.³⁶ Because some of the officers in EUPM’s first rotation cycle came from IPTF, many of them were more familiar with an operational approach, rather than a longer-term programmatic emphasis.

The delays in program design and implementation procedures for EUPM-I effectively meant that EUPM-I did not start many of its core projects until late 2004, well into the second year of a three-year mission. The EUPM benchmarking system was developed after the EUPM Senior Management Conference held in Neum, June 6-9, 2004. That conference produced a significant restructuring of EUPM, such as rationalizing and simplifying the reporting process; establishing a new office of “Quality Control”; and creating a new EU/International Community (IC) Coordination Cell to improve the links among international actors in the field. By autumn of 2004, assessment indicators were set out for particular project objectives to help EUPM officials and their local counterparts to judge the approximate stage of implementation that had been reached but as a member of the Program Development team remarked, “these indicators should have been there from the beginning”.³⁷ And, even after assessment procedures were significantly clarified, field personnel still reported a lack of common understanding about how exactly to interpret whether, for example, fifty percent of a program goal had been implemented so that there were “observable changes” in some of the implementation activities and strategies. It was not necessarily the case that officers even interpreted the program goals in the same way.³⁸

The decision to develop a benchmarking system was indeed appropriate. Field officials needed to be provided with standardized methods for making assessments. However, the process that was put in place was judged by both EUPM-I and BiH officials to be overly complicated and difficult to use. Moreover, in EUPM-I, probably fewer programs should have been attempted in the interest of getting right those that had highest priority. This was especially so since EUPM was the first ESDP operation of its kind, there were already known procurement delays (because of obstacles presented by Community financing mechanisms) and because program development and assessment standards were inadequately specified. Four hundred projects were too many, especially for a large mission with a multinational staff unclear about precisely how to implement programs developed in HQ Sarajevo, and how to do so in close cooperation with BiH counterparts.³⁹

³⁶ Personal interview, Sarajevo, Program Development Department, EUPM Official, July 2005.

³⁷ Ibid.

³⁸ Personal interviews, Sarajevo, EUPM Officials, July 2005.

³⁹ Personal interviews, Sarajevo, EUPM Officials, 2002-2005.

A final factor affecting mission success is the interdependence of program design and assessment, on the one hand, and local ownership of program objectives and mandate decisions on the other. Field co-location for EUPM-I was an excellent choice, but until EUPM-II there were no BiH officials located in the department for program design and implementation. Moreover, EUPM-I required a strong advisory and inspection function to ensure that local officials were sufficiently implementing EUPM programs, the component of EUPM-I's mandate that was the most debated. Some senior BiH police officials were often reluctant to follow-through with programs that were politically sensitive due to intervention by BiH Ministers of Interior.⁴⁰ And, as mentioned earlier, EUPM-I had no mandate to monitor prosecutors, the officials who are responsible for directing police investigations. This inevitably placed more responsibility on the intra-pillar cooperation between EUPM-I and OHR/EUSR.

EUPM HQ in Sarajevo and the Council Secretariat need thus to reflect further on the “lessons identified” from EUPM-I, the transition process of turning over projects to BiH counterparts and the progress achieved in developing a more systematic assessment of program design, implementation and assessment. The Council Secretariat, officials staffing future ESDP missions and the third countries who host ESDP missions, would all benefit from a systematic and comparative review of ESDP training requirements, program objectives, implementation methods and evaluation procedures.

2.4 Reporting and Decision-Making Procedures

A further challenge that emerged early on for EUPM-I was a lack of standard operating procedures at all levels, specifically with the communication protocol and reporting structures. For example, a few officers in the field eliminated their computer databases at the end of their contract term and did not handover valuable information to their successors.⁴¹ As early as September 2003, EUPM internally acknowledged that for the mission to be successful, “the reporting and controlling mechanism needs a practical interface between the Field and Main HQ”, and that the existing reporting system designed in 2003 was not effective. Guidelines were sent out at all EUPM levels in October, 2004, but this was almost at the end of the second year of a three year mission. Another lesson learned appears to be that, in a police mission the size of EUPM, standard operating procedures require early development and consistent application.

Establishing proper reporting and information transfer procedures within each field office are technical procedures that are rather easy to learn and to implement. A more complicated issue is the reporting relationship between HQ Sarajevo and Brussels. From interviews with EU, national and field representatives, there are two interrelated problems that emerge: 1.) the lack of clarity about the type of support to be provided by DG IX and the Police Unit to ESDP field operations; and 2) the need for transparent and ongoing discussions about lessons learned in the field.

EUPM-I officials would have preferred to have received more guidance from the Police Unit of the Council Secretariat about how to improve their reporting mechanisms. However, the role of the Secretariat is not clearly defined, nor its place in the command and control relationship of operations. Does the Secretariat represent High Representative Solana, or the presidency and the member states, or the interests of particular units, such as DG IX? The answer can be all of the above, depending upon the issue. The paradox is that on average, member states believe that the Council Secretariat is becoming stronger and too independent of member states. Yet, because of the intergovernmental process of decision-making in Pillar Two and the strong ownership required by the member states for ESDP operations, the Council Secretariat has to consult with

⁴⁰ Personal interview, Sarajevo, EUPM Officials, 2003-2006.

⁴¹ Personal interview, Sarajevo, Quality Control Department, EUPM Official, July 2005.

PSC and CIVCOM (the member states) at frequent intervals (e.g. as it prepares the Concept of Operations (CONOPS) and Operation Plan (OPLAN) for missions). Although the PSC and CIVCOM possess an important function of strategic oversight by exercising political control over missions, neither group issues specific instructions for the implementation of operational mandates. This means that the primary responsibility for mission implementation is on DG-E of the Council Secretariat and the ESDP officials who are located in the field.

The reporting process for ESDP operations involves a significant exchange of information given that both field personnel and Council Secretariat officials provide frequent briefings to CIVCOM and PSC, briefings which are periodically supplemented by PSC, CIVCOM, Council Secretariat and individual member state visits to the field. As the complexity of the EU governance regime increases in matters of CFSP/ESDP and between Pillars I and II, EU member states (the decision-makers in Pillar II) must have confidence that the assessments received from the field are honest. Some political filtering is, of course, to be expected and field personnel will not always have perceptions that match those of national capitals or Brussels-based officials. Member states, moreover, rely not only on formal reporting mechanisms but also on the informal reports they receive from their national secondments and embassies in the field.

Strategic decisions to modify an ESDP mission involve an elaborate and cumbersome process of going from the field through the Brussels decision-making machinery. An analysis of the challenges faced by EUPM suggests that more intricate ESDP missions will necessitate a simplified reporting and decision-making process within Pillar Two, as well as more frequent interactions between Brussels and field operations. However, as the number of ESDP operations continues to increase, sustaining a frequent level of interaction, between EU and member state officials in Brussels with mission counterparts in the field, will be easier said than done. To that end, the Brussels decision-making structures for ESDP necessitate restructuring and expansion, in both size and capabilities, especially for civilian ESDP operations, and eventually, a comprehensive reorganization of the Council Secretariat decision-making structures.

2.5 *The EU's Representatives in the Field*

In BiH, the EU Presidency, the member states, the Commission, OHR/EUSR, EUFOR, EUPM, OSCE and NATO all interact in a complex policy-making environment. In addition this has to function alongside the Peace Implementation Council Steering Board, i.e. the international coalition that has played a central coordinating role in BiH since the end of the war, which is comprised of the EU Presidency, the European Commission, Canada, France, Germany, Italy, Japan, the Netherlands, Russia, Turkey, the United Kingdom and the United States,

Early in its engagement in BiH, the international community struggled with a noticeable absence of stakeholder coordination, which resulted in duplication of resources, competition among international organizations and member state interests, and often, reduced political leverage among the domestic actors. The situation in 2006 is markedly improved from five years earlier, due to a streamlining process centered around the OHR, which consolidated and rationalized international assistance. This was made possible because all of the stakeholders in BiH were united around the long-term goal of facilitating BiH membership in the EU.

One of the central lessons identified in the BiH experience is that individuals matter, as well as decision-making procedures, structures and mandates. Merely bringing together individuals around a table does not equal coordination. For example, in 2005 there was tension between EUPM-I and EUFOR, which was undesirable and counterproductive. EUPM-I officials were told to increase their trust of local police and to transfer more authority to the locals, while EUFOR officers were given the message that the local police were not to be trusted. This resulted in field conflict between EUFOR and EUPM-I personnel and a perception by locals that

the EU was not of one accord, permitting some officials within the BiH government to exploit the divergence among EU actors.⁴²

Another dispute in 2005 centered on the EUSR proposal to bring the legal, political and media functions of EUPM-II under the EUSR competency.⁴³ The EUSR argued that these departments should be brought under its control in order to have a single chain of command and complete coherence of advice for real time coordination and visibility to the local and international community.. In a convergence of interests between EUPM and the European Commission, the Commission Delegation (Pillar I) and EUPM-I (Pillar II) disagreed with the EUSR (Pillar II) proposal, and, instead favored that the political, legal and media departments remain within the command structure of the EUPM Head of Mission to provide the Police Head of Mission with immediate access to the departments that it relies upon.

Clearly, individuals shape outcomes as much as mandates and decision-making structures. The new HR/EUSR, Dr. Schwarz-Schilling, has not assumed control of the political, legal and media functions of EUPM-II, in recognition that EUPM-II needs its advisers in-house (EUPM and OHR/EUSR are not located in the same building).⁴⁴ The current reporting arrangement between EUPM-II and the EUSR was determined by the new EUSR and the Head of Mission for EUPM-II; since it was a Pillar II decision, the Commission view was irrelevant to the extent that it had limited influence on the outcome. However, the 2005 debate revealed that traditional Pillar I and II rivalries are still alive in the period following the failed Constitutional referenda, with the future of the external action service far from settled. Moreover, the discussions also amplified the increasing complexity of political negotiations *within* Pillar II, as well as among *all* EU missions in the field.

Traditional pillar distinctions do not necessarily become apparent in the field in the same way that they materialize in Brussels. Although the European Commission expressed concern in the 2005 discussions that a large EUSR office would be created “using the back door of EUPM”, European Commission officials repeatedly have affirmed the necessity of having a strong and influential EUSR for BiH in order to exert the political leverage essential to constitutional reform and police restructuring.⁴⁵ In 2004, a European Commission official in BiH commented that the absence of officials working exclusively for the EUSR reduced the visibility of the EUSR role to BiH.⁴⁶ At that time, there were no dedicated staff for the EUSR; by 2005, there were three officials and a separate web page.

Simply stated, the EUSR has not been very visible to BiH. An EU member state ambassador in Sarajevo commented that if “we were to ask the citizens of BiH who represented the EU, it would be the Commission Delegation”, not the member states or the EUSR.⁴⁷ With preparations underway for the eventual closure of OHR, however, the role of the EUSR in BiH is of increasing salience. At the June 23 meeting of the PIC Steering Board, the Political Directors agreed that “it was in the interest of all for BiH to take full responsibility for its own affairs” and recommended that OHR begin preparations to close its offices by June 30, 2007 (PIC 2006). By

⁴² Personal interviews, Sarajevo, EUPM, EUFOR, and Member State Officials, 2005-2006.

⁴³ Personal interviews, Sarajevo and Brussels, EUPM, The European Commission and Council Secretariat Officials, 2005-2006.

⁴⁴ Personal interviews, Sarajevo, EUPM-II and OHR Officials, June-July 2006. The only person working for both EUPM and OHR/EUSR is the individual responsible for police restructuring, given that both EUPM and OHR/EUSR have significant involvement in the process.

⁴⁵ Personal interviews, Sarajevo and Brussels, European Commission Officials, 2004-2006.

⁴⁶ Personal interview, Sarajevo, European Commission Official, 2004.

⁴⁷ Personal interview, Sarajevo, EU Member State Ambassador, July 2005.

then, BiH will have concluded its 2006 elections and, hopefully, its Stabilization and Association negotiation with the EU; and EUFOR likely will have reduced troop levels. The Commission and Council bodies are already discussing the precise needs for a strengthened EUSR capacity in BiH. Along with greater independence exercised by the BiH government, the EU will need a reinforced presence, with a politically active EUSR. The sensitive issues of constitutional reform and police restructuring will require strong political leadership by the EU and consensus among the international community.

Will the international community be ready to have a strengthened EUSR facilitate greater coordination, not just among EU instruments, but for the international community as a whole? The position of the EU Special Representative is of greatest value in crises and post-conflict situations where there must be the strong political visibility of the EU and its member states, and where the political leverage of multiple actors may be called upon. Ideally, the EUSR should serve as a critical catalyst for cooperation and coherence among instruments and Heads of Mission. In a complex field situation such as BiH, there needs to be a EUSR asking for regular results and acting as *primus inter pares*, and serving as a strong representative for the Union as a whole.

A logical first step would be to co-locate the EUSR office with the Commission Delegation and, as a second step, to double-hat the EUSR and the Commission Head of Delegation. A decision for double-hatting should not be pre-determined with artificial time tables, but only after a comprehensive review has taken place of the objectives that have been reached by the ESDP instruments in BiH, the precise mandate and functions to be exercised by the EUSR and the progress reached by the BiH government in its march towards EU accession and normalization.

It is not just the EUSR which may have a determinative impact on field cooperation, but that also of the European Commission and member states. The European Commission, through the process of enlargement negotiations in the Balkans, has assumed a more political role in its field operations there. In countries where it provides traditional development assistance and trade relationships, the Commission functions in a more technical capacity. In a stabilization situation where Commission officials are engaged in sensitive political negotiations, the Commission is adopting a more proactive approach, including the use of political conditionality (such as the decision to suspend membership negotiations with Serbia pending its increased cooperation with the ICTY).

With a more pro-active Commission, as well as multiple EU instruments on the ground in BiH, member state influence may sometimes be circumscribed. In interviews with EU member state Ambassadors in Sarajevo from 2003-2006, there was marked consensus that EU member states are comparatively less active in BiH, given the number of EU-level instruments, the role of the HR/EUSR, the sizeable presence of the international community and, most importantly, because of the influential role played by the European Commission in the stabilization and association process with BiH. In such a setting, the Presidency has the privilege of being more active, alongside the 'EU-3' (France, Germany, UK).

While member states may be less influential in BiH than in other capitals, political divergences are still apparent among EU member states and EU instruments, and this is true even in a field situation such as BiH where the EU's political, economic and military instruments are focused on the single overriding objective of 'Europeanising' BiH. Such divergences, especially when they become public, reduce the leverage and credibility of the EU as a whole.

In 2005, there was a fissure among a few member states and also between the Commission and OHR/EUSR over the sensitive issue of the inter-entity boundary line (IEBL) and the exact requirements for securing domestic agreement among all three BiH political groups (in terms of whether police services would have the right to cross the IEBL). The BiH Serbs attempted to

exploit perceived differences in interpretation among the Commission, OHR and member states in its negotiations. OHR and the Commission negotiated as a united front and attempted to keep the differences “in-house”.⁴⁸ But internal EU disputes often become public to BiH officials, and, sometimes, even to the broader public.

This illustration highlights, once again, the absolute necessity of the EU being able to “speak with one voice”, especially on politically sensitive issues such as security sector reform. EU programs which address police restructuring or organized crime involve both technical and political reforms that require a significant understanding of domestic political realities and necessitate ongoing cooperation and communication among EU operations, especially in the message sent to the local population.

There is no easy dividing line between civilian crisis management under Pillar II and Community assistance programs under Pillar I, or between ESDP operations under Pillar II and actions taken in Pillar III under the rubric of Justice and Home Affairs. The political success of EU multinational, cross-pillar missions depends as much on getting the “mandates and structures right” as it does upon the good will and cooperation among individuals on the ground. Coherence and coordination in the external actions of the EU are facilitated as much by creating the appropriate structures of coordination as they are by bringing the right people together and reaching member state consensus. EU cooperation in sectors such as organized crime and rule of law reform will increasingly transform the pillar system of external action, and likely will compel new habits of cooperation, trust and innovation to develop, in Brussels as well as in the field among multiple stakeholders.

3. Improving EU Crisis Response

3.1 From EUPM-I to EUPM-II

Current indicators suggest that the EU has learned from the challenges of the past and that its officials are eager to apply the lessons of EUPM-I to the present EUPM-II. In anticipation of the closure of OHR by 30 June 2007 and a probable reduction in EUFOR’s force levels, the High Representative/Council and European Commission have initiated advance planning for reinforced EU engagement in BiH. A revised OPLAN for EUPM-II was completed in March 2006 which provides detailed instructions for the operation of EUPM-II, its relationship with other EU instruments, and indicators for mission success.⁴⁹ For example, EUPM-EUFOR relations have significantly improved since 2005. In March, EUPM-II assumed the responsibilities of Chair of the EU-ESDP Targeting Board from EUFOR and on May 11, EUFOR and EUPM-II formally adopted the Common Operational Guidelines in support of the fight against organized crime.

After a complex process of renegotiating the mandate for EUPM’s second term, it has a new three pillar focus:

- supporting the local police in the fight against organized crime;
- conducting inspections and monitoring of police operations;
- supporting the implementation of police restructuring.

⁴⁸ The primary responsibility for negotiating the 2005 agreement on police reform involved OHR/EUSR and the Commission, not EUPM-I.

⁴⁹ Personal interviews, Sarajevo and Brussels, EU and Member State Officials, May-June 2006.

EUPM-II has a reorganized structure based on a regional approach, rather than intensive co-location. EUPM-II personnel are deployed in four regional centers in Banja Luka, Tuzla, Mostar and Sarajevo, which correspond to SIPA's (the main police agency in BiH responsible for the fight against organized crime) regional offices.

At the end of EUPM-I, there were projects still to be concluded, either because they were given to the co-locations in 2005 without enough time to implement or because of legal, political or financial problems of implementation. In order to conclude projects from EUPM-I, a Memorandum of Commitment between EUPM and BiH was signed at the Police Steering Board Meeting of February 17, 2006 in which the BiH Police Authorities confirmed their intent to implement agreed upon projects from EUPM-I. In order to facilitate a successful transition of giving unfinished projects to the BiH authorities, EUPM-II brought five BiH liaison officers into EUPM-II headquarters and appointed two EUPM project officers per region who have the responsibility to inspect the progress of project implementation. New projects by BiH police will be developed in the second half of 2006, the consolidation phase of operation for EUPM-II.

In its first six months, EUPM-II took actions such as facilitating the re-opening of unsolved murder cases (believed to be linked to organized crime), initiating preparations to support a BiH police services public information campaign against drugs, monitoring and conducting inspections of BiH internal controls and investigation procedures, and continuing support of SIPA and SBS, such as through joint police and prosecutor training. The Rule of Law project management working group, which was formed to establish SIPA and includes participation by both EUPM and OHR/EUSR, has been expanded to address a wider scope of issues involved in a rule of law program for BiH, such as personnel and recruitment for SIPA and SBS, police reform, and Interpol. With EUPM leadership in structures such as the Criminal Justice Interface Unit, there is an augmented relationship between the prosecutorial sector and police and improved intelligence exchange with all levels of BiH police.

Of the three pillars of operation for EUPM-II, the responsibility that is the most challenging is police restructuring, one of the remaining criteria that BiH must meet in order to proceed with Community SAA negotiations.⁵⁰ EUPM-I did not have primary responsibility for the political process of facilitating an agreement on police reform in BiH. Prior to 2006, the main EU actors were the Commission and OHR/EUSR.

After the publication of a European Commission report in July 2004 that detailed the problems intrinsic to having independent police agencies in BiH, on July 5, 2004 a Police Restructuring Commission was established by the High Representative in order to facilitate a single structure of policing. The Police Restructuring Commission, in agreement with the initial review conducted by the European Commission, found that the BiH police system was "too complicated, too expensive and not sufficiently effective in combating crime".⁵¹

An intensely politicized debate ensued about the principles to govern a process of police restructuring for BiH. In October 2005, a political agreement was reached on establishing three principles of the European Commission to govern police restructuring:

- all legislative and budgetary competencies for all police matters must be vested at the State level;
- there must be no political interference with operational policing;

⁵⁰ See Council (2006a) for the "Council Decision on the principles, priorities, and conditions contained in the European Partnership with Bosnia and Herzegovina".

⁵¹ See www.ohr.int, OHR Departments, Rule of Law Implementation Unit.

- functional local police areas must be determined by technical policing criteria, where operational command is exercised at the local level.

While the agreement of the “three principles” was viewed as a success at the time, the international community knew that the actual implementation of the principles would continue to be politicized, especially in the context of the October 2006 elections in BiH.⁵² The diplomatic achievement of reaching consensus on three principles was but a first step in a long diplomatic process of sensitive negotiations. While reforming the defense sector of BiH also has been protracted and arduous, police restructuring is even more sensitive. Police restructuring is inextricably connected to rule of law reform (judicial, penal and prosecutorial) and is seen as the last area of RS entity autonomy, in the wake of the RS already ceding maintenance of its own defense services.

Presently, both Pillars One and Two of the EU have responsibilities in police restructuring, a reform process which requires a coordinated effort among EU actors, a clear structure of decision-making authority, and the full participation and consent of local actors. By way of illustration, both EUPM-II and the Commission work in close cooperation with the BiH government on police reform. The Commission provides assistance to the BiH Police Directorate. EUPM-II is co-located with the BiH government in SIPA and SBS. The Head of Mission for EUPM is a voting member of the Steering Board of the Police Restructuring Directorate (which was established following the October 2005 agreement and held its first meeting 26 January 2006), and the EUPM Police Reform Unit advises the board on technical and operational issues. The third actor is OHR which has a major unit focused on “Rule of Law Implementation”, primarily centered on organized crime and corruption. The activities of OHR in the fight against organized crime and corruption are further supported by the function of the HR/EUSR to exercise a coordination mandate vis-à-vis the actions of OHR, EUFOR and EUPM.

Despite increased cooperation among the international community, especially by the EU and OHR/HR, police restructuring has stalled in the run-up to the October elections. At the May 24, 2006 meeting of the Police Restructuring Directorate, the RS indicated that it would participate in future sessions as an observer, not as a full participant. This decision by the RS, its requests to include explicit entity references in a future police model for BiH (in an apparent bid to reinterpret the three principles) and references by RS Prime Minister Dodik about the possibility of holding a Montenegrin-like vote on independence, have hindered the negotiation process and raised concern among the international community.⁵³

Strong statements have been issued by both the High Representative/EUSR and Javier Solana in which they have called upon the RS to constructively participate in the police restructuring process; otherwise, “lack of progress on police restructuring in accordance with the October 2005 Agreement will inevitably lead to delays in concluding SAA negotiations”.⁵⁴ Beyond the “carrot” of the SAA negotiation process, the EU has had limited leverage in the pre-election period of politicization by domestic political actors.

For EUPM-II, progress in police restructuring certainly will be a consideration for the EU’s determination about when to terminate the mission, but it is also a responsibility for which EUPM has limited scope of intervention given its mandate. Despite its important task to support police restructuring, the majority of work by EUPM-II is focused on its other pillars of

⁵² Personal interviews, Sarajevo and Brussels, EU and Member State Officials, 2005-2006.

⁵³ Personal interviews, Sarajevo, EU and Member State Officials, May 2006.

⁵⁴ Statement by Javier Solana, Brussels, S215/06, 20 July 2006.

responsibility: supporting the BiH police in the fight against organized crime and providing accountability to police services through its monitoring and inspection functions.

Certainly, a central lesson from the present challenges to secure police restructuring in BiH is that it is not just a technical project.⁵⁵ It is a political-diplomatic process that requires comprehensive strategic agreement and political leadership among EU instruments and actors and the full cooperation of domestic political officials. In the post-election period, EU missions and officials participating in police restructuring will have to increase their political pressure on BiH officials to move forward with police restructuring so that the SAA can be concluded.

Between now and the end of 2007, the EU will face significant choices about its desired role in BiH as it considers the end state for both EUPM and EUFOR. These decisions will be influenced as much by events and conditions within BiH (e.g. the degree of post-election political stability, the achievements of police restructuring, the closure of OHR, the extent of progress in the fight against organized crime and war criminal apprehension) as by circumstances in the broader Balkan region.

3.2 The Case of Organized Crime

At the level of the EU, there has been an expansion of cooperation in the fight against organized crime, corruption, illegal immigration and counter-terrorism in the Balkans.⁵⁶ For BiH, and the entire region of the Balkans, these problems are obstacles to democratic governance and economic sustainability, as well as threats to the wider European neighborhood. In a setting where there are many stakeholders, integrated planning and execution across all Community and Union pillars is the only long-term solution. More regional and thematic task forces need to be created across the EU pillar system, as well as a greater cross-fertilization among experts. *The Working Group on Organized Crime* for BiH is a great beginning, but the process must go well beyond. A new web of constant contact and cooperation needs to emerge in this relative new field of EU activity. This will be an important part of a security and defense culture that must develop to support EU crisis operations.

The case of organized crime provides a trenchant illustration of the problems of mandates, decision-making structures and individual leadership. For organized crime to be effectively addressed by the EU, the entire criminal justice system of the domestic government must be taken into account – legislation, police, prosecutors, judges and the penal system. Without either domestically effective law enforcement capabilities or sustainable police services, international efforts to reduce organized crime will be minimally effective. Inexorably, the fight against organized crime in BiH is contingent upon rule of law reform and the strengthening of local police capacity. This involves fully institutionalizing SIPA and SBS, sustaining new patterns of police independence and accountability, and ensuring that BiH has the basic resources in the fight against organized crime and corruption, such as telephone interception, a single data base, and appropriate expertise.

According to the observations of field personnel, the lack of an integrated rule of law program in BiH has been a hindrance to EU effectiveness. Rule of law activities have been carried out by OHR, OSCE, EUPM, EUFOR, and the EC Delegation. In police reform, through 2005, there was no unified political strategy because OHR/EUSR, the EC Delegation and EUPM all had varying degrees of involvement, influence and interests. For example, in EUPM-I there was no monitoring function of BiH prosecutors. Although EUPM-I facilitated increased

⁵⁵ In a follow-up study, the author will provide an analysis of EU efforts to facilitate police restructuring during the tenure of EUPM-II.

⁵⁶ See Council (2006c).

professionalism and accountability among BiH police, it did not have a mandate to connect police reform to the performance of prosecutors and judges, nor did it have sufficient mechanisms of cooperation in place with OHR, the international actor primarily in charge of facilitating rule of law reform for BiH. Hence, many cases against criminals – some of them war criminals – never received action by prosecutors.

Moreover, before the revised Council mandate for EUPM-II that became operational in 2006, there was no comprehensive approach among EU instruments to address the problem of organized crime in BiH. EUSR/OHR, EUPM and EUFOR all engaged in activities to address the problem, but because the timing of decisions, mandates and programs were not concurrent among instruments, there was no coordinated EU crime strategy for BiH, let alone a strategy for the larger region.⁵⁷ Before the precise mandate for the follow-on mission was determined, the decision was taken to reduce the size of EUPM-II. Ideally, the mandate of the mission should determine the personnel staffing requirements.

In EUPM-II there is a new, targeted focus on organized crime, a decision that came after a sustained internal debate in 2005 about the precise requirements for a follow-on mission to EUPM-I. Member states concurred that organized crime should be an integral focus of EUPM-II, but engaged in a protracted discussion about whether it would require an executive mandate. This same discussion in 2005 mirrored the one in 2002, in which there was convergence among EU member state officials and SFOR that EUPM-I should have a targeted focus on organized crime and corruption but disagreements about the mandate requirements.⁵⁸

In fact, national and EU officials seemed unprepared for the tensions that emerged among Pillar II missions (and individuals) last year. In 2005, there was more strain between EUPM and EUFOR, specifically over the issue of mission mandates and strategies to address organized crime, than between either EUFOR or EUPM with the EC Delegation. On the contrary, the cooperation between EUPM and the EC Delegation and CARDS program has worked quite well.⁵⁹

The first Commander of EUFOR, General Leakey, was encouraged by High Representative Solana to emphasize EUFOR as a new and distinct mission from SFOR, even in so much as EUFOR was to continue SFOR's key military tasks of deterrence (providing "reassurance" and security) and compliance work (inspecting defense industries, weapon collections and demining). NATO and the EU had engaged in a complicated "delineation of tasks" between the residual NATO presence in BiH and EUFOR.⁶⁰ Hence, NATO and EUFOR both have responsibility for coordinating activities such as monitoring BiH compliance, conducting the fight against terrorism and finding and detaining war criminals. NATO maintained primary involvement in BiH defense reform while EUFOR initiated proactive operations to support the fight against organized crime, such as through border checkpoints to disrupt organized crime networks and assisting local law enforcement agencies.

⁵⁷ This lack of coordination is endemic to a situation where there are multiple EU and international community instruments deployed and developed at different times in the decision-making chain. Beyond this traditional problem is the attendant proclivity of the EU to design programs in functionally discrete ways and to reinforce pillar divisions in program design, and ongoing member state divergences that complicates the process of arriving at a clear EU policy.

⁵⁸ Personal interviews, Sarajevo, SFOR, OHR and Member State Officials, 2002-2005.

⁵⁹ The effective cooperation between EUPM and the European Commission was confirmed during yearly interviews (2003-2006) with EUPM officials and the European Commission delegation in Sarajevo.

⁶⁰ *EUFOR assumed its responsibilities under the framework of Berlin-Plus whereby the PSC exercises political control and strategic direction while EU OHQ is located at SHAPE.*

Unlike with defense reform in which there was a clear mandate for NATO's primary leadership in the process, both EUFOR and EUPM-I had mandates which permitted involvement by both missions in the fight against organized crime. Different members of the international community, in explaining the tension between EUFOR and EUPM in 2005, provided the following characterization of the problem. On the one hand some officials contended that organized crime is not normally fought in Western European countries by deploying soldiers at checkpoints or using the military for criminal disruption activities and that EUFOR was in search of a mission for itself and doing little to solve the problem. Conversely, other officials suggested that EUPM was "hiding behind its lack of an operational mandate" and not being proactive enough.

The twin problems of program design and evaluation of program effectiveness is not simply an issue for EUPM-type missions. EU and national officials have questioned what EUFOR achieved in 2005, in regard to EUFOR's role in organized crime disruption. The absence of a link between EUFOR's disruption of criminal activities (such as closing down an illegal logging operation that would reopen elsewhere) and the prosecution of cases seriously limited the effect EUFOR could have on addressing systemic causes of organized crime.⁶¹ Fighting organized crime takes lawyers, auditors, prosecutors, and not just the police, and, not typically, the military. However, with close to 7000 troops and an executive mandate that allowed it to provide operational support to BiH authorities and to gather intelligence, Commander Leakey saw an opportunity to enable EUFOR to fulfill one of the key supporting tasks outlined for Operation Althea, and at a time in which there was growing dissatisfaction among many EU member states about EUPM-I's supposed lack of operational activism.⁶²

Experience suggests that, earlier than in autumn 2005, the EU should have rapidly commissioned a comprehensive analysis about the extent to which organized crime is a problem in BiH, the implications of such, and the combination of EU and BiH tools best suited to address the problems.⁶³ The lack of coordination among EU instruments was certainly, in part, due to differences among HOM's and their own respective interpretation of mission mandates, but it also reflects member state dissonance about EUPM-I, its mandate and the strategies best suited to address the problem of organized crime. Most problematic, however, is that the Brussels based decision-making process created a situation in which there were overlapping mandates between the two ESDP operations in BiH without an earlier effort to identify appropriate mechanisms for intra-pillar coordination.

During 2006-2007, the EU has the opportunity to achieve a better equilibrium among its instruments in BiH and its experiences in BiH should prove to be a valuable template for EU operations in Kosovo. In September, 2005 EUFOR, EUPM and EUSR agreed on seven principles to enhance their cooperation and complementary assistance to the BiH Law Enforcement Agencies in tackling organized crime and corruption in BiH. This agreement was followed in May, 2006 with the adoption of a set of "Common Operational Guidelines for EUPM-EUFOR support to the fight against organized crime".⁶⁴ Accordingly, both EUPM and EUFOR have adjusted roles.⁶⁵

⁶¹ Personal interviews, Sarajevo, EUFOR Officials, 2005-2006.

⁶² *Ibid.*

⁶³ See Devine and Mathisen (2005) for a comprehensive analysis of corruption in BiH.

⁶⁴ Brussels, PSC Conclusions, 13 September 2005 and "Common Operational Guidelines for EUPM-EUFOR support to the fight against organized crime", Sarajevo, 11 May 2006.

⁶⁵ Personal interviews, Sarajevo, EUFOR, EUPM and Member States, May 2006.

EUPM-II is developing a more proactive role than in its first mission and is leading coordination of ESDP policing aspects, such as in assisting local authorities in their fight against organized crime and strengthening the control, inspection and accountability of BiH police. EUFOR is progressively reducing its role so that the BiH law enforcement agencies will assume initiative for operations, with advice provided by EUPM and EUSR. The intent is that EUFOR will provide support to local authorities, after a request has been made, and only after both EUFOR and EUPM endorse the support as essential and useful for increased BiH capacity building. As BiH authorities become more independent, the need for EUFOR support will reduce accordingly.⁶⁶

The missions of EUFOR and EUPM-II are focused on increasing the “local ownership” of EU program objectives. For post-conflict countries attempting peaceful, democratic transformation of state institutions, the key to long-term success inevitably requires national ownership of the reform process and shared consensus between government and civil society. To achieve such objectives, ESDP would benefit from a stronger connection between its program goals and priorities with those of local authorities, both to avoid a mismatch and to increase the probability of success for ESDP programs. Co-location in the field between EUPM officials and BiH officers was a step in the right direction. However, EUPM-I also would have profited from bringing BiH officials into the unit responsible for program development (they did not do so until EUPM-II).

As the BiH Director for European Integration sees it, one of the problems is that “BiH is still seen as more of a political-security problem than a country involved in economic transition to EU membership”.⁶⁷ In his view, the real threat to BiH is from economic underdevelopment, rather than ethnic nationalism. Citizens want and need to see how the EU is helping to improve the conditions of daily life, such as being able to purchase a daily newspaper, to travel to other European countries, or to see less crime.⁶⁸ The Director is concerned with corruption, a problem he believes is more significant a threat than organized crime since “there is not even a Bosnian mafia”. He does not deny that organized crime is a threat (such as in the sector of human trafficking that requires continued progress by BiH to control its borders), but the Director does question whether the issue has been inflated by the international community, especially given the scope of organized crime problems elsewhere in the region. The extent to which organized crime is a problem for BiH, the distinctions between organized, transnational crime and generalized corruption, and the strategies best suited to address both problems are questions of urgent relevance for EU and OHR officials and not just for BiH officials.⁶⁹ Necessarily, these are questions which confirm the importance of the EU continuing to highlight the intertwined relationship among organized crime, corruption and underdevelopment as part of a multifaceted strategy for post-conflict stabilization and development.

⁶⁶ The EUSR/OHR has primary responsibility for facilitating the coordination of ESDP instruments in the sector of organized crime and corruption through the governing body of the Crime Strategy Working Group, which is chaired by the EUSR/OHR, and consists of the Head of EUPM, COM EUFOR and the EUSR. The second body of significance at the operational level is the EU-ESDP Targeting board, chaired by EUPM; officials from EUPM, EUFOR, EUSR, CAFAO, OHR and the Prosecutor’s Office participate in the board in order to provide support to BiH authorities in their efforts to fight organized crime, corruption and terrorism. Thirdly, the EUFOR Targeting Board is focused on determining the level and type of EUFOR support to be provided to local BiH police operations as well as for EUFOR led operations under its Dayton mandate.

⁶⁷ Personal interview, Sarajevo, Director of European Integration, July 2005 and June 2006.

⁶⁸ Ibid.

⁶⁹ Personal interviews, Sarajevo, EUPM, OHR, European Commission Delegation Officials, 2005 and 2006.

In the new *EU Strategy for Organized Crime in BiH*, there is more focus on expanding contact with BiH locals, through strengthened relationships with government officials and by holding town meetings and initiating public surveys. This is an encouraging development. Nonetheless, scant attention has been paid to the role that civil society might play in ESDP missions, however. In the new “division of labor” envisioned in the area of organized crime, it is only the EC Delegation that is explicitly tasked with civil society/NGO’s. This seems to be a missed opportunity for ESDP, at least as so far as missions need to better connect to locally defined needs and not just externally developed objectives.

For example, effective strategies to combat human trafficking (an organized criminal activity in the Balkans) require a gender-sensitive approach, sustained national commitment, and a clear partnership between elite actors and civil society. Gender is a cross-cutting issue in conflict-affected and transitional countries, especially in the context of security sector reform and efforts to tackle organized crime.⁷⁰ For EUPM-II and EUFOR to devise effective programs to address human trafficking, as well as other organized criminal activities, they will need to devise more systematic procedures for consulting with domestic political actors and civil society, including local women’s organizations.

A triangulated strategy for organized crime is now emerging among EUSR/OHR, EUPM and EUFOR. EUFOR and EUPM will be mutually dependent in new ways – a new type of coordination that should be particularly instructive for Kosovo, where multiple EU instruments are likely to be in theatre. In effect, the adjusted roles for EUFOR and EUPM reflect an ability by the EU to engage in important self-correction. While some observers have argued that these adjustments should have occurred earlier, the natural point to do so was as part of the political negotiations for determining the revised mandate for EUPM-II and with the new HOM’s for both EUFOR and EUPM-II. The central lesson that has emerged from EU operations to address organized crime in 2005 is that ESDP missions which share thematic areas of operational responsibility (e.g. for organized crime) must have mandates and programs that reflect a distinct conceptual strategy for how each instrument is to be used in relationship to other EU missions, and, how ESDP programs can be better supported (and understood) by local actors and civil society, the individuals and communities who are responsible for the implementation and ownership of EU programs.

3.3 From BiH to Kosovo

The future status of Kosovo and EU relations with Serbia are of primary significance to the stabilization of BiH. The EU has placed a planning team in Kosovo (EUPT Kosovo) in order to begin preparation for a new ESDP mission in Kosovo. The early conclusion of an inter-pillar

⁷⁰ UN Security Council Resolution 1325 (UNSCR 2000, 1) provides a clear mandate for gender mainstreaming in SSR procedures by its reaffirmation of the “important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security”. Prior to 2005, the Council of the EU did not engage in any systematic effort to analyze the implications of UNSCR 1325 – passed back in 2000 – for ESDP operations. In December 2005, the Council of the EU, under the UK Presidency, approved a document on the “implementation of the UNSCR 1325 in the context of the ESDP” (Council 2005e). As follow-up, the EU Institute for Security Studies was asked to examine gender mainstreaming in ESDP operations using the case of EU missions in BiH. Batt and Valenius (2006, 7) found that “while top-level officers in both [EUPM and EUFOR] demonstrated a positive disposition towards women in the missions, one could not avoid the impression that they had very little knowledge of what gender mainstreaming actually is and what purposes it serves”. Although the EU and its member states formally have acknowledged their commitment to implementing UNSCR 1325, there is a lack of clear tools and benchmarks to guide policy and programming initiatives and an absence of systematic procedures for consulting with local and international women’s groups.

fact-finding mission for Kosovo, and the rapid deployment of EUPT, is indicating institutional learning on several accounts. First, EUPT is attempting to reduce the number of problems experienced during the EUPM takeover of IPTF in 2002 by placing EUPT personnel on the ground to do advance planning, in so far as that is possible given the complex political negotiations that are still underway for a final settlement for Kosovo. Second, EUPT includes individuals with experience from ESDP missions in BiH and Macedonia, as well as personnel with experience outside of the Balkans to provide fresh insights. Third, EUPT is comprised of comprehensive rule of law experts including police officers, judges and prosecutors, a lesson learned from ESDP in BiH. Fourth, the Council and Commission have produced joint papers in an early indication of inter-pillar cooperation. Fifth, there is already a clear acknowledgement about the importance for an ESDP mission to proactively cooperate with the European Commission, local officials, and other international organizations in order to increase policy coherence and reduce the number of problems emblematic of a post-conflict situation where numerous international stakeholders operate.

While the deployment of EUPT suggests that the EU is thus applying valuable lessons from EU operations in BiH, there are unsolved challenges that will confront an ESDP mission in Kosovo. First, as has been the case for ESDP missions elsewhere, EUPT has struggled to fill its personnel vacancies in an expedient manner, particularly in the justice sector. The problems of personnel recruitment and training, already discussed in the context of ESDP in BiH, will need to be rapidly addressed by the member states. Second, program design, implementation and assessment issues will be a continued test for ESDP in Kosovo. In the medium-term, there will need to be ad hoc working groups that bring together personnel from the three pillars of the Union (Commission officials participated in the fact-finding mission for Kosovo but are not present in EUPT) for a sustained and institutionalized conversation about the assessment procedures, implementation methods and cooperation mechanisms for a broadly focused rule of law mission in Kosovo.

For EUPM, the Union would have benefited from a more systematic consideration of how to best package, implement and market a strengthening mission. These issues will also confront an ESDP mission in Kosovo, but in the additionally complex environment of an ESDP mission likely to include an executive mandate. As the EU did in the revised mandate for EUPM-II, any future mission in Kosovo must include clearly delineated expectations, both for the end state to be achieved, as well as for determining measurable assessment mechanisms and benchmarking targets. Program design and implementation should occur with the early participation and feedback of host government officials and, ideally, with the involvement of civil society.

Lastly, an ESDP mission in Kosovo will necessarily oblige the EU and NATO to initiate further dialogue, both at the political level in Brussels and in the field, beyond what has taken place so far. There cannot be a large civilian ESDP mission in Kosovo without formal communication and intelligence exchange procedures with NATO/KFOR. The most fractious issues are apt to involve some of the same methodological debates that confronted EUFOR and EUPM in BiH – the role of the military instrument when there is a police mission present, the overwhelming number of military forces vis-à-vis ESDP police officers, the likely continuation of KFOR's provision for public order and security, and the division of responsibilities and methods of cooperation in the fight against organized crime. What will complicate the decision-making process for Kosovo is that it will engage both the EU and NATO, and it will not be limited to an internal EU debate between EUPM and EUFOR.

A likely byproduct of an ESDP mission in Kosovo will be distinctively new mechanisms for coordination in the field, between field personnel and Brussels, between the EU and NATO, and, perhaps, even between the US and EU. At the 2006 US-EU summit in Vienna, the US and EU acknowledged that the two actors “have begun a positive and mutually beneficial dialogue”

in the area of crisis management, including more contact between EU and US officials in Brussels and in conflict zones such as the Democratic Republic of Congo and Sudan.⁷¹ Although NATO remains the preferred venue for US security cooperation with its European allies, the intrinsic demands of international crisis management, and the steady augmentation of EU crisis response capabilities, have compelled greater US attention to its bilateral security relationship with the EU. An ESDP mission in Kosovo is likely to increase such cooperation, especially if the US would participate in the mission as a contributing state, something the US has yet to do in any previous ESDP mission. Such a decision would likely have the spillover consequence of facilitating improved functional coordination in crisis management between the EU and NATO, but also between the US and EU.

4. Conclusion: The Future of European Union Crisis Response

The lessons identified about the successes and failures of the post-conflict transformation of BiH will be relevant for the future success of EU operations such as for an EU mission in Kosovo, but also in more distant places like Afghanistan, Indonesia, Sudan and DRC.

BiH Defense Minister Radovanovic believes that: “From Bosnia and Herzegovina, we learn how to address issues of cultural identity, political participation, and democratic representation and how to properly discuss conflict, history, and identity. Bosnia and Herzegovina can be compared with Northern Ireland, Cyprus, and the Middle East. The central problem for all of these areas is how to develop mechanisms and structures to address conflict and identity, to support a culture of democratic dialogue, and to foster the rule of law.”⁷²

There may well be in the future some purely civilian ESDP operations, and some purely military ones. But the example of BiH demonstrates the urgent need for the EU to institute comprehensive planning for its missions, such as in security sector reform and rule of law, and within the decision-making structures of external relations. In the case of BiH, traditional impediments to civil-military cooperation do not exist because the state is in a post-conflict period where its state-level institutions are weak. Thus, it is not difficult to reshape or encourage new patterns of cooperation. The Minister of Defense for BiH confirmed this point and explained that his government has a long term goal to create an integrated, multifaceted security culture centered on human security and the challenges of modern peacekeeping.⁷³ Already, the BiH government is attempting to create a new “defense-security” nexus for lower-level officials to encourage civil-military cooperation and to promote a new view of security that moves beyond territorial defense. In the view of the Minister, another important catalyst for creating this new security culture will be its extension to the regional level of the Balkans.⁷⁴ This type of creative thinking by BiH government officials needs to be encouraged by the EU as part of a coherent security sector reform process for BiH, a process that goes well beyond the sectoral

⁷¹ 2006 EU-U.S Summit Progress Report on Political and Security Issues, June 21, 2006.

⁷² Personal interview, Sarajevo, Minister of Defense for BiH, July 2005.

⁷³ Personal interview, Sarajevo, Minister of Defense for BiH, July 2005 and June 2006.

⁷⁴ In 2012, BiH, in cooperation with the international community, will assume coordination of the Peace Support Operations Training Center (currently training military officials from Balkan countries at EUFOR’s Camp Butmir, outside Sarajevo). The strategy of the MOD is to open up the training center for civil servants and other personnel involved in security, in order to bridge the traditional civil-military divide. Minister Radovanovic would like to see the training center develop into a college targeted to mid-level defense, civil servants and police officers. A second function of the training center/college would be to create a national security and defense program for senior military personnel and civil servants to teach BiH legal, constitutional and political norms.

reforms of defense or police services and which is viewed as an indispensable component of preparing BiH to become a member of both NATO and the EU.

Minister Radovanovic perspicaciously captured the challenge for Bosnia and Herzegovina, and for the EU and its member states, when he argued that his country, as well as other EU and Western states, “needs to better study the problems of modern peacekeeping to have a modern security community that is easily able to fulfill complex tasks”.⁷⁵ The type of complementary or integrated civil-military missions envisioned by the EU requires a commensurate level of complex mission design, implementation and evaluation – a level of integration and multidimensionality that the current structures do not, as yet, completely support or facilitate.

A case in point would be the Civil-Military Cell that is under the direction of the EU Military Staff (EUMS). It was born, as most new structures are, from a unique set of political circumstances and as a compromise between the French who wanted an Operations Center for ESDP military operations and the British who advocated integrated civil-military planning. The cell as currently configured and as located in the EUMS, brings more of a civil component to military missions. It is not designed to provide truly comprehensive, holistic integration of crisis response along the continuum of conflict prevention, crisis management and post-conflict reconstruction. The Civil-Military Cell is not being fully utilized operationally and currently is caught in the midst of intra-pillar conflict within the ESDP structures.⁷⁶ Furthermore, within the Council Secretariat, there is an unclear delineation between policy and operational planning, between DG VIII and IX, between DG IX and the Civil-Military Cell, with the end product being intra-institutional tension and a lack of decision-making clarity.⁷⁷

In sum, there needs to be continued restructuring of the Brussels decision-making structures as well as continued attention to external relations field management and operations, including, of course, the entire program cycle for ESDP. The first and somewhat obvious steps toward a solution to improve EU crisis response mechanisms are to augment the capacities and personnel of DG IX, especially in light of the upcoming ESDP operation in Kosovo, and over the medium and long-term, to reorganize the Council Secretariat bodies responsible for ESDP, as well as the pillar structure for external relations. Ultimately, increased financial expenditures will be necessary if the EU is to have the requisite resources to achieve its ambitious objectives for global conflict prevention and crisis response. A second step is to bring independent civilian analysts (both in Brussels and in field operations) into program development and assessment alongside and in cooperation with EU officials, to provide a means for ESDP personnel recruitment other than through national secondment. A third initiative to improve the quality of missions and the decision-making procedures that support them is to appoint “in house” research scholars for policy oriented research in the area of crisis management and post-conflict stabilization. A more systematic research effort by the EU is related to a fourth step to enhance on-the-ground effectiveness of ESDP missions: an increase in the quality of induction training for personnel serving the missions. The critical need for mission training holds true even for the highest levels of ESDP officials, including Heads of Mission (HOM), whose EU expertise and understanding of ESDP can vary widely. A fifth measure is for the EU to increase attention on the contribution of civil society, including the acceleration of the mainstreaming of gender and human rights perspectives within ESDP missions, in order to avoid a mismatch between EU program goals and priorities and those of local communities.

⁷⁵ Personal interview, Sarajevo, Minister of Defense for BiH, July 2005 and June 2006.

⁷⁶ Personal interviews, Brussels, Council Secretariat and Member State officials, June 2006.

⁷⁷ This point was referenced by many officials, including those from DGE, the EUMS, and the European Defense Agency and by member state representatives.

At present, the most intriguing question concerns the changes to the Council Secretariat proposed by High Representative Solana at the June European Council Session (2006c) in order to strengthen the capacity, coherence, and clarity of crisis management decision-making structures, without actually modifying the terms of reference or structures for the Council Secretariat.⁷⁸ Referred to as “the Hampton Court follow-up”, High Representative Solana has indicated that he will establish a new Crisis Management Board (CMB) to meet prior to an operational decision, as well as at regular intervals to evaluate ongoing ESDP operations and facilitate an evaluation of lessons learned. The Council Secretariat would be further restructured into four integrated groups comprised of: Intelligence/Situation and Risk Assessment (Group A); Policy (Group B); Planning (Group C); and Operational Execution/Strengthening Implementation Capacity (Group D with the double-hatting of the Director of Civilian Crisis Management (DG IX) as a Civilian Operation Commander, ostensibly to improve the chain of command for civilian ESDP operations.⁷⁹

The current “Hampton Court” proposal by High Representative Solana has generated controversy among member states and Council Secretariat personnel about the desirability of the proposed changes. This is a conversation that should occur among a wide section of relevant ESDP actors in order to increase ownership for future changes among affected personnel. Invariably, the proposed changes by High Representative Solana are likely to be short-term solutions to more long-term problems of structural coherence and capacity, which inevitably will require a change in the terms of reference, an increase in Council Secretariat staff, and an inevitable blurring of pillar distinctions.

Moreover, it is a convenient fiction that no extra resources will be required to improve the present functioning of ESDP and by extension, the Council Secretariat. Although the CFSP budget increased from 62.6 million euros in 2005 to 102.6 million euros in 2006, it is still a very small sum, given the rapid increase in civilian crisis management operations (Council 2006e). While the Civil-Military Cell could be more fully utilized, and other structural responsibilities in the Secretariat better delineated, the simple reality is that a continued burgeoning of ESDP operations will require an increase in both personnel and financial expenditures, as well as an unremitting reflection among member states about the nature and purpose of ESDP as an instrument of EU external relations.

Do member states want to provide civilian operations with a permanent pool of legal and political advisers, for example? Will they continue to rely on national secondment practices for mission staffing or will they permit the EU to use international civilian secondments, like the UN? Will member states increase coordination with the 3rd pillar and include representatives from EUROPOL and EUROJUST in ESDP missions? What about the functional field relationship among EUSR’s, Commission delegations and ESDP missions, as well as the relationship between EU operations with domestic political leaders and civil society actors? Will the EU be able to capitalize on its strengths to produce deepened stakeholder cooperation at all levels of decision-making?

From a study of ESDP in BiH, it becomes evident that the exacting process of delineating responsibilities for the full range of instruments available to the EU and its member states has produced greater self-clarity regarding the way forward for ESDP, both for civilian and military tasks, as well as for more integrated crisis response that may require deployment of multiple instruments in rapid and non-linear succession. In BiH, as well as in crisis areas such as Iraq and Afghanistan, there is a growing realization that effective post-conflict stabilization requires a systematic and careful integration of a full-spectrum of security responsibilities and capabilities.

⁷⁸ Personal interviews, Brussels, Council Secretariat and Member State Officials, June 2006.

⁷⁹ Ibid.

The EU has understood the complexity of post-conflict stabilization challenges but until its missions in Bosnia and Herzegovina, it has not actually had the experience to develop the policies, institutions and mechanisms to cope most effectively with the obstacles presented by complex field operations. ESDP will benefit from the deepening competence and experience of its officials as they further refine the methodology of implementation for ESDP and extend their experience in security sector reform, civil-military cooperation and comprehensive crisis response.

Most certainly, the challenges for EU field operations – complexity, multidimensionality, and policy integration – are challenges also for the United States, the UN and other global actors. The EU, through its unique repertoire of civilian and military instruments, is one of the most uniquely suited powers to shape and drive international improvements in integrated crisis response. Enlarging and improving the pool of appropriate personnel available for field operations, expanding common training and creating new and improved decision-making structures and procedures, as well as techniques of coordination informed by concrete field experience and technical and political expertise, are three major means by which the EU can move to improve the quality of its crisis response.

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