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DIIS Brief

THE DECISION-MAKING PROCESS BEHIND LAUNCHING AN ESDP CRISIS MANAGEMENT OPERATION

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Executive Summary:

Overall, the development of the European security and defence policy (ESDP) and the deployment of ESDP operations have been nothing less than impressive. At the time of writing the EU has, within a five-year period, initiated twenty-one ESDP operations, on three continents, of which about a dozen are presently ongoing. The rapid growth of this completely new field of activities for the EU has placed new demands on the whole system of ESDP decision-making. Contrary to most EU policy areas, decision-making concerning ESDP operations involves all member states at all times and with a right to veto the process at any time (with the partial exception of Denmark). This examination of the European Union's decision-making process for launching EU-led peace support operations captures and describes the dynamics of the process and investigates the working methods of ESDP decision-making. It reveals that the intergovernmental character of this process is more fluid and involves fewer formalised steps than one would imagine at a first glance. At times the processes preceding the launch of an ESDP operation can also be surprisingly quick, although at other times it displays bottlenecks for instance in the force generation process constraining efficiency and rapidity of decision-making. One of the biggest challenges facing the EU today relates to capacity – in terms of planning, funding and availability of civilian and military personnel and equipment for ESDP operations.

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Introduction

The ESDP is one of several instruments of the Union's common foreign and security policy (CFSP). Nonetheless, the introduction of the ESDP required new institutional bodies, the elaboration of new decision-making procedures, as well as new types of planning processes and methods in order to provide the Union with a real capacity to carry out peace support operations. In many ways the complex decision-making procedures at the EU level display fairly unusual working methods. The formal decision-making on ESDP operations are taken in bodies where all members are represented, all decisions are taken unanimously, and the level of formal delegation to other bodies than the member state forums is minimal. The relative strength of the various institutional bodies also differs considerably compared to most other EU areas. The supranational institutions are far less involved in the process, and the Council (and notably the Political and Security Committee and other parts of the Council's support structures) is the main locus of power in this area.

Getting an ESDP-operation on the agenda

The early ideas for new operations do not always originate in any of the member state capitals. On some occasions it has rather been the High Representative and the Council Secretariat that have in effect been the initial architects behind new operations. By successfully channelling the ideas through the Presidency or another member state, the Council secretariat demonstrates its informal agenda setting powers. On other occasions, the initiatives seem rather to have originated outside of the EU system, for example within the UN.

Once the idea of a new operation is circulating, a multitude of factors will affect the initial reactions among the member states, as well as within the Council Secretariat and the Commission. Among those are the general opinions on the political feasibility of the operation, considerations on whether the operation is strategically desirable for the EU and deliberations whether an operation is at all possible from a capacity point of view.

Should these and other discussions point to even a vague possibility to go ahead and examine the conditions in more detail, the process of gathering more information will start. For instance, the Political and Security Committee (PSC) may ask for more information from other actors such as the Situation Centre (SITCEN), Council Secretariat, the Commission, the EU Satellite Centre, the member states, and the EU Special Representative if one exists for the area in question. The PSC and the relevant bodies in the Council Secretariat may also undertake some initial informal contacts with third parties, such as the UN, NATO, possible third country contributors and relevant regional organisations. Furthermore, a fact-finding mission may be despatched to gather more information from the area, if the PSC deems it desirable. However, at this early stage, a proposed operation may well be taken off the agenda due to the realisation that an operation will not be feasible.

The Preparations

Once there is agreement in the PSC to go ahead the planning process takes off in several bodies, sometimes simultaneously. The first formal document being discussed is normally the “crisis management concept” (CMC), describing the general political assessment of the situation, the overall objectives of the operation, and one or more proposed course(s) of action. The possible military strategic options are drafted by the EU Military Staff, and civilian equivalents are often drawn up by the relevant bodies in the Council Secretariat, both guided by the PSC, and under the direction of the European Union Military Committee (EUMC) and Committee for Civilian aspects of Crisis Management (CIVCOM) respectively. In this process, national HQs or the Operations Centre may also provide advice and support. Following the advice given by the EUMC and/or CIVCOM, the CMC is negotiated in the PSC. Once agreement has been reached in the PSC, the Council approves the CMC.

Identifying the possible personnel and financial resources is the next challenge. The respective bodies in the Council Secretariat conduct an informal sounding out of possible troop contributions or the civilian equivalents. Often, it is more difficult when trying to get an estimate for civilian operations than for the military, because policemen, judges, or other civilian personnel need to be immediately replaced at home when sent out in international missions, while troops to a certain level can be sent out without the need to replace them for immediate domestic service. Civilian operations are normally funded by the CFSP budget. However, these very limited funds are often not enough, or have been emptied before the end of the year. In the past, such operations have on occasions therefore been additionally financed by voluntary direct contributions from the participating states. Military operations are funded outside the CFSP budget, by the member states directly. The Lisbon Treaty will add a new component for the financing of military operations, by allowing for the creation of a new “start-up fund”, outside the regular EU budget. For combined civil-military operations the costs may be covered by a combination of community and member state funding.

The formal decision(s) to take action

Once there is agreement on the operation between the member states, an understanding that sufficient capabilities will be available, and in relevant cases a UN Security Council mandate, the Council unanimously adopts the formal EU decision to take action – the so called Joint Action. Thereby, the Joint Action becomes the formal legal basis of the operation.

The exact contents of the Joint Action may vary with the type of operation, but generally it contains an outline of the political context and the reasons for undertaking the operation, the relationship to other ongoing operations (EU or non-EU led) in the area, the objectives of the operation, and the legal grounds. Normally, it also specifies the exact role and chain of command of a number of actors involved, including the High Representative and the European Union Special Representative if there is one, as well as details of what kind of decisions the PSC may take without the formal approval the Council. It may also formally designate the Operation Commander, the operational headquarters (OHQ) and the Force Commander, or name the Head of Mission for a civilian operation. Often, the joint action also specifies the potential role of third states and the financing arrangements. Furthermore, the joint action may either specify a date for

the launch of the operation, or indicate that a separate decision to that end will be taken. The latter has become customary in particular for the military operations.

Formally, the joint action precedes the force generation process and the elaboration of an operation plan and related documents, but in practice these processes are intertwined. The Council would not agree on an operation unless it judged the rest of the process to go ahead. The force generation process starts by issuing a “call for contributions” and an invitation to member states and other possible contributors to a force generation conference. For military operations, it is the Operation Commander and the European Union Military Staff that are jointly responsible for this process. For civilian missions, the Head of Mission together with relevant bodies in the Council Secretariat share the responsibility. Participation in ESDP operations is always voluntary, and subject to the member states’ own deliberations. It is thus during this process that the shortage of troops in many member states – as well as the occasional lack of political will to commit available troops and equipment – is displayed.

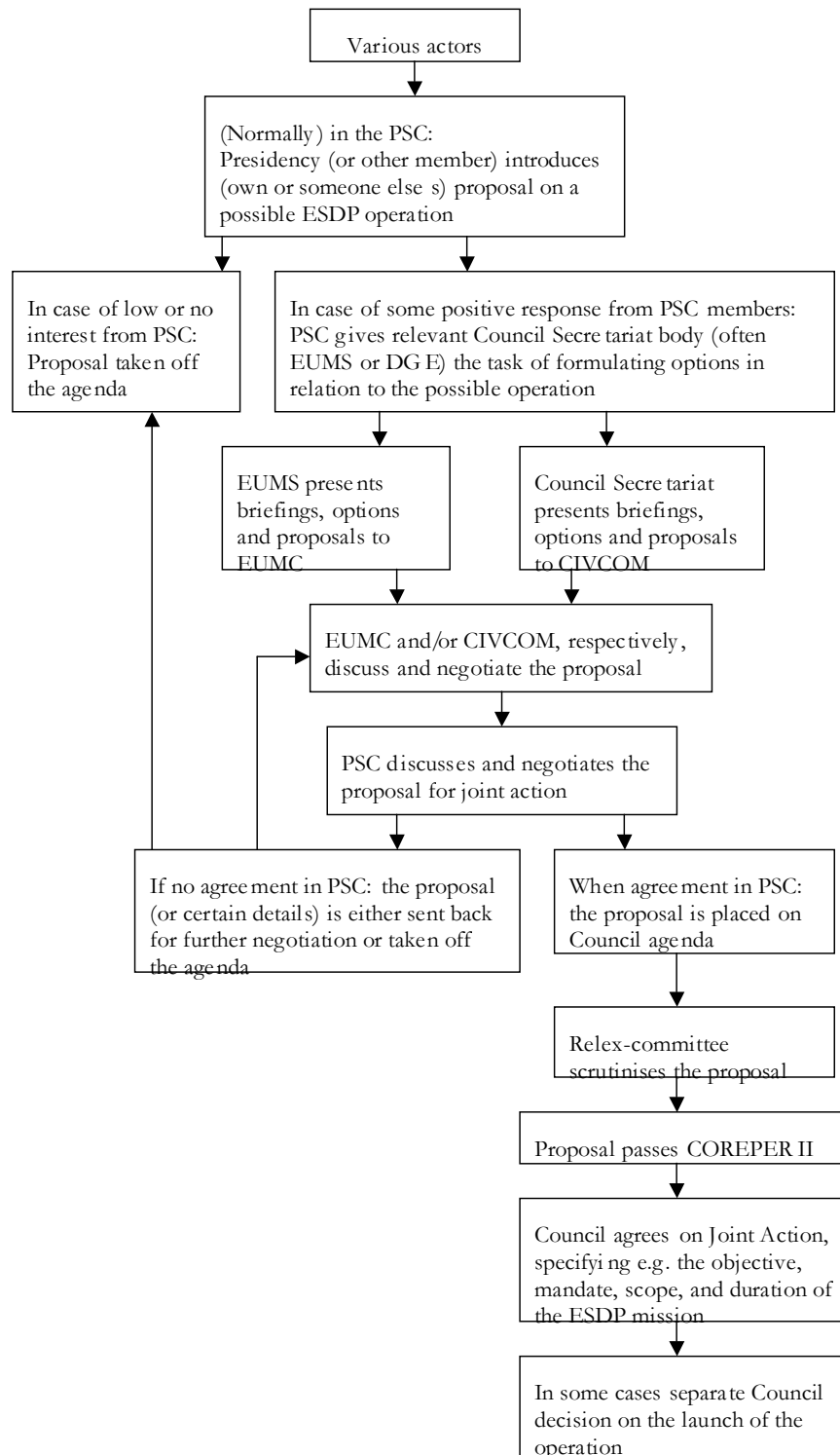
Finalising the planning and launching the operation

Ahead of the launch of the operation, an Operation plan (OPLAN) is drafted by the Operation Commander, outlining the proposed conduct of the operation, including the required forces, support elements and transportation, as well as the rules of engagement for the personnel. In order to spell out the legal terms under which the deployed ESDP personnel can operate in the field, a status of forces agreement (SOFA) is normally also concluded between the EU and the government(s) in the area of the operation.

A Committee of contributors provides guidance for the remaining operational preparations as well as input to the day-to-day management of the operation. All EU members may participate, although only those contributing to the operation will take active part in the daily management. Non-EU contributors “deploying significant military forces”, may also participate on equal footing with the contributing EU members in the Committee of contributors.

The operations are sometimes launched by a separate Council decision. The Committee of contributors provides input to the deliberations in the PSC, but the PSC has the overall responsibility for issues related to the political control and strategic direction of the ongoing operation within the mandate given by the Council. It is eventually the Council that takes the decision to end an operation.

The ESDP - decision-making process



Conclusion

Despite sometimes cumbersome procedures and the strict adherence to the rule of unanimity it is tempting to argue that some of the EU's peace support operations have been launched surprisingly quickly and efficiently. On the other hand, in particular the force generation process is sometimes a painful testimony to the lack of available civilian and military personnel and equipment for ESDP operations. The Lisbon Treaty attempts to address one aspect of this problem, by inviting interested states to enhance their cooperation (under the heading of a "permanent structured cooperation") on national capacity to provide troops and equipment for peace support operations. The treaty does not, on the other hand, alter the rule of purely voluntary participation in the operations. As long as the ESDP area continues to remain an intergovernmental affair, the EU's capacity in this area will as always depend more on the political will of the member states than on any legal provisions. Issues such as new financing arrangements, a permanent headquarter for the EU, improved national capacity to provide civilian and military personnel, and covering "European" shortfalls, such as strategic transport capacity, needs to be addressed by the member states irrespective of the fate of the Lisbon Treaty. Meeting these challenges will be far more important than the new treaty for the functioning and the future prospect of the EU as an actor for global peace and security.