The Role of the Council Secretariat and the European Commission in EU Foreign Policy

Citation for published version (APA):

Dijkstra, H. (2011). *The Role of the Council Secretariat and the European Commission in EU Foreign Policy*. [Doctoral Thesis, Maastricht University]. Maastricht University.
<https://doi.org/10.26481/dis.20110615hd>

Document status and date:

Published: 01/01/2011

DOI:

[10.26481/dis.20110615hd](https://doi.org/10.26481/dis.20110615hd)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
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- The final published version features the final layout of the paper including the volume, issue and page numbers.

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The Role of the Council Secretariat and the European Commission in EU Foreign Policy

The Role of the Council Secretariat and the European Commission in EU Foreign Policy

Proefschrift

ter verkrijging van de graad van doctor aan de
Universiteit Maastricht
op gezag van de Rector Magnificus
Prof. Mr. G.P.M.F. Mols
volgens het besluit van het College van Decanen
in het openbaar te verdedigen op
woensdag 15 juni 2011 om 10.00 uur
door

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LIST OF ABBREVIATIONS

AEI	Archive of European Integration
AFP	<i>Agence France-Presse</i>
AFSOUTH	Allied Forces Southern Europe (NATO)
AMIS	African Union Mission in Sudan
AMM	Aceh Monitoring Mission
ASEAN	Association of Southeast Asian Nations
BRD	Federal Republic of Germany
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CIVCOM	Committee for Civilian Aspects of Crisis Management
CPMD	Crisis Management Planning Directorate
CMI	Crisis Management Initiative
CONOPS	Concept of Operations
COREPER	Committee of Permanent Representatives
COREU	<i>Correspondance européenne</i>
COSA	Commission on Security Arrangements
CPCC	Civilian Planning and Conduct Capability
CPCO	<i>Centre de planification et de conduite des opérations</i>
CRCT	Crisis Response Coordination Team
DDR	German Democratic Republic
DG	Directorate-General
DG AGRI	Directorate-General Agriculture

DG DEV	Directorate-General Development
DG E	Directorate-General External Relations (Council)
DG E VIII	Directorate for Defence Issues
DG E IX	Directorate for Civilian Crisis Management
DG ELARG	Directorate-General Enlargement
DG RELEX	Directorate-General External Relations (Commission)
DG SANCO	Directorate-General Health and Consumer Protection
DPKO	Department of Peacekeeping Operations (UN)
DSACEUR	Deputy Supreme Allied Commander Europe (NATO)
ECHO	Humanitarian Aid and Civil Protection Office
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EMU	European Monetary Union
ENA	European Navigator (ena.lu)
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
EU	European Union
EUCE	European Union Command Element
EUFOR	European Union Force
EULEX	Rule of law mission of the EU in Kosovo
EUMC	European Union Military Committee
EUMS	European Union Military Staff
EUPM	European Union Police Mission in Bosnia-Herzegovina
EUSR	European Union Special Representative
FHQ	Force Headquarters
FOC	Full Operational Capability
FT	Financial Times
GAM	Free Aceh Movement
GDP	Gross Domestic Product

HOMs	Heads of Mission
ICR	International Civilian Representative in Kosovo
ICTY	International Criminal Tribunal for the former Yugoslavia
IFOR	Implementation Force (NATO)
IHT	International Herald Tribune
IMD	Initiating Military Directive
IMF	International Monetary Fund
IMP	Interim Monitoring Presence
IOC	Initial Operational Capability
IPU	Integrated Police Unit
ISAF	International Security Assistance Force (NATO)
KFOR	Kosovo Force (NATO)
LOTs	Liaison and Observation Teams
MINURCAT	United Nations Mission in the Central African Republic and Chad
MSU	Multinational Specialized Unit
NATO	North Atlantic Treaty Organization
OHQ	Operations Headquarters
OHR	Office of the High Representative in Bosnia
OPLAN	Operations Plan
OSCE	Organization for Security and Cooperation in Europe
PIFWCs	Persons Indicted for War Crimes
PMG	Political-Military Group
POLAD	Political Advisor
PSC	Political and Security Committee
PSOR	Provisional Statement of Requirements
RELEX group	Group of External Relations Counsellors
SAP	Stabilization and Association Process
SEA	Single European Act
SFOR	Stabilization Force (NATO)

SHAPE	Supreme Headquarters Allied Powers Europe (NATO)
SITCEN	Joint Situation Centre
SOFA	Status of Forces Agreement
SRSg	Special Representative of the Secretary-General (UN)
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
ToL	Treaty of Lisbon
UK	United Kingdom
UN	United Nations
UNAMID	African Union/United Nations Hybrid operation in Darfur
UNHCR	United Nations High Commissioner for Refugees
UNIFIL	United Nations Interim Force in Lebanon
UNMIBH	United Nations Mission in Bosnia-Herzegovina
UNMIK	United Nations Mission in Kosovo
UNOSEC	Office of the Special Representative for Kosovo (UN)
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
US	United States
WEU	Western European Union
WHO	World Health Organization

ACKNOWLEDGEMENTS

One of the most enjoyable things about life in academia is without a doubt the exchange of ideas and collaboration with others. The social dimension of research has not only made my life more durable over the past few years, it has also significantly improved my thinking about EU foreign policy. For this book, I have attended no less than nineteen conferences and workshops in Belgium, Canada, France, Germany, Italy, Latvia, Portugal, Sweden, The Netherlands, the United Kingdom and the United States. Discussions with colleagues at these and more informal events have greatly helped me to clarify my thoughts and to strengthen my arguments. This is my turn to acknowledge all their support.

It is always tricky to single out individuals, but I think it is fair to say that I owe – like many others – most gratitude to Sophie Vanhoonacker. Our relations date back to 2004, when I enrolled in one of her classes as a second year undergraduate. Two years later, we started collaborating on a small research project dealing with an obscure European Union body called the General Secretariat of the Council. That this would be the start of my dissertation and a career in academia, I did not realize then. Needless to say our relationship has developed over the years. We have co-authored several articles and have, to my mind, long passed the stage of the professor-pupil dichotomy of seven years ago.

Equally, I need to thank Tannelie Blom. Without him, there would not have been a European Studies program in Maastricht! As one of my supervisors, he was always available and gave very constructive feedback, despite his impossible agenda. His encouraging style of supervision was as well much appreciated. My dissertation is, however, not completely a Maastricht product. The foundations were laid during my master's degree at the University of Cambridge. Christopher Hill's continuous support, as my thesis supervisor, was important in this respect. Moreover, whenever my views became a bit intergovernmental, Geoffrey Edwards was there to set me straight. In the context of my dissertation, I also spent a month at Stockholm University as a visiting Ph.D. student. Jonas Tallberg and his colleagues were most generous in hosting me.

One of the merits of writing a dissertation in Maastricht is the large number of colleagues working on the EU. I have learned a great deal from them and they have had an impact on the contents of this book. I want to mention, in particular, Thomas Christiansen, Thomas Conzelmann, Petar Petrov, Karolina Pomorska and Esther Versluis. In addition, I need to thank my office colleagues Patrick Bijsmans, Paul Stephenson and Maarten Vink. Finally, Bram Akkermans, Christine Neuhold and Gergana Noutcheva made the commute from Brussels more enjoyable. Beyond Maastricht University, I have greatly benefited from discussions with David Allen, Doreen Allerkamp, Derek Beach, Sven Biscop, Gijs Jan Brandsma, Tom Casier, Mai'a Cross, Simon Duke, An Jacobs, Ana Juncos, Stephan Keukeleire, Nadia Klein, Alexander Mattelaer and Benjamin Pohl.

Credit is also due to the great many interviewees, who kindly took their time to receive me and patiently answered my undoubtedly ignorant questions. I recall in particular a very senior EU official, who invited me to his private home on a Saturday morning to spend four hours explaining me the details of EU foreign policy. For a junior scholar, this was a rewarding experience. All interviewees are listed by name at the end of this book as a token of appreciation. In academic terms, I have benefited from countless referee reports. They have been (with the occasional exception) extremely encouraging. Many journal editors also saw merit in my work. This has been much appreciated.

Finally, I need to thank my parents and sister for their continuous support. They were the first to show me Europe and they promoted a notion of internationalism along the way. The last word is for Karine, whom I met at about the same time that I started doing my very first interviews at the Council Secretariat. She has been with me ever since. While writing this book, she has endured my 'lectures' on EU foreign policy and many other matters. I doubt that this will ever stop.

H.D., Brussels, 6 May 2011

CREDITS

Parts of this dissertation have previously appeared as articles in academic journals. While the content of these articles has been substantially revised, credit is due to the publishers for allowing me to use the material. The following articles are of particular relevance:

- 'The Council Secretariat's Role in the Common Foreign and Security Policy', *European Foreign Affairs Review*, 2008, 13(2): 149-166.
- 'Commission Versus Council Secretariat: An Analysis of Bureaucratic Rivalry in European Foreign Policy', *European Foreign Affairs Review*, 2009, 14(3): 431-450.
- 'Explaining variation in the role of the EU Council Secretariat in first and second pillar policy-making', *Journal of European Public Policy*, 2010, 17(4): 527-544.
- 'The Military Operation of the EU in Chad and the Central African Republic: Good Policy, Bad Politics', *International Peacekeeping*, 2010, 17(3): 395-407.
- 'The Planning and Implementation of the Rule of Law Mission of the European Union in Kosovo', *Journal of Intervention and Statebuilding*, 2011, 5(2): 151-168.

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1. INTRODUCTION

As time goes by, I do whatever I want. I know what people think. I pursue my own agenda. I don't have to check everything with everyone. I would rather have forgiveness than permission. If you ask for permission, you would never do anything – dr. Javier Solana (quoted in Financial Times, 12 July 2003).

Javier Solana oversaw European Union (EU) foreign policy for more than a decade as the High Representative for the Common Foreign and Security Policy (CFSP) (1999-2009). Nominated in the midst of the Kosovo war, his function was to rally the member states during international conflicts. In the outside world, he provided the EU with visibility. He became known as the EU's foreign policy chief or *de facto* foreign minister. His relentless travels took him around the globe collecting some two-and-a-half million air miles along the way. Solana's terms in office were ones of turbulence in the affairs of men. The war in Kosovo had just ended and the Second Intifada was about to begin. The events of 11 September led to the conflicts in Afghanistan and Iraq. Israel invaded Lebanon and Russia went to war over two trivial regions in northern Georgia. Solana played his part. He participated in the Quartet on the Middle-East and the status talks about the future of Kosovo. He drafted the European Security Strategy in 2003, following the split of the member states over the Iraq war, and he mediated between Israel and Lebanon. He negotiated with Iran on non-proliferation and tried to bring stability to the Western Balkans. Javier Solana made full use of the powers he had been granted by the member states.

The creation of the post of High Representative is part of a larger story on the institutional development of EU foreign policy. Following the repeated failures of the European Union to end the civil wars in former Yugoslavia (1991-1999), the member states drastically upgraded foreign policy cooperation in the context of the Amsterdam Treaty (1999). Their emphasis was on institutions. In addition to the nomination of Solana, they appointed several Special Representatives (EUSRs) to represent the Union

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in conflict regions around the world. They equipped the Council Secretariat with foreign policy services to support the High Representative.¹ The Council Secretariat also became in charge of planning civilian and military operations in order to send soldiers, judges, prosecutors, policemen and monitors abroad. The European Commission was strengthened as well. As an important distributor of large sums of development aid and technical assistance, it had to ensure consistency with the objectives of the member states. Many of these foreign policy services in the Council Secretariat and the Commission are currently merged in what is to become the European External Action Service – a formidable new bureaucracy that will soon employ several thousands of employees.

These developments in EU foreign policy, which have taken place in the time span of only a few years, are without a doubt amongst the most spectacular in the recent institutional history of the European Union.² For decades, foreign policy was the last remaining bastion of sovereignty. In contrast to European integration in economic and regulatory issues, it was considered the *domaine réservé* of the member states, where the EU institutions did not have a place. As former Commission official Simon Nuttall (1992: 11) famously noted, foreign policy cooperation in the EU was traditionally best seen as an intergovernmental “private club operated by diplomats for diplomats”. Scholars have *also* claimed that international cooperation between states in security affairs and economic issues takes different paths. Stanley Hoffmann (1966) made a distinction between 'high' and 'low' politics. High politics, he argued, followed the logic of diversity, which made cooperation problematic and the involvement of supranational institutions undesirable. Robert Jervis (1982) and Charles Lipson (1984) used game theory to show the competitive nature of international security and to explain the different degrees of institutionalization.

The recent institutional development of EU foreign policy presents therefore an empirical and theoretical puzzle. The rapid delegation of tasks to the Council Secretariat and the Commission following the Amsterdam Treaty is an antithesis to thirty years of limited institutional growth. Did the EU member states suddenly give up the centuries-long tradition of state sovereignty and 'self-help' in international security (e.g. Waltz 1979), or are these concepts still part of the equation? The institutionalization of foreign

¹ The General Secretariat of the Council of the European Union is commonly known as the Council Secretariat. Unlike the Commission, it is not a formal EU institution (article 13 TEU). The terminology is used nonetheless.

² EU foreign policy refers exclusively to the Common Foreign and Security Policy (CFSP, 1993-date) and European Political Cooperation (EPC, 1970-1993).

policy cooperation puts into question some of the leading scholarly work in international relations. Should international cooperation in security matters and economic issues still be conceptualized differently, or is it time to do away with 'high' and 'low' politics? This book makes a contribution by providing a better understanding of institutional development in EU foreign policy and of the dynamic interplay between the member states and EU institutions. It poses two related research questions:

First, *why have the sovereign member states voluntarily delegated functions to the Council Secretariat and the Commission in the area of foreign policy?* It has been noted above that delegation is not automatic in foreign policy. States tend to jealously guard their sovereignty. This makes the question 'why delegate?' crucial in studying international organizations (Hawkins et al. 2006: 13). To answer this question, the book analyzes key moments of delegation and non-delegation since the very beginning of EU foreign policy. It examines the reasons for limited delegation when member states established foreign policy cooperation in the 1970s and it looks at the more recent instances of (non-)delegation. By discovering the rationale and the process of delegation over time, one can make better inferences about institutional developments around the turn of the twenty-first century.

Second, following the delegation of tasks to the EU institutions, it is well-worth asking *under which conditions did the Council Secretariat and the Commission exercise political influence (i.e. agency) in the area of foreign policy?* Scholars are ultimately interested in the EU institutions, as they know that supranational institutions 'matter'. This book makes use of case studies. It studies the political influence of the Council Secretariat and the Commission in the policy process of four civilian and military missions taking place in the European Security and Defence Policy (ESDP; CSDP under the Lisbon Treaty). ESDP is the most institutionalized and visible part of EU foreign policy. During the 'Solana era', the EU launched twenty-four operations, many of which made a real difference on the ground. The influence of the Council Secretariat and the Commission in ESDP thus of significance.

1.1 THE LITERATURE

Supranational institutions have been a subject of academic debate since the beginning of European integration. In the *Uniting of Europe*, Ernst Haas (1958) put supranational institutions at the heart of further unification, as they helped to cultivate spillover. By delegating authority to the common

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institutions, Haas argued, the member states introduced new actors in their game. These European institutions had a preference for further integration and the ability to exert supranational entrepreneurship in the negotiations, trigger functional spillover across sectors, and act as focal points for like-minded societal actors. His ideas, known as neofunctionalism, were shared by contemporaries. Leon Lindberg (1963), for example, outlined various scope conditions, under which delegation to supranational institutions could result in further integration. One criterion was that the institutions should have the right of initiative. Their tasks should furthermore be “inherently expansive” (Haas 1961: 376; Rosemond 2000, 2005; Eilstrup-Sangiovanni 2006) allowing them to overcome the autonomy of functional contexts. The idea that the European institutions play an important role and are the key to deeper integration was thus present in academia from the start.

The theory of neofunctionalism has had tremendous influence in Brussels amongst supranational civil servants. In academia, it has largely been discredited – not in the least place by Haas himself (1975). Despite a number of qualifications, spillover and the process of European integration was described by proponents of neofunctionalism as automatic (to Hegelian teleological proportions). The actions of French President de Gaulle quickly proved otherwise (Hoffmann 1966). Some scholars sought a way out by coining inventive terms such as spill-back, but it was clearly too late. The empirical record of neofunctionalism is frequently used as a critique. Its theoretical weakness is more interesting, however, for studying the role of supranational institutions. First, the theory does not explain why states delegate tasks. Haas (1964) noted functional pressures to move beyond the nation-state, but the consensual nature of delegation given the obvious sovereignty costs presented a puzzle. Second, it remained unclear why supranational institutions exclusively held the key to entrepreneurship and further integration (Moravcsik 1993, 2005). Third, neofunctionalism failed to account for control mechanisms, which the member states had put in place (Taylor 1990). Despite these empirical and theoretical problems, neofunctionalism has made a significant revival since the Single European Act of 1987 (Sandholtz and Zysman 1989; Tranholm-Mikkelsen 1991; Burley and Mattli 1993, but also Niemann 2006).

Intergovernmentalism became over time the main rival theory to neofunctionalism. It emphasizes the centrality of the state in the process of European integration (Hoffmann 1966; Milward 1984, 1992; Moravcsik 1991, 1993, 1998). Intergovernmentalism has significantly contributed to our understanding of the European Union, but it has precious little to say about the role of the supranational EU institutions. According to Andrew Moravcsik (1998), they only played a marginal role in treaty negotiations,

as they did not possess better negotiating means than the member states. Intergovernmentalism explains the delegation of functions to the EU institutions in terms of their ability to make the agreements of the member states more credible. Supranational institutions thus strengthen the member states (Milward 1984, 1992). By delegating “the right to propose, legislate, implement, interpret, and enforce agreements”, Andrew Moravcsik notes, “governments restructure future domestic incentives, encouraging future cooperation by raising the cost of nondecision or noncompliance” (ibid.: 73). Such credible commitments between the member states are necessary, as the future is inherently uncertain and agreements are often incomplete (Williamson 1985). Intergovernmentalism provides a powerful explanation for delegation during salient instances of treaty reform, but it is silent on the role of EU institutions in day-to-day policy-making.

This black and white debate over the role of the EU institutions between neofunctionalism and intergovernmentalism reached a stalemate by the mid-1990s. In an attempt to move on, a number of 'middle-range' theories were developed, which did not aim to explain the whole process of European integration, but rather specific instances. With a view to the role of the EU institutions, rational choice institutionalism – and the use of the principal-agent model – stands out (e.g. Pollack 1997, 2003; Meunier and Nicolaïdes 1999; Majone 2001; Tallberg 2000, 2002a, 2006; Keleman 2002; Elgie 2002; Beach 2005; Franchino 2007; Alter 2009). By analyzing under which conditions the EU institutions matter rather than whether they matter or not, this approach hopes to come to “a series of hypotheses about supranational autonomy ... more precise than those generated by either neofunctionalist or intergovernmentalist theory” (Pollack 1997: 101). The great merit of rational choice institutionalism is that it takes the preferences of the member states and their sovereignty concerns as the starting point, but that it also accepts that delegation to supranational institutions involves a loss of agency. Rational choice institutionalism has improved delegation theory and has suggested conditions for supranational agency.

Rational choice institutionalism argues that delegation results from intentional cost-benefit analyses by the member states. Member states have a demand for certain functions, which can be met by the EU institutions. Jonas Tallberg (2002a: 25) notes that member states “face the choice of whether to perform the desired functions 'in house', or to 'out-source' them”. In line with intergovernmentalism, credible commitments are a prominent explanation for delegation. By monitoring and enforcing agreements, the Commission and the Court of Justice can improve domestic compliance (Pollack 2003). The EU institutions can also provide a (partial) solution to the problem of incomplete contracting. One of the main functions of the

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Court is, after all, to interpret agreements in case of a lack of clarity among the member states. Rational choice institutionalism, however, goes beyond intergovernmentalism in that it studies many other reasons for delegation as well (Pollack 2003; Tallberg 2002a; Kassim and Menon 2003). Particularly the efficiency of policy-making is stressed – whether it concerns agenda-setting, decision-making or implementation (Majone 2001; Beach 2005; Tallberg 2006). EU institutions can make the process between the member states work better.

Rational choice institutionalists stress that the delegation of tasks to the EU institutions leads almost by definition to a loss of agency on the side of the member states (Kiewiet and McCubbins 1991). The member states take these sovereignty costs into account when making delegation decisions. This includes the anticipated costs resulting from unintended consequences (Abbott and Snidal 2000; Koremenos 2005). Uncertainty about sovereignty costs may result in non-delegation or less delegation than is functionally optimal (Stone 2009; Miller 2005). The member states are also likely to establish control mechanisms to avoid excessive influence by the EU institutions. These range from strict mandates to agent selection, institutional checks and balances, re-contracting, appointment procedures, limited budgets, regular reporting requirements, and sending seconded national experts. Control mechanisms, however, are costly and may inhibit the EU institutions from effectively carrying out their work. Apart from formal competences, the EU institutions have other bureaucratic resources that they can use in order to exert agency. Depending on the issue area and the specific institution, they may have a better insight than the individual member states into the state-of-play of policy-making. They may also have informational surpluses resulting from their process and content expertise (e.g. Wall and Lynn 1993; Beach 2005; Tallberg 2006). Information and expertise are amongst the most important resources for any bureaucracy (Weber [1922] 1987; Peters 2009).

While neofunctionalism, intergovernmentalism and rational choice institutionalism have their distinctive features, they are essentially based on the same actor-centered, intentional and utilitarian ontology.³ It is therefore worthwhile to contrast them with constructivist approaches on the role of the EU institutions. A word of warning is in place. Despite recent advances in constructivist literature, scholars still have to develop a comprehensive

³ Burley and Mattli (1993) put neofunctionalism squarely in the rationalist camp. Haas (2004: xv) argues *post hoc* that the ontology is “soft’ rational choice”. Needless to say, neofunctionalism does contain a number of constructivist elements by stressing value-derived interest and its transformative nature (Haas 2001; Schmitter 2004; Rosemond 2005; Pollack 2005).

and internally consistent theory of delegation and agency that can compete with the rational choice approaches outlined above. This has partially to do with actor-centered intentionality, which is to some extent implicit in delegation and agency. The constructivist literature is more interested in structure-related concepts, such as institutional adaptation, development and isomorphism (Goodin 1996; Offe 2006). It prefers to study in-depth the preference formation of actors, resulting from the context in which they are operating, rather than to analyze their struggles for power (Checkel 2005). It is nonetheless possible to think of competing non-utilitarian explanations concerning delegation and agency.

Sociological institutionalism, for example, argues that while actors may intentionally delegate tasks, their reasons for doing so are structure-related and not necessarily calculative (e.g. March and Olsen 1984, 1998). When delegating, member states choose institutions that they consider as 'appropriate' and/or legitimate. Their preferences are endogenous. They take into account best practices and they avoid structures that in their opinion have not worked. Such action is only rational, Kathleen McNamara (2002: 48) notes, if "placed within a very specific cultural and historical context that legitimises delegation". Learning is important in this respect (Checkel 2001). Through their experiences, decision-makers internalize notions of what is considered as appropriate. The creation and empowerments of the European Parliament is a prime example of delegation resulting from such legitimacy concerns (e.g. Rittberger 2003). Even Mark Pollack (2003) notes that rational choice institutionalism does not provide functionalist reasons to get the Parliament involved. In addition to the logic of appropriateness, sociological and historical institutionalists point at the difficulty to change institutions to the needs of time. Increasing returns lead to path dependence and inefficiency (March and Olsen 1998; Pierson 2004).

The logic of appropriateness remains important after delegation. In particular, it is worth pointing out that sociological institutionalism argues that officials in the EU institutions do not necessarily pursue competence-maximizing strategies. Similarly, the diplomats of the member states do not act as control mechanisms. The civil servants and diplomats come instead to mutually acceptable decisions as a result of deliberate problem-solving (e.g. Joerges and Neyer 1997a, b; Lewis 1998, 2005). In this process, it is not the relative size of the member states, their veto-power, or the formal rules that matter. It is about the claim of different actors to authority and their ability to put forward persuasive arguments on the basis of better information and expertise (e.g. Kratochwil 1989; Hall 1997; Barnett and Finnemore 1999, 2004; Risse 2000). Constructivists are conscious of the fact that having a good argument is not always sufficient in international

relations (Risse 2000). This alternative explanation is nonetheless distinct from the rationalist argument, which is essentially based on the ability of the EU institutions to manipulate the member states.

1.2 THE ARGUMENT

Having given a short overview of literature on delegation and agency in the European Union, it is time to turn to EU foreign policy. The argument, which is presented below, fits in with rational choice institutionalism and the principal-agent model. It is argued that in the sensitive field of foreign policy delegation was intentional and clearly based on utilitarian concerns of the member states. The Council Secretariat and the Commission make foreign policy-making in the European Union run more efficient. After the delegation of functions, the Council Secretariat and the Commission try to exert political influence to maximize their competences (Majone 1996; Pollack 2003). While the principal-agent model is highly applicable in the field of foreign policy, this policy area also has several distinctive features. These are reflected in the argument.

The delegation of foreign policy tasks to the Council Secretariat and the Commission was not a one-off affair, but rather a long-term process that took place over time. After two failed attempts in the 1950s and 1960s to create EU foreign policy, the member states established European Political Cooperation (EPC) in 1970. Its purpose was to coordinate foreign policy. This policy was amended through reports in 1973 and 1981 and it became subject of formal treaty change in the context of the Single European Act and the Maastricht, Amsterdam, Nice and Lisbon treaties (1986-2009). In addition, the member states frequently used simple Council Decisions to build up their foreign policy apparatus. This process was not automatic. The member states constantly balanced between their sovereign desire to keep control over national foreign policy and the functional needs of effective foreign policy cooperation. As EU foreign policy developed over time, the member states started to better understand the consequences of delegation on sovereignty and the efficiency of policy-making. They also identified institutional deficiencies and sometimes made the necessary adaptations – often through the further delegation of functions.

The member states could afford such incremental approach to the institutional development of EU foreign policy, as the logic of integration differed from many of the economic and regulatory policies in the first pillar. To sustain the internal market, the member states had to credibly

commit themselves to abolishing trade barriers. They did this through creating third party institutions with monitoring and enforcement powers (Keohane 1984; Moravcsik 1998). Without these institutions, there was no guarantee for lower tariffs and quotas. In EU foreign policy, however, the member states had no great ambitions for domestic compliance.⁴ They aimed at coordinating their national foreign policies. For this purpose, they did not require strong institutions at the outset (Wagner 2003). Instead, the member states looked for ways to make their machinery run more efficient. They delegated tasks to the Council Secretariat and the Commission, since they expected that this would lead to more efficient policy-making. The Council Secretariat and the Commission became facilitators of EU foreign policy, not the guardians of member states' agreements.

In terms of delegation, the initial focus of the member states was on lowering the costs of negotiations and on improving the consistency between actions in the area of foreign policy and other policy fields. Only at a later stage, in the 1990s, they paid attention to informational analysis for the purpose of collective decision-making and to joint external representation. Finally, in ESDP, they delegated implementation tasks to the Council Secretariat and the Commission. It needs to be made clear, though, that the member states were overly cautious about delegation and very well aware that there may be unintended effects beyond their control. They indeed, time and again, delegated *too few tasks* to the EU institutions, exactly because they anticipated that the future was uncertain (Stone 2009; Abbott and Snidal 2000; Miller 2005; Koremenos 2005). The result was often sub-optimal. The fact that the member states delegated many foreign policy tasks, and most of the ESDP tasks, to the Council Secretariat rather than the Commission is a case in point. They could exert more control over the Council Secretariat than they could over the resource-rich and formally autonomous Commission. That this led to foreign policy inconsistencies and bureaucratic turf battles between both institutions, they anticipated and took for granted.⁵ In some instances, the reluctance to delegate resulted in a general lack of visibility or slow decision-making. These negative payoffs provided further feedback for subsequent delegation rounds.

Given the subsequent delegation of tasks, it is a relevant question to ask under which conditions the Council Secretariat and the Commission

⁴ The nature of foreign policy also makes it difficult to 'undo' domestic actions through third party intervention.

⁵ The Report of the Reflection Group (1995), which prepared the Amsterdam Treaty that led to the delegation of many new foreign policy competences to the Council Secretariat, for example, explicitly anticipated consistency problems.

exercise political influence in foreign policy. Since the Council Secretariat and the Commission facilitate policy-making, their formal competences are limited (Majone 2001; Tallberg 2002a). Their political influence thus has to come from other bureaucratic resources. In the specific field of security and defense, the Council Secretariat has accumulated two sorts. First, it is at the heart of the machinery. This gives it a clear informational advantage over the member states in terms of process expertise, knowledge about the state-of-play of policy-making, and the preferences of all actors (cf. Beach 2005; Tallberg 2006). Second, the Council Secretariat has considerable content expertise in civilian crisis management (i.e. police, monitors, rule of law) compared to the member states. The diplomats of the member states, who control the Council Secretariat during civilian missions, in particular, have less expertise than their military counterparts. They are thus less capable of keeping the Council Secretariat on a tight rein. As a result of its advantage in process and content expertise, the Council Secretariat exerts substantial influence in the shaping of the agenda. It has more influence in civilian than in military operations.

In shaping the agenda of ESDP, the Council Secretariat has not been at the forefront of generating ideas. Many ideas for operations have been around (Kingdon 1984). These included the EU's responsibility in the Western Balkans or the need to 'do something' about Darfur. Others come from the United Nations or non-governmental organizations. The officials of the Council Secretariat have, however, been very effective in using some of these ideas to further their private interests by putting them on the European agenda. In all the four case studies, the Council Secretariat was much earlier involved in these dossiers and in the planning of the missions than most of the member states. It sometimes worked in collaboration with one/two member states, but this was not always the case. The head start of the Council Secretariat was in all four cases at least four months, but in some cases it was more than a year. Given that ESDP is marked by rapid response, this is substantial. In all cases, the involvement of the Council Secretariat at an early stage led to an advantageous position and to a *fait accompli* for most of the member states.

As regards content expertise, there is a significant difference in the planning of military and civilian missions. While states have improved their military art to perfection over the last centuries, they still have very limited experience in sending police officers, monitors or even prosecutors and judges abroad. Civilian doctrine remains underdeveloped. For this reason, member states have been more reluctant to delegate tasks in civilian than military crisis management. However, given challenging civilian operations in Afghanistan, Georgia and Kosovo, the member states eventually had to

delegate for functional reasons. The Council Secretariat has conducted no less than sixteen civilian missions in the last ten years. It has accumulated significant content expertise. Yet while the member states have delegated additional tasks to the Council Secretariat in civilian crisis management, they have not strengthened their main control mechanism, the Committee for the Civilian Aspect of Crisis Management (CIVCOM). Compared to the Military Committee (EUMC), its military counterpart, CIVCOM remains a very junior body. It lacks expertise and quality instructions and it is overloaded. The Council Secretariat can therefore exert more influence in civilian than military operations.

The Commission, in contrast, plays an interesting role in ESDP. Its contribution to military operations is very limited. It does not have content expertise nor budgetary power. It can do two things. It can ensure that the military operations do not negatively interfere with other policies it pursues in the field of external relations (such as stabilization and development aid). It can also make its own funds available as accompanying measures in support of the military operations. The Commission has learned over time that the second strategy is the best method to be actively involved in the planning process of ESDP operations. Such a constructive approach is also the most fruitful one for the Commission in civilian missions. Through its own activities it can positively provide input. In the case of the rule of law mission in Kosovo, for example, the Commission has substantial leverage with local politicians resulting from its access to financial assistance, annual accession reports and visa liberalization. By coordinating effectively with the civilian mission, such leverage can be used to the advantage of the EU as a whole. It took the Commission quite a bit of time to appreciate this approach to ESDP. Its influence results from what it can contribute, not from its limited budgetary power in civilian ESDP.

When looking at delegation and agency in EU foreign policy, the principal-agent model thus presents a useful analytical framework. It gives a rather precise picture of the cost-benefit analyses of the member states in their delegation decisions. The efficiency gains of delegation are weighed against anticipated sovereignty costs. In case of uncertainty about the costs or benefits, the member states are likely to be very wary of delegation. This can lead to non-delegation or too little delegation. The model also allows for a nuanced analysis of the political influence of the Council Secretariat and the Commission. It identifies the conditions under which agency takes place. In some instances (agenda-setting; civilian crisis management), the influence of the Council Secretariat can be described as excessive, resulting from superb information and expertise. In most instances, however, the member states have their agents under control.

1.3 METHODOLOGY

This argument can only be sustained by empirical evidence. Yet before we can embark on a tour of EU foreign policy in the remainder of this book, which covers about forty years and civilian and military crisis management activities across three continents, some words on methodology are in place. Both research questions – delegation and agency – are ambitious. They can therefore only be answered through equally ambitious research strategies. The two questions are analytically distinct, as they present different *loci* of the principal-agent model, and they are treated separately throughout this book. They also require separate research designs.

Delegation is extensively studied in EU integration research and in international relations more broadly. It remains, nonetheless, a complicated topic for analysis, because of its scope. If we are to understand why the member states delegated tasks in foreign policy to the Council Secretariat and the Commission, it is not sufficient to only look at one instance of delegation – for example at the recent Treaty of Lisbon. As the delegation of tasks in EU foreign policy is a long-term process, such study about one event will not produce conclusive evidence. Neither is it enough to analyze the instances of formal treaty change, since particularly in the history of EU foreign policy these 'history-making' events have often been codifications of earlier delegated tasks. Moreover, looking only at the instances where delegation actually took place creates a very strong bias in case selection. It gives a too supranationalist account of delegation, as it ignores moments of delegation failure. In order to get the best understanding of delegation in EU foreign policy, it is thus necessary to take a comprehensive look at all major instances of (in)formal delegation and non-delegation.

While it remains still relatively easy to identify such instances, the actual analysis of why member states delegated tasks at these moments is a lot harder. First, for the purpose of negotiations, the member states are unlikely to show their real preferences and bottom lines (Lax and Sebenius 1986). It is thus difficult to find out what the real intentions of the member states are during key moments of delegation. Second, member states may want to delegate or not delegate tasks for different reasons. One can only counter these problems by thoroughly tracing the process that led to the delegation of tasks (George and Bennett 2005). Preparatory documents and negotiation positions of member states are, in this respect, particularly helpful. Delegation, as mentioned above, is often the result of an exposure of the weaknesses of the institutional structures. Such weaknesses are often analyzed in these preparatory documents and negotiation positions. These

preparatory documents and negotiation positions are, however, not always available. This book therefore complements these documents with a wide variety of empirical sources – official documents, newspaper articles and where necessary semi-structured elite interviews. The use of secondary literature and the *mémoires* of the leading actors remains important as well. By bringing all these sources comprehensively together, this book tries to paint a rich picture of the various instances of (non-)delegation.

Providing an answer to the second research question is even more complicated, as there is disagreement on the definition of political influence and because the concept is notoriously difficult to measure. In terms of the definition of political influence, the ontological choices of this book are an important starting point. Given the assumption of actor intentionality, various structure-related forms of influence are not analyzed (e.g. Bachrach and Baratz 1962; Lukes 1974, 2005). Political influence is therefore seen in the sense of Robert Dahl – to get someone to do something that he/she would not otherwise do (1957: 203). In practice this could mean that the Council Secretariat and/or the Commission get (a number of) the member states to commit troops to a certain military operation or, less ambitiously, to a wider mandate. Important is to note that the methods of agency cannot be defined along the lines of the traditional definitions. Scholars in the field of international relations have viewed influence mainly in terms of the use of threats, coercion, inflicting severe loss or deprivation (Lasswell and Kaplan 1950; Dahl [1963] 2003). As the Council Secretariat and the Commission lack formal competences in the area of foreign policy, they have to pursue their private interests – like most domestic bureaucrats – while remaining undetected.⁶ Political influence of the Council Secretariat and the Commission thus relates to their “ability to manipulate either the construction of policy alternatives or information about the consequences of different alternatives” (Bendor, Taylor and Van Gaalen 1985: 1042).

There are effectively two ways to measure the political influence of the Council Secretariat and the Commission in the area of foreign policy (Dür 2008). The first would imply a reconstruction of the preferences of all the member states and the EU institutions on a large number of foreign policy cases. On the basis of the preferences of the member states, one can calculate the expected outcome and subsequently measure the distance with the actual outcome and the preferences of the EU institutions. The problem of this approach is the determination of preferences. While this is already hard for many of the policy areas in the European Union (Tsebelis 2005), it

⁶ Cf. 'hidden information' and 'hidden action' (Arrow 1985). This is in contrast to many first pillar policies, where the EU institutions can openly confront member states using their formal competences.

is nearly impossible in ESDP. Most documents are confidential and thus not accessible. One therefore has to rely on interviews for the reconstruction of preferences, yet the large-n requirement makes this a very costly affair. The second method to measure influence is through process-tracing in a limited number of case studies. This allows scholars to get a “reasonably good knowledge of nearly all factors influencing a political decision” (Dür 2008: 563). It also allows for detailed counterfactual reasoning. Needless to say, case studies have a number of drawbacks. By only looking at several cases, one limits the potential for generalization. In addition, Andreas Dür notes, “it is difficult to assess the *degree* of influence because a yardstick is lacking” (2008: 564, original emphasis).

High	The institution played with one/two member states a <i>leadership role</i> during a phase of the policy process.
	Indicators: (a) active participation in discussions; (b) pursuing and achieving major distinctive ideas/policies; (c) having exclusive contacts with third parties; (d) acting on the basis of own resources (e.g. budget and personnel).
Medium	The institution was a <i>necessary condition</i> in explaining the outcome of a phase of the policy process.
	Indicators: (a) active participation in discussions; (b) pursuing and partially achieving distinctive ideas/policies; (c) having contacts with third parties; (d) partially acting on the basis of own resources (e.g. budget and personnel).
Low	The institution <i>actively participated</i> in the phase of the policy process, but its input was not indispensable.
	Indicators: (a) active participation in discussions.
None	The institution was <i>not involved</i> in the phase of the policy process or at most only participated at the margins.
	Indicators: (a) no/limited of participation in discussions.
Table 1.1 Indicators of political influence	

This study uses case studies to analyze under which conditions the Council Secretariat and the Commission exert agency in ESDP, but it consciously addresses these methodological shortcomings. First, it studies *four* carefully selected cases (instead of one or two). This remains to date exceptional in single-authored studies on EU security and defence. The case selection is theoretically informed with a maximum of variation across issues and

regions (see chapter two). Second, the number of observations within the case studies is increased (King, Keohane and Verba 1994) by looking at *five distinct phases* of the policy process: agenda-setting, decision-making, launching, implementation and termination of ESDP missions. In total, this adds up to twenty observations of influence of the Council Secretariat and the Commission. The consistency of results across these cases provides for strong external validity. Third, the dissertation uses explicit indicators to measure political influence (see table 1.1). As such, it provides a yardstick.

External validity does not come at the expense of internal validity. Despite the fact that most official documents dealing with ESDP remain restricted, this book is based on rigorous empirical research. For the case studies, it has analyzed official documents, which are publicly available and it has studied newspaper articles and secondary literature. Most importantly, however, 105 semi-structured elite interviews have been conducted with 97 officials from the Council Secretariat, the Commission, the Brussels-based permanent representations, national foreign and defense ministries, embassies, international organizations, operations headquarters, missions, and non-governmental organizations. These interviewees were mostly selected on the basis of their positions. In all four cases, interviews were conducted with at least one desk officer of the Council Secretariat and one of the Commission, one diplomat and/or military officer of the Presidency or leading member states, and one senior official active in the operations ((deputy) Operations/Force Commander or Head of Mission). Most of the interviews took around one hour. The shortest were about 30 minutes, while the longest lasted 4 hours.

The interviews were semi-structured in the sense that I was, of course, looking for indicators of political influence. However, the research strategy was to let the interviewees *describe* their experiences in first person narrative with as little interventions as possible (Weiss 1994). This is, I believe, the only way to avoid direction and bias in the answers. The research questions were not communicated to the interviewees and first questions often included “when did you first get involved with this mission / what was your role at that moment?”. An attempt was made to record these interviews. In many cases, however, this was not possible due to restricted access in particular buildings and background sounds at several interview locations. Many interviewees also rejected the use of a recording device and some added additional remarks at a later stage off the record. Finally, fifteen interviews were conducted over telephone.

The use of interviews in EU integration research has received much criticism (Moravcsik 1998). This research method definitely has its

weaknesses. Respondents may only be partially truthful or have simply forgotten the details of an episode. In addition, almost all interviews were conducted on the basis of anonymity. Despite the fact that the names of all interviewees are listed at the end of this book, this makes replication by other scholars nearly impossible. The case studies are therefore informed by various interviewees from different institutional actors describing the same instances of policy-making. Moreover, most accounts by interviewees have been cross-referenced by other sources – including official documents, negotiation positions, newspaper articles and secondary literature. This having been said, elite interviewees are often the only way to get an insight into EU foreign policy-making, which generally takes place behind closed doors. They are extremely rich and valuable. Using them is much better than not having data at all.

1.4 CONTRIBUTION

This book makes a contribution to the literature on EU integration from a theoretical and empirical perspective. On a theoretical level, it shows that the principal-agent model is a useful framework for studying delegation in EU foreign policy. It expands, however, the parameters of the model. First, the book assumes that actors are boundedly rational and that the future is uncertain. The member states cannot completely oversee the consequences of all their actions (Pierson 1996, 2004). Unlike historical institutionalism, however, this book argues that the member states take uncertainty about consequences into account when making their delegation decisions (Abbott and Snidal 2000; Koremenos 2005). It incorporates key features of historical institutionalism in the model. Second, the book pays much attention to the anticipated sovereignty costs of delegation. These costs are very often ignored in purely functionalist discussions of delegation. By conceptualizing delegation decisions as a trade-off between anticipated efficiency gains and loss of sovereignty, this book brings power back into the equation. This has consequences for the model. Due to uncertainty about sovereignty costs and the problems of sanctioning with multiple principals, member states are likely to delegate less functions than is functionally efficient (Stone 2009; Miller 2005). Finally, the book leaves room for feedback loops in subsequent delegation rounds (Tallberg 2002a) and for changing demands in the international context.

The agency of the EU institutions, despite its importance, remains under-explored. Most scholars have focused on the formal competences as

the source for political influence (Pollack 2003; Franchino 2007). Only few academics in the rationalist tradition have studied bureaucratic resources, such as information and expertise (e.g. Beach 2005; Tallberg 2006). This book makes three innovative theoretical points. First, it explains that the pivotal position of EU institutions in the policy process gives them advantages over the member states. They are involved from the beginning of policy-making and they have the ability to coordinate across administrative and political levels. Second, this book focuses on relative strengths in information and expertise rather than absolute strengths (e.g. Moravcsik 1998; Pollack 2003; Stone 2009). It is not so interesting to compare the size of Brussels-based bureaucracies with those in the capitals. It is better to compare, on a micro level, the expertise of individual units or officials in the Council Secretariat and the Commission with the strength of national diplomats in the Permanent Representations. This particularly holds when instructions of high quality under significant time pressures are not guaranteed. Third, this book points at the importance of standard operating procedures as a tool for member states when controlling the EU institutions.

This book not only contributes to our theoretical understanding of the interplay between the member states and the EU institutions. It makes an empirical contribution as well. It is one of the first in-depth studies on the role of EU institutions in foreign policy. A number of scholars have previously described the activities of the European Commission, the EPC Secretariat and the Council Secretariat; few have empirically *analyzed* why the member states created them (Smith 2004 being a notable exception). By consistently discussing all key instances of delegation and non-delegation in EU foreign policy using the same theoretical framework, the book comes to findings that are better generalizable. This study also makes an empirical contribution regarding the agency of the EU institutions. In fact, it is one of the first book-length single-authored studies that analyzes ESDP policy-making. By using four case studies, it has stronger external validity than the various articles or book chapters that discuss one operation. In terms of internal validity, this book is based on extensive field work yielding data from more than a hundred semi-structured elite interviews.

1.5 ORGANIZATION

The remainder of this book consists of seven substantive chapters. Chapter two provides a framework for analysis. It discusses from the perspective of

rational choice institutionalism why the member states delegate tasks to the Council Secretariat and the Commission in EU foreign policy. Subsequently, it discusses under which conditions the civil servants in the Council Secretariat and the Commission can use their bureaucratic resources for the purpose of exerting political influence in ESDP. It also pays, in this respect, attention to the control mechanisms of the member states – the intergovernmental committees at ambassadorial and diplomatic level. Based on this theoretical argument, the chapter comes to a theory-informed case selection.

Chapter three presents an empirical-historical analysis of why the member states have (not) delegated tasks at various moments in time to the Commission and the Council Secretariat. By closely analyzing the reasons behind delegation, this chapter sheds a light on the specific functions that these supranational institutions are performing. The chapter starts with the Luxembourg Report of 1970, which established EU foreign policy in the form of European Political Cooperation (EPC). It spends considerable time on some of the events in the 1970s and early 1980s, because they highlight the member states' decision not to delegate in a number of instances. The chapter then moves on to the Single European Act in 1987, which gave EPC for the first time a treaty base. It subsequently discusses the events at the end of the 1980s, which had profound consequences for the EU and empowered the Commission. After a discussion of the Maastricht Treaty (1993), the chapter moves on to the Amsterdam Treaty (1999), which delegated many tasks to the Council Secretariat. With the creation of ESDP, the foreign services of the Council Secretariat were further strengthened. In order to deploy soldiers abroad, the member states required professional administrative structures.

After discussing delegation from an empirical perspective, chapter four gives a comprehensive overview of the ESDP policy process during the period under analysis (2003-2009). This overview, which attempts not only to show the formal functions of actors, but also their informal roles, is a stepping stone for the ESDP case studies in chapters five to eight. In each of these case studies, this book follows again the various steps of the policy cycle. At the end of each chapter, the results are being discussed. They are made explicit in a table that lists the political influence of both the Council Secretariat and the Commission in each of the phases of the policy process. Chapter five deals with the military operation in Bosnia (Althea). Chapter six focuses on the Aceh Monitoring Mission. Chapter seven analyzes the military operation in Chad (EUFOR Tchad/RCA). The final chapter eight looks at the rule of law mission in Kosovo (EULEX).

2. DELEGATION AND AGENCY

This chapter presents the theoretical argument for delegation and agency in EU foreign policy. It explains why the sovereign member states voluntarily delegate tasks in this traditional *domaine réservé*. It also explains the consequences of delegation – i.e. under which conditions the Council Secretariat and the Commission can exert agency. In addressing these research questions, it uses rational choice institutionalism and, in particular, the principal-agent model. The chapter starts with delegation in the EU. It argues that member states delegate functions to lower their transaction costs of cooperation. In the delegation decisions, they also take sovereignty costs into account, which makes member states wary to delegate. Subsequently, the chapter identifies functional demands in EU foreign policy and points at the importance of the allocation of tasks between the Council Secretariat and the Commission. In the second section, this chapter discusses the goal conflicts between the member states and the EU institutions. It looks at the bureaucratic resources of the Council Secretariat and the Commission and discusses control mechanisms. It then identifies opportunities for agency in the different phases of the policy process. The chapter concludes by giving a theory-informed case selection for further empirical analysis.

2.1 DELEGATION IN THE EUROPEAN UNION

Rational choice institutionalism sees the delegation of tasks to international organizations in terms of functional demands resulting from a cost-benefit analysis (e.g. Keohane 1984; Pollack 1997; Tallberg 2002a; Thatcher and Stone Sweet 2002). Studying the reasons for delegation is critical, as they tell us something about the institutional setting, in which the agent operates, and the strategic resources, which it has at its disposal. Bureaucratic agents are created to carry out particular tasks, because they can do it better and/or cheaper than their principals. They are designed to do their job. After identifying the initial rationale for delegation, more precise propositions can be formulated concerning institutional design and the opportunities for

agency (e.g. Pollack 1997, 2003; Majone 2001; Tallberg 2000, 2002a). While there are many reasons why member states delegate tasks to the EU institutions (including infamously blame shifting, Fiorina 1977), there has been a particular strong emphasis on agents, which can help member states reduce their transaction costs of cooperation.

The concept of transaction costs originated in the discipline of economics. They have been defined by Kenneth Arrow as the “costs of running the system” (quoted in Williamson 1985: 18). Transaction costs differ from production costs, which are the main supply-side costs in a market economy according to neoclassical economics. In the economy, transaction costs include search costs, contracting costs, monitoring costs and enforcement costs (Dyer 1997). Oliver Williamson (1985) makes a useful analytical distinction in these transaction costs. He identifies *ex ante* and *ex post* transaction costs. *Ex ante* costs are those involved in “drafting, negotiating and safeguarding an agreement” (ibid.: 20). *Ex post* costs result instead from the fact that, when assuming bounded rationality, a contract is inherently incomplete and that there is the risk of non-compliance. While these costs are usefully distinguished, they are related. *Ex post* costs need to be taken into account during the negotiating phase. Oftentimes, the risk of non-compliance prevents an agreement in the first place. Economic actors thus have an incentive to reduce the transaction costs. This is considered as a major rationale for the creation of institutions and the delegation of tasks. Creating a market place can lower the search costs. Courts are a credible solution to incomplete contracting and non-compliance.

Transaction costs have become an important topic of research in mainstream economics and have yielded a handful of Nobel prizes. This approach is also highly relevant in the study of political science and the EU. Agreements between political actors, including the member states, can be conceptualized as transactions and the formulation and implementation of these agreements also involves several costs. Given that negotiations in the EU are permanent, linked and continuous (Elgström and Smith 2000) rather than one-shot games, the member states have strong incentives to create institutions in order to reduce their negotiation costs of cooperation. Moreover, the prospect of non-compliance and incomplete contracting are key issues in the process of European integration. Needless to say, the use of economic concepts in the discipline of political science is not automatic (e.g. Moe 1984, 1990; Miller 2005). The political context needs to be accounted for, as it does not necessarily follow the economic logic of efficiency. Political power and sovereignty are, in this respect, important variables that put limits on delegation (e.g. Knight 1992; Abbott and Snidal 2000). The political context furthermore often involves multiple principals

and fewer agents (Nielson and Tierney 2003). Delegation decisions are therefore best seen, this book argues, as trade-offs between efficiency gains and sovereignty costs.

***Ex ante* transaction costs and delegation**

The member states of the European Union incur various *ex ante* transaction costs. Three categories are usefully distinguished: negotiation, information and coordination costs. Negotiating agreements is a costly process, during which the interests of the member states need to be reconciled. Agreements typically require detailed informational input and they have to fit in with previous and parallel agreements in order to avoid excessive inconsistency. The member states can address these costs by delegating functions to the EU institutions. They will, however, also take into account the anticipated sovereignty costs of delegation. These have been defined by David Epstein and Sharyn O'Halloran (2008: 82) "as the distance between the policy that a country would implement if it were not a member of the international organization and the policy that it enacts once it has joined". Sovereignty costs are most relevant in international organizations involving delegation. They are high "when international arrangements impinge on the relations between a state and its citizens or territory" (Abbott and Snidal 2000: 437) and low if agreements only put limits on the behavior of states in specific circumstances. There is thus a trade-off between the anticipated benefits of delegation and the loss of sovereignty.

Negotiation costs in the EU are undoubtedly amongst the highest of any international organization. On a daily basis, thousands of diplomats and civil servants meet in different committees to discuss the details of all sorts of policies. If this process is sub-optimal, it becomes a very expensive affair. The member states thus have strong incentives to keep these costs as low as possible. Given the magnitude of EU negotiations, their complexity, the multinational environment and the bounded rationality of actors, there is a functional demand for agenda and procedural management, brokerage and administrative support (e.g. Beach 2004, 2005; Tallberg 2004, 2006). These demands are major rationales for the delegation of functions to EU agents, whether they are chairmanships and/or international secretariats.

Agenda and procedural management is important, because of the risk of the endless cycling of proposals when all actors involved in policy-making have an equal right of initiative (e.g. Riker 1980; Shepsle and Weingast 1984, 1995). Multilateral negotiations are also complex, as they

“are not only multi-party, but also multi-issue and multi-level” (Tallberg 2006: 22). This increases the prospect of negotiation failure resulting from unstable, overcrowded or underdeveloped agendas. These costs can be reduced by making a single actor responsible for agenda and procedural management. There are different functional alternatives in this respect, such as a rotating, elected or even permanent chairmanship (ibid.). These affect differently the efficiency of negotiations, agency losses and the relationship between member states (Tallberg 2010). Member states thus have a choice. They can also choose the degree of delegation – exclusive or shared right of initiative (Pollack 2003). Efficiency is traded at the cost of sovereignty.

Neutral brokerage is oftentimes a necessary condition as well to successfully conclude complex multilateral negotiations. Actors involved in negotiations have strong incentives not to reveal their bottom lines. Yet if none of the actors is willing to signal room for compromise, negotiations can ultimately fail in spite of the fact that an agreement was theoretically possible given the preferences of the various parties (Luce and Raiffa 1957; Lax and Sebenius 1986; Tallberg 2006). The functionalist solution to this problem is using an honest broker. This does not necessarily have to be formalized, though in international organizations the chairmanship, the secretariat or other supranational agents are natural brokers due to their pivotal position in negotiations. Through bilateral contacts with the broker, individual member states can signal room to maneuver without openly committing themselves. Based on such information, the honest broker can analyze whether there is sufficient 'zone for agreement' and can put forward compromise proposals. One condition for brokerage is the perceived reputation of the potential broker. If the reputation of the chairmanship or secretariat is compromised, other actors have no problem stepping in (Moravcsik 1998, 1999). Agent selection is, in this respect, a major *ex ante* control mechanism. Given the repeated nature of EU negotiations, most brokers try to maintain their reputation, which limits autonomous action.

Finally, there are a number of administrative costs involved in the negotiation processes in international organizations. The rooms have to be booked, millions of documents have to be distributed and translated, and the minutes need to be written and have to be kept. In other words, there is a demand for conference services. These are generally institutionalized in international organizations in the form of a standing secretariat. Needless to say, there are alternatives.⁷ In many *ad hoc* international negotiations, the host country provides secretarial services. All member states can, of course,

⁷ Many scholars argue that a secretariat is required. John Ruggie (1992: 573) defines formal international organizations as “palpable entities with headquarters and letterheads, voting procedures, and generous pension plans”.

also bring their own translators. The centralization of administrative tasks may indeed turn out controversial (Abbott and Snidal 1998; Koremenos et al. 2001), because it touches on national sovereignty. It clearly gives more prominence to an international organization. This may not be in the interest of all states. There is thus a clear trade-off for the member states between the efficiency of centralization and sovereignty costs.

If negotiations costs are one rationale for delegation, *information costs* are another. The need for information and expertise in the EU policy-making is significant. Compared to other international organizations, the level of detail and complexity is striking, because decisions and actions often have an actual impact. For the EU to adopt binding targets on climate change, for example, requires the ability to process scientific data, analyze the effective reductions member states can make, and to make impact assessments of the economic consequences for particular industries in individual countries. Similarly, before a candidate country can accede to the EU, the member states have to decide whether the state in question has aligned itself with the thousands of pages of the *acquis* and whether it is fulfilling the Copenhagen criteria. For the EU to send military personnel on a peace operation to Africa, requires it to have adequate risk assessments and appropriate intelligence. Whatever decision the EU takes, information is likely to be a requirement.

The member states themselves are major sources of information during the negotiations. They have many resources and they know better than other actors which policies are in their best interest (Moravcsik 1998; Pollack 2003). Yet information is also highly political. It is questionable, in this respect, to what extent biased information provided by the member states can be used in the process of EU policy-making. In other words, there is a demand for independent verification of information provided by individual member states (Abbott and Snidal 1998). Without a commonly agreed pool of information, the negotiating parties are likely to first quarrel about whether the information is unbiased rather than to negotiate mutual beneficial agreements. The unavailability of 'neutral' information could thus prevent them from concluding an agreement. In addition, the process of national information production may not be the most efficient. It is clearly sub-optimal to having one supranational expert bureaucracy, as it will slow down decision-making and individual member states will have to keep civil servants on their pay-roll. This may be acceptable in some policy areas, but not in others. When it comes to information, there are thus questions of credibility and efficiency.

The functional solution to reduce these information costs is to create an expert bureaucracy, which provides member states with relatively impartial information during the negotiations and with specialization gains (Hawkins et al. 2006). It can be a light structure that comes on top of the national expert bureaucracies or it can completely replace national expert bureaucracies. This is yet again a trade-off between efficiency and keeping national information channels for the purpose of controlling the agent (Bawn 1995). The demand for expert bureaucracies is likely to vary across policy areas. Particularly, in the areas of environment, agriculture, finance, and foreign and defense policy, informational complexity is relatively high (Moravcsik 1998; Pollack 2003; Epstein and O'Halloran 1999). In addition, foreign and defense policy often requires rapid response and thus efficient informational input.

The basic unit of analysis so far has been the individual agreement between the member states. Yet agreements are not made in isolation. They fit in with previous and parallel agreements leading to *coordination costs*. While benign inconsistency does exist (Nuttall 2005), consistency between agreements is generally seen as a condition for optimal payoffs. If an actor takes contradictory action, it signals confusion at the very least. There are various ways in which individual agreements fit into a broader structure. Agreements can be (in)consistent across time, policy areas and polities. While complete consistency can hardly be fully realized (due to bounded rationality), actors have an incentive to avoid excessive inconsistencies. This creates a demand for coordination mechanisms.

Coordination over time relates to the continuity of international organizations. Particularly, if intergovernmental negotiations between the member states are *ad hoc* and/or led by a rotating chairmanship, there is a strong demand for continuity between these negotiations and the different chairmanships. The functional solution is to establish a standing secretariat that can brief the member states on the decisions they have taken in the past ('institutional memory'), the likely consequences of their actions as well as international treaty obligations. This is clearly not *sui generis* to the EU. International secretariats are generally an important source for continuity and many of the international organizations employ them for this reason (Lowenfeld 1994; Sandford 1996; Bauer 2006).

Horizontal coordination between different policy areas and vertical coordination between different polities and levels in the European Union (e.g. between the working groups and the ministerial level) poses similar challenges. Domestic policies and external relations, for example, are increasingly intertwined (e.g. Rosenau 1997; Stetter 2004; Eriksson and

Rhinard 2009). Member states themselves can address these challenges through establishing inter-ministerial coordination meetings in the capitals or coordination meetings within the national permanent representations. Coordination within the member states is, however, not sufficient. Member states are unlikely to be involved in all issues at the same time. It is also expensive. Moreover, many actions are carried out by the EU institutions, which may need to coordinate amongst themselves (this also makes coordination an *ex post* transaction cost). It thus makes sense for reasons of efficiency to delegate the task of horizontal and/or vertical coordination to specific bodies or institutions. Particularly those actors that occupy pivotal positions in policy-making are in a good position to lower the coordination costs. These are typically international secretariats and/or chairmanships, but also ambassadors, who play a role due to their gate-keeping position.

To conclude, the member states of the EU face various *ex ante* transaction costs when concluding agreements. These include negotiation, information and coordination costs. The delegation of functions can lower these costs. It makes the process more efficient. Chairmanships, secretariats and expert bureaucracies are particularly in demand. They are functional solutions to these *ex ante* transaction costs. It is important to note that there are often alternative functional solutions and that various actors can jointly lower the transaction costs. To explain why the member states choose one alternative over another requires to take into account the sovereignty costs of the member states (Abbott and Snidal 2000; Nielson and Tierney 2003). The act of delegation is thus a trade-off between efficiency and sovereignty concerns. The latter can impede delegation. Finally, it has to be noted that one agent can serve several functions. Such combination can yield positive and negative payoffs. It may be efficient to give an expert bureaucracy access to the agenda. Information and agenda-setting functions, on the other hand, often go badly together with neutral brokerage. By putting proposals forward, agents lose their impartiality.

***Ex post* transaction costs and delegation**

Once an agreement has been concluded, member states face a number of *ex post* transaction costs. An agreement, after all, does not guarantee proper implementation or domestic compliance. Moreover, an agreement may be incomplete, which in turn could lead to disagreement on the details. There is thus a demand for member states to credibly commit themselves to the agreement. They can do so by various means, including delegation, and to

various degrees. The extent to which the member states 'lock' themselves in thus depends on the specific demands in particular policy areas and on the related sovereignty costs. When there are no problems of commitment, member states can still delegate the implementation of agreements to the EU institutions. This can yield efficiency gains.

The risk of *non-compliance*, that other member states inadequately (or fail to) implement agreements, is among the most important transaction costs of cooperation. For individual member states non-compliance often pays off, not in the least place in terms of private electoral gains (e.g. state aid in important electoral regions, discrimination of foreign products, high public spending). As the member states typically anticipate such instances of non-compliance, they will demand credible commitments from the other member states. They may also want to bind future governments to avoid non-compliance over time. Without credible commitments, agreements are unlikely to be concluded in the first place.

There is a general understanding in the literature that supranational agents play an important role by providing the member states with credible commitments (e.g. Keohane 1984; Moravcsik 1998; Pollack 2003; Tallberg 2002b; Hawkins et al. 2006; Franchino 2007; Milner and Moravcsik 2009). They can independently monitor whether member states are keeping their promises. By making such information available, they can contribute to an atmosphere of trust and the preemption of accusations between member states. Commitments become more credible when the member states also delegate enforcement powers to their supranational agents. Supranational courts, for instance, can issue verdicts on instances of non-compliance. There is variation in this respect. Some international courts issue legally binding case law, while others give opinions. The power of supranational agents thus likely depends on the cost of non-compliance. In extreme cases, member states can decide to delegate full implementation power to a supranational 'trustee', which can operate relatively autonomously from the member states (Majone 2001). The power of the European Central Bank to autonomously set the interest rate could be considered an example, yet this point remains controversial amongst scholars (Pollack 2003; Alter 2008).

Incomplete contracting is another *ex post* transaction costs. Since complex agreements are almost by definition incomplete, due to bounded rationality, some details are likely to be filled in at a later moment in time (Williamson 1985). This leads directly to two problems: differences in the interpretation of agreements and the need for future secondary agreements. Both have distributive effects in terms of payoffs. Interpretation is likely to be a zero-sum game, in which one member state wins and another member

state loses. Secondary agreements are more complicated. Unlike primary agreements (e.g. Treaties) to which all member states signed up voluntarily, they do not necessarily yield positive payoffs for all member states. In the primary agreements, member states typically reach compromise proposals (e.g. on the freedom of movement of goods *and* on labor protection). This overall compromise is beneficial for all member states. When the member states start negotiating detailed secondary agreements on, for example, the freedom of movement of goods, some member states are likely to oppose such legislation. If they are capable of obstructing individual secondary agreements, chances are that the whole package will fall apart. Member states thus not only have to credibly commit themselves to the primary agreement. They also have to commit themselves to interpretations and secondary agreements in the letter and spirit of the primary agreement.

Many of the functionalist solutions that apply to non-compliance apply to incomplete contracting as well. The basic function of courts is, after all, to interpret agreements. The solution to the problem of *ex post* obstruction of secondary agreements is to structure future negotiations on the details between the member states by pooling or delegating sovereignty. This raises the “cost of nondecision or noncompliance” (Moravcsik 1998: 73). The introduction of qualified majority voting in specific policies under the Single European Act (1987) is a clear example. It allows member states to outvote some of the outliers. Providing the European Commission with initiation or implementation powers is another case in point. It needs to be said though that member states can also ignore the problem of incomplete contracting. Particularly when the subject is too sensitive and they do not want to be bound by various rules, they can take future scenarios at face value. There are thus again degrees to which the member states can commit themselves and this is part of the negotiations as well.

In addition to credible commitments, the member states may also want to have an *implementing bureaucracy*. The domestic implementation of agreements can be costly for the member states. They may therefore be inclined to delegate some of their regulatory and/or executive powers to a supranational agent with significant expertise (e.g. Majone 1996; Franchino 2007). Particularly when issues are technically complex, relatively non-divisive (Epstein and O'Halloran 1999; Franchino 2000a) and the principals do not have the time nor the ability to take action themselves (Hix 2005), delegation is likely to be more efficient. This fits in with the legislative-bureaucratic literature in domestic politics (Kiewiet and McCubbins 1991; Epstein and O'Halloran 1999). In the context of the EU, scholars focus on the rule-making by the Commission in relationship with the 'comitology' machinery and the numerous agencies (e.g. Pollack 1997, 2003; Franchino

2000a, b, c, 2007; Brandsma 2010; Keleman 2002; Groenleer 2009). Efficient implementation is particularly in demand in areas where rapid decision-making is important.

Apart from the demand for efficient daily executive management, there is a need for *collective external representation*. When the (restricted group of) member states agree on a policy, they will have to communicate their policy outcomes to third parties. This is most obvious in multilateral and bilateral negotiations with other states. The delegation of authority to a chairmanship or a supranational agent, acting on a mandate from the member states, constitutes an often used functional solution to this representation problem (Tallberg 2006). On a more strategic level, having one joint representative can also provide a shield function for the member states (cf. Fiorina 1977). By letting an EU representative criticize China's human rights record, individual member states do not have to jeopardize their trade interests. Delegating external representation, however, clearly depends on sovereignty costs. If the member states disagree over policy, they are unlikely to send an agent to speak on their behalf.

As with *ex ante* transaction costs, there are many *ex post* costs, which may be reasons for delegation within the EU. Credible commitments are among the most important reasons why the member states have created supranational agents, such as the Commission and the Court of Justice. The monitoring and enforcement functions are functional solutions for the basic credible commitment problem. Furthermore, many issues in the EU are not utterly divisive. Particularly for complex regulatory policy, it makes sense to delegate functions to an agent with sufficient expertise in order to benefit from specialization gains (Hawkins et al. 2006). In policy areas where rapid decision-making is required, agents may also be preferred to member states' committees. It needs to be said that with regard to credible commitments and supranational implementation – as with *ex ante* transaction costs – a trade-off takes place between functional solutions and sovereignty costs. There are various degrees to which the member states can credibly commit themselves or delegate executive functions to a supranational agent. These sovereignty costs need to be taken into account.

Dynamic delegation and feedback loops

The rationales for delegation, outlined above, are logical rationalist reasons why member states delegate tasks to EU agents. Delegation is, however, unlikely to take place all at once. Since actors are boundedly rational, they

cannot completely oversee the long-term effects of their actions (Pierson 1996, 2004). Risk-averse actors, however, generally tend to know that their foresight is limited. They anticipate unintended consequences and they take them into account in their delegation decisions (Abbott and Snidal 2000; Koremenos 2005). If there is uncertainty on anticipated sovereignty costs – which generally is the case – member states are likely to be wary of delegation. There is another reason why member states delegate too few functions. If principals anticipate that they cannot fully control the agent or that sanctioning will be difficult given their divisiveness, they may also decide against delegation (Stone 2009; Miller 2005). If one combines the uncertainty about sovereignty costs with the problems of control, it becomes clear that member states are expected to be overly cautious to delegate functions. As the member states tend to delegate fewer tasks than is efficient, delegation is likely to be sub-optimal.⁸

An obvious solution to this problem is to decrease uncertainty by getting a better understanding of the consequences of delegation decisions. Incrementally delegating functions over time can help in this respect. Delegating tasks bit-by-bit rather than at once allows for the unintended consequences to be kept to a minimum and to learn from the effects. Member states can thus lower their transaction costs step-by-step, while keeping their sovereignty costs under control. This cautious approach to delegation may not be functionally possible in all policy areas, but it seems to be highly applicable to the institutional development of many EU agents. Importantly, it should not be confused with endogenous incrementalism and path dependency that are so crucial in historical institutionalism. The member states remain in the driving seat. They learn from the feedback loops and use this as input in subsequent delegation rounds. Overall, they tend to delegate too few tasks rather than too many.

Delegation is therefore best seen as a “dynamic and interactive [process] subject to bargaining and revision by the parties” (Tallberg 2002a: 37). What is also important is that subsequent delegation allows for the re-contracting of functions after unintended effects have become excessive. Oliver Williamson writes that “once the unanticipated consequences are understood, those effects will thereafter be anticipated and the ramifications can be folded back into the organisational design. Unwanted costs will then be mitigated and unanticipated benefits will be enhanced” (quoted in *ibid.*:

⁸ While rationality and efficiency are important explanations for delegation in the principal-agent model, one of the first models already pointed at sub-optimal outcomes (Spence and Zeckhauser 1971; cf. Miller 2005). It argued that own risk in insurance schemes may limit moral hazard, but is sub-optimal, as clients remain partially exposed to risks and companies receive lower premiums.

37). Re-contracting is, needless to say, difficult in a political environment with multiple principals (e.g. Scharpf 1988), but it is not impossible. Some agreements have sunset clauses and most agents need to be re-appointed or need to get their budgets approved. Moreover, restrictions on re-contracting in a multiple principals situation are one of the reasons why principals will be reluctant to delegate in the first place.

Delegation in EU foreign policy

Transaction costs and delegation in the European Union have thus far been discussed in general. It is now time to turn to the specific policy area under analysis. By looking closely at the logic of integration in foreign policy, it is possible to identify which reasons for delegation are likely to play a role. This provides a preliminary theoretical answer to the first research question – why have the member states delegated tasks to the Council Secretariat and the Commission in foreign policy? It requires a conceptualization of EU foreign policy to identify the specific transaction costs. Subsequently, one can look at how these costs are likely to be addressed and how the member states allocate functions between the Council Secretariat and the Commission.

When looking *post hoc* at the development of EU foreign policy, and only simplifying slightly, three activities can *analytically* be identified: the internal coordination of national foreign policies, common diplomatic initiatives and joint military and civilian missions. The initial emphasis was on the internal coordination of national foreign policies. This was not only for the purpose of having an external effect. Coordination would “ensure greater mutual understanding with respect to the major issues of international politics” (Luxembourg Report 1970: II(I)(a)). Member states thus met periodically at different levels. From the start, common diplomatic initiatives were also on the agenda, but only “when it appear[ed] feasible and desirable” (ibid.: II(I)(b)). In practice, this meant common declarations. Over time, the member states added *démarches* and external representation to the list of diplomatic initiatives. Finally, the EU carries out autonomous civilian and military operations in support of its political objectives. During the period of analysis, these were 24 missions across three continents.

These activities clearly pose different functional demands in terms of delegation. When it comes to the coordination of national foreign policies, demands are very limited. There is likely to be a demand for some limited agenda and procedural management of the meetings. There will be

some administrative costs and there might be a need to coordinate foreign policy with other policy areas of the European Union. Importantly, there is no need for brokerage (as it is about coordination, not negotiation), no need for information nor executive implementation (as there is no joint output), and no need for credible commitments, as member states are not obliged to change their national foreign policies as a result of coordination. When it comes purely to the coordination of foreign policies, delegation is thus likely to be very limited (Wagner 2003). For the number of identified areas, where the member states face transaction costs – agenda, administrative and coordination costs – they are likely to balance efficiency gains with anticipated sovereignty loss when making decisions over delegation. They will carry some transaction costs themselves, if uncertainty on anticipated sovereignty costs is too high.

In fact, from the start, ambitions in EU foreign policy ran further than merely coordinating national foreign policies. To issue common declarations, to come to common positions, and to engage in international diplomacy, member states have to actually negotiate with one another. This immediately results in a new demand for neutral brokerage. The demand for information and analysis also increases to improve the quality of output. Given, however, that common declarations are often not very complex, this demand is limited. For the negotiations on foreign policy to have external effect, declarations and common positions have to be communicated to third parties. Member states can do this, of course, individually, but collective external representation potentially yields higher payoffs. The stronger the external representative, the more likely the chance that he or she gets heard. New coordination costs also emerge through the dialogue with third parties, as the need for consistency and continuity increases. These new demands, of course, have to be weighed with sovereignty costs. Delegating the function of external representation to an EU agent might pay off, but also has various implications for agency. Moving from coordination to actual common diplomatic instruments is thus likely to lead to further delegation.

Sending civilian and military operations abroad leads to a whole new range of functional demands. First, civilian and military operations are very complex and there is a lot of uncertainty. There is thus a strong need for impartial information, on which basis operations can be planned. This is a major rationale for delegation. Second, during multinational operations, there is a demand for superior command and control structures, which have to be able to make rapid decisions, to be free from political interference and to have 'unity of command'. Carrying out civilian and military missions thus creates a rationale for supranational planning and implementation with

a certain amount of autonomy. These are again ideal functional solutions. Given that the member states are sending troops in harm's way, sovereignty costs are likely to be on their mind all the time. At the very least, they will keep their own information channels open to control expert bureaucracies and military headquarters. Moreover, rather than to go for supranational solutions, the member states could keep implementation in their own hands. They are also likely to come up with all sorts of control mechanisms (see also below). With regard to civilian and military missions, a conscious trade-off is to be expected.

Activity	Functional demands
Coordination of foreign policies	Agenda/procedural management Limited coordination Administrative support
Diplomatic initiatives	Agenda/procedural management <i>Neutral brokerage</i> <i>Limited information</i> <i>Coordination</i> Administrative support <i>Representation</i>
Civ/military operations	Agenda/procedural management Neutral brokerage <i>Strong information (planning)</i> Coordination Administrative support <i>Implementation (command/control)</i> Representation
Table 2.1 Variation in functional demands	

By looking specifically at the activities of EU foreign policy, this section of the chapter has identified several reasons for delegation. These include negotiation (agenda management, brokerage, administration), information, coordination and implementation costs. Interestingly, they mainly deal with the efficiency of policy-making and much less with the need for credible

commitments. This is in contrast to the logic of integration in the internal market and regulatory first pillar policies (cf. Wagner 2003). In addition, it needs to be noted that the speed of decision-making sets foreign policy apart from many of the other policy areas. It is likely that a balance needs to be struck between the anticipated efficiency gains from delegation and the sovereignty costs. Subsequent delegation rounds and feedback loops are potentially important as well. The nature of EU foreign policy allows for an incremental approach to delegation.

The title of this book makes clear that it deals with the role of the Council Secretariat *and* the European Commission. The question thus remains how the member states allocate functions between both EU institutions. In making these decisions, the member states are likely to take into account the characteristics of both agents (see also agent selection below). The Commission is a powerful agent with significant formal autonomy and sizable bureaucratic resources. The Council Secretariat, on the other hand, is much smaller in size and does not enjoy formal autonomy. Notoriously, the member states decide over its organization (article 207(2) TEC). This allows member states to determine *inter alia* the number of directorates, the number of staff members within directorates, the seniority of staff members within directorates, and to a large extent who holds the senior positions in these directorates. This is simply unthinkable in the Commission, where the President can create new Directorates-General and freely allocate resources to them.⁹ In addition, the preferences of the agent are important in agent selection. While officials of the Council Secretariat are not necessarily less pro-integrationist than those of the Commission, it is probably fair to say that they have pro-Council interests (Beach 2004). This favors the member states in inter-institutional relations.

When having to choose between the Council Secretariat and the Commission and faced with sovereignty costs, the member states are more likely to favor the Council Secretariat. It has been established above that there are no strong functional demands for credible commitments. This implies that there is no need for strong agents with formal autonomy (e.g. Pollack 1997, 2003; Majone 2001; Tallberg 2002a; Franchino 2007). Many of the negotiation, information, coordination and implementation costs can therefore be addressed by delegating functions to the Council Secretariat. Given that the Council Secretariat is a weaker actor and has pro-Council preferences, it is an appealing agent for the member states. There are, however, a number of caveats. First, the Commission has strong expertise

⁹ Member states have some influence in the appointments of senior staff, but much less than in the Council Secretariat.

with regard to the internal market and the regulatory first pillar policies. Given that such policies are increasingly intertwined with foreign policy, there is a need for coordination in this respect. Second, it has been mentioned above that while tasks can clearly be accumulated, they do not necessarily fit well together. The neutral function of brokerage may, in particular, conflict with more pro-active tasks, such as initiating proposals and implementation. If such conflicting positions become too costly, it is possible to establish a third agent at extra expense. In the epilogue, it will be argued that this was the very rationale for creating the European External Action Service under the Lisbon Treaty.

2.2 BUREAUCRATIC AGENCY IN THE EUROPEAN UNION

Following the delegation of functions in EU foreign policy, it is worthwhile to have a look at the consequences after delegation. Under which conditions do the Council Secretariat and the Commission exert political influence in the area of foreign policy? To provide a preliminary theoretical answer, this section looks at the preferences of both agents, their bureaucratic resources, the control mechanisms of the member states, and opportunities for agency in the policy process. Preferences are an important starting point, as agency losses can only take place in cases of goal conflicts. Bureaucratic resources allow agents to pursue political influence. There are, however, a range of control mechanisms, which the member states can use to limit excessive influence by the Council Secretariat and the Commission. Opportunities for agency within the various phases of the policy process need to be taken into account as well, as the policy dynamics of agenda-setting, decision-making and implementation differ.

Agent preferences and goal conflicts

Studying the influence of the Council Secretariat and the Commission is only interesting, if there is actually a goal conflict with the preferences of member states. When principals and agents want exactly the same, there cannot be political influence for the agents. After all, influence is for the Council Secretariat and the Commission to get the member states to do something that they would *not* otherwise do (Dahl 1957; see introduction). In the principal-agent literature, goal conflicts are typically assumed (see Waterman and Meier 1998). For example, Roderick Kiewiet and Mathew

McCubbins (1991: 5) confidently state that “there is almost always some conflict between the interests of those who delegate authority (principals) and the agents to whom they delegate it”. It seems nonetheless a good idea to identify what the Council Secretariat and the Commission exactly want. This also helps us to understand why both agents are pursuing particular strategies throughout the policy process.

Ever since the budget-maximizing model, as proposed by William Niskanen (1968), there has been a debate in academia on the preferences of public bureaucracies. In the EU, the emphasis has been on competence-maximizing (Majone 1996; Pollack 1997). Mark Pollack (2003) notes, for example, that this assumption is not only central in the theory of rational choice institutionalism, but that it is also part of neofunctionalism and intergovernmentalism. Competence-maximizing results from bureaucratic politics (Peters 1992) or, as constructivists would claim, self-selection and socialization of personnel (see Pollack 2003). Competences-maximizing comes in two steps. Most of the literature equates competence-maximizing with 'more' Europe (e.g. Ross 1995). Yet as mentioned above, it is also important to know how increased competences at the European level are allocated amongst the EU institutions. Bureaucratic politics, which predicts a bureaucratic rivalry for scarce resources in the case of overlapping competences (e.g. Downs 1967), suggests that Commission officials will likely have pro-Commission interests, while Council officials are expected to take a pro-Council stance.

Beyond competence-maximizing, the Council Secretariat and the Commission can have an interest in policy-seeking (cf. Strøm 1990; Müller and Strøm 1999). Simon Hix (1998), in particular, has made a strong case for studying the left-right cleavage in the EU. Policy-seeking interests, however, often overlap with competence-maximizing, which makes them difficult to distinguish. There are clear cases in the European Commission. Thomas Christiansen (1997: 78) notes that “inter-departmental conflict is usually related to the conflict between sectoral interests that the respective [Directorates-General] are seen to represent”. Thus, DG AGRI is generally seen as pro-agriculture, DG SANCO as pro-consumer affairs, and DG DEV as pro-development. That having been said, competence-maximizing and policy-seeking are not always complementary. If DG ELARG promotes a pro-enlargement policy, it inevitably loses at a point its *raison d'être* as more countries join the European Union.

When it comes to balancing competence-maximizing and policy-seeking interests, the specific functions of the EU institutions are relevant. Particularly expert bureaucracies, which have an informational role in both

the formulation and implementation of policy are likely to have substantive interests. In the process of formulating proposals, the expert bureaucracies make a number of intentional substantive choices, taking into account the anticipated reactions, political context and their previous positions. They have to defend their proposals and actions before the member states. No actor likes to see its drafts being overturned. Agents that play a role in lowering negotiation and coordination costs are less likely to be interested in substance. As a senior official, dealing solely with administrative support and brokerage, once put it: “I don’t mind whether [the member states] decide to paint the room black or white, as long as the decision is taken in the correct way” (quoted in Schout and Vanhoonacker 2006: 1054). While staying neutral might not have been his/her default value, it is clear that he/she attaches much less importance to the substantive preferences than to competence-maximizing. Having an impartial reputation is an important prerequisite for honest brokers (see also above).

In the area of EU foreign policy, both competence-maximizing and policy-seeking preferences are relevant for the Council Secretariat and the Commission. Particularly for the crisis management services of the Council Secretariat (see chapter four), it is important to continuously launch civilian and military operations. Exaggerating only a bit, without operations these services have no reason to exist, they are excluded from EU foreign policy-making and, probably worst, their officials will get bored.¹⁰ It is thus not a surprise that the Council Secretariat has been a keen supporter of all kinds of new adventures. In addition to 'more' EU foreign policy, the Council Secretariat has also been a promotor of the 'second-pillarization' of foreign policy at the expense of first pillar external relations (e.g. Gourlay 2004; Manners 2006; Edwards 2006). By promoting a pro-ESDP approach to foreign policy, the Council Secretariat tries to maximize its competences within the EU. This has tremendously annoyed the Commission, which felt threatened in its competences. External Relations Commissioner Chris Patten, for instance, once stated “my problem with Javier’s proposal is that as soon as something is designated a ‘crisis’ he proposes it should at once become the object of a comprehensive Joint Action” (quoted in Cameron 2007: 56). By putting ESDP missions in third states, the Council Secretariat gained increasingly control over foreign policy proper.

The interest of the Council Secretariat to launch ESDP missions on a continuous basis unsurprisingly leads to goal conflicts with some of the member states (notably Germany and the United Kingdom), and thus also

¹⁰ The foreign policy functions of the Council Secretariat are in comparison to the crisis management functions much more continuous.

with the collective principal, which takes decisions under the consensus rule. In other words, the member states, when acting collectively, would not want to launch as many operations as the Council Secretariat. The debate over the second-pillarization of foreign policy leads almost by definition to goal conflicts between the Commission and the Council Secretariat, and thus between both EU agents and the member states. This is a debate of constitutional proportions (Hoffmeister 2008), since the decision-making rules in the first and second pillar differ in terms of which actor gets the authority to decide under what conditions.¹¹ For the Commission and the Council Secretariat, competence-maximizing seems to go hand-in-hand with their policy-seeking preferences.

Bureaucratic resources of EU institutions

It has been argued above that delegation to the Council Secretariat and the Commission in EU foreign policy is likely to be the result of efficiency considerations. Credible commitments, which play such a dominant role in the internal market and regulatory policies, are not of pivotal importance. This implies that member states are unlikely to delegate formal powers and competences to the EU institutions in the field of foreign policy (Wagner 2003; Majone 2001; Tallberg 2002a). Agents guaranteeing commitments of member states have to stand above the principals and thus require formal autonomy. When agents facilitate the process, formal competences are less important. Member states consequentially are unlikely to delegate to the EU institutions formal powers in foreign policy. Political influence thus has to come from other bureaucratic resources. Potential bureaucratic resources are their 'institutional memory', continuity, position in the policy-making web, process expertise, relevant networks, content expertise, and strategic use of time. While there exists certainly variation, it is argued below that the Council Secretariat and the Commission are likely to have an advantage over the member states in some of these resources.

Institutional memory directly results from the centralization of the administrative functions of an international organization. This includes very often keeping the records, minutes and archives. International secretariats are not the only ones to keep archives – national ministries and permanent representations do this as well – but there are several reasons why their institutional memory is superior. First, it is their task. They generally have

¹¹ The Commission even took the Council to the Court of Justice over exactly this issue in the ECOWAS case.

to write the minutes, which often go for approval to the member states, so they better make sure that the record accurately reflects the deliberations. Second, there is continuity in secretariats. Civil servants typically stay for a long-term in one bureaucracy carrying out similar functions. Third, because of the functions officials of secretariats carry out (e.g. minute-taking), they generally occupy a key position in the policy-making web. This gives them a much better view on unfolding events than the diplomats from the member states, who may only be involved at the margins. Fourth, since civil servants in the secretariats hold superior process expertise (see also below), they generally have a better understanding of what is precisely going on. International secretariats are thus expected to have a surplus in terms of institutional memory. It gives them authority on past decisions and knowledge about the historical preferences of all actors.

The *continuity* of agents has further advantages. The literature on relations between politics and administration has long recognized that civil servants typically outlive their politicians. Time is thus in their advantage and bureaucrats can simply wait until a 'window of opportunity' presents itself (Kingdon 1984). Resilience and longevity are indeed two of the main characteristics of a policy entrepreneur. Civil servants in the international organizations hold clear advantages in terms of continuity. Again, this was often a rationale for delegation in itself. It relates not only to the rotating diplomats, but to other actors as well, such as the chairmanships of committees. Due to their continuity, civil servants can outlive elected and rotating chairmanships with conflicting preferences. Put it the other way around, if civil servants in the international organizations wait long enough they are likely to encounter a chairmanship sympathetic to their ideas. Moreover, national governments can change as a result of elections, which may affect their foreign policy preferences. In other words, actors are likely to change and continuity pays off.

In addition to institutional memory and continuity, civil servants in international organizations typically hold a *pivotal position in the policy-making web*. Depending on their specific functions, this can yield valuable bureaucratic resources. First, it gives civil servants a clear overview of the state of the negotiations (Beach 2005). Since timing is so crucial during all negotiations, this is a valuable asset. Clearly, they do not have a monopoly on this information. Other actors closely involved in the negotiations may have such information as well. Some negotiations also go bilaterally via the national capitals to keep international actors out of the loop. That having been said, civil servants in international organizations have better information on the state-of-the-art than most of the member states. Second, if civil servants in international organizations perform brokerage functions,

this typically involves becoming party to privileged information (Tallberg 2006). The idea of having a honest broker is to create an opportunity to signal the bottom lines, for the purpose of creating compromise proposals, without necessarily formal commitment. Information on bottom lines may not necessarily be exclusive, as other actors might perform the brokerage functions as well, but it is again likely to result in asymmetries with most of the other players involved.

As a result of their institutional memory, continuity and position in the policy-making web, civil servants in international organizations often accumulate considerable *process and negotiation expertise* over time (e.g. Wall and Lynn 1993; Beach 2005; Tallberg 2006). This can help them to point member states and the chairmanship at how to make best use of the rules of the game. There is a wide variety of examples of how ignorance over rules has weakened member states' negotiation positions. Margaret Thatcher, for example, found out at the Milan European Council in 1985, whilst being outvoted, that it only took a simple majority vote to convene an Intergovernmental Conference (Thatcher 1993). Process expertise thus puts international civil servants in a position of authority (as guardian of the orthodoxy). This is an extremely useful source of information during any negotiation. In the case of the EU, Derek Beach (2004, 2005) has, for example, shown that rotating chairmanships do not have the expertise to draft complicated Treaties. They need support or even have delegate this task. Civil servants in international organizations are happy to make their process expertise available.

Another important bureaucratic resource concerns the *networks of civil servants* in international organizations (Haas 1992; Peterson 1995; Rhodes, Bache and George 1996). This does not only include civil servants with a pivotal position in the policy-making web having access to various relevant colleagues of different institutions. What is very important with regard to networks is that many of the senior positions in international bureaucracies follow the 'revolving door' principle, where civil servants holding key positions move back-and-forward between national administrations and international organizations. This is not only limited to the senior bureaucratic level, but indeed includes many former politicians as well. Each international organization has such elites. They generally have good networks that often go a long way back and that they can put to good use. The main advantage for the civil servants in international bureaucracies is that they can use these networks to go beyond formal national gatekeepers and veto players, such as the diplomats in the permanent representations. If the national ambassador is not listening to

their concerns, they can directly contact senior officials in the ministry. Through informal contacts, they can manipulate the member states.

Whereas all these bureaucratic resources may help civil servants in the international organizations in exerting influence, the most important resource is probably *content expertise*. As it is so important, it requires more extensive explanation. When states formulate policy they typically ask expert bureaucracies in international organizations to present them with a number of alternatives and anticipated payoffs. The provision of options is a two-step process. Expert bureaucracies first have to gather relevant data before data can be processed with the use of bureaucratic content expertise. In both steps, civil servants in expert bureaucracies can enjoy informational asymmetries over the member states. They may possess better data, when member states do not invest as much resources in information-gathering. They may also have superior content expertise to analyze the data. Before elaborating on information-gathering and processing, it needs to be said that not all international organizations contain expert bureaucracies and thus content expertise.

Gathering information is costly. This can be a reason for member states to outsource these tasks to international agents. In the case of military or civilian operations in the EU, for example, member states have delegated the initial fact-finding mission to the Council Secretariat. Consequentially, member states are no longer collecting the data themselves. If they want to check the accuracy of the gathered data, they will need to establish 'shadow' expert bureaucracies that perform several of the same information gathering tasks (Lake and McCubbins 2006). Yet these involve the same costs that were the reason to delegate in the first place. This is the familiar trade-off between the need for policy expertise and the desire for political control (e.g. Bawn 1995). In the absence of parallel information-gathering channels in the national capitals of the member states, the expert bureaucracies in international organizations thus likely hold information surpluses.

Gathering information is one thing, processing it quite another. The expert bureaucracies can benefit, in this respect, from their content expertise (Wall and Lynn 1993; Beach 2005; Tallberg 2006). This notion has been under debate in academia with scholars arguing that even formidable international bureaucracies, such as the Commission, employ far less civil servants than all but the smallest national governments (e.g. Moravcsik 1998; Pollack 2003; Stone 2009). The number of civil servants is, however, not necessarily a good proxy for determining content expertise. First, in everyday politics, civil servants in expert bureaucracies are dealing with diplomats in the permanent representations. These diplomats have to

rely on their instructions and informal contacts with the capital for their content expertise. In a boundedly rational world, this flow of information is likely to be sub-optimal (Kassim et al. 2001). Diane Panke (2010) notes that quality instructions result from good cooperation between ministries and the permanent representations, autonomous lead-ministries and inter-ministerial conflict resolution mechanisms. The lack of good instructions, combined with time pressures and parallel obligations of diplomats, leads to informational asymmetries. Second, various policies are EU specific in terms of content. This means that the member states themselves do not really have the content expertise in-house (EU trade policy being a case in point). It is important to acknowledge variation between those issues where the EU is pursuing policies similar to those on the national level and those where EU decisions and actions are unique.

The EU institutions are thus likely to have significant bureaucratic resources when formulating an agreement. Informational asymmetries and content expertise, however, continue to play a role during implementation. Particularly, when implementation functions are delegated to international organizations rather than to the member states or third parties, civil servants are likely to have superior information than national diplomats, who have to rely on the self-reporting of the agent (see also below). Informational surpluses are relevant, but so is the accumulation of content expertise. Dealing on a day-to-day basis with the implementation of tasks leads to specialization on the side of the agents (Hawkins et al. 2006). Their content expertise thus increases compared to the expertise of the principals. These resources are important for the formulation and implementation of policy.

Finally, it is necessary to acknowledge that while international civil servants may not have better cognitive skills than national diplomats, *time pressure* can be in their favor. In crisis situations, where international organizations have to react to events, the member states may not have the time to objectively evaluate policy options proposed by international secretariats and expert bureaucracies.¹² This also relates to the previous point. When the instructions arrive late, “it is difficult to shape negotiation outcomes” (Panke 2010: 770). Time pressures negatively correlate with the information processing capabilities of the member states. Apart from the need of quick decision-making under pressure, civil servants can also intentionally play with time. They can relatively easily delay draft documents by releasing them shortly before important committee meetings. This increases again the pressure on the national diplomats.

¹² Foreign policy is a clear example, but time pressures are also relevant in other international organizations (e.g. Martin 2006).

To conclude on bureaucratic resources, it has been demonstrated that there are various resources, where the agents may hold an advantage over the principals in the field of foreign policy. These resources include institutional memory, continuity, the pivotal position in the policy-making web, process expertise, relevant networks, content expertise and time. What is important, though, is that all these resources may not be at work at the same time. They can differ across issues, time and agents. They also depend on the control mechanisms, which will be discussed below. That having been said, it is likely that the Council Secretariat and the Commission have some advantages over the member states in the area of foreign policy and that they will use these advantages to exert agency.

Control mechanisms in EU foreign policy

The delegation of functions to international organizations – even if not for the purpose of credible commitments – thus possibly leads to a whole range of bureaucratic resources for the agent. This inevitably allows for political influence. Delegation cannot be enjoyed without certain agency losses. As David Lake and Matthew McCubbins (2006: 343) succinctly stated “no pain, no gain”. This does, however, not mean that agency is always excessive or that international bureaucracies ‘run away’.¹³ Principal-agent literature expects indeed that the member states might tolerate some political influence by the Council Secretariat and the Commission for the purpose of efficiency. Several control mechanisms are, however, put in place to limit their influence. These can be *ex ante* aimed at ‘undermining’ the bureaucratic resources of the agent or *ex post* control mechanisms, which allow for sanctioning. If principals detect excessive influence, the literature predicts a recalculation. With multiple principals, sanctioning may be difficult, however, due to preference heterogeneity. Control mechanisms furthermore *always* involve costs. They lower the efficiency of agents and they put extra requirements on principals and agents (Miller 2005). They are part of the cost-benefit analyses of the principals.

The first control mechanism is *re-contracting*. As pointed out, delegation is likely to take place in a number of steps using feedback loops as important input. This allows member states to delegate over time more functions to international organizations, but it also allows them to take back a number of responsibilities. As Mark Pollack (2003: 391) writes the EU

¹³ Political influence is excessive when the sovereignty costs exceed the efficiency gains of delegation for the majority of the principals.

institutions “are causally important actors in the processes of European integration, but they are actors in an intergovernmental play written, and periodically rewritten, by the EU's member governments”. Indeed, none of the EU institutions gets to vote over the Treaties and/or lower level Council Decisions (e.g. Council Rules of Procedure) establishing the basic rules governing EU bodies. The ultimate power thus lies with the member states and they have used it in a limited number of cases. Related are institutional checks and balances during day-to-day policy-making. In EU foreign policy, for example, ultimate decision-making power – to send troops or not – rests with the member states. More generally, the division of labor in policy-making between different agents is a way of limiting excessive influence (Klein 2010). Finally, through using detailed administrative instructions, the member states can put limits on the room to maneuver for the agents (Hawkins et al. 2006; Bradley and Kelley 2008).

Another way of controlling agents is to *undermine their resources*. Principals can do this in absolute terms. In particular, decisions on budgets and staff numbers, which determine to a large extent the resources of the international bureaucracies, are generally not made by agents themselves. Agents can notoriously try to influence these decisions, as they generally have better information about their own functioning (Niskanen 1968), but the empirical record shows that states have successfully kept international organizations rather small (Stone 2009). They are not ever expanding in terms of budget and staff. It is, however, not just about staff numbers, but also about staff quality. Some international organizations can select their staff members autonomously, others cannot. Salaries are an important control mechanism here as well. From United Nations desk officers to the judges on the WTO appellate body, low salaries have affected the quality of officials (Myint-U and Scott 2007; Elsig and Pollack 2010). In addition, many international organizations employ seconded national officials. While they may not be national agents acting as Trojan horses (e.g. Trondal 2006, 2007, 2008), they anyway undermine the institutional memory, continuity and expertise of the agent. This is costly for the member states – the demand for institutional memory, continuity and expertise were the reasons for delegation – but it is a choice they can make.

Principals can also undermine agent resources in relative terms by putting in place oversight mechanisms, which limit the asymmetry between the agent's and their own information and expertise. This could involve creating (or keeping in place) parallel information-gathering channels that decrease the dependence on the agent. In the field of security, gathering of intelligence is an example. Few member states would send troops abroad based on third party intelligence alone. Moreover, principals can establish

their own expert bureaucracies in order to rely to a lesser extent on the assessments and self-reporting of the agents. As mentioned above, the member states are unlikely to replicate the whole process, as it undermines the rationale for delegation (Lake and McCubbins 2006), but it is to be expected that the member states retain some content expertise in order to monitor whether the agent is properly fulfilling its job. An analogy can be made with accountancy, where accountants typically do not go through all the invoices, but rather check specific issues in the standard operation procedures and rules (e.g. assets equal liabilities). While such an approach may not be waterproof, it is clearly less costly for the principals than complete monitoring. If agents carry out standard operations, they are thus easier for member states to control.

There are often not too many agents in the political context to choose from, but *agent screening and selection* is an important control mechanism. The idea is that principals select agents, whose preferences are the closest to their own or which can most easily be controlled. This mainly applies to the appointment of senior personnel, such as Secretary-Generals, Commissioners, or international judges (Kahler 2001; Hawkins et al. 2006; Elsig and Pollack 2010). A problem with this *ex ante* control mechanism is that it may be difficult to read the agent's true preferences in advance, as the agent has incentives to misrepresent its preferences. The functional solution is to appoint senior personnel only for a limited period of time. For them to seek reappointment requires them to take into account the anticipated reactions of the principals. The possible sanction of not being reappointed is in itself a control mechanism that limits excessive influence by the agent. Agent selection in terms of full bureaucracies is an option as well. This is particularly relevant, as pointed out above, when the member states have to decide to delegate tasks to Council Secretariat or the Commission. They take into account the preferences of both institutions and their strength. In foreign policy, it has been proposed, the Council Secretariat is a more favorable agent for the member states.

To conclude, member states have a range of control mechanisms to limit excessive influence by the EU institutions. They can re-contract, they can restrict the bureaucratic resources of the agent (including through the means of oversight) and they can select agents. All these measures, however, come at a cost for the member states. They limit the efficiency gains by making the agent less efficient. In addition, member states and the EU institutions have to invest in control mechanisms through their time and efforts. The establishment of control mechanisms in EU foreign policy is thus expected to be part of the decision on delegation weighing costs and benefits.

Opportunities for agency in EU foreign policy

Civil servants in international organizations are likely to possess substantial bureaucratic resources. Control mechanisms do not fully compensate in this regard. This leads to opportunities for exerting political agency (Thatcher and Stone Sweet 2002). It is thus important to identify these opportunities. For the Council Secretariat and the Commission, there are a number of opportunities to exert influence in EU foreign policy during the various phases of the policy process. In the agenda-setting phase, they can use their networks and key position in the policy-making web to get their issues high on the EU agenda. During the decision-making phase, they can use their information surpluses and their expertise to affect the construction of policy alternatives. When it comes to implementation, information asymmetries and opportunities for 'hidden action' allow for influence by the Council Secretariat and the Commission. As the dynamics of the various phases of the policy process differ, they will be discussed in turn.

The process of *agenda-setting* essentially relates to the ability of the Council Secretariat and the Commission to get certain issues high on the agenda and to keep them there (e.g. Princen 2007; Tallberg 2003). This has not so much to do with having bright ideas or smart insights. John Kingdon (1984: 71) has noted that “ideas can come from anywhere”. Agenda-setting is really about why some issues and not others make it high on the agenda. This impacts subsequently on the payoffs of the different actors, often in a distributional sense. Without initial agenda-setting no decision or action can be taken. It is essentially about political competition to determine the agenda. Agenda-setting is, in this respect, not only about formal powers – the formal right of initiative is shared in foreign policy between the Commission and the member states – but indeed also about informal agenda dynamics (Pollack 2003).¹⁴ Guy Peters (2001) has argued that in the case of the EU, there are many points of agenda access, because the actors will almost always be able to find a formal power holder sympathetic to their concerns. The Council Secretariat, while it may not have the right of initiative, can rather easily grab attention in foreign policy by, for example, issuing a political statement or publishing a policy paper.

In terms of actual agenda-setting, there are several opportunities for the Council Secretariat and the Commission due to their continuity, key position in the policy-making web and expertise. Sebastiaan Princen and Mark Rhinard (2006) argue that there is a political and an administrative

¹⁴ The Commission or a member state may formally be able to put an issue on the agenda, but this does not mean that it is *high* on the agenda.

route to agenda-setting. The political route includes top-down pressure as a result of highly salient events, while the administrative route is bottom-up with the incremental formulation of proposals and the gradual building of momentum. They present these as ideal-types and argue that a combination may be relevant. What seems indeed powerful is the ability of actors to alternate between these political and administrative venues (Baumgartner and Jones 1991). The Council Secretariat in foreign policy, but also the Commission, is well-placed in this respect. It is at the heart of the policy-making process and it plays an important role in vertical as well as horizontal coordination (Mérand et al. 2010, 2011). Moreover, it is active at both the political and administrative level where it can push forward its issues. When it gets stuck at one level, it can move to the other one and *vice versa*. Most member states do not have the ability to change venues by strategically issuing political statements and at the same time putting forward policy papers in committees, while making sure that their issue stays on the EU agenda. Finally, the timing of agenda-setting is absolutely vital (Kingdon 1984). International bureaucracies have some resources, in this respect, as mentioned above. They also have the continuity to test the different venues (Baumgartner and Jones 1991).

During the *decision-making* phase, there are two ways by which officials of the Council Secretariat and the Commission can exert political influence. They can use the negotiations dynamics to further their interests and they can use their content expertise. The former relates to the ability of the Council Secretariat and the Commission to play a useful role in the boundedly-rational negotiations between the member states. It has been established above that there is generally a need for brokerage and that the Council Secretariat and the Commission are well-placed to perform it. When carrying out brokerage functions, compromise proposals are very important. Given that the broker – and this goes particularly for the Council Secretariat and the Commission (see above) – generally has a good insight into the negotiations, it has the opportunity to craft compromise proposals within the 'zone of agreement', but with a bias towards its own preferences (Beach 2005; Tallberg 2006). Even if officials of the Council Secretariat and the Commission do not act as the formal honest broker, they have their ways of providing input for the honest broker (e.g. Presidency). They are often involved in informal negotiations between the honest broker and the key member states, as they hold such pivotal position in the policy-making web. They could, for example, give the Presidency advice in order to further their own interests. Whether advice is taken on board depends on reputation, which is a built-in control mechanism.

While negotiation dynamics are one possible way for the Council Secretariat and the Commission of exerting influence, the opportunities to use private information and expertise may be more significant. It is about their “ability to manipulate either the construction of policy alternatives or information about the consequences of different alternatives” (Bendor, Taylor and Van Gaalen 1985: 1042; Dahl [1963] 2003). By trying to affect the substantive informational base, which member states use to make their decisions, the Council Secretariat and the Commission can also exert political influence. Two issues are important. First, the Council Secretariat and the Commission can possess exclusive 'hidden information' (cf. Arrow 1985) resulting from contacts with third parties or autonomous information-gathering. Hidden information is, of course, very valuable when trying to manipulate alternatives or payoffs. Such exclusive information is, however, likely to be limited, as the member states will try to prevent institutional designs that favor the accumulation of exclusive information. Second, the member states may not have the ability to assess all information coming from the Council Secretariat and the Commission, because, as boundedly-rational actors, their information-processing skills are by definition limited (Simon 1987). Important are time pressures and information overload. While the member states thus may possess the information they need, they may not be able to process it accurately or they may choose not to pay the cost of information-processing (see also above). This in turn leads to informational asymmetries as well.

The dynamics of *policy implementation* differ from agenda-setting and decision-making. During the implementation of the decisions made by the member states, the Council Secretariat and the Commission can act on their own preferences rather than “strictly and faithfully [following] the preferences of the member states that created and empowered them” (Pollack 2003: 38). Their ability for 'hidden action' is very important (Arrow 1985). This concept implies that “the agent's action is not directly observable by the principal” (ibid.: 37), but that it does partially affect the member states' payoffs.¹⁵ Hidden action thus automatically results in political influence for the Council Secretariat and the Commission. For example, if member states cannot completely observe what a commander is doing during a military operation at the other side of the globe, it gives the commander opportunities to pursue private interests. Political influence is, however, restricted by the control mechanisms listed above. They limit the opportunities for hidden action and thus negatively correlate with the political influence of the agents.

¹⁵ It should not fully affect the payoffs, because then the action becomes indirectly observable (Arrow 1985).

2.3 CASE SELECTION: AGENCY IN ESDP

Delegation and agency in EU foreign policy are two analytically distinct research topics. It has been noted in the introduction that the delegation of functions to the Council Secretariat and the Commission is best analyzed through careful process-tracing of instances of (non-)delegation. The next chapter looks, in this respect, at all major cases from an historical-empirical perspective. It discusses in-depth the reasons and process of delegation. As regards the influence of the Council Secretariat and the Commission – the second research question – two deliberate choices have been made. First, the focus is on operations taking place within the European Security and Defence Policy (ESDP), which is one area of EU foreign policy. Second, instead of analyzing each of the twenty-four operations, the emphasis is on four case studies. These choices clearly require further explanation.

It has been argued above that there are three main activities within EU foreign policy: coordination of the national foreign policies, diplomatic initiatives and crisis management instruments. The functional demands for supranational agents are the highest when the member states engage in the latter – sending policemen, monitors, judges, prosecutors, border guards and troops abroad. Crisis management in the context of ESDP is also the most salient, substantive and risky activity in EU foreign policy. This is the policy area, where member states pay real attention. Putting soldiers and citizens in harm's way is not something they do lightly. Given that the stakes are high, but that there are also clear functional demands for the efficiency of joint action, ESDP is an exciting policy area to study in-depth the political influence of supranational institutions. It would, of course, be possible to compare the crisis management instruments with the diplomatic tools of the EU. However, given the limitations on what is possible in one research project, the choice has been made to favor an in-depth analysis of agency in ESDP.

Within the policy area of ESDP, four missions have been carefully selected on the basis of two main criteria: civilian and military missions as well as missions taking place in and outside Europe. These two choices are theoretically-informed. *Civilian and military missions* differ in terms of the planning process, command and control structure and the recruitment of personnel (see chapter four), but particularly the operational doctrine and related standard operating procedures. To put it somewhat strongly: military affairs go all the way back to Sun Tzu and Thucydides, while sending judges abroad is something of the last twenty years. It is thus not surprising that compared to established military expertise in most member states, the

civilian doctrine is still in its infancy. Moreover, advances made in civilian doctrine in the context of the EU are at the forefront of thinking about such operations. With regard to military doctrine, most innovative thinking does not take place within the EU, but elsewhere (NATO, United States). Given that standard operating procedures and content expertise play an important role in the relations between agents and principals, it is interesting to compare the influence of the Council Secretariat and the Commission across civilian and military missions. If these resources are indeed important, one would expect variation in political influence.

The second criterion for case selection is whether the missions are taking place *inside or outside Europe*. There are two reasons. First, within Europe (i.e. Western Balkans), the EU as a whole is very actively engaged through pre-accession policies and financial instruments. Many of these fall under the responsibility of the Commission and it is interesting to see if this makes a difference for its influence in ESDP. Second, the members states differ in terms of preferences over foreign policy towards the neighborhood and towards areas further afield. Most member states, for example, have a clear Western Balkan strategy; few have truly global foreign policies. Thus, if the EU is to send a civilian or military operation to Africa or Asia, the member states are likely to react differently than when the Western Balkans are at stake. It is therefore difficult to generalize activities in the Balkans to the rest of the world, as much as it is difficult to generalize activities in Africa to the immediate neighborhood. Therefore, the second criteria for case selection is whether the mission took place inside or outside the European continent. Table 2.2 provides an overview of all ESDP operations to date. It groups them according to these two criteria.

The question remains how to choose case studies within the categories of civilian/military and Europe/non-Europe. This book has selected the most salient cases – defined in terms of (a) executive mandate, (b) size and (c) duration. As smaller and less salient missions can more easily be dismissed as exceptional outliers, the choice for salient operations makes the evidence stronger. The cases were selected in the fall of 2008, after which several new operations were launched. These operations could not be included in the case selection process. *Operation Althea* was chosen as a military operation in Europe. It is executive, the largest military operation to date, and ongoing since December 2004. Outside Europe, *EUFOR Tchad/RCA* was selected as a military case study. It was executive, the largest autonomous military operation to date, and lasted over one year. *EULEX Kosovo* is the largest civilian operation in Europe. It has executive tasks and it is ongoing since 2008. The *Aceh Monitoring Mission* was

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chosen as the civilian mission outside Europe. It was semi-executive, consisted of several hundreds of monitors and lasted more than a year.

ESDP missions	Civilian	Europe
Police Mission in Bosnia-Herzegovina (EUPM)	1	1
Rule of Law Mission in Georgia (EUJUST THEMIS)	1	1
Police Mission in Macedonia (Proxima)	1	1
Police Advisory Team in Macedonia (EUPAT)	1	1
<i>Rule of law mission in Kosovo (EULEX)</i>	1	1
Monitoring Mission in Georgia (EUMM)	1	1
Rule of Law Mission for Iraq (EUJUST LEX)	1	0
Police Mission in Congo (Kinshasa)	1	0
Security sector reform mission in Congo (EUSEC)	1	0
<i>Aceh Monitoring Mission (AMM)</i>	1	0
Police Mission in the Palestinian Territories (COPPS)	1	0
Border Assistance Mission in Rafah (EU BAM)	1	0
Police Mission in Congo (EUPOL)	1	0
Police Mission in Afghanistan (EUPOL)	1	0
Security Sector Reform in Guinea-Bissau (EU SSR)	1	0
Military Operation in Macedonia (Concordia)	0	1
<i>Military Operation in Bosnia-Herzegovina (Althea)</i>	0	1
Military Operation in Congo (Artemis)	0	0
Military Operation in Congo (EUFOR)	0	0
<i>Military Operation in Chad (EUFOR Tchad/RCA)</i>	0	0
Counter-piracy naval operation in Somalia (Atalanta)	0	0
Military training in Somalia (EUTM)	0	0
Support to African Union (Darfur)	0/1	0
Table 2.2 Overview of ESDP missions.		

Within the categories Europe/non-Europe and civilian/military, as noted above, the operations vary in salience. This complicates generalization. As is often the case in social science, few events are exactly alike. Sometimes,

it is even argued that each operation is unique. By selecting the cases on the important parameters of Europe/non-Europe and civilian/military, this book tries to make the best choice possible. Careful readers may also have noticed that the cases only involve missions that have actually taken place. There are no cases, where the member states decided against an operation. This selection practice differs from the first research question, for which instances of delegation *and* non-delegation are being analyzed. The problem of ESDP operations that did not take place is that there is very little empirical material to work with. In several cases ESDP operations were considered, or would have been appropriate (e.g. Congo 2008; Sri Lanka 2009), yet those discussions were very short. Apart from the lack of sufficient empirical material, an analysis of such cases would only be interesting for the agenda-setting phase of policy-making. It would not be interesting for other phases of the policy process. The choice is therefore to study missions that actually took place.

3. DELEGATION IN EPC/CFSP

The previous chapter discussed delegation in EU foreign policy from a theoretical perspective. It argued that the member states are likely to balance the efficiency gains from delegation with the sovereignty costs of giving up a number of functions. Given the uncertainty, which is connected to the process of delegation, and the problems of sanctioning as a result of multiple principals, the member states may delegate fewer functions than is optimal. The chapter also argued that delegation is generally not a one-off affair, but that it rather takes place over various delegation rounds and that the member states use the feedback from previous rounds as input. With regard to the specific case of EU foreign policy, the chapter identified a number of functional demands for delegation. These include negotiation, information, coordination and implementation costs related to cooperation. Credible commitments play a less important role. The result is that the member states are unlikely to delegate significant formal powers. Finally, the previous chapter discussed the allocation of tasks over the Council Secretariat and the Commission in light of their interests and bureaucratic resources.

This argument can only be sustained through sufficient empirical evidence. The current chapter therefore analyzes in-depth the reasons for the delegation of functions during all the important historical instances of (non-)delegation. As the mentioned argument is falsifiable, such number of observations add to the external validity of the theory. Needless to say, the more important instances of delegation are, the more extensively they will be discussed. The Treaty of Amsterdam (1999) is, for example, analyzed in greater detail than the Genscher-Colombo plan (1981). This brings us to the internal validity of the argument. Through careful process-tracing, this chapter reveals the complex dynamics of delegation. It relies on a range of sources. The starting point are official documents, negotiating positions of the member states and the EU institutions, and formal reports. These sources are complemented by secondary academic literature and accounts of officials, who have been closely involved in the process. Finally, a number of elite interviews have been conducted to get a better insight into

several instances of delegation, which so far have received little scrutiny. The combination of sources, of course, makes the findings more robust.¹⁶

The first section analyzes how cooperation in EU foreign policy was established and *institutionalized* through a series of formal reports (1970-1981). It highlights efficiency costs and the choice for the rotating Presidency (rather than a permanent secretariat) as an instance of agent selection. It discusses as well failed attempts in the 1970s to make foreign policy cooperation more ambitious. This shows the sovereignty costs of the member states. The chapter subsequently takes a look at the *codification* of foreign policy in the Treaties (1981-1995). EU foreign policy 'normalized' during this period and found its place amongst other policy areas, but the instances of delegation show the continuing sovereignty concerns of the member states and the limited demands in foreign policy. The third period concerns the *Amsterdam Treaty* (1999), which delegated many functions to the Council Secretariat. The Treaty is a clear case of the importance of the feedback loops of delegation (the failure of the EU in Bosnia and Kosovo) and the process of agent selection (Council Secretariat over Commission). Finally, this chapter analyzes *delegation in ESDP*. Increased demands for delegation during this period are in line with the argument. New functional demands were still weighed, however, against the sovereignty costs of the member states.

3.1 INSTITUTIONALIZATION OF COOPERATION (1970-1981)

The sovereignty concerns of the member states have been a constant factor throughout the history of foreign policy coordination. Sovereignty had been an issue during the doomed attempt to establish a Defence Community and the failed negotiations on the Fouchet Plans (see Nuttall 1992; Smith 2002), it was an issue in European Political Cooperation (EPC), and it is still an issue today. Sovereignty concerns determined which options were on the menu. Looking back with the benefit of hindsight, it is clear that if the member states were to succeed, they had to take the pragmatic incremental road. It is unsurprising therefore that the Luxembourg Report (1970), which initiated EPC, only envisaged a process that was limited to an exchange of information and a “harmonization of views, concertation [*sic*] of attitudes

¹⁶ This book only refers to the source of official documents when it is not obvious (such as in the case of Treaties, Council Decisions or the formal Reports that formed the basis of EPC). ENA stands for European Navigator <www.enu.lu> and AEI for the Archive of European Integration <aei.pitt.edu>.

and joint action *when it appears feasible and desirable*" (article II(I)(b), emphasis added). Importantly, EPC was kept separate from the activities of the European Communities. Unlike the latter, it was not given a formal Treaty basis. Moreover, to carry out its functions, EPC was "provided with a bare minimum of institutional support" (Smith 2004: 71).

The Luxembourg Report foresaw consultations at the level of ministers, political directors (in the Political Committee) and diplomats. These consultations took place in the country holding the six-monthly rotating Presidency. The Presidency became also responsible for informal agenda-setting, procedural management and administrative support (article 8(2)). For the day-to-day contacts between the capitals, the member states appointed a junior diplomat in their foreign ministries – the European Correspondents. In absence of a permanent secretariat, their tasks "included handling of EPC procedural matters, organizing the EPC dossiers ... preparing the draft conclusions for ministerial and Political Committee meetings, and managing the EPC aspects of the rotating EU presidency" (Smith 2004: 79). They furthermore acted as an important bridge between the economic and political directorates in the foreign ministries, which were often kept separately (*ibid.*). They added to the coordination between the "membership of the European Communities and participation in activities making for progress towards political unification" (Luxembourg Report 1970: IV).

The explicit choice for the six-monthly rotating Presidency and the absence of a permanent secretariat needs to be highlighted. It is an instance of sovereignty costs and agent selection. Discussions over the location of the permanent secretariat had been one of the reasons why the negotiations over the Fouchet Plans (1959-1962) eventually broke down. France feared that a secretariat in Brussels would create too close ties with the European Communities institutions. This could then lead to an erosion of sovereignty. It thus proposed a permanent secretariat in Paris. This ran into sovereignty concerns of The Netherlands and Belgium, which feared that a Paris-based secretariat would compete with the Communities institutions in Brussels (Nuttall 1992). In other words, France anticipated that the Brussels-based secretariat would have Communities-orientated preferences, while other member states anticipated that the preferences of a Paris-based secretariat would be too close to those of France. Anticipated agent preferences thus prevented the delegation of tasks in the context of the Fouchet Plans. The Luxembourg Report therefore avoided the contentious issue of a permanent secretariat and delegated tasks to the Presidency instead.

The Commission was kept at arm's length in EPC. This reflected the French sovereignty concerns. Yet it was not completely ignored. In dossiers with overlap between EPC and the activities of the Communities, the "Commission [was to] be consulted" (Luxembourg Report 1970: II(5)). The Commission was thus sitting at the table when 'cross-pillar' issues were discussed. Most scholars (e.g. Nuttall 1992; Smith 2004) see this link with the Communities as a concession by France to The Netherlands and Belgium, so that they could sell EPC for domestic publics as different from the Fouchet Plans. Defending the competences of the Communities was indeed a real issue during the earlier foreign policy discussions. It should, however, also be emphasized that the member states required the economic expertise of the Commission in many of their negotiations with third states. There was thus a demand for coordination between EPC and the Communities. The Commission's role, for example, during the negotiations on the economic basket of the Conference on Security and Cooperation in Europe (1973-1975) started divisively, but at the end of the day even the French Presidency recognized that the input from the Commission was indispensable (Nuttall 1997; interview national official B, 2008).

The institutional structure of European Political Cooperation was changed for the first time during the Paris Summit (1972), which increased the number of ministerial meetings. The member states also discussed the possibility of establishing a permanent secretariat, but their preferences had not much changed since the Fouchet Plans. France continued to insist on a Paris-based secretariat, whereas the integrationist member states championed Brussels for practical reasons and to improve the linkage with the European Community (Nuttall 1992). The fact that negotiations broke down again over the location shows that France still anticipated the possible sovereignty loss as more important than the actual gains of establishing a permanent secretariat. It can furthermore be derived from an internal preparatory note of the Belgian foreign minister – arguably the most ambitious member state – that this permanent secretariat was to be created to *facilitate* the information exchange, to *work out the ideas* of the member states, and to *provide policy papers* on topics of the EPC agenda from an angle of European interest.¹⁷ Credible commitments were not on the agenda. Although the role of the Commission was not changed at the Paris Summit, the final communiqué reiterated that "on matters which have a direct bearing on Community activities, *close contact* will be maintained with the Institutions of the Community" (article 14, emphasis added).

¹⁷ 'Renforcement des Institutions et progrès dans le domaine politique', Brussels, 25 May 1972 (ENA).

The Paris Summit also tasked the foreign ministers to produce a second report on “methods of *improving* [EPC]” (Paris Summit Statement 1972, ENA, emphasis added). This became the Copenhagen Report (1973). In essence this second report filled in the details of decision-making rules based on the first three years of experience, which was summarized in annex A. The ‘Group of Correspondents’ was codified, the tasks of the Presidency were defined, the report discussed the role of embassies in third countries, and it improved communication by setting up an information exchange system between the national foreign ministries, *Correspondence Européenne* (COREU). The member states also decided to appoint one official in their bilateral embassies in the national capitals to ensure a necessary liaison. The Copenhagen Report was characterized by its pragmatism. It stated, for example, that ministers were also allowed to consult each other “when they happen to come together on other occasions” (article 1). Five months later the member states, however, ironically ‘forgot’ about this clause when they notoriously met in the morning to discuss EPC matters in Copenhagen before they flew to Brussels to discuss Community affairs in the afternoon – just to make the point that both were different issues (Wallace 1983a; Nuttall 1992; Smith 2004).

The pragmatism of the Copenhagen Report was also clear when it came to administrative support of the whole process. Since the creation of a permanent secretariat was still a non-starter, the member states delegated the functions among themselves. Apart from the codification of the support that the group of Correspondents provided to the process, member states noted that “experience has also shown that the Presidency’s task presents a particularly heavy administrative burden” (Copenhagen Report 1973: article 8). They therefore decided to allow for burden sharing between the member states when it came to administrative assistance. The costs of not having a permanent secretariat and the related efficiency loss were clearly recognized, but creating a secretariat was still a bridge too far. In other words, the balance between efficiency gains and sovereignty costs was explicit in the context of the Copenhagen Report. The Report did not change the status of the Commission, yet the relationship between EPC and the Communities was discussed “in the perspective of European Union” (article 12). Since it was “of the greatest importance to seek common positions on major international problems” (ibid.), the relations between EPC and the Communities were intensified through, for example, the involvement of the Committee of Permanent Representatives (COREPER) in foreign policy. In dealing with these coordination costs, the member states yet again chose their agent strategically by keeping the function of coordination in-house.

The Copenhagen Report was followed by the Copenhagen Summit discussing a document on European Identity (1973) and by the Paris Summit institutionalizing meetings of the Heads of State and Government (1974). This became the European Council. On the day-to-day operation of European Political Cooperation, both had little impact. A sea change was, however, on the horizon with the Paris Summit inviting Prime Minister Leo Tindemans to submit a comprehensive report “on an overall concept of European Union” (article 13, ENA) before the end of 1975. This would put the process of European integration potentially on a different track. Although “carefully and pragmatically” drafted to “avoid theological arguments at all costs”, the Tindemans Report could not disguise its federalist nature.¹⁸ It proposed, *inter alia*, a single decision-making 'centre' for the European Communities and EPC, an “obligation to reach a common decision on specific questions”, which meant that “the minority must rally to the views of the majority at the conclusion of a debate” (i.e. majority voting) (article 2(B)), and an involvement of the European Court of Justice in foreign policy. This went clearly beyond what most member states had in mind and after some discussions in 1976, the report was diplomatically dropped (Smith 2002).

The end of *détente* and the beginning of the second Cold War gave European Political Cooperation new momentum. Particularly the Soviet invasion in Afghanistan on the day after Christmas (1979) stands out. With the outgoing and incoming Presidencies on holiday, the EPC machinery simply stopped to function. Further incompetence by the Italian Presidency meant that the member states were only able to adopt a declaration on 15 January 1980, which was three weeks after the event. This provided a feedback loop in terms of the institutional design of EPC. The initiative to strengthen European Political Cooperation this time came from the United Kingdom. Foreign Secretary Lord Carrington called the situation over Afghanistan “frankly ... a bit of a mess” (Hill 1982: 50). He suggested a procedure for convening meetings on short notice, a stronger political commitment as well as the need for some sort of EPC Secretariat or an “experienced foreign policy staff, perhaps seconded temporarily from member states ... if [the member states] were to coordinate their response to crisis situations in the most efficient way”.¹⁹ Lord Carrington thus became an advocate for strengthening the procedures out of a clear need for continuity and efficiency.

¹⁸ 'Interview with Leo Tindemans', 's Hertogenbosch, 27 September 1975 (ENA)

¹⁹ Quoted in 'A Secretariat for European Political Cooperation' (September 1985) by the Secretariat of the European Parliament (AEI).

He was, however, not the only one who felt the need for change. The German foreign minister Hans-Dietrich Genscher argued two months later that Europe required new political momentum. He floated the idea of a new treaty on a common foreign policy with an EPC Secretariat as well as coordination on security policy (January 1981, ENA). The Italian minister Emilio Colombo also signaled room to move forward in the field of security (ENA). Claude Cheysson furthermore became the French foreign minister in May 1981 after the election victory of François Mitterrand. As a former Commissioner for Development Policy he had more sympathy for the needs of the European Commission than his Gaullist predecessors. The thoughts of Genscher and Colombo “served more as a stimulus ... than as a solid initiative” (Hill 1982: 51) and finally led to the Solemn Declaration on the European Union (1983, see also below). In the meantime, the member states adopted under the leadership of the British Presidency the London Report (1981). It aimed to improve the efficiency of decision-making within European Political Cooperation.

Because the establishment of a permanent secretariat in Brussels still ran into French sovereignty concerns (Hill 1982), the member states focused in the London Report particularly on ways of strengthening the Presidency (Smith 2004). In this respect, they established the Troika secretariat existing of two diplomats from the preceding and succeeding presidencies, which were seconded to the capital of the Presidency-in-office to provide assistance. This would improve continuity and alleviate the burden of the Presidency without having to create a permanent secretariat. The member states also agreed on a Troika formula for contacts with third countries. The outgoing and incoming presidencies did, as such, not only increase the weight of the Presidency in collective *démarches* (for example, if it was a small country), but also provided a control mechanism to reduce its discretion. The emphasis in the London Report was thus on the continuity between Presidencies and the efficiency of foreign policy coordination. Lastly, the London Report also stipulated that the European Commission was now 'fully associated' with the conduct of political cooperation. This finally meant access to all meetings and information. Given the previous occasional struggles on whether or not to invite the Commission (Nuttall 1997), this was clearly a step forward.

The first period of EPC (1970-1981) was thus characterized by the member states creating a platform for consultation. For this purpose, they required little institutional support, particularly not the strong supranational institutions that could provide credible commitments. The costs involved in EPC were those of negotiation, coordination and administration. They were addressed through a number of delegation rounds. The Presidency was

strengthened on various occasions. The Commission became involved in order to provide coordination with the European Communities. Most important during this period were the anticipated sovereignty costs of the member states in relationship to the process of agent selection. When delegation took place, it was not to a permanent secretariat, which was the functionally optimal scenario. The member states anticipated that the preferences of the secretariat would be out of line leading to sovereignty loss. Instead they kept these functions 'in-house' by delegating them amongst themselves: the rotating Presidency, the European Correspondents in the ministries and the Troika mechanism are key examples.

3.2 CODIFICATION OF COOPERATION (1981-1995)

The London Report was the third report on European Political Cooperation. While it already signaled the increased foreign policy ambition that would guide much of the remainder of the 1980s, it also constituted the beginning of the end of an epoch – the period during which EPC was famously characterized by Simon Nuttall (2000: 272) as an informal “club run by diplomats for diplomats”. The various attempts after the London Report, starting with the Genscher-Colombo plan and leading up to the Single European Act (SEA, 1987) and the Maastricht Treaty (1993), were aimed at giving EPC a formal treaty base. This would give more prominence to EU foreign policy. Providing EPC with a place in the Treaties was also seen by the integrationist member states (Germany and Benelux) as an opportunity to finally reach a *rapprochement* between the Communities and EPC. This could then in turn strengthen the role of the Commission, which was in line with its expanding activities as a result of contemporary developments in the field of sanctions, enlargement and external aid dossiers. Yet it turned out that codification does not equal integration. In fact, codification led to quite the opposite. Through formally institutionalizing the separation between the activities of the Communities and those of EPC, integration became over time a more distant prospect. Despite increased rhetoric about the need for EU foreign policy, sovereignty concerns remained firmly in place up until the negotiations over the Maastricht Treaty.

The talks about giving European Political Cooperation a treaty base had actually already started before the London Report, as stated above, with speeches of the German and Italian foreign ministers Genscher and Colombo (1981). A month after the adoption of the London Report, their ideas were jointly presented to the London European Council (November

1981) in the form of a fully-fledged draft European Act (published in Hill and Smith 2000). While this proposal was intergovernmental in intention – leaving the separation in decision-making procedures in tact – it did constitute a single institutional framework. This was for some member states a step too far (Smith 2002; Nuttall 1992). In terms of institutional support, this draft Act provided for an EPC Secretariat separate from the Council Secretariat of the Communities in order to assist the European Council and ministerial Councils “in the fields of foreign policy, security policy and cultural cooperation” (article 2(4)(7)). The position of the Commission was not changed compared to the London Report. The London European Council took note of the German and Italian proposal and simply invited the foreign ministers to “examine and clarify the ... proposals and to report back to a future meeting of the European Council” (Conclusions, article 1(1)(6), ENA).

The foreign ministers discussed the plans extensively, but it eventually did not add up to much. The proposals, while sensible, involved too many sovereignty costs. The deliberations resulted in the *Solemn Declaration on the European Union* (1983, ENA) – a non-binding document that even Prime Minister Margaret Thatcher was willing to go along with, despite its “grandiloquent language” (Thatcher 1993: 314). While this declaration in fact reiterated much of the previous reports on EPC, the contents and emphases are of interest in support of the argument in this book. Article 2(2)(3), for example, stated that “to promote the objective of a Europe speaking with a single voice ... the Member States will make a constant effort to increase the *effectiveness* of Political Cooperation and will seek, in particular, to *facilitate* the decision-making process, in order to reach common positions more *rapidly*” (emphasis added). The Declaration singles out, in this respect, the strengthening of the Presidency's powers of initiative, coordination and representation, and the “operational support for successive Presidencies, corresponding to the increasing tasks which they have to perform” as well as the need for consistency and continuity (article 2(2)(1)). The transaction costs were thus again identified, but the member states did little with them as a result of anticipated sovereignty losses.

Discussions on the future status of EPC not only played on a governmental level, but also in the first directly elected European Parliament (1979). Under the leadership of Altiero Spinelli, it adopted the *draft Treaty Establishing the European Union* (1984, ENA), which brought EPC together with the Communities in a common institutional framework, albeit with different decision-making procedures. While the draft Treaty did not delegate many new functions to the supranational level, it gave the

Commission the shared right of initiative (article 67(1)) and explicitly left the member states the option to make foreign policy an 'exclusive competence' of the European Union in the future. Since the draft Treaty had been approved just in time for the second parliamentary elections, Spinelli hoped that it would serve as the topic of the campaign. Instead, debates were about national issues and few member states were willing to work on the basis of the parliamentary draft, let alone to ratify it instantly (Nuttall 1992). Although the Genscher-Colombo Act and the Parliamentary draft Treaty ultimately failed, they helped nevertheless to spread the idea of a possible codification of Political Cooperation and served as a springboard for the French President Mitterrand to upload his foreign policy ambitions in the context of the Single European Act (1987) (ibid.).

Yet before going to the actual negotiations, which eventually led to the codification of cooperation, it is necessary to look at the development of the informal role of the Commission. Its full association in the London Report marked the conclusion of the endless debates in the 1970s on whether it should be invited at all. From the early 1980s until eventually the Maastricht Treaty (1993), it effectively started to make use of its access to Community resources to yield political influence in the context of political cooperation. The use of sanctions, in this respect, stands out. Whereas over Rhodesia (1975), South Africa (1976-1977) and Iran (1979-1980) the member states could not agree on the timely use of *Community* sanctions, they were successful regarding Poland after the Soviet crackdown of the Solidarity movement (1982) (ibid.). Since Greece opposed action in the context of EPC – where consensus was still the rule – and faced again with external expectations, the member states resorted to Community article 113 (art. 133 TEC; 207 TFEU). This gave the member states more flexibility, but it also put the Commission in the driving seat. The member states literally forgot to invite the Commission for discussions about Iran, but it were COREPER and the Commission which looked into import restrictions against the Soviet Union (ibid.)!

The pattern repeated itself over the Falkland Islands (1982) where Community sanctions, despite internal differences, were agreed upon within two weeks (Edwards 1984). Similarly in 1985, Belgium made any bilateral restrictive measures against South Africa conditional on Community implementation. When the member states used sanctions against Iraq (1990), it had been widely accepted that article 113 was the standard operating procedure (e.g. Nuttall 1992). During the 1980s, the European Commission thus started to play a more important role in the context of foreign policy through the use of sanctions (Bonvicini 1988). Moreover, despite the initial Danish reluctance about the use of Community

articles in the context of European Political Cooperation, both were now closer tied together than ever before (*ibid.*). So in order for foreign policy to be effective, the economic dimension had to be considered and consistency had to be guaranteed. Coordination costs thus increased. The linkage between the Communities and Political Cooperation, which came about without formal change, provided an important input for the eventual codification of cooperation.

The Single European Act (1987)

While scholars still disagree on the origins of the Single European Act, in terms of EPC it is clear that the general mood among member states started to change in the mid-1980s (Regelsberger 1988). It is particularly telling that while Genscher still described his initiative as “a construction similar to that of a modified Fouchet Plan” (quoted in Nuttall 1992: 184), President Mitterrand made it explicitly clear in front of the European Parliament (23 May 1984) that he had moved on by stating that “a new Treaty ... must not, of course, be a substitute for existing Treaties” (ENA).²⁰ During the Fontainebleau European Council under the French Presidency (1984, ENA), President Mitterrand explained to his counterparts what he exactly had meant by submitting a proposal with a permanent secretariat for the European Council. Because the summit was mostly about the British rebate, there was no time to discuss this proposal. The future institutional questions were delegated to the *Ad hoc* Committee on Institutional Affairs chaired by the Irish senator James Dooge. It was “to make suggestions for the improvement of the operation of European cooperation in both the Community field and that of political, or any other, cooperation” (article 7).

While the Dooge Report (1985, ENA) covered a whole range of internal market issues, it was modest in its foreign policy ambitions and in line with the previous attempts for codification. In addition, it particularly stressed the need for continuity and cohesiveness between the work of the Communities and European Political Cooperation. A permanent political cooperation secretariat, which would “use the back-up facilities of the Council”, could help in this respect. This secretariat was clearly closer to the British pragmatic preference during the negotiations of the London Report than to Mitterrand's idea of a high-level secretariat for the European Council. In addition, the Dooge Report suggested the 'regular organization'

²⁰ Integrationist member states feared in the 1960s that the Fouchet Plans would overtake the Treaties.

of EPC working groups in Brussels rather than in the capitals for the purpose of consistency and efficiency. The role of the Commission was not strengthened in the context of foreign policy cooperation. The Dooge Report was, apart from its ambiguous statements on security and defense, thus not much different from the Genscher-Colombo Act. The fact that there was little development was also underlined by the accompanying explanatory statements and the twenty-three reservations made by members of the Committee, including the chairman himself.

As a follow-up, the Dooge Report proposed an Intergovernmental Conference in order “to negotiate a draft European Union Treaty based on the *acquis communautaire*, [the work of the Committee] and the Stuttgart Solemn Declaration on European Union and guided by the spirit and method of the draft Treaty voted by the European Parliament”. The Report was presented to the member states during the European Council of March 1985, but they were too busy with finalizing the third round of enlargement and postponed the discussion of the report to the Milan European Council (June 1985). Before the member states were, however, able to express their opinions on the report in Milan, they were faced with a *draft agreement on Political Cooperation* tabled by the United Kingdom (8-9 June) and – to Britain's unpleasant surprise (Thatcher 1993; Wall 2008) – trumped by a very similar Franco-German *draft Treaty on European Union* (28 June).²¹ A combination of all these proposals finally led to the Single European Act in the Luxembourg European Council (1985).

The proposal of the United Kingdom was a Treaty for Political Cooperation in all but the name. The sponsors went so far as to claim that it did not require parliamentary ratification. The draft agreement constituted a clever reorganization of the existing rules and practices and only went beyond the *status quo* in a limited number of instances. In terms of secretarial support it went along the lines of the Dooge report and stated that “the Presidency shall be assisted by a small secretariat ... [which shall] advise the Presidency as necessary on the conduct of Political Cooperation, in particular on maintaining coherence between the ... Communities and ... European Political Co-operation” (quoted in Nuttall 1992: 246). The function of the Commission was even decreased by giving the member states – on the basis of unanimity – the possibility of excluding the Commission from their deliberations. The Franco-German draft Treaty was modeled after the British proposal. Apart from some stronger rhetorical language, no restrictions on the presence of the Commission, and the actual

²¹ Annexed in 'A Secretariat for European Political Cooperation' (September 1985) by the Secretariat of the European Parliament (AEI).

name of the document, there was only one significant difference in the context of foreign policy: the appointment of a high-level Secretary General in charge of “running the general secretariat” (article 10(2)).

With two new competing proposals on their doorsteps, it is hardly surprising that the member states did not reach a major breakthrough at the Milan European Council. The Italian Presidency had nonetheless made it its objective to launch an Intergovernmental Conference and a simple majority vote (under article 236 TEC) – sidelining Denmark, Greece and the United Kingdom – was their means. This constituted without a doubt one of the most remarkable episodes in the history of European integration – since it was the first ever vote in the European Council and since eventual Treaty change would require unanimity – and small wonder that it was interpreted differently by various observers. Simon Nuttall (1992) states that it was a success largely as the result of the good work by the Italian Prime Minister; Margaret Thatcher (Thatcher 1993: 550) recalls that she “having come to Milan in order to argue for closer co-operation ... found [herself] being bulldozed by a majority which included a highly partisan chairman”. Particularly the unexpectedness surprised British civil servants (Wall 2008). In any event, neither the British nor the Franco-German proposal could find a working majority and the Conference was tasked to present “a treaty on a common foreign and security policy on the basis of the Franco-German and United Kingdom drafts” at the next Luxembourg European Council.²²

The preparatory work for this draft treaty in the context of EPC was delegated to the Political Committee. While in the meantime the Netherlands and Italy submitted more ambitious proposals, it soon became clear that the British ‘codification of current practices’ approach was the best way forward (Nuttall 1992). Two major points on which the Political Directors, however, avoided debate were the issue of the permanent secretariat and the final institutional structure. While their aim was to leave these discussions to their ministers, it left room for some entrepreneurship by the Commission. In its opinion on the Intergovernmental Conference (22 July 1985, ENA), it clearly stated its preference for “at the end of the day only united institutions – one Council, one Parliament, one Commission” to guarantee effectiveness and progress. In September, the Commission explained that this did not imply a change in the very nature of decision-making, but rather that it wanted to bring the Community and Political Cooperation together in one legal document yet with different titles. This

²² There was considerable confusion about the outcome of the European Council. During the press conference a journalist raised the question “Prime Minister, the intergovernmental conference will also discuss a new treaty on foreign policy and...”, to which Thatcher answered “No, no, no, no!”.

idea eventually formed the basis of the French draft act (19 November). Yet whereas the Commission, however, had pleaded for a future *rapprochement* between the Communities and Political Cooperation, no such reference was made in the French document (Nuttall 1992). The French proposal on the institutional structure, which separated the Communities and EPC in different titles was finally accepted: the *Single European Act*.

In terms of institutional innovation, the Single European Act brought two things. First, it created a consistency requirement between the Communities and Political Cooperation. The rotating Presidency and the European Commission were explicitly tasked to look after it. This gave the Commission an incentive to structure its bureaucracy in a way that it would be able to bridge the divide. It created an EPC Directorate in the Secretariat-General to coordinate the work of the Directorates-General (Nuttall 2000). Second, the member states finally created a permanent EPC Secretariat in Brussels. It did, however, not have a permanent staff – six diplomats were seconded from the capitals. Nor did it have a budget of its own. The office space was provided by the Council Secretariat of the Communities though separated from the latter with a combination lock. The space was symbolically paid for by the Presidency. These constituted *ex ante* control mechanisms to avoid excessive sovereignty loss. The functions of the EPC Secretariat were limited as well. It was given the task to “assist the Presidency in preparing and implementing the activities of European Political Cooperation and in administrative matters” (article 10(g)). It did thus not have a mandate of its own.

The member states filled in the exact job description at a later stage (Council Decision, 17 February 1986, ENA). They reiterated that the EPC Secretariat “shall act under the authority of the Presidency [and] shall assist the Presidency in preparing and implementing European political cooperation activities and in administrative matters” (section III). They also stated that the Secretariat “shall assist the Presidency in ensuring the continuity of European political cooperation and its consistency with Community positions” (ibid.) as well as fulfill the tasks mentioned in table 3.1 below. All these functions relate to the administrative and coordination costs in EPC policy-making. Accordingly, as emphasized in the previous theoretical chapter, the ‘powers’ of the EPC secretariat were kept to an absolute minimum. When looking back at the overall discussions about the delegation of functions to a permanent secretariat, it is most remarkable that it took the member states seventeen years before they sent six seconded national officials to Brussels in support of the Presidency. They were very reluctant to delegate functions in the sensitive domain of EU foreign policy, despite explicitly recognizing all along that the absence of a secretariat was

sub-optimal. Only with the Single European Act, efficiency gains trumped anticipated sovereignty loss, yet delegation was still minimal.

(a) assist the Presidency in the organization of [EPC] meetings, including the preparation and circulation of documents and the drawing up of minutes;
(b) work with the European Correspondents Group in the preparation of conclusions and guidelines and in carrying out any other task entrusted to the Group by the Political Committee;
(c) assist the chairmen of working groups as regards procedures and precedents and the drafting of oral reports and studies;
(d) assist the Presidency in the preparation of texts to be published on behalf of the Member States, including replies to parliamentary questions and resolutions ... on relations between [EPC] and the European Parliament;
(e) maintain the [EPC] archives and assist the Presidency in preparing the six-monthly compilation of European political cooperation texts;
(f) keep up to date the body of [EPC] working practices;
(g) assist the Presidency, where appropriate, in contacts with third countries.
Table 3.1 Functions of the EPC Secretariat

Despite the very limited formal position in the Single European Act and the Council Decision, the role of the EPC Secretariat developed over time (Regelsberger 1997). This process happened in a similar fashion as the Council Secretariat of the Communities, which was gaining prominence due to its continuity, experience and 'institutional memory' (Christiansen and Vanhoonacker 2008; Dijkstra 2010a). In addition, the Head of the EPC Secretariat sometimes represented the rotating Presidency to the outside world regarding EPC matters. After all, the centre of gravity of EPC was still in the capital of the rotating Presidency and EPC had otherwise no Brussels base (Nuttall 2000). Moreover, the first Presidency under the Single European Act was Belgium. Due to its integrationist preferences, it gave the Secretariat quite some autonomy (Da Costa Pereira 1988). This set an important precedent for future Presidencies.²³ Yet the Secretariat's main role concerned facilitating the coordination process between the Member States. The Presidency remained firmly in charge of the conceptual work.

While the Single European Act only marginally strengthened the role of the Commission in the context of EPC, it were the international

²³ An interesting comparison can be made with the Lisbon Treaty, where Belgium was the second rotating Presidency and tried to do the same thing.

events shortly after the codification of cooperation, which would have a lasting effect on its informal position in EU foreign policy. The fall of the Berlin Wall (1989) and the subsequent 'acceleration of history' strengthened the role of the Commission in two ways. First, it became a key actor in the discussions over German reunification due to its knowledge of the *acquis* and, second, the main contact point for the Central and Eastern European states in terms of the coordination of international aid and future accession policy. Since the European neighborhood dominated the foreign policy agenda of the 1990s, these two functions significantly increased the political standing of the Commission. Because this period proved pivotal for the development of the machinery of EU foreign policy, this chapter discusses these issues more in detail.

The reunification not only meant that the German Democratic Republic (DDR) had to be integrated into the German Federal Republic (BRD), but also into the European Communities. The German question was thus quintessentially European. The reunification raised, in this respect, two questions and the Commission played an important role in both. In political terms, the reunification of Germany would reshape the balance of power in the Communities and this was not something that partners took lightly. In technical terms, the German Democratic Republic had to be made ready to comply with the *acquis*. On the first question, the Commission President Jacques Delors was among the first to recognize that German reunification had become inevitable. Moreover, he agreed with the German chancellor Helmut Kohl that the integration of the German Democratic Republic into the Communities should happen as part of the German Federal Republic via special provision in German Basic Law rather than following the regular accession process. This had the clear advantage of not having endless debates with the other member states or the problem of constitutional discussions in Germany itself (Nuttall 2000). The fact that this road was finally taken is partly the result of the leadership role by the Commission, which was in driver seat during the negotiations.

The second challenge concerned the *acquis*. The Commission also took the lead. The alignment of the German Democratic Republic had to take place under immense time pressures. While the reunification was initially planned for the spring of 1991, the date moved quickly to October 1990. Yet as Simon Nuttall (ibid.: 100) points out, "the German people could not be invited to put off unification because the Community had not been able to pass the necessary laws in time". Over the summer, a small group of high-level Commission officials therefore worked in close liaison with the German government to make reunification technically happen (e.g. interview with Commission official D). The technical and political

involvement marked for the Commission a watershed compared to the period before the fall of the Berlin Wall. Whereas during the 1970s it had to fight for its invitations, it was now in charge of the most important foreign policy dossier of the day. It was the result of the 'cross-pillar' dimension of the reunification. The coordination role became crucial for the European Commission.

Apart from facilitating the German reunification, the Commission also became the coordinator of international aid for the Central and Eastern European countries. After the fall of the Berlin Wall, the United States called for a coordination of international aid to the former Soviet satellites. Faced with pressure from its Treasury, it was keen to provide the Europeans with a sense of ownership. During a meeting of the Group of Seven of industrialized countries, it suggested to delegate these coordination tasks to the Commission. Somewhat remarkably, the Commission thus became the agent of a different organization as a result of some intense lobbying of Delors in Washington and in Berlin (Nuttall 2000). While this was a slap in the face of, in particular, France and the United Kingdom, both member states eventually had to go along with it. Looking back with hindsight, the decision to delegate was in itself not such a bad thing. The Commission could create synergies between international aid and its own assistance programs, using the money as a financial carrot during the negotiations of the 'Europe-agreements'.

Negotiating the Treaty of Maastricht (1993)

While the Maastricht Treaty had been on the European agenda long before the fall of the Berlin wall in 1989, this event shaped the negotiation context. France, in particular, was wary of a stronger Germany after reunification and pushed for European Monetary Union (EMU). However, for Germany to give up its currency required concessions in the area of foreign policy. At the European Council in Strasbourg (December 1989), the member states agreed to launch an Intergovernmental Conference on the Monetary Union. The debate soon started on what to do with Political Cooperation. Similar to the negotiations on the Single European Act, the member states and the Communities institutions circulated proposals. At the European Council in Rome (December 1990), two Intergovernmental Conferences were finally opened on Monetary Union and Political Union. Interestingly in Rome, there was already broad agreement on the eventual Treaty. It took, however, until the Maastricht Summit (December 1991) to reach agreement. For the

integrationist member states, the compromise was disappointing. It was a long way from full *rapprochement* and few new functions were delegated. The activism of the Commission after the fall of the Berlin wall proved too much for some of the member states. While re-contracting did not take place, they were very wary of given up further powers. This chapter will now discuss the various position papers by the member states and the EU institutions. This provides evidence about the reasons for (non-)delegation in the context of the Maastricht Treaty.

The Belgian government was the first to table a *Memorandum on improving European Political Cooperation* (19 March 1990, in Laursen and Vanhoonacker 1992). Its proposals were pragmatic even arguing against “spending time on a hasty revision of Article 30”, covering the foreign policy provisions in the Single European Act. Instead it suggested defining broad guidelines towards Central and Eastern Europe rather than having separate strategies in the Communities and Political Cooperation. In addition, it championed regular meetings of the ministers in the context of the General Affairs Council and joint meetings of COREPER and the Political Committee. This would improve consistency. It furthermore aimed for a clearer role of the European Commission and setting up a task force on Eastern Europe of diplomats from the member states and officials from the Commission to “serve as a centre for analysis, study and coordination”. This pointed in the direction of an informational rationale for delegation. The Memorandum was overall thus pragmatic in nature, it championed consistency and focused on the needs of the day. It did not suggest major formal institutional innovation (Nuttall 2000).

Whereas Belgium saw an imminent need for practical measures resulting from the international events, Mitterrand and Kohl argued for “fundamental reforms” in a letter posted a few days before the Dublin European Council (28 April 1990, in Laursen and Vanhoonacker 1992). This included the Intergovernmental Conference on the Political Union to “strengthen the democratic legitimization [*sic*] of the union, render its institutions more efficient, ensure unity and coherence ... and implement a common foreign and security policy”. This put them on a collision track with Thatcher. Yet rather than outright opposing the idea of a Political Union, she presented a lengthy list of what EPC not should be (Thatcher 1993; Wall 2008; Nuttall 2000). It was little surprising that the European Council postponed the discussion and delegated to their foreign ministers the task to undertake a detailed examination “on the need for possible Treaty changes with the aim of strengthening the democratic legitimacy ... enabling the Community ... to respond efficiently and effectively to the demands of the new situation, and assuring unity and coherence” (article

12(1)). The resulting paper added up to little, with the result that the second Dublin European Council (25-26 June) launched the Intergovernmental Conference without a set agenda.

The European Parliament was well aware of its role in fostering debate in the context of the Single European Act. It therefore also tried to affect the negotiations on the Political Union by issuing a resolution (11 July, in Laursen and Vanhoonacker 1992). Although weaker than an earlier resolution (14 March), it was still far from the nuanced and diplomatic Spinelli plans. Apart from lacking a reference to majority voting, this resolution was unabashedly integrationist: it called for a single Council, initiation and representation powers for the Commission “including appropriate use of its external missions in third countries” (article 9), and foreign policy being scrutinized by the European Parliament. Institutional consistency was a common theme in the Danish and Dutch memoranda as well (4/26 October, in Laursen and Vanhoonacker 1992). While there was still a gap between both positions, they agreed on having the General Affairs Council as a united forum for debate, coordinating the work of COREPER and the Political Committee, merging the EPC and Council Secretariat, and confirming the European Commission as an equal partner in foreign policy.

The European Commission's formal opinion on convening the Intergovernmental Conference (21 October, ENA) was unsurprisingly at the integrationist side of the spectrum, yet it felt short of a full *rapprochement*, which it had advocated earlier. Rather than laying “claim to a monopoly of the right of initiative”, it felt that the “very specific nature of foreign and security policy implies that the right of initiative must be shared”. Creatively, the Commission suggested creating an expert bureaucracy for preparing foreign policy decisions consisting of the current EPC Secretariat and representatives of the Commission to be located in the Council Secretariat. This body would be responsible for preparing the decisions. As regards decision-making, the Commission suggested to let the European Council decide on the foreign policy areas, which could be transferred from Political Cooperation to the Communities, and be subject to an augmented qualified majority vote. The Commission furthermore suggested for itself a key role in implementation and an involvement of the European Parliament.

All these proposals were discussed during a ministerial meeting (6-7 October) and a special meeting of the European Council (27-28 October), after which the Italian Presidency drafted a report on the initial conclusions (16 November). In terms of the institutional structure, the compromise proposal included a single ministerial Council, a non-exclusive

right of initiative for the European Commission and a merger between the EPC and the Council Secretariat (Nuttall 2000). Before the member states could, however, start discussing this Presidency report at the Rome European Council (14-15 December), they received a second, more detailed letter from Kohl and Mitterrand (6 December, Laursen and Vanhoonacker 1992). The relative quietness of the German and French delegations since April had led some member states to believe that the Franco-German axis would be less dominant during negotiations on the Political Union than over the Single European Act. This was wishful thinking. The letter put France and Germany right back to the center of attention.

The second letter of Kohl and Mitterrand was much more detailed than the first and, as a result, it inevitably displayed the compromises both countries had to make among themselves. The second letter was far less rhetorically ambitious and took a pragmatic consensual approach. Simon Nuttall (2000) indeed argues that the fact that the second letter is close to the final outcome has not so much to do with their influence, but that it was the result of an emerging compromise position. This is also reflected in the Rome Conclusions (see ENA), which stated in detail that the institutional framework would be based on (a) one Council, (b) a unified Secretariat, (c) the non-exclusive right of initiative for the Commission, (d) adequate procedures for consulting and informing the European Parliament, (e) detailed procedures ensuring that the Union can speak with one voice, (f) the possibility of constructive abstention, and (g) the possibility of qualified majority voting for the implementation of agreed policies. Anyone familiar with the Maastricht Treaty will directly recognize the striking similarity. The negotiations went on for another year, but the cycling of position papers in 1990 by the various member states suggesting various functional solutions thus led to an agreement.

Although the member states thus early agreed on the substance of institutional reform, the constitutional question relating to the interaction between the Communities and foreign policy activities was more difficult. The Single European Act, after all, had been an attempt to bring both together. The result was unsatisfactory for the integrationist member states since only the piece of paper could be genuinely called 'single' given the strict separation of the Communities and Political Cooperation in legal titles. It was thus unsurprising that some member states wanted to revise this arrangement, particularly so in light of the elevated status of foreign policy cooperation during the negotiations of the Maastricht Treaty. Throughout the Luxembourg and Dutch Presidency (1991) the debate centered around the question whether the EU should resemble a 'unified tree with different branches', symbolizing integration, or a 'Greek temple

with separate pillars' in line with the *status quo* (Laursen and Vanhoonacker 1992). That the member states opted for the latter option – as a result of a lowest common denominator agreement and clumsy leadership by the Commission and the Dutch Presidency – did not have so much an impact on the actual substance of delegation, apart from the fact that the dichotomy (and the Commission's relative absence in EU foreign policy) was further institutionalized.

The discussions on the overall constitutional structure started when the Commission tabled a contribution on the *Development of a Common External Policy* (7 March 1991, in Laursen and Vanhoonacker 1992). This document brought all external policies together under one title, introduced augmented qualified majority voting for the implementation of dossiers cleared by the European Council, emphasized the role of the European Commission, and replaced the Political Committee by COREPER. While the draft clearly felt short of a complete federalization, it was nonetheless received that way by many member states. After consulting the other member states, the Luxembourg Presidency came to the conclusion that only Italy really favored such a merger between the Communities and Political Cooperation (Nuttall 2000). When the Presidency tabled its 'non-paper' (12 April), it went back to the agreements of the Rome European Council, although slightly strengthening the position of the Presidency and the Council Secretariat in the preparation and implementation of foreign policy. In terms of constitutional structure, it introduced the three pillars.

This non-paper was the basis for discussion during the second half of the Luxembourg Presidency and it met resistance from the Commission. After some intense lobbying, the Presidency had to revise the paper when it formally introduced the draft Treaty on the Union (18 June, in Laursen and Vanhoonacker 1992). As a result of the sudden break out of the war in Yugoslavia, the member states were however in no position to agree on the draft Treaty during the European Council (28-29 June) and the discussions were postponed. It was now up to the Dutch Presidency to bring the Intergovernmental Conferences to a conclusion. In this respect, it is worth noting that in its conclusions the European Council stated that “the Presidency's draft forms the basis for the continuation of negotiations”. It, however, soon turned out that the Dutch saw little value in this paragraph, when they decided to go their own way. Supported and encouraged by the Commission (Nuttall 2000; Van den Bos 2008), they tabled a completely revised draft Treaty containing its integrationist and Atlanticist preferences and a unified tree structure. It was probably not so much the content of this draft, but the process and the national coloring that upset the other member

states including Germany. The Dutch Presidency was sent back to the drawing board with the explicit instruction to work on the basis of the Luxembourg draft.

As Simon Nuttall (2000: 170) states this gave the Luxembourg draft “a legitimacy it had not earned at the Luxembourg European Council”. After the Dutch 'Black Monday', it became obvious that in terms of constitutional structure, the temple with the separate pillars had won the day. The Presidency had furthermore lost much of its credibility. The remaining outstanding issues on whether or not to allow qualified majority voting for the implementation of the EU foreign policy were agreed upon after negotiations on the basis of a final Franco-German initiative (11 October, in Laursen and Vanhoonacker 1992). In terms of institutional structure, the results of the Maastricht European Council (9-10 December) were close to the 'broad guidelines' given to the Intergovernmental Conference a year earlier (see table 3.2). Despite the modest changes of the Maastricht Treaty, European Political Cooperation was re-branded in the Common Foreign and Security Policy (CFSP). It became the second pillar of the Treaty, in addition to Community policies in the first pillar and Justice and Home affairs in the third pillar.

When looking more broadly at the negotiations on the Political Union, one can argue that they primarily dealt with role of the Commission in the EU foreign policy. At one side of the spectrum was the *status quo* and at the other side the Commission's own proposals of 21 October 1990. The latter included a role for the Commission in the formulation of foreign policy, the possible use of augmented qualified majority voting, and an important role in implementation and representation. The proposal by the Commission was more efficient in terms of policy-making than the existing practices. At the end of the day, the member states decided to provide the Commission with more access in EU foreign policy, but they also concluded that the Commission was not going to be the dominant player (interview national official B; Commission official D). Some of the member states had seen the activism of the Commission following the fall of the Berlin Wall and this had made them wary of a further erosion of national sovereignty. While re-contracting did formally not take place, one senior Commission interviewee did experience it as such: “the big member states thought that a correction was necessary. The Commission had too much influence. They wanted to limit this. It resulted in the pillar structure” (#D). In the end, concerns about sovereignty loss thus trumped efficiency gains.

(a) The Union shall ... ensure the consistency of its external activities ... the Council and the Commission shall be responsible for ensuring such consistency (article C).
(b) The Member States shall ... refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with (article J(1)(4)).
(c) The Presidency shall represent the Union (article J(5)(1))
(d) The Presidency shall be responsible for the implementation of common measures; in that capacity it shall in principle express the position of the Union in international organizations and international conferences (article J(5)(2))
(e) In the tasks referred to in paragraphs 1 and 2, the Presidency shall be assisted ... by the previous and next Member States to hold the Presidency. The Commission shall be fully associated in these tasks (article J(5)(3)).
(f) The diplomatic ... missions of the Member States and the Commission Delegations in third countries and international conferences ... shall co-operate in ensuring that the common positions and common measures adopted by the Council are complied with and implemented (article J(6)).
(h) The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration (article J(7)).
(i) Any Member State or the Commission ... may submit proposals to the Council (article J(8)(3)).
(j) The Commission shall be fully associated with the work carried out in the common foreign and security policy field (article J(9)).
(k) The Conference agrees that ... the practical arrangements for merging the [EPC] Secretariat with the [Council Secretariat] ... will be examined at a later stage (declaration 28).
Table 3.2 Selection of articles of the Maastricht Treaty

Most of the discussions in the Intergovernmental Conference on Political Union were about *rapprochement* and consistency. There was also discussion about the efficient formulation and implementation of policy and about representation (see also table 3.1 above). These rationales are fully in line with the theoretical argument. That having been said, there are some provisions as well, which are more difficult to explain. In particular, the involvement of the European Parliament in EU foreign policy in the Treaty of Maastricht is puzzling (article J(7), but also in a number of the positions

by member states and the EU institutions). Rational choice institutionalism does not provide a good explanation. Alternative constructivist explanations may, in this respect, be necessary. However, the relevant article did not provide the Parliament with any real powers other than consultation. The challenge to the rationalist argument is thus limited. Second, articles J(1)(4) and J(6) use the language of compliance. In reality, however, they have little to do with compliance. The first article is about a general commitment to EU foreign policy, the second is about implementation.

The implementation of the Maastricht Treaty

The Maastricht Treaty said little about the bureaucratic structures of the Commission and the Council Secretariat. In case of the Commission, its formal autonomy prevented the member states from actively interfering in its internal affairs. The Commission would thus make its own arrangements in support of EU foreign policy. For the Council Secretariat, the rules of procedure had stipulated that the Council should decide on its organization. The Council was thus in charge of the practical arrangements for the merger of the EPC and Council Secretariat (see table 3.2). In other words, the implementation of the Maastricht Treaty within the Commission and the Council Secretariat was probably at least as important as the Treaty itself for both supranational bureaucracies.

While the Commission did not get what it wanted and generally resented the new arrangements, its leadership decided its objective should nonetheless be to become an equal player in EU foreign policy on par with large member states (interview Commission official C). The Commission reckoned that since the formal arrangements did not give it such status (e.g. exclusive right of initiative), it had to employ other means. This included providing the member states with high quality information and promoting the cross-pillar synergies between foreign and security policy, trade and development (*ibid.*). For such purposes, it was felt that the EPC Directorate in the Secretariat-General was no longer sufficient. President Delors therefore decided to create the position of Commissioner for External Political Relations and a Directorate-General. However for various reasons – stringent staff constraints, bureaucratic conflict with other DGs, and delay with the ratification of the Treaty – these “new arrangements caused more problems than they brought benefits” (Nuttall 1997: 317). Such problems are often mentioned as factors hindering the Commission from making a

constructive contribution and its limited use of the shared right of initiative (Nuttall 2000; Duke 2006; Cameron 2007).

Two senior interviewees from the Commission (officials A and C), doubt whether such bureaucratic issues really made the difference. They note that the reason why people felt a change in organization resulted from the fact that EU foreign policy was becoming more important. It led to the involvement of more civil servants and more DGs. From this perspective it was thus an internal management problem, which simply required a number of reorganizations (interview Commission official C). For Commissioner Van den Broek, who had previously been the Dutch foreign minister and who was rebuffed on Black Monday, it was moreover crystal clear that the member states played the key role in the second pillar (interview Commission official A). Therefore the Commission was keen not to confront them. It was also felt that since the Commission lacked authority and expertise, the member states would not give the same weight to the Commission's proposals as they did in the first pillar. For the Commission to stand up in the Council and defend the merits of its proposal using its informational leverage was not that apparent in the second pillar (interview Commission official F; national official B).

Instead of focusing on second pillar topics, the Commission thus continued with the strategy of promoting the cross-pillar elements in foreign policy. During the Santer Commission (1995-1999), Commissioner Van den Broek took an active interest in the issue of enlargement and the relations with countries from the Commonwealth of Independent States (CIS) (interview Commission official A). This sort of behavior was not always appreciated by the member states. The Commission was at times even criticized for not making enough use of its right of initiative (Nuttall 2000). One interviewee (Council Secretariat official J) goes as far as to claim that Commission was simply obstructing the whole process, as its political leadership believed that CFSP “was not the right tool”. What ever the reason for its limited input, the fact is that the Commission was not forthcoming. The initiative after Maastricht remained with the Presidency, as it had been under EPC. As EU foreign policy grew more complex and wider in scope, the Presidency increasingly started looking at the Council Secretariat for administrative support and information.

The merger between the EPC and Council Secretariat led to the creation of a CFSP unit. It was based in the Council Secretariat's DG External Relations. With around twenty-six administrators, the CFSP unit was significantly larger than its predecessor. The tradition of seconded national officials was, however, continued with all member states sending a

civil servant to Brussels. The remainder of the unit was made up of permanent staff from the Council Secretariat and from the Commission. The merger of both Secretariats and the mixing of staff were by no means easy and the distinction between the units supporting the first and second pillar was not always helpful (Nuttall 2000; Dinan 1999). The CFSP unit nonetheless established itself as a useful aid to the Presidency. While the Council Secretariat was clearly engaging in conceptual work, it was at the time still not seen as a real threat for the Commission. As an official put it, “out of an inborn distaste for too much bureaucracy, we did not consider the idea that there might be a second executive” (interview Commission official M).

The codification of EU foreign policy was thus a lengthy process. From the early 1980s, proposals were circulated to give European Political Cooperation a Treaty base. A first step was made in the Single European Act (1987). Foreign policy eventually found a place as one of the three pillars of the Maastricht Treaty (1993). While the integrationist member states had hoped that codification would lead to integration, the reality was different. Economic policies in the first pillar and foreign policy in the second pillar were kept neatly separate reflecting the sovereignty concerns of the member states. While the Commission was treated as a more equal player to the member states – with agenda access – it was not given the central role in policy-making that it was enjoying in the first pillar policies. Instead, the member states opted for a small-scale EPC Secretariat, which they could more easily control. This Secretariat was placed under the authority of the Presidency. With the Maastricht Treaty, this Secretariat was merged with the Council Secretariat. During the period of codification, the sovereignty concerns of the member states continued to play a major role. This oftentimes led to non-delegation, despite the fact that more optimal functional solutions had been proposed by one or more actors. Efficiency gains were thus weighed with anticipated sovereignty loss.

3.3 THE AMSTERDAM TREATY (1995-2003)

The Amsterdam Treaty (1999) constituted a major instance of delegation in foreign policy. The failure of the EU to handle the war in former Yugoslavia (1992-1995) provided important input for the Treaty and led to a demand for a stronger foreign policy machinery. The member states established the Policy Unit to provide them with information analysis and they created the post of the High Representative for the CFSP to make foreign policy more

visible, coherent and effective. In the context of the Treaty negotiations, the member states discussed extensively where to locate these two new bodies. At the end of the day, they delegated these resources to the Council Secretariat – and not to the Commission – in line with their continuing sovereignty concerns. Needless to say, they anticipated the resulting inter-institutional conflict between the Council Secretariat and the Commission, but they preferred this sub-optimal scenario nevertheless. It is important to note that during the implementation of the Amsterdam Treaty, member states delegated further functions and resources to the Council Secretariat: they appointed a high-level politician as High Representative, they created various EU Special Representatives, and they reorganized the Secretariat. Finally, the institutional developments in the Council Secretariat resulting from the Amsterdam Treaty can not be seen separate from the establishment of ESDP (see section 3.4 below).

The Amsterdam Treaty had already been scheduled at the time of the Maastricht Summit. Rather than being a response of governments to various internal and external pressures (Edwards and Pijpers 1997), the Treaty was to “examine those provisions of [the Maastricht] Treaty for which revision is provided” (article N). Yet in between the Maastricht and Amsterdam Treaties the conflict in Yugoslavia went from bad to worse. Humiliating for the member states was in particular that, apart from being unable to prevent genocide on its own continent, it was the United States, which brought the war to an end. This may not have been utterly surprising, but it was the opportunity that the United States created for the member states (“we do not have a dog in this fight” – US Secretary of State James Baker), the subsequent initiative of the member states (“the hour of Europe has dawned” – Luxembourg Foreign Minister Jacques Poos), and the eventual failure that was shocking. The gap between expectations and actual capabilities, as formulated by Christopher Hill (1993), could hardly have been bigger. In terms of foreign policy cooperation, the Amsterdam Treaty thus became all about internal and external feedback loops.

The revision process started in June 1994 with the creation of a Reflection Group. It consisted of representatives of the member states, the Commission and two members of the European Parliament. While its report is generally considered as modest in an attempt to downplay expectations (Edwards and Pijpers 1997; Dinan 2004), the provisions on the proposed institutional structure of EU foreign policy are extremely interesting for the argument of this book. They were strikingly rationalist and comprehensive. The report stressed in the preamble “that the time has come to provide this common policy with the means to function more *effectively*” (Reflection Group 1995, ENA, emphasis added), which implied that the institutional

structure of the phases of the policy process (“formulation, decision-making and implementation”) had to be reconsidered. As the Amsterdam Treaty would eventually be so important for the position of the Council Secretariat and the Commission, it is worthwhile to go in-depth into the provisions of the report by the Reflection Group.

For the preparatory phase of the policy process (paragraph 153), the majority of the representatives in the Reflection Group thought “that an analysis, forecasting, early warning system and planning unit should be set up”. The creation of such a unit could ensure from the outset “the necessary follow-up to crisis situations” and could prepare “possible response and decision options”. The unit “could, moreover, encourage a common vision and greater cooperation among the Member States. The latter and the Commission should in the unit share the information they possess so that correct analyses of the situations may be done”. There was thus a very clear informational rationale behind the creation of this unit. With regard to the composition and location of the unit, the report included an explicit cost-benefit analysis weighing functional needs with sovereignty concerns:

Most representatives advocate locating it in the General Secretariat of the Council [because of] the merit of abiding by the present institutional framework by not creating any new bodies, and [most representatives] highlight the advantage of situating the unit at the Council on account of the central role played by the States within the CFSP ... A broad majority of members point at the same time to the need to involve the Commission in forecasting and analysis ... in order to avoid inconsistency between the political dimension and the external economic dimension of the Union. For a large majority, it is understood that the unit should include Commission staff as well as staff from the national foreign ministries.

On the preparatory phase of the policy process the report stated that “it is widely considered that ... the analysis and forecasting unit ought to be a preparatory body and therefore have no formal right of initiative, which could be a source of conflict or confusion of powers between Member States, the Council and the Commission”. The members of the Reflection Group thus saw a clear need for informational input in the CFSP decision-making process. They could achieve this by creating an expert bureaucracy for analysis. This bureaucracy would, however, not have formal powers, because it was to encourage greater cooperation among the member states

leading to joint gains. Moreover, the member states made an explicit choice in agent selection (Council Secretariat over Commission), they anticipated potential inefficiency resulting from the inter-institutional conflict and tried to mitigate these by including Commission staff, and they implicitly noted continuing sovereignty concerns.

The discussions over the decision-making phase were mainly about the question of introducing some sort of majority voting and not about the role of the supranational institutions. The report was, however, again very specific with regard to implementation (paragraphs 156-161) and primarily focused on the possibility of a 'Personification of CFSP' in order for the Union "to implement its external actions with a higher profile" (preamble). While some members of the group favored a "Mr or Ms CFSP" to be located in the Commission, because of consistency and its resources, "for the majority, this would be someone in the Council". The report went then on to discuss the various functional alternatives. The report concludes that "there is no consensus on the personification of CFSP", but that there seemed to be agreement that what ever formula would be chosen, inter-institutional conflicts were to be avoided. Thus yet again the member states anticipated that there might be consequences as a result of agent selection. As a final point, it was stated that "the central role of the Presidency must be maintained in the external representation and implementation of CFSP".

While negotiations on the Amsterdam Treaty started a few months after the Reflection Group submitted its report to the Madrid European Council in December 1995, little progress was made during most of 1996 (Moravcsik and Nicolaidis 1999). The various meetings in Brussels at ministerial and ambassador level were time and again a reiteration of the national positions of the member states with the result that discussions did not move much beyond the deliberations by the members of the Reflection Group (Devuyst 1998). Particularly for the United Kingdom there was little on the agenda that seemed palatable. Moreover, for Prime Minister John Major any advance in political integration was electorally potentially toxic (George 1997). Only after the Irish Presidency tabled a general outline for revision (5 December 1996) and Messrs Chirac and Kohl sent a joint letter (9 December) to the European Council (13-14 December), the process started moving again. The elections in the United Kingdom were, however, coming close and after Foreign Secretary Malcolm Rifkind made some – in German eyes – insulting remarks during a speech in Bonn (19 February 1997), it was clear that European partners had to wait (Wall 2008).

After the landslide victory of new Labour on 1 May 1997 and the appointment of Tony Blair as the British Prime Minister, the negotiations

were rather quickly concluded. The incoming government was friendlier towards increasing the powers of the European Parliament, it ended the British exclusion from the Social Protocol and supported the employment section of the Treaty (Devuyst 1998). The momentum came, at the same time, very late. It was only six weeks before the final Amsterdam summit (16-17 June), which meant that the agenda of the Heads of State and Government was overcrowded. This led to a lack of clarity, leftovers, and post-Intergovernmental Conference meetings (ibid.). The *cohabitation* of the French delegation also made matters worse. In the area of foreign policy, however, the planning unit as suggested by the Reflection Group proved uncontroversial (Duke 2002a). The personification of CFSP, on the other hand, became a night-long affair. The exact standing of 'Mr CFSP' was particularly an issue. Eventually the member states agreed to combine the position of Secretary-General of the Council with the functions of High Representative for the CFSP. In a complicated deal, the Amsterdam Treaty also created the post of a deputy Secretary-General in order to increase the foreign policy profile of the 'Mr CFSP'. The question left open was whether the High Representative should work on the political or bureaucratic level (ibid.; Cameron 2007; McDonagh 1998; Crowe 2004).

(a) The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy (article J(8)(3))
(b) The Commission shall be fully associated in the [Presidency's representation tasks]. The Presidency shall be assisted ... if need be by the next Member State to hold the Presidency (article J(8)(4))
(c) The Council may ... appoint a special representative with a mandate in relation to particular policy issues (article J(8)(5))
(d) The ... High Representative for the common foreign and security policy shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties (article J(16))
Table 3.3 Selection of articles of the Amsterdam Treaty

Table 3.3 gives an overview of the new foreign policy provisions of the Amsterdam Treaty. Most have to do with collective external representation. The High Representative would “assist” the Presidency in representation just as the EPC/Council Secretariat had “assisted” the Presidency since the

Single European Act with administrative support. The Amsterdam Treaty furthermore codified the position of the EU Special Representatives, which previously had been special envoys (article J(8)(5)). Coordination was also clearly an issue, which was dealt with through including the Commission, the High Representative and the incoming Presidency in the Troika formula (e.g. article J(8)(4)). The provisions of the Amsterdam Treaty thus followed the path of the argument set out in the previous chapter. In the words of two observers: Amsterdam “fine-tunes procedures in name of *efficiency*” (Moravcsik and Nicolaides 1998: 25, emphasis added).

(a) A policy planning and early warning unit shall be established in the General Secretariat of the Council under the responsibility of ... [the] High Representative for the CFSP. Appropriate cooperation shall be established with the Commission in order to ensure full coherence with the Union's external economic and development policies.

(b) The tasks of the unit shall include the following:

- monitoring and analysing developments in areas relevant to the CFSP;
- providing assessments of the Union's foreign and security policy interests and identifying areas where the CFSP could focus in future;
- providing timely assessments and early warning of events or situations which may have significant repercussions for the Union's foreign and security policy, including potential political crises;
- producing ... argued policy options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council, and which may contain analyses, recommendations and strategies for the CFSP.

(c) The unit shall consist of personnel drawn from the General Secretariat, the Member States, the Commission and the WEU.

(d) Any Member State or the Commission may make suggestions to the unit for work to be undertaken.

(e) Member States and the Commission shall assist the policy planning process by providing, to the fullest extent possible, relevant information, including confidential information.

Table 3.4 Declaration on the Policy Unit

The Policy Planning and Early Warning Unit (commonly known as Policy Unit) was established in a separate declaration attached to the Amsterdam Treaty (see table 3.4). Its task was clearly to be an analytical expert body,

which provides the member states with relevant foreign policy assessments and 'argued policy option papers' during their decision-making process. It thus fits neatly with the description of the expert bureaucracy providing the member states with relatively unbiased information analysis *ex ante* of their decisions. It is worth mentioning that all the functionalist suggestions of the Reflection Group come back in this declaration. It does not have a formal right of initiative (but rather informal via the Presidency and the High Representative); it consists of personnel from the member states, the Council Secretariat, the Commission and the Western European Union; the importance of coherence is mentioned; and the Policy Unit is located in the Council Secretariat.²⁴ After the member states had sent around diplomatic memoranda for nearly thirty years via the COREU system, this body provided them with some joint analysis to improve the quality of their decisions and the efficiency of their process.

Implementation of the Amsterdam Treaty

The Amsterdam Treaty was not well-received at the time. Another Treaty (i.e. Nice) was necessary to deal with its leftovers – to make the EU ready for enlargement. In the context of EU foreign policy, the general mood was not different. Desmond Dinan (1999: 182), for example, stated that the “changes in CFSP decisionmaking [*sic*] are modest and will probably be ineffective”. Simon Duke (2002a: 473) talked about “significant but modest changes”. When examining the various contemporary comments more precisely, observers seemed to be particularly wary of the potential inter-institutional conflict that the partial realization of the French pet project ('Mr CFSP') may bring (e.g. Allen 1998; Crowe 2003). The *Economist* (2000) noted, in this respect, that “it is almost inevitable that [the High Representative and the Commissioner for External Relations] will wrangle about the content or the management of foreign policy”.

In this light, it is somewhat surprising that less than a decade after the entry-into-force of the Amsterdam Treaty, the Treaty is widely considered as a milestone for the machinery of foreign policy (Duke and Vanhoonacker 2006; Christiansen and Vanhoonacker 2008; Crowe 2003; Bretherton and Vogler 2006; Dijkstra 2008, 2010a). This presents a challenge to rationalist accounts of delegation theory. After all, there seems

²⁴ The Western European Union is a European collective defense organization (cf. NATO), which has never been really active, and which was partially integrated into the European Union (1993-2002).

to be a disconnect between intention and effect. When taking a closer look at the implementation of the Amsterdam Treaty, however, it becomes clear that the member states delegated additional functions and resources to the Council Secretariat and the High Representative *after* the conclusion of the Treaty. Three issues stand out. First, the member states decided to appoint Javier Solana as their High Representative. This high-level appointment was an intentional choice. Second, the member states established a whole range of EU Special Representatives, who came with their supportive bureaucratic offices. Third, a reorganization of the Council Secretariat took place, which allowed for bureaucratic economies of scale in the field of foreign policy. In addition, parallel developments strengthened the Council Secretariat. The creation of the European Security and Defence Policy (ESDP, see below) is important in this respect. Thus, the EU foreign policy machinery expanded significantly after the Treaty of Amsterdam as a result of intentional choices by the member states. These will now be discussed in more detail.

It took almost two years before the Amsterdam Treaty entered into force (May 1999) and the outside world did not wait for the Union to have its High Representative. Before the member states were able to nominate their candidate, the EU was faced with the Kosovo crisis (1998–1999). Its response was again inadequate. After various rounds of failed negotiations, the United States put an end to the conflict via NATO air strikes (24 March–11 June 1999). In the midst of this campaign, the EU member states gathered to appoint the High Representative at the Cologne European Council (3–4 June). Given this international context, the earlier ideological discussion on whether to have a politician or a bureaucrat for the job seemed suddenly a non-issue. Javier Solana, the Spanish high-level Atlanticist politician and NATO Secretary-General was recruited. Member states had been impressed by how he had kept the alliance together. Solana entered office in October 1999. This intentional choice to have a high-level politician proved at least as important as the decision to have the position of a High Representative in the first place. Given the general tendency of the member states not to appoint too prominent and high-level agents at the top of the EU institutions (e.g. Santer, Prodi, Barroso, Van Rompuy, Lady Ashton, etc.), this choice for Solana was quite remarkable and can only be seen in the light of the international context.

Several observers have noted that Javier Solana developed his position over time. In the early years, the various presidencies kept him on a short rein (Crowe 2003). Even Prime Minister Guy Verhofstadt, arguably one of the most outspoken federalists in Europe, when in the seat of the Presidency (2001), replaced him at the very last minute on a trip to

Washington. The United Kingdom prevented him from becoming the permanent chairman of the Political and Security Committee (PSC) – a French proposal (Duke 2005; Juncos and Reynolds 2007). Over time, however, he gained respect due to his effectiveness in the Western Balkans and over Ukraine. During his reappointment in 2004, he was designated by the European Council as the future EU foreign minister, a post foreseen at the time in the Constitutional Treaty. This *de facto* status, together with the momentum of the various military and civilian missions (see below), significantly strengthened his position. The German Presidency (first half of 2007) decided that he could chair various ministerial troikas, in which case they sent an under-secretary to clearly show that Solana was in charge (interview Council Secretariat official A). Under the Lisbon Treaty, the High Representative formally chairs the Foreign Affairs Council. This is another indicator of the fact that the position increased in weight.

The second reason why the foreign policy bureaucracy took off after the Amsterdam Treaty was the increase in EU Special Representatives (EUSRs). Previously, there had been two *ad hoc* EU envoys: in the Great Lake Region and in the Middle-East peace process. The codification of this position eventually led to eleven EUSRs. They are either based in Brussels or on the ground, have a permanent or a temporary position, and some are also in charge of other functions (e.g. International Civilian Representative in Kosovo) under a 'double-hatting' arrangement. Their main goal is to “promote EU policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law” (Council, 2009). While they are appointed by the Council via a Joint Action at the formal level of Director-General, they report to the High Representative and support his/her work. They are his/her 'face and voice' on the ground (ibid.). Financing the EUSRs is interesting. The EUSR and the logistics are paid for by the Community budget. The staff of the EUSR consists of seconded national officials paid by the Member States (Grevi 2007). Since all EUSRs have a handful of supporting staff members, the establishment of the EUSRs has created substantial (indirect) bureaucratic support for the High Representative.²⁵

In addition to the increase in the support staff of the EUSRs, it is also worth noting that when the Policy Unit was created the Union had only fifteen member states, each with one representative. Due to the fifth round of enlargement, the size of the Policy Unit almost doubled. Because this caused bureaucratic rivalry with the Council Secretariat's DG External

²⁵ The fact that Lady Ashton has decided to have fewer Special Representatives, as she already has a formidable bureaucracy, provides also evidence that the Special Representatives were in demand for their bureaucratic support functions.

Relations, parts of the Policy Unit were merged with the regional units of this Directorate-General (2004-onwards) (Duke and Vanhoonacker 2006). This has led in turn to economies of scale. The same issue applies to the merger of the first and second pillar regional units in the DG External Relations shortly after the Amsterdam Treaty (1999). These bureaucratic reorganizations have made the support staff more potent and effective. The Amsterdam Treaty, as such, did not foresee all these developments, but with the establishment of the High Representative and the Policy Unit, it set in motion a development where the supranational institutions were no longer only facilitating the decision-making phase. They also took on new tasks with regard to representation and information. Moreover, the high-level appointment of Solana, the proliferation of Special Representatives and the changes in the Council Secretariat were intentional decisions by the member states.

The creation of the post of High Representative, however, did not only involve the Council Secretariat. It indirectly also had an impact on the Commission. Despite the general fear that the new post would lead to inter-institutional tensions at the political level, such conflicts have been surprisingly limited (Crowe 2003; Patten 2005; interviews Commission official B and Council Secretariat A, J). Javier Solana was mainly busy with establishing his position *vis-à-vis* the Presidency (see above), while Patten reorganized the Commission's aid budgets, external delegations (Spence 2006a, b) and gave at the same time some room to the new chief in town. Patten was reluctant to confront Solana and preferred the pragmatic road: "If [the ministers in the Council] were obliged to choose between backing Javier Solana or me, there was only one possible outcome" (Patten 2005: 156). Instead of engaging in turf battles, the overall Solana-Patten message for their civil servants was clear: differences between both institutions cannot be displayed (interview Council Secretariat official J). Desk officers also learned that consulting each other led to increasing returns. The Commission and the Council Secretariat furthermore often agreed on the content and they combined their strength. While it is a public secret that the relation between Solana and Commissioner Ferrero-Waldner was not as good, the consultative practices at the bureaucratic level continued.

With regard to the relationship between the Commission and the Council Secretariat, it is also worth noting that while the Amsterdam Treaty significantly strengthened the Council Secretariat, the basic functional roles in EU foreign policy did not fundamentally change. The Treaty actually reiterated that the Council Secretariat and the Presidency were at the helm of the CFSP decision-making process, while the Commission continued to supply the necessary instruments for implementation under the first pillar. It

was this division of labor and the system rather than Solana and the Council Secretariat as such which became the target of Patten's criticism. In a leaked discussion note for the College of Commissioners, he accused the member states of "ringing political declarations, which they are subsequently reluctant to underwrite in money and staff. The Commission is left to wrestle with the contradictions, and blamed for inadequate outcomes" (Agence-Europe 2000; also Spence 2006b). The Commission acts "at the 'invitation' of Member States (in the Mafia sense of offers we cannot refuse)" (ibid.) without having much to say about the feasibility of such policy. While Patten intended to send a marker to the member states, Solana took the note very personal (interview Commission official B). At the end of the day, however, both actors found themselves a new *modus vivendi* (interview Council Secretariat official J).

To conclude, the member states delegated new functions to the EU in the context of the Amsterdam Treaty (1999) following the foreign policy disaster in former Yugoslavia. They created the post of High Representative to make EU foreign policy more visible, coherent and effective, as well as the Policy Unit for information analysis. They decided to delegate these resources to the Council Secretariat rather than the Commission. This case of agent selection was the result of sovereignty concerns, despite the fact that the member states anticipated that this might lead to inter-institutional conflict. They thus again chose a sub-optimal scenario. Delegation in the context of the Treaty was, however, only one step. Instances of delegation also took place when implementing the Treaty. For example, the member states appointed a political high-level High Representative, following the breakdown of EU foreign policy over Kosovo, they installed a range of Special Representatives, and they reorganized the Council Secretariat, so that it could use its resources more efficiently. Finally, the Amsterdam Treaty significantly contributed to the institutional development of the EU as a diplomatic actor, but parallel developments in the field of ESDP were at least as important. They are discussed below.

3.4 EUROPEAN SECURITY AND DEFENCE POLICY (1998-2009)

The Kosovo crisis not only played an important role in the appointment of Javier Solana. It also created the momentum for the European Security and Defence Policy (ESDP). At the bilateral St. Malo Summit on 4 December 1998, France and the United Kingdom decided that the EU should have "the capacity for autonomous action" in order to become a more prominent

actor on the international scene. This idea was quickly endorsed by the other member states during the Cologne European Council in June 1999. Less than four years later, the EU launched its first police and military missions. The desire to deploy civilian and military operations immediately triggered a range of new functional demands, which subsequently led to the delegation of new functions to the Council Secretariat. Delegation was, however, again not automatic. Anticipated sovereignty concerns continued to be important. Non-delegation was omnipresent and new institutional structures were kept small. This led to various inefficiencies. The absence of a standing military headquarters is a case in point. Civilian crisis management remained under-institutionalized as well. The member states had limited experience with civilian operations and there was little civilian doctrine to guide them. Such uncertainty made them very wary about delegation. Efficiency gains were again weighed against sovereignty loss.

European security and defense started actually before the St. Malo Summit. In the course of the 1990s, France had become less wary of NATO having seen its merits in Bosnia-Herzegovina (e.g. Menon 1995; Grant 1996; Howorth 2010a). Meanwhile the new British Labour leadership understood that the solution to all problems no longer came from across the Atlantic. There was also increasingly talk about a European security and defense 'identity' and whether it should be developed within or outside the context of NATO. The Kosovo war accelerated this gradual *rapprochement* between the United Kingdom and France by painfully highlighting Europe's lack of capabilities and political will to intervene. The inability of the member states to deal with the crisis, and the need for the United States to once again step in, can be seen as immediate input for the bilateral Anglo-French St. Malo Declaration.

While the St. Malo Declaration was of profound importance for the creation of ESDP, it was rather short on the institutional structure of this new policy field. Yet interestingly, it already stated that "the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU" (paragraph 3). From the outset, France and the United Kingdom thus anticipated specific functional needs for establishing a security and defense policy. They recognized that those needs were costly and that they had to be met efficiently for the purpose of avoiding duplication. The Vienna European Council on 11-12 December 1998 welcomed the Franco-British declaration and invited the incoming German Presidency to "further this debate" (article 78). This accidental timing thus gave the Germans the

possibility to put their mark on ESDP after having been initially ignored by France and the United Kingdom.

Despite an already challenging agenda, the German Presidency made full use of this opportunity. It proved instrumental in bridging the divide between France and the United Kingdom on the actual content of this new policy (e.g. Howorth 2000). On 24 February 1999, it issued a discussion paper titled *Informal Reflection at WEU on Europe's Security and Defence* (in Rutten 2001) discussing the various options for the member states to engage in crisis management – defense commitments, it stated, were “not the first priority”, because this was the task of NATO. The crisis management options included (a) NATO operational scenarios, (b) the possibility of European-led operations using NATO assets and (c) autonomous European-led operations without NATO assets. The paper went on to discuss a whole range of implications for the last two options. It also posed questions in terms of the new functional demands – such as “what are the *minimum* requirements for an *effective* decision making capability in the field of defence and security ... what institutional arrangements would be *required* ... what should be the organisational link with NATO ... do we need regular meetings of the General Affairs Council together with Defence Ministers ... *do we need* a EU military Committee” (emphasis added)? These questions set the agenda for subsequent discussions.

Three weeks later, the German Presidency tabled a new paper during an informal meeting of foreign ministers in Reinhartshausen (13-14 March, in Rutten 2001). This paper no longer contained questions, but a number of points. They formed the basis for the eventual conclusions of the Cologne European Council (see below). As for institutional support in the field of security and defense, the paper effectively stated that three types of bodies are required: (a) political decision-making organs, (b) intelligence, situation analysis and strategic planning unit, and (c) an operational headquarters. The paper therefore suggested that the EU requires “regular meetings of the General Affairs Council, including Defence Ministers; a permanent body consisting of representatives with pol/mil expertise; an EU Military Committee consisting of Military Representatives; a Military Staff including the Situation Centre”. As regards the headquarters, the member states “could use either European capabilities pre-identified within NATO's European pillar or multinational or national European means outside the NATO framework”. This to avoid “any unnecessary duplication with regard to existing capabilities within NATO”.

After the United States gave its blessing to the initiative during a summit of the North Atlantic Council on 24 April 1999, the member states

finalized their Security and Defence Policy during the European Council in Cologne (3-4 June). The Presidency Report, which was attached to the Conclusions, reiterated the institutional structures of the Reinhartshausen paper. While the Report was comprehensive on the institutional structures, the all-important discussion of capabilities was rather short. It was therefore not surprising that the United Kingdom and Italy, shortly after the Cologne European Council, issued a joint declaration on capabilities (19-20 July, in Rutten 2001). While capabilities are beyond the scope of this dissertation, it needs to be said that the incoming Finnish Presidency took a leading role in developing benchmarks. It eventually led (via an Anglo-French summit, 25 November, in *ibid.*) to the famous Helsinki Headline Goals formulated during the Helsinki European Council on 10-11 December.

A few days after the Anglo-Italian initiative, Jacques Chirac sent to his colleagues an *Action plan of European Defence* (22 July, in *ibid.*). In terms of institutional issues, it went beyond the Cologne Presidency Report by proposing a stronger EU machinery. He suggested the creation of a multinational operational headquarters, an autonomous chain of command, autonomous intelligence sources, and he noted implicitly as well that the High Representative should play a role in ESDP (Howorth 2000). The Action Plan also elaborated on the new institutional bodies that were mentioned in the German Presidency Report. It, for example, stated that the Political and Security Committee was to be a high-level body with its own ambassadors (not shared with NATO through 'double-hatting'). The EU Military Committee, on the other hand, could consist of the same military representatives as NATO's Military Committee for countries, which were also members of NATO. While few of the innovations of this action plan were eventually accepted, it did point at a number of contentious issues that would remain on the agenda for the future.

The Helsinki European Council in December 1999 finalized the decision-making procedure of ESDP. It established a Political and Security Committee (PSC), which would deal with CFSP/ESDP matters, a Military Committee (EUMC) and a Military Staff (EUMS). Since it was at the time not yet clear whether ESDP would require Treaty change, the European Council decided to set up interim bodies. The interim PSC was to work under the guidance of the Political Committee and the Military Staff would consist of military experts from the member states seconded to the Council Secretariat. This choice of agent selection was pretty obvious, as by now it had become clear that the Council Secretariat was the main institution in EU foreign policy. The full use of seconded national experts constituted an important control mechanism. The creation of the Military Staff meant in practice that the resources of the Military Staff of the WEU were moved to

the EU. Compared to previous official documents, the Helsinki European Council was innovative in one other aspect. It discussed – after an intense Swedish lobby (Björkdahl 2008) – the possibility of having a parallel track in ESDP with a “non-military crisis management capability”. This became civilian crisis management. As military and civilian institutions developed in parallel, they will be discussed separately.

Delegation in military crisis management

The Council of Ministers created, as instructed, the two interim bodies and decided upon the secondment of military experts to the Council Secretariat through Decisions (14 February 2000). In a subsequent Council Decision (2000/178/CFSP), it laid down the provisions for the secondment. Apart from trivial issues such as accident insurance and hours of work, these also included the task description of the seconded national officials. This was short though comprehensive. The military experts seconded to the Council Secretariat were to “provide military expertise to the interim [Military Committee] and to the ... High Representative” (article 4). These seconded experts were not meant to carry out operational functions during the implementation of military operations. They were rather appointed as interim experts to help the member states develop ESDP.

On the same day that the provisions for secondment were adopted, the defense ministers discussed the 'arrangements and procedures' for the permanent bodies under the Portuguese Presidency in Sintra (28 February, in Rutten 2001). They stressed that the Military Staff will *not* act as an Operations Headquarters, but would provide military expertise. During 'peace time', it would specifically perform early warning and monitor potential crises as to enable the EU to react quickly and appropriately. In actual crisis management situations, the Military Staff would request and handle intelligence, provide situation assessment to the member states, provide them with military strategic options, and coordinate with national planning staffs that might participate in EU-led operations. These are typical expert bureaucracy functions during the decision-making phase. During the phase of implementation, the Military Staff would assist the member states and particularly the Operations Commander in the Headquarters. The defense ministers thus delegated particular supportive functions to the Military Staff in all the phases of the policy process. Operational command and control functions were not delegated to the Council Secretariat.

Apart from these discussions on the Military Staff and allowing the High Representative to establish a small Situation Centre (SITCEN) for intelligence analysis, the Portuguese Presidency did little in military crisis management. Its Presidency Conclusions of 19-20 June 2000 only refer to the establishment of the three new bodies. For the incoming French Presidency, the institutional structures of the military track of ESDP were again on top of the agenda. In Annexes III-V of the Presidency Report attached to the Nice Presidency Conclusions (7-9 December, in *ibid.*), the details for the establishment of the three permanent ESDP bodies are worked out. The Military Staff is to perform “early warning, situation assessment and strategic planning” and amongst its extensive list of ‘roles’, ‘tasks’ and ‘functions’ features prominently that “it is the source of the EU’s military expertise”. These annexes were turned by the foreign ministers into a Council Decision establishing the Military Staff as a permanent department in the Council Secretariat (2001/80/CFSP) under the guidance of the EU Military Committee and the High Representative.

In addition to the establishment of the Political and Security Committee, the Military Committee and the Military Staff, the member states also created a Directorate for Defence Issues (DG E VIII) in the DG External Relations (DG E) of the Council Secretariat in 2001. This small Directorate would support the intergovernmental decision-making bodies dealing with the military operations (i.e. the Military Committee and the working groups). This was in line with the regular tasks of DG External Relations. DG E VIII contained permanent staff and seconded national officials. The permanent staff was recruited from the WEU Secretariat, NATO’s International Staff and the member states via an open competition (*concours*). This caused some frictions within the WEU Secretariat, whose staff members were under the impression that they would automatically be transferred (since they knew their languages, had security clearance and experience with crisis management). Only three officials passed the competition eventually. NATO gratefully employed the remainder of the WEU Secretariat (interview with WEU official A).

Since ESDP led to substantial institutional development in a short period of time, it is important to emphasize that the member states did not delegate to the Council Secretariat and its Military Staff any autonomy or authority to implement joint actions or decisions. They kept the decision-making power in-house. The intergovernmental bodies – Political and Security Committee, Military Committee, Council, etc. – call the shots. The Military Staff only provides military input into the deliberations. When a situation emerges, the ambassadors can convene on an emergency basis and coordinate a reaction. At the operational and tactical end, it is the

Operations Commander in the Operations Headquarters (at NATO or in one of the member states) and the Force Commander on the ground, which have some discretion. By deciding not to delegate these functions, through for example a standing military headquarters, the member states kept to close reign on the implementation of ESDP in order to keep sovereignty loss as limited as possible.

While France and other Europeanist member states were happy to sign up for these arrangements at the European Council in Nice (December 2000), their ambitions went further. After the establishment of the Military Staff and the mentioned decision-making bodies, the debate therefore shifted – in the context of military crisis management – to developing an EU Operations Headquarters, which would have some executive discretion (under the guidance of the Political and Security Committee). This would clearly be a more efficient scenario, which would decrease the dependence on NATO and on the availability of national facilities (see also below). Yet the idea of an EU Operations Headquarters ran counter the argument made by US Secretary of State Madeline Albright to avoid the duplication of scarce military resources (7 December 1998). The issue of the Operations Headquarters therefore put the Europeanist member states on collision course with the Atlanticists (United Kingdom, Portugal, Spain, Denmark, The Netherlands) in the European Union, many of which were reluctant to give up sovereignty in this area in the first place.

This second round of institutional questions and delegation in the military field started with a letter from the Belgian Prime Minister Guy Verhofstadt to his British and French counterparts carbon copied to the complete European Council (18 July 2002, in Haine 2003). He felt that after the events of 11 September 2001 – and despite the Laeken Declaration (15 December 2001) – ESDP was losing its momentum. He even felt “the risk of renationalisation”. He therefore posed the question to Blair and Chirac “why not [to] consider the establishment of a European Headquarter [*sic*] ... and why not [to] put all the multinational forces ... under this integrated command?”. While this letter was ill-received at first by almost all member states, the European split over the American invasion in Iraq (fall 2002 – spring 2003) provided it with new support. The Franco-German proposal to the European Convention on 21 November 2002 (in Haine 2003, own translation), for example, talked about the need for a “harmonization of military planning, the pooling of capabilities and resources and a division of labour”.

Yet only with the prospect of an Iraqi war approaching, the risk that NATO facilities would not be available for Europeanist pet projects

(such as peacekeeping missions in Africa) became more pertinent. It also turned out that using NATO assets made the coordination between the EU military operations and its other instruments, such as assistance policies, much more difficult. In the case of national headquarters, much time had to be spent on making the headquarters truly European. During the much televised Franco-German summit of 22 January 2003, on the occasion of the forty years anniversary of Elysée Treaty, the possible transformation of ESDP into a European Security and Defence Union was suggested. This entailed little more than the proposals for the Convention, but these statements were misinterpreted by an overenthusiastic Verhofstadt. He invited all his counterparts to discuss the possibility of a European Headquarters during a meeting in Tervuren on 29 April (in Missiroli 2003). Only France, Germany and Luxembourg showed up and they in fact did not share the Belgian enthusiasm.

The significantly watered down declaration called for all kind of things, but one line stood out: “the creation of a nucleus collective capability for planning and conducting operations for the European Union”. While this was unacceptable to most other member states, the United Kingdom did feel the need for reconciliation after the split over Iraq. It agreed to set up a small planning cell in the Military Staff for missions with a specific civil-military character (Howorth 2007). For military operations, it was argued, there were the NATO and national headquarters, and the civilian missions were supported by some *ad hoc* structures in the Council Secretariat (see below), but for civil-military operations – supposedly the EU's key selling point – there was no planning cell.²⁶ In the words of the United Kingdom the cell would be “a key tool in improving ESDP's *efficiency* and developing *expertise* in civil/military crisis management ... the cell [would] strengthen the EU's strategic planning for joint military and civilian missions, thus enabling more *coherent and effective* action” (UK Presidency Priorities, 2005, emphasis added). The civil-military cell became operational in 2005.

While this civil-military cell has met political resistance from several member states, it has also become the basis for the small-scale EU Operations Centre, which was finally established in January 2007. After the member states had great difficulty in finding an Operations Headquarters for their ESDP operations in Congo (2006), they decided to create this third operational scenario (in addition to the possibility of using NATO and national headquarters). This Operations Centre would also address some of

²⁶ The European Union prides itself with its comprehensive approach to crisis management, which brings together civil and military instruments.

the inefficiencies related to using NATO and national assets. Yet it remains a long way from a standing military headquarters, which many observers deem necessary. The United Kingdom and several other member states went to great length to ensure that the small Operations Centre would not grow into something bigger. It remains an 'empty shell', which can be activated on an *ad hoc* basis using personnel from the Military Staff and from the member states. To this date it has not yet been used. Its presence is merely symbolic.

Delegation in military crisis management thus took place over two delegation rounds. Shortly after the member states had expressed their wish to engage in military operations, the rotating Presidencies quickly identified the new functional demands and suggested institutional solutions. This led to the delegation of resources to the Council Secretariat in terms of the EU Military Staff and the Directorate for Defence Issues. Importantly, member states decided not to delegate important implementation functions out of sovereignty concerns. There thus remained clear institutional checks on the Council Secretariat. Using mostly seconded national officers also put limits on agency. During the second delegation round, a number of member states tried again to establish a standing Operations Headquarters. In functional terms, it would clearly be a more efficient scenario than the current usage of NATO and national assets. Several member states blocked the delegation of this function, however, out of sovereignty concerns. In the end, and after much debate, they went along with a small civil-military cell, which includes a small Operations Centre. This is yet again an instance of the member states delegating too few tasks to the EU institutions.

Delegation in civilian crisis management

As regards delegation, military crisis management dominates in comparison to civilian crisis management in ESDP. Military institutions were quickly established and became formidable bureaucratic bodies within the Council Secretariat. Delegation in civilian crisis management took a different pace. It was for a long time seen as a by-product of military crisis management – a carrot to keep the Nordics happy; and of symbolic value to provide evidence that the EU was not duplicating NATO. The member states accordingly refused to invest in expensive civilian structures. Moreover, the member states were very wary of delegation in the field of civilian crisis management, because it was innovative and it lacked operational doctrine and standard operating procedures to keep the agents in line. Yet as it

turned out, the civilian crisis management instruments of the EU were much in demand. From the start civilian missions outnumbered military operations. When various ambitious civilian missions furthermore appeared on the horizon – most prominently EULEX Kosovo (see chapter 8) – the member states decided to strengthen the Council Secretariat in a second delegation round.

The Helsinki European Council of December 1999 had mentioned the creation of a parallel track for civilian crisis management. It had tasked the Portuguese Presidency to carry the work forward, despite little genuine interest at the side of the Portuguese (Björkdahl 2008). During the Lisbon European Council on 23-24 March 2000, the member states established the Committee for civilian aspects of crisis management (better known by its acronym CIVCOM) as a working party under the guidance of Committee of Permanent Representatives, albeit with links to the Political and Security Committee. While the member states established CIVCOM via a Council Decision, which was not strictly necessary, it did not have the standing of the Military Committee, which can be regarded as its military equivalent (see Cross 2010; chapter 4).

The Feira European Council on 19-20 June identified four priority areas (police, rule of law, civil administration, civil protection) for civilian crisis management. It is worth noting that these developments in civilian crisis management led to a number of inter-institutional conflicts between the member states and the Council Secretariat on the one hand and the Commission on the other. The Commission had already a history in civilian crisis management under the first pillar in the context of EU development, external relations and enlargement policy. It therefore felt that the member states and the Council Secretariat were trespassing on its turf. The Commission had previously trained local *police services* in the Palestinian Territories, Guatemala, South Africa and Macedonia (Schroeder 2007), had partially financed Kosovo's *civil administration*, played a central role in election monitoring (Hoffmeister 2008), and had a legal basis in article 177(2) TEC to “contribute to the general objective of developing and consolidating democracy and the *rule of law*” (emphasis added) in third countries. The Humanitarian Office (ECHO) of the Commission and its Monitoring and Information Centre (previously part of DG Environment) did much in the field of *civil protection* with missions to Turkey, Iran, Morocco and the United States. Finally, DG RELEX and DG Enlargement had various financial instruments, such as the Rapid Reaction Mechanism, the Instrument for Stability, the PHARE program, etc. There was thus a clear duplication of tasks and this would remain an issue (see also below).

Since the incoming French Presidency was busy with the Nice Intergovernmental Conference and paid much attention to military crisis management, the work in the field of civilian crisis management was brought forward by CIVCOM (Duke 2002b). The Nice European Council Presidency Conclusions summed up their major conclusions, stating on delegation: “the Union's policing activities should be integrated, as from the planning stage, into a coherent overall crisis management operation. This requirement means that the [Council Secretariat] should be provided with a permanent policy expertise as soon as possible”. The incoming Presidency and the High Representative were charged with specifying “requirements for planning and conduct of European policing operations”. The Commission “will continue to provide their input to work in hand”. This thus effectively meant that the bureaucratic services were to be developed in the Council Secretariat rather than in the Commission, despite the fact that the Commission had previous expertise. Agent selection is thus again of importance in this instance of delegation.

A Police Unit was established in the Council Secretariat as part of the new Directorate on the Civilian Aspects of Crisis Management (DG E IX). This Directorate consisted of a mix of seconded national experts and permanent staff members (cf. DG E VIII [defense issues], above). Its main tasks consisted of “integrated planning and co-ordination, situation assessment, preparation of exercises, and preparation of legal frameworks and rules” (Göteborg European Council, in Rutten 2002). Thus whereas the DG E VIII could rely on the Military Staff and on an Operations Headquarters for the implementation of military operations, the DG E IX did not have such civilian equivalents. As one observer (interview Council Secretariat official X) put it, “DG E IX [was] at once the DG E VIII, the EUMS and the OHQ of civilian crisis management”. It had to do everything, from creating standard operating procedures and protocols from scratch to the logistics, procurement and third country contacts during the actual civilian ESDP missions. No wonder that it borrowed heavily from their military counterparts and that it used the military in-house expertise. The creation of DG E IX was in fact a major instance of non-delegation. The member states did not know what to do with civilian crisis management. Under such uncertainty, they preferred to keep their functions in-house.

The Swedish Presidency also convened a conference for National Police Commissioners in Brussels on 10 May 2001. This meant the involvement of the national ministries of interior in ESDP, which so far only played a very small role in foreign policy. Based on the results of this conference, the Swedish Presidency drafted a Police Action Plan, which

was attached to the Conclusions of the Göteborg European Council (15-16 June). This document emphasized the institutional needs for police missions in the context of the ESDP. These included “arrangements for planning and conduct of police operations at political-strategic level” – such as “the development of a capability for generic, contingency and operational planning for police operations, the integration of police expertise and input into EU structures for early warning and timely assessment (including EU fact-finding missions), [and] the development of an ability to rapidly set up operational headquarters” – as well as “concepts and systems for command and control of police operations”. The Göteborg European Council, however, fell short of creating new institutions rather than restating the central position of the Police Unit.

Since civilian crisis management was compared to military crisis management rather institution-poor, it is no surprise that the Joint Action establishing the first EU Police Mission in Bosnia-Herzegovina (11 March 2002, 2002/210/CFSP) was very detailed on the division of tasks. It, for example, established an *ad hoc* planning team consisting of a Police Head of Mission and “the necessary staff to deal with functions ensuing from the needs of the mission”. The Council Secretariat was furthermore tasked with drawing up the Concept of Operations (CONOPS, see next chapter) with assistance of the Police Head of Mission. The Planning Team would subsequently draw up the Operation Plan (OPLAN, see next chapter) and “develop all technical instruments necessary to execute the [Police Mission]”. The Council would approve the CONOPS and the OPLAN. The Joint Action determined the location of the Headquarters and Monitoring Units on the ground as well as the appointment procedure. The formal link between the Police Mission on the one hand and the Council and the Council Secretariat on the other went through the EUSR on the ground. The unusual detailed character of the planning process and division of labor in the Joint Action (see next chapter as well) is evidence of the desire of the member states to keep incomplete contracting, and thus uncertainty, to a minimum.

Other civilian missions quickly followed – such as the Police Mission in Macedonia and Congo and the Rule of Law Missions in Iraq and Georgia – and generally there was discussion among the member states and the Commission over the institutional structures. The Police Mission in Macedonia, for example, worked in parallel with police training by the Commission. Interestingly the seniority of the Commission officials was much higher than the ones of the ESDP mission, although the latter had more visibility. This inevitably led to some personal tensions (interview Commission official X). The division of labor between both missions was

unclear also (Ioannides 2006). The negotiations over the mission in Georgia were of a more complex nature. The Commission simply stated that Georgia was not in a state of crisis and that as a result an ESDP mission (rather than using first pillar instruments) was not justified (Kurowska 2008). While it finally accepted this mission, the Commission and the member states clashed again over the Aceh Monitoring Mission (see chapter 6). The result was that the member states excluded the Commission from their negotiations and dealt with the Council Secretariat instead.

Shortly after the agreement on the Aceh Monitoring Mission, the European Council met informally at Hampton Court (27 October 2005) under the Presidency of the United Kingdom. On its agenda, with respect to ESDP, was the strengthening of civilian crisis management and its funding with a view to more challenging future missions in Kosovo and Afghanistan. The member states asked the High Representative to submit proposals for crisis management structures that could meet the new demands and the CFSP budget. One day before the European Council (15-16 December) he sent the paper *Follow-up to Hampton Court: CFSP and ESDP* to the Presidency, which stated that after twelve civilian missions “we are currently close to the limits of our capacity” (article 12). Therefore Solana argued that “arrangements for management and control of these missions need to be strengthened [and] steps should be taken to clarify the chains of command and responsibility and to ensure access to the planned operational facilities, so that we can deal with such situations twenty-four hours a day/seven days a week” (article 16). He suggested to “put in place more robust arrangements for the management and control of missions and operations, involving clearer chains of command and responsibility and ensuring access to planned operational facilities” (article 19).

These requirements eventually led to the creation of the Civilian Planning and Conduct Capability (CPCC, operational since August 2007) in the Council Secretariat. This body can be seen as the civilian equivalent of the Military Staff and the Operations Headquarters. Under the CPCC, the civilian missions have a unified chain of command reporting directly to the Civilian Operations Commander. Like the Military Staff it supports the decision-making process and the implementation of the actual missions (see also next chapter). The creation of this new civilian body was therefore the result of the new functional demands, posed by challenging future missions in Kosovo and Afghanistan, for professional civilian crisis management. To run those challenging missions more efficiently, civilian crisis management required supportive bodies in Brussels. This second delegation round in civilian crisis management was an intentional decision by the member states weighing efficiency with delegation loss. Despite the significance of

the CPCC, it needs to be said that this body currently employs some seventy civil servants. This remains minimal compared to the two-hundred in the Military Staff and the hundred-fifty in an Operations Headquarters, particularly taking into account the high number of civilian missions.

3.5 CONCLUSION

This chapter has analyzed many historical instances of delegation and non-delegation in the context of EU foreign policy. It has shown that member states constantly balanced between the functional need to delegate and their sovereignty concerns. As a result, they generally delegated fewer functions than was optimal. What was somewhat surprising – yet completely in line with the argument – is how explicit the deliberations of the member states have been in terms of the efficiency/sovereignty balance. Equally surprising was the continuous importance of agent selection: first the explicit choice of the member states to keep tasks in-house through the Presidency; later the choice for the Council Secretariat over the Commission. Finally, there has been a strong link between the desire of member states to engage in certain foreign policy activities (e.g. exchange of information, diplomatic initiatives, crisis management), the related functional demands (negotiation, coordination, administrative and implementation costs) and the delegation of functions. These empirical observations provide powerful evidence for the argument advanced.

The first period under analysis concerned the institutionalization of foreign policy. In terms of delegation, the member states recognized the need for administrative support. Yet given the history of the Fouchet Plans, they decided intentionally to do without. Instead, they delegated tasks to the rotating Presidency, while realizing that this was a sub-optimal scenario. Inefficiencies became obvious for the member states, but this did not lead to delegation in the context of the Copenhagen and London Reports. Again, the Presidency was strengthened, despite various options for a permanent secretariat laying on the table. During the second period under analysis, the codification of cooperation, efficiency and sovereignty continued to play an important role. The Single European Act did clearly not integrate EPC and the Communities, despite the increasing consistency requirements resulting from the sanctions dossiers. It established the EPC Secretariat, which stayed a small affair with seconded national officials. In the Maastricht Treaty, the member states explicitly decided not to make the European

Commission a crucial actor in EU foreign policy. They preferred to rely on their Council Secretariat, over which they had more control.

The third section of the chapter has studied the Amsterdam Treaty and its implementation. The desire of the member states to upgrade foreign policy cooperation, following the failures in the Western Balkans, led to the creation of the Policy Unit and the position of High Representative. Both addressed transaction costs related to efficiency. What was important about the Amsterdam Treaty, however, was that the member states made the choice to delegate these resources to the Council Secretariat rather than to the Commission. They anticipated that this might lead to inconsistency and possibly to inter-institutional tensions, but they preferred these costs over delegating those tasks to the Commission. The final period under analysis was delegation in the context of ESDP. The member states realized from the beginning that to send civilian and military operations abroad required a new institutional structure with delegation. New demands were explicitly and repeatedly expressed and the member states tried to address them. Yet again sovereignty costs were of importance. In the sensitive area of security and defense, the member states wanted to keep the delegation of powers to a minimum. The supportive ESDP bodies in the Council Secretariat were packed with seconded national officials, an important control mechanism. A standing military headquarters did not materialize. Delegation in the field of civilian crisis management came very late and only as a result of new challenging civilian missions.

The evidence thus provides support for the theoretical argument, which was outlined in the previous chapter. That having said, there are always a number of anomalies that do not go very well with the argument. The references to the European Parliament in the context of the Maastricht Treaty, the high-level appointment of Javier Solana, and the reliance on NATO concepts in the development of ESDP are examples. These anomalies do, however, not convincingly challenge the argument that in most instances of delegation the member states carefully weighed efficiency gains with sovereignty costs. Neither do they challenge the claim that the member states made intentional decisions on institutional design in terms of the formal autonomy of agents, agent selection as well as control mechanism. Nor that the member states delegated fewer tasks than was functionally optimal, because of uncertainty about sovereignty loss and given the difficulty of sanctioning with multiple principals.

4. ESDP POLICY PROCESS

The previous chapter historically traced the delegation of functions to the Council Secretariat and the Commission in EU foreign policy. This chapter comprehensively describes their specific role in the ESDP policy process. It provides the basis for the case study analyses in the remaining chapters five, six, seven and eight, which focus respectively on the military operation Althea in Bosnia, the monitoring mission in Aceh (Indonesia), the military operation in Chad and the Central African Republic, and the rule of law mission in Kosovo. The emphasis of this chapter is thus logically on the policy process during the period under analysis (2003-2009). Needless to say, there have been various institutional developments *during* and *since* this period. These will be mentioned where it is appropriate. The starting point of this chapter is the agenda-setting phase of civilian and military ESDP missions. It then moves on to the decision-making phase, the launch of the operations, and the implementation phase. It concludes with the termination phase. It uses practical examples from the four case studies throughout the chapter to illustrate the process.

4.1 AGENDA-SETTING IN ESDP

Agenda-setting is best seen as a process during which different actors try to put and keep their issues high on the agenda (e.g. Princen 2007; Tallberg 2003). It is the first step of the policy process. Without agenda-setting, it is not possible to take decisions or actions. The starting point for analysis are the formal agenda-setting powers of the EU actors. In CFSP and ESDP, the right of initiative was shared by the member states and the Commission until the Treaty of Lisbon (article 22(1) TEU). The Council Secretariat did not have a right of initiative, as it was not recognized as an EU institution in its own right. With the entry-into-force of the Treaty of Lisbon, the High Representative has acquired the shared right of initiative *and* the High Representative can also take an initiative “with the Commission's support” (article 30 ToL). The Commission itself no longer holds the shared right of

initiative. Given, however, that the High Representative is a Vice-President of the Commission, this is a legal detail.

While formal competences are relevant – the Commission fought long for the shared right of initiative (see also chapter three) – one needs to look at the practical day-to-day business to understand the workings of the right of initiative. For example, it has not been difficult for Javier Solana and the Council Secretariat to get issues on the EU foreign agenda. As Guy Peters (2001) has noted, in the specific institutional environment of the EU, there are many points of agenda access. Using the formal route, the Council Secretariat could either act via the Presidency, which has a lot of leverage in determining the agenda, or it could contact like-minded member states. In addition to formal agenda access, Solana and the Council Secretariat could relatively easily raise awareness for their issues. Solana could, for instance, give political statements to the media or travel to trouble spots. Officials in the Council Secretariat could put forward policy and options papers or they could make comments in the relevant foreign policy working groups. The lack of formal agenda access was in practice not a problem for Javier Solana and the Council Secretariat.

The Commission, on the contrary, has had the formal power of initiative since the Maastricht Treaty, but it has not made extensive use of it. The previous chapter discussed several explanations. Following the Maastricht Treaty, there were several reorganizations in the bureaucratic structure of the Commission, which severely undermined its capacity to be a proactive foreign policy player (Nuttall 2000). Some observers have also argued that the Commission simply did not have the content expertise in the field of foreign policy to come up with good initiatives. This remains still the case in the area of military ESDP, where the Commission does not have in-house expertise. This makes it impossible for the Commission to draft planning documents and send them to the member states (interview with Commission official N). Other observers have stated that following the defeat of the Commission's ambitious proposals at the Maastricht Summit, it has focused its attention elsewhere. This argument also remains relevant today. Desk officers throughout the Commission have a hard time getting their hierarchy interested in ESDP (interviews with Commission officials N, AA).

Access to the agenda is, however, only one part of the story. The point is how to get issues *high* on the agenda. In the case of ESDP, this is partially a matter of the big member states pursuing their interests openly as they have done in Chad and Afghanistan (with mixed results). It is more likely to be a delicate process, which requires the use of diplomatic skill

and networks. A number of operations, for example, resulted from formal requests by the United Nations, which had been cleverly engineered by the member states (i.e. France). The two military operations in the Democratic Republic of Congo are examples. Many operations in the Western Balkans were 'logically' taken over from NATO and the United Nations (Macedonia, Bosnia and Kosovo). The ESDP operations in Aceh and Rafah were the result of intense entrepreneurship by Javier Solana himself. The monitoring mission in Georgia was a response to an emerging crisis (though promoted by France), while the Security Sector Reform mission in Guinea-Bissau came on the agenda after some ingenious uploading by Portugal during its rotating Presidency. In other words, to get a possible mission on the agenda, actors need to have access to the centre of ESDP policy-making. The Council Secretariat is extremely well-placed in this respect (Mérand et al. 2010, 2011).

The empirical case studies in the next four chapters indeed show that the Council Secretariat was important during all four operations under analysis. In Bosnia (and Macedonia), Solana pushed for the handover from NATO. While it had the support from the big member states, the Council Secretariat was at the heart of early planning. In the case of Aceh, there was close collaboration between the former Finnish President Martti Ahtisaari, mediating between the Government of Indonesia and the Aceh rebels, and Solana and Pieter Feith, deputy Director-General in the Council Secretariat. While only four out of twenty-five member states were initially in favor of this operation (Grevi 2005), it came on the agenda nonetheless and it was eventually accepted. The military operation in Chad was strongly pushed for by the newly elected French government. This was, however, done in close cooperation with the Council Secretariat. As regards the Kosovo rule of law mission, Solana was following the situation from the very start. He promoted a number of parameters of the mission, such as size and mandate, that are currently in place. As mentioned in the introduction of this book, the head start of the Council Secretariat over most of the member states was at least four months in every mission. In Operation Althea and the Kosovo rule of law mission, it was more than a year.

In the Council Secretariat, there are a number of actors involved in the agenda-setting phase. At the political level, there is, of course, the High Representative and his/her private office. In addition, one desk officer from the Policy Unit and/or the regional units of DG External Relations (DG E) is generally involved to provide some country-specific expertise. The lead is, however, from the start with the crisis management directorates in DG E. These are the Directorate for Civilian Crisis Management (DG E IX) and the Directorate for Defence Issues (DG E VIII). Both directorates have

been merged in 2009. It is now called the Crisis Management Planning Directorate (CMPD). It is part of the External Action Service, but reports directly to the High Representative. In case of an emerging crisis, officials in these crisis management directorates can write an options paper. This still remains part of what is formally called advance planning, which can be carried out continuously without the formal consent of the member states (Mattelaer 2010).

While the Commission plays a limited role during the agenda-setting phase as an actor in its own right, it has strongly supported the activities of the High Representative and the Council Secretariat in the cases of Aceh, Chad and Kosovo. It funded, for example, the mediation initiatives of Ahtisaari between the Indonesian government and the Aceh rebels that eventually led to the peace agreement. It then joined forces with the Council Secretariat to promote the monitoring mission in front of the member states. During the agenda-setting of the operation in Chad, the Commission drafted with the Council Secretariat a joint options paper. Moreover, it worked out a number of supporting accompanying measures. In the case of EULEX Kosovo, Commissioner Olli Rehn co-authored several reports with Javier Solana on the future presence of the European Union. By being closely involved and by backing up the Council Secretariat, the Commission can lend weight to certain topics. This is important for some member states. The Commission plays a role through its desk officers in the various Directorates-General (RELEX, ECHO, EuropeAid).

A final word should be said about the rotating EU Presidency as an actor in ESDP agenda-setting. Compared to its dominant role in EU foreign proper (see chapter three), its position in ESDP is very limited. There are examples where Presidencies have tried to exert political influence, such as the Nordic states in the development of civilian crisis management, or France and Portugal in the cases of Georgia and Guinea-Bissau. Moreover, Germany tried to keep the Chad operation off the agenda. Overall, however, the short-term of the Presidency is ill-suited for the longer-term orientation of ESDP. For example in the case of Chad, Germany was by-passed the moment it no longer had the Presidency. Few Presidencies also have the required expertise in ESDP. It is telling that in the cases of Aceh, Bosnia and Kosovo, the rotating Presidencies were not at all involved in the agenda-setting phase of the policy process.

After a possible options paper – in some cases there is no time or need for an options paper – of the Council Secretariat (and sometimes the Commission), the Political and Security Committee (PSC), which is the highest intergovernmental body at the level of ambassadors, has to decide whether “action is appropriate”. If this is the case, the EU moves to crisis response planning. For this purpose, it generally sends a team of European experts on a fact-finding mission to the ground.²⁷ This is the beginning of the formal decision-making process.

4.2 DECISION-MAKING IN ESDP

Fact-finding mission and Crisis Management Concept

The decision that EU action is appropriate is already an important decision in itself, because it creates external expectations. Sending out a fact-finding mission to the ground, in particular, is a strong diplomatic signal (interview with national official C; Council 2001). This creates a Catch-22, as member states are reluctant to sign up for civilian and military missions, if they do not have sufficient information. Yet they can only get such information by sending out a fact-finding mission. Particularly in cases where an operation was not obvious (Aceh and Chad), this was partially resolved informally. In the case of Aceh, there were many unofficial contacts between the parties

²⁷ In the case of Althea in Bosnia, the EU sent a planning team to the ground at a much later stage. Since it was taking over from NATO, a fact-finding mission was not necessary. This goes for other follow-on operations as well.

negotiating the peace agreement in Finland and officials from the Council Secretariat. With regard to Chad, the officials from the Secretariat acted as if they had an official planning authority. In both cases, however, it still eventually led to a *fait accompli* for the member states. The presence of EU officials during the Aceh negotiations clearly raised expectations, while the fact-finding mission to Chad in August 2007 created momentum. This problem, where the member states have insufficient information and face uncertainty and subsequent contracting, seems impossible to resolve.

The fact-finding mission generally takes one week. It consists of a handful of EU officials, but its composition is flexible. A policy officer, planner, logistical officer and intelligence officer are part of the core team. These are all Council Secretariat officials. They come from the regional desks of DG E, the crisis management directorates, the EU Military Staff (EUMS) or the Civilian Planning and Conduct Capability (CPCC), and the Joint Situation Centre (SITCEN) for intelligence. The missions also include more senior staff from the Council Secretariat, who generally will play a leading role in the future mission. Moreover, officials from the Commission have recently been added to most of the fact-finding missions. Finally, several other officials may join as well. In the case of Aceh, for example, officials from ASEAN states joined, since they would contribute monitors to the operation. Finnish officials involved in the political negotiations in Helsinki were included as well. For the Chad fact-finding mission, the United Nations sent a team of officials, as it would deploy to the ground a parallel police training mission. This mission also included a French general, who would later become the Force Commander of the operation on the ground. Fact-finding missions thus fit purpose, but clearly the Council Secretariat makes up the core of the team. Having senior officials like Pieter Feith or Lt. General David Leakey in charge emphasizes this point. A report on the fact-finding mission is sent to the member states.

After the Political and Security Committee takes the decision that EU action is appropriate, an *ad hoc* Crisis Response Coordination Team (CRCT), which consists of Council Secretariat and Commission officials, is established in Brussels (Council 2003). The purpose of this team is to bring all the actors involved in the planning of an operation together to ensure coherence. It has no formal planning authority itself, which remains with its constituent actors. The meetings take place throughout the whole planning process and the CRCTs formally meet at “senior official level” (ibid.: 40). This implies, in practice, directors from the Council Secretariat services and desk officers from the Commission. Needless to say, the role of the CRCTs has changed over time. Obstructive behavior by the Commission during the planning of the military operation in Bosnia (see chapter five) meant it

quickly found itself excluded from these meetings (interview EU official). In the military operation in Chad, on the other hand, the Commission played a constructive role and its desk officers thought that the CRCTs were very helpful venues to raise their concerns (interviews Commission officials N, AA). For coordination within the Council Secretariat, the CRCTs played initially an important role. After Deputy Director-General Pieter Feith left Brussels in 2005, these teams became less important (Petrov 2010).

The first topic for discussion is generally the *Crisis Management Concept*, which is the first formal planning document (see table 4.1). This concept is based on information resulting from the fact-finding mission. It is formally drafted by one of the two crisis management directorates of the Council Secretariat. The Directorate for Defence Issues naturally writes the military concept, while the Directorate for Civilian Crisis Management deals with the civilian version. The concept benefits from the input of the other actors in the CRCTs and moves up the Council Secretariat hierarchy. It is then sent to the member states in the Political and Security Committee. Before the national ambassadors take a look at it, they ask their working groups for advice. The EU Military Committee (EUMC), its working group and the Political-Military Group (PMG) deal with military concepts.²⁸ The Committee for the Civilian Aspects of Crisis Management (CIVCOM) is in charge of the civilian concepts. In some cases, the Military Committee also comments on civilian concepts. The civilian monitoring mission in Aceh, for example, included a disarmament capability, which consisted of military officers (in civilian cloths).

<i>Military operations</i>	<i>Civilian operations</i>
Crisis Management Concept	Crisis Management Concept
Military Strategic Options	Civilian/Police Strategic Options
Joint Action (now: Council Decision)	Concept of Operations
Concept of Operations	Joint Action (now: Council Decision)
Operation Plan	Operation Plan
Table 4.1 Overview of planning documents	

²⁸ The Political-Military Group, consisting of Defense Counsellors, advises the PSC on the political dimension of military operations.

It is important to elaborate on the composition of the EUMC and CIVCOM, which are the main intergovernmental control bodies of the member states, respectively for military and civilian crisis management. Mai'a Cross (2010) shows that they are quite different. The Military Committee formally consists of the Chiefs of Defense of the member states. They are on a daily basis represented by the Military Representatives, who are two- and three-star generals in the Permanent Representations. Many of these generals are also the Military Representative in NATO. Considering the importance of NATO to almost all defense ministries, they are at the top of the national military hierarchy. On average, they have 35 years of experience and about half of them have received mid-career training in the United States. As a result of their shared military background, Cross (2010) notes, they generally do not have major problems finding agreements on military issues. They know how to apply doctrine. As they have such senior positions in their national defense ministry, they encounter few problems in getting quality expertise and instructions from the national capitals. Finally, the Military Committee has a permanent chairperson in the form of a four- or five-star general, who is supported by a small permanent office.

CIVCOM is, in comparison, a much more junior body. It consists of early to mid-career diplomats. Importantly, Cross (*ibid.*: 25) states, "most CIVCOM delegates do not come to Brussels with experience in either civilian crisis management or EU affairs". Their lack of technical expertise is explicitly acknowledged (*ibid.*). It is also important that these diplomats cannot rely on a working group, nor necessarily on their national capitals. There is a serious absence of civilian doctrine with clear standard operating procedures. Moreover, the expertise in the national capitals is limited and it is available in ministries (i.e. interior and justice) other than the foreign ministry, where most CIVCOM delegates come from. Given coordination problems at the national level, this limits the possibilities for CIVCOM to get quality instructions in a short amount of time (e.g. Vanhoonacker and Jacobs 2010; Panke 2010). The difference between the Military Committee and CIVCOM is partially overcome by the ambassadors in the Political and Security Committee, who have the final say over the Crisis Management Concept and the other planning documents. The Political and Security Committee has become, however, a very senior body with an overloaded agenda. It therefore does not have time to deal with details that should be addressed at the level of CIVCOM. To conclude, it is easier for a civilian official from the Council Secretariat to defend his/her proposal and exert influence in CIVCOM than for his/her military counterpart in the EU Military Committee to do the same.

On the basis of the CIVCOM/EUMC advice, the Political and Security Committee can amend and/or adopt the Crisis Management Concept. The concept is then forwarded to the Council for formal adoption. It is adopted by the foreign ministers meeting in the General Affairs and External Relations Council (GAERC, External Relations Council under Lisbon). If necessary, the Crisis Management Concept can be adopted by a different Council formation or via silence procedure.²⁹ In case of a military mission, the adoption of the concept is the moment to identify the future Operations Headquarters (OHQ). The EU can, in this respect, rely on the NATO command and control structures. It can use national assets of the member states. It can also decide to activate its Operations Cell within the Council Secretariat. In practice, the choice of the Operations Headquarters is generally straightforward. The NATO assets were used in the follow-on operations in the Western Balkans. The French headquarters was the obvious choice during Operation Artemis in Congo (2003) and in Chad. In EUFOR Congo (2006) and Operation Atalanta (2008-date), there were serious negotiations, but the informal choice was made early (Grevi, Helly and Keohane 2009). For civilian operations, the Council Secretariat performs mission support functions (see chapter three and below). It thus does not rely on an outside Operations Headquarters.

²⁹ The Council Secretariat circulates a proposal. If none of the member states reacts before the deadline, the proposal is automatically accepted.

Strategic Options

Following the adoption of the Crisis Management Concept, the Council Secretariat drafts the *Strategic Options* (the second planning document). In the case of a military operation, these are the Military Strategic Options; for civilian missions, these are the Civilian or Police Strategic Options. The Military Strategic Options are written by the officials of the EU Military Staff (EUMS), which is an hierarchical international military bureaucracy that reports directly to the High Representative and the Military Committee. As such, the Military Staff is part of the Council Secretariat. The EUMS is led by a three-star general, who also holds the rank of Director-General in the Council Secretariat. It employs around 200 military officers and some civilian personnel. The EUMS consists of five main directorates: concepts and capabilities, intelligence, operations, logistic, and communication and information systems (see figure 4.1). The Military Strategic Options are drafted by the Operations Directorate in cooperation with the staff of the Directorate for Defence Issues, which previously had the lead on the Crisis Management Concept.

The Civilian and Police Strategic Options were initially drafted by the Directorate for Civilian Crisis Management and, particularly, its Police Unit. This difference with the military options resulted from the fact that there was no civilian equivalent of the EUMS. The Directorate for Civilian Crisis Management was carrying out these functions instead (see chapter three). The Directorate was thus significantly larger than the equivalent Directorate for Defence Issues. With the creation of the Civilian Planning and Conduct Capability (CPCC) in the Council Secretariat in 2007, this asymmetry was rectified and the drafting of Civilian and Police Strategic Options now takes place in this new body. The CPCC employs around seventy civil servants, many of whom are seconded. While the CPCC is in various ways the equivalent of the Military Staff, it is important to note that it is *also* in charge of mission support and operational command. It is led by the permanent Civilian Operations Commander. The Military Staff does not perform these functions, as the EU uses Operations Headquarters.

The Strategic Options themselves are directly based on the Crisis Management Concept. They give very general possibilities for engagement. In the case of the military operation in Chad, for example, four strategic options were proposed. The first option suggested training of the local army in order for it to address stability threats. The second option included three EU battalions to be deployed gradually to Eastern Chad. The third option proposed four EU battalions to be deployed at once. The fourth option instead

concentrated on the Central African Republic (Mattelaer 2008). The point is that the military has to consider all options, but by also including the ones that are not politically feasible (such as option one and four in the case of Chad), the Council Secretariat can focus attention squarely on one or two options. Military Strategic Options are accompanied by a reference amount for the common costs of the operation. These common costs are to be shared by all member states proportional to their gross national income, regardless of whether they will participate in the operation. The common costs include costs related to the Operations and Force Headquarters as well as infrastructure costs. The bulk of the costs – related directly to national troops (salaries, transport) – are borne by the troop contributing countries themselves. Since the financing of the civilian operations is differently organized, a reference amount cannot be given at this stage. After the Strategic Options have been written, they go to the member states in CIVCOM, the Military Committee, the Political and Security Committee and finally the Council of Ministers, which chooses the preferred option.

Civilian and military planning to this point have been very similar. Following the formal adoption of the Strategic Options, however, they go different ways. In essence, military planning moves away from Brussels to operational planning within the designated Operations Headquarters, while civilian planning remains with the CPCC. This difference also explains the different order of the planning documents (see table 4.1 above). As regards military planning, the Joint Action (Council Decision under the Treaty of Lisbon) is the next step. In civilian planning, the emphasis is on the Concept of Operations. Because planning differs from this point in time, military and civilian planning will be described separately below.

Once the Military Strategic Options have been agreed, the military planning process moves from strategic to operational planning. However, before this switch can be made, the EU has to adopt a Joint Action, which is the formal legal basis of the military operation. The Joint Action formally designates the Operations Headquarters, appoints the Operations and Force Commanders, and it makes funding available for the common costs. In practice, the Joint Action is not a military planning document, but rather a codification of the Military Strategic Options and the Crisis Management Concept. Already at an earlier moment in the process, the Operations Headquarters and both the Commanders have been identified. The Joint Action is drafted by legal experts in the Council Secretariat. It is then discussed by the RELEX Counsellors, who are the legal and the financial foreign policy experts in the permanent representations. The Joint Action goes subsequently up to the Council of Ministers, but is also discussed in COREPER, because of the institutional and financial aspects. While the

Joint Action is not significant in military terms, member states generally quarrel over money.

In civilian crisis management, the Strategic Options do not directly lead to the Joint Action. This is mainly for financial reasons. As mentioned, the financial aspects of military operations are rather straightforward. The common costs, which is only a small proportion, are covered by all member states, whereas member states individually pay for their contributions.³⁰ In civilian crisis management, it is more complicated. Apart from the normal nationally-borne salaries of seconded mission staff, most of the costs are covered by the CFSP budget, which is administered by the Commission. Because mission staff is recruited within civilian missions on an individual basis (rather than as a contingent in the case of military missions), it is not yet clear at the stage of the Strategic Options what the exact costs will be. If the ratio between seconded and non-seconded staff, for example, changes, it has consequences for the budget. Much more detailed plans thus have to be made before the final budget can be established in the Joint Action. Civilian operations also do not rely on an Operations Headquarters. The Operational command is formally in Brussels with the Civilian Operations Commander. There is thus also no need for a Joint Action at this stage that formally appoints the Commander and makes funding available. In other words, more in-depth planning of civilian mission can take place first within the Council Secretariat.

After the adoption of the Civilian and Police Strategic Options, the Civilian Planning and Conduct Capability therefore drafts the *Concept of Operations* (CONOPS), which is a much more detailed plan of the mission. The CONOPS is sent for approval to the member states. At the same time, the Commission, in consultation with the Council Secretariat, prepares the budget of the operation. The ceiling of the CFSP budget has been set in advance as part of the overall Community budget and can, in practice, not be amended. The Commission is not going back to the European Parliament to ask for more money (interview with Commission official L). The budget ceiling is given and within these constraints, the plans have to fit. Needless to say, this is the world upside-down, particularly because crisis situations are difficult to plan in advance. The budget proposed by the Commission then has to go to the member states, which discuss it in the RELEX group. At the end of the day, it becomes part of the Joint Action, which has to be adopted by the member states. The Joint Action appoints the Head of Mission on the ground, who becomes personally (!) financially responsible

³⁰ There is some flexibility in the scope of the common costs. This is subject to agreement by the member states.

for the whole mission to the Commission through signing a contract. This is the last step in the decision-making phase of civilian ESDP missions.

4.3 THE LAUNCH OF THE OPERATION

The adoption of the Joint Action by the member states as the formal legal basis concludes the decision-making phase. It starts at the same moment the operational planning of civilian and military missions, which in turn leads to the launching of the operations on the ground. The civilian and military operations again differ during this phase. In the military operations, the operational planning takes place in the Operations Headquarters.³¹ In the civilian missions, the emphasis is already on establishing the operation on the ground. The launch of the civilian and military operations will thus be discussed separately.

Military planning and launching of the operation

Once the Joint Action is adopted, the Operations Headquarters can finally be activated. The EU has three scenarios available: (1) it can make use of the NATO Operations Headquarters (Supreme Headquarters Allied Powers Europe, SHAPE); (2) it can use the Operations Headquarters of the member states (France, Germany, Greece, Italy, United Kingdom); (3) it can decide to activate the Operations Cell in the Military Staff. These three options all have their advantages and drawbacks. The EU can use SHAPE under the Berlin Plus agreement. It means in practice that the EU seconds a dozen of military officers – the EU Staff Group – to SHAPE. These officers support the EU Operations Commander, who also happens to be NATO's Deputy Supreme Allied Commander (DSACEUR). For the rest, the EU relies on NATO assets within SHAPE, such as the communication and information systems. While NATO provides a powerful machinery, there are effectively three problems. First, EU-NATO relations are complicated as a result of asymmetrical membership (the Cyprus-Turkey problem). Everyday work is undermined as a result of all kinds of rules (e.g. military officers from neutral EU countries have restricted access in SHAPE). Second, because SHAPE is a powerful machine, some of the member states feel that they can exert inadequate political control over the military missions. Third,

³¹ The only exception concerns the financing of military operations. The ATHENA mechanism in the Council Secretariat administers the budget.

cooperation between SHAPE and EU actors, such as the Commission, is difficult. The Berlin Plus scenario has therefore only been used in follow-on operations when the EU took over from NATO.

The second operational scenario is the use of member states assets. The idea is that one of the member states makes its headquarters available. This Operations Headquarters is then 'Europeanized' by the other member states sending some 150 military officers ('augmentees') within days and weeks.³² The process is managed by the Military Staff, which also sends its liaison officers. In reality, this operational scenario has been problematic. By making the headquarters available, a member state accepts a leadership role during the operation. Most member states are reluctant to do so, not least as a result of costs and commitments elsewhere. The Europeanization of the Operations Headquarters is a tiresome affair. In the case of the Chad operation, it took nearly three months before the Headquarters was fully up-to-speed (interview with Council Secretariat official EE). This was somewhat mitigated given that France had already unilaterally activated the headquarters six weeks before the adoption of the Joint Action! Having the headquarters in a national capital also creates all sorts of unwanted national political influence, most notably in the case of the military operation in Congo in 2006 (Major 2009). Since this scenario is sub-optional, various member states have advanced a standing European Operations Headquarters. As a compromise, an Operations Cell within the EUMS was created in 2007, which can be activated on an *ad hoc* basis and can handle operations up to 1,500 troops. It has not been used so far for reasons of sovereignty.

The first task of an Operations Headquarters is to draft a *Concept of Operations*. The Military Strategic Options and the Joint Action are a starting point. Because the Operations Headquarters has not been involved in the previous discussions, the Military Staff drafts an Initiating Military Directive (IMD), which translates the earlier documents into military guidance. This directive is formally issued to the Operations Commander by the EU Military Committee. In practice, the IMD itself is not enough. As mentioned above, liaison officers are sent to the Operations Headquarters as well. In addition, the Operations Commander generally has the support of a number of political advisors (POLADs), at least one of whom has been intensively involved in the negotiations about the previous planning documents. The Concept of Operations itself is much more detailed than the Strategic Options and the Joint Action (up to a hundred pages). This is

³² 146 officers in EUFOR RD Congo (2006) (Major 2009) and 141 officers in EUFOR Chad (2008) (Seibert 2010).

also the first time that the Operations Commander can provide his/her input. Given that he/she will have to take operational command and thus final responsibility, several adjustments can still be made. Lt. General Pat Nash, for example, decreased the number of battalions in the Chad operation from four to three. It is, in this respect, also not unlikely that the Operations Commander may take some time and gather some additional information. The Concept of Operations, after consultation with the relevant bodies in the Council Secretariat, is sent to Brussels and is adopted by the member states committees and the Council.

The Concept of Operations includes a Provisional Statement of Requirements (PSOR) that lists in detail the number of required troops and the enabling capabilities (e.g. medical, transport, logistics, communication). This document is the starting point for the force generation process. In practice, however, (several) informal force generation conferences already take place before the formal activation of the Operations Headquarters to have an idea about the possibilities and the troop contributing countries. The Operations Headquarters and/or the Commanders come from lead nations, which thus have to be identified before the Joint Action. On the basis of the Statement of Requirements, the Operations Commander, in consultation with the Military Staff, organizes various rounds of formal force generation conferences. During these conferences, the member states pledge troops and capabilities. At the end of each round, the shortfalls are identified and they form the basis for the next round. In the case of EUFOR Chad, it took five formal force generation conferences over several months. This was an extreme case, yet overall force generation is difficult. There are some typical problems, which also play in NATO and the United Nations. States are, for example, generally happy to make flag-officers available for the operations, but less keen on supplying lower level troops. The medical facilities are of pivotal importance. Western states demand a high level of medical support (level II). If that is not available, they do not send troops or they may actually leave. What is also important is the variation between the member states in their ability to quickly pledge commitments. A number of the member states need parliamentary approval, in which case they have to make reservations on their commitments.

When shortfalls remain after several rounds of force generation conferences, the Operations Commander faces a difficult choice. He/she can organize another conference with the risk that the member states are not forthcoming or he/she can decide to launch the operation with the pledged forces, while taking responsibility for the results of the operation. In case the Operations Commander decides to launch the operation, the Operations Headquarters forwards a draft *Operations Plan* (OPLAN) and the Rules of

Engagement to Brussels for the approval of the member states. The Operations Plan is a completely worked out version of the Concept of Operations (now several hundreds of pages). It is based on the actual pledged troops and enabling capabilities, whereas the Concept of Operations was still based on the Statement of Requirements. Before the Operations Plan is sent to the member states, the Military Staff is consulted to give some final input. The moment that the member states adopt the Operations Plan, the military mission is launched.

So far the policy process has been primarily discussed with reference to the situation in Brussels and the Operations Headquarters. It is now time to turn to the situation on the ground. It needs to be said, in this respect, that there is an important difference between military follow-on operations where the EU takes over and operations that are launched from stretch.³³ In the former case, while there may be some issues related to the follow-on agreements, the infrastructure is already in place. In the latter, it is not and this requires several preparations. Before the troops can actually arrive, various visits are made by officials from the Council Secretariat, the Commission, the Operations Headquarters and the member states. One of the most important is the fact-finding mission in preparation of the Crisis Management Concept. The fact-finding mission is, however, by no means the only visit to the ground. The Operations Commander is likely to go on reconnaissance missions. Most, if not all, of the contributing member states make their own security assessments. Some may send their military intelligence officers to the ground, others may collect information by going to some of the important member states and/or international organizations. In addition, member states may have a bilateral presence on the ground, such as an embassy, that can make preparations for the arrival of troops.

Before the formal launch of the operation, the Force Commander will fly in with a small team of officers to start making preparation for the establishment of the Force Headquarters on the ground.³⁴ A number of political advisors support the Force Commander in this respect as well. At the launch of the operation, the member states send many more officers to the Force Headquarters. At full capacity, the Force Headquarters can be even bigger than the Operations Headquarters.³⁵ The number of staff in both headquarters depends, needless to say, on the military operation at hand.

³³ Needless to say, much of the planning process differs as well in practice between those operations. In case of follow-on operations, the planning documents are oftentimes based on planning documents by the previous operation.

³⁴ The Force Commander is appointed together with the Operations Commander in the Joint Action. He/she has responsibility on the ground.

Apart from the headquarters, the European Union still has to sign a Status of Forces Agreement (SOFA) with the host state to arrange the details of the stay and the diplomatic immunities of personnel. The member states send their own contingents and sort out themselves their logistics and ways of getting to the operation theater. Once the mission has established itself, it declares Initial Operating Capability (IOC). When the mission is ready to fully carry out all tasks listed in the Operations Plan, it finally declares Full Operating Capability (FOC). There can be a number of months between the adoption of the Operations Plan and the declaration of IOC. There can also be various months between IOC and FOC.

Civilian planning and launching of the operation

After the adoption of the Strategic Options, the Concept of Operations and the Joint Action, the Civilian Planning and Conduct Capability continues to work towards the *Operations Plan*, which needs approval of the member states. The Civilian Operations Commander in the CPCC works, in this respect, closely together with the designated Head of Mission on the ground.³⁶ Because the CPCC remains relatively small, it oftentimes makes use of the content expertise of the EU Military Staff. This gives it extra weight *vis-à-vis* the member states. During the final phase of operational planning, the most important task is, however, for the Head of Mission to recruit his/her staff members. They are all recruited on an individual basis.³⁷ Vacancies for individual posts are circulated to the member states, which can put forward their candidates on a seconded basis. If vacancies remain unfilled they are published for open competition. This tremendous task cannot be highlighted enough. It not only concerns the selection of senior officials in the mission, but indeed all staff members and also local staff. In addition, new rounds of recruitment are necessary, if mission staff leaves before or at the end of their contract. Recruitment is done by the CPCC and the civilian mission on the ground. For EULEX Kosovo, a human resources department was established consisting of about fifty staff members.

The next challenge is to establish the mission on the ground. This requires a lot of procurement procedures to fulfill Commission standards.

³⁵ 173 officers in EUFOR Chad (Seibert 2010) and 122 officers in EUFOR RD Congo (Major 2009).

³⁶ The Head of Mission is the equivalent of the Force Commander.

³⁷ The exception are integrated police units.

For all buildings, cars, computers and other materials, mission staff and the officials in the CPCC have to go to the Commission and ask for money in the context of the previously agreed budget. Some improvements have been made in recent years, but these procedures have often been experienced by staff members as traumatic. In particular, it has proven difficult to make use of resources before the formal adoption of the Joint Action. In instances of rapid response – such as the monitoring missions in Aceh and Georgia – it was necessary to already establish a presence in the operation theater before the ministers had the chance to adopt the Joint Action. As a result of these problems, preparatory measures have been introduced, which allow for the pre-financing of missions. This has already been used in the case of Kosovo (see chapter eight) and the monitoring mission in Georgia (Grevi, Helly and Keohane 2009). Overall, financing remains a problem. In many operations theaters, it is difficult to acquire resources following Western procurement standards. The police mission in Afghanistan is a case in point.

Since the Civilian Planning and Conduct Capability and the Head of Mission play a bigger role in the implementation with regard to staff recruitment and procurement than their military equivalents, it has been important to send advance parties as soon as possible. In the case of the rule of law mission Kosovo, a Planning Team was on the ground for more than two years before the formal launch of the mission. This is an extreme example. Yet also for the purpose of the Aceh Monitoring Mission, staff was sent immediately to the ground to start preparing for the mission – e.g. find an appropriate location for the Headquarters and field offices, start the local procurement procedures, etc. Two weeks after the core staff arrived in Aceh, the first monitors flew in to create an initial monitoring presence. Four weeks later, the mission reached full capacity.

4.4 IMPLEMENTATION OF THE OPERATION

When the operation is established on the ground, the implementation phase can start. As regards the substance of implementation, there is tremendous variation across the operations (Merlingen and Ostrauskaitė 2008; Grevi, Helly and Keohane 2009). Several military missions have the mandate to contribute to a 'safe and security environment' through merely being present and having a deterrent function. Some police and rule of law missions focus on pro-active training of local officers and officials through 'monitoring, mentoring and advising'. Other civilian missions perform executive tasks and include riot control capabilities, such as integrated police units. As a

result of these differences, it is difficult to describe implementation in any general terms. A small-scale advisory Security Sector Reform operation in Africa quite naturally does not have the same type of command and control structure as the executive rule of law mission EULEX Kosovo. This section therefore makes some general remarks on institutional structures during the implementation phase of ESDP operations.

The key actor on the ground is the Force Commander in military operations and the Head of Mission in civilian missions. He/she is in charge of the (Force) Headquarters and has the main responsibility for the day-to-day running of the operation. This includes commanding authority over a number of tactical decisions, such as authorizing covert action against war criminals in Bosnia, deploying the integrated police units for riot control in Kosovo, or increasing the number of patrols in areas with high levels of reported human rights violations in Chad. Such decisions either cannot wait for the Operations Headquarters or the political actors in Brussels, or they play at such tactical level that there is no need to get the headquarters and Brussels involved. Force Commanders and Heads of Mission normally get quite a bit of autonomy from the Operations Headquarters. Brussels and the headquarters do not want to 'micro-manage' the Force Commander or the Head of Mission on the ground.

It is difficult to generalize from the four case studies of this book, because personalities matter tremendously in the relations between the Force Commander and Head of Mission on the ground and the Operations Commander in the headquarters. Yet the Operations Commander of the military operation in Chad, Lt. General Pat Nash, considered his French Force Commander, B. General Jean-Philippe Ganascia, as very capable and provided him with a lot of autonomy (interview with EUFOR official A). One of the Force Commanders in Operation Althea in Bosnia, M. General David Leakey, had even more autonomy to implement the operation on the ground (see chapter five). The Bosnia operation was not such a priority for SHAPE and the DSACEUR that they felt the need to get actively involved in the running of the mission. The Head of the Aceh Monitoring Mission, Pieter Feith, practically ran the operation from the ground with little in-between him and the Political and Security Committee in Brussels.³⁸ The Head of Mission of EULEX Kosovo, General (r) Yves de Kermabon had also substantial independence, despite the creation of the position of the Civilian Operations Commander in Brussels.

³⁸ At the time the CPCC with the Civilian Operations Commander had not yet been established (see above). Feith continued his function as Deputy Director General during his time in Aceh, so in practical terms he 'was' the Council Secretariat. Needless to say, this was not an optimal command and control structure.

The Head of Mission of civilian missions, in this respect, seems to have more autonomy than the Force Commander of military operations. In military operations, it furthermore depends whether the EU makes use of NATO assets or of a national Operations Headquarters. In the latter case, the whole Operations Headquarters is dedicated to one particular mission, while SHAPE and the DSACEUR have other business to do. What also plays an important role is the functional need for extensive communication between the Operations and Force Headquarters. Interesting, in this respect, is that Force Commander Leakey in Bosnia reportedly tried to talk via telephone directly to DSACEUR only once per week, but that they sometimes did not even talk for a whole month (interview Althea official A). The number of contacts between generals Ganascia and Nash was higher. It ranged from several times per day to at least a number of times per week (interview EUFOR official A). In addition, Lt. General Nash visited Chad some ten times within the course of only a year-long military operation. Their contacts were thus much more intense, mainly because the military operation in Chad was more challenging.

Not only the chain of command between the Force and Operations Commander is interesting. There is an important link as well between the Operations Commander, who has operational control, and the Political and Security Committee in Brussels, which has political control and provides strategic direction. Because civilian and military operations require certain discretion to carry out their functions appropriately, the member states in the PSC do not provide the Operations Commander with detailed tactical instructions. Rather the Operations Commander informs Brussels at regular intervals about the implementation of the mission. This takes a number of forms. First, the operation sends regular reports to Brussels. Depending on the mission, these can be daily, weekly, monthly and six-monthly reports. These reports have a specific format and length. It is quite a formal exercise and most operations have their own reporting units for this purpose. On the basis of the content of these reports, the member states can ask questions to the Council Secretariat, which acts as a liaison with the headquarters in the military operations and is the headquarters in civilian missions. Second, the Operations Commanders come to the Political and Security Committee, CIVCOM and the Military Committee for an oral exchange of views. This generally happens on the occasion of the six-monthly report, which is the main opportunity for the Operations Commander to make his/her views known regarding the overall course of the mission.

In addition to these formal reporting requirements, there are a lot of intensive relations between the Operations Headquarters and the Council Secretariat (Military Staff / Civilian Planning and Conduct Capability) in

Brussels. Moreover, member states have, of course, direct contacts with the Council Secretariat and the Operations Headquarters. Unity of command and the hierarchies need to be respected, but contacts are rather extensive. The political advisors (POLADs) of the Operations and Force Commanders play an important role in this perspective. They maintain contacts with the outside world and provide clarification on the implementation phase of the operations. They are the ones that can breach the formal chain of command, when necessary, without getting in much trouble (interview Althea official A). As regards reporting, it is important to realize that the ambassadors and diplomats in Brussels do not only wait passively for information to come to them. They go on field trips to the operations to see the implementation for themselves. The member states have their own reporting channels as well via bilateral embassies and their national contingents. The latter is stronger in military missions, where contingents remain national, than in civilian operations, where staff is recruited on an individual basis. Mission staff in civilian operations are nonetheless repeatedly contacted by their national embassies, although this practice varies across member states (interview EULEX official B).

One important institutional aspect during the implementation is the coordination with EU and international actors on the ground. The civilian and military operations are generally only one foreign policy instrument of the European Union. There may be other ESDP operations, the presence of a Special Representative, and generally there is a Commission Delegation (Union Delegations under Lisbon). Particularly in the Western Balkans and the Democratic Republic of Congo, there are often several ESDP operations taking place at the same time. Military operations can be implemented in parallel with civilian missions or multiple civilian missions take place in one country. If there is functional overlap between missions, coordination is of utmost importance. In Bosnia, for example, both the EU Police Mission and Operation Althea had the fight against organized crime in their mandates (see chapter five; Juncos 2007; Merlingen 2009). The Special Representative can, in this respect, act as an important coordination agent – if he/she is permanently based on the ground, which is mostly the case in the Western Balkans.³⁹ It is problematic, however, that the unity of command in civilian and military operations does not allow for the Special Representative to play a formal role. Operations have their own chain of command and they cannot be told what to do.

³⁹ As discussed in chapter three, there is quite a bit of variation amongst the Special Representatives. Some of them are located in Brussels and only fly in to the world's trouble spots. Others are locally based and also carry out international functions (e.g. International Civilian Representative in Kosovo).

Coordination also needs to be ensured between the ESDP missions and the activities of the Commission on the ground. There is the risk of conflicting interest. ESDP missions are inherently short-term focusing on crisis management. They often take ownership away from local institutions. (Development) instruments of the Commission, on the other hand, focus on the medium to long-term. They are about capacity building and have a strong notion of local ownership. Interests are thus often conflicting. In an optimal scenario, the Special Representative can play a coordinating role again. Yet since he/she directly reports to the High Representative and the Council Secretariat, it is not surprising that the relations between the Special Representative and the Commission Delegation are sometimes problematic. When the Special Representative has a local presence and a staff, bureaucratic politics with the Commission Delegations are also not unlikely. If the Special Representative is just flying in, Commission staff often doubt the usefulness of such visits (see further Dijkstra 2009). The emphasis is often on coordination between ESDP missions and activities of the Commission 'without prejudice' to individual competences. Needless to say, there are not Special Representatives in all regions and countries where ESDP operations are deployed, nor are there many Special Representatives permanently on the ground. In these cases, coordination amongst EU agents is generally *ad hoc* and based on practices invented on the spot. With the member states, coordination takes place through regular Heads of Mission (HOMs) meetings on the ground. These include the ambassadors of all the locally represented member states plus the Commission and mission staff.

Coordination with EU actors is one issue, with other international actors quite another. There are two issues at stake. First, there has to be coordination with other international actors involved in crisis management. In Kosovo, for example, the EULEX mission works closely together with NATO's military operation in terms of riot control. In the case of Chad, the military mission was part of an international multidimensional presence, in which the United Nations was training local police in a parallel effort to provide a safe and secure environment. At the tactical, operational and sometimes even strategic level, these international organizations will make (formal) arrangements and coordinate their actions. EULEX riot police, for example, need communication channels with NATO if local riots turn into larger civil unrest and paramilitary violence. Second, as with the donor coordination in most developing countries, there is generally a coordination mechanism for all international actors involved on the ground. In Bosnia, for example, there is a Board of Principals meeting, consisting of major international agents, such as the World Bank, International Monetary Fund, European Commission, OSCE, NATO, EU missions, etc. Political actors,

such as the member states and third states are not involved. This Board of Principals meeting is chaired by the High Representative of the international community. He is also the EU Special Representative through the 'double-hatting' agreement. In case of Kosovo, a Board of Principals was never established, due to the problem of state-recognition. While the International Civilian Representative recognizes Kosovo, most international organizations do not (see chapter eight).

Coordination on the ground is thus a major affair. While there is a lot of inefficiency, duplication and competing mandates between the actors, the general impression is that international officials want to make the best out of it and make things happen. Institutional problems are often bigger at headquarters than on the ground. Practical solutions are frequently found. Informal contacts are also important, as the international community on the ground tends to be rather small.

4.5 PROLONGATION AND TERMINATION

Most ESDP missions are so-called end-date rather than end-state missions, which means that they are deployed for a limited time and that withdrawal is not subject to achieving a number of objectives (Mattelaer 2010). In the military operations in sub-Saharan Africa, in particular, the member states know precisely when the troops will come home. Even if a final date for withdrawal is not explicitly set from the outset, mandates and budgets need to be formally prolonged through revised Joint Actions. The Joint Action for EULEX Kosovo, for example, authorized a budget for “a period of 16 months starting from the approval of the OPLAN” (2008/124/CFSP: article 16(1)). The commitment of the member states to end-dates makes political sense, as they fear to get indefinitely involved in expensive operations or 'missions creep'. It clearly makes much less sense from an operational point of view and it might not necessarily raise the right expectations with third parties. 'Spoilers', for example, may wait until the ESDP missions leave before they start creating mayhem. Given the frequent use of the end-date construction, there is always a moment during the implementation of the operations that the prolongation or termination has to be discussed. In addition to the formal limits to the duration of operations, the six-monthly report and the accompanying exchange of views between the member states and the Operations Commander is the occasion to discuss the future.

Since the Joint Action and formal planning documents have to be amended, the process of prolongation follows the decision-making phase as

discussed above. The Operations Commander and the relevant bodies of the Council Secretariat draft the necessary documents, which are discussed by the member states in Brussels. Interestingly, the preferences of the member states and the Council Secretariat are not fixed in this respect. During the military operation in Chad, all actors pushed for the termination to be ready on the scheduled date. With regard to the termination of Operation Althea in Bosnia, the Operations Commander has repeatedly made clear that the military job has been done and that he would like to conclude the mission. The member states, on the other hand, have been hesitant pointing at potential instability in Bosnia in the long run. They have therefore, kept the mission in place. Moreover, while the EU decides on the length of its missions, the international context often plays a role as well regarding prolongation and termination. In case of Aceh, the monitoring mission was prolonged various times by several months, because it took the government of Indonesia some time to adopt a local election law. The EU was, of course, pushing for this, but it felt that it could not withdraw its troops before local elections were held in the province of Aceh in accordance with the peace agreements.

Decisions on prolongation and termination have proved to be very political or, as mentioned above, conditioned by external factors. As such, the EU agents have difficulty to exert influence. An interesting case, in this respect, was the military mission in the Democratic Republic of Congo (2006). Prolongation was openly discussed. It was, however, unacceptable for Germany. Because the German Operations Headquarters was used, this was the end of the discussion. ESDP missions are most easily prolonged in the Western Balkans, where many member states have direct interests in stability. The EU Police Mission, which was launched in early 2003, is still active, albeit with a different mandate and strengths (e.g. Merlingen 2009). When prolongation and termination are on the agenda, it is thus also a key moment to make changes to the contents and the direction of the mission. The downsizing of the operation is a serious option. In the case of Operation Althea, the total authorized strength went in 2006-2007 from about 7,000 troops to around 2,500. During the various prolongations of the Aceh Monitoring Mission, field offices were closed and the staff at the local headquarters became smaller. At the final termination, there were only a few dozen of staff members left on the ground.

A recurring theme during the termination of ESDP operations is what to do with local assets. For the purpose of the missions, the EU often invests sums of money in local infrastructure and buildings. Unlike other assets, such as cars and computers, these cannot be shipped back to Brussels or relatively easily be sold. Deals therefore have to be made with

the host state in the Status of Forces Agreement or with a possible follow-on mission by other international organizations (e.g. United Nations). This is notoriously tricky as the departing force has generally very little leverage when leaving the scene. In the case of Chad, the host country notoriously used the situation for its own benefit (Seibert 2010; Dijkstra 2010b). The final task of bringing the troops and equipment back to Europe is – like the initial deployment – the responsibility of the contribution states. Following the termination of the operation, the Operations Commander still has to send to the member states an account of all expenditures.

4.6 CONCLUSION

This chapter has given a descriptive overview of the ESDP policy process. It has taken a practical rather than formal institutionalist approach and has included many examples of the four case studies, which will be discussed in the subsequent chapters. What needs to be acknowledged is that ESDP has a lot of flexibility when political will is present.⁴⁰ This is important in crisis situations. Various formal rules, such as the Crisis Management Procedures (Council 2003), are in place to facilitate member states in the planning of operations. They are not carved in stone. In many missions, member states have deliberately skipped steps in the planning process or have turned the order around. Flexibility is also present in, for example, the composition of fact-finding missions. While their core consists of officials of the Council Secretariat, they may also include civil servants from the member states or from other international organizations, if this is deemed useful. The intensity of contacts between the Commanders depends much on the need in particular operations. Procedures fit the specific needs of the missions; and not the other way around. The conclusions of this chapter may therefore not be applicable to all ESDP operations, as most missions have their own anomalies.

When it comes to the particular role of the Council Secretariat and the Commission in the policy process, their first obvious function is in the *agenda-setting phase*. Officials from the Council Secretariat are generally involved in ESDP operations from the very beginning. They are at the heart of the policy-making process and can shape the EU agenda to their benefit. Their pivotal position allows them to shape the parameters around which the mission will be established. Commission officials, on the other hand, do

⁴⁰ The only notable exception is the financial rules and procurement procedures of the Commission in civilian crisis management.

not play a prominent role in terms of putting forward their own initiatives. Instead they regularly join forces with the officials of the Council Secretariat through joint options papers and other initiative. They also provide backing for the Council Secretariat, when it is confronted with hostile member states. During the subsequent *decision-making phase*, the Council Secretariat plays a leading role. It makes up the core of the fact-finding mission, it drafts the Crisis Management Concepts, the Strategic Operations, and the Joint Action. These planning documents have to be approved by the member states, but the initiative is with the officials of the Council Secretariat. This chapter has also noted, in this respect, variation between the control bodies of the member states in civilian and military crisis management. While the Military Committee is very senior and has enough resources, CIVCOM is rather junior and ill-equipped. During this phase, the Commission plays informally a role through the Crisis Response Coordination Teams. In addition, it proposes accompanying measures.

For the *launch of the operation*, there is a notable difference between civilian and military missions. In the military operations, the lead is with the Operations Headquarters. It writes the Concept of Operations and the Operations Plan and is in charge of Force Generation. The Military Staff supports the headquarters, in this respect, and performs an important liaison function, but it is not in the lead. In civilian missions, the Civilian Planning and Conduct Capability inside the Council Secretariat drafts the final planning documents and carries out, in close cooperation with the Head of Mission, the selection of individual mission staff members. The Council Secretariat is also much closer involved in setting up base on the ground in civilian than in military operations. In civilian missions, officials from the Commission play an administrative role in procurement and other financial tasks. During the *implementation* phase, the lead is with the Force Commander and Operations Commander and with the Head of Mission and the Civilian Operations Commander (in the Council Secretariat). As this chapter has made clear, there are many coordination challenges on the ground. The Special Representative, who reports to the Council Secretariat can play a role here. In addition, there is the Commission Delegation with all its (development) instruments that generally plays an important role. For the *prolongation and termination* phase similar dynamics are at work as for the decision-making phase. While officials of the Council Secretariat make assessments, prolongation and termination are eventually political decisions taken by the member states.

5. OPERATION ALTHEA IN BOSNIA

On 2 December 2004, the European Union launched the military operation Althea in Bosnia-Herzegovina. It is still ongoing and remains the largest ESDP mission ever deployed. The EU did not establish Althea from scratch. In fact, it took over a well-functioning operation from NATO after the North Atlantic Alliance had ensured a 'safe and secure environment' on the ground following the Dayton peace agreement of 1995. Through its Implementation and Stabilization Force (IFOR; SFOR), NATO contributed to security in Bosnia. NATO handing over operational command to the European Union fitted with the EU's strategy to put Bosnia, in the words of Lord Paddy Ashdown (2007: 299), "irreversibly on to the road to statehood and membership of Europe". An EU-led military operation would serve EU foreign policy better than the continuing presence of NATO, which was still perceived as American. After the takeover, NATO remained nonetheless involved in Bosnia through the Berlin Plus agreement (see chapter four) and through its own residual activities. Operation Althea started with the same troop levels as SFOR – thus guaranteeing continued security to the Bosnians – but the EU member states soon reduced their presence from the approximately 7,000 soldiers to 2,000 in 2010. At the time of writing, discussions over the future role of Althea were ongoing.

This chapter traces the influence of the Council Secretariat and the Commission in the ESDP policy process. Following the five phases outlined in the previous chapter, it first discusses how the Althea operation came on the agenda (December 2002 – Spring 2004). Subsequently, it analyzes the decision-making process from the moment that the member states started to consider the takeover until the adoption of the Joint Action on 12 July 2004. The chapter then looks at the influence of the Council Secretariat and the Commission in the period leading up to the handover on 2 December 2004. It analyzes the implementation phase of operation Althea (December 2004 – Spring 2006) and it discusses the restructuring process and the negotiations over the eventual termination (fall 2006 – date). In the conclusion, the chapter gives an overview of the influence of the Council Secretariat and the Commission during the different phases of the policy

process. These empirical results will provide input for the conclusion of this book, which brings all case studies together.

5.1 AGENDA-SETTING

The preference of the Bush (and the Clinton) administration to withdraw American troops from Bosnia was well known. Five months after its inauguration (before 9/11 and the invasions in Afghanistan and Iraq), the International Crisis Group (2001) issued a report, addressed at the United States and the United Kingdom, stating that there was “no early exit” from Bosnia. NATO had “to maintain a credible military presence” and “the U.S. and UK [*sic*], in particular, should not undermine the NATO mission in Bosnia by continuing to make disproportionate cuts in the size or capacity of their forces” (p. 4). The United States had already reduced its average troop level from one-third of the soldiers in IFOR (20,000/60,000) to one-sixth of the soldiers serving in SFOR (3,300/20,000) (*ibid.*). SFOR would be further reduced to 7,000 soldiers at the time of the eventual handover in 2004. Only 900-1000 troops were still from the United States (International Crisis Group 2004; Bertin 2008).

While the military involvement of the United States in Bosnia was thus decreasing over time (in numbers and ratio), the EU was making an increased political effort. It, for example, appointed Lord Ashdown as the first EU Special Representative to Bosnia in 2002 – a post he had to carry out in addition to his work as the High Representative of the international community. Ashdown (and his successors) thus had two superiors. He had to report to the Steering Board of the Peace Implementation Council, consisting of states representing the international community. As the EUSR, however, he also had to report directly to Javier Solana and the member states. This was a clear signal that the EU was increasingly taking the lead in Bosnia. In parallel to the appointment of the EUSR, the EU decided to take over parts of the United Nations police training mission in Bosnia (UNMIBH, 1995-2002). It became the EU Police Mission (EUPM, 2003-date). Finally, the European Council confirmed that the Western Balkans had a 'European perspective' (Thessaloniki in June 2003), which meant that they were seen as potential candidates for membership. It implied that they could make use of significant funding supplied by the Commission.

While the first ESDP mission was of a civilian character, the rationale had been military. By 2002, all the military structures were in place (chapters three and four) and there was a strong desire to actually

deploy operations. The Western Balkans, as the backyard of Europe, was the most-likely theater for military missions. First, the member states would be able to take over ongoing NATO operations in Macedonia, Bosnia and Kosovo, which would require relatively little planning. Under the foreseen Berlin Plus agreement, the Operations Headquarters of NATO could be used. Such continuity would increase the chances for success. Taking over a mission from NATO furthermore fitted with the American preferences to withdraw from the Western Balkans *and* ESDP operating through NATO structures. Second, increased EU ownership over the military missions was necessary in the light of the above-mentioned political leadership in the region. Being in charge of the military missions, the EU would get more visibility and more coherence between its foreign policy instruments. It would also send a political signal to the Bosnians about who is in charge.

The idea that the EU would take over the NATO operation was first suggested in 1996 by Commissioner Hans van den Broek (Reichard 2006). ESDP, of course, did not even exist, but in light of the American Presidential election, questions were raised about future commitment of the United States in Bosnia. The United States stayed, but the idea remained a topic of debate in academic circles (interview national official N). In the context of operation Althea, one interviewee “clearly remembers” that the “first clear political signals [to consider the transition from NATO to EU-led military operations in Macedonia and Bosnia] came from Solana himself” (national official C). Solana had an interest in launching a military operation after he had invested considerable time and effort in developing the institutional structures. The establishment of ESDP “was good, but the proof of the pudding is in the eating” (ibid.). Jamie Woodbridge (2002: 3) similarly confirms that a possible takeover was “aggressively pushed by the High Representative”. Solana was, however, not alone. The handover was supported by France and the United Kingdom as well (Pohl 2009). France wanted the military missions to start and the United Kingdom was sensitive to the concerns of the United States. Moreover, both states had had negative experiences in Bosnia being large contributors to the UN Protection Force (UNPROFOR, 1992-1995). They wanted to straighten the record (Reichard 2006). Following suggestions by Javier Solana and both member states, the European Council of December 2002 “indicated the Union's willingness to lead a military operation in Bosnia” (Presidency Conclusions, para 28-29).

There were two important prerequisites before the EU could take over the SFOR operation in Bosnia. First, the EU and NATO had to reach agreement on the use of NATO assets for the EU-led operation under the Berlin Plus agreement. Second, these structures had to be tested before the EU could be trusted with the responsibilities in Bosnia. It was decided that

a small military operation in Macedonia (Concordia, March-December 2003) would serve as a test-case to try out procedures (interview national official N; NATO official A). The negotiations over Berlin Plus, however, proved extremely difficult due to the asymmetrical membership of both organizations (e.g. Reichard 2006; Cascone 2008; Howorth 2007).⁴¹ Severe delays thus took place before operation Concordia could be launched in Macedonia – some four months after its was originally planned on what was to be a ten-month operation (Guardian 2002). Agreement on Berlin Plus was finally reached in December 2002. It was ratified in March 2003. The military operation in Macedonia started the same month (see Mace 2004; Gross 2009; Howorth 2007).

The conclusion of the Berlin Plus agreement and the launch of Concordia took place at the height of transatlantic tensions over Iraq, but the war seemed initially to have little impact. ESDP going through NATO and taking over NATO operations was, after all, in line with American and British preferences. It increased burden-sharing and lessened the need for autonomous EU military action. The transatlantic tensions themselves, however, created a whole new rationale for autonomous action. What if the NATO assets would *not* be available for EU-led operations? Shortly after the Iraq invasion, Belgium therefore invited Luxembourg, France, and Germany (April 2003) to discuss the possibility of having an autonomous military headquarters in addition to the NATO facilities (see also chapter three). This 'chocolate' summit opened the whole duplication debate and made the United States and the United Kingdom extremely hostile towards further ESDP developments. Several months later, following a request by the UN Secretary-General Annan, the EU launched its first autonomous military operation (Artemis in the DR Congo, June-September 2003). The mission ran almost exclusively on French resources and was viewed with great suspicion in the United States (Giegerich et al. 2006).

These political developments were the key reason why the United States blocked the transition from SFOR to Althea in Bosnia at the Madrid EU-NATO summit in June 2003 (FT 2003a; European Security Review 2003; Robertson, Papandreou and Solana 2003).⁴² To the Europeans, this decision came as a surprise (FT 2003a). While the NATO Secretary-General, Lord Robertson, stated that both NATO and the EU had been too busy to actually plan this mission (Robertson, Papandreou and Solana

⁴¹ Turkey seems to have used this agreement as a bargaining chip to start the EU accession negotiations. This was eventually promised in December 2002 – about the same time that Berlin Plus was signed (Reichard 2006).

⁴² FT stands for Financial Times; IHT for International Herald Tribune.

2003), the opposite was true. At an earlier bilateral Anglo-French summit in Le Touquet on 4 February 2003, the initial planning for the takeover had already started. Both member states had produced a joint paper, which was complemented by a paper of Solana. These two papers had been approved by the Council on 24 February 2003. If the United States had not blocked the takeover in Madrid, one interviewee stated, “the whole preparation [for Althea] could have taken place in 2003. Theoretically, the launch of the mission could then have taken place at the end of 2003 or the beginning of 2004” (national official N). EU officials in the *Financial Times* (2002) confirmed that the handover could have taken place mid-2004. France and Germany also suggested early-2004 during a bilateral summit celebrating the 40th anniversary of the Elysée Treaty (22 January 2003).

21 November 1995	Dayton Peace Agreement
20 December 1995	Start of NATO-led IFOR
20 December 1996	Termination of IFOR; Launch of NATO-led SFOR
27 May 2002	Lord Ashdown as EUSR/High Representative
12-13 December 2002	European Council indicates “willingness to lead”
16 December 2002	Berlin Plus agreement between EU and NATO
1 January 2003	Start of EU Police Mission in Bosnia
31 March 2003	Start of EU-led Operation Concordia via Berlin Plus
4 February 2003	Anglo-French Le Touquet Summit
23 February 2003	Approval of Anglo-French & Solana planning paper
20 March 2003	Start of US-led Operation Iraqi Freedom
29 April 2003	Chocolate Summit in Tervuren
3-4 June 2003	EU-NATO Summit in Madrid
12 June 2003	Start of autonomous EU-led Operation Artemis
8-9 October 2003	NATO Defence Ministers in Colorado Springs
1-2 December 2003	NATO Defence Ministers in Brussels
23 February 2004	Solana's Report on a Possible EU Deployment
26 April 2004	Adoption of Crisis Management Concept
June 2004	EU Planning Team to Bosnia
28-29 June 2004	NATO Summit in Istanbul
9 July 2004	Adoption of UN Security Council Resolution 1551

12 July 2004	Adoption of Joint Action
15 July 2004	Joint visit of Solana/de Hoop Scheffer to Bosnia
13 September 2004	Adoption of Concept of Operations
11 October 2004	Adoption of Operations Plan
October 2004	Force Commander David Leakey arrives in Bosnia
22 November 2004	Adoption of UN Security Council Resolution 1575
25 November 2004	Council launches Operation Althea
2 December 2004	Handover NATO; Start of Althea
30 May 2006	Departure of Lord Ashdown
Summer 2006	Common Operational Guidelines Althea-EUPM
17 October 2006	Solana-Rehn Report on Reinforced EU Presence
12 December 2006	Adoption of revised Concept of Operations
27 February 2007	Adoption of revised Operations Plan
8 November 2007	Adoption of revised Joint Action
Table 5.1 Chronology of Operation Althea	

The deadlock following the Madrid summit continued for several months. It was eventually overcome, when transatlantic relations improved and France, Germany, Belgium and Luxembourg gradually abandoned their ideas about a separate EU Headquarters (Reichard 2006). During a meeting of NATO defense ministers in Colorado Springs on 8-9 October 2003, the transition from SFOR to Althea was again on the agenda. Lord Robertson indicated that the EU could take over within 12-18 months (FT 2003c). This time frame was confirmed during the NATO defense ministers meeting in December 2003, where the ministers stated that “we will consider how to adjust the [SFOR] operation further, including its possible termination by the end of 2004 and a transition possibly to ... a new EU mission within the framework of the Berlin Plus arrangements” (Final Communiqué). December 2004 thus became the scheduled date for the handover instead of early/mid-2004.

5.2 DECISION-MAKING

The decision-making phase of operation Althea started early 2004, shortly after NATO had given the go-ahead. It lasted until 12 July 2004 when the EU adopted the Joint Action. This was the formal legal basis of the ESDP operation. Given that the EU was taking over the operation from NATO, the negotiations were not extremely difficult. That having been said, the member states found plenty of issues for debate. Three stand out. First, the Council Secretariat, the Commission and the member states discussed the mandate, including the relations between operation Althea and the other EU actors on the ground. Second, the EU negotiated with NATO over the delineation between Althea and NATO's residual activities on the ground. Third, the role of military police within the military operation was a contentious topic of discussion.

Althea's mandate

NATO had run a very successful operation since the Dayton agreement of 1995. When the possible takeover by the European Union was discussed, it had accomplished a 'safe and secure environment', which was one of its key military tasks (interview national official M). With few potential spoilers on the horizon, it was felt that NATO's passive presence as a deterrent force had been part of its success. A report of the International Crisis Group (2004: 1) states that SFOR "has been widely seen as the strongest guarantor that war will not break out again". NATO had acquired such a strong brand name mainly due to American involvement (despite the fact that the United States contingent was only a small part of it). The European troops did not enjoy a similar reputation. In fact, as the same report notes, "the reputations of the main EU powers continue to suffer among Bosnians due to their inglorious performances during the 1992-1995 war, when they provided the commanders and the bulk of the troops for the UN Protection Force" (p. 2).

In addition to the deterrent function, the presence of SFOR was widely seen as support for the political activities of the Office of the High Representative. The High Representative has an executive mandate and possesses the so-called Bonn-powers. These allow him to sack politicians and judges, and to impose legislation within the Dayton framework. Having a military presence (although not using it) strongly increases his authority (interview national official M). Finally, and this is a crucial point throughout the Althea operation, there was the situation in Kosovo

(interview national official C; International Crisis Group 2004). It remained a potential source of instability throughout the Western Balkans. There were, for example, fears that an independent Kosovo might potentially set the precedent for *Republika Srpska*, which makes up approximately half of the territory of Bosnia. While NATO would continue to keep the peace in Kosovo through its Kosovo Force (KFOR) operation, there was thus also a need for a continuing military presence in Bosnia.

Given the reputation of the European troops, the support for the High Representative and the possible spoilers resulting from a potential Kosovo fallout, it was widely understood that the Althea operation should in the first place be seen as a *continuation* of SFOR (interviews national officials C, M, O). Thus, the early Anglo-French paper presented to the Council on 24 February 2003 stated “the EU force should not be weaker than the Nato force it replaces” (quoted in FT 2003b). The accompanying report of the Javier Solana also stressed “the need for the future mission to retain a robust mandate” (Council Presidency Conclusions 2003: 9). It goes without saying that the United States, which was still skeptical of the EU's power projection, had a preference for such mandate as well. It is thus little surprising that Althea eventually had the same strong mandate as SFOR (“to take all necessary measures”, UNSC Resolution 1551) and the same number of troops at the date of the handover.

And yet, it was also clear that operation Althea had to have added value for the activities and the political leadership of the European Union as a whole in Bosnia. In other words, the operation Althea had to contribute to the overall objective of helping Bosnia on 'the road to Europe' (see above). The joint declaration of France and the United Kingdom at Le Touquet on 4 February 2003, in this respect, stated that “we see [the European Union's intention to undertake a military operation in Bosnia] as supporting the efforts of Lord Ashdown ... to pursue the EU's agenda in Bosnia-Herzegovina and to complement the EU's efforts to promote the development of that country”. The accompanying report of Solana noted “the opportunity that an EU-led operation would offer in terms of an integrated EU approach towards the country (notably with the presence of the EU Police Mission in [Bosnia])” (Presidency Conclusions 2003: 9).

The idea that Althea would be part of a broader EU effort was strongly emphasised in Solana's *Report on a Possible EU Deployment in Bosnia and Herzegovina*, which he presented to the Council on 23 February 2004. This report argued that Althea should be a “new and distinct mission” rather than a simple continuation of SFOR. It noted that Althea would be in a “very different position from that when NATO first deployed in 1995”.

The report proposed that the mission should have “two fundamental objectives”. First, to “guarantee the secure environment required for the core objectives in [Office of the High Representative's] Mission Implementation Plan and the Stabilisation and Association Agreement, and should contribute directly to them”. Second, to “have a particular focus on the fight against organised crime”. The Council thanked Solana, stressed the comprehensive approach, and asked Solana “to ensure expeditious follow-up with a view to the development of a General Concept for early consideration by the PSC” (Presidency Conclusions: 8).

It is necessary to take a critical look at the provisions in the report. By stressing that the military mission should be “new and distinct” rather than a continuation, it took issue with the existing discourse of the member states. This was partially cosmetic, as the mission would still “be credible and robust” with a UN chapter VII peacekeeping mandate, but nonetheless important in terms of the framing of the operation. Moreover, while the “safe and secure environment” remained a key objective, it was explicitly linked with the Office of the High Representative's Mission Implementation Plan as well as the Stabilisation and Association Agreement – two other EU instruments in Bosnia. What is more, Althea was explicitly tasked in the report to “contribute directly to them”. The EU instruments had to be tied closer together and applied in a coherent manner. On ensuring coherence, the report stated that:

[it] can best be achieved by cooperation and leadership on the ground. At the centre of this should be a reinforced co-ordinating role for the EUSR. He needs to be able to function as *primus inter pares* among the heads of the different EU missions in [Bosnia]. In particular the EUSR should ensure complementarity between the implementation of the Dayton/Paris provisions and progress in the Stabilisation and Association Process.

This proposal for the coordination of EU instruments on the ground was, of course, not institutionally neutral. As the Special Representative reports to Solana, it would give the Council Secretariat a stronger role within Bosnia on the ground. Small wonder that this report was not well received by the Commission. It is in charge of the Stabilisation and Association Process (SAP), which main rationale is local ownership. Local politicians are given a big carrot – money and eventually EU accession – if they obey the EU rules. Such ownership fitted badly with the executive Bonn powers of the

High Representative, let alone with an executive military presence. Put in more pedestrian language, the Commission did not want the military to kick in doors to make Bosnia comply with the standards. Yet not only the link between the military operation and the Stabilisation and Association Process was a problem for the Commission. The Commission took issue as well with the proposed objective of fighting organized crime. As Solana's report rightly stated, "the EU is already involved in these areas through the CARDS programme and EUPM [and the] eventual aim is a [Bosnia] that can tackle organised crime on its own". Thus the possible involvement of soldiers in fighting organized crime would create problems of functional overlap with other EU instruments (see implementation below). It could undermine also Commission's efforts to create local ownership (interviews Commission official E; EU official).

Given its various reservations concerning the Solana report, the European Commission started making noise in order to defend its own position. It did not have a formal decision-making power in the ESDP, but it did get a number of the member states on board for its concerns. The Crisis Management Concept, which is the first major planning document, is fascinating in this respect. It allegedly mentions some 10-20 times (!) that Althea should carry out its functions "without prejudice to Community competence" (interview observer). The Commission demanded to have these references throughout the Concept until the Council's legal service finally gave in. These references also come back a number of times in the actual Joint Action – not just to guarantee Community competences, but also to safeguard the formal military chain of command from any unwanted political influence (article 7(2); article 10). The European Commission thus successfully defended its competences, but it did not improve the coherence of EU instruments within Bosnia. The behavior of the Commission in the negotiations about this first planning document was also the main reason why the Crisis Response and Coordination Team (CRCT) stopped functioning months before the end of the planning phase.

Yet the Commission was not alone. The member states also did not completely appreciate the "new and distinct" approach, which Solana was advocating. They decided in their Joint Action of 12 July 2004 that the emphasis should remain on the safe and secure environment and the Dayton tasks. Althea's first objective became to "provide deterrence, continued compliance with the responsibility to fulfill the role specified [in the Dayton agreement]" (article 1(1)). However, as a second key objective, the member states included a reference to the Mission Implementation Plan by stating that Althea will "contribute to a safe and secure environment in [Bosnia], in line with its mandate, required to achieve core tasks in the

OHR's Mission Implementation Plan and the SAP" (ibid.). The fight against organized crime was not included as a key objective, as Solana had suggested, but became a key supporting military task (Leakey 2006). The coordination function of the Special Representative was restricted as well:

The Council shall ensure the maximum coherence and effectiveness for the EU effort in [Bosnia]. Without prejudice to Community competence, the EUSR shall promote overall EU political coordination in [Bosnia]. The EUSR shall chair a coordination group composed of all EU actors present in the field, including the EU Force Commander, with a view to coordinating the implementation aspects of the EU's action (article 7(1)).

To safeguard the military chain of command, the EU Force Commander would consult and coordinate closely with the EUSR and EUPM on the local situation, but this would be again "without prejudice to the chain of command" (article 7; article 10). At the end of the day, Javier Solana and the Council Secretariat were not very successful in pursuing their interests with regard to Althea's mandate. The member states took a conservative military approach that left little room for entrepreneurship. They fell back on traditional doctrine and standard operating procedures. Coordination on the ground was encouraged by the member states, but the military chain of command and the division of competences between the EU actors on the ground had to be respected.

Delineation of EU and NATO activities

The relationship between EU actors on the ground was thus a major topic of debate in the decision-making phase. Another concern was the relations between the EU and NATO. The Berlin Plus agreement had been tested during the Concordia operation in Macedonia, but the relationship between both organizations was wider in scope. From the beginning of the planning process it was clear that NATO would keep a residual presence on the ground in the form of its Headquarters in Sarajevo (Bertin 2008). NATO's principal remaining task was non-executive. Under NATO's Partnership for Peace agreement, it would continue to assist the Bosnian government with high-level defense reform. This function was not in conflict with the EU's responsibility as the stabilization force after the handover from SFOR.

However, the United States insisted that the NATO Headquarters would continue to carry out several executive tasks as well. With two friendly military actors in one operation's theater, there was a need for coordination and a delineation of mandates.

Within the United States, there were clearly doubts about whether the EU could do the job. It therefore insisted to keep the opportunity to re-deploy NATO troops in a worst case scenario. For this purpose, NATO had to retain all its executive prerogatives (interview Althea official A). It meant that the NATO Headquarters would need to continue to enjoy its United Nations chapter VII peacekeeping mandate, through the legitimacy of a UN Security Council resolution, and that NATO would need to continue to keep its 'silver bullet clauses' of the Dayton Peace agreement. These gave the NATO Commander "the authority, without interference or permission of any Party, to do *all* that the Commander judges necessary and proper" (Annex 1A, article 6(5), emphasis added). As a cover story to retain these powers, the United States argued that the NATO Headquarters should continue to play a role in counter-terrorism activities in Bosnia and support the International Criminal Tribunal for former Yugoslavia (ICTY) in The Hague in bringing persons indicted for war crimes (PIFWCs) to justice.

The United States presented its conditions as a *fait accompli*. This greatly annoyed the EU member states, particularly France, but also the United Kingdom, which argued that if NATO handed over powers, it should fully trust the EU. The member states noted from an operational perspective that "you can't have two forces in the same country, under two political command and control regimes, with two commanders, and two armed forces under the same mandates" (interview Althea official A). Given that the tasks, which the NATO Headquarters was supposed to carry out, included covert actions, the potential problems were obvious: the Althea operation could unintentionally interfere with the NATO mission. These institutional difficulties regarding the delineation of mandates proved so controversial that an agreement could not be reached in Brussels at headquarters level. Instead, the military commanders of both organizations on the ground made arrangements among themselves (*ibid.*; Kupferschmidt 2006). To facilitate coordination, it was decided to co-locate the EU and NATO Headquarters in Bosnia rather than to co-locate all the EU actors. This triggered trivial questions, such as which commander should occupy the top floor of the building (interview national official O).

All these EU-NATO issues became the first priority for the EU Force Commander, M. General David Leakey, when he arrived with his team in October 2004. Both the EU and NATO Force Commanders sat

down with their lawyers and tried to find an accommodation between both organizations. It was clear that the United States nor the European Union was going to give in and that there would always be an overlap between both organizations. The EU and NATO had in their mandates counter-terrorism and the hunt for the war criminals. The Force Commanders agreed on the principle that there should never be a situation where the EU and NATO would simultaneously carry out tactical operations with armed personnel that potentially could lead to casualties. For this objective, coordination with full transparency was required. Thus coordination officers were appointed. The details of these arrangements were never communicated to Brussels in order to avoid further political problems (interview NATO official A). Although some of the member states were not happy with it, it was clear that there was no other solution.

Another issue in the EU-NATO relationship, which went beyond the Berlin Plus agreement, was the availability of the 'over the horizon forces'. This concept had been introduced under the SFOR operation, when NATO was decreasing its troops. With the low number of troops present in Bosnia, SFOR would have been unable to stop major deteriorations in the security environment. Instead, it could rely on tactical, operational and strategic reserves within the NATO member states, but also on the NATO troops that were part of the KFOR operation in Kosovo (interview NATO official A). It was quite quickly agreed that when the EU would take over the SFOR operation, it would continue to be able to rely on these NATO reserves. Yet this obviously raised a number of questions. The most difficult issue was through which procedures the EU Force Commander could request these NATO troops, particularly given that reserves normally have to be used on a short notice. It was eventually decided that while the EU Force Commander was allowed to ask for such reinforcements, the North Atlantic Council had the final say. Given that DSACEUR acted as the EU Operations Commander under Berlin Plus, it was not such a major difficulty in the end.

The final issue in the EU-NATO relationship, which became topic of debate, was the role of NATO's Allied Forces Southern Europe (AFSOUTH) based in Naples. As the Joint Force Command for NATO's activities in the Mediterranean, it coordinated all operations in the Western Balkans (Kosovo, Bosnia and Macedonia). This made functional sense. The region was one operating theater and many tactical issues could be better dealt with regionally than in SHAPE (interview NATO official A). Thus when the EU launched operation Concordia in Macedonia, it was decided to leave this structure in tact, albeit with an EU Command Element (EUCE) in AFSOUTH. One of the lessons learned from this operation, however,

was that such an extra layer in the chain of command made it more difficult for the Political and Security Committee to exert political control (Mace 2004). There was another, more serious, political implication. AFSOUTH had traditionally been led by an American.⁴³ When France tried to negotiate its way back into NATO in 1997, it unsuccessfully demanded this position (e.g. Bryant 2000). Thus the fact that an American had important and politically-loaded position during the EU-led Concordia operation was something the French had difficulty with.

In the case of the Althea operation, it was therefore decided to take the EUCE element at AFSOUTH out of the formal chain of command. The Force Commander on the ground would directly report to the Operations Commander (DSACEUR) in SHAPE. Yet AFSOUTH continued to be in the chain of command of the residual NATO operation. It also owned some of the assets of the Althea operation, such as the local headquarters at Camp Butmir (interview NATO official A). The member states recognized that AFSOUTH continued to fulfill a useful regional function for the Western Balkans theater, even after the military operations in Macedonia had ended. The EU Command Element at AFSOUTH therefore became an 'enabler' during the Althea operation (interview Althea official A; NATO official A). It consists of eight liaison officers (McColl 2009; interview national official O). In practice, it means that the Force Commander and his staff have frequent contact with AFSOUTH on issues that concern the Western Balkans as a whole. AFSOUTH supplies intelligence and situation assessments. This includes information on the potential spillover effects from Kosovo and other possible spoilers. Moreover, the EU Command Cell and AFSOUTH have a role to play with the over the horizon forces. They, however, do not have a formal position in the chain of command of Althea.

In all these discussions between the EU and NATO, the officials of the Council Secretariat played a facilitating role. Deputy Director-General for External Relations, Pieter Feith, for example, had previously worked for NATO and was on top of the nitty-gritty details of the inter-organizational relationship. Solana himself had, of course, also been Secretary-General of NATO, which was useful in terms of contacts. Both men were undoubtedly important in making sure that the agreements finally materialized. In terms of actually shaping the relations between the EU and NATO, their role was smaller. These relations were so politicized that some sort of *status quo* or pragmatic agreement was the only possible outcome.

⁴³ The other two major regional commands (AFNORTH; AFCENT) were generally led, since 1966, by British and German generals. SACEUR at SHAPE has always been American, while DSACEUR, since 1966, has been a British or German general.

Integrated Police Units

In addition to the mandate and the coordination within the EU and with NATO, there was another technical topic, which was discussed during the decision-making phase. It concerned the role of the military police. Within SFOR, there was a 500-men strong Multinational Specialized Unit (MSU) consisting of military police. Half of these were Italian *Carabinieri*. Within the European Union, and in line with the earlier drafted ESDP concepts, however, police operations were considered civilian missions, which required the placement of police officers under civilian command. At the request of France, Spain, Finland and Sweden, it was therefore considered at the start of the planning process to get the MSU out of the military operation Althea and to merge it with the EU Police Mission, which was also active in Bosnia on the ground (Bertin 2008; Keohane 2009). Another possible option was to leave this unit under the residual NATO command (interview national official N).

These plans, however, ran into immediate troubles. When the EU Police Mission took over from the UNMIBH mission, it was decided that it would have a non-executive mandate, contrary to its predecessor (Juncos 2007). It was supporting the Bosnians with police reform and training (monitor, mentor and inspect), and it no longer carried out police operations itself. This obviously fitted with the idea of giving Bosnia more ownership on the road to Europe and was in line with other EU actions, such as the Stabilisation and Association Process. Giving the Police Mission thus again executive tasks was considered a step back. This point was not only made by some of the member states, but also stressed by the Commission (interview Commission official E). It did not want the European police agents to interfere with what the Commission considered the tasks of the local police. The military police could continue to perform its back-up functions, such as riot control, for which the Italian *Carabinieri* were well-trained, but they should not play an active role in police operations.

In addition, the (very few) member states contributing military police to the SFOR mission also made abundantly clear that when these particular police forces were deployed abroad, they would have to fall under a military chain of command. From this perspective, it was thus institutionally not possible to merge them with the Police Mission mission. This point caused some debate in the working groups, primarily because there were misunderstandings within the EU about the role of military police. Most member states did not have these capabilities and thus did not understand all the sensitivities. Eventually, it came down to the Italians

playing a major role in clarifying its position and finding a solution for the problem (interview national official N; Bertin 2008). It was decided to continue the activities of the MSU in Althea, under the name of Integrated Police Units (IPUs). This was the most pragmatic solution. If the Italians could live with it, so be it. Since the military police was an important asset to the military operation (Bertin 2008), nobody in the end really cared. The NATO option was a non-starter as it would subsequently raise much more difficult institutional questions, such as to what extent the EU Force Commander could actually use them.

Finalizing the Joint Action

All these institutional questions were addressed during the spring of 2004. Some of the final outstanding issues and options were then presented to the annual Council meeting of the Ministers of Foreign Affairs, the Ministers of Defense, the PSC ambassadors and the national Chiefs of Defense (17 May 2004). With these key actors present, this was the place to finalize matters (interview national official O). After agreement on remaining issues, there were still a number of formalities to be taken care of. First, NATO had to formally declare that it was concluding its peacekeeping operation. It did so during the Istanbul summit on 28-29 June 2004, where it stated that it had “decided to conclude the Alliance's successful SFOR operation by the end of [2004]” (Communiqué: article 8). Second, the UN Security Council had to approve resolution 1551 to give the ESDP mission (and the continuing NATO activities) formal legitimacy under chapter VII (9 July). After this hurdle was cleared, the member states adopted the Joint Action on 12 July.

When looking at the whole decision-making procedure, it is clear that the member states did not rush things (interview national official C and O; Pohl 2009). The European Union (and the United States) took at least eighteen months to think about the mission between the agenda-setting in December 2002 and the adoption of the Joint Action. This relatively long period had not so much to do with planning issues, as with political and institutional discussions. Apart from the delay caused by the United States, the phase itself was also rather lengthy. One interviewee (national official O) noted that the military documents (see below) could have been done by April 2004. Yet when it became obvious that December 2004 was the target date of the handover, which implied that all the military documents had to be ready in September or October, the process was almost automatically delayed. Another interviewee (national official C) notes, in this respect, that

“without a sense of urgency nothing happens ... if there is time, it is being used fully for diplomatic and political games. When the decision finally has been taken, the member states ask the general the next day why his forces are not yet deployed”.

5.3 LAUNCH OF THE OPERATION

Launching the Althea operation was relatively easy. Because Althea took over from SFOR, the supporting structures and most of the European troops were already in place. There were no difficult logistical issues, the force generation process was not challenging and the planning documents had already been drafted for the NATO operation. It is, in this respect, telling that the future Force Commander, General Leakey, who had been appointed as part of the Joint Action on 12 July 2004, continued his job in the United Kingdom until the fall, before he took up responsibilities. Only in October, he moved to Bosnia with a small support staff (initially four people) to set up the Force Headquarters (interview Althea official A). In this respect, one national official (interviewee O) recalls that General Leakey only made a very late appearance in the EU Military Committee. On the day of the handover itself, most of the troops switched their batches and continued the same activities under EU flag. As an interviewee (national official O) ironically notes, “I am not sure whether they actually changed phone numbers, as the NATO communication assets were still being used”. Needless to say this created continuity between both military operations.

The first thing to do, after the decision had been taken that the EU would take over from NATO, was to comfort the Bosnian population that nothing would change in the local security situation. Three days after the adoption of the Joint Action, Solana and the NATO Secretary-General, Jaap de Hoop Scheffer, thus went on a joint visit (15 July 2004). During the press conference, Solana stated (2004b) that “continuity and development are precisely what this change-over is about ... I want to make it very clear that EUFOR will begin its operations with all the material and personnel that it requires – the same troop strength as SFOR. It will have what it needs to do the job”. While the overarching message for the population was thus one of continuity, he also noted (yet again) that the EU’s “objective is to put [Bosnia] irreversibly on the road towards EU membership – and that involves a broad and profound reform effort, which has only recently got properly underway. [Althea] is the latest element in a comprehensive EU strategy to help [Bosnia]”.

At the bureaucratic level, the planning of the operation took place in Bosnia on the ground and at the SHAPE Operations Headquarters in Mons. Already in June 2004, thus a month before the Joint Action, the member states had sent a planning team to Sarajevo to set up camp inside the SFOR Headquarters (Bertin 2008). This planning team performed a liaison function and arranged a number of technical details for the arrival of General Leakey. After the approval of the Joint Action, which designated SHAPE as Operations Headquarters and the DSACEUR as the Operations Commander, the military planning process could formally start. An Althea EU Staff Group was formed within SHAPE to support the Operations Commander, consisting initially of nine military officers drawn from the Concordia EU Staff Group (NATO 2008). There were some problems when non-NATO EU member states sent their officers. This required a discussion on their access and information within SHAPE. The Staff Group increased over time to the current 19 officers (McColl 2009). This team was in charge of drafting the planning. The Concept of Operations and Operations Plan were largely based on NATO documents (interview national official C). Both took, however, account of the broader EU priorities in Bosnia, which included the fight against organized crime, and coordination with the other EU actors on the ground.

The force generation process took place in parallel to the drafting and approval of the planning documents. As mentioned above, there were still some 900-1000 American troops under SFOR when the Althea mission took over responsibility. They had to be replaced, which required a series of force generation conferences. Overall, this did not present a problem. It was relatively easy (interview national official N). Several of the member states, which were non-NATO members (Finland, Sweden and Austria), stepped up their commitments. Finland became framework nation of the Task Force North. All the gaps left by the Americans were quickly filled. Yet while the member states initially stayed involved after the handover, many in fact wanted to leave Bosnia. They expressed these views on various occasions (Bertin 2008).

An interesting case is The Netherlands. It had as its objective to leave Bosnia with SFOR. It eventually decided to stay, because the force generation took place during its Presidency (interview national official O). At the end of the day, it therefore had to make an increased effort when a number of vacancies remained unfilled. It thus ended up with three out of eight positions of the EU Command Element at AFSOUTH. The desires of the member states to leave Bosnia, resulting from other pressing demands, became again obvious after the United Kingdom unilaterally withdraw all its troops in 2006. This forced Althea to reconsider its mandate (see below).

France and Finland made a similar unilateral move in 2008. This almost led to the termination of the whole operation. While force generation was thus not a major problem at the time of the handover, keeping Althea running in the years that followed was by no means straightforward.

After force generation, the UN Security Council adopted on 22 November 2004 resolution 1575, which formally gave the EU the green light to take over from SFOR. Three days later, the Council decided to launch the operation Althea on 2 December. On the day of the handover itself, most of the soldiers of the contributing member states changed their badges. The handover itself was thus not spectacular.

5.4 IMPLEMENTATION

As noted above, Javier Solana had a preference for Althea to be a “new and distinct” operation. This would send a political signal to the Bosnians about the new leadership of the European Union. Since he only partially achieved this in the wording of the mandate during the decision-making phase, he tried again during the implementation phase. Before the Force Commander General Leakey left for Bosnia, he was summoned to the office of the High Representative. During this meeting, Solana made three clear points. First, Leakey had to be “his general”. This meant reporting to him through the chain of command and not directly to the member states (interview Althea official A). Second, the operation had to make a difference. The handover from SFOR to Althea, Solana argued, should lead to new political leverage for the EU in Bosnia (interview national official C). Third, Solana told General Leakey that the operation, in this respect, should be “new and distinct” (Leakey 2006: 60). With these instructions General Leakey went to Bosnia in October.

In a reflective article written after his posting in Bosnia (*ibid.*), General Leakey noted that he initially found these instructions strange and unclear. After all, he had had extensive experience with Bosnia – as the United Kingdom's Military Representative during the Dayton peace talks, as commander under IFOR and SFOR, and as Director of Military Operations. He was very well aware of the success of SFOR as a stabilization and deterrent force. “Why change a winning formula” (*ibid.*: 60)? General Leakey noted that he did not completely understand these instructions until he actually had a look at his official mandate and started to read the Office of the High Representative's Mission Implementation Plan. This plan, as it turned out, gave the Force Commander a lot of leeway

and General Leakey interpreted the role of Althea in the widest possible sense. As a result, Althea became quite new and completely distinct from what SFOR had been before.

As stated in the Operations Plan, the first two key military tasks were to continue to ensure a safe and secure environment in Bosnia as well as compliance with the Dayton agreement. These had been the objectives of the SFOR's mandate. During the Istanbul Summit in June 2004, however, NATO had already declared "mission accomplished" (Leakey 2006; Bertin 2008). It effectively meant that the military job was done. During operation Althea, the safe and secure environment and the Dayton agreement were indeed never at risk. The presence of 7,000 troops as a deterrent force, to achieve the key military tasks, was of symbolic importance. Bertin (2008: 67) notes in this respect:

Althea's main function is reassurance, which is at least partly a psychological concept. The international military presence is a key element contributing to a sense of safety among the local population. The citizenry are convinced that renewed inter-ethnic fighting is impossible thanks to the continued presence of an international military force.⁴⁴

In the context of this deterrent function, Althea carried out several tasks. First, it engaged in extensive patrolling. By simply driving around in army vehicles, Althea showed its presence. In the early months, this also gave the European Union as a whole visibility, which it previously did not have. Second, Althea continued with the weapons harvesting operations of SFOR. Soldiers went through the towns and villages and granted people amnesty for handing in their weapons voluntarily. In addition, soldiers conducted searches for weapons, if they had intelligence. Such intelligence often came in through the Liaison and Observation Teams (LOTs). These teams were living in local communities throughout Bosnia (Bertin 2008). Fourth, in ensuring compliance with Dayton, Althea helped the Bosnian army to secure and/or destroy weapons and ammunition storage sites. Althea was also in charge of weapon transports. Thus, the soldiers made "themselves useful and busy" (interview Althea official A).

The third key military task of the Althea operation – to support the Office of the High Representative's Mission Implementation Plan – was less straightforward. The Mission Implementation Plan consisted of four

⁴⁴ Thomas Bertin was one of General Leakey's three political advisors (POLADs).

sections: the economy, the rule of law, the police, and defense reform. Yet as Leakey (2006: 61) notes, the military has little to contribute to the economy or the rule of law. The police tasks were done by the EU Police Mission and defense reform was the prerogative of NATO under the Partnership for Peace agreement. This made it difficult for Althea to really contribute militarily something to the Mission Implementation Plan without standing on someone's toes. Yet without acting actively on this key military task, Althea would simply be a continuation of SFOR. It would not be new and distinct nor would it make a difference. General Leakey went to see the High Representative Lord Ashdown, assuming that he had something to do with this. Ashdown turned out to be utterly surprised and he did not have an idea either. Yet one of the main points that Ashdown made was about the "obstructionism which was preventing [Bosnia's] progress and process towards membership of the EU" (ibid.: 61) resulting from organized crime intertwined with endemic corruption in Bosnian politics.

General Leakey decided to make the fight against organized crime the "centrepiece of his agenda" (Bertin 2008: 68). It seemed to him that corruption, organized crime, fraud and the black economy were undermining the growth of GDP and foreign direct investments. This had a negative effect on the well-being of the population and the tax-take of the government. Both were in the long run potential spoilers and causes for instability, if they were coupled with the nationalist rhetoric of politicians. Given that the fight against organized crime was a key supporting military task, General Leakey thought it legitimate for Althea to take appropriate action (Leakey 2006). This would indirectly support a second key supporting military task – bringing the remaining persons to justice, who were indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (Bertin 2008).

It is important to note that Althea could formally only *support* the fight against organized crime. After all, Althea was not a law enforcement agency. It did not have the necessary expertise. Furthermore, it did not operate under Bosnian law, so it could not bring the suspects to justice. Finally, the efforts of the European Union were geared towards increasing local ownership and the administrative capacities of Bosnia (Leakey 2006). General Leakey (ibid.: 63-64) interpreted this support function as follows:

Soldiers would create the conditions in which the [Bosnia] law enforcement agencies not only 'could' but 'would have to' do their duty. In other words, [Althea] would help discover a crime or illegality (e.g. fuel smuggling or illegal timber cutting), but would

'freeze the scene' and hand it over to the [Bosnian] authorities to deal with the legal and law enforcement technicalities. This avoided [Althea] soldiers being involved in the specialised police work of handling evidence or appearing as witnesses in subsequent legal proceedings.

In the fight against organized crime, Althea had – apart from useful military tools, such as intelligence, communication and surveillance – of course the integrated police units. As military police, they were exceptionally well trained for such jobs. Yet, there were only 500 policemen. This was clearly not enough. General Leakey thus understood that he would also require the remainder of his troops. If he wanted to employ them in a flexible manner, he first had to deal with national territorial caveats. These caveats, which dated from the IFOR period, prevented troops from a certain member state to be used in a sector of another member state. When IFOR was deployed in 1995 with about 60,000 soldiers, these national caveats made sense. The operational theater was decentralized to prevent states from operating in each others space, which would inevitably require a lot of coordination. Yet with only 7,000 troops in Bosnia, it was necessary to have some flexibility in deploying them where ever necessary. While many member states were reluctant to give up these caveats, their Chiefs of Defense were effectively lobbied by the Operations Commander (Leakey 2006).

After the caveats had been lifted, General Leakey started targeting several of the GDP-earning industries, most notably the fuel and timber industry. The former was relevant, because Bosnia imported all its fuel and the levies charged at the border were an important source of tax revenue. Based on the number of cars and boilers in Bosnia, economists at the European Commission could work out how much fuel was consumed. From this calculation it became clear that much fuel was imported illegally. The EU Police Mission was not dealing with this issue, because it had no customs competence. The Commission could not do much about it, because it did not have enforcement powers. Nor did it possess any sanctions or incentives to stimulate the Bosnian customs officers to do their jobs. Thus with the help of the expertise of the Commission on customs issues, Althea decided to do something about it.

In support of the Mission Implementation Plan, the EU soldiers started to stop fuel tankers at the borders. They put surveillance on border crossing points, where tankers could pass illegally, and they checked all the tankers coming over the border legally by photocopying their documents. Furthermore, they dipped the fuel tanks and took samples of the fuel in

order to check the quality, because the levies on lower quality fuel were different from the higher quality fuel. The effect of these measures was that after three months of inspections the tax revenue on fuel imports increased by 12-14%. Moreover, it made various politicians, who were in charge of the government-owned fuel industry, extremely annoyed. It exposed the corruption in the various law enforcement agencies. One anecdote is, in this regard, telling. An interviewee, closely involved in the operations, states:

A lot of the fuel came from the north of Bosnia and came in through Croatia from Hungary. These fuel tankers ... parked over night in Croatia. They would wait for Monday morning until the crossing points were open, and they would drive from Croatia into Bosnia. So we watched these lorry parks and ... we told [the Bosnians] on a Friday ... that we would do this operation, but that we would only run it for 24 hours. And they said fine. We watched this lorry park in Croatia over the weekend and there were ... 12 to 14 fuel tankers parked in this lorry park. On Monday morning, none of them moved. On Monday afternoon, we said to the Bosnians, actually, we haven't had much business, so ... we run it for another 24 hours. The Bosnians said OK, so we ran it another 24 hours. Still the lorries did not move. And then after the next day, we said ... we run it for another two days. And then the lorries started to move. They started to turn around and drive back.

The problem, of course, was that Althea did not have any evidence on who in the Bosnian law enforcement agencies was leaking the information. It could not follow up on these issues. Neither could Althea carry out these tasks indefinitely, as it lacked the man power and it was in the end really a responsibility of the Bosnians. Nonetheless, Althea did something similar in the timber industry, which was one the biggest GDP earners in Bosnia before the civil war. After the war it was still a very big employer and it was still cutting a lot of trees, but again the tax revenue was low. Thus, Althea put again surveillance on the timber industry with paying attention to the sawmills and areas where the Bosnians were cutting logs. After officials from Althea started to understand the timber industry and thought something was suspicious, the soldiers would stop activity and “would call the Bosnian forestry authorities to investigate and would stand over them and watch them investigate” (interview observer). Althea would get the prosecutors involved to follow up.

One of the reasons why these military activities were not very successful was the lack of support within the European Union. General Leakey's activism was met with resistance from a number of member states, the Police Mission and parts of the European Commission. At least five of the major contributing member states – Germany, France, Spain, Italy and The Netherlands (approximately 4000/7000 troops) – were at the highest levels “very, very unenthusiastic, if not in opposition, to their military being used in this way” (interview Althea official A). They thought that these were not military tasks. The argument of General Leakey was that already since the very beginning of IFOR, the military in Bosnia did not do pure military combat operation, but rather humanitarian tasks to win the “hearts and minds” of the population to ensure continuous stability. The rationale behind such tasks was not too different from fighting organized crime. If the member states thought that the military job was done, they could withdraw their troops. If they decided not to leave, then the military should do something to promote stability. The member states seemed to accept this argument (*ibid.*), but a general lack of understanding remained (interview national official O).

The departure of General Leakey at the end of 2005 was a good moment for the member states to reconsider their position. Through two measures they tried to prevent further activism. First, they appointed General Chiarini as Force Commander. Given that Italy, Germany and the United Kingdom were the biggest contributors, it was logical that they would be rotating this senior position. Yet as a 'lucky' coincidence for the member states, General Chiarini did not think that the military should be undertaking these functions. Second, the member states reduced Althea by 1000 soldiers. Given that Althea had a number of other key military tasks, such as the harvesting of weapons and patrolling, this meant that General Chiarini simply had too few troops to carry out extra tasks to support the Mission Implementation Plan. Through these two steps, the member states thus eventually got what they wanted.

The problems with the EU Police Mission were at least as serious. The officials from the Police Mission pointed out that they were “trying to tell the Bosnians that you don't use the military to sort out the internal political problems in a country” (interview Althea official A). Yet while this is a good principle, General Leakey noted that nobody was looking after the serious problem of organized crime. If it was to be a police task, the EU Police Mission should sort it out. As pointed out above, however, the EU Police Mission mission had only a non-executive mandate to monitor, mentor and inspect the Bosnian police. It furthermore lacked staff to really check and to guide the activities of the local police. Finally, customs

services were not its mandate. Thus in the end, Althea carried out these tasks, because the EU Police Mission did not. Still, in the words of a Commission official (#E), “the feeling on the [EU Police Mission] side was that the military were going in with big heavy boots, but not really achieving anything. In the end, if they stop someone, they never got into a place where they could have real evidence that could be used in court”. Another interviewee (Althea official B) similarly notes, “you can’t do the fight against organized crime with military. You need to have police and prosecution involved, because otherwise you lose it”.

The relationship between the Police Mission and Althea was also particularly tense because of personalities – Police Commissioner Carty and General Leakey (interview Commission official E; Merlingen 2009). Some of the EU Police Mission officials, however, thought that Althea was doing good work. These issues were partially resolved when the leadership left in December 2005. General Leakey’s one-year term was over and Commissioner Carty’s term was, as a result of these problems (interview Commission official E), not extended. In addition, Althea, the EU Police Mission and the EU Special Representative agreed on seven principals for coordination (Juncos 2007), which led to a stronger coordinating role for the latter – something that Solana had wanted from the very beginning. On this basis, the EU adopted in 2006 the Common Operational Guidelines between the Police Mission and Althea. These guidelines stress that the ownership is with local law enforcement agencies and that they, with endorsement of the EU Police Mission, can ask Althea to support them. The guidelines work well in practice. While the EU Police Mission has a strong role to play here, it is worth noting that Althea shortly afterwards downscaled and is no longer engaged in police operations (see also below). Finally, after the 2007 changes in the formal Joint Action, the Special Representative received an even stronger coordinating mandate and more staff. One of the new staff members was a Althea liaison officer (interview Althea official B).

Finally, it is important to say a few words on the Commission. Given that it defended its competences during the decision-making phase by means of obstruction, it did not get involved in the Althea operation. In the words of one civil servant, “nobody saw a particular value in a direct cooperation between Althea and the Commission” (interview EU official). The European Commission was only once asked to carry out accompanying measures. At some stage, the Commission financed the UN Development Programme to deal with explosive ordinances and ammunitions. While the lack of Commission involvement can be attributed to the general problems in the relationship between the Commission and the Council at the time,

one can also make the case that the Commission's presence in Bosnia was already so obvious that these measures were never considered (interview Commission official R).

5.5 RESTRUCTURING AND TERMINATION

The activism of General Leakey and the reception by the member states and the EU Police Mission thus set in motion a process that would restructure the Althea operation and the European presence in Bosnia. During General Leakey's period in Bosnia the member states already reduced the strength of Althea from approximately 7,000 to 6,000 troops. This left his successor with less resources for the fight against organized crime. The appointment of a more 'traditional' Force Commander from Italy was also intentional in this respect. The tensions between Althea and the Police Mission resulted in a strengthening of the coordination function of the Special Representative and the adoption of Common Operational Guidelines, which empowered the position of the Police Mission as gatekeeper between the interaction of local police and the military operation (Bertin 2008). Thus after a very ambitious first year, Althea scaled down its military activities.

Real change to Althea, however, came in 2006, when the United Kingdom announced that it would unilaterally withdraw all of its almost 600 troops from Bosnia. At the time, the country was seriously overstretched with ongoing operations in Iraq and the newly launched military operation in South Afghanistan under NATO's ISAF III (mid-2006). It is furthermore worth noting that with the conclusion of UK Presidency (fall 2005), the end of the mandate of Lord Ashdown as High Representative (May 2006) and with General Leakey no longer as Force Commander, there was not a real political purpose for the United Kingdom to stay involved in Bosnia. It had financial and political priorities elsewhere.

Pohl (2009: 29) describes this move of the United Kingdom as perceived by France and Germany as "rather brutal" and 'un-British in style'. Yet not alone the UK was overstretched. Germany was also deeply involved in Afghanistan and Kosovo. When the German government considered taking up the leadership of the EU military operation in Congo (July-November 2006) by making available the Operations Headquarters and nearly 800 soldiers (Grevi et al. 2009), this led to fierce resistance in the German parliament, partially because of over-involvement (IHT 2006a). When Germany during the summer also agreed to send its navy to the coast of Lebanon as part of an effort to bring stability after the Israeli-Lebanese

war, it became clear that things had to change. At the end of October, the German defense minister announced that he would withdraw his troops from Bosnia (IHT 2006b; FT 2006).

The situation was not very different in many of the other major contributing member states. In 2006, France became heavily involved in Congo and Lebanon. Italy even accepted the commanding role of the UNIFIL operation in Lebanon. The Netherlands launched an operation in South Afghanistan under ISAF III. Only Spain and Turkey as major contributors and some of the neutral countries had reason to stay in Bosnia. With the risk that other member states would follow the bold move of the United Kingdom, the Operations Commander in SHAPE faced the problem that he might end up with too few troops to carry out the key military tasks. Therefore, it was decided to change the key military tasks with the result that Althea could continue with less troops. A new CONOPS was tabled in June 2006, which was accepted in December by the foreign ministers. They stated that the “security situation in [Bosnia had] evolved enough” (Council Conclusions). The Operations Headquarters was tasked to write a revised OPLAN so that a transition could take place, which would reduce the force to 2,500. The OPLAN was accepted on 27 February 2007 by the Political and Security Committee. The force reduction was completed by April.

While the mandate in the Joint Action was not amended, Althea could only continue as a deterrent force and carry out some of the Dayton tasks. In this respect, it would continue to be able to rely on the 'over the horizons forces' of KFOR in Kosovo, which was extensively communicated to the Bosnians. As part of the transition, Althea concentrated all the troops around Sarajevo and gave up its regional sectors. This meant that it could no longer do extensive patrolling and many of the other key supporting military tasks. It kept a number of 'liaison and observation team' houses open in these sectors to continue to gather intelligence from the local population. The reduction in force thus completely changed the sort of operation that the EU was carrying out. Parallel to these developments, the United States withdrew its national contingent from Tuzla. As a result, the NATO Headquarters in Sarajevo no longer has any operational capability at its disposal. While it continues to enjoy its executive powers, NATO is no longer capable of carrying out operations relating to counter-terrorism and war criminals (interview NATO official A).

It was not long after the transition that questions were raised over the complete phasing out of the Althea operation. In the original CONOPS, the end-state of the military operation was defined on the basis of three objectives (cf. interview Althea official B):

1. The military and stabilisation tasks [of the Dayton agreement] have been accomplished;
2. Democratically controlled [Bosnian] security capabilities are in place, able to maintain lasting stability;
3. The [Office of the High Representative's Mission Implementation Plan] no longer needs support by military means to back the EU's short and medium term political objectives.

Following continuous assessments of the Operations Commander, the first two objectives have been achieved (interview Althea official B). The third objective – closing the Office of the High Representative – was foreseen for 2007. Solana and Commissioner Rehn issued a joint report on a reinforced EU presence in Bosnia after the closure of the Office of the High Representative already on 17 October 2006. It stipulated a stronger mandate for the EU Special Representative, who would replace the High Representative. Once the international community would accept to close the Office of the High Representative, the third objective of the end-state of Althea would be achieved.

It is quite embarrassing that the international community to this date has not decided to close the Office of the High Representative. More than four years after the idea was first tabled, the debates are still ongoing in the Steering Board of the Peace Implementation Council. There are two reasons for this stalemate. First, since the secession of Kosovo from Serbia, Russia has been extremely reluctant to give up its veto position, which it enjoys in the Steering Board over the future of Bosnian politics. Second, the political situation in Bosnia has deteriorated, which makes a number of EU member states and the United States wary of giving up the executive powers, which the High Representative still has. If they give these powers away, they are unlikely to get them back in the future.

With the closure of the Office of the High Representative under debate, the future of Althea has also been uncertain. The situation changed in 2008, when France decided to unilaterally withdraw its remaining troops. Allegedly, the French finance minister was complaining that the European Union was only starting ESDP operations and never bringing them to an end (interview national official M). A number of the other member states followed the example of France bringing the Althea operation down to less than 2,000 soldiers. This (again) led to a situation where the Operations Commander was faced with the risk of not having enough troops. Future options for the operation were therefore discussed. On this point, however,

the member states remain in disagreement. Some member states, including Germany, the United Kingdom, The Netherlands (and the United States), are still afraid of possible future instability. Other member states, including France and Sweden, argue that time has come to give full ownership to the Bosnians. As long as EU forces are on the ground, they will never take their own security seriously (ibid.).

This discussion, which played throughout 2009, was much more serious than the negotiations over the transition (ibid.). Whereas the reduction in 2007 still allowed for future reinforcements, the discussions over withdrawal imply that the European Union will give up its UN chapter VII mandate. This means that it is no longer possible to redeploy peace-keeping troops in case of future instability. It was therefore decided that the operation would at the very least continue as a training mission. This would potentially allow it to retain the chapter VII mandate. The training activities started in 2010. The discussion on the phasing out of Althea was, however, put on hold due to the local elections in 2010. At the time of writing no final decisions have been made regarding the termination of Althea.

5.6 OVERVIEW OF THE FINDINGS

This chapter has provided an analysis of the policy process of the military operation Althea in Bosnia-Herzegovina. Special emphasis has been paid to role of the Council Secretariat and the Commission. The chapter concludes by assessing their political influence during the various phases of the policy process. For this purpose, the yardstick, which was presented in the introduction (see table 1.1), will be used. This allows for a comparison between operation Althea and three other case studies. To shortly repeat the main indicators for influence, the Council Secretariat and the Commission have a high amount of influence, when they take the lead (together with one/two member states) during a particular phase of the policy process. For the EU institutions to have a medium level of influence, they should constitute a necessary condition to explain the outcome during a particular phase of the policy process. For them to have a low amount of influence, requires them to be actively involved in the deliberations. If they were not involved, they did not have any influence.

The Council Secretariat, under the leadership of Solana, played an important role in the *agenda-setting phase* of the Althea mission. Solana was particularly active in promoting the idea that the EU should take over from NATO. This idea had been around before, but he spent political capital

to put it high on the agenda. The main reason for Solana and the Council Secretariat to promote Althea was a bureaucratic interest in actually using the ESDP services, which had been established since 1999. The Western Balkans were considered a good testing ground for ESDP. By taking over an operation from NATO under the Berlin Plus agreement, the European Union would not undermine its relations with the United States, which had been very skeptical about ESDP. From an operational perspective, taking over from NATO was also relatively easy given that all the planning documents were ready and the troops already in theater. The risks of having a military operation in the Western Balkans were thus low. This was ideal for the development of ESDP.

Solana was not the only actor pushing for a military operation in Bosnia. The idea was also supported by France and the United Kingdom, albeit for different reasons. These three actors worked closely together in getting the European Council in December 2002 to approve the Macedonia and Bosnia takeover from NATO. Afterwards, they wrote the early planning documents together (February 2003). The problem for Solana – and the European Union as a whole – was that they did not determine the timing of the handover. At the end of the day, this decision was made in Washington. The transatlantic tensions in the spring of 2003 resulted in severe delay. For at least six months, the United States managed to keep the plans for the military operation in Bosnia off the table. The political influence of the Council Secretariat was therefore medium in the agenda-setting phase. It played a front-runner role by putting earlier ideas on the political agenda, but it was not capable of entirely carrying them through. The Commission did not play a role in the agenda-setting phase.

The Council Secretariat and the Commission played a particularly active role during the *decision-making phase*. Yet activity does not equal influence. The role of the Council Secretariat and Solana was noteworthy. From the beginning (February 2003), the Council Secretariat recognized that a possible handover from SFOR would give the EU an opportunity to improve the coherence between its instruments in Bosnia. A comprehensive approach, in which the military operation complements the other activities of the European Union, was strongly emphasized in a report of Solana to the member states (24 February 2004). Solana advocated a “new and distinct” approach when it came to military deployment. Althea, in his view, would not be merely a continuation of SFOR, but would be used to give the EU political clout in Bosnia. An example of the new and distinct approach was the role of the military operation in the fight against organized crime. In Solana's report, this was even a key military objective.

The member states decided not to go for this new approach. They took a conservative view and in their deliberations stressed continuity. The key military tasks, which were eventually accepted, followed the objectives of SFOR. The member states did, however, not completely reject the proposal of the Council Secretariat. In the formal Joint Action, they referred to the Mission Implementation Plan and they made the fight against organized crime a key supporting task. Yet the main idea of the Council Secretariat to make Althea new and distinct and to increase the powers of the Special Representative was not accepted. On other topics, such as the EU-NATO delineation and the Integrated Police Unit, the Council Secretariat had little influence. These were typically issues where some of the member states had strong views, which in the end prevailed. The details of the EU-NATO delineation were indeed so sensitive that they had to be decided on the ground rather than in Brussels. Thus, despite all activity of the Council Secretariat, its influence in the decision-making phase was low.

One of the reasons of this low political influence was the persistent lobby of the European Commission to make sure that Althea was not trespassing on Community territory. This reduced the amount of leeway Solana had to formulate new EU policy towards Bosnia. In the Crisis Management Concept, the Commission successfully included qualifications to the mandate of Althea, which stated that the operation should carry out its functions “without prejudice to Community competence”. It was, in this respect, very successful in defending its territory. The Commission thus had an indirect say over the mandate of the operation. On the other hand, this obstructive behavior meant that it did not have a say over anything else. The Crisis Response Coordination Team, which is probably one of its most important channels for influence, was discontinued after the barricades put forward by the Commission. Its political influence, the extent to which it actually shaped the content of the operation, during the decision-making phase was therefore low.

Launching Althea was rather simple and straightforward. Many of the planning decisions were taken in SHAPE and the OPLAN was largely based on previous NATO planning documents. The limited force generation processes, which only required the replacement of the American troops, took place under the leadership of the Operations Commander and the Presidency. Of course, the EU Military Staff was involved in all this, but looking from a counterfactual point of view, it is difficult to see where the Council Secretariat would have made the difference. Its political influence during the launching phase is therefore considered as low. As for the Commission, it did not play any role in this particular phase of the policy process. Its influence was therefore none.

The *implementation phase* of Althea was lengthy with to this date five Force Commanders. It is thus difficult to measure the influence of the Council Secretariat and the Commission throughout this period. When looking specifically at the first two years of the operation up until the transition of 2006-2007, it is difficult to miss General Leakey's military activism. This was partly the result of the explicit instructions, he received from Solana himself. Furthermore, his good working relationship with Lord Ashdown, who reported to Solana, also facilitated his actions. In fact, by instructing General Leakey that Althea should be "new and distinct" and that it should make a difference, Solana tried to pursue his preferences after he had failed during the decision-making phase. It is furthermore worth noting that General Leakey got away with it, despite the fact that the member states were not at all pleased. The military activism marked a clear watershed from SFOR.

One should also recognize the limitations of General Leakey's actions and Solana's influence. Once Leakey left as Force Commander, the member states appointed a more conservative Italian general. Furthermore, they cut the size of the force. These can clearly be seen as *ex post* control mechanisms. General Leakey also experienced tensions with the EU Police Mission. Getting the member states and the Police Mission on board took a lot of time and possibly undermined his options. What the first year of the implementation of the Althea operation, however, shows is that the Council Secretariat, using the right channels, can exert significant political influence during implementation. The influence of the Council Secretariat during the implementation phase was therefore medium. The Commission's influence was none. It did not play a role at all.

The *restructuring and termination process* of the Althea operation continues to date. Overall, there is only one conclusion. No matter what sorts of reports the Council Secretariat, the Commission and the Operations Commander send to the member states, member states make their own decisions. Both the transition of the operation and the current talks on the termination were triggered by unilateral military withdrawals of individual member states. They had to do with concerns exogenous to the EU. In both the case of the United Kingdom and France, it was clearly about their national military services being overstretched and about the financial burden of continuing endless military operations. Officials of the Council Secretariat were involved in the decisions about future options, such as a possible non-executive mission, but they did not call the shots. Thus their political influence was low. The Commission was not involved.

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	<i>Council Secretariat</i>	<i>Commission</i>
<i>Agenda-setting</i>	Medium	None
<i>Decision-making</i>	Low	Low
<i>Launching of operation</i>	Low	None
<i>Implementation</i>	Medium	None
<i>Termination</i>	Low	None
Table 5.2 Influence of the Council Secretariat and the European Commission in operation Althea.		

6. ACEH MONITORING MISSION

The Aceh Monitoring Mission was one of the first serious civilian ESDP missions outside Europe. For fifteen months (September 2005 to December 2006) some 250 monitors from the EU and ASEAN member states oversaw the implementation of a peace agreement between the Government of Indonesia and the Free Aceh Movement (GAM), which had been brokered after the tsunami had devastated the province of Aceh in December 2004. It included overseeing several rounds of decommissioning of weapons by the Free Aceh Movement and the subsequent withdrawal of the Indonesian army. The task of these monitors was by no means easy. On the eve of the signing of the peace agreement, the International Crisis Group (2005) issued a report warning that “no one should underestimate the difficulties of bringing an end to a 30-year-old conflict ... peace is not a done deal” (p. 1, see also Aspinall 2005). The European Union, however, got the job done and the EU Head of Mission, Pieter Feith, claimed in retrospect that the Aceh Monitoring Mission was “nothing less than a success” (Feith 2007). The mission wonderfully showed the added value of the EU's civilian crisis management.

As with the previous chapter, this chapter analyzes the influence of the Council Secretariat and the Commission by means of process-tracing following the different stages of the policy process. It starts with how the Aceh Monitoring Mission came on the EU agenda (January-June 2005). It shows the early involvement of officials from the EU institutions through their close relations with former Finnish President Martti Ahtisaari, who mediated the peace agreement between the Government of Indonesia and the GAM. It then moves on to internal EU decision-making (July-August). In this period the Council Secretariat presented member states with a *fait accompli* and it found innovative means of financing to get the endeavor under way. The third phase of the policy process concerns the launch of the operation (August-September). It involved an Interim Monitoring Presence and a crucial role for the Council Secretariat. During the implementation of the operation (September 2005-December 2006), the Head of Mission promoted pro-active monitoring, which created trust. The Commission

started making its funds available contributing to the reintegration of former combatants and local capacity building. The chapter finally shows that the termination was a lengthy process (February-December 2006), which had to do with reasons beyond the control of the mission itself. The chapter concludes by analyzing the influence of the Council Secretariat and the Commission in the different phases of the policy process.

6.1 AGENDA-SETTING

The Aceh Monitoring Mission was a direct result of the Memorandum of Understanding of 15 August 2005, which the Government of Indonesia had negotiated with the Free Aceh Movement under the facilitation of the Crisis Management Initiative (CMI) of former Finnish President Martti Ahtisaari. Contrary to previous peace initiatives, such as the talks under the guidance of the Geneva-based Henry Dunant Centre (2000-2003), these negotiations were arguably successful due to a changing political environment. First, the GAM had suffered an enormous military defeat following a large-scale Indonesian military campaign (2003-2004). This meant that the asymmetry had shifted making independence an even more distant prospect. Second, in September 2004, the first ever democratic Presidency elections in Indonesia were held. This event went hand-in-hand with processes of democratization and civil-military reform. It made Indonesia more accommodating and less nationalistic. Finally, the devastating tsunami of 26 December 2004 put the attention of the international community on the Aceh province where the situation was the worst.

The military campaign and the martial law, which the Indonesian government introduced shortly after the final breakdown of the previous round of peace talks (Tokyo, 17-18 May 2003), proved decisive. The government deployed 35,000 soldiers to the province of Aceh, who killed and captured within a year a significant proportion of the Acehese rebels (Huber 2008). Yet the Indonesian government realized that this was not a sustainable solution. It therefore remained open to further peace talks (*ibid.*; Schulze 2007). These talks took place through 'back channels' facilitated by the Finnish businessman Juha Christensen, who had good connections with the Indonesian leadership and the GAM government-in-exile in Sweden. From mid 2004-onwards, when the martial law was replaced by a 'state of civil emergency', the Indonesian minister Jusuf Kalla became personally involved in these talks through his personal advisor Farid Husain (Huber 2008). During a trip to Iran in February 2004, with a 'slight' unofficial

detour to Helsinki, Husain had met with Ahtisaari to explore whether the former Finnish President could perform mediation tasks (Merikallio 2008; interview in Accord 2008). The contacts intensified after Kalla was elected Vice-President of Indonesia on 20 September 2004. Just before Christmas, Ahtisaari was told that both sides were willing to negotiate (Ahtisaari 2008; Huber 2008; Helsingin Sanomat 2006; interview in Accord 2008).

Before a meeting could be scheduled between the Government of Indonesia and the GAM, the tsunami of 26 December 2004 hit the coastal states of the Indian Ocean. With over one hundred-thousand casualties in the province alone, Aceh became the center of world media attention. Despite difficult access to the hard hit areas during the first few days, the EU quickly took the lead in terms of humanitarian aid. Commissioner Louis Michel traveled through the most-affected countries. He was later joined by Commission President Barroso during the various donor conferences. Given that the Commission is one of the largest humanitarian donors (Smith 2005), its role was only natural. In addition to attention and international officials getting access to the province of Aceh (something which had been difficult before), the tsunami led to a temporary halt of hostilities – albeit informal and unilateral rather than a mutually agreed ceasefire (FT 2004a). This sparked some hopes that the tsunami had presented a 'window of opportunity' to put the peace talks back on track (ibid.).

The prospect of renewed talks gained more prominence on the international agenda when foreign minister Fischer explicitly made German aid conditional upon new peace initiatives (5 January, FT 2005a). This forced the GAM to get back to the negotiation table and left them with little negotiating leverage. The people of Aceh were most desperately in need of international help. Whereas previously the Indonesian reluctance to allow international mediation and the drive of the rebels to fight for independence had caused a stalemate, the tsunami removed these obstacles. A few days after the German issue linkage, unofficial – though no longer secretive – negotiations started (FT 2005b). These talks led to a first round of formal negotiations in Helsinki on 27-29 January facilitated by Ahtisaari and his Crisis Management Initiative. Despite pictures of Indonesian and Acehnese negotiators in the Finnish snow, and apart from some confidence-building conversations, little was actually achieved. The rebels refused to give up their objective of full independence. Ahtisaari nonetheless invited the parties for a second round.

The first round of negotiations was – apart from the negotiating parties and Crisis Management Initiative – attended by two officials of the

Finnish Ministry of Foreign Affairs, who acted in the capacity of observers. President Ahtisaari introduced them to the parties as the ones “paying for the electricity” (interview with participant in negotiations A). Indeed, the Finnish Foreign Ministry was paying for the expenses. What was, however, not told to the parties is that these observers were already reporting to the other member states by means of COREU, and during meetings in Helsinki and Brussels. The Council was thus kept fully updated. Moreover, President Ahtisaari himself kept the EU informed. Already at this early stage, he envisaged that some kind of governmental monitoring mechanism would be necessary and that the EU's “involvement would be desirable” (quoted in Accord 2008). The EU was probably the only party that could send monitors, who would have credibility in the eyes of the GAM and who could be acceptable to the Indonesian government.⁴⁵ After the first round of negotiations he thus called Javier Solana, whom he knew personally well. Solana told him to “go ahead” (Merikallio 2008: 80), though naturally stating that it would be up to the member states to decide.

In addition to contacting Javier Solana, the Crisis Management Initiative contacted the European Commission with a request for funding for its mediation activities. This request was positively received and even politically supported after Commissioner Ferrero-Waldner had discussed Aceh with her Indonesian counterparts during a visit to Jakarta (9-12 March 2005) (interview with Commission official Q). The funding details were worked out between the staff of the Crisis Management Initiative and DG RELEX, including during a short trip of CMI staff to Brussels. As one of the staff members from the CMI writes:

From the beginning of February, CMI was in daily contact with [the desk officer] to seek assistance from the Commission ... the submission of an application was not a 'one off' affair. Indeed a number of proposals were submitted, each one reflecting lengthy discussions with [the desk officer] who worked with his hierarchy to find a suitable formula (Herrberg 2008).

The Commission finally approved the proposal for funding under the Rapid Reaction Mechanism to a maximum of 270,000 euro (Commission 2005a). At the same time it committed 220,000 euro to civil society projects in

⁴⁵ The United Nations was not acceptable due to the situation in East-Timor. The invasion of the United States in Iraq made its (or NATO's) presence in the largest Muslim country neither desirable.

Aceh sponsored by the Crisis Management Initiative (Commission 2005b). Antje Herrberg (2008) suggests that the involvement of the Commission and the endorsements of Javier Solana made them shareholders of the project and created a sense of ownership. This would “pave the way for ... European monitoring of the eventual peace agreement”.

4 December 1976	Declaration of independence
9 December 2002	Cessation of Hostilities Agreement by Dunant Centre
17-18 May 2003	Tokyo negotiations
19 May 2003	Martial law in Aceh
February 2004	Initial contacts with President Ahtisaari
19 May 2004	State of civil emergency in Aceh
20 September 2004	Presidential elections in Indonesia
December 2004	Invitation to parties for negotiations in Finland
26 December 2004	Tsunami hits Indian Ocean
Late December 2004	Informal halt of hostilities in Aceh
27-29 January 2005	First round of negotiations in Finland
29 January 2005	Finland sends COREU; Ahtisaari informs Solana
February-April 2005	Ahtisaari negotiates funding with Commission
21-23 February 2005	Second round of negotiations
February 2005	Oksanen meets Moschini, Feith and planners
9-12 March 2005	Commissioner Ferrero-Waldner visits Indonesia
12-16 April 2005	Third round of negotiations
21 April 2005	Ahtisaari briefs Political and Security Committee
26-31 May 2005	Fourth round of negotiations; Feith briefs parties
24 June – 2 July 2005	EU fact-finding mission to Aceh
11 July 2005	Feith briefs parties on the fact-finding mission
12-17 July 2005	Fifth and final round of negotiations
18 July 2005	Council is, in principle, prepared to send observers
19 July 2005	Disagreement over financing in PSC
26 July 2005	Solana/Ahtisaari address PSC
29 July 2005	PSC accepts Interim Monitoring Presence

30-31 July 2005	EU mission to Aceh
1-14 August 2005	EU/ASEAN technical assessment mission to Aceh
15 August 2005	Memorandum of Understanding
15 August 2005	Interim Monitoring Presence
16 August 2005	Concept of Operations
17, 31 August 2005	Release of prisoners by Government of Indonesia
30 August 2005	Operations Plan
9 September 2005	Joint Action
15 September 2005	Start of Aceh Monitoring Mission
September-December	Decommissioning and withdrawal of troops
15 March 2006	First extension of the mission
7 June 2006	Second extension of the mission
7 September 2006	Third extension of the mission
11 December 2006	Local elections
15 December 2006	Termination of Aceh Monitoring Mission
Table 6.1 Chronology of the Aceh Monitoring Mission	

The second round of negotiations under the guidance of the Crisis Management Initiative (21-23 February) was more successful than the first. The Acehnese negotiators understood that if they continued to pursue independence, the talks would break down (Nur Djuli and Abdul Rahman 2008). Rather than to accept 'special autonomy', which the Indonesian government had proposed during earlier negotiations, Ahtisaari suggested instead that they would pursue 'self-government' – a synonym “without the same abhorrent connotations” (ibid.). This opened the door for substantive talks. Ahtisaari stated during the concluding press conference that both parties recognized the need for monitors, but that the United Nations was not an acceptable party. The parties would instead consider monitors of the regional organizations, such as ASEAN and the EU (FT 2005c). For this purpose he had kept Javier Solana informed (IHT 2005).

It is again necessary to understand that this second round of talks did not take place in a vacuum. Shortly before the second round, the representatives from the GAM and the Indonesian government met with the bilateral ambassadors to Finland of Australia, Japan, Malaysia, Singapore, Sweden, the United Kingdom and the United States (Kingsbury 2006).

These ambassadors had a rather strong message for the negotiating parties: “they wanted to see a negotiated end to the Aceh conflict preserving the territorial integrity of Indonesia” (ibid.: 34). In the eyes of the political advisor to the GAM, Damian Kingsbury, this was a key communication to the Indonesian government that reconstruction had to go ahead. The blame for possible failure and reductions in development aid gave the Indonesian government an incentive to work with President Ahtisaari. For the GAM, this meeting made them realize that they were politically isolated and that they could no longer hope that the international community would support their cause for independence. The GAM paid considerable attention to this communication (personal interview with Damian Kingsbury, 2009).

In addition to keeping Solana informed, Ahtisaari also sent Jaakko Oksanen to Brussels after the second round of negotiations. Oksanen was a Finnish general, whom Ahtisaari had met during a UN mission in Iraq. He became the military advisor to the Crisis Management Initiative. He met in Brussels the chairman of the EU Military Committee, General Mosca Moschini, as well as Pieter Feith, the deputy Director-General of External Relations of the Council Secretariat (and later Head of Mission), and ten of his staff members (Merikallio 2008). Ahtisaari himself, at an earlier stage, had already contacted Feith, whom he had known since the 1970s. During the Brussels trip, Feith and his staff members showed an interest in a possible mission, but, as Oksanen recalls, it was “problematic for the EU to see how an unarmed monitoring mission [what Oksanen was proposing] could actually disarm GAM” (quoted in ibid.: 82). Feith said that the EU would see how the third round of negotiations would go before they would get involved. Interesting, however, the Council Secretariat planners were involved at a far earlier stage than, for example, the planning team of the Finnish (!) Ministry of Foreign Affairs, which only got involved in July (interview with national official E).

During the third round of talks on 12-16 April 2005, Oksanen briefed both parties on the possible external monitoring mechanisms. Yet while the Crisis Management Initiative had its scenario ready, the parties were not willing to close the deal. The Government of Indonesia was still reluctant towards international governmental monitors and was thinking in the proportions of one hundred monitors. The GAM asked for thousands of peacekeepers rather than monitors (which the EU was unlikely to provide) (Kingsbury 2006). Ahtisaari maintained that any peace agreement should in principle be self-enforcing and that the monitors were only there to build trust. He thus supported a low number of monitors. He also introduced the idea of monitors coming from regional organizations rather than from the United Nations, colonial powers, or even the United States. In a press

statement, he said that “both parties welcome the possible involvement of regional organizations in monitoring the commitments”.

Shortly after the third round of talks, Ahtisaari and Oksanen left for Brussels to brief the member states in the Political and Security Committee (21 April). Ahtisaari gave a short presentation on the state of affairs and stated that he thought the situation favorable (Merikallio 2008). He furthermore outlined how the EU could help in case of a peace agreement and he noted that he had been in earlier contact with Solana, who supported his vision (*ibid.*). While the initial reception was positive (with France, The Netherlands, Portugal and the Nordic States supporting Ahtisaari), Germany quickly pointed at the limited budgetary means of the European Union and many member states were worried about the local security situation. In fact, the EU ambassadors in Jakarta had been very critical about a possible EU monitoring mission (*ibid.*; interview with Commission official P). When the Political and Security Committee returned to the issue in May, they decided not yet to take an official stance, but to send observers to the negotiations in Helsinki and to have a fact-finding mission at a later stage. Ahtisaari once more returned to Brussels before the fifth round of negotiations to keep the member states up-to-date and discuss with them his monitoring plans.

During the fourth round of talks on 26-31 May 2005, the Crisis Management Initiative invited experts of the European Commission and the Council Secretariat as observers. The presence of Commission officials was mostly symbolic and gave the talks a higher status. This was important for the GAM (interview participant in negotiations B). The attendance of the Council Secretariat officials was more substantive. Pieter Feith stressed that in case the EU would get involved, failure was not an option. He demanded security guarantees, primarily from the Indonesian government, which was the only party that the EU actually recognized. He furthermore stressed that he wanted to have a single contact person for both parties with sufficient authority. Feith also discussed with Oksanen the possibility of an interim presence between the signing of a peace agreement and the formal launch of the Aceh Monitoring Mission (Merikallio 2008) (see further below). Finally, the parties agreed on a fact-finding mission – formally called assessment mission – of the European Union to the region (24 June – 2 July 2005). This mission included Feith, Oksanen, businessman Christiansen, four Council Secretariat officials and ASEAN representatives.

Prior to the fifth round of negotiations on 12-17 July 2005, Feith briefed the parties on the assessment mission (11 July). He stated that he had been impressed by the “seriousness and determination” of both the

Indonesian President Yudhoyono and Vice-President Kalla (Kingsbury 2006). He gave an outline of the mission consisting of approximately 200 foreign monitors from EU and ASEAN member states. The main tasks of the Aceh Monitoring Mission were only limited to security questions – taking care of the decommissioning of GAM weapons and monitoring the pullout of Indonesian troops and police – and thus limiting the possible risks of failure. These arrangements were presented to the parties as a *fait accompli* and they were accepted. The fifth round of negotiations ended with the initialization of the Memorandum of Understanding (17 July). The formal signing would take place in Helsinki on 15 August. The next day the General Affairs and External Relations Council met and formally put the Aceh Monitoring Mission on the agenda by agreeing that “the EU was prepared, in principle, to provide observers to monitor implementation of the [Memorandum of Understanding]” (18 July).

6.2 DECISION-MAKING

During the negotiations on the Memorandum of Understanding, there was a strong wish amongst the participants that the monitoring mission would commence on the day of the signing of the peace agreement in order to avoid any escalation. Yet it was clear that the European Union would not be able to launch a fully-fledged monitoring mission within a month during the summer holidays.⁴⁶ It was therefore decided in the Political and Security Committee that the formal mission would commence on 15 September (one month after the signing of the Memorandum of Understanding). For the period until 14 September, there would be an Interim Monitoring Presence (IMP) consisting of bilateral missions of EU and ASEAN member states to Indonesia. Over the summer, there were thus two parallel processes going on. Several staff members from the Council Secretariat and the member states went on a technical mission, set up the IMP and drafted locally most of the content for the planning documents establishing the Aceh Monitoring Mission. In addition, the EU institutions and the member states in Brussels sorted out the institutional and financial aspects of the mission. This chapter discusses first the decision-making procedure in Brussels and discusses below the parallel processes on the ground.

One day after the formal 'go-ahead' of the Council, the member states met in the Political and Security Committee where they discussed the Crisis Management Concept and an 'information note' of the Commission

⁴⁶ There was no Council meeting in August to approve the Joint Action.

on the financing of the mission (19 July 2005). The Crisis Management Concept had been written, on the insistence of the Presidency, by the Civil-Military Cell of the Military Staff in close cooperation with the Directorate for Civilian Crisis Management (DGE IX). The Council Secretariat was thus in the lead. The Commission's information note had been drafted in close cooperation with the Council Secretariat as well. While it was not an official Commission position, it reflected "work in progress by Commission services and guidance from the Commissioner for External Relations" (Grevi 2005: 24). The information note led to a strong debate between the Commission, the Council's legal service and several member states on the legality of the Commission financing second pillar activities.

The background to the debate was the following. When civilian crisis management was established, it was foreseen that the CFSP budget would cover the expenses of civilian missions. When the Aceh Monitoring Mission came up, however, the budget was very small (62 million euros for 2005) and most of it had already been spent. Since the Commission could not go back to the European Parliament to increase the budget ceiling, the relevant desk officers started inventing creative ways of paying for the operation. The Commission's information note came down to the idea that development money would be made available for the mission. One of the member states (i.e. Finland) would then apply for these funds and act as a framework nation, which would hire monitors from the other member states and the ASEAN countries. The framework nation would report to the Commission, which in turn had to report to the member states. In a way, the Commission's proposal differed not much from the financing of twinning projects, where the Commission pays for civil servants from the member states to support local officials in developing and transition countries. It was also not so different from the Commission entering in a contract with the Head of Mission, as happens during civilian ESDP missions (interview with Commission official J).

During the meeting of the Political and Security Committee on 19 July 2005 many of the member states were sympathetic to the proposal of the Commission. Given the lack of funds in the CFSP budget, first pillar funding was a good way out. Some of the member states and particularly the legal service of the Council, however, made clear that this was not the way that civilian crisis management had to be organized. Quite apart from the fact that first pillar funding should not be used for foreign policy objectives, the legal service objected to the idea of the Commission having a formal role in the mission. Following this discussion over funding, the Commission backed down and the Presidency together with officials from the Council Secretariat started looking for alternative ways of paying for

the operation. They proposed using nine million euros from the CFSP budget and to ask individual member states to contribute the remaining six million euros in cash or kind. The proposal was put to the member states in the Political and Security Committee on 26 July 2005. It was accompanied by personal interventions of Solana and Ahtisaari, who quite simply stated that the EU had to find a way of paying for the mission. The member states accepted this solution, but at least ten of them noted that it did not constitute a precedent for funding (Grevi 2005).

Interesting is the overall lack of support of the member states for the mission. Giovanni Grevi (2005) only identified four member states that were fully in favor. France naturally saw the mission as a good opportunity to portray the EU as a global actor. The Netherlands had a colonial past. Finland supported its former president and Sweden hosted the Aceh government-in-exile. The very limited support of the member states was reflected in the bilateral financial contributions. Sweden significantly contributed four million euros, but the other member states together only made one million available. The final million euros were contributed by Norway and Switzerland, which are not EU members. The whole question of funding was thus rather embarrassing for the European Union. It formed a major input for the European Council in Hampton Court on 27-28 October 2005, where Javier Solana successfully lobbied for a (much) higher CFSP budget in light of the future civilian ESDP missions in Afghanistan and Kosovo (see also chapter three).

After the financing proposals had been accepted, the planning of the remainder of the mission was relatively straightforward. On 29 July, the Political and Security Committee accepted the Initial Monitoring Presence, which concept had been drafted by Council Secretariat based on an OSCE precedent in Kosovo (interview with AMM official E). In the days that followed, the mission leadership and several Council Secretariat planners went to Aceh (see also below). From the ground, they wrote the Concept of Operations (CONOPS). While this is normally done in Brussels by the Council Secretariat, Feith had taken most of the planners with him, so there was no one left to do the job. The CONOPS was accepted by the member states on 16 August. Two weeks later, they accepted the Joint Action, which was adopted by the Council on 9 September. It allowed the Aceh Monitoring Mission to start its operations on 15 September.

6.3 LAUNCH OF THE OPERATION

The Aceh Monitoring Mission informally started with a mission of its future leadership – Pieter Feith, the Head of Mission, Jaakko Oksanen, one of the deputy Heads of Mission, and Juha Christiansen, the political advisor of Feith – to the province of Aceh in order to make contact with the GAM commanders on the ground (30-31 July 2005). For the EU it was critical to know whether the GAM negotiators in Helsinki, most of whom had been in exile in Sweden for decades, had indeed authority among the present combatants. Meeting their field commander, Tengku Ubit, was however not an easy task. He was still on the most-wanted lists with a 100,000 dollar reward on his head (Merikallio 2008). Only during the second attempt on 31 July they finally met him. Feith had a discussion with him of an hour and a half, during which he said that “he had received instructions from Stockholm” (ibid.: 121) and that he would comply with the Memorandum of Understanding. The fact that communication between the leaders-in-exile and the rebels on the ground was apparently good strengthened the trust of Feith in the GAM. On this basis he recommended Brussels to move forward.

Back in Jakarta, Feith, Oksanen and Christiansen met with the planners from the Council Secretariat and ASEAN (1-2 August). Kalle Liesinen, the chief decommissioning seconded by the Finnish ministry, had also arrived in Indonesia. After this meeting some of the EU staff members (including Feith) went back to Brussels to arrange issues at headquarters. Most civil servants, of what was called the Technical Assessment Mission, exceptionally decided to stay on the ground in order to start preparing for the arrival of the monitors taking part in the Interim Monitoring Presence (15 August – 14 September). This preparatory mission on the ground was led by Justin Davies from the Council Secretariat, who would become the chief of staff of the Aceh Monitoring Mission. It also included Oksanen and a colonel from the Presidency in leadership positions as well as most of the EU planners from the Council Secretariat. The reason why the Technical Assessment Mission stayed on the ground had everything to do with the time pressures. It put officials from the Council Secretariat in the leadership of the operation, as most member states were not capable of seconding personnel on such short notice.

From 3 to 14 August, several problems became apparent. As the Council had not provided a mandate for the Technical Assessment Mission (or for the IMP), none of the EU staff members was supposed to be in Aceh. One official taking part in the assessment mission recalled that “we

were there as tourists or as representatives of our respective member states at best" (interview with AMM official A). Apart from drafting the necessary documents and making the first contacts with the local parties involved, the Technical Assessment Mission also had to arrange some practical matters such as renting offices, accommodation, computers and cars rentals in the provincial capital Banda Aceh. Initially Liesinen and Christiansen were the only ones with money to pay for such expenditures. They were formally seconded by the Finnish foreign ministry and had been given a personal budget. They soon found out that ATMs have a maximum amount per withdrawal (*ibid.*; interview with national official E). Within days, however, the Finnish, Swedish and the United Kingdom embassies in Jakarta started transferring money. Many bilateral embassies also provided personnel and support in kind. Such unilateral support was crucial for the successful preparation of the mission (e.g. Kirwan 2008; Schulze 2007). The deputy Head of Mission, Lt. General Nipat Thonglek from Thailand, joined halfway the Technical Assessment Mission and Pieter Feith came back to Aceh on 14 August.

The Initial Monitoring Presence commenced on 15 August. Within days many monitors and other staff members from various EU and ASEAN member states arrived, increasing the number of officials from 25 to 82 (interview with AMM official B). The Finnish and Swedish ministries, in particular, had already at an early stage identified potential staff members, which gave these countries the possibility to put them on the plane at a short notice (interview with national official E). Finland furthermore provided the majority of the core of the decommissioning team at an early stage, which was important as the first decommissioning exercise would already take place on day one of the Aceh Monitoring Mission (i.e. 15 September, see below). The team started drafting the decommissioning procedures, but also had to negotiate with the two parties, for example, about what constituted a 'firearm'. In the Memorandum of Understanding the GAM had agreed to hand over 840 arms (article 4(3)) and it was for the decommissioning team to decide which arms could be counted towards that number (Liesinen and Lahdensuo 2008; interview with AMM official A).⁴⁷

To give an idea about the speed with which the process of force generation took place: one official flew in directly from Bosnia; another official had just returned from Sri Lanka; and yet another had to arrange a leave of absence from a university (interviews with AMM officials). In terms of force generation, there is strong anecdotal evidence that people

⁴⁷ The number of weapons that the GAM had to hand in was extremely low, but as one interviewee (Council Secretariat official B) noted this was irrelevant given that the Government of Indonesia had agreed to this number.

became members of the monitoring mission, because they happened to know people rather than through a thorough selection process (interview with AMM official C). It was the holiday period in the capitals and the time pressure was very high. The moment that potential monitors were available they were sent to Aceh. Some arrived during the Interim Monitoring Presence. Most of the monitors arrived towards the end of the IMP (10-12 September). The monitors were trained in the city of Medan on the Island of Sumatra just outside the Province of Aceh (12-14 September). During the training the monitors were allocated over the eleven District Offices and after the training they were helicoptered in (Kirwan 2008; interview with AMM official C). They started working on 15 September. While the district offices had been established during the Interim Monitoring Presence, some practical work still had to be done, particularly in Tsunami affected regions.

In terms of the backgrounds of the personnel, half of the officials from EU member states had a civilian background, while the ASEAN officials were drawn from the military. ASEAN countries organized their own force generation. As a member of the Technical Assessment Mission recalls, “they turned up quickly. They were funded by the Indonesian government. They got there in time for the IMP and they came equipped with 4-by-4s and sorted their own accommodation” (quoted in Schulze 2007: 6). Despite this parallel process, EU and ASEAN monitors were integrated during the operational phase. While the recruitment of monitors was relatively swift in most member states (interview with national official E), there were some minor problems with getting monitors for the decommissioning teams at district level. The Aceh Monitoring Mission was the first mission of the EU to include Disarmament, Demobilization and Reintegration and most member states did not have experience in this field. The team therefore consisted of many Finnish and ASEAN officials. Only a limited number of officials from the other member states were involved (France, Netherlands, Belgium, Ireland, Norway).

6.4 IMPLEMENTATION

One of the major conditions of the Memorandum of Understanding was the amnesty of “all persons who [had] participated in GAM activities ... not later than within 15 days” of the signing of the memorandum (article 3(1) (1)). Already on 17 August to celebrate Indonesia's Independence Day some 300 persons were released. On 31 August, another 1400+ GAM prisoners were released. The numbers were considerably higher than what the Aceh

Monitoring Mission and the GAM had expected and thus served as a major confidence building measure in the beginning of the process (Schulze 2007; Merikallio 2008). While many former fighters were released in the days after the signing of the Memorandum of Understanding, the Government of Indonesia kept some hundred rebels in prison on charges of 'ordinary crimes'. The legal advisor of the Aceh Monitoring Mission served as a mediator between the Government of Indonesia and the GAM in discussing these remaining cases. The process was, however, slow and a number of these prisoners remained in custody (*ibid.*).

After the amnesty of the large majority of former GAM fighters, the next thing on the agenda was the decommissioning of weapons and the withdrawal of troops. During four subsequent months, 210 arms of the GAM had to be destroyed after which the Government of Indonesia had ten days to withdraw 8,000 troops from the province of Aceh. The atmosphere before the first decommissioning exercise was tense. For the unarmed EU monitors, it was a nightmare scenario to be caught in an escalating situation between the armed forces of the Government of Indonesia and the GAM (Kirwan 2008). The former GAM rebels, on the other hand, feared that they would be registered or even arrested by the Indonesian army once they had handed over their weapons. The local leader of the GAM, Jusuf Irawandi, had therefore initially demanded a secret site for decommissioning by his own choice. On the day of the weapons decommissioning, however, he led the decommissioning team and members of the world press to a public central square in Banda Aceh, right in front of the house of the highest military commander of the Government of Indonesia (Merikallio 2008). This created transparency and trust between the parties.

Several days after the first successful decommissioning exercise, the Indonesian army removed its troops as planned. This parallel process of decommissioning and withdrawal of troops continued in the months of October, November and December. Towards the end of the process, it remained the question whether the GAM could indeed hand over its 840 weapons as the Tsunami had destroyed many of the houses where these weapons were hidden (interview with AMM official A), but they eventually succeeded. On 20 December 2005, the Decommissioning team held a final ceremony to formally mark the end of the period of weapon collection. Approximately half of its forty-five members became monitors of the Aceh Monitoring Mission. The other half left shortly after Christmas. The Chief Decommissioning, Kalle Liesinen left on 29 December, after handing a full report on decommissioning listening every single weapon to the Indonesian President Yudhoyono (27 December), who was in Banda Aceh for the commemoration of the Tsunami one year earlier.

Decommissioning was a Finnish-led exercise, but Feith initiated at the same time a process of 'pro-active monitoring' through the creation of the Commission on Security Arrangements (COSA). The COSA was a model that he copied from his time in Bosnia where NATO ran similar arrangements. The idea was that representatives of the GAM and the Government of Indonesia would meet on a regular basis, chaired by Feith himself, to discuss all incidents that had taken place. It discussed also other urgent questions, such as the definition of a firearm (see also above). The meetings took place initially twice per week, but at later stages once every fourteen days and even monthly (Kirwan 2008). Before the meetings, Feith generally had his staff investigate the incidents that had taken place (Barron and Burke 2008). This allowed him to put this information forward and blame one of the parties from an impartial point of view. The meetings thus took place with "complete directness, evenhandedness and openness" (Feith quoted in Marikallio 2008: 165). The COSA meetings at the central level were copied at the district level for issues of lesser importance. Most people involved stressed the importance of these meetings (Kirwan 2008; Schulze 2007; interviews with AMM officials B and C).

The Memorandum of Understanding also gave Feith the authority to make binding decisions, in dialogue with the parties, in the event of disputes regarding the implementation of the Memorandum (article 6(1)). This arrangement closely resembled the executive powers of the United Nations High Representative in Bosnia-Herzegovina (and the International Civilian Representative in Kosovo, which would be the next position in Feith's career, see chapter five and eight). In case problems would still remain unsolved, President Ahtisaari would make a final ruling. The fact that such ruling was never necessary shows the added value of the COSA meetings and the personal weight and competence of Feith himself.

Then there was the active monitoring in the field. On a daily basis, the monitors in the District Offices left in the early morning to drive through the villages and to talk to the local population. The number of incidents varied significantly per district, but it was the task of the monitors to find out what had happened and to report on these incidents to the headquarters in Banda Aceh. Most incidents were generally not too serious, but some could potentially escalate. The extortion of civilians by the former GAM combatants and the Indonesian army was a regular returning practice. People were also being arrested and detained by police without being told why. The monitors tried to give the local police some basic training, which was later done more professionally by the International Organization for Migration (interview with AMM official C). The division of labor in these District Offices was informal with the limited number of female monitors

focusing on human rights issues. Both EU and ASEAN monitors worked side-by-side with six of the eleven offices led by an monitor from ASEAN and the other five by a EU monitor. The ASEAN monitors were generally more familiar with the local security situation and the integration of teams was considered as mutually beneficial.

<i>Project description</i>	<i>Implementing authority</i>	<i>Amount</i>
Aceh Peace Process Negotiations	Crisis Management Initiative	269 000
Facilitating Aceh Peace Agreement Dispute Settlement	Crisis Management Initiative	115 000
Demobilization and Reintegration of former Combatants and Detainees in Aceh	International Organization for Migration	4 000 000
Support to Conflict Affected Communities receiving former Political Prisoners and Combatants	International Organization for Migration	1 460 000
Support to the Aceh Reintegration Agency (BRA) and Peace Building in Aceh	EC /United Nations Development Programme	3 000 000
Support to the organization of local elections in Aceh	United Nations Development Programme	750 000
Capacity building to support local police reorganization, with particular emphasis on respect for human rights	International Organization for Migration	6 000 000
Support to the civil judicial system and access to justice with particular regard to respect for human rights	United Nations Development Programme	4 400 000
Enhancement of local public administration	Deutsche Gesellschaft für Technische Zusammenarbeit	4 400 000
European Union Election Observation Mission		2 400 000
TOTAL		27 094 000
Table 6.2 Commission's accompanying measures in euros.		

Finally, the work of the Aceh Monitoring Mission was supported through accompanying measures by the Commission. DG RELEX and the EuropeAid office had put together a package (see table 6.2). This support was important and necessary. The former combatants, for example, had to be reintegrated into society and the Commission provided them (through the International Organization for Migration) with some basic funding. The Commission also tried to improve the local administration, the police and judiciary services, and it played an important role with regard to human rights. Finally, it financially supported and observed the local elections in 2006. The necessity of these activities can only be underlined by the fact that the Aceh Monitoring Mission had a limited mandate, focusing solely on security questions, and that it was rather short (Schulze 2007; Barron and Burke 2008; Aspinall 2008). The Commission thus took care of many tasks that the member states were not willing to do for political reasons. This gave the Commission a bit of influence, allowing it to sit at the table. The Aceh Monitoring Mission did not take directions from the Commission (interview with Commission official Q). It is difficult to see, from a counterfactual point, how the mission proper would have looked different in absence of the Commission.

6.5 PROLONGATION AND TERMINATION

Already from the beginning Ahtisaari thought that the mandate of the initial six months was too short (interview in Accord 2008). It gave the Aceh Monitoring Mission just enough time to carry out the decommissioning exercise and to ensure that the soldiers of the Indonesian army actually withdrew. This would leave the European Union the option to claim success and provide for a smooth exit in March 2006 rather than to stay committed in Aceh possibly for an endless time – the EU had already seen in the Balkan how tiresome such commitment could be (Barron and Burke 2008; Aspinall 2008). Particularly if the situation had been worse than it turned out, having an exit strategy after six months was convenient. The short period and the mandate focusing only on security issues let Kristen Schulze (2007) to conclude that the mission was “not so impossible”. It furthermore needs to be said that having a continuous foreign presence also limits the possibilities for local ownership. So it was important to leave at a certain moment. Finally, the mission was expensive. The member states had to pay the basic salaries of the monitors.

When the issue of termination and possible prolongation came up towards the end of the first six months, there was a considerable lack of clarity about the future role of the Aceh Monitoring Mission. Most security issues had been dealt with and there were not too many serious security incidents to speak of (Barron and Burke 2008). On the other hand, several other issues in the Memorandum of Understanding had not yet been dealt with and were still awaiting implementation. The critical Law on the Governing of Aceh was months behind schedule, some sixty prisoners were still detained, reintegration of former combatants was problematic and little had been done in the field of human rights (*ibid.*). It was felt by all parties involved that if these underlying issues were not addressed, the process could still derail in the long run. Yet paradoxically these were some of the issues that the Aceh Monitoring Mission had actually tried to avoid through its limited mandate. On 27 February, however, the Council decided to prolong the mission by three months until 15 June 2006. It amended the objectives of the mission in order to address exactly these outstanding points (2006/202/CFSP).

The first extension of the mission thus took place on 15 March. Two days earlier, some hundred monitors had already returned home after a ceremony, leaving the mission with approximately 85 monitors in the District Offices (Barron and Burke 2008). At the political level, the Law on the Governing of Aceh became a focal point. Its creation was a necessary condition for local elections, yet passing this law through the Indonesian parliament required constitutional amendments. It needs to be said, in this respect, that parts of the Indonesian parliament had been critical about the peace negotiations over Aceh. Passing the Law on the Governing of Aceh was thus not an easy task. The Indonesian government informed the parties that it could not be done before 15 June. On 29 April, somewhat optimistic as it turned out, Pieter Feith stated during a COSA meeting that, following a request from the Government of Indonesia with the support of the GAM for an extension until 15 August, he would make a positive recommendation to the European Union and ASEAN, as the “elections [are] in sight” (Aceh Monitoring Mission 2006a).

From Brussels came a favorable consideration by the Political and Security Committee on the extension after a briefing by Javier Solana on 11 May 2006. The Aceh Monitoring Mission was to be extended until the elections (to be held on 15 September at the latest), yet the Political and Security Committee also stressed that the parties must understand that “this extension must be the last one” (Aceh Monitoring Mission 2006b). The extension was finalized by the Council on 7 June (2006/407/CFSP). The additional operational expenditures (non-salaries) for these three months

were 300,000 euros and paid for by the CFSP budget. The Government of Indonesia, however, failed again to finalize the procedures on time with the result that during the summer the issue of extension came up one more time. On 21 July, the Government with support of the GAM invited the Aceh Monitoring Mission to stay until 15 December. After another favorable briefing of Solana in the Political Security Committee (28 July), the member states decided to extend the mission (2006/607/CFSP). An additional 1,530,000 euro was found in the CFSP budget to cover the expenses (interview Commission official K).

Despite these prolongations, the Aceh Monitoring Mission was already terminating most of its activities over the summer of 2006 due to a lack of local security incidents. The District Offices were closed and staff only remained at the headquarters in Banda Aceh. Most monitors left before 15 September with only 36 monitors staying until December. Four places were kept open in the province of Aceh where monitors could stay overnight, if necessary (interview with AMM official C). The actual relevance of these monitoring activities was no more than the symbolic presence. The number of COSA meetings were also reduced in order to prepare for the final handover of authority to the parties themselves. On 11 December, the local elections were held in Aceh and the GAM contact person to the AMM won by a landslide. The elections were observed not by the Aceh Monitoring Mission, but by the EU Election Observation Mission, which was paid for and implemented by the European Commission. On 15 December, the Aceh Monitoring Mission was terminated during a final closing ceremony.

6.6 OVERVIEW OF THE FINDINGS

This chapter has so far discussed the role of the Council Secretariat and the European Commission during the phases of the policy process of the Aceh Monitoring Mission. As in the previous chapter, this concluding part of the chapter will turn to the political influence of both EU institutions. In the introduction of this book, a yardstick was presented to compare influence across the observations. It defined a high level of political influence as the Council Secretariat or the Commission playing a leadership role during a particular phase of the policy process (in cooperation with one/two member states). For a medium amount of influence, the Council Secretariat or the Commission need to be a necessary condition in explaining the outcome of a particular phase of the policy process. Low influence means that the EU

institutions participated actively in the discussions, but that they did not have a major impact on the course of the operation. Finally the Council Secretariat or the Commission has no influence, if they did not take part in the discussions. Each of the phases of the policy process will now be discussed for the Council Secretariat and the Commission separately.

The Council Secretariat played a major role in the *agenda-setting* of the Aceh Monitoring Mission. For President Ahtisaari it was clear from the beginning of the negotiations between the Government of Indonesia and the GAM that a governmental rather than a non-governmental organization would have to be in charge of monitoring. He also understood that the EU would be the main candidate to take the lead. Therefore, he contacted Javier Solana and Pieter Feith already at a very early stage of the negotiations. While Solana and Feith obviously could not decide for the member states, they encouraged Ahtisaari to continue, which gave him room to continue to negotiate with both parties. If Ahtisaari had not been given the green light at that stage, he would have encountered problems in the negotiations. The eventual involvement of the EU gave the process the necessary credibility, which was particularly important to the GAM. Moreover, Feith and his team started with the planning process far earlier than other member states. Initial discussions took place in February 2005, while most of the member states did not get actively involved before July. Pieter Feith also briefed the negotiating parties on the various options in May. This obviously created expectations on the side of both negotiating parties. The same goes for the fact-finding mission in June/July. The extensive involvement of the Council Secretariat in the negotiations made it impossible for the member states to say no. Its influence during the agenda-setting phase was thus high.

The European Commission was also involved right from the start. Since the Commission is one of the major donors in terms of humanitarian assistance, it became active directly after the Tsunami had hit the region. More specifically with regard to the negotiations on the Memorandum of Understanding, the Commission supported the President Ahtisaari's Crisis Management Initiative financially and worked closely together with his staff members on the funding application. The Commission, however, not only paid for the process, it also participated in the fourth and fifth round as an observer. While the Commission did not have a direct impact on the contents of the negotiations or on the possibility of having a monitoring mission, it did create some of the conditions for the negotiations to be successful. Its extensive involvement also created external expectations that the EU would stay engaged in Aceh once the peace agreement was signed. The Commission thus ensured that the Aceh dossier was on the agenda and helped indirectly to create a situation in which the member states were

eventually faced with a *fait accompli*. The Commission's involvement was a necessary condition and its influence was thus medium.

The *negotiations* about the Aceh Monitoring Mission focused on its financial aspects. As the CFSP budget was not sufficient, civil servants from the Commission (and the Council Secretariat) creatively found ways to finance the mission under the first pillar using development instruments. This would also imply a stronger role for the Commission in this specific ESDP mission. The information note, presented by the Commission, which suggested these arrangements, immediately ran into objections by some of the member states and the Council's legal service. It was rejected with the result that the Commission no longer played a significant role during the planning of the mission. Its influence in the decision-making phase was therefore low: the Commission participated actively in the discussion over funding, but it did not have an impact on the final result.

Following the rejection of the Commission's funding proposal, the Presidency and the Council Secretariat became actively involved in finding possible ways of paying for the operation. They suggested using the funds left in the CFSP budget as well as using bilateral contributions of member states. In the week of 19-26 July 2005, there were many discussions among the member states about this proposal, which effectively came to an end when Solana and Ahtisaari addressed the Political and Security Committee about the need to resolve the problem. In spite of this intervention, the basic problem was not overcome. Most of the member states were not in favor of the operation and were thus not willing to make bilateral contributions. In the end the bulk of the funding was provided by Sweden, Switzerland and Norway. Solana and the Council Secretariat thus played a leadership role in convincing the member states to accept the plans for financing, but they were still dependent on a number of member states to make funding available. The influence of the Council Secretariat was therefore medium.

As regards the *launching of the operation*, the Commission did not play any role and its influence is thus none. The officials from the Council Secretariat, on the other hand, took the lead. Pieter Feith, supported by some Finnish officials, made contacts with the local GAM commanders during the Technical Assessment Mission. When Feith left for Brussels, Justin Davies (another Council Secretariat official) became in charge of establishing the mission. Even during the Interim Monitoring Presence, the majority of the monitors and the leadership consisted of officials of the Council Secretariat, Finland and Sweden. Yet despite this leadership role, the officials of the Council Secretariat lacked sufficient budgetary means. During the month of August, the mission relied extensively on support from

the member states and particularly from the Finnish, Swedish and United Kingdom embassies in Jakarta. That such support was forthcoming was one of the reasons why the Aceh Monitoring Mission started successful. Given these constraints on the capabilities of the Council Secretariat, its influence during the launching phase can be categorized as medium.

During the actual *implementation* of the Aceh Monitoring Mission, the Council Secretariat held some of the leadership positions. While its role in monitoring and decommissioning was limited (this was done by officials from the member states – most notably Finland), its officials did play an important coordinating role. The COSA meetings and the notion of pro-active monitoring, for example, were an initiative of Feith and not foreseen in the Memorandum of Understanding nor the Joint Action. The officials of the Council Secretariat furthermore knew their way around in Brussels and kept people in Brussels informed. Therefore the influence of the officials of the Council Secretariat during the implementation phase can be categorized as medium. It was a necessary condition for pro-active monitoring. The Commission was involved through projects. These accompanying measures were of crucial importance to the success and the sustainability of the Aceh Monitoring Mission. And yet the Commission officials did not much have to say about the monitoring mission as such. It remained parallel processes and the Commission's influence was thus low in the implementation phase.

When it comes to discussions over *prolongation and termination*, the Commission was briefing the member states on the general situation in Aceh in the regional working group. In this respect, it was involved in the discussions, but there is no indication that such information actually changed the positions of the member states. Its influence is therefore low. The same goes for the Council Secretariat. It briefed the member states through the High Representative in Brussels, but it did not have an impact on the Indonesian parliament passing its legislation and thus on the timing. Eventual prolongations very much followed the schedule of the local elections and this roadmap was not set by the EU, despite its pressure. The decisions on the prolongation and eventual termination were thus in the hands of the member states, who had to decide whether they wanted to stay longer and to put more resources in the mission. All these results are summarized in table 6.3 below.

	<i>Council Secretariat</i>	<i>Commission</i>
<i>Agenda-setting</i>	High	Medium
<i>Decision-making</i>	Medium	Low
<i>Launching of operation</i>	Medium	None
<i>Implementation</i>	Medium	Low
<i>Termination</i>	Low	Low
Table 6.3 Influence of the Council Secretariat and the European Commission in the Aceh Monitoring Mission.		

7. EUFOR TCHAD/RCA

In January 2008, the EU launched its most ambitious autonomous military operation to date. Almost 3,700 troops contributed to a 'safe and secure environment' in eastern Chad and the Central African Republic. This was to the benefit of internally displaced people and refugees from the Darfur region, as well as local personnel from humanitarian organizations and the United Nations. The operation lasted exactly one year. While it was not the most challenging mission in military terms (cf. Afghanistan), the EU troops had to operate in a political minefield and had to overcome tremendous logistical problems. After the mandate expired, and as initially had been agreed, the EU handed over the military operation and the infrastructure to the UN Mission in the Central African Republic and Chad (MINURCAT). In spite of some problems in the planning process, the EUFOR Tchad/RCA operation was eventually successful from a military perspective. However, given the lack of participation of some member states in the operation, the tense relations between the EU and the UN at a political level, and the questionable impact on the ground, this type of bridging operation – where the EU prepares the ground for the UN – is unlikely to be repeated in the near future (see also Dijkstra 2010b).

As with the preceding chapters, this chapter traces in detail the role of the Council Secretariat and the European Commission during all the phases of the ESDP policy process. Following the five phases outlined in the institutional chapter four, it will discuss how EUFOR Tchad/RCA came on the agenda leading up to a Council Secretariat-Commission joint options paper (Fall 2006 – 13 July 2007). The chapter subsequently analyzes the decision-making phase from the moment that planning authority was delegated to the Council Secretariat until the adoption of the Joint Action (13 July – 15 October 2007). This chapter then looks at the role of the Council Secretariat and the Commission during the launch of the mission (15 October 2007 – 15 March 2008), its implementation (15 March 2008 – 15 March 2009), and the discussions over the eventual termination of the operation and the handover to the United Nations (Fall 2008 – Spring 2009). In the conclusion, the chapter gives an overview of the influence of

the Council Secretariat and the Commission during these different phases of the policy process.

7.1 AGENDA-SETTING

The Darfur conflict in Sudan started early 2003. The United States formally called it genocide in 2004, but the international community initially did little to stop it. One of the reasons for inaction was that Sudan objected to interference in what it saw as an internal conflict. With China, as one of its business partners, in the United Nations Security Council, it was extremely effective in undermining any international response. Under international pressure, however, Sudan accepted in 2005 a 7000-strong peacekeeping force of the African Union (AMIS) within its territories. When it turned out that the African Union was not able to deal with the situation on its own, also partially as a result of a lack of cooperation of the host country, Sudan finally agreed to a joint United Nations – African Union peacekeeping operation (UNAMID), consisting of 26,000 troops, in July 2007. As with most United Nations missions, UNAMID suffers from a lack of military capabilities. Its total strength is nowhere near the envisaged total number.

The conflict in Darfur inevitably led to a high number of people seeking refugee in bordering countries. About 250,000 refugees left for eastern Chad. In the same region, there were some 185,000 internally displaced people (International Crisis Group 2008).⁴⁸ The border between Darfur and eastern Chad is porous, which meant no safe and secure environment in these refugee camps. It was in this context that, following a mission of the United Nations Security Council to the region (June 2006), the British Ambassador to the United Nations asked the UN Department of Peacekeeping Operations (DPKO) to look into improving the situation in eastern Chad and the Central African Republic. Based on UN Security Council Resolution 1706 and French pressure (Berg 2009), DPKO started planning an international multidimensional presence. It suggested that the United Nations (MINURCAT) would carry out a number of humanitarian functions inside the refugee camps, train local police to provide some security in the camps, and have a military component to create a secure environment outside the camps. The latter had to protect the refugees and to

⁴⁸ Darfur refugees were mainly located in the northern part of eastern Chad, while internally displaced people were in the central part of eastern Chad. The southern part of eastern Chad and the north-eastern corner of the Central African Republic was an exposed flank through which rebels entered Chad.

allow UN and humanitarian personnel to do their job. The planning of the operation was in a very advanced stage (February 2007) when the Chadian President, Idriss Déby, made clear that the UN military component would not be welcome in his country (see also United Nations 2007a). MINURCAT was allowed to train local police and carry out humanitarian tasks, but it had to operate without military protection.

With hindsight, the solution to this problem and the involvement of the EU seems obvious. At the time it was not. After the French elections on 5-6 May 2007, President-elect Sarkozy somewhat surprisingly appointed Bernard Kouchner as foreign minister. Kouchner directly noted that the Darfur conflict would be on his priority list (AFP 2007a). On his second day in office, he convened a meeting about the situation with his senior diplomats and representatives of the *Urgence Darfour* initiative, with which he was associated himself (19 May) (Liberation 2007). One diplomat noted about this meeting that “Kouchner is, admittedly, an idealist, but he is also a realist who deals with the concrete. We did not discuss the possibility of parachuting troops into Darfur” (ibid.). Instead, Kouchner was advocating humanitarian corridors, no fly zones, putting pressure on the Chinese, mobilizing the EU, and looking into securing the border regions in Chad and the Central African Republic. On these points, France sent a COREU to the EU partners (21 May) (Mattelaer 2008). France requested an options paper before the next Council meeting, which would take place in June (interview Council Secretariat official V). One observer recalls it as a “vague document”, which listed all sorts of things.

While Kouchner was creating political momentum, it is probably good to also pay some attention to longer-standing French interests. France, after all, had a significant bilateral military presence in Chad (Operation *Epervier*) and also a presence in the Central African Republic. These troops had various objectives, including the protection of French nationals, but also to support the regime of incumbent regime of President Déby against various rebels and, of course, the promotion of *Françafrique*. It is likely that France was continuously engaged in monitoring the situation in Chad and in advance planning of all sorts. When the UN Security Council under French pressure started discussing a potential military presence, advance planning, it is reasonable to assume, must have been intensified. The main point thus is that while Kouchner probably had humanitarian concerns on his mind, there was also a long-standing French interest in stabilizing Chad (Charbonneau 2010; Mattelaer 2008). This was more systemic than the event of the election of Sarkozy.

Following the French COREU, a delegation of officials from the Council Secretariat and the Commission was invited to the French headquarters in Paris (*Centre de planification et de conduite des opérations*, CPCO) at the end of May. The purpose of this meeting, as one of the participants recalled, was to come up with a real comprehensive approach and a plan. None of the other states knew about this meeting and the EU officials were told not to discuss it with anybody else. While the content of this meeting was very preliminary, it helped to focus attention on Chad rather than on Darfur. Furthermore, it again shows that, as in the previous case studies, the EU institutions got involved at a very early stage in the process; much earlier than most of the member states. The Political and Security Committee only became involved in the discussions from mid-July, whereas most member member states only started paying real attention when actual troop contributions were on the agenda in September/October.⁴⁹ This was at least four months later.

The reasons for France to invite civil servants from the Council Secretariat and the Commission merits further attention. The invitations for the Council Secretariat were clear. If France was to do anything militarily in the EU, it would have a natural ally in the Secretariat, which was equally ambitious in terms of getting ESDP operations started. Its Directorate for Defence Issues (DGE VIII), in particular, was at the time a French 'fiefdom' that could get things moving from the inside. Its help was necessary for the early planning of any ESDP operation. The choice for inviting the Commission was less obvious. Civil-military cooperation had never been very high on the French diplomatic agenda. One of the reasons for the invitation was probably the involvement of the Commission in the region. Since 2003, it had spent approximately thirty million euros in humanitarian aid per year. The Commission was also together with France and Germany the only actor with a delegation on the ground. Finally, the Commission had the financial resources to pay for the parallel United Nations activities and it was a possible way to direct longer-term development funding towards a former French colony.

Kouchner's desire to do something about the situation in Darfur did not take off immediately. The German Presidency was unenthusiastic (Berg 2009) and the timing of the agenda-setting could have been better: on 21-22 June, the European Council met in Brussels to finally deal with the Constitutional Treaty crisis resulting from the Dutch/French 'no'. Kouchner nonetheless went ahead. On 10 June, he met with President Déby in the

⁴⁹ Apart from France, only Sweden was to a reasonable extent involved in the planning at the early stages of the process (interview national official F).

Chadian capital, N'Djamena. At the time, there was a delegation from the United Nations Security Council on the ground to clarify the options for a multidimensional presence. The delegation was told by the Chadian foreign minister that “following discussions with Mr. Kouchner the President had agreed, in principle, to the deployment of an international military presence in eastern Chad composed of French and other European Union forces” (United Nations 2007a, article 25). The UN delegation also learnt from Chadian officials that “a United Nations military presence was not favoured by the Chadian Government, although it could eventually be discussed as a second phase of a United Nations deployment” (ibid., article 23). Thus, the idea of a bridging operation where the EU would prepare the ground for the UN gradually took shape already at that early stage.

February 2003	Start of conflict in Darfur, Sudan
April 2005	African Union Mission in Sudan (AMIS)
4-10 June 2006	Security Council visits Chad and Sudan
31 August 2006	UNSC Resolution 1706 mentions Chad-Sudan border
23 February 2007	UNSG Report on possible UN presence in Chad/CAR
February/March 2007	Chadian government rejects UN military presence
5-6 May 2007	French presidential elections
16 May 2007	Sarkozy becomes president
19 May 2007	Meeting at Quai d'Orsay on Darfur
21 May 2007	French COREU to EU member states
May 2007	Visit Council Secretariat/Commission officials to Paris
10 June 2007	Visit Kouchner to Chad
13 July 2007	Council Secretariat/Commission options paper
31 July 2007	UNSC approves UN-AU Mission in Darfur (UNAMID)
25 August-1 September	EU fact-finding mission to Chad/CAR
Early September 2007	Visit Carl Bildt to Chad
3 September 2007	Pre-activation of Mont Valérien as OHQ
10 September 2007	PSC gives planning authority to Mont Valérien
12 September 2007	Adoption Crisis Management Concept
15 September 2007	Council Secretariat sends liaison to Mont Valérien
24 September 2007	Indicative force generation conference

25 September 2007	UNSC Resolution 1778 on EUFOR/MINURCAT
28-29 September 2007	Meeting of defense ministers in Évora, Portugal
4 October 2007	Adoption Military Strategic Options
15 October 2007	Adoption Joint Action
21-24 October 2007	Reconnaissance mission by Operations Commander
12 November 2007	Adoption Concept of Operations
November/January	Force generation conferences
14 January 2008	Operations Plan released by OHQ
28 January 2008	Launch of the operation
1-2 February 2008	Assault on Chadian capital by the rebels
13 March 2008	Initial Operational Capability
18-24 June 2008	EU-UN mission to prepare mid-mandate review
17 September 2008	Full Operational Capability
24 September 2008	UNSC Resolution 1834 on starting handover process
28 October 2008	Arrival of first 29 (!) local police officers
26 November 2008	Meeting UNSG with Chadian President
4 December 2008	UNSG Report on handover
8 December 2008	Arrival of four Russian helicopters
14 January 2009	UNSC Resolution 1861 on handover
15 March 2009	Handover between from EU to UN
Table 7.1 Chronology of EUFOR Tchad/RCA. See further Mattelaer (2008) and Seibert (2010).	

In contrast to the German Presidency, the incoming Portuguese Presidency had made Africa one of its priorities. It was more enthusiastic about the Africa adventure (Seibert 2007; Mattelaer 2008). During its term in office, the process started moving again at EU level. The French and the Council Secretariat, in particular, put pressure on the other member states. In an early document on the timeframe of the planning of the operation, the Council Secretariat made clear that the Crisis Management Concept could be accepted on 23 July and that the Council could approve the Operations Plan – thus effectively launching the operation – during its meeting in October 2007 (interview national official P). This remained a target date for quite some time (interview with national official T). Various other member

states were less in a hurry. They tasked the Council Secretariat and the Commission to draft a joint options paper for the Council in July.

The options paper of 13 July 2007 was a truly joint Council Secretariat-Commission document with civil servants on both sides being very positive about the cooperation (interviews Commission official N; Council Secretariat official W). For the Council Secretariat, in particular, it was an opportunity, in the words of one official, to “[kill] the stupid ideas” (Mattelaer 2008: 14; interview Council Secretariat official V) put forward by Kouchner, such as no-fly zones and humanitarian corridors in Darfur. These were non-starters, because the Sudanese President would not let the UN Security Council pass such initiatives. The humanitarian community, in addition, was strongly opposed to these corridors (Berg 2009). The only thing remaining for the European Union was to “close the two backdoors in order to avoid spillover in Chad and the Central African Republic” (interview national official C). During the agenda-setting phase, the focus thus shifted from Darfur back to eastern Chad and the northern part of the Central African Republic. This was not only the result of the options paper. The French, after all, had an interest in the stability of Chad, and had long been promoting UN action. Kouchner furthermore had already reached a deal with President Déby on a possible bridging operation before the options paper had been drafted. The Council Secretariat nonetheless was an important ally for France during the agenda-setting phase. Based on the options paper, the Council gave the planning authority for the operation to the Council Secretariat (23 July).

7.2 DECISION-MAKING

The Council Secretariat-Commission joint options paper marked the start of a lengthy decision-making process in Brussels that would eventually lead to the adoption of the Joint Action on 15 October 2007. One of the great paradoxes of this process – and the mission as a whole – was that two of the most focal member states on the crisis in Darfur, the United Kingdom and Germany, did not participate. They made clear from the very beginning that while they would not obstruct the process, they would not make a contribution to the Chad operation due to military commitments elsewhere (e.g. Afghanistan, Iraq, Lebanon, Kosovo). France, as the initiator of the operation and as the only remaining large member state, would thus have to carry a substantial proportion of the burden itself. Given its own bilateral role in Chad, it thus had to search for contributions of the other member

states to make it a genuine European endeavor. During the decision-making phase this led to discussions over the mandate, the relations with the United Nations and the financing of the operation.

Mandate, Humanitarian Principles and Coordination

The main reason why the member states were so reluctant to support the EUFOR operation was the strong perception of French bias. It was from the outset clear that the EU could only make a meaningful humanitarian contribution, if EUFOR was to be perceived as an impartial actor in internal Chadian politics. Yet this was problematic due to the French bilateral military presence supporting to the government. EUFOR thus had to be distinct from the French contingent and few member states saw how this was going to happen, if France was to provide the bulk of the troops and to take a leadership role in this operation. It took quite some time for France to convince other member states that EUFOR could be an impartial actor in the region and that it would not interfere in internal politics. Looking back, it turned out that the fear that EUFOR would be perceived as partial was ungrounded (interview Commission official AA).⁵⁰

Another reason why the decision-making phase took so long was that, apart from the United Kingdom and Germany, other member states were also hesitant to sponsor a French pet project. It was felt, as Mattelaer (2008: 16) notes, “that however well intentioned the operation, in the end it would serve French interests the most”. To put it a bit bluntly, Chadian infrastructure (such as airports and roads) would be upgraded with EU money – projects carried out by subsidiaries of French firms in Chad – while the EU as a whole would not stay engaged in Chad for the long-term. It was only a one-year bridging operation after all. In terms of financial investment, the other member states would get little return. The resulting argument was that France would have to pay for the operation. This was at odds, however, with the objective of Europeanizing the operation. France continuously stressed that it only wanted to make up some forty percent of the eventual force. As a result of questions over France's true intentions and the impartiality of the mission, few member states were fully enthusiastic about the operation.

What was appealing about EUFOR was the concept of a bridging operation with a clear end-date. This made things much easier for many

⁵⁰ Critics argue that EUFOR was not impartial because it gave the government the possibility to re-group (Charbonneau 2009; Berg 2009).

member states, including Germany, which would end up paying the largest share of the common costs (see below). Without an end-date, this operation would not have been launched. In addition, various interviewees stressed that they were excited about the fact that EUFOR was to be part of an international multidimensional presence, in which MINURCAT would take care of police training and humanitarian functions (interviews national officials D, J, R). It was felt that this was exactly the sort of things that the European Union should be doing. It would be a typical example of the so-called comprehensive approach with the European Commission providing substantial humanitarian aid, development assistance and support for the activities of the United Nations. The military operation would create a secure environment, in which the UN could operate. This fitted well with European Union's proclaimed preference of multilateralism. The temporary nature of the commitment and the multidimensional presence were the reasons why the member states eventually endorsed the French initiative.

The support of the member states for the comprehensive approach meant intensive coordination between the officials of the Commission and the Council Secretariat. Following the invitation of the Commission in May and the joint options paper, the Commission now got involved in detailed planning. The role of the Crisis Response Coordination Team (CRCT), in which civil servants of the Commission and the Council Secretariat met on a weekly basis, has to be noted in this respect. Reviving this mechanism was regarded on an institutional level as a major achievement, particularly compared to Operation Althea (see chapter five). One observer calls, in this respect, the participation of the Commission in EUFOR Tchad/RCA a break with the past. Through the CRCT, the Commission could communicate its preferences and ideas. While the Council Secretariat remained officially in charge of the planning, the involvement of officials of the Commission affected the outcomes in two ways.

First, the involvement of the Commission gave it the opportunity to suggest proper accompanying measures. While in the case of the Aceh mission it had made 27 million euros available, the Commission's record in military operations was poor. For EUFOR Congo, it had committed only 0.1 million euro. For Operation Althea it was about one million euro for the whole duration of the operation. The main reason why the Commission was not able to do more – apart from the bureaucratic battles – was that it did not get involved early enough. The financial rules, which the Commission has to work with, are notoriously inflexible (due to the strict accounting rules forced upon it by the member states). One observer noted that it takes generally one year for the Commission to disburse money. Given that delegates of the Commission were already invited in May and that they

were part of the early process, it could make financial contributions in the order of 35 million euro (see implementation below). This was quite a watershed. Not only was the financial figure impressive, the Commission's contribution was also of direct importance to the operation itself. Through its Instrument for Stability, the Commission paid for a large share of the MINURCAT police training mission.

Second, the Commission contributed to the content of the mission by means of its humanitarian expertise and its relations with the NGO community. The European Union had not carried out a military operation with such humanitarian objectives before and the Commission, as one of the world's biggest donors of humanitarian aid, felt the need to point the Council Secretariat and the member states to some humanitarian principles (see also launch below). In the Crisis Management Concept, this had to do with the end-state of the operation. While EUFOR was an end-date rather than an end-state operation, objectives and benchmarks still had to be discussed. One dominant issue, in this respect, was the return of internally displaced persons to their villages. This was measurable in numbers. It was therefore an attractive indicator for the member states, and rigorously pursued by the French foreign minister. The European Commission fought hard to ensure that it would be a "voluntary" return. As one observer states, "EUFOR could create the security conditions for their return and the European Commission could create other conditions, such as water, but the return should be voluntary". After a diplomatic *démarche* by the Cabinet of Commissioner Louis Michel, the word "voluntary" was included in the Crisis Management Concept.

An indicator of the involvement of the Commission during the planning phase was the seniority of its participation in the Crisis Response Coordination Team. From the Council Secretariat, the Director of DG E VIII, Claude-France Arnould, and the Director-General of the Military Staff, Lt. General David Leakey participated. The European Commission was only represented at the level of desk officer (DG RELEX, DG DEV, DG ECHO). This reflected obviously the importance that the Council Secretariat and the Commission attached to EUFOR, in it being part of their regular activities. Yet at least from the Commission's side, the desk officers felt that they were listened to and that they could make a contribution. This had to do with their earlier mentioned specific expertise and their contacts with NGOs, but also with the fact that one of the key messages from the Council was that EUFOR would not be a one-year project – that the EU would stay engaged. Such longer-term engagement could only come from the Commission, which gave it some leverage during the planning phase and subsequent negotiations.

The comprehensive approach went beyond Brussels during the planning phase. From 25 August to 1 September 2007, officials from the European Union and the United Nations went on an EU-led fact-finding mission to the region under the leadership of General Leakey (interview UN official A). From the Council Secretariat's side, this mission included the usual officers (e.g. policy, planner, logistics, intelligence). The United Nations sent four similar officers, who briefed the Council Secretariat personnel on the work that had been done so far. Furthermore, the future Force Commander, the French B. General Jean Philippe Ganascia became involved at this stage as well. Finally, since General Leakey had one place left in his helicopter, he invited officials from the Commission to come along (interview Council Secretariat official CC). Because it was holiday season, civil servants from DG DEV could not go, so the Commission sent instead officials involved in the Instrument for Stability (DG RELEX). Despite this coincidental nature of the Commission involvement, it was lauded by the Commission as again a sign of good cooperation. The fact-finding mission eventually led to the adoption of the Crisis Management Concept by the Council on 12 September 2007.

Finally, a word on the EU-UN relationship during the early stages of the planning is important. Despite the involvement of the United Nations, the EU felt the need to not overly rely on the UN. Throughout the planning and the implementation, this was not always clear to both sides. One United Nations official (interviewee A) stated that “the military is supposed to provide some sort of security umbrella” to protect their policing activities. An interviewee from the Council Secretariat (#W), however, noted that “some people said about the operation that we were providing the security umbrella for the UN to perform ... on the UN side they also had too high expectations of us, for example that we would provide them with escorts. But this was not our role, we were not their drivers” (also seminar Brussels 2010). With regard to the planning of the operation, one observer (Council Secretariat official B) recalled that “because they had done the planning, they thought that we would do exactly the same. They wanted us to do the military part and they would do all the rest. It took us some time to explain to them that we would do it differently”. The UN official (#A), on the other hand, noted “for political reasons ... there was a need to re-do kind of the major concept ... but the main goals were definitely shared”.

United Nations Security Council Resolution 1778

After the Crisis Management Concept was adopted, EUFOR required the legitimacy of a United Nations Security Council Resolution in order to proceed. Looking back with the benefit of hindsight, this turned out to be one of the most important documents for the planning of the entire operation. It arranged the details of the military handover to MINURCAT. Regarding the details of the handover, there were two competing agendas. On the one hand, for the EU, it had to be absolutely clear that the EUFOR was to stay in Chad for the period of exactly one year and that MINURCAT would take over. On the other hand, it was clear at the time that the Chadian government was still reluctant to accept UN peacekeepers, even if this was only during a second phase of a United Nations deployment. Complete clarity about the handover in the Security Council Resolution would thus lead to Chadian resistance and delays in the launching of the operation.

Within the European Union, these two competing agendas led to a clear split. For France and the Council Secretariat, which preferred EUFOR to be launched as soon as possible, absolute guarantees on the handover were of less importance than for other contributing member states and for Germany and the United Kingdom, which would have to pay much of the common costs of the operation. A problem for the other future contributing member states was that, because force generation would only start at a later stage, they were in a rather weak position to make demands. The member states that actually put their soldiers on the line, quite understandably, led the negotiations. Within the UN Security Council, it was eventually decided to postpone the final decision on the handover to the Mid-Mandate Review, which would take place six months after the start of the operation. The precise wording of the paragraph was the following:

[The Security Council] requests the Secretary-General to report to it ... six months from the date [that initial operating capability is declared by the EU] on the arrangements for following up the intended European Union operation which has been authorized for a one-year period, including a possible United Nations operation, depending on the developments in the situation (UNSCR 1778, paragraph 10).

Anyone capable of reading UN-speak notices that this paragraph actually promises very little in terms of the eventual handover. Even amongst the

national interviewees there was considerable difference in the interpretation of the Security Council Resolution. Some noted that the bridging operation was agreed from the start, while others stated that nothing had been agreed. This difference partially resulted from the fact that in the internal EU documents, the handover by MINURCAT was explicitly spelled out. These were much clearer than the Security Council Resolution (interview Council Secretariat official W). The clear language in the internal documents was to convince several member states about the commitment of France to the end-date concept. Despite the obvious ambiguity in the Security Council Resolution, a civil servant from the Council Secretariat (interviewee V) noted that “we were happy with the results ... we got exactly what we wanted”. The careful phrasing of the Resolution, which was mainly done by France with the involvement of the Council Secretariat, was enough to get the operation going. This was very much in their interest. It would eventually, however, lead to major political problems with the UN (see termination below).

Joint Action and Finances

In parallel to the discussions over the UN Security Council Resolution, the member states discussed the Military Strategic Options, which were released on the day that the Council had approved the Crisis Management Concept. The Military Staff presented the member states with four options (Mattelaer 2008; interview national official D). Option one was for the EU to train Chadian military forces and have them provide security in eastern Chad. This was quite different from the plans of the United Nations and from what had earlier been discussed in the European Union, but it was a possible option. After all, the MINURCAT was doing the same with regard to the local police forces. The big advantage of this military option was that it would not cost the EU much and that the EU would not be dragged into a difficult conflict. The problem was that it fitted badly with the impartiality requirement of the Crisis Management Concept. By training the Chadian military forces, the EU was indirectly interfering in domestic politics. This option was thus not discussed as a serious alternative.

Option two was to deploy three battalions gradually over eastern Chad, while the third one was to deploy four battalions immediately to all the regions in eastern Chad. The advantage of the gradual approach was that it would ease the logistical burden of the operation. It also had the political advantage of simply sending less troops. The major disadvantage

with this option was that the rainy season in eastern Chad would start at the end of May / beginning of June. If the operation was not to be in place before this period, it would lead to considerable extra logistical problems. From a military perspective option two was thus unlikely. Finally, option four suggested a gradual deployment with a strong emphasis on the Central African Republic. The United Kingdom, however, strongly opposed such focus (interview national official D) and France had also a clear preference for Chad. This fourth option was thus neither considered seriously. The member states eventually chose on 4 October for strategic option three.

The step from the Crisis Management Concept, the UN Security Council Resolution and the Military Strategic Options to the Joint Action is normally straightforward. It generally only implies codification. This was a bit different in the case of EUFOR due to the financial implications. In the period between the Military Strategic Options and the Joint Action (only 11 days), it turned out that there was a substantial difference in the reference amount of the common costs estimated by the people who drafted the Military Strategic Options and the ones responsible for the implementation of the Joint Action. This was the result of the division of labor between the RELEX counsellors and the people from the Athena mechanism (see chapter four). It caused problems. To put it simply, the military officers from the Council Secretariat had underestimated the common costs when presenting the Military Strategic Options to the Council. Now that the member states were presented with the reference amounts mentioned in the draft Joint Action, they wanted to know why this was possible. Their ministers had signed off on the lower budget (interview Council Secretariat official E).

During the negotiations over the Joint Action, the RELEX counsellors managed to decrease the reference amount of common costs from 120 to 99.2 million (only for it to increase again in the budget of the Operations Commander to 120 million). There were also a few discussions on the scope of the common costs – what is exactly common and what is not. This ended up on the COREPER agenda (interview Council Secretariat official W). The ambassadors, however, quickly decided that common costs were to be defined in a minimalistic sense and that they would not include transport to the operation theater or drinking water for the troops. These were costs to be borne nationally. On this basis, the Joint Action was finally accepted on 15 October by the Council. The differences over financing can be partially attributed to the fact that the amounts mentioned in the Military Strategic Options are very preliminary (interview national official D) and that EUFOR was the first operation with a substantial budget for common costs (interview Council Secretariat official E). It is, however, difficult to

escape the impression that the Council Secretariat tried everything to make the operation more palatable for a number of member states and that the eventual figure was presented as a *fait accompli*. Bureaucratic influence as a case in point.

7.3 LAUNCHING OF THE OPERATION

Military planning at the Operations Headquarters

On 3 September 2007, the Operations Headquarters in Mont Valérien was pre-activated. This was almost six weeks before the member states adopted the Joint Action, which formally appointed the Operations Commander and the Headquarters. One week later (10 September), the Political and Security Committee gave planning authority to Mont Valérien. Despite the early activation, it took in total some three months before the Headquarters was completely up and running. Such delay was caused by the *augmentees* of the other member states arriving late (interview Council Secretariat official EE; see also chapter four). In the absence of the Operation Commander, who still had to wait for the Joint Action to be adopted, and with mostly French officers present, the Operations Headquarters started working on a Mission Analysis Brief. Its activities were supported by the Military Staff, which had sent a liaison officer to Paris on 15 September. Several French liaison officers joined the EU Military Staff in Brussels as well to improve communication (interview Council Secretariat official EE).

Before discussing how the Mission Analysis Brief eventually led to the Concept of Operations and other planning documents, it is necessary to say a few words about the appointment of the Operation Commander. Already from the very early planning stages, it was clear that the Force Generation process would present problems. This is why France initially thought of using the Nordic battle-group (1500-2000 troops), which was led by Sweden and included some Finnish, Irish, Norwegian and Estonian troops. The battle-group concept, which focuses on rapid deployment for a short period of time, was not the optimal scenario for the operation in Chad (also because the Nordic battle-group would only be operational on January 2008, while the operation was to start in October 2007). Yet for France its deployment would kill two birds with one stone. Apart from the substantial contribution, which Sweden would bring to the operation in terms of forces, it would be the first time for the battle-group concept to be used. Given that troops had been on permanent standby since 2007, this was about time.

Because France was so eager to get Sweden on board, it offered the post of Operations Commander as a sweetener. This was unprecedented. It would imply that a foreign national would be in charge of the French headquarters leading an operation consisting in majority of French troops.

To ask Sweden was also a logical choice. Foreign minister Carl Bildt had been one of the most outspoken politicians on the situation in Darfur. The problem, as it turned out during the summer of 2007, was that Sweden was not ready to take on the leadership of EUFOR. Sweden rather preferred to participate as part of the broader UNAMID operation in Darfur under UN command (AFP 2007b). Yet since the Sudanese president was not allowing western states to participate in the UNAMID operation, the focus shifted back to EUFOR. In particular Finland, which was part of the Nordic battle-group, made clear that it wanted to participate within the EU context as part of a Swedish contingent (Helsingin Sanomat 2007). Sweden, however, refused to take the lead. After Bildt had visited Chad to see the situation for himself early September 2007, it became clear that Sweden would not play a leadership role in this operation. One national official (# F) noted, in this respect, that France and the civil servants in the Council Secretariat seriously misread the Swedish intentions, as Sweden never wanted to send a large contingent. The saga nonetheless promoted the idea that the member state, which would make a large contribution besides France, would get the leadership post.

With Sweden rejecting to take the lead, the process continued through the normal procedures with Force Generation coming after the Concept of Operations. However, on 24 September, there was an indicative Force Generation conference to get an idea which of the member states would be interested in contributing to EUFOR. This conference was perceived as a “disaster” (Mattelaer 2008: 17), since very few substantial contributions were made. Only at that moment, France started looking intensively for member states to contribute. During the informal defense ministers meeting in Évora, Portugal on 28-29 September, they contacted Ireland and offered the post of Operations Commander (interview national official J). A couple of days later, Lt. General Pat Nash was called back from his golfing holiday in South-Africa to take command. He was, at the time, the Deputy Chief of Staff of the Irish Defense Forces and he had left for holiday on the day of the adoption of the Security Council Resolution. Ireland was at that moment not in the picture for EUFOR (interview EUFOR official A). After the informal defense meeting, things went quickly. On 11 October 2007, staff from the Operations Headquarters and the Council Secretariat flew to Dublin to brief General Nash on the political context and on the work done in the context of the Mission Analysis Brief

(interview EUFOR official B). General Nash arrived in Paris on the day of the adoption of the Joint Action (15 October).

General Nash was not happy with the preparatory work and the Mission Analysis Brief presented to him by the French officers. He insisted to have a look at it rather than to accept it (interview EUFOR official A). He also went on a reconnaissance mission to Chad (from 21 to 24 October) before making final decisions (interview EUFOR official B). General Nash eventually made quite a number of changes relating to the content of the operation (interview EUFOR official A, B; Council Secretariat official V). Two stand out. First, following the agreed Military Strategic Option Three, the EUFOR required four battalions. Nash thought that this was a too heavy engagement in terms of organization, requiring too many enablers. He was conscious of the fact that the Force Generation might create problems. He thus decreased the number to three battalions (interview EUFOR official A). Second, the Chadian government argued that, for sovereignty reasons, the location of the Force Headquarters should be in eastern Chad – in the area of operations – rather than in the capital in western Chad. General Nash accepted this argument, but it implied building an extra camp at additional costs.⁵¹ On this basis, the Headquarters wrote the Concept of Operations and the Provisional Statement of Requirements. These documents went for consultation to the EU Military Staff and were eventually adopted by the member states on 12 November.

The Concept of Operations marked the start of the formal Force Generation process, but most member states had already been considering their possible contribution for quite some time. They made them available at the first Force Generation conferences in November. These contributions included many of the 'ground troop' by the three leading states (France, Ireland and Poland) and many smaller contributors (interview national officials D, P, R, T). The problem existed, however, with a number of specific enablers for the EUFOR operation. The requirements for these enablers became clear only with the publication of the Concept of Operations (interview EUFOR official A; Council Secretariat official V). Given that the operating theater was of tremendous size, that there were no paved roads and that the rainy season would make life difficult, EUFOR required substantial tactical air transport (i.e. helicopters and small planes). In addition, EUFOR had to be able to transport any seriously injured soldier within two hours to a Role 2 Hospital, which can provide basic surgery.

⁵¹ There was a need for a camp close to the capital in any case to coordinate the logistics (airport/seaport).

Finally, there was a need for many logistical enablers to provide everything from food to fuel.

These specific assets were in short supply. First, the robust types of helicopters, necessary for the local conditions on the ground, were only scarcely available in Western Europe, where tactical air transport traditionally goes via planes (interview national official D). Second, there were other pressing concerns elsewhere, for which the member states were already using their assets (e.g. Lebanon, Afghanistan). The result was a lack of progress during the Force Generation conferences at the end of 2007. One interviewee (EUFOR official B) recalls about the fourth conference in December that it “resulted in a very negative feeling. We felt a break/make moment then”. At that point in time, General Nash decided not to send his Operations Plan to the Political and Security Committee, but rather to wait for additional commitments and thus to postpone the start of the operation (interview Council Secretariat official V).

There was a serious question about the point of holding another conference before having guarantees on commitments. During the final Force Generation conference, which took place in January 2008, France announced that it would cover all gaps in logistical enablers by becoming the logistical framework nation. This added 520 troops to the operation. France also decided to provide air assets. Italy provided the Role 2 Medical Facilities. There remained, however, a substantial shortfall in tactical air transport. General Nash allegedly noted that “it was not a luxury plan” (interview EUFOR official B). One other observer states that “[Nash] had to take a risk ... if you are waiting for all ducks to be lined up in the pond, it would never happen”. Only when the Russians made four of their helicopters available for EUFOR, after signing an agreement with Javier Solana on 5 November 2008 (United Nations 2008a, paragraph 37), the operation could function more comfortably. This was as late as January 2009 (Seibert 2010). General Nash, nonetheless, decided in January 2008, on the basis of what had been committed, to release his draft Operations Plan (14 January). On 28 January, the Council accepted the Operations Plan and thus formally launched the operation.

On the substantive side of the military planning, the Operations Headquarters kept officials from the EU Military Staff and the Commission involved. This went beyond liaison officers and several Political Advisors (POLADs). The Military Staff had more experience with previous ESDP operations, which was very helpful in the beginning when setting up the Operations Headquarters (interview Council Secretariat official EE). The Concept of Operations and the Operations Plan were furthermore sent to

the Military Staff for continuous informal consultation before they were released to the member states for formal approval. In this respect, one interviewee notes that it was sometimes difficult to get the Military Staff of the back of the Operations Headquarters. General Leakey, after all, had been involved in the fact-finding mission and with his loads of operational experience, he sometimes was overly involved in the military planning at the Operations Headquarters.

Officials from the Commission also visited the Headquarters to make sure that the points they had made earlier (e.g. voluntary return) were sufficiently included in the planning documents. From a humanitarian perspective, the Commission stressed that EUFOR should not engage in Quick Impact Projects (e.g. drilling water wells) to 'win the hearts and minds' of the local population (interview Commission official AA). This was the tasks of the humanitarian community. EUFOR was there to provide overall security instead. This fitted with the broader humanitarian doctrine that soldiers should only engage in such projects, if the security situation is too dangerous for the humanitarian community to perform such tasks. The Commission stood up for these principles and Quick Impact Projects did not become part of the Operations Plan.

Getting to the Theater and Establishing Base

The deployment of EUFOR was by no means easy. Björn Seibert (2007) has provided an overview of the tremendous logistical challenges that the member states had to undertake to transfer their troops to a theater 4000km away from Brussels and some 2000km from the nearest available port in Cameroon. It is still good to give some figures. In the period January-June 2008, between the launch of the operation and the beginning of the rainy season, EUFOR used 530 airlift flights, 140 road convoys, 21 rail convoys and it shipped 2400 containers (interview EUFOR official A). Eventually and despite some delays with logistics (interview national official R), most of the troops arrived on the ground on time, where they had to build their own infrastructure, five camps, including the Force Headquarters. This had to take place in a well-ordered manner so that there was enough security for incoming supplies as well as for the protection of the troops. Furthermore, there had to be sufficient medical facilities already from the beginning. That EUFOR managed to do all these things is a major achievement.

The biggest (political) challenge during the start of the operation was, however, the assault of the rebels on the capital (1-2 February 2008).

While interviewees of various member states (#J, R) did not see why this incident would make a difference for EUFOR, an interviewee from the mission (#A) noted that “it was a very difficult week for us”. It was not a coincidence that the rebels launched their attack on the same day that EUFOR started launching its operation from Brussels (ibid.). The rebels hoped to create confusion in the EU, which could potentially undermine the operation. After all, EUFOR would create stability and thus informally protect the *status quo*, which was not in the rebels' interest. The main problem with this attack was that it was nearly successful. The rebels reached as far as the Presidential Palace. On his wedding day, the French President Sarkozy reportedly called President Déby whether he should send a helicopter to get him out (The Independent 2008). If the rebels had been successful, this would have raised several major questions on a political and tactical level.

On a political level, EUFOR had to sign the Status of Forces Agreement with President Déby. It was thus a question what would happen with EUFOR, if Déby was no longer there and the rebels would try to form a government. Apart from the fact that this could lead to the termination of the operation, there were also security implications for EUFOR. After all, it had just been deployed and had already personnel on the ground, who were at that moment at their weakest given the lack of force protection (interview with EUFOR official A). EUFOR was lucky in the end that Déby managed to resist the assault on the capital and that he stayed in power. Overall, the operation was delayed two weeks. On 15 March 2008, EUFOR declared Initial Operational Capability, which meant that its mandate of one year had formally started.

7.4 IMPLEMENTATION

It is important to note that the objectives of the European Union were very modest. This was to be expected given that EUFOR was only in Chad for a one-year period, that it had at its maximum only 1400 troops available to ensure a safe and secure environment, that it never had enough tactical airlift, and that its area of operations was nearly 350,000km² (cf. Poland).⁵² With such limited ambitions, it is difficult to assess success. Oxfam (2008) noted in an early report that it “believes that EUFOR has made many civilians feel safer through its activities, which include patrolling known

⁵² Of the 3700 troops, only 1400 could perform active functions in the area of operations (seminar Brussels 2010).

dangerous routes, destroying unexploded ordnance, making contact with local leaders, and positioning itself defensively around civilians during rebel and government fighting” (p. 13). In addition, EUFOR de-escalated a number of conflicts through robust engagement (interview EUFOR officials A, B). Patrick Berg (2009) is, however, much more critical pointing out that EUFOR was unable to protect the refugees, internally displaced people and humanitarian workers as a result of its lack of capabilities.

One of the problems of EUFOR during the implementation phase was undoubtedly the lack of tactical air transport within the area of operations. The problem could partially be mitigated by building up larger inventories of supplies in the camps via ground transport before the rainy season. This took some pressure of the air assets (interview national official R). It required, however, also many *ad hoc* arrangements. One observer recalls:

We concentrated on trying to get extra transport through all sorts of means to support us during the operation and to be able to greatly increase our operational capability. We did that by a number of means. First of all, member states that already had troops on the ground were extremely flexible. For instance, if there were troop rotations, or supplies coming in with ... an Hercules or something like that, [member states] would leave it there for a day or two for us. [Their] crews would do a number of small things for us. Small things, but very important. We got some countries to come down and give us air cover for a week at the time. That was another aspect. [Ireland] contracted a helicopter to support us and then we had negotiations with third countries. We did serious negotiations in the summer of 2008 with the Russian Federation. That was a huge plus for us. They dramatically contributed to our operational effectiveness of the mission. That is how we got off.

The lack of tactical air transport within the area of operations was one problem. Another major issue for the operation was the absence of the police element of the MINURCAT operation. MINURCAT was supposed to deploy police trainers to eastern Chad, who would train local police to provide minimum security within the camps. It, however, had problems in its own Force Generation and the recruitment and training of local police took long. As a result the first 29 (!) local police officers were only deployed to the refugee camps on 24 October 2008 (United Nations 2008a,

paragraph 22). Only as of 27 March 2009, which was two weeks after the termination of EUFOR, 667 local police officers were deployed to eastern Chad (United Nations 2009, paragraph 31). This still fell short of the 850 target. In other words, there was no local police presence of any noticeable size operating in parallel to EUFOR. In Brussels, however, a critical Oxfam report (2008) on the lack of the UN deployment was well-received. One observer notes that diplomats were pleased that the European Union at least did not receive the blame.

Yet on a military-strategic level, the absence of local police was problematic. After all, it had been a planning assumption from the very start that local police would provide security within the camps and that EUFOR would deal with the security outside the camps. The result of the absence of the police force was that security problems, such as banditry, inside the camps continued and that people expected EUFOR – as the only security actor present – to deal with it. Yet EUFOR was not prepared for this. It had planned for armed confrontations with gangs of 100-200 people. Such confrontations did not take place due to the robust nature of EUFOR and its technical advantages. When these gangs broke down, however, in small groups of 2-4 people and started committing lower level criminality and human rights violations within the camps, EUFOR had to adapt itself in absence of the local police forces (interview EUFOR official A). This problem was made public by the Force Commander General Ganascia already on 16 June 2008 in an article in *Le Figaro*:

There is a discrepancy between what contributed to the initial set up of the forces deployed here and the actual reality. The background situation has changed enormously ... It is therefore essential that we adapt our methods of action in order to counteract the *coupeurs de route* (highwaymen) whilst still remaining within the framework we were given (quoted in Oxfam 2008: 24-25).

EUFOR could not solve this problem with the means available, but it made some adaptations. For example, it put much more emphasis on gender issues with women and children being the main victims of such human rights violations. EUFOR also started to target areas where it felt that the crime levels were too high by going in with a company of troops and patrolling the area intensively for a few weeks. The problem was, of course, that EUFOR could not guarantee a permanent presence and had to move to

some place else afterwards (interview EUFOR official A). The increased number of lower level crimes, which had a large impact on the refugees and the internally displaced people, is considered by some observers as evidence of failure on the side of EUFOR. Yet it clearly needs to be underlined that EUFOR was not prepared for police tasks and that the military can only do so much in achieving a safe and secure environment. The lack of the United Nations deployment was the major cause of these problems. What can be blamed on the EU was that it was overly optimistic about the UN's capabilities to deploy.

In terms of the organization of EUFOR, it is worth noting that contacts between the Force Commander, the Operations Commander and the Brussels-based decision-making bodies were intense. In chapter five, it has been noted that the first Force Commander of Operation Althea and his Operation Commander at SHAPE tried to have a phone conversation once per week, but that they sometimes did not speak to each other for a month. While General Nash tried not to micro-manage the Force Commander in the case of EUFOR, they were in contact much more regularly: from several times per day to minimally several times per week (interview EUFOR official A). The Operations Commander furthermore went to Chad some ten times during the course of the operation and the Force Commander regularly came to Paris for intensive two-day discussions.

The same holds true for the relations with Brussels. From the moment that General Nash was appointed as Operation Commander on 15 October 2007 to his financial report on the budget at the end of September 2009, he attended 47 formal briefings in Brussels primarily for the Political and Security Committee and the EU Military Committee. In addition, he had to go to the briefings in the various capitals, for example for the incoming EU Presidencies. Finally, one interviewee notes (EUFOR official A) that “there was not a day that went by” that the Operations Headquarters did not receive high-level visits from national politicians, ambassadors and generals. In other words, there was an substantial amount of scrutiny by the member states. They did not necessarily try to influence the actions of EUFOR, but they wanted to be kept up-to-date about this operation. This was quite different from Operation Althea.

The Commission made available a substantial amount of money for accompanying measures through the Instrument for Stability and the European Development Fund. Probably most important for EUFOR was the immediate one-time contribution of ten million euros to the trust fund of MINURCAT in support of the police training. This contribution arrived in New York before the end of 2007 and was the major initial contribution to

MINURCAT (United Nations 2007b, paragraph 21). It also contributed more than 13 million euros for several development projects in eastern Chad and the Central African Republic to improve medium-term stability. It contributed another 11.5 million to support the electoral process reform in Chad and to support Security System Reform in the Central African Republic. These donations were also geared towards the medium-term. As part of the tenth European Development Fund, the Commission has made substantial longer-term commitments beyond EUFOR. All these accompanying measures were on top of the 30 million in humanitarian aid the Commission had been giving per year since 2003 (see table 1).

Support for police training MINURCAT	Instrument for Stability	10 million
Support for electoral process Chad	Instrument for Stability	5 million
Security System Reform in the Central African Republic	Instrument for Stability	6.5 million
<i>Programme d'Accompagnement à la Stabilisation</i> Chad	European Development Fund	10.1 million
<i>Programme d'Accompagnement à la Stabilisation</i> Central African Republic	European Development Fund	3 million
Humanitarian Assistance (2003-date)	DG ECHO	30 million / year
Table 7.2 Accompanying measures provided by the European Communities		

The main question, however, for the Commission is whether it received anything in return for these contributions during the implementation phase. The money, which was sent to the UN, avoided even longer delays in the MINURCAT deployment, but it is unlikely that the Commission capitalized in the context of EUFOR. Similarly, there is no evidence that the other contributions strengthened the position of the Commission and its delegation *vis-à-vis* the Council, the Operations Headquarters or the Force Headquarters in any direct sense. EUFOR staff understood that they needed the Commission for long-term engagement in eastern Chad. That is why the Commission had access and was involved in the early planning, but it is difficult to see how the money of the Commission gave it any specific influence over the outcomes of EUFOR implementation apart from the regular consultations, which it would normally also have.

7.5 TERMINATION AND HANDOVER

Already before EUFOR could declare Full Operating Capability on 17 September 2008, it started the Mid-Mandate Review process, which would eventually lead to the termination of the operation and the handover to MINURCAT.⁵³ This process was done jointly by the European Union and the United Nations during a mission to the region (18-24 June 2008) (United Nations 2008b). During this trip officials from both institutions discussed the terms of reference for the Mid-Mandate Review and subsequently wrote separate reports – one of Javier Solana to the Secretary-General of the United Nations and one of the Secretary-General of the United Nations to the Security Council (interview Council Secretariat official W). These reports were discussed in the UN Security Council on 24 September 2008 on the occasion of the adoption of Security Council Resolution 1834 that started the handover process.

It is worth noting that for the adoption of Resolution 1834, Javier Solana, Bernard Kouchner, and the Belgian foreign minister Karel de Gucht attended the meeting of the Security Council. This was quite remarkable. First, the Security Council normally meets at ambassador level and this was not a special ministerial session. Second, Javier Solana had not been overly involved in the EUFOR operation. Apart from a compulsory visit to the mission in May 2008, the attendance of the ceremony of the EU's very first casualty in Paris, and the contacts with Russia over helicopters, he had been largely absent from the whole process. It was, however, for plenty of reasons in the interest of the EU to get out of Chad by 15 March 2009. This message had to be clearly communicated to the United Nations. Given that the deployment of police trainers by MINURCAT was already behind schedule, the Mid-Mandate Review was the moment to wake up some people. During his intervention, Solana (2008) noted in plain English that:

As announced, EUFOR will leave on the 15th of March 2009. Our concern is to prevent a security gap at that moment. For this reason, I believe it is fundamental to insist on [these] aspects: an appropriate handover of the EUFOR by United Nations is an absolute necessity by the 15th of March 2009 ... a quick decision from the Security Council is needed. It will enable to start/launch

⁵³ EUFOR never reached Full Operating Capability, because the Force Generation process was never completed as a result of a lack of helicopters. Instead it declared the elements deployed as fully operational (seminar Brussels 2010).

in time the planning of the United Nations. We will do our best to support the United Nations in all areas and thus to make of this transition a success.

Security Council Resolution 1834 itself asked for a new report of the UN Secretary-General by 15 November on “the planning and conducting preparations ... of the proposed UN military presence in the north-eastern Central African Republic to take over EUFOR's presence” and a final decision on that matter on 15 December.

With less than six months to the eventual handover, there was very little time for the United Nations to do the planning and to raise enough forces for its operation. It sent, however, almost immediately a Technical Assessment Mission to the region (October 2008). Déby remained reluctant to allow United Nations peacekeepers. In a letter of 28 October to the UN Security Council, the Chadian Permanent Representative, for example, wrote in a typical obstructive manner “the Government of Chad considers that the references to the so-called Brahimi reports [on UN Peacekeeping Operations] for its concept are inappropriate” (United Nations 2008c). At that time, the UN had already dispatched its Under-Secretary-General for Peacekeeping Operations to N'Djamena for consultations with the Chadian government over the scope and the mandate of the operation. Only after a meeting between the Secretary-General Ban Ki-Moon on 26 November, Déby agreed to a smaller than foreseen UN military presence (United Nations 2008d). The report of the Secretary-General came in on 4 December, thus three weeks too late. As a result, the Security Council could only adopt Resolution 1861, deciding on the handover, on 14 January. This was two months before the handover had to take place.

It is worth noting that not only the Chadian government was reluctant to receive a United Nations Peacekeeping Operation. Also within the Department of Peacekeeping Operations of the United Nations, there was internal resistance against a takeover from the European Union. One observer notes they “did not have an appetite to do the operation”. An interviewee from the Council Secretariat (# V) similarly noted:

The transition itself was difficult. The United Nations spent all its time trying not to take over the operation. We tried, on the other hand, to make it effective on the day as scheduled. It was really difficult to get the UN involved. We used all the levers, with the

Solana report, with [the Under-Secretary-General of Peacekeeping operations] coming to Brussels.

The resistance from the United Nations was quite understandable given the tremendous difficulties with Force Generation during other peacekeeping missions, such as UNAMID in Darfur. They were not keen on the EU launching a mission for a period of one year (to please the French domestic audience) and to have to clean up the remaining mess. Given that nothing had been formally put on paper in the initial Security Council Resolution 1778 about the handover, the UN was in a comfortable position. When it appeared over time that the United Nations would not be ready in time for the handover, the message that came across from New York was that it was the EU's problem. This "blackmail" (interview Council Secretariat official W) was not accepted. As one observer notes, the "French effectively forced them ... they forced DPKO to get in. It also came at the cost of good relations". The handover was considered a "nightmare" (ibid.). The same observer stated that "the Security Council Resolution was only there in January 2009 and everyone was very nervous". This was, according to one of the interviewees (EUFOR official A) "too short, too problematic and a big problem for us".

There were three reasons why the handover eventually took place on time. First, several member states of EUFOR were persuaded to re-hat some of their troops to be part of the MINURCAT operation, at least for a short period of time. On the day of the handover more than 2000 troops thus moved from EUFOR to MINURCAT. In addition, EUFOR continued to provide logistical support to MINURCAT in the beginning of the mission. Third, one observer notes that since "there was a panic about the transition", EUFOR decided to hand over all the infrastructure and assets to the Chadian authorities, in line with the Status of Forces Agreement, rather than to MINURCAT. This created a point of no return, because without infrastructure EUFOR could no longer fulfill its mandate. It then thus had to leave. The Chadian Government, in turn, had to give the infrastructure to MINURCAT. It was, in the words of the same observer "the safest way to ensure that [EUFOR] could leave" on 15 March 2009 as planned.

Handing the infrastructure to Chad created a specific problem. As part of an gentlemen's agreement, the European Union had negotiated with the United Nations that the UN would pay part of costs, which EUFOR had invested in upgrading the local infrastructure (e.g. runways). This was in total 70 million euro and was part of the operation's common costs. The problem was that nothing had been written on paper. In all the confusion

surrounding the handover, the Chadian government refused to pay the EU for the assets and the infrastructure, since there was nothing stipulated in the Status of Forces Agreement. It did, however, charge the United Nations. The UN subsequently refused to pay the EU. Eventually, it paid for 20% of the 70 million euro. Discussions over a higher contributions continued for some time, but the European Union did not get the money back (interview: Council Secretariat official E). The episode was particularly embarrassing: Germany had to pay the largest part of the bill, despite its opposition to the operation.

7.6 OVERVIEW OF THE FINDINGS

This chapter has so far given an overview of the policy process of EUFOR Tchad/RCA. Special emphasis has been paid to the role of officials working in the Council Secretariat and the European Commission. The remainder of this chapter will discuss the political influence of these officials during the various phases of the policy process. As with the previous cases, it will use the yardstick presented in the introduction of this book. For the Council Secretariat or the Commission to have a high amount of influence, it should play a leadership role during a particular phase in the policy process. For them to have a medium level of political influence, they should constitute a necessary condition in explaining the outcome during a particular phase of the policy process. For them to have a low amount of influence, requires them to be involved in the deliberations. If they were not involved, they did not have any influence. Compared to the previous two chapters, measuring the political influence of the Council Secretariat in this military operation is very difficult. Its interests throughout the process were much in line with those of France and it is sometimes difficult to distinguish between France and the Council Secretariat. The contribution of the Council Secretariat was in facilitating the process and helping France to Europeanize the mission.

The Council Secretariat was present from the very beginning of the process. Only a couple of days after the initial *agenda-setting* of France via a COREU, officials from the Council Secretariat were invited to the French military headquarters. They were thus involved in the process at least four months before most of the other member states started to consider the operation. They then helped France to get it as a priority high on the European agenda by means of publishing a very ambitious timeline. Civil servants from the Council Secretariat helped to narrow the number of options through the joint options paper, which they wrote with Commission

officials. While all these activities were not necessarily in conflict with French interests, they did make matters easier for France at a time that the German Presidency was not cooperative. It also helped that many of the involved Council Secretariat officials were French nationals. The Council Secretariat was not in the lead during the agenda-setting phase, but its political influence can be regarded as medium. Officials of the Commission were equally involved from the beginning through the early visit to the French military headquarters. However, when it comes to putting the operation on the European agenda, they did not make a difference. Their influence is therefore considered low.

During the *decision-making phase* of EUFOR, many 'member state issues' were discussed, such as the difference between impartiality and neutrality, and how the mission would guarantee it. The same goes about the financing of the operation and whether it was acceptable to upgrade the French backyard with EU money. On these topics, the Council Secretariat and the Commission had little to contribute. In the decision-making phase, there were, however, three points where the officials from the Council Secretariat made an important difference. First, in preparing the Crisis Management Concept, the Council Secretariat was clearly in the lead. It was General Leakey, who led the EU fact-finding mission. The report of the fact-finding mission resulted in the Crisis Management Concept. Second, the Council Secretariat played under French leadership a role in the drafting of Security Council Resolution 1778, the precise wording of which made the operation possible. Third, the Military Staff drafted the Military Options. While they were not biased in terms of content, they did underestimate the common costs of the operation. In other words, the Council Secretariat clearly pushed for the operation as well and this had an effect during the decision-making phase. Its influence is therefore medium.

The decision-making phase constituted a clear break with the past for the Commission. It was involved in the Crisis Response Coordination Team. This allowed it to propose substantial accompanying measures. In addition, it could promote some of its humanitarian principles with exact wording being taken over in the Crisis Management Concept. While the atmosphere surrounding the Commission involvement was completely different from Operation Althea (see chapter five), it is worth noting that some of the mechanisms for influence did not fundamentally change. The Commission was again effective in making sure that a military operation would *not* do something rather than to do something specific. It was thus again defending its principles (and territory) by means of an intervention from the Commissioner's cabinet. Compared to Althea, the contribution of the Commission was more constructive. The character of the operation did,

however, not change fundamentally as a result of it. The influence of the Commission was thus low.

During the *launch of the operation* by far the biggest challenge was the Force Generation. Neither the Secretariat nor the Commission played any meaningful role in this process. It was again clearly a member state issue. Behind the scenes, the French President Sarkozy directly called his Irish and Polish counterparts to ask for contributions. These issues were not determined at the bureaucratic level. Where civil servants of the Council Secretariat and the Commission played a role was in helping the Operations Headquarters with the planning documents. Various civil servants from the Council Secretariat were posted at the Operations Headquarters as either liaison officers or as Political Advisers (POLADs) and this was particularly beneficial during the set-up of the Headquarters. These people from the Secretariat knew the preceding political context. In addition, the EU Military Staff was consulted on the various planning documents due to their continuity and experience. Their eventual impact can be rated, however, as low. The Operation Commander made several amendments himself. Officials from the Commission were also consulted by the Operations Headquarters and they again stress some of the humanitarian principles. They had an impact on some issues.

The *implementation* of the operation was mainly characterized by a lack of tactical airlift and by the absence of MINURCAT. Both were issues where officials from the EU institutions could make little difference. Solana himself became eventually involved together with Kouchner to persuade the Russian Federation to make their helicopters available for the operation. They finally arrived in November 2008, but became only operational two months before the handover of the mission. The absence of MINURCAT had an effect on the conduct of the operation with an increased focus on lower level crime as well as the protection of human rights. These decisions were typically made at the Operations and Force Headquarters and communicated to Brussels. Parallel to the implementation of the operation, the Commission started disbursing its medium-term development money, but as stated above, it is questionable whether this had any specific effect on the conduct of the operation itself. The political influence of the Council Secretariat and the Commission during the implementation phase was therefore low.

During the *termination phase* and the handover of the operation, the French took the lead in forcefully pushing the United Nations to do their follow-on planning and to start their Force Generation. The Council Secretariat played here a role as well. The Solana report and his

intervention at the Security Council was an important political marker. Furthermore, he invited the United Nations Under-Secretary-General to Brussels and all political means were used to make sure that the United Nations would take over. That Solana got intensively involved at this stage of the progress, given his more limited involvement at earlier stages, is evidence of the EU pushing things. The same can be said about the fact that the Secretary-General of the United Nations took time to sit down with President Déby and to discuss the details of MINURCAT. Again, France was clearly in the leadership position, but the Council Secretariat also saw the need to push all political levers in order to avoid disaster for the EU in case of a late or non-handover. Its influence is medium. The Commission did not play any role in these discussions.

	<i>Council Secretariat</i>	<i>Commission</i>
<i>Agenda-setting</i>	Medium	Low
<i>Decision-making</i>	Medium	Low
<i>Launching of operation</i>	Low	Low
<i>Implementation</i>	Low	Low
<i>Termination</i>	Medium	None
Table 7.3 Influence of the Council Secretariat and the European Commission in EUFOR Tchad/RCA.		

8. EULEX KOSOVO

EULEX Kosovo, consisting of approximately two-thousand international and a thousand local staff members, is the largest civilian operation to date. Apart from its sheer size, it differs from many other civilian missions in terms of mandate. EULEX carries out traditional 'monitoring, mentoring and advising' tasks at the central governmental level, but is also co-located at each police station, courthouse, correctional facility and customs service. Moreover, international policemen, judges and prosecutors are in charge of a restricted number of *executive tasks* in areas of the fight against organized crime, high-level political corruption and war crimes. EULEX judges sit on the Mitrovica District Court in northern Kosovo, a region dominated by Serbian minorities. EULEX customs officers keep an eye on the border between Serbia and Kosovo. Finally, Integrated Police Units provide a so-called 'second response' when the local Kosovo Police is unable to handle riots and civil disturbance. EULEX is therefore an ambitious mission. Its planning took a very long time and the handover from the United Nations Mission in Kosovo (UNMIK), which had previously been in charge of civil administration and the rule of law, was very problematic. EULEX has had nonetheless a reasonably good start in its first year of operations.

As with the previous case studies, this chapter traces, in detail, the role of the Council Secretariat and the European Commission in the phases of the ESDP policy process. It discusses how EULEX Kosovo came on the EU agenda (March 2004 – December 2005). Subsequently, it analyzes the lengthy decision-making phase from the deployment of the EU Planning Team until the adoption of the Joint Action just before the unilateral declaration of independence by the Kosovo Assembly on 17 February 2008. This chapter then takes a look at the role of the Council Secretariat and the Commission during the launch of the operation until the moment that EULEX declared Initial Operating Capability on 9 December 2008. Finally, it discusses the first year of operations until the judgement of the International Court of Justice on 22 July 2010. As the operation is still ongoing, this chapter will not discuss its termination. In the conclusion, it

gives an overview of the influence of the Council Secretariat and the Commission during the phases of the policy process.

8.1 AGENDA-SETTING

Following the NATO air campaign (24 March-10 June 1999), the Kosovo war came to an end with the adoption of UN Security Council Resolution 1244. This Resolution mandated an international security presence and an international civilian presence in the Serbian province. The 60,000-strong Kosovo Force (KFOR) of the North Atlantic Alliance became in charge of the security aspects (read: keeping the Serbian forces out), while the United Nations led the civilian presence through its Mission in Kosovo. Under its auspices, a number of tasks were further delegated to the United Nations High Commissioner for Refugees (UNHCR) (humanitarian affairs), the Organization for Security and Cooperation in Europe (OSCE) (democratization and institution building) and the European Union (reconstruction and economic development). UNMIK remained in charge of rule of law and civil administration. It was led by the Special Representative of the UN Secretary-General (SRSG). The first office holder was Bernard Kouchner. He was also in charge of facilitating the political process on the future status of Kosovo – a not insignificant detail, on which Resolution 1244 remained inconclusive.

During the first years of UNMIK, various tasks were handed over to the local institutions. Yet following the formation of the first Kosovo government in 2002, there was a renewed demand for a political process on future status. SRSG Michael Steiner, however, noted in front of the UN Security Council that “Kosovo society and institutions will have to show that they are ready for this process ... we must make clear what is expected of them” (quoted in Weller 2008: 18). Thus, the United Nations established a whole series of benchmarks for Kosovo before the status talks could commence. This 'standards before status' policy conveniently bypassed the fact that there was disagreement in the Security Council among the five permanent members on status. In March 2004, however, it became clear that the United Nations' way of doing business was unattainable when large-scale riots broke out that led to the death of nineteen persons and left a thousand people injured (United Nations 2004; King and Mason 2006). Following these events, Secretary-General Kofi Annan asked for a review process under the leadership of the Norwegian ambassador Kai Eide. Eide noted that the current policy lacked credibility and that the status question

should be addressed. This process resulted in the Comprehensive Review of the Situation in Kosovo (October 2005), on which basis Annan appointed former Finnish President Ahtisaari as his Special Envoy in charge of the future status process for Kosovo.

The European Union had always been a key actor with regard to Kosovo. Through various channels, it had spent some two billion euros in different projects on the ground (e.g. Pond 2008; Koeth 2010). The United Kingdom, Germany, France and Italy were furthermore part of the Contact Group for the Western Balkans, which also included the United States and Russia, and the informal Quint (same five without Russia). The Council Secretariat was involved in both groups, particularly through its Western Balkans Director, Stephan Lehne. The Commission's role was more limited, as it concerned a political dossier, but it was kept well informed (interview with Council Secretariat official Q). It is thus little surprising that the EU followed the events in Kosovo closely and that the Council strongly condemned the riots in March 2004 by stating that "Kosovo's leaders and the [Provisional Institutions of Self-Government] must be aware that what is at stake is their credibility, the future of Kosovo and its European perspective. They must act accordingly" (Council 2004: 5). The member states expressed their full support for the efforts of the United Nations, but decided to send Javier Solana to the region nonetheless. He did so two days later on 24 March 2004.

Local politicians did not unambiguously denounce the riots. NATO and UNMIK were also blamed for letting things run out of control (King and Mason 2006; Ker-Lindsay 2009; Perritt 2010). One of the victims of the riots became SRSG Harri Holkeri, who resigned in May 2004, some two months before the end of his already short one-year mandate. He noted on departure that "someone [had] to become the scapegoat" (Guardian 2004). While the SRSG had always been a European national, Holkeri was a former Finnish Prime Minister and former President of the UN General Assembly with strong United Nations affiliations. He was 67 years old at the time, leading Serbia to state that his job is "no job for pensioners" after UNMIK had failed to protect the Serbian minorities (FT 2004b). The main point, however, was that the position became vacant. Javier Solana quickly seized the initiative in terms of the appointment of the future office holder. The *Financial Times* noted, shortly after the resignation of Holkeri, that Pieter Feith, the Deputy Director-General for External Relations of the Council Secretariat, was considered as a candidate (ibid.). In fact, Solana had met already with Søren Jessen-Petersen, the EU Special Representative in Macedonia (30 March). Petersen had also made a

trip to Kosovo following the March riots. After his appointment in August 2004 he took his staff of seconded EU officials with him to lead UNMIK.

The impression of SRSR Petersen and his team was that “there was a complete lack of confidence amongst the national elite about the United Nations” (interview UN official C). The riots had taken place, because the status process was not moving. Petersen had the backing of the Contact Group to move forward on status. During the years under the United Nations, the Kosovo dossier had slipped from the agenda, but the riots created renewed momentum. As an UN interviewee stated, “there was actually optimism about the possibility of having a new Security Council resolution” (#C). At the end of 2004, Petersen launched a series of informal discussions on the future arrangements of Kosovo with the United Nations, the European Union, NATO and the OSCE. There was a clear agreement among these actors that “the UN had to reduce its presence, that NATO and OSCE were staying and that the European Union should raise its profile” (ibid.). UNMIK would hand over most tasks in the area of rule of law to the local authorities and the European Union would take over some of the residual tasks in this field. These discussions on future arrangements were useful, one interviewee noted (UN official C), “because it became over time conventional wisdom that the European Union would go in. It started to send experts to meetings to see what was necessary”.

As part of this review process, Petersen naturally visited the Council in Brussels for an exchange of views with the member states (21 February 2005). The ministers noted that since the Thessaloniki European Council of June 2003 had reaffirmed the 'European perspective' of the Western Balkans, including Kosovo, the European Union would have to play a major role in any discussion concerning status. They “invited the [High Representative] and the Commission ... to examine with the United Nations and other relevant players what might be the future contribution of the European Union to the efforts of the international community in Kosovo ... and to report back to it on this” (Presidency Conclusions: 12). The Commission published a communication on *A European Future for Kosovo* in April 2005. Yet importantly, Javier Solana and Enlargement Commissioner, Olli Rehn, drafted a joint report on the *Future EU Role and Contribution in Kosovo* (13 June 2005).⁵⁴ The main strength of this report was in the process. The Commission and the Council Secretariat had a common vision on the future course of Kosovo, which made it difficult for the member states to disagree. It created a precedent for future cooperation,

⁵⁴ This report and subsequent reports by Solana and Rehn are not publicly available. Summaries, to which this dissertation refers, can be found online at <http://www.consilium.europa.eu/solana>.

although one Commission official (#A) noted that “Rehn co-signed the papers ... the political drive was from the Council Secretariat”.

24 March 1999	Start NATO air campaign
10 June 1999	UNSC Resolution 1244 on Kosovo
17-18 March 2004	Riots between Kosovo Albanians and Serbs
24 March 2004	Solana visits Kosovo
15 August 2004	Søren Jessen-Petersen arrives in Kosovo as SRSG
21 February 2005	SRSG Peterson briefs EU member states
13 June 2005	First Solana-Rehn report on EU contribution in Kosovo
7 October 2005	Kai Eide report presented to UNSC
24 October 2005	Appointment of President Ahtisaari
27 October 2005	European Council in Hampton Court, United Kingdom
6 December 2005	Second Solana-Rehn report
19-27 February 2006	Fact-finding mission to Kosovo
May 2006	EU Planning Team in Kosovo
26 September 2006	EU Planning Team options paper
11 December 2006	Crisis Management Concept adopted
26 January 2007	Concept of Operations (CONOPS) released
26 March 2007	Ahtisaari plan for Kosovo
29 March 2007	Third Solana-Rehn report
August-December 2007	Troika negotiations
10 December 2007	Troika negotiations lead to no result
14 December 2007	European Council states that negotiations are exhausted
4 February 2008	Joint Action and CONOPS adopted; Feith appointed
16 February 2008	Operations Plan adopted
17 February 2008	Unilateral Declaration of Independence
12 June 2008	UNSG proposes six-points plan on UNMIK/EULEX
June-November 2008	Negotiations over UNMIK/EULEX in New York
26 November 2008	Agreement in UNSC over UNMIK/EULEX
9 December 2008	Initial Operational Capability

6 April 2009	Full Operational Capability
30 June 2009	Serbian policemen return to work
August 2009	EULEX signs police protocol, which leads to riots
26 August 2009	Riots in Kroi i Vitakut (northern Kosovo)
15 November 2009	Local elections in Kosovo
28 April 2010	EULEX investigates ministry of transport
30 May 2010	Local elections in northern Kosovo leads to riots
22 July 2010	Ruling of International Court of Justice
23 July 2010	EULEX investigates central bank
Table 8.1 Chronology of EULEX Kosovo. See further King and Mason (2006) and Ker-Lindsay (2009b)	

The report itself included some fairly standard internationally agreed language. It, for example, confirmed that the United Nations was in the lead regarding status negotiations. It noted that Kosovo must foster multi-ethnicity, the protection of minorities, and the protection of cultural and religious heritage as well as effective mechanisms for fighting organized crime and terrorism. The status talks had to “strengthen regional security and stability” rather than to undermine it. As such, the report argued that “there must be no change in the current territory of Kosovo (i.e. no partition of Kosovo and no union of Kosovo with any country or part of any country after the resolution of Kosovo's status)”. These points came back in the 'Guiding Principles' of the Contact Group for the status talks (7 October 2005) and they were part of the standard parameters with which President Ahtisaari had to work. The Solana-Rehn report made, however, three innovative points with a view to a future EU role in Kosovo.

First, it stated that “the future international civilian presence could take the form of an international office with an important EU component but cannot be EUMIK”. The role of UNMIK had been compromised by the events in March 2004 and the EU wanted to make a fresh start. It did not want to be perceived as being UNMIK II. The European Union was also not willing to take over the all-encompassing mandate of UNMIK, but rather wanted focus on a few specific tasks. Thus the report argued, second, that “core areas will be the protection of minorities and the rule of law (police and justice)”. This was in line with the earlier informal discussions under Petersen, but it was the first time that Solana formally stated that he

thought of a rule of law mission. It fitted with his preferences in Bosnia (cf. Operation Althea, chapter five). Third, it was noted that there were financial implications and that “resources may have to be provided from both the Community budget and from the EU Member States’ budgets”. Solana would repeat this point at the informal European Council at Hampton Court (27 October 2005) – also in light of the budgetary experiences during the planning of the Aceh mission (see chapter six). The Council welcomed the report and asked the Commission and the Council Secretariat to stay involved in the dossier (13 June 2005).

The process on the future status of Kosovo formally commenced after the UN Security Council had endorsed the Comprehensive Review of Eide and had appointed President Ahtisaari as Special Envoy (24 October 2005). The work of Ahtisaari was not concluded until March 2007, but the large EU member states, the Council Secretariat and the Commission would stay involved in the whole process. On 6 December 2005, for example, Solana and Rehn published a second joint report on the future EU role and contribution in Kosovo (after being invited by the Council to do so in November). This report reiterated that, regardless of its future status, Kosovo was in need of some international presence and that the EU would play a leading role. It stated again that the future international civilian presence would not be EUMIK. In line with the previous report, police and rule of law were highlighted as priority areas. They would require both the support of Community instruments and ESDP measures. Therefore, “contingency planning for a possible ESDP mission on police and rule of law should start” (Solana and Rehn 2005: 2).

The member states agreed and mandated a joint Commission-Council Secretariat fact-finding mission, which took place from 19 to 27 February 2006. The main conclusion of this mission was that the EU engagement in Kosovo would be a challenging endeavor that needed to be carefully planned and executed in a complicated political environment. It advised the member states to set up a permanent European Union Planning Team in Kosovo to “ensure that EU decision-making could be based on a solid and well analysed basis that is in step with the future status process” (2006/304/CFSP, preambular paragraph 10). The Planning Team saw the light of day with the adoption of a Council Joint Action on 10 April 2006. About a month later, it was established on the ground. Its legal basis carefully noted that the EU Planning Team would not prejudice any subsequent decision by the Union to launch an ESDP mission.

8.2 DECISION-MAKING

The future status of Kosovo was very divisive amongst EU member states. The idea that the European Union should step up its efforts on the ground less so. On the planning and the content of the rule of law mission, there was not too much disagreement. First, because Kosovo was a divisive dossier, the member states preferred not to talk about it in their committees, particularly not in the Political and Security Committee. Instead, they let officials of the Council Secretariat and the Planning Team figure out the details. This became very obvious when they tried to quickly adopt all the planning documents in the days before the declaration of independence (17 February 2008). It would not be possible anymore to agree on the EULEX mission after the changed circumstances on the ground. Second, it was quite simply in everyone's interest, regardless of status, to have a rule of law mission supporting local authorities in their fight against organized crime and corruption. To avoid endless discussions over status among the member states, EULEX became a technical, 'status neutral', operation. The main question during the decision-making phase was how to agree to the deployment of EULEX without an agreement on status.

The status discussions had a major impact on the planning of the EULEX mission. The key planning assumption, for example, was that the Serbian and Kosovo authorities would reach a settlement in the political dialogue led by President Ahtisaari (interviews with Council Secretariat officials AA, BB, EULEX official D; Grevi 2009). Such an agreement, it was then assumed, would lead to a new resolution by the Security Council replacing Resolution 1244. Whether this was a realistic assumption, it was for political reasons not relevant. The European Union could not plan or adopt documents on the basis of a political disagreement. It therefore did not have a Plan B for a very long time in case of no new resolution. The fact that it did not have such contingency plans created tremendous problems during the launch of the operation (see below). One UN official cynically noted that “you hope for the best and plan for the worst” (# B). This planning assumption, however, allowed the Council Secretariat to move forward.

The European Union Planning Team, which consisted initially of twelve staff members, was deployed to Pristina in May 2006. At that point in time, the Planning Team expected the Ahtisaari negotiations to conclude late 2006 / early 2007 (Grevi 2009). It meant that the European Union would deploy its mission in the summer of 2007 (interview with EULEX official F). The Planning Team initially did a lot of “mind-clearing” about

what it was going to do (interview with EULEX official A). The state-of-the-art of the local police, justice and the customs services was unclear and the mission had to establish benchmarks on what it wanted to achieve. On 17 July 2006, the Planning Team sent a first assessment report to the member states noting that it had established itself and on what it was going to do (interview with EULEX official C). Over the summer, specialists in the field of police, justice and customs – the future three components of the mission – arrived bringing the total number of staff members up to 35. They started the initial planning process, on which they presented an options paper in September. In Brussels, the bureaucratic structures remained small. In the Directorate for Civilian Crisis Management (DG E IX), one desk officer and two police officers worked on the Kosovo dossier.

Mandate and Chain of Command

In addition to the assumption of settlement, many of the parameters had already been spelled out for the EU Planning Team. President Ahtisaari's deputy, Albert Rohan, for example, noted that the future international civilian presence in Kosovo should be "as light as possible and as robust as necessary" (UNOSEK 2006). This was in line with the Solana/Rehn reports, which clearly stated that the future EU contribution should not resemble UNMIK II. The Planning Team was thus looking particularly at options with a very light footprint. In the options paper of 26 September 2006, it made for example clear that the Union should take over a number of specific tasks from UNMIK in the field of rule of law. Many other tasks in the area of rule of law could be delegated to the local authorities. Moreover, the Planning Team stated that EU should not take over tasks in the field of civil administration, because crisis management operations are not the right tool for such purpose (interview with EULEX official C and Council Secretariat official BB). Support for customs services was included in the proposal, as levies made up 60-70% of the Kosovo government's budget. Without revenues, police services and the judiciary could no longer be paid. Thus, it was seen as an area of vital importance for future stability. On this basis, the Planning Team presented three options (light, medium, robust).

The light option was the preferred option. The European Union would deploy 800-850 international staff members and engage mainly in monitoring, mentoring and advising of the local authorities. The total number would break down to 100-150 officials at the headquarters, 300-

350 police officers engaged in non-executive functions, about 60-80 executive police officers working on a limited number of tasks, 200-225 police officers as part of the Integrated Police Units dealing with riot control and civil disturbance, some 30 judges and prosecutors in total and 15 customs officers (interview EULEX official C). An interviewee noted with regard to the light footprint that “initial idea was to change the UNMIK vehicle into a Smart. UNMIK had been omnipresent; there was a need for discretion” (UN official C). It needs to be stressed though that this light option was only possible given the assumption of settlement with full consent of the Serbian minorities and Kosovo Albanians. The proposed number of customs officers, for example, was clearly not enough in case of disagreement over the border between Serbia and Kosovo.

When it became clear over time that there would not be an agreement on status, this light option was not credible anymore. Member states started to beef up the mission (EULEX official B; UN official A). The medium option was discussed, which foresaw that EULEX would take over from UNMIK the Polish and Romanian Integrated Police Units in addition to the French and Italian ones, which it already wanted to deploy (bringing the total up to 450). This option also included a competence for EULEX to deal with property related law suits, which meant the need for civil judges, more prosecutors and more legal officers. Finally, however, the member states accepted the robust option, which included a much stronger customs presence at the borders (up to 60 staff members), an increase in the number of executive police tasks, and a much higher number of judges, prosecutors and legal officers (total 300). This brought the total authorized strength of the EULEX mission to about 1,800 international staff members. For the EU member states an increase in numbers seemed the best way to guarantee stability. A number of observers, however, argued that EULEX is currently doing too much and that it is effectively a continuation of UNMIK in the area of rule of law. For instance, the Police Component of UNMIK had a strength of approximately 2,000 (United Nations 2007c). While this was larger than the 1,400 policemen of EULEX, the difference does clearly not present a watershed.

It is important to note that these increases were accepted over time, as the political process continued. At an early stage, the Planning Team sent a Crisis Management Concept to Brussels, which was adopted by the Council on 11 December 2006. On this basis the Council Secretariat and the Planning Team issued the Concept of Operations on 24 January 2007. In partially declassified minutes, it is stated that during a meeting of CIVCOM “it was stressed that a final CONOPS cannot be adopted until after the UNSC Resolution, but that it was important to proceed as far as

possible at this time” (Council 2007). These discussions over the Concept of Operations continued during February and March and the final staff numbers were left blank. This allowed for them to be adjusted at a later stage. With regard to the formal planning process, it is also important to note that the member states were thus already working on the Concept of Operations long before the Joint Action was adopted in February 2008.

An innovation was that the member states designated Lt. General (r) Yves de Kermabon as the future Head of Mission on 4 May 2007 (which is normally done through the Joint Action). His salary was paid for through a so-called preparatory measure. It was the first in its kind, adopted by the Political and Security Committee in July 2007. The appointment of de Kermabon was part of the political process, yet it was noteworthy that he was a retired French general, who had previously been KFOR Commander (2004-2005). He thus brought with him loads of experience on how to deal with executive missions and chains of command. This was new territory for civilian crisis management (see below). He was furthermore familiar with the local politicians, with whom he held some authority as a former NATO officer. The French government provided de Kermadon with two assistants who had planning experience. They supported the bureaucracies in the Council Secretariat. General de Kermabon remained in Brussels until the official launch of EULEX in the summer of 2008. He became officially based in Pristina only from November 2008-onwards. He was thus not part of the Planning Team. Instead, he started working on the Operations Plan from Brussels. At this point in time, there were 17 people within the Council Secretariat planning the Kosovo mission. They were supported by a number of officers from the EU Military Staff (interview with Council Secretariat official BB).

One of the discussions, which took place parallel to the planning process, was the operational environment for civilian missions in Brussels. Following the Cologne European Council (1999), the member states had set up all sorts of military structures with a clear chain of command running from the Force Headquarters to the Operations Headquarters to the political bodies in Brussels. Civilian structures remained for a long time under developed with an *ad hoc* chain of command running through the Council Secretariat (see chapter three and four). However with the Kosovo mission in mind, and in particular its executive functions and its size, the member states wanted to professionalize civilian crisis management structures as part of the post-Hampton Court Reforms (2005-onwards). The idea was to create a fully-fledged Civilian Operations Headquarters within the Council Secretariat under the leadership of a Civilian Operations Commander, who would have final operational authority. This civilian structure was created

in 2007, albeit under a slightly obscure name – the Civilian Planning and Conduct Capability (CPCC).

Figuring out how this new structure should work took much time, because the national diplomats in CIVCOM were naturally reluctant to delegate responsibilities, partially as a result of a lack of expertise. A Council Secretariat official (#B) noted that “we were not there in front of the Military Committee of the EU. We were in front of the civilian committee ... the diplomats that were around the table were probably not the best people in the world prepared to talk about the chain of command”. In case of the EULEX mission, it was also clear that there would not be a single command structure in the military type of sense. It was unlikely, after all, that judges or prosecutors would take direct orders from policemen given their supposed independence. In the end it was decided to give the position of Civilian Operations Commander to a diplomat instead, who would have a more neutral function (*ibid.*). Pieter Feith became the first office holder after he had returned from Aceh. When Feith left for Kosovo (see below), Kees Klompenhouwer was appointed (May 2008). The idea was that the Civilian Operations Commander would deal with the political bodies in Brussels, so that the Head of Mission on the ground, General de Kermabon, could put all his attention into the day-to-day management of the operation. As a result of functional needs, the Council Secretariat was thus significantly strengthened. Some 60-70 people were working in the Civilian Planning and Conduct Capability in 2010.

The main point about the planning process was that lower-level civil servants in the Council Secretariat and the Planning Team had to invent civilian crisis management along the way. They received precious little support from the member states and control was very limited. This was mainly because member states did not want to deal with this specific dossier and because the junior diplomats in CIVCOM did not have the adequate expertise to plan such a major operation. A Council Secretariat official (*ibid.*) recalls that:

Most of the time [the Political and Security Committee] did not want to hear it. They did not want to take up the subject, they did not want to have Kosovo on the agenda, because they knew they would be divided ... That is the way it works in committees, you tend to prefer to talk about subjects where you agree and not about subjects you disagree. So they were avoiding their responsibility ... they were looking forward to have someone in charge ... What this meant for [the Political and Security Committee] was that they

could not have Kosovo on the agenda every week, so they decided that CIVCOM should have it on the agenda every week. But if you look at the level of CIVCOM people, they are pretty young, they are officials that have not been in charge of departments in their countries, so they were also afraid to make decisions. So we went in circles all the time, because everybody was avoiding responsibility.

On many topics, the officials of the Council Secretariat and the Planning Team had to make their own decisions. Only as regards the total authorized strength of the mission, the member states played a significant role through increasing the Integrated Police Units and expanding the number of the executive tasks. The mission thus eventually did not become the light type of operation that the Council Secretariat wanted.

Money issues with the European Commission

Deploying the largest civilian mission so far had financial consequences. While the member states pay the salaries of their seconded personnel, almost all other costs, including *per diems*, salaries of contract staff, infrastructure, travel expenses and vehicles fall under the CFSP budget, administered by the European Commission. The CFSP budget was for a long period insufficient. During the Aceh mission (see chapter six), it turned out that several individual member states had to complete the bill to make the operation possible. This problem was already clearly on the minds of the officials in the Council Secretariat when they started conceiving the Kosovo mission. Following the Aceh funding debate and with a view to the Kosovo operation, Javier Solana explicitly asked the Heads of State and Government at the Hampton Court European Council for an increase in the CFSP budget (fall 2005).

The member states are, however, not the only ones to decide on the CFSP budget. This is part of the larger Community budget and it thus requires the approval of the European Parliament. Since this was the only CFSP issue (pre-Lisbon) where the Parliament actually had a say, getting an increase in the budget was not a simple exercise. The budget negotiations were conducted by the European Commission and substantial new funding was eventually secured in April 2006 (up to 250 million euros/year for 2007-2013). The problem with the funding was that, with the budget ceiling established, the mission had to be planned accordingly (rather than the

other way around). One Commission official (#A) made it very clear that there was no way for the Commission to go back to the Parliament and to ask for more money. There was, however, some flexibility between the budgetary years. It was, for example, decided to bring 2009 money forward to 2008.

Getting an overall increase in the CFSP budget was one thing. Allocating it to the Kosovo mission another. Eventually 140 million euro was reserved for 2008, including for the work done in the context of the Planning Team. An additional 65 million euro was allocated for 2009. Within these reference amounts, the Council Secretariat and the Planning Team had to negotiate with the Commission about the details of spending money (for example on the ratio of vehicles/staff members or the maximum price of four-wheel drives) (interview with Commission official L). One of the main problems for the officials of the Council Secretariat was with the length of tendering procedures and the lack of flexibility. For this purpose, Feith regularly had to make noise in the Political and Security Committee in order to get things moving (interview with national official K). While the cooperation between the Commission and the Council Secretariat in terms of financing worked better than during the infamous Police Mission in Afghanistan, this period is equally remembered by Council Secretariat officials as a nightmare (#B).

The interesting thing is that the European Commission (again) did not seem to use its position as financial administrator to gain leverage during the planning phase. Actually, one Commission official (#A) stated that the Planning Team “reported occasionally, but not too often”. In addition, there were no coordination meetings, in which the Commission was involved during the planning of the operation (ibid.). DG Enlargement only appointed a desk officer in the field of freedom, justice and security in January 2009 (previously there was only a political desk officer). What is interesting is that people from DG Enlargement and DG Freedom, Justice and Security actually try to steer clear from the financial discussions between DG RELEX and officials from the Civilian Planning and Conduct Capability in the Council Secretariat (interview with Commission official W). They do not want to compromise their own relations with the Council Secretariat and they are simply not interested in the financial details of the operation. To conclude, being the financial administrator of EULEX did not give the Commission much influence apart from blocking the process due to the inflexibility of its procurement rules.

Kosovo Status End-Game

President Ahtisaari concluded his work on the status of Kosovo on 26 March 2007. He suggested 'supervised independence', given the exceptional historical circumstances. This would allow Kosovo to part from Serbia. The international community, he stated, should remain involved through the creation of a Civilian Representative (ICR) with strong 'corrective powers', an international military presence of the NATO, the OSCE mission and the EULEX operation. The Civilian Representative would be distinct from the ESDP mission and would be supported by the International Civilian Office. It was also proposed that, following the Bosnian model, the International Civilian Representative would be the same person as the EU Special Representative to Kosovo in a double-hatting agreement. Not surprisingly, Serbia rejected the 'Ahtisaari package', despite the backing of the United States and the European Union. The discussions continued at the United Nations, where the Russian Federation rejected a number of draft Security Council resolutions (July 2007). Solana proposed to continue negotiations in the context of the Contact Group. These negotiations became known as the Troika talks. They consisted of the two parties and representatives from the United States, the European Union and Russia. The EU was represented by Wolfgang Ischinger, who reported directly to Javier Solana.

With Russia blocking the process in the United Nations Security Council, it became increasingly clear that there would not be a resolution. The EU Planning Team therefore started working internally on contingency planning from the summer of 2007-onwards. It circulated a timeline mid-September, which gave an overview of the subsequent steps to be taken in case of no new resolution. Following this timeline, the European Union would prepare the EULEX mission before the unilateral declaration of independence. After the declaration, the United Nations Secretary-General would decide to withdraw UNMIK "due to exceptional circumstances" and thus pave the way for the deployment of EULEX (interview with observer). This timeline was discussed with the UN Department of Peacekeeping Operations, but it was not shared with the Security Council. Looking back with hindsight, it went almost exactly as planned, although with more delay than anticipated.

The Troika negotiations only bought the international community (particularly the European Union) time to plan its subsequent steps. Its work was concluded without result on 10 December. The European Council noted four days later "that the negotiating process facilitated by the Troika between the parties on Kosovo's future status has been exhausted"

(Presidency Conclusions, para 66). This allowed for the final unilateral declaration of independence and it gave the EU institutions the green light that planning had to move ahead as soon as possible. At the end of January 2008, the Council Secretariat issued the Joint Action and the Concept of Operations, which had been prepared before. They were adopted by the Council on 4 February. In parallel, the Council appointed Feith as the EU Special Representative to Kosovo. He would thus automatically become the International Civilian Representative. Four days later, the Secretariat issued the Operations Plan. It was adopted by silence procedure on 16 February 2008. Now that the European Union had completely agreed on the EULEX mission, the local authorities were free to declare their independence. The Kosovo Assembly did so on the next day (17 February). It promised to live up to its commitments in the Ahtisaari plan.

The key point was that the member states finished the complete planning process before the unilateral declaration of independence. It was felt that the member states would not be able to agree on status-related details after the declaration of independence. This proved exactly right. While the United States and the four European members of the Contact Group (United Kingdom, France, Germany and Italy) directly recognized Kosovo in a concerted action, a notable number of member states (Cyprus, Greece, Romania, Slovakia and Spain) did not. Yet the EULEX mission was status neutral and it was supported by all the member states. A last detail of the problems surrounding status was that the EU could not sign a Status of Mission Agreement with the local authorities. Instead, the Kosovo authorities and UNMIK (being the legitimate authority under Resolution 1244) unilaterally stated that all the personnel of EULEX would receive diplomatic immunities.

8.3 LAUNCH OF THE OPERATION

The member states decided already in December 2006 that the EU Planning Team would become the core of the future ESDP operation. Joint Action 2006/918/CFSP authorized the Planning Team to start recruiting personnel “in view of [EULEX's] rapid deployment”, for which purpose it was asked to issue a deployment plan (article 2(5)). The reference amount for the Planning Team was, in this regard, significantly increased. Until mid-2008, the Planning Team remained the core around which the mission was built. Many officials of the Planning Team eventually joined the mission, often as deputies to the newly recruited heads of components. Roy Reeve, the Head

of the Planning Team since December 2007, for example, became Deputy Head of Mission under General de Kermabon. As such, much of the expertise, which the Planning Team had accumulated over more than two years, remained in the mission. The Planning Team grew from the initial 12 staff members to about 120 officials at the time of the unilateral declaration of independence in February 2008. One reason why the Planning Team became so large was that the CFSP budget could only pay for operational expenditure. It could pay the salaries of staff in Pristina and not in Brussels (interview with Council Secretariat official BB). Many functions, which were normally done in Brussels, were therefore moved to Pristina.

Gradually establishing the mission through increasing the number of personnel was one thing; the political conundrum around status quite another. As mentioned above, the Planning Team had worked out a scenario and timeline in case there would not be a new resolution on the future of Kosovo. The plan stated that UNMIK would withdraw “due to exceptional circumstances”. This had been cleared with the United Nations. It was the perception in the EU that because it was supported by New York, it was supported on the ground as well. It turned out that the United Nations (a) could not leave Kosovo and (b) that the staff on the ground did not want to leave Kosovo. The first point was very political. Following the declaration of independence and the entry-into-force of the new Kosovo Constitution, Secretary-General Ban Ki-Moon wrote – according to plan – to members of the Security Council that “the United Nations is confronting a new reality in Kosovo, with operational implications for UNMIK that it must take into account” (United Nations 2008e, para 10) (12 June 2008). He also noted that “Serbia and the Kosovo Serbs have indicated that they would find an enhanced operational role for the European Union in the area of the rule of law acceptable, provided that such activities would be undertaken under the overall status-neutral authority of the United Nations” (para 12).

Yet this was precisely the problem. The Kosovo Albanians no longer recognized the authority of UNMIK. The European Union was not going to report to the UN Security Council. In the months that followed, there was intensive consultation. Ban Ki-Moon made various proposals to the relevant parties – the members of the Security Council, the Contact Group and the Brussels-based actors (interview with UN official B). It took the UN Security Council eventually until November 2008 to come to a workable compromise. UNMIK would keep a large presence in Kosovo focusing on more political tasks. EULEX would then be in charge of rule of law. It would send a short quarterly report to the United Nations Secretary-General, which would be included as an annex in his report to the Security Council. These negotiations in New York, needless to say, created problems

with the deployment of EULEX. In the summer of 2008, there were sincere doubts whether EULEX would indeed continue and the recruitment of new personnel was temporarily put on hold (interview with EULEX official C, F, UN official B).

The second problem was that many UNMIK staff members did not want to leave. It meant the end of their contracts. One interviewee of the United Nations (#C) noted that “people were trying to hold on to their unit. [The leadership of UNMIK] asked all units [well in advance] which tasks they could hand over to the local authorities in terms of the transition. Several units came with good overviews, but many units refused to hand over any tasks. They were apparently indispensable”. A official from the Council Secretariat (#BB) similarly recalls that:

We had the feeling, and that was ... a major planning error, ... that because the General Secretariat of the UN had told us that they wanted to withdraw ... we took it for granted that they wanted to go. We discovered in fact that UN missions are pretty much autonomous structures and the people on the ground in Kosovo, they really did not want to go away. The only option for them to keep a UN job was to go to Sudan and they said that it is much better to do nothing in Kosovo than to go and live in Sudan.

One national official (#K) was even more outspoken:

The problem with UNMIK is that it is still full of Russians, who are systematically sabotaging the whole project, including through not answering their mail. They are doing difficult on the instruction of Moscow. The relationship with the United Nations is good at the higher level ... the problem is really at the lower level ... it is the tyranny of the low-grade civil servant.

The political problem regarding the withdrawal of UNMIK combined with the local issue of UNMIK staff not wanting to give up their jobs created tremendous logistical difficulties for the deployment of EULEX. In order to save costs for both UNMIK and EULEX, it had been agreed in advance that EULEX would take over many vehicles and buildings from UNMIK. Now that UNMIK would continue to have a presence in Kosovo, it could no longer hand over all the vehicles and buildings it had promised. As a result,

the European Union had to start lengthy procurement procedures for cars and find new buildings, which were in short supply in Pristina. One senior EULEX official (#A) noted that he became “Kosovo's leading expert on how to get hold of second hand cars and four-wheel drives”. A Council Secretariat official recalled spending one week per month in New York during the summer of 2008 negotiating with UN officials over lists of cars and then finding out that the UNMIK people on the ground had different preferences. “That was nightmarish”.

These logistical issues had also financial consequences. After all, the EU had budgeted on the basis that EULEX would buy used cars. This was cheaper than buying new cars. Yet the mission was already under financial constraints and it could not go back to the European Parliament and ask for more money (see also above). EULEX thus not only run into problems with UNMIK, but also with the European Commission. These financial issues were finally resolved as a result of the delay in the deployment of the mission: the *per diems* to staff members were eventually significantly lower than budgeted. This made up for the gap (interview with Commission official L). It was not an easy period for EULEX.

One major question that remains is why, despite the problems with UNMIK, these logistical problems were not foreseen in the planning. Contrary to the military re-hattings in Bosnia and Chad, which took place on one day (see chapters five and seven), a 120-day transition period had always been planned between the UN winding down its activities and the EU taking over. The United Nations would thus never be able to give all its assets to the EU at once (interview with EULEX official B, UN official B). A similar feeling was shared by a number of national officials in Brussels (interview national official G), who wondered what the Planning Team had been doing all the time, if these problems came unexpected. The Planning Team had been very large out of necessity and thus a very costly affair. It was not necessarily a good example for the future. Much had also to do with the delay in deployment for 18 months, which resulted from the political disagreements.

Finally, the recruitment of personnel created problems for EULEX. As there were long delays in the deployment, many of the identified staff members had already moved on to new jobs and were no longer available. Their posts thus had to be filled again. This issue was particularly urgent with the judiciary. While it has become common practice to send policemen on international missions, it does not fit into the career paths of judges and prosecutors to go abroad. EULEX had to recruit senior judges, because the cases are generally complicated and politically sensitive. Life as a judge in

Kosovo is, as a result of the high security restrictions, not particularly pleasant either. This is the reason why there continues to be a shortage of judges and prosecutors among EULEX staff. The last major difficulty was with the recruitment of the thousand local staff members. They had to be screened intensively. EULEX therefore established a human resources department with around fifty staff members in Pristina.

Agreement was reached in the Security Council on 26 November 2008 on the reconfiguration of UNMIK. The Serbian foreign minister gave the green light stating that EULEX could deploy all over Kosovo (interview with UN official B). Three weeks later, after intense preparations, UNMIK handed over the control of Kosovo to EULEX. EULEX declared Initial Operating Capability on 9 December 2008. It immediately started its operations through deploying police agents to all local police stations. During the 120-days transition period (and beyond), EULEX overcame many of the logistical challenges, which resulted from the fact that UNMIK did not fully withdraw. It was capable of declaring its Full Operating Capability on time on 6 April 2009.

8.4 IMPLEMENTATION

At the time of writing, EULEX Kosovo has been fully operational for more than a year. In during year, it has achieved quite a lot through its pragmatic incremental approach. In the area of police, it has contributed to the professionalism of the local police services. It has already handed over a number of executive responsibilities. While real progress in the judiciary and customs services still has to be achieved, EULEX has also made important first steps in these fields. In its everyday work, EULEX experiences the political difficulties resulting from the conundrum concerning Kosovo's international status and the fact that the member states remain divided on the issue. A final political settlement remains a requirement to establish a well-functioning rule of law sector in Kosovo.

Monitoring, Mentoring, Advising and Executing

The emphasis of EULEX is on 'monitoring, mentoring and advising' local police, judiciary and customs services. For this function, the mission has developed the so-called 'programmatic approach', which entails a whole range of benchmarks, action points and fiches to measure the progress of

the Kosovo authorities (interview with EULEX official D). Each EULEX official has his own set of benchmarks to work with, although there is variation among the police, justice and customs components. This reflects the diverse working style and culture. It needs to be said that this approach is mostly geared towards the (central) governmental level, ensuring that all the laws and protocols are in place. It focuses less on daily practice. Whether Kosovo policemen are, for example, actually carrying out the EU standard policing procedures.

With regard to these non-executive tasks, EULEX has been most active in the field of the police, where it could build on a longer UNMIK tradition. An early highlight was the return to work of almost all police agents from Serbian minorities in June 2009. They had refused to perform their tasks for the sixteen months following the declaration of independence (Reuters 2009). They understood that the local Serbian minorities benefited from their presence. Their return was the result of negotiations between the European Union and the Serbian government. An important indicator of the professionalism of the local police is how they dealt with the elections in November 2009. One national official (#C) recalled that “they handled the local elections very well, which they did on their own. They were not very visible, but they were there. It was very professional”. This has helped to maintain a high level of confidence in the local police services. EULEX can take part of the credit.

In the field of police, EULEX also made one major mistake. For the purpose of effective policing, it is essential to exchange information with the neighboring states. Organized crime, after all, typically does not respect borders. Serbia and Kosovo jointly have a stake in tackling this problem. Because both countries cannot do business with one another due to the recognition issues, EULEX had to negotiate the practical details with the Serbs in the context of a police protocol. These negotiations were badly communicated to the local population. They led to nationalist upheaval promoted by the local Kosovo politicians, who claimed that the territorial integrity of Kosovo was not respected. The end of the episode was that EULEX lost much credits with the population and that it had to postpone similar protocols on justice and customs. Within the EU, it led to confusion. The Swedish Presidency in Brussels, for example, was taken off guard by the events (interview with national official S).

On the executive policing front, the developments have been more positive. Interventions by the Integrated Police Units have been effective. Following protocol, local Kosovo Police provides the first response to riots and civil disturbance. If they are unable to handle the situation, EULEX

police provides a second response. When civil disturbance gets out of hand and turns into para-military violence, NATO stands ready as the third responder. So far, there have been very few cases where the Integrated Police Units, backed up by NATO forces, had to intervene (interview with EULEX official C). Apart from civil disturbance, EULEX police also has a role in other executive functions, such as the fight against organized crime, witness protection and war crimes. Over time, it wants to handover these tasks to the local police services. It has already done so in the field of counterterrorism. The local police is willing to take over more tasks, which they see a sign of confidence, but EULEX has been reluctant so far when it comes to organized crime and high-level corruption.

While the executive tasks in the area of police are rather specific, they are wider in scope in the judiciary. In cases of organized crime, high-level political corruption and war crimes, EULEX judges are sitting in mixed panels with local judges. Also in civil trials that have to do with property related disputes, EULEX judges are involved, because of the sensitive nature. One of the major problems that EULEX encountered in the judiciary was the enormous backlog of 1800 open cases left by UNMIK, many going back to 1999/2000 (interview with EULEX official A). EULEX immediately decided to close 400 cases due to a lack of evidence and little chance on positive future developments. Of the remaining cases, which were ready for trial, EULEX managed to bring most of them up-to-date within the first year of operations. This was a major achievement. Finally, EULEX made incremental progress by putting its own judges on the Mitrovica District Court in northern Kosovo after it had been ransacked by local gangs. EULEX eventually also managed to persuade the support staff of this courthouse to return to work. Negotiations on the return of the judges have been unsuccessful so far.

Within the area of customs progress has been as incremental as in the judiciary. As customs have to do with borders, this was always the most politically sensitive area. This was only emphasized by the fact that Serbian minorities burned down the two gate houses between Serbia and Kosovo directly following the declaration of independence. EULEX did deploy its customs officers to these gates shortly after declaring its Initial Operating Capability. Initially they did nothing. In the summer of 2009, EULEX started copying the commercial documents of truck drivers. This led to some protest, but EULEX shared these documents with the Serbian and Kosovo authorities. Despite the fact that it was only copying documents, customs revenues at the gates went up by 80%. What is more, the Serbian government decided to fire some seventy of its own customs officers on the

basis of smuggling (interview with EULEX official C). It became obvious that these activities of EULEX were beneficial for both parties.

Command and Control in Practice

The command and control structure of EULEX Kosovo is different from many of the earlier civilian ESDP missions. Specially for EULEX, after all, the supporting structures in Brussels were improved through the creation of the post of Civilian Operations Commander and the Civilian Planning and Conduct Capability (see also above). In theory, this would put a stronger emphasis on Brussels and a tighter leash on the Head of Mission. In practice, it is certainly the case that the Brussels arena is much more closely involved with the conduct of EULEX than with many earlier civilian crisis management missions. This is for a different reason. EULEX (together with the Police Mission in Afghanistan) is simply the biggest and most important civilian operation. It thus hardly surprising that it is, on average, discussed in the PSC once per month and in CIVCOM every two weeks (interview with Council Secretariat official AA).

On a daily basis, however, EULEX remains a rather autonomous entity. The three officials working in the Civilian Planning and Conduct Capability are no match for the hundreds of staff members working at the local headquarters. The Council Secretariat performs, in this respect, mostly mission support rather than that it gives instructions. The Head of Mission, de Kermabon, generally talks to the Civilian Operations Commander, Kees Klompenhouwer, twice per week for an hour on the phone (interview with EULEX official C). This is less, for example, than the contacts between the Commanders of EUFOR Tchad/RCA, though considerably more than in the case of EUFOR Althea (see chapters five and seven). Needless to say, the position of Civilian Operations Commander was not completely modeled after the military equivalent. Klompenhouwer is furthermore in charge of almost a dozen civilian missions. This makes it an impossible job to really assume daily command of all of them.

One of the key functions of the Council Secretariat is to protect EULEX from all sorts of member state interference in Brussels, so that it can focus on its day-to-day work. The Council Secretariat, and particularly its Civilian Planning and Conduct Capability, has been fairly effective in this regard. Not only does the Council Secretariat have to follow all these civilian missions, the diplomats in CIVCOM have to do this as well. The result is that they become completely overloaded with information. One

national official (#B) in Brussels explicitly pointed at this problem: “[the people in the Council Secretariat] are the real experts on this, they only have to deal with Kosovo. You have to take into account, I am dealing with nine missions, so it is a bit more difficult to have an in-depth picture of all things” (interview with national official G). As part of the formal dialogue with the member states, EULEX issues a weekly, monthly and six-monthly report of around 5-6, 9-10 and 20 pages excluding annexes according to a specific format. In addition, there are *ad hoc* incident reports, all sorts of informal contacts and parallel reporting by the local embassies of the member states. In the six-monthly report, EULEX makes recommendations on the course of the mission. This report is orally presented to the Political and Security Committee by de Kermabon (interview with EULEX official B). Inter-institutional coordination in Brussels takes place through the weekly Kosovo Coordination Meeting, where the relevant desk officers from the Civilian Planning and Conduct Capability, DG External Relations and the Commission officials from DG RELEX, DG Enlargement and DG Freedom, Justice and Security meet.

Apart from the vertical chain of command to Brussels, EULEX is also subject to horizontal control and guidance in Pristina. Many member states have embassies or liaison offices in Kosovo and their Heads of Mission meet on a weekly basis to discuss ongoing issues, including EULEX. This is much more intense than, for example in Aceh, where the theater of operations was far away from Jakarta, or Chad, where only France and Germany had a local presence. In addition, Feith gives guidance to EULEX as part of his formal mandate defined by the Joint Action. The problem is that Feith is the International Civilian Representative as well, who supports the independence of Kosovo. Despite daily phone calls (interview with Council Secretariat official H), it is thus somewhat difficult for him to provide formal guidance to the status neutral EULEX mission. More specifically, the Athisaari plans foresaw the creation of a Board of Principles, consisting of the different international missions (EULEX, OSCE, NATO, Commission, World Bank, etc.) in order to coordinate their policies with the International Civilian Representative. Yet since most of the international missions have problems regarding status, this Board never saw the light of day. This effects the formal role of Pieter Feith as a coordinator of the international community (interview with EUSR/ICO official A).

Rule of Law and the European Commission

One of the problems of EULEX is that it does not have money for projects to support the local rule of law authorities. For example, if a courthouse needs to be built or if the customs services need a new computer system, it cannot pay for it. On a daily basis, EULEX works with the local rule of law institutions and their lack of proper assets thus limits the progress of the European Union. For project money, the local institutions have to go to the Commission, which has a large liaison office in Pristina (or the member states). This gives the Commission an important role, because it spends substantial amounts on projects in the field of rule of law (57 million euro through the Instrument for Pre-Accession 2007-2009). The role of EULEX is ambiguous in this respect. Since it has officers in all police stations and judges in every courthouse, it naturally has a good overview of the needs of the local rule of law institutions. Yet Commission funding is based on the principle of ownership, which requires the local institutions to apply for funding. The Commission procedures are not one-off affairs, which often leads EULEX, the Commission and the local institutions to draft proposals together (interview with Commission official BB).

2009	Support to Civil Registration Agency and unified address system
	Legal translators/interpreters and legal linguists
	Adequate working facilities for the Public Prosecution
	Improved education in the Public Safety and Security Sector
	Integrated Ballistics Identification System
	Equipment for the Ministry of Internal Affairs
	Support to Juvenile Justice System in Kosovo
2008	Legal Education Reform
	Standards for the Ministry of Justice
	Asylum/Migration/Readmission
	Equipment for the Kosovo Border and Boundary Police
	Improvement of the Penitentiary System – High security prison
	Upgrade of the Infrastructure – Palace of Justice Building
Table 8.2 Projects under the Instrument for Pre-Accession (Commission 2009)	

In the first year of operations, EULEX's role has also evolved in this respect. On an informal basis, it has tried to create some donor coordination. While this is clearly not in its mandate, the smaller member states have asked for input (interview EULEX official D). It remains a sensitive issue, but because EULEX is exceptionally well-placed to assess the deficiencies of the local authorities, it is logical that it plays this role. One persisting problem for EULEX is that the Commission does not fund projects smaller than one million euro, while there is a clear need for this. EULEX is, in this regard, also dependent of the willingness of the member states to contribute. That the position of EULEX remains undefined became clear from a statement by an interviewee from a large member states (#H), who said that he had never seen project proposals coming from EULEX. He added that this would be a good idea.

EULEX is not only dependent on the European Commission for the project money. Most of the other carrots come from the Commission as well. Of importance are the annual progress reports on Kosovo's European perspective. The local authorities had not enough time in 2008 to provide the Commission with good input for the report, but the 2009 report was regarded as an important document. Before the Commission publishes its report, EULEX gives input as well (interview with Commission official BB). This is a good way for it to point the attention of the local authorities to pressing concerns in the rule of law sector. Through its progress reports, the Commission can be exceptionally frank with the local authorities in a way that EULEX never could, given its day-to-day cooperation. Another carrot in the hands of the Commission is visa liberalization. This is formally a technical process, but something that is in high demand by the authorities in Kosovo (particularly after the visa liberalization of Serbia in 2009). Since the Commission has access to these carrots, EULEX has become somewhat dependent on the Commission.

Finally, it is worth noting that the European Union also has a shared competence in the area of freedom, security and justice. This gives the Commission potentially a say over the contents of EU policy in this area. The involvement of the Commission has been limited to the Stabilization and Association Process Dialogue (a recent upgrade from the Stabilization and Association Process Tracking Mechanism) so far. There is potential overlap between this dialogue and the advising activities from EULEX. The Commission and EULEX have therefore created a number of coordination mechanisms in Pristina and Brussels to make sure that everything is cleared. On the ground, for example, EULEX has a permanent contact, who keeps in touch with the Commission. In Brussels, the relevant desk officers from both DG Enlargement and DG Freedom, Security and

Justice attend the weekly Kosovo Coordination meetings. Because the numbers on the side of the Commission are relatively small, good personal contacts have avoided inter-institutional tensions (interview Commission official W).

8.5 OVERVIEW OF THE FINDINGS

This chapter has provided an analysis of the policy process of the EULEX rule of law mission in Kosovo. Special emphasis has been paid to the role of officials working in the Council Secretariat and the European Commission. The remainder of this chapter will discuss the political influence of these officials during the various phases of the policy process. It will do so by measuring their political influence against the yardstick presented in the introduction of this book. To shortly repeat the indicators: for the Council Secretariat or the Commission to have a high amount of influence, they should play a leadership role (together with one/two member states) during a particular phase of the policy process. For them to have a medium level of influence, they should constitute a necessary condition in explaining the outcome of a particular phase of the policy process. For them to have a low amount of influence, they should be actively involved in the deliberations. If they were not involved at all, they did not have any influence.

With regard to the *agenda-setting phase*, it is difficult to miss the personal involvement of Solana. Kosovo has always been close to his heart. He was NATO Secretary-General during the air campaign (1999). His first official trip abroad as the High Representative of the European Union was to Kosovo (interview with Council Secretariat official C). After the riots in March 2004, Solana played a role in getting Søren Jessen-Petersen appointed as the United Nations SRSG. Petersen took with him EU officials and clear instructions from Solana. There was more. Solana's contacts with President Ahtisaari undoubtedly gave him access to the political process on the status of Kosovo. On a day-to-day basis, Solana was represented by his Western Balkans Director, Stefan Lehne. He thus had people at the heart of the United Nations machinery. Finally, as a Spanish national, he tried to keep the Kosovo negotiations going even after President Ahtisaari failed to come to an agreement.

Within the EU, Solana was also building up support over time to get things done. Getting the Council in February 2005 to invite him to draft a report on the future of Kosovo was not very difficult. Teaming up with

Commissioner Rehn was however smart, because it created a unified front towards the member states. Solana was far ahead in starting the planning for Kosovo. He foresaw the problems with financing and he brought this to the attention of the European Council in Hampton Court (2005). On the basis of the Solana/Rehn report of December 2005, the member states decided to send a fact-finding mission to Kosovo. They eventually ended up with a Planning Team that would stay there for more than two years. At that point in time, Solana had already set the most important parameters for the operation. It would focus on rule of law and it would be much smaller than UNMIK. As a result of Solana's personal leadership, the influence of the Council Secretariat during the agenda-setting phase was high. The Commission was also involved at this stage. It clearly supported the work of the Council Secretariat. However, the Commission took a back row seat in this political dossier. Its influence is therefore medium.

During the *decision-making phase*, the Council Secretariat and the Planning Team in Pristina played a crucial role. They drafted all planning documents and prepared the operation on the ground. As noted before, the member states preferred not to discuss the sensitive Kosovo dossier in committee and the Council Secretariat officials were thus very much left alone while they struggled to get the job done. It also needs to be said that the EULEX mission was not the most sensitive amongst the member states. The main issues in the planning of this operation were with the United Nations and with the Commission. Despite the Council Secretariat shaping the EULEX mission to a large extent, it was in the end not in control. As the political dialogue on status became more difficult between the parties, the member states started to beef up the mission. As a result, EULEX did not become the light footprint that Solana and his civil servants had once imagined. EULEX in the end became actually very heavy and resembled to some observers UNMIK II. This was not the intention of the Council Secretariat, but it could do little about it. Therefore the influence of the Council Secretariat during this phase of the policy process was medium.

The Commission's role during the decision-making phase with regard to financing was more critical than during any of the other case studies. EULEX is an enormous mission and had to be paid through the CFSP budget. The limited funds for EULEX, which had also been capped through the limits on the CFSP budget imposed by the Parliament, indeed caused a number of headaches for officials from the Council Secretariat when dealing with the Commission. That having said, it is difficult to see how these daily struggles had an impact on the content or the scope of the mission. There is no evidence that the Commission used its position as financial administrator to influence the planning or conduct of EULEX. In

fact, the Commission's role in the planning was rather limited. It focused on how to deal with Kosovo's European perspective. Various people noted that in Kosovo, there is enough work for everyone. The result is that people do not get in each others way. The influence of the Commission on EULEX was therefore low.

Launching EULEX after the unilateral declaration of independence was one of the mission's most difficult moments. It came in the end down to power politics by the permanent members of the Security Council and Serbia. The Planning Team had prepared a timeline for the case that there would not be a new resolution. Javier Solana and the Council Secretariat were heavily involved in attempts to get UNMIK out of Kosovo. Yet they could try as hard as they wanted and put pressure on the United Nations institutions, but as long as Serbia and Russia were blocking the political process and the logistical handover of assets, it made little difference. The daily work of the Council Secretariat in preparing the handover was definitely necessary, but it could not make the difference. Its influence is therefore medium. As for the European Commission, there is no evidence that it used its carrots for Serbia to comply with EU demands. Its influence is thus none.

As for *implementation*, the Council Secretariat is with its Civilian Operations Commander and Civilian Planning and Conduct Capability well placed to influence the mission. As the channel through which the member states have to give instructions, it can affect the course of the mission. In reality, however, its options are more limited. It does not possess sufficient expertise and the role of Civilian Operations Commander is different from the military commanders. EULEX also faces extensive scrutiny on the ground due to the presence of many bilateral embassies and liaison offices and it is on the radar screen of everyone in Brussels. Finally, the EULEX headquarters consists of a lot of personnel, who do not have a Council Secretariat background. They have often worked in international missions for other organizations (e.g. UNMIK, OSCE, NATO, United Nations), but they have no strong links with the Council Secretariat (cf. Aceh Monitoring Mission). The influence of the Council Secretariat on the implementation of the mission itself is medium.

The Commission, on the other hand, is much more influential in EULEX than in any of the other cases. Whereas accompanying measures in Bosnia were virtually none-existent, and in Chad and Aceh important but not vital, the projects money in the field of rule of law that the Commission has available in Kosovo is of crucial importance. EULEX really needs the Commission to fund particular projects if it wants to succeed in building a

rule of law sector in Kosovo. In addition, the European Commission has other important carrots and sticks at its disposal, such as the annual progress report. The Commission has also effectively used this leverage not only by attending relevant meetings and being in constant dialogue with EULEX. It raises awareness for its own activities and priorities. Therefore the influence of the Commission in the implementation phase is medium as well. All results are summarized in table 8.3.

	<i>Council Secretariat</i>	<i>Commission</i>
<i>Agenda-setting</i>	High	Medium
<i>Decision-making</i>	Medium	Low
<i>Launching of operation</i>	Medium	None
<i>Implementation</i>	Medium	Medium
Table 8.3 Influence of the Council Secretariat and the European Commission in EULEX Kosovo.		

9. CONCLUSION

This book started with a succinct quote of Javier Solana, who pointed at his discretion to pursue his own agenda (“I do whatever I want”, see page 1). He continued, however, by implicitly stating that his autonomy was limited by *ex post* control mechanisms. In the Council bodies, he had to explain his actions to ministers and ambassadors. This sometimes involved asking for “forgiveness”, when he had touched upon sensitivities. The anticipated reactions of the member states (“I know what people think”) thus clearly put restrictions on his discretion. Finally, the quote wonderfully illustrated how Solana acted rationally and intentionally using deliberate strategies to exert agency (“I would rather have forgiveness than permission. If you ask for permission, you would never do anything”).

The dynamic relationship between the member states and the EU institutions is a major topic in the study of European integration. Ever since the *Uniting of Europe* of Ernst Haas (1958) scholars have been intrigued by the role of the European Commission and later the Court of Justice and Parliament. There is good reason for such interest. If the EU institutions ‘matter’ – and most observers think they do – they potentially challenge a centuries-long tradition, in which states were the key actors in international relations. Within the context of this broader debate on the EU institutions, this book has tried to make a contribution. It is one of the first attempts to discuss the role of the Council Secretariat and the Commission in foreign policy matters. It has addressed the subject by means of a distinctive analytical framework using insights from rational choice institutionalism. It is based on empirical sources gathered through extensive fieldwork. Importantly, as this concluding chapter will argue, the findings potentially have relevance beyond the specific topic during the period under analysis. They tell us something about EU foreign policy and the institutional design of international organizations more generally.

Conceptualizing the relations between the member states and the EU institutions in terms of principals and agents, the previous chapters have tried to answer two research questions. The first one concerned *delegation*. Why did sovereign member states delegate tasks to the Council Secretariat

and the Commission in the sensitive area of foreign policy? Studying the process of delegation is important, it has been noted before, as it determines the context in which the member states and the institutions operate and the bureaucratic resources the latter have at their disposal. The second research question dealt with the all-important consequences of delegation – the *agency* of the EU institutions. Under which conditions did the Council Secretariat and the Commission exercise political influence in the area of foreign policy? Both questions have been tackled in the previous chapters. Chapter two provided an argument for delegation and agency in EU foreign policy. Chapter three empirically analyzed the most important instances of (non-)delegation. Chapters five to eight looked at four carefully selected case studies in the area of ESDP to assess the influence of the institutions.

This concluding chapter discusses the theoretical argument in light of the empirical evidence. It brings all the findings together. The chapter consists of four parts. First, it analyzes the instances of (non-)delegation. It shows that during the different periods in the history of EU foreign policy, various facets of the principal-agent model usefully explain the delegation decisions of the member states. Member states carefully weighed efficiency gains against sovereignty costs. Due to uncertainty about sovereignty costs, member states often delegated too few functions. As the potential efficiency gains increased and member states started to understand the consequences of delegation, they delegated more tasks. During these intentional decisions agent selection was a recurring theme. This particular logic of delegation in EU foreign policy contrasts with the credible commitments argument that is generally made by scholars (e.g. Moravcsik 1998; Pollack 2003). Second, the chapter compares the observations of political influence across the case studies. In line with the principal-agent model, they confirm the importance of bureaucratic resources. They show that variation in resources indeed affects influence. The Council Secretariat exerts, for instance, significant influence during the agenda-setting phase, because of its pivotal position in ESDP policy-making. Moreover, it has more political influence in civilian than in military operations resulting from a relative advantage *vis-à-vis* the member states in terms of expertise. The Commission, in contrast, exerts very little influence, due to a lack of bureaucratic resources.

Third, alternative explanations are discussed. The introduction of this book identified sociological institutionalism as potentially being able to challenge the rationalist argument. As regards the first research question, it is shown that sociological institutionalism is able to provide a better answer than the rationalist explanation in a few isolated instances of delegation. Such isolated instances, however, do not add up to comprehensive evidence that challenges the argument of this book. As an alternative explanation,

sociological institutionalism does a much better job in explaining agency. It can also account for variation across the case studies. It is, however, weak on internal validity, as it has difficulty to cope with power politics and actor intentionality. Finally, the chapter concludes by discussing the contribution and implications of this book. It particularly looks at the field of EU foreign policy and the principal-agent model. It, however, also outlines a possible research agenda on delegation and agency in international security. Insights from this book may be relevant in analyzing other international security organizations, such as NATO and the United Nations.

9.1 DELEGATION IN EU FOREIGN POLICY

This book has employed rational choice institutionalism to analyze why the EU member states, in the sensitive area of foreign policy, have voluntarily delegated functions to the Council Secretariat and the Commission. It has argued that the prime rationale for delegation is that the EU institutions can lower the transaction costs of cooperation. In foreign policy, these include negotiation, information, coordination and implementation costs. Credible commitments play a less important role (Wagner 2003). In their delegation decisions member states are likely to make cost-benefit analyses, weighing efficiency gains against sovereignty loss. Given the anticipated problems of unintended consequences and sanctioning under multiple principals, the member states generally delegate fewer tasks than is functionally optimal. As they do not fully understand the consequences, they are likely to be wary of delegation. Delegation is not a one-off affair, but it takes place over subsequent delegation rounds, which allows for feedback loops. Finally, the book has made the point of agent selection. It argues that member states prefer the Council Secretariat, as a result of its preferences and its limited bureaucratic resources, to the Commission.

How does this argument live up to the evidence? In this book, all major instances of (non-)delegation have been analyzed. They have been sub-divided in four historical periods: the institutionalization of cooperation (1970-1981), the codification of cooperation (1981-1995), the Amsterdam Treaty (1995-2003), and the European Security and Defence Policy (1998-2009). In all these periods, in spite of variation in the scope of EU foreign policy, the argument provides convincing explanations for the delegation of functions. In the first period, there was a conscious trade-off between the gains from outsourcing administrative support and the loss of sovereignty. Member states kept tasks in-house by delegating them to the Presidency – a

clear case of agent selection. During the second period, administrative tasks were delegated to the Council Secretariat in order to alleviate the burden of the Presidency, yet most other functions remained in-house illustrating the the member states' reticence in the field of sovereignty. In the Treaty of Amsterdam, the member states delegated information and implementation functions to the Council Secretariat following the EU failures during the Yugoslavian wars, while deliberately by-passing the Commission. As for the establishment of ESDP, institutional demands increased due to the desire of the EU to send soldiers and policemen abroad. This led to significant delegation. Member states, however, remained reluctant to delegate with the result that there is, for example, still no standing military Operations Headquarters.

During the initial institutionalization of cooperation (1970-1981) the member states were mainly concerned with creating a platform where they could discuss foreign policy matters. For this purpose, they required little institutional support. In fact, they could comfortably keep the strong EU institutions, guaranteeing credible commitments in the internal market and regulatory policies, at arm's length. The functional demands were low. They involved negotiation, coordination and administration costs. Through a number of delegation rounds, these costs were addressed. The Presidency was strengthened on several occasions. The Commission gradually became involved in the consultations of the member states to provide consistency with external relations policies. Most important about this period, however, was the non-delegation of administrative tasks. Member states weighed efficiency gains against sovereignty loss and they came – time and again – to the conclusion that delegation was not worth it. They anticipated that the preferences of a permanent Brussels-based secretariat would be out of line with their own. They thus decided to keep administrative support in-house by means of the rotating Presidency, the European Correspondents and later the Troika mechanism.

From the beginning of cooperation, integrationist member states aimed at bridging the divide between foreign policy and the activities of the internal market by means of giving the former a treaty base. They achieved this objective in the context of the Single European Act and the Maastricht Treaty, a period which this book has called the codification of cooperation (1981-1995). The Treaty negotiations were a lengthy process, in which all the member states and institutions issued various proposals containing their visions on the role of, particularly, the Commission in EU foreign policy. It eventually became a gigantic political struggle. The integrationist member states hoped that codification would allow the Commission to play a role in foreign policy equal to the one in the internal market. Intergovernmental-

orientated member states, at the other side of the spectrum, thought that codification of existing practices was enough. They clearly did not desire additional responsibilities for the Commission. This contest became most apparent on 'Black Monday' (30 September 1991) when the integrationist blueprint for the EU was finally buried. It had guided negotiations at least since the Spinelli draft Treaty of 1984. In the end, the Commission gained the shared right of initiative in foreign policy, but its role remained second to that of the member states. The period of codification can thus be seen as an instance of non-delegation. The exception was the belated delegation of administrative functions to the EPC and Council Secretariat. The handful of seconded officials gave foreign policy finally a modest Brussels base.

The Maastricht Treaty had still to be ratified when the conflict in former Yugoslavia went from bad to worse. In the years that followed, the member states failed to bring the civil war to an end. While the Maastricht Treaty had raised expectations about Europe's international presence, it had not equipped the European Union with the necessary capabilities to make a more meaningful contribution (Hill 1993). The institutional innovation in the Amsterdam Treaty should be seen in this context. The member states addressed both the information and implementation costs of foreign policy. They established the Policy Unit for the purpose of information-processing and the position of High Representative to make EU foreign policy more coherent, visible and effective. They codified the Special Representatives as tools for implementation. In general terms, the member states felt that the need for efficient foreign policy-making had increased, which allowed them to delegate more functions. It is important to note that, even though the international context had made delegation possible, the member states did not lose their rationality in the spur of the moment. This book has paid much attention to the Report of the Reflection Group (1995) highlighting the cost-benefit analyses of the member states in the run up to the Treaty. In particular, the discussion about agent selection is fascinating. Rather than to give these tasks to the Commission – the most logical and efficient scenario – the member states intentionally chose the Council Secretariat, over which they had more control. Possible bureaucratic tensions with the Commission were anticipated and taken at face value.

The final period under analysis was the creation of the European Security and Defence Policy (1998-2009). Following the war in Kosovo, during which the United States again had to take the lead, the European Union decided to establish a capacity for autonomous action. The desire to send troops abroad immediately raised new functional demands. This was explicitly recognized in the initial St. Malo Declaration. ESDP operations require planning capabilities and command and control structures. These

demands were quickly addressed by delegating military planning functions to the Council Secretariat and by establishing intergovernmental control bodies, such as the Political and Security Committee. Sovereignty costs, once again, continued to play a role. Equivalent civilian planning bodies were, for example, kept under-staffed. Member states had little experience in sending policemen and judges abroad. Being well aware of the possible unintended consequences, they therefore preferred to keep these functions in-house. Only when more challenging civilian ESDP operations came on the agenda (e.g. EULEX Kosovo), member states delegated further tasks to the Council Secretariat. Moreover, while military planning functions were delegated to the Council Secretariat, they refused on a number of occasions to equip the European Union with a standing military headquarters. Instead, military operations rely on NATO or national assets. This is again a case of agent selection. These assets are commonly known to be sub-optimal.

Looking at these four periods of delegation, one has to conclude that the rationalist argument, as presented in this book, provides a solid explanation of delegation. While the periods were varying in terms of the scope of EU foreign policy, there are several constants in the delegation decisions of the member states. First, delegation is usefully framed in terms of demand and supply. Cooperation involves a number of costs and they can be addressed through delegation to the EU institutions. If the scope of cooperation changes, functional demands may change accordingly. This can trigger new rounds of delegation. Second, the balance between anticipated efficiency gains and sovereignty costs provides a convincing explanation. In most instances of (non-)delegation, the trade-off between efficiency and sovereignty is almost explicitly mentioned in the official documents leading up to delegation decisions. Efficiency reasons in themselves cannot explain the limits on delegation, while sovereignty costs cannot explain why there is delegation. Together they make for a powerful argument.

Third, non-delegation or too little delegation plays an important role. In many cases, the functional alternative chosen was not the optimal scenario. In delegation rounds where various proposals were circulated, it has not been difficult to identify better functional options than the ones, which were chosen. It is very interesting that member states in several cases knowingly opted for inefficiency. Member states are wary about unintended consequences or the difficulty of sanctioning. They therefore delegated less. Fourth, agent selection has turned out to be very significant. In the initial instances the rotating Presidency was preferred to a standing secretariat. In later cases, the Council Secretariat was chosen above the Commission due to its preferences and limited bureaucratic resources. NATO and national military assets were preferred to a permanent military headquarters. Finally,

the absence of credible commitments is noteworthy in EU foreign policy (cf. Wagner 2003). While this is the main rationale for delegation in the internal market and regulatory policies (Moravcsik 1998; Pollack 2003), it hardly plays any role in EU foreign policy. Even after member states have collectively approved a ESDP mission, they still have to individually decide on their contribution. Delegation in EU foreign policy is about efficiency, not about credibility.

9.2 AGENCY IN EU FOREIGN POLICY

To address the transaction costs of cooperation, the member states have equipped the Council Secretariat and the Commission with considerable bureaucratic resources. This naturally triggers the question of agency. Both institutions may not have strong formal powers, but as this book has argued they hold several advantages over the member states. They are likely to accumulate institutional memory, process and negotiation expertise, and international networks. The EU institutions have continuity and occupy pivotal posts in the policy-making web. They may have content expertise and they can play with time to limit the information-processing capabilities of the member states. They use these resources to further their preferences. The Council Secretariat and the European Commission have an interest in 'more' Europe and in tilting the inter-institutional balance in their favor. The member states are, however, not powerless and can apply a range of control mechanisms. The drawback of such mechanisms is that they are costly and generally undo some of the gains of delegation. Some degree of discretion is thus inevitable.

The second part of the book has empirically analyzed instances of agency. By studying in-depth the different phases of the policy process of four ESDP operations, it has tried to make explicit the processes that lead to political influence for the Council Secretariat and the Commission. As influence is notoriously difficult to measure, the book has provided a yardstick, which allows to compare relative political influence across the case studies (see table 1.1). To shortly summarize the criteria, a high level of political influence has been defined as the EU institutions performing a leadership function (together with one/two member states) during a specific phase of the policy process. A medium amount of influence requires them to be a necessary condition in explaining the outcome of a particular phase of the policy process. Low political influence indicates that the institutions were actively part of the discussions, but that their contributions were not

reflected in the outcome. No influence means that they were not involved in the phase of the policy process. In the preceding chapters, the empirical findings of the case studies have already been summarized. This concluding chapter brings these findings together per institution and tries to explain variation on the basis of the theoretical argument.

Influence of the Council Secretariat

The Council Secretariat has become the main Brussels-based body for the planning and conduct of ESDP operations. What does this imply in terms of agency? Looking at the findings of the case studies, two main conclusions can be drawn (see table 9.1). First, the Council Secretariat has emerged as an important ESDP agenda-setter. It has been at the forefront of promoting all four operations, oftentimes against the preferences of the majority of member states. Second, the Council Secretariat had more influence during civilian (Aceh/Kosovo) than military operations (Bosnia/Chad). This goes for all phases of the policy process, except the termination phase on which the data are inconclusive. Such variation is in need of an explanation.

	<i>Bosnia (m)</i>	<i>Chad (m)</i>	<i>Aceh (c)</i>	<i>Kosovo (c)</i>
<i>Agenda-setting</i>	Medium	Medium	High	High
<i>Decision-making</i>	Low	Medium	Medium	Medium
<i>Launching</i>	Low	Low	Medium	Medium
<i>Implementation</i>	Medium	Low	Medium	Medium
<i>Termination</i>	Low	Medium	Low	N.A.
Table 9.1 Political influence of the Council Secretariat				

This book has noted that agenda-setting essentially relates to the ability of the EU institutions to pick-and-choose issues that further their interests, to put them high on the agenda, and to keep them there. In terms of strategy, there is a political and an administrative route to agenda-setting and it can pay off for actors to alternate between these venues. By testing different venues, actors come across opportunities where they can raise their issues. To be a successful agenda-setter, continuity is a valuable asset. The same goes for the ability to coordinate between the political and administrative level, and having an informational surplus concerning the state-of-play in

order to detect policy windows. In light of these conditions, the Council Secretariat is well placed to affect the EU foreign policy agenda. It has continuity *vis-à-vis* the member states and the rotating Presidency, superior information of the state-of-play resulting from its pivotal position in the policy-making web, and one of its functions is to coordinate policy.

This theoretical argument has a strong internal validity. One of the most interesting findings of this book is the major advantage of the Council Secretariat in terms of time. In all cases, the Council Secretariat was much earlier involved in the ESDP operations than the large majority of member states. Due to its pivotal position in the policy-making process (Mérand et al. 2010, 2011), it started the initial planning process at a very early stage. Most of the member states, on the other hand, only started to seriously consider a mission when they were asked to make a military or financial contribution. At this point in time, the operation was often a *fait accompli*. The Council Secretariat had cleverly raised the expectations of external actors about EU involvement through its preparatory activities. For the majority of member states, there was no way back. They did not want to be accused of undermining the Aceh peace agreement, leaving the refugees in Chad to their own fate, or refusing to carry part of the burden in the Western Balkans. Increased expectations by third parties made missions difficult to reject. The head start of the Council Secretariat in the missions in Aceh and Chad was at least four months compared to the majority of the member states. In the cases of Bosnia and Kosovo, the time lag was even longer. Given that ESDP is characterized by rapid decision-making with member states generally deciding within weeks, four months is significant.

The finding that the Council Secretariat had more influence in the civilian than military operations is at least as interesting. Given that the Council Secretariat was initially understaffed in civilian crisis management, this presents a paradox. What cannot be stressed enough, in this respect, is the importance of *relative* resources. In relative terms, the resources of the Council Secretariat for civilian missions were significant compared to those of the member states. First, the member states have only one control body for civilian missions (CIVCOM) compared with three control bodies for military operations (Military Committee, EUMC working group, Political-Military Group). Second, these military bodies normally deal with one/two operations in parallel; CIVCOM was at times handling a dozen of civilian operations. This made it very difficult for the national diplomats to remain informed of all developments. Third, the Military Committee consists of two- and three-star national generals at the end of their careers; CIVCOM is made up of early- and mid-career diplomats (Cross 2010). The military planners in the Council Secretariat (at colonel-level) thus have a different

relationship to the member states than their civilian counterparts, for whom seniority and hierarchy is less relevant. Fourth, expertise in civilian crisis management in the national capitals is limited and scattered across different ministries (e.g. Vanhoonacker and Jacobs 2010). This hardly provides for quality instructions.

The innovative character of civilian crisis management also needs to be mentioned. The member states have limited experience with sending policemen abroad – let alone judges and prosecutors. Consequentially, there is not much civilian doctrine and there are few standard operating procedures. This allows for more entrepreneurship from the side of the Council Secretariat. During the rule of law mission in Kosovo and the Aceh monitoring mission, Council Secretariat officials were at times inventing the practice of civilian crisis management along the way. Suggestions of Javier Solana to focus on the fight against corruption in Bosnia, in contrast, was immediately blocked by the generals, who noted that these were not military tasks. When the Force Commander followed Solana's instructions nonetheless, the member states reacted by reducing their troops. Finally, the command and control structures of civilian and military crisis management differ. While the Council Secretariat has formal operational control over the civilian missions, military operations rely on NATO or national assets. The civilian missions thus have a higher degree of 'Brusselization', which also has the effect that expertise in the capitals remains more limited.

One of the important questions is whether the member states have reacted to these instances of (excessive) agency by the Council Secretariat. The principal-agent model, after all, predicts that principals learn and that they make the necessary adjustments. While this book has not provided conclusive answers, it is noteworthy that the number of ESDP missions has decreased over time. This is indirect evidence that the Council Secretariat has recently not been successful in furthering its interest of 'more missions'. At the time of writing, the member states were in no mood to sponsor pet projects, which made entrepreneurship by the Council Secretariat difficult. Needless to say, international affairs are volatile, which can lead to new demands for ESDP missions. Of importance is also the question why the member states have not yet strengthened their civilian control bodies. They can establish a working group for CIVCOM, appoint senior diplomats, or organize domestic coordination more effectively. One reason why this has not happened may be disagreement amongst the member states. Several member states tend to think that civilian crisis management is a distraction. They may not be very keen on increasing its stature. These explanations remain, however, tentative and require further research.

Influence of the European Commission

The European Commission became involved in the conduct of EU foreign policy, because of its first pillar expertise and its management of trade, development and association instruments. With an increasing demand for consistency the Commission supplied the necessary liaison function. Within the context of ESDP, the Commission has a similar role. It can make the external relations instruments available to support the civilian and military operations. It does not have a formal second pillar function when it comes to the planning and conduct of the operations. What do these tasks imply for its political influence? First, there is some evidence of increasing agency of the Commission over time (see table 9.2). The Commission had to get used to these new operations. Initially, it was trying to defend its turf with the result that it often found itself excluded from the action. It approached later operations more constructively. Second, the Commission has more influence in civilian than in military operations. This can be put down to its lack of military expertise and the lesser importance of accompanying measures during military missions. Overall, the influence of the European Commission is limited.

	<i>Bosnia (m)</i>	<i>Chad (m)</i>	<i>Aceh (c)</i>	<i>Kosovo (c)</i>
<i>Agenda-setting</i>	None	Low	Medium	Medium
<i>Decision-making</i>	Low	Low	Low	Low
<i>Launching</i>	None	Low	None	None
<i>Implementation</i>	None	Low	Low	Medium
<i>Termination</i>	None	None	None	N.A.

Table 9.2 Political influence of the European Commission

The development of the role of the Commission over time is interesting. In the planning of the early operations, the Commission forcefully defended its competences. In civilian crisis management, ESDP missions overlapped with activities previously funded through the development instruments (e.g. rule of law, police missions, monitoring, civil protection). If ESDP were to take over, the role of the Commission would decrease. The Commission therefore tried to challenge these missions. The final straw, in this respect, was the Aceh Monitoring Mission, where its proposals for funding were blocked by the Council's Legal Service. In military operations, its approach

was not different. The Commission noted that deploying troops was fine as long as they did not affect its activities. The military operation in Bosnia is a case in point. The Commission prevented a broad mandate. The result of its behavior was that the Commission quickly found itself excluded from the deliberations. It could state a few red lines, but it could no longer shape the contents of the operations by making a meaningful contribution.

When the Commission realized that ESDP was not temporary, it started adjusting its strategy. In the case of the military operation in Chad, it actively searched for accompanying measures in support of the mission. As a result the Commission was included in all deliberations and could make, at times, its humanitarian concerns known to the Council Secretariat and member states. For EULEX Kosovo, Commissioner Olli Rehn teamed up with Javier Solana to see what the EU could do about the situation on the ground. In the implementation of the operation, the Commission tries to use its financial instruments (also) to the benefit of the rule of law mission. The argument that the Commission can exert influence only if it accepts a secondary role in foreign policy is supported by several cases where the Commission backed the Council Secretariat. When the Council Secretariat and the Commission present a united front towards the member states, they both benefit and the Commission can make sure that its concerns are taken on board. If the Commission tries to act as an actor in its own right, its opportunities for influence are limited (cf. Klein 2010; Patten 2005).

In addition to some variation across time, there is some variation across issues. The Commission has a little more influence in civilian than military missions in some of the phases of the policy process. This is not surprising given that the Commission only employed one official for military crisis management and that it did not occupy its seat in the Military Committee until 2005. Its own instruments also better fit in with the civilian operations. There is variation in the agenda-setting and implementation phase. Agenda-setting can be explained, as with the Council Secretariat, by the early involvement of the Commission in civilian missions. Because of the Commission's role in development and enlargement/association policy, it is only natural that the Commission gets consulted. This allows it to contribute to the framing of the missions and set some of their parameters. With regard to the implementation phase, it is the accompanying measures that count. While the Commission has also made accompanying measures available in the Chad operation, the measures in civilian crisis management are crucial for the eventual success of the missions. This is particularly the case for EULEX Kosovo.

The agency of the EU institutions is an important topic of debate among scholars. When it comes to the influence of the Council Secretariat and the Commission in the area of foreign policy, this book has found interesting variation across both institutions, issues areas and phases of the policy process. Such variation can be explained by the bureaucratic resources of the EU institutions *vis-à-vis* the member states. These strongly relate, in turn, to the rationale for delegation. It has been noted before that a certain loss of agency is inevitable when delegating tasks (“no pain, no gain”, Lake and McCubbins 2006: 343). The question thus remains whether some instances of influence by the Council Secretariat and the Commission can be labeled as excessive. Some instances of agenda-setting by the Council Secretariat certainly were. Given that agenda control constitutes an important power, such cases were significant. Various member states ended up having troops and monitors in places where they would otherwise not have been. The Council Secretariat arguably also exerted excessive influence in civilian crisis management. In the other cases, the member states held the Council Secretariat and the Commission on a short leash.

9.3 ALTERNATIVE EXPLANATIONS

The rationalist principal-agent model has provided the framework for this book. Questions of delegation and agency – two *loci* of the model – have been discussed theoretically and empirically. The introduction of this book, however, already made clear that several theories deal with the role of the institutions in EU policy-making. Sociological institutionalism based on a constructivist ontology, in particular, provides potentially a number of alternative explanations for delegation and agency. When delegating tasks, this theory argues, the member states do not make cost-benefit analyses to achieve efficiency gains. They rather apply best practices and use models of institutional design, which seem appropriate and normatively legitimate. Agency does not result, according to sociological institutionalism from the strategic use of bureaucratic resources. It depends on the actor's authority in negotiations. The chapter shows that sociological institutionalism only has useful things to say about a few isolated cases of delegation. Such instances do not add up to a comprehensive explanation. Sociological institutionalism is better in explaining influence, but its casual relationship with power and intentionality undermines its internal validity.

Delegation – according to sociological institutionalism – does not result from rationalist cost-benefit analyses or the search for efficiency. In

making delegation decisions, policy-makers use best practices and models they consider as legitimate rather than the most efficient models. The effect is that institutional structures do not fit purpose. This leads to inefficiency or, at best, efficiency that is historically or culturally grounded (McNamara 2002). Popular with non-rationalist scholars is the incrementalism and path dependence argument. It effectively states that a seemingly unimportant instance of delegation can become significant over time. Small steps add up and by going in one direction, switching costs increase and increasing returns endogenously start to affect the actor's preferences. Does this provide a convincing explanation for the delegation of functions in EU foreign policy? Several observers think so. Thomas Christiansen and Sophie Vanhoonacker (2008) use, for instance, historical institutionalism to explain the institutional development of the Council Secretariat. They state that "the role of the [Council Secretariat] has changed over time ... What there has not been, however, is a formal reform of the institution, either recently or indeed at any point in its history" (p. 751). Johan Olsen (2010: 63) similarly writes that "key choices were made when the secretariat was set up. Since then, there has been change without formal reform, following mergers, new tasks, and the new institutional balance after Maastricht".

This book has shown that most of the instances of delegation were fiercely contested. Member states made intentional delegation decisions in *formal* reports, Council Decisions, Joint Actions, and even Treaties. In the three EPC reports (Luxembourg, Copenhagen and London), the member states set up the institutional machinery. With the Single European Act, they created the EPC Secretariat. The Maastricht Treaty empowered the Council Secretariat and provided the Commission with the shared right of initiative. The Amsterdam Treaty established the post of High Representative and the Policy Unit. The ESDP bodies were discussed in Presidency reports, which were endorsed by the European Council, before they were created in the Council Decisions. Increasing demands for subsequent delegation were often *exogenous* to the foreign policy machinery. The establishment of the ESDP bureaucracies in the Council Secretariat, for example, was the result of increased demands triggered by the war in Kosovo and not of an endogenous institutional dynamic that started forty years ago. It is thus incorrect to claim that delegation was a one-off affair, after which the EU institutions took a life of their own.

Needless to say there are a number of isolated cases of delegation, where the rationalist explanation is not necessarily the most convincing. The appointment of Claude Cheysson (a previous Commissioner) as French foreign minister, for example, resulted in France being less hostile towards a role for the Commission in EPC. In the period of codification, an anomaly

was the frequent references to the Parliament. While the Maastricht Treaty did not delegate important functions to the Parliament, these references do testify to the fact that some of the member states were considering the legitimacy of EU foreign policy-making. The appointment of Javier Solana following the Amsterdam Treaty is a third example where the rationality of the member states can be questioned. One can argue that the decision was only rational in the specific historical context of the ongoing NATO air campaign. Had it occurred three months earlier or later, the decision might have been different. Fourthly, several observers argue that the EU used NATO best practices when setting up ESDP. While this brushes somewhat too quickly over the specificities of ESDP (e.g. civil-military character, lack of headquarters), the EU definitely used some of the models.

In several of these isolated instances, sociological institutionalism provides a better explanation of delegation than the theory advanced in this book. These isolated cases, however, do not add up to a comprehensive and internally consistent argument that comes close to challenging the major conclusions discussed above. What about alternative accounts of agency? Sociological institutionalism argues that member states and the institutions are not intentionally competing for power and/or influence. Civil servants and diplomats try instead, by means of deliberation, to persuade others of their 'better' arguments in order to come to mutually acceptable outcomes. Negotiations are about problem-solving and not about tough bargaining (e.g. Joerges and Neyer 1997a, b; Lewis 1998, 2005). What counts, in this respect, is not the size of the member states, formal rules or veto points, but the claim of actors to authority. It is interesting that constructivists rely on information and expertise as well. These resources are, however, not strategically used. Instead they structurally determine which of the actors hold authority and is able to put forward persuasive arguments. While this argument of agency is better developed than the sociological theory of delegation, there continues to exist disagreement on how persuasion relates to power (e.g. Risse 2000). The absence of power in most accounts is a major weakness.

When looking at the four case studies, there is certainly a case to be made that EU action was 'appropriate'. Given the EU's historical legacy in the Western Balkans, it was considered 'normal' for the EU to increase its presence on the ground and take responsibility for its own 'backyard'. The idea of burden-sharing with the United States, which made clear that it had priorities elsewhere, also fits the argument. As a result, it became 'logical' that the European Union took over the military operation in Bosnia from NATO and the civilian rule of law mission in Kosovo from the United Nations. In institutional terms, officials from the Council Secretariat and

the Commission undoubtedly contributed to this discourse. By being so early involved in the process, they could frame the discussions, which then led to these follow-on missions. A similar argument can be made for the cases of Aceh and Chad. A lot of the discourse surrounding the monitoring mission in Aceh was that the European Union could make a meaningful contribution. Despite the fact that most member states had their doubts, the Council Secretariat persuaded them of the merits and feasibility of this endeavor. The military operation in Chad was framed in humanitarian terms – to do 'something' about the situation in Darfur. Contributing to a safe and secure environment in this part of the world hardly fitted with the EU's strategic interests. Officials of the Council Secretariat and the Commission convincingly explained to skeptical member states that it was not (or more than) a French pet project.

When it comes to variation in agency, sociological institutionalism provides several explanations. The influence of the Council Secretariat in agenda-setting fits in with the ideational accounts of European integration (Parsons 2002; Schimmelfennig 2001). By framing operations in line with prominent discourses, it contributes to putting some issues high on the agenda. Sociological institutionalism also argues that it is logical for the Council Secretariat to have a bigger say in civilian than military operations. The national defense ministries and the generals in the Military Committee have authority when it comes to military affairs. The officers in the Council Secretariat do not have the same levels of authority. In civilian crisis management, as has been established, however, member states do not have similar expertise and experience. The Council Secretariat can thus more easily compete with the member states in terms of authority. Together with the experts in CIVCOM it can search for solutions in crisis management and jointly establish civilian operational doctrine and standard operating procedures. Since officials in the Council Secretariat draft the planning documents, they naturally have some authority. As for the role of the Commission, sociological institutionalism can draw on learning theory, which better fits constructivist than (boundedly) rational ontologies. ESDP was a new project for the Commission and it, quite simply, took some time for the Commission to find its place.

This sociological argument provides a challenge to the rationalist explanation suggested in this book. When taking a closer look at the merits of this alternative explanation, however, it becomes clear that it fails short on several accounts, many of which have to do with power, intentionality and internal validity. First, sociological institutionalism does not have a good answer to the question why these operations, and why at the particular moment in time? In Europe, several operations could 'logically' have been

taken over as well (IFOR in Kosovo), while for others there was no need for follow-on (Concordia in Macedonia). There are also many cases where the EU did not launch an operation such as in Congo (2008) or in Sri Lanka (2009). 'Political will' explains a lot, sociological institutionalism does not. Second, despite the normative humanitarian discourse, most member states have never really bought these arguments. In the case of Aceh, few member states made financial and personnel contributions, and the force generation in the case of Chad was an outright disaster. Persuasion was thus less than successful and is not a sufficient condition to explain why the EU launched these two missions. Third, the case studies have shown that the Council Secretariat and the Commission intentionally used tactics to strategically further their bureaucratic interest: member states were kept out of the loop, unrealistic planning assumptions were used, budgets were underestimated and a *fait accompli* was, time and again, cleverly engineered.

To conclude on alternative explanations, the sociological account of delegation at best provides a competing explanation in isolated cases. It does not convincingly challenge the rationalist theory, outlined in this book, in any comprehensive way. Sociological institutionalism has more to say about the agency of the EU institutions after the delegation of tasks. It provides an alternative explanation why the European Union has launched missions and it can also explain variation in the political influence of the Council Secretariat and the Commission. Sociological institutionalism is, however, weak when it comes to power; and power is omnipresent in the field of security and defense. It glosses, in particular, over the difficult negotiations between the member states and the EU institutions and over the intentional actions of the EU institutions to further their bureaucratic interest. In all the cases, the Council Secretariat had a major interest in launching the mission and it teamed up with like-minded member states to make it happen. It was not just about the persuasion of the member states, but about manipulation and bureaucratic tricks as well.

9.4 CONTRIBUTION: TOWARDS A RESEARCH AGENDA

This chapter has thus far shown that rationalist choice institutionalism, and particularly the principal-agent model, helps us to better understand the role of the Council Secretariat and the European Commission in EU foreign policy. It provides a much better explanation of delegation than competing theories and it gives important insights into the political influence of the EU institutions in foreign policy. To what extent, one may ask, do the findings

of this book then also contribute to a better understanding of EU foreign policy, the principal-agent theory, and international relations generally. In the final section of this book, the broader contribution and the implications of the findings will be discussed. It concludes with a research agenda for the study of delegation and agenda in international security.

The European Union and the principal-agent model

This book is one of the first comprehensive accounts of the role of the EU institutions in foreign policy. While it has been noted above that the importance of the EU institutions differs across cases – leading to nuanced conclusions about agency – the fact of the matter is that, particularly, the Council Secretariat is a critical actor in understanding the formulation and implementation of EU foreign policy. This may not surprise Brussels-based observers. Yet in much of the mainstream European integration literature, foreign policy remains *sui generis* guided by the intergovernmental method. The member states play first fiddle and the EU institutions have no role. Various scholars have, of course, always noted that the situation was a bit more complicated. Institutional arrangements in foreign policy presented a sort of system of governance, the Presidency played a pivotal role and the European Commission did useful things (Pijpers et al. 1988; Nuttall 1992). Yet oftentimes these continue to be footnotes to the general proposition that member states called the shots. This needs to change. The EU institutions are at the very heart of the matter.

Another contribution to the study of EU foreign policy is in the use of the principal-agent model and rational choice institutionalism. It is safe to state that the large majority of scholars currently working in the field are inspired by the constructivist literature. This presents in many ways an interesting paradox as foreign policy is generally also considered a domain that is salient, where sovereignty is important and power still matters. The lack of rational choice approaches is unfortunate, as this perspective carries with it a sophisticated conceptual, theoretical and methodological toolkit that allows for precise, falsifiable and nuanced answers to the research questions. This book fits in with other publications (e.g. Wagner 2003; Klein 2010) in making a strong case for further studying EU foreign policy through a rationalist lens. The advent of constructivism has significantly increased our understanding of EU foreign policy, which has traditionally been under-theorized, but it should face more competition from rational choice theories. This book makes a modest contribution in this respect.

When it comes to rational choice institutionalism and particularly the principal-agent model, this book has pointed at various ways forward. Building on recent literature (Abbott and Snidal 2000; Koremenos 2005), it has made sovereignty costs a central part of the delegation decisions by the principals. Mentions of sovereignty and non-delegation can, of course, be found throughout the international relations literature. Yet the interaction between the sovereignty costs and efficiency gains provides a much more dynamic explanation of delegation. By putting sovereignty in the delegation equation, it also becomes possible to account for sub-optimal institutional outcomes. While intentional and rational, few of the delegation decisions in EU foreign policy, after all, yielded fully efficient results. The division of labor between the Council Secretariat and the Commission after the Treaty of Amsterdam was neither fully functional nor optimal.

The book also makes a contribution regarding agency. Rationalist scholars have generally relied on formal competences, control mechanisms or preference heterogeneity amongst the principals to analyze the influence of international bureaucracies. These are indirect indicators. Others have tried to specify more precisely sources of informational asymmetries or the strategies at the disposal of agents (Beach 2005; Tallberg 2006; Hawkins and Jacoby 2006). Such ideas have been taken a step forward by analyzing bureaucratic preferences, bureaucratic resources, control mechanisms and opportunities. Only if agents have goal conflicts with their principals, they may be tempted to use their resources to grasp opportunities while at the same time circumventing control mechanisms. Such specification allows for a clearer analysis of the conditions under which agents exert influence. In more general terms, this book makes a case for a stronger analysis of resources other than formal competences and powers. For good empirical reasons various scholars have demonstrated that formal competences are the determining factor in their cases (e.g. Moravcsik 1998; Pollack 2003; Franchino 2007). Yet it is necessary to bear in mind that information and expertise have been considered as the key bureaucratic resources in public administration literature at least since Max Weber.

What has become clear from the empirical analysis in this book is the importance of studying preferences, resources, control mechanisms and opportunities at the micro-level. While military resources are much stronger in the Council Secretariat in absolute terms than civilian resources, it is only in the detailed comparison with the resources of the member states that one can make inferences about asymmetries. The general lack of civilian expertise in the member states, the problems of coordination in the capitals, the relatively inexperienced diplomats in the permanent representations, and the absence of civilian doctrine are all factors that have allowed the

under-staffed civil servants in the Council Secretariat leeway. That standard operating procedures can act as a control mechanism is something that is hardly considered in rationalist international relations literature.

Delegation and agency in international security

As an international organization, the European Union is a special case in terms of its institutionalization and the mutual commitments between the member states. This has provided many scholars with a convenient excuse to treat the EU separately from other international organizations (Wallace 1983b). The *sui generis* claim is contested by some academics (Moravcsik 1998; Hix 1998). In the area of security policy it is particularly weak. The EU is but one international organization engaged in security matters. It is still in its infancy compared to NATO and the peacekeeping tradition in the United Nations. This naturally leads to the important question whether the findings in this book are generalizable beyond the EU. In other words, do other international organizations in the field of security follow the same logic of delegation and agency? In the concluding paragraphs of this book a case will be made for a future research agenda on delegation and agency in international security.

The study of international organizations is thriving. This book has made repeated reference to a number of keynote publications dealing with delegation and agency in international organizations (e.g. Keohane 1984; Abbott and Snidal 1998, 2000; Koremenos et al. 2001; Nielsen and Tierney 2003; Hawkins et al. 2006; Milner and Moravcsik 2009). Despite the major contributions of this research agenda, there seems to be clear bias towards economic and regulatory issues (e.g. Nielsen and Tierney 2003; Martin 2006; Dreher and Jensen 2007; Aggarwal 2009; Elsig 2011).⁵⁵ The theory of neoliberal institutionalism, in particular, deals with low politics and its foundation is historically grounded in the collapse of Bretton Woods and the first oil shocks (Moravcsik 2009). It took intentionally issue with the emphasis on security in international relations theory. Its early proponents argued that in the economic realm, international organizations actually play a major role. Neoliberal institutionalism has developed quite comfortably dealing exclusively with economic issues. Robert Jervis (1982) and Charles Lipson (1984) even noted on the basis of their game-theoretical models that international cooperation in security and economic affairs works differently. David Axelrod and Robert Keohane (1985: 227) argued, however, that this

⁵⁵ A notable exception is Haftendorn, Keohane and Wallander (1999).

“does not mean ... that analysis of these two sets of issues requires two separate analytical frameworks”.

Since the end of the Cold War, many international organizations have become active in security matters. This makes questions of delegation and agency relevant. Some international organizations have bureaucratic support structures (UN; NATO; OSCE; EU), others have light secretariats (African Union; ECOWAS), and in several cases multinational military operations take place outside the context of formal international organizations through coalitions of the willing. When thinking about these international security organizations and the toolkit provided by neoliberal institutionalism, two research projects come to mind. First, one can explain macro-level variation in the degree of institutionalization between these security organizations. Second, processes of delegation and agency can be compared across international security organizations.

Comparing the European Union to the United Nations, NATO and the OSCE seems particularly fruitful. It is not unlikely that the propositions of this book have wider relevance beyond the EU. After all, member states in the other international security organizations also face transaction costs of cooperation and they are equally reluctant to hand over sovereignty. The trade-off that has dominated delegation decisions in EU foreign policy can thus probably be also found in other international organizations. As for the agency of international organizations, agenda-setting seems important as well (Barnett and Finnemore 1999), due to the position of the international secretariats. Most international security organizations are also in the process of establishing civilian doctrine. This book's finding about the influence of the Council Secretariat in civilian crisis management thus can potentially be generalized to other cases. Studying the other international security organizations is beneficial for our understanding of EU foreign policy as well. It allows us to refine theories about delegation and agency, and to identify anomalies that are specific to the EU.

9.5 CONCLUSION

The President Charles de Gaulle famously had a certain idea of France. In face of a Soviet attack on Europe, the United States might not come to its rescue in spite of lofty commitments. He allegedly noted that Treaties “sont comme les jeunes filles et les roses: ça dure ce que ça dure”. It is thus somewhat ironic that a “European Europe” in the field of security and defense only materialized after one of the Cold War adversaries had left

international affairs. The sovereignty concerns of the former general were, however, not out of place. To this date member states remain reluctant to hand over functions to the EU institutions. There is surprising continuity in this respect. Having said that, sovereignty costs are clearly not the only consideration of the member states. If they want to act collectively on the international scene, they encounter transaction costs of cooperation. These costs can be addressed through the delegation of tasks to the institutions. Efficiency has to be weighed with sovereignty.

This book started with the remarkable institutional developments in the area of EU foreign policy at the turn of the twenty-first century. In the space of only few years, the member states established a plethora of bureaucratic bodies dealing with EU foreign and security policy. It has put these developments in a wider perspective by systematically studying why the member states have delegated functions to the Council Secretariat and the European Commission in foreign policy. For the particular cases of the Amsterdam Treaty and the Cologne European Council, the international context of the Yugoslav Wars was, needless to say, important. Yet the dynamic between the prospects of efficiency gains, on the one hand, and sovereignty costs on the other helps us to also explain many of the other instances of (non-)delegation. Agent selection was another constant. In the various cases of delegation, the member states took great care in deciding whom to empower. The rotating Presidency became initially responsible instead of an international secretariat. Over time, the Council Secretariat rather than the Commission became the headquarters of EU foreign policy.

Explaining delegation is one thing. The second part of this book has dealt with the influence of the Council Secretariat and the Commission. Apart from dealing with the consequences of delegation, it also provides an answer to the question of whether the wariness of member states to get the EU institutions involved was justified. The answer is nuanced. In many of the cases, the member states have managed more or less to stay on top of the dossiers while using the services of the Council Secretariat. Particularly in military crisis management, excessive influence by the Brussels-based bureaucracies was limited. However, in a number of instances – relating to agenda-setting and civilian crisis management – officials of the Council Secretariat crossed their mandates. Particularly some of the smaller member states eventually ended up sending staff members on missions that they did not really support in the first place. Yet despite the importance of the Council Secretariat and the Commission in EU foreign policy, their role remains mostly facilitating the work of the member states.

EPILOGUE

This book has studied an important period in the institutional development of EU foreign policy (1999-2009). After decades of limited institutional development and mainly declaratory foreign policy, member states created various bureaucracies within several years. They also launched twenty-four ESDP operations. These developments surprisingly took place against the background of internal (constitutional) and external (transatlantic) turmoil. The current decade is likely to be less exciting for the European Union and its foreign policy. The international agenda is moving beyond its reach and focusses increasingly on the Asia-Pacific region. Institutional development in EU foreign policy is, however, not over yet. At the time of writing, the member states and the EU institutions were busy implementing the Lisbon Treaty and, in particular, setting up the European External Action Service (EEAS). This will be a formidable EU bureaucracy, which soon employs thousands of civil servants. These civil servants will help to formulate and implement EU foreign policy.

The creation of the External Action Service is without a doubt one of the most important instances of delegation in the context of EU foreign policy. It thus presents a test-case for the rationalist argument of delegation advanced in this book. It also presents a challenge. Various observers talk about unintended consequences and 'muddling through' as principles guiding the negotiations on the design of the EEAS. It will be demonstrated below, however, that the rationale of this new bureaucracy was one of efficiency. The process of delegation furthermore involved explicit cost-benefit analyses. A case can also be made that the member states even re-contracted some functions from the European Commission. The External Action Service is presently keenly awaited by many observers in Brussels. It is expected to be an important bureaucracy that 'matters', not in the least place in terms of agency. Since the EEAS is still in the process of being set up, it is impossible to currently make an analysis of its influence post-delegation. On the question of agency, one can thus only speculate and make some educated guesses.

The foreign policy reforms of the Lisbon Treaty have some history to them. In the Amsterdam Treaty (1999), the member states established the

Policy Unit and the post of High Representative in the Council Secretariat. As chapter three showed, they anticipated that this could bring inter-institutional tensions with the Commission. It was, however, unclear at the time whether the High Representative would be a politician or a civil servant. It was also not obvious that the member states would establish further foreign policy bureaucracies in support of ESDP. The growth of the Council Secretariat at the turn of the century and the increasing inter-institutional tensions with the Commission made the costs of inconsistency therefore worse than anticipated. The European Convention took these consistency costs into account when drafting the Constitutional Treaty. In addition, the strengthening of EU foreign policy after the events of 11 September was a more general aim of the Convention. In the Constitutional Treaty, the positions of High Representative and Commissioner for External Relations were therefore merged, in what was supposed to become the Union Minister for Foreign Affairs and Security Policy. He/she was to be assisted by the EEAS consisting of personnel from the Commission, the Council Secretariat and the member states. Commission Delegations would be turned into Union Delegations.

It is fair to say that few people could predict the exact effects of the one line in the Constitutional Treaty on the External Action Service. From the very beginning it was clear that the EEAS would require further contracting through Council Decisions. In such delegation decisions all member states would have a veto. Everyone involved, from the member states to the EU institutions, knew that negotiating the EEAS would be a tremendous task. Simon Duke (2003: 19), for example, noted that the future negotiations over the External Action Service “have the potential to reopen traditional intergovernmental and *communautaire* tensions and, at a human level, to introduce a good deal of uncertainty and anxiety”. That intensive political negotiations thus materialized over the External Action Service in 2005, in 2007-2008 and in 2009-2010 was not a surprise.⁵⁶ Those who did not expect “guerrilla warfare over the tiniest details” (Howorth 2010b: 2) are well-advised to read about the history of EU foreign policy. With the External Action Service, the member states were rearranging their foreign policy machinery and this involved a lot of power politics.

When looking specifically at the outcome of the negotiations and the institutional design of the EEAS, the principal-agent model provides us with several insights. The first relates to agent selection. The member states explicitly decided not to make the EEAS part of the European Commission

⁵⁶ Before the referendums in France, The Netherlands (both 2005) and Ireland (2008), the member states had already started negotiating the details of the EEAS. These negotiations were twice put on hold.

or the Council Secretariat, but to make it a *sui generis* third institution. This book has shown that the member states, time and again, did not equip the Commission with foreign policy functions, because of its preferences and significant bureaucratic resources. Instead they chose for the Council Secretariat. As I have discussed elsewhere (Dijkstra 2010a), however, the foreign policy services never fitted comfortably in the Council Secretariat, which guards its impartiality by playing a traditional role behind the scenes (Christiansen 2002). The Reflection Group preparing the Amsterdam Treaty nonetheless chose for the Council Secretariat because of “the merit of ... not creating any new bodies” (article 153, ENA). With the foreign policy services in the Council Secretariat becoming significantly larger than the Reflection Group initially anticipated, the relative costs of creating a third body decreased compared with the costs of keeping them in the Council Secretariat. Agent selection thus continues to be important.

It is also interesting to take a look at the Commission. As the dust of the negotiations settles, it will become clear that the Commission has lost much of its resources to the External Action Service. The Commission had to give up its external relations expertise (DG RELEX) and its desks from DG Development.⁵⁷ It lost its strategic control over the sizable development budget and it had to hand over most of the important Head of Delegation positions to national diplomats. Moreover, the Union Delegations are now required to consult the member states on the statements they make. This is a practice Commission Delegations never faced. The record is thus pretty sobering. In fact, the creation of the EEAS can be seen as a major attempt by the member states of re-contracting. The member states were arguably never entirely pleased with the Commission carrying out external relations tasks under the first pillar. With the increase in the number of delegations and their strengthening during the 1990s, the Commission touched upon national sensitivities. The negotiations on the EEAS presented member states with an opportunity to take some of these external relations resources back in the name of consistency. The drawback was that the member states had to involve the European Parliament, which has co-decision rights in amending the personnel and financial regulations. Its involvement had little to do with normative legitimacy concerns.

Rationalist theory thus provides useful insights regarding the development of the External Action Service. On agency, we can only speculate. At first sight the EEAS appears as a massive new foreign policy bureaucracy. In reality, it is made up of the foreign policy bureaucracies in

⁵⁷ The Commission keeps admittedly the desks in DG Enlargement and some of the member states also had to make concessions regarding the military services.

the Council Secretariat and the Commission, complemented by national diplomats. The influence of the EEAS thus mainly depends on whether it can effectively foster synergies between the former staff of the Council Secretariat and the Commission, and whether it is able to integrate these diplomats. Economies of scale can give the EEAS more weight. Synergies are not straightforward. Much smaller past mergers and bureaucratic reorganizations in the Council Secretariat and the Commission in the past presented major difficulties. Intra-institutional conflict is thus likely to come up at some point in time. The EEAS may also benefit from the fact that previous inter-institutional tensions between the Council Secretariat and the Commission will no longer have their place. New inter-institutional battle lines are, however, being drawn with the remaining external relations bodies in the European Commission.

In terms of agency, the developments with the Union Delegations is very important. In the best case scenario, these delegations will be able to provide the External Action Service with autonomously gathered first-hand information (Dijkstra and Vanhoonacker 2011). This will only happen, if the rather passive Commission Delegations, which have so far spent too much of their time on technical implementation issues, will turn into genuine diplomatic actors that behave truly as embassies. The diplomatic experience of many of the incoming national Heads of Delegation is extremely useful in this regard. Yet the political sections of the Union Delegations also need to be upgraded. National diplomats have useful expertise. Bringing national civil servants into the Union Delegations is, however, also undoubtedly going to lead to problems. The new ambassadors may not have sufficient experience to take charge of the technical implementation that Union Delegation are supposed to do. The Commission staff members of the delegations may furthermore resent the national diplomats taking over their jobs. Many of these discussions will play at personal levels, but they will impact on the efficiency and future agency of the EEAS.

The EEAS is an important step in the institutional development of EU foreign policy. It brings together the foreign policy services of the Council Secretariat, the Commission and the member states. Though still in the process of being established, it already presents an interesting test-case for the argument made in this book. While certainly not everything is rational or intentional about the EEAS, some of the defining characteristics of this delegation decision fit well with the principal-agent model. Agent selection was one of the main points for the EEAS. By creating a *sui generis* institution, the member states continued to keep to Commission at arm's length. They made the Council Secretariat once again a traditional

body for the Council. In this major restructuring of the foreign policy machinery, the member states have used the opportunity to re-contract some resources of the Commission in the field of external relations: its expertise, management of funds and delegations. How the European External Action Service will work in practice remains to be seen.

LIST OF INTERVIEWEES

For the purpose of this book, nearly one hundred officials from the Council Secretariat, the European Commission, the member states, the operations, international organizations and non-governmental organizations have been interviewed. Most interviews took place on the basis of anonymity. Within the text, interview sources have therefore not been identified. As a token of appreciation, and to give the reader some insight into the sources, they are listed alphabetically below.

Philipp Agathonos, Jan Alhadeff, José Luis Sanchez Alegre, Cesira d'Aniello, Aldo Dell'Ariccia, Juha Auvinen, Leena Avonius, Pedrag Avramović, Marc Bentinck, Ann Marie Bolin Pennegård, Anna-Maria Boura, Hans van den Broek, Hans Brunmayr, Luc Camelbeke, Gabriele Cascone, Franz Cermak, Jo Coelmont, Emmanuel Cohen-Hadria, David Cullen, Justin Davies, Monika Dvorakova, Tim Eestermans, Ruud van Enk, Steven Everts, Brendan Farrelly, Pieter Feith, Kim Freidberg, Christophe Gadrey, Cristina Gallach, Johanna Gårdmark, Patrick Geysen, Michael Giffoni, Janet Gunn, Peter Hedling, Frank Hoffmeister, Lucas Holub, Michael Humphreys, Alexis Hupin, Joanna Janiszewska, Ralph Kaessner, Damian Kingsbury, Paul Kirwan, Joost Klarenbeek, Sven Koopmans, Anu Laamanen, Dirk Lange, David Leakey, Christian Leffler, Didier Lenoir, Kalle Liesinen, Marie-Louise Lindorfer, Karin Limdal, Andreas List, Birgit Loeser, Vassilis Maragos, Rohan Maxwell, Andy McGuffie, Guy Milton, Arnout Molenaar, Pat Nash, Fernando Nino-Page, Per Normark, Christer North, Rasa Ostrauskaite, Florence Poli, Dominic Porter, Henk Post, Thierry Poulette, Paolo Ponzano, Dana Purcarescu, Rob Querido, Bernard Rambaud, Sirpa Rautio, Roy Reeve, Julia Reuter, Philippe de Schoutheete, Ignacio Saez-Benito, Colin Scicluna, Pierre Seailles, Pia Sellerup, Sabine Stadler, Athur Stam, Hans-Dieter Steinbach, Christof Stock, Antonio Tanca, Dirk Teerlinck, David Tirr, Brian Toll, Carlo Trojan, Antti Vänskä, Henk Voskamp, Jacob Vries, Christoph Wolfrum, Stan Wulffaert, Dick Zandee, Roland Zinzius, Alessio Zuccarini.

REFERENCES

- Abbott, K. and D. Snidal (1998) 'Why states act through formal international organizations', *Journal of Conflict Resolution* 42(1): 3-32.
- Abbott, K. and D. Snidal (2000) 'Hard and Soft Law in International Governance', *International Organization* 54(3): 421-456.
- Accord (2008) *Delivering peace for Aceh: an interview with President Martti Ahtisaari*, [online] available at: <http://www.c-r.org/our-work/accord/aceh/ahtisaari.php> (last accessed: 17 April 2009).
- Aceh Monitoring Mission (2006a) *Website Archive*, 29 April [online] available at: http://www.aceh-mm.org/english/info_menu/archive.htm (last accessed: 19 December 2010).
- Aceh Monitoring Mission (2006b) *Press Release on Extension*, 12 May [online] available at: http://www.aceh-mm.org/download/english/AMM_extension_HoM.pdf (last accessed: 22 April 2009).
- Agence-Europe (2000) *External Relations: Demands, Constraints and Priorities*, 10 June.
- Agence France-Press (2007a) *Darfur to top agenda for French FM Kouchner*, 18 May.
- Agence France-Press (2007b) *Sweden, Norway mull joining Darfur force*, 1 August.
- Aggerwal, V. (2009) 'The Dynamics of Trade Liberalization', in H. Milner and A. Moravcsik (eds) *Power, Interdependence, and Nonstate Actors in World Politics*, Princeton: Princeton University Press.
- Ahtisaari, M. (2008) 'Lessons of the Aceh Peace Talks', *Asia Europe Journal* 6(1): 9-14.
- Allen, D. (1998) "'Who speaks for Europe?": the search for an effective and coherent external policy', in J. Peterson and H. Sjursen (eds) *A common foreign policy for Europe? Competing visions of the CFSP*, London: Routledge.
-

- Alter, K. (2008) 'Agents or Trustees? International Courts in their Political Context', *European Journal of International Relations* 14(1): 33-63.
- Alter, K. (2009) *The European Court's Political Power: Selected Essays*, Oxford: Oxford University Press.
- Arrow, K. (1985) 'The Economics of Agency', in J. Pratt and R. Zechhauser (eds) *Principals and Agents: The Structure of Business*, Cambridge: Harvard University Press.
- Ashdown, P. (2007) *Swords and Ploughshares: Bringing Peace in the 21st Century*, London: Weidenfeld and Nicolson.
- Aspinall, E. (2005) 'The Helsinki Agreement: A More Promising Basis for Peace in Aceh?', *Policy Studies* 20, Washington: East-West Center.
- Aspinall, E. (2008) *Peace without justice? The Helsinki peace process in Aceh*, Geneva: Centre for Humanitarian Dialogue.
- Axelrod, R. and R. Keohane (1985) 'Achieving Cooperation under Anarchy: Strategies and Institutions', *World Politics* 38(1): 226-254.
- Bachrach, P. and M. Baratz (1962) 'Two Faces of Power', *American Political Science Review* 56(4): 947-952.
- Barnett, M. and M. Finnemore (1999) 'The Politics, Power, and Pathologies of International Organizations', *International Organization* 53(4): 699-732.
- Barnett, M. and M. Finnemore (2004) *Rules for the world: international organizations in global politics*, Ithaca: Cornell University Press.
- Barron, P. and A. Burke (2008) 'Supporting Peace in Aceh: Development Agency and International Involvement', *Policy Studies* 47, Washington: East-West Center.
- Bauer, S. (2006) 'Does Bureaucracy Really Matter? The Authority of Intergovernmental Treaty Secretariats in Global Environmental Politics', *Global Environmental Politics* 6(1): 23-49.
- Baumgartner, F. and B. Jones (1991) 'Agenda Dynamics and Policy Subsystems', *Journal of Politics* 53(4): 1044-1074.
- Bawn, K. (1995) 'Political control versus expertise: Congressional choices about administrative procedures', *American Political Science Review* 89(1): 62-73.
- Beach, D. (2004) 'The unseen hand in treaty reform negotiations: the role and influence of the Council Secretariat', *Journal of European Public Policy* 11(3): 408-439.

- Beach, D. (2005) *The Dynamics of European Integration: Why and when EU institutions matter*, Basingstoke: Palgrave Macmillan.
- Bendor, J., S. Taylor and R. Van Gaalen (1985) 'Bureaucratic Expertise versus Legislative Authority: A Model of Deception and Monitoring in Budgeting', *American Political Science Review* 79(4): 1041-1060.
- Berg, P. (2009) 'EUFOR Tchad/RCA: The EU Serving French Interests', in M. Asseburg and R. Kempin (eds) *The EU as a Strategic Actor in the Realm of Security and Defence*, Berlin: Stiftung Wissenschaft und Politik.
- Bertin, T. (2008) 'The EU Military Operation in Bosnia', in M. Merlingen and R. Ostrauskaite (eds), *The European Security and Defence Policy: An Implementation Perspective*, London: Routledge.
- Björkdahl, A. (2008) 'Norm advocacy: a small state strategy to influence the EU', *Journal of European Public Policy* 15(1): 135-154.
- Bonvicini, G. (1988) 'Mechanisms and Procedures of EPC: More than Traditional Diplomacy?', in A. Pijpers, E. Regelsberger and W. Wessels (eds.) *European Political Cooperation in the 1980s: a Common Foreign Policy for Western Europe?*, Dordrecht: Martinus Nijhof Publishers.
- Bradley, C. and J. Kelley (2008) 'The Concept of International Delegation', *Law and Contemporary Problems* 71(1): 1-36.
- Brandsma, G. (2010) *Backstage Europe: Comitology, accountability and democracy in the European Union*, Utrecht: unpublished PhD dissertation.
- Bretherton, C. and J. Vogler (2006) *The European Union as a Global Actor*, London: Routledge.
- Bryant, J. (2000) 'France and NATO from 1966 to Kosovo: Coming full circle?', *European Security* 9(3): 21-37.
- Burley, A. and W. Mattli (1993) 'Europe Before the Court: A Political Theory of Legal Integration', *International Organization* 47(1): 41-76.
- Cameron, F. (2007) *An Introduction to European Foreign Policy*, London: Routledge.
- Cascone, G. (2008) 'ESDP Operations and NATO: Co-operation, Rivalry or Muddling-through?', in M. Merlingen and R. Ostrauskaite (eds), *The European Security and Defence Policy: An Implementation Perspective*, London: Routledge.
- Charbonneau, B. (2009) 'What Is So Special about the EU? EU-UN Cooperation in Crisis Management in Africa', *International Peacekeeping* 16(4): 546-561.

- Charbonneau, B. (2010) 'France', in D. Black and P. Williams (eds) *The International Politics of Mass Atrocities: The Case of Darfur*, London: Routledge.
- Checkel, J. (2001) 'Why Comply? Social Learning and European Identity Change', *International Organization* 55(3): 553-588.
- Checkel, J. (2005) 'Constructivism and EU Politics', in K. Jørgensen, M. Pollack and B. Rosamond (eds) *Handbook of European Union Politics*, London: Sage.
- Christiansen, T. (1997) 'Tensions of European governance: politicized bureaucracy and multiple accountability in the European Commission', *Journal of European Public Policy* 4(1): 73-90.
- Christiansen, T. (2002) 'Out of the Shadows: The General Secretariat of the Council of Ministers', *Journal of Legislative Studies* 8(4): 80-97.
- Christiansen, T. and S. Vanhoonacker (2008) 'At a Critical Juncture? Change and Continuity in the Institutional Development of the Council Secretariat', *West European Politics* 31(4): 751-770.
- Commission (2005a) *Information Note to the Council*, RELEX/A4 REG PA (05) D/508248.
- Commission (2005b) *Information Note to the Council*, RE A4 REG PA (05) D/505992.
- Commission (2009) *Overview of the EC assistance in the Rule of Law Sector in Kosovo*, [Online] Available at <http://www.delprn.ec.europa.eu/> (last accessed: 8 April 2010).
- Council (2001) *EU crisis management and conflict prevention: guidelines on fact-finding missions*, doc. 15048/01.
- Council (2003) *Suggestions for procedures for coherent, comprehensive EU crisis management*, doc. 11127/03.
- Council (2004) *Council Conclusions*, 22 March.
- Council (2007) *Outcome of proceedings of the meeting of the Committee for Civilian Aspects of Crisis Management*, 6091/07, 31 January.
- Council (2009) 'EU Special Representatives (EUSRs) Representing the EU around the world in key policy areas', *EU Council Secretariat Factsheet*, December.
- Cross, M. (2010) 'Cooperation by Committee: The EU Military Committee and the Committee for Civilian Crisis Management', *Occasional Paper* 82, Paris: EU Institute for Security Studies.

- Crowe, B. (2003) 'A common European foreign policy after Iraq?', *International Affairs* 79(3): 533-546.
- Crowe, B. (2004) 'The significance of the new European foreign minister', *CFSP Forum* 2(4): 1-4.
- Da Costa Pereira, P. (1988) 'The Use of a Secretariat', in A. Pijpers, E. Regelsberger and W. Wessels (eds) *European Political Cooperation in the 1980s: A Common Foreign Policy for Western Europe?*, Dordrecht: Martinus Nijhoff.
- Dahl, R (1957) 'The concept of power', *Behavioral Science* 2: 201-215.
- Dahl, R ([1963] 2003) *Modern political analysis*, Upper Saddle River: Prentice-Hall.
- Devuyst, Y. (1998) 'Treaty Reform in the European Union: the Amsterdam Process', *Journal of European Public Policy* 5(4): 615-631.
- Dijkstra, H. (2008) 'The Council Secretariat's Role in the Common Foreign and Security Policy', *European Foreign Affairs Review* 13(2): 149-166.
- Dijkstra, H. (2009) 'Commission Versus Council Secretariat: An Analysis of Bureaucratic Rivalry in European Foreign Policy', *European Foreign Affairs Review* 14(3): 431-450.
- Dijkstra, H. (2010a) 'Explaining variation in the role of the EU Council Secretariat in first and second pillar policy-making', *Journal of European Public Policy* 17(4): 527-544.
- Dijkstra, H. (2010b) 'The Military Operation of the EU in Chad and the Central African Republic: Good Policy, Bad Politics', *International Peacekeeping* 17(3): 395-407.
- Dijkstra, H. and S. Vanhoonacker (2011) 'The Changing Politics of Information in European Foreign Policy', *Journal of European Integration*, published online via iFirst.
- Dinan, D. (1999) *Ever Closer Union: An Introduction to European Integration*, Basingstoke: Palgrave.
- Dinan, D. (2004) *Europe Recast: A History of European Union*, Basingstoke: Palgrave Macmillan.
- Downs, A. (1967) *Inside Bureaucracy*, Boston: Little, Brown and Co.
- Dreher, A. and N. Jensen (2007) 'Independent Actor or Agent? An Empirical Analysis of the Impact of U.S. Interests on International Monetary Fund Conditions', *Journal of Law and Economics* 50(1): 105-124.

- Duke, S. (2002a) 'The Common Foreign and Security Policy: Significant but Modest Changes', in F. Laursen (ed.) *The Amsterdam Treaty: National Preference Formation, Interstate Bargaining and Outcome*, Odense: Odense University Press.
- Duke, S. (2002b) *The EU and Crisis Management: Development and Prospects*, Maastricht: EIPA.
- Duke, S. (2003) 'A Foreign Minister for Europe: But where's the Foreign Ministry?', *Discussion Papers in Diplomacy* 89, The Hague: Clingendael.
- Duke, S. (2005) 'The Linchpin Cops: Assessing the workings and institutional relations of the Political and Security Committee', *EIPA Working Papers*, Maastricht: EIPA.
- Duke, S. (2006) 'The Commission and the CFSP', EIPA Working Papers, Maastricht: EIPA.
- Duke, S. and S. Vanhoonacker (2006) 'Administrative governance in the CFSP: development and practice', *European Foreign Affairs Review* 11(2): 163-182.
- Dür, A. (2008) 'Measuring Interest Group Influence in the EU: A Note on Methodology', *European Union Politics* 9(4): 585-602.
- Dyer, J. (1997) 'Effective interim collaboration: how firms minimize transaction costs and maximise transaction value', *Strategic Management Journal* 18(7): 533-556.
- Economist (2000) *Chris Patten, Becalmed in Brussels*, 22 January.
- Edwards, G. (1984) 'Europe and the Falkland Islands Crisis 1982', *Journal of Common Market Studies* 22(4): 295-313.
- Edwards, G. (2006) 'Is there a security culture in the enlarged European Union?', *International Spectator* 41(3): 7-23.
- Edwards, G. and A. Pijpers (eds) (1997) *The Politics of European Treaty Reform: the 1996 Intergovernmental Conference and Beyond*, London: Pinter.
- Eilstrup-Sangiovanni, M. (2006) *Debates on European Integration*, Basingstoke: Palgrave Macmillan.
- Elgie, R. (2002) 'The politics of the European Central Bank: principal-agent theory and the democratic deficit', *Journal of European Public Policy* 9(2): 186-200.

- Elgström, O. and M. Smith (2000) 'Introduction: Negotiation and policy-making in the European Union: processes, system and order', *Journal of European Public Policy* 7(5): 673-683.
- Elsig, M. (2011) 'Principal-agent theory and the World Trade Organisation: Complex agency and "missing delegation"', *European Journal of International Relations*, forthcoming.
- Elsig, M. and M. Pollack (2010) *Delegation Theories and International Courts: Design, Agent Selection and Control in the World Trade Organization*, paper presented at the conference of the ECPR Standing Group on International Relations, Stockholm, Sweden, 9-11 September.
- Epstein, D. and S. O'Halloran (1999) *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers*, Cambridge: Cambridge University Press.
- Epstein, D. and S. O'Halloran (2008) 'Sovereignty and Delegation in International Organizations', *Law and Contemporary Problems* 71(1): 77-92.
- Eriksson, J. and M. Rhinard (2009) 'The Internal-External Security Nexus: Notes on an Emerging Research Agenda', *Cooperation and Conflict* 44(3): 243-267.
- European Security Review (2003) *US blocks early EU takeover of SFOR* 18(9).
- Feith, P. (2007) 'The Aceh Peace Process: Nothing Less than a Success', *Special Report of the US Institute for Peace* 184.
- Financial Times (2002) *EU moves closer to taking over Nato's role in Bosnia*, 17 December.
- Financial Times (2003a) *US puts off EU takeover of Bosnia mission*, 4 June.
- Financial Times (2003b) *Bosnia role boosts EU military ambitions*, 25 February.
- Financial Times (2003c) *EU closer to taking over Bosnia peace role*, 10 October.
- Financial Times (2004) *Relief work may aid peace moves in conflict areas*, 29 December.
- Financial Times (2004b) *UN chief in Kosovo quits two months early*, 26 May.
- Financial Times (2005a) *Berlin links aid pledge to peace moves*, 6 January.

Financial Times (2005b) *Disaster an opportunity for Aceh's warring factions to build bridges: But the Indonesian military's suspension of its campaign against the separatists may not lead to lasting peace*, 10 January.

Financial Times (2005c) *Aceh peace talks agree August target date for deal*, 24 February.

Financial Times (2006) *Germany aims for Bosnia troop pull-out next year*, 31 October.

Fiorina, M. (1977) 'The Case of the Vanishing Marginals: The Bureaucracy Did It', *American Political Science Review* 71(1): 177-181.

Franchino, F. (2000a) 'Statutory Discretion and Procedural Control of the European Commission's Executive Functions', *Journal of Legislative Studies* 6(3): 29-50.

Franchino, F. (2000b) 'Control of the Commission's Executive Functions', *European Union Politics* 1(1): 63-92.

Franchino, F. (2000c) 'The Commission's Executive Discretion, Information and Comitology', *Journal of Theoretical Politics* 12(2): 155-181.

Franchino, F. (2007) *The Powers of the Union: Delegation in the EU*, Cambridge: Cambridge University Press.

George, A. and A. Bennett (2005) *Case Studies and Theory Development in the Social Sciences*, Cambridge: MIT Press.

George, S. (1997) 'Britain and the IGC', in G. Edwards and A. Pijpers (eds) *The Politics of European Treaty Reform: the 1996 Intergovernmental Conference and Beyond*, London: Pinter.

Giegerich, B. et al. (2006) 'Towards a Strategic Partnership? The US and Russian Response to the European Security and Defence Policy', *Security Dialogue* 37(3): 385-407.

Goodin, R. (1996) 'Institutions and their Design', in R. Goodin (ed.) *The Theory of Institutional Design*, Cambridge: Cambridge University Press.

Gourley, C. (2004) 'European Union procedures and resources for crisis management', *International Peacekeeping* 11(3): 404-421.

Grant, R. (1996) 'France's New Relationship with NATO', *Survival* 38(1): 58-80.

Grevi, G. (2005) 'The Aceh Monitoring Mission: Towards Integrated Crisis Management', in P. Braud and G. Grevi (eds) 'The EU Mission in Aceh: Implementing Peace', *Chaillot Paper* 61, Paris: EU Institute for Security Studies.

- Grevi, G. (2007) *Pioneering foreign policy: the EU Special Representatives*, Paris: EU Institute for Security Studies.
- Grevi, G. (2009) 'EULEX Kosovo: The EU rule-of-law mission in Kosovo (EULEX Kosovo)', in G. Grevi, D. Helly and D. Keohane (eds) *European Security and Defence Policy: The First 10 Years (1999-2009)*, Paris: EU Institute for Security Studies.
- Grevi, G., D. Helly and D. Keohane (eds) (2009) *ESDP: The First 10 Years (1999-2009)*, Paris: EU Institute for Security Studies.
- Groenleer, M. (2009) *The Autonomy of European Union Agencies*, Delft: Eburon.
- Gross, E. (2009) 'EU military operation in the Former Yugoslav Republic of Macedonia (Concordia)', in G. Grevi, D. Helly and D. Keohane (eds), *European Security and Defence Policy: The First Ten Years (1999-2009)*, Paris: EU Institute for Security Studies.
- Guardian (2002) *Turkey relents to pave way for EU force*, 16 December.
- Guardian (2004) *Setback for Kosovo as UN official resigns*, 26 May.
- Haas, E. (1958) *The Uniting of Europe*, Stanford: Stanford University Press.
- Haas, E. (1961) 'International integration: the European and the universal process', *International Organization* 15(3): 366-392.
- Haas, E. (1964) *Beyond the Nation State: Functionalism and International Organization*, Stanford: Stanford University Press.
- Haas, E. (1975) 'The Obsolescence of Regional Integration Theory', working paper, Berkeley: Institute of International Studies.
- Haas, E. (2001) 'Does constructivism subsume neo-functionalism?', in T. Christiansen, K. Jørgensen and A. Wiener (eds), *The Social Construction of Europe*, London: Sage.
- Haas, E. (2004) *The Uniting of Europe: Politics, Social and Economic Forces, 1950 – 1957*, 3rd edn, Notre Dame: University of Notre Dame Press.
- Haas, P. (1992) 'Introduction: epistemic communities and international policy coordination', *International Organization* 46(1): 1-35.
- Haftendorn, H., R. Keohane and C. Wallender (eds) (1999) *Imperfect Unions: Security Institutions Over Time and Space*, Oxford: Oxford University Press.

- Haine, J. (2003) 'From Laeken to Copenhagen: European defence core documents', *Chaillot Paper* 57, Paris: EU Institute for Security Studies.
- Hall, R. (1997) 'Moral Authority as a Power Resource', *International Organization* 51(4): 591-622.
- Hawkins, D. et al. (eds) (2006) *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Hawkins, D. and W. Jacoby (2006) 'How agents matter', in D. Hawkins et al. (eds) *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Helsingin Sanomat (2006) *Finns stay on as Aceh peace process continues: For Juha Christensen, peace in Aceh began as a hobby, and turned into a job*, 12 December.
- Helsingin Sanomat (2007) *Finnish government considering sending troops to Chad instead of Darfur* [translated by BBC World Monitoring], 14 August.
- Herrberg, A. (2008) 'The Brussels “backstage” of the Aceh peace process', in Aguswandi and J. Large (eds) *Reconfiguring politics: the Indonesia – Aceh peace process*, [online] available at: <http://www.c-r.org/our-work/accord/aceh/backstage.php> (last accessed: 23 April 2009).
- Hill, C. (1982) 'Changing Gear in Political Co-operation', *Political Quarterly* 53(1): 47-60.
- Hill, C. (1993) 'The Capability-Expectations Gap or Conceptualizing Europe's International Role', *Journal of Common Market Studies* 31(3): 305-328.
- Hill, C. and K. Smith (2000) *European Foreign Policy: Key Documents*, London: Routledge.
- Hix, S. (1998) *The Political System of the European Union*, Basingstoke: Palgrave Macmillan.
- Hix, S. (2005) *The Political System of the European Union*, Basingstoke: Palgrave Macmillan.
- Hoffmann, S. (1966) 'Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe', *Daedalus* 95(3): 862-915.
- Hoffmeister, F. (2008) 'Inter-pillar Coherence in the European Union's Civilian Crisis Management', in S. Blockmans (ed.) *The European Union and International Crisis Management: Legal and Policy Aspects*, The Hague: T.M.C. Asser Press.

- Howorth, J. (2000) 'European Integration and Defence: the Ultimate Challenge?', *Chaillot Paper* 43, Paris: EU Institute for Security Studies.
- Howorth, J. (2007) *Security and Defence Policy in the European Union*, Basingstoke: Palgrave Macmillan.
- Howorth, J. (2010a) 'Prodigal Son or Trojan Horse: what's in it for France?', *European Security* 19(1): 11-28.
- Howorth, J. (2010b) 'Strategy and the Importance of Defence Cooperation among EU Member States', *Egmont Security Policy Brief* 12, Brussels: Egmont Institute.
- Huber, K. (2008) 'Aceh's arduous journey to peace', in Aguswandi and J. Large (eds) *Reconfiguring politics: the Indonesia – Aceh peace process*, [online] available at: <http://www.c-r.org/our-work/accord/aceh/journey.php> (last accessed: 23 April 2009).
- International Crisis Group (2001) 'No early exit: NATO's Continuing Challenge in Bosnia', *ICG Balkans Report* 110, Brussels: International Crisis Group.
- International Crisis Group (2004) 'EUFOR-IA: Changing Bosnia's Security Arrangements', *ICG Europe Briefing*, Brussels: International Crisis Group.
- International Crisis Group (2005) 'Aceh: A Chance for Peace', *Asia Briefing* 40, 15 August, Brussels: International Crisis Group.
- International Crisis Group (2008) 'Chad: A New Conflict Resolution Framework', *Africa Report* 144, Brussels: International Crisis Group.
- International Herald Tribune (2005) *Jakarta is upbeat on Aceh peace; Both sides maneuver around critical issue*, 25 February.
- International Herald Tribune (2006a) *Merkel under fire over Congo mission; Left and right assail plan for Germany to lead 1,500 EU peacekeepers*, 20 March.
- International Herald Tribune (2006b) *Germany planning a Bosnia withdrawal*, 31 October.
- Ioannides, I. (2006) 'EU Police Mission Proxima: testing the "European" approach to peace building', in A. Nowak (ed.) 'Civilian Crisis Management: the EU way', *Chaillot Paper* 90, Paris: EU Institute for Security Studies.
- Jervis, R. (1982) 'Security Regimes', *International Organization* 36(2): 357-378.

- Joerges, C. and J. Neyer (1997a) 'Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuffs sector', *Journal of European Public Policy* 4(4): 609-625.
- Joerges, C. and J. Neyer (1997b) 'From Intergovernmental Bargaining to Deliberative Political Processes: The Constitutionalisation of Comitology', *European Law Journal* 3(3): 273-299.
- Juncos, A. (2007) 'Police Mission in Bosnia Herzegovina' in M. Emerson and E. Gross (eds) *Evaluating the EU's Crisis Missions in the Balkans*, Brussels: CEPS.
- Juncos, A. and C. Reynolds (2007) 'The Political and Security Committee: Governing in the Shadow', *European Foreign Affairs Review* 12(2): 127-147.
- Kahler, M. (2001) *Leadership Selection in the Major Multilaterals*, Washington D.C.: Institute for International Economics.
- Kassim, H. et al. (eds) (2001) *The National Co-ordination of EU Policy: The European Level*, Oxford: Oxford University Press.
- Kassim, H. and A. Menon (2003) 'The principal-agent approach and the study of the European Union: promise unfulfilled?', *Journal of European Public Policy* 10(1): 121-139.
- Keleman, D. (2002) 'The Politics of "Eurocratic" Structure and the New European Agencies', *West European Politics* 25(4): 93-118.
- Keohane, D. (2009) 'The EU Military Operation in Bosnia and Herzegovina (ALTHEA)' in G. Grevi, D. Helly and D. Keohane (eds), *European Security and Defence Policy: The First Ten Years (1999-2009)*, Paris: EU Institute for Security Studies.
- Keohane, R. (1984) *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press.
- Ker-Lindsay, J. (2009) *Kosovo: The Path to Contested Statehood in the Balkans*, London: Tauris.
- Kiewiet, D. and M. McCubbins (1991) *The Logic of Delegation: Congressional Parties and the Appropriations Process*, Chicago: Chicago University Press.
- King, G., R. Keohane and S. Verba (1994) *Designing Social Inquiry: Scientific Inference in Qualitative Research*, Princeton: Princeton University Press.

- King, I. and W. Mason (2006) *Peace at any price: how the world failed Kosovo*, London: Hurst and Company.
- Kingdon, J. (1984) *Agendas, Alternatives, and Public Policies*, Boston: Little, Brown and co.
- Kingsbury, D. (2006) *Peace in Aceh: A Personal Account of the Helsinki Peace Process*, Jakarta: Equinox Publishing.
- Kirwan, P. (2008) 'From European to Global Security Actor: The Aceh Monitoring Mission in Indonesia', in M. Merlingen and R. Ostrauskaitė (eds), *European Security and Defence Policy: An Implementation Perspective*, London: Routledge.
- Klein, N. (2010) *European Agents out of Control: Delegation and Agency in the Civil-Military Crisis Management of the European Union (1999-2008)*, Baden Baden: Nomos.
- Knight, J. (1992) *Institutions and Social Conflict*, Cambridge: Cambridge University Press.
- Koeth, W. (2010) 'State Building without a State: The EU's Dilemma in Defining Its Relations with Kosovo', *European Foreign Affairs Review* 15(2): 227-247.
- Koremenos, B., C. Lipson and D. Snidal (2001) 'The rational design of international institutions', *International Organization* 55(4): 761-799.
- Koremenos, B. (2005) 'Contracting around International Uncertainty', *American Political Science Review* 99(4): 549-565.
- Kratochwil, F. (1989) *Rules, Norms and Decisions: On the conditions of practical and legal reasoning in international relations and domestic affairs*, Cambridge: Cambridge University Press.
- Kupferschmidt, F. (2006) 'Putting Strategic Partnership to the Test: Cooperation between NATO and the EU in Operation Althea', *SWP Research Paper* 3.
- Kurowska, X. (2008) 'More than a Balkan Crisis Manager: the EUJUST Themis in Georgia', in M. Merlingen and R. Ostrauskaite (eds) *European Security and Defence Policy: an implementation perspective*, London: Routledge.
- Lake, D. and M. McCubbins (2006) 'The logic of delegation to international organizations', in D. Hawkins et al. (eds), *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.

- Lasswell, H. and A. Kaplan (1950) *Power and Society: A Framework for Political Inquiry*, New Haven: Yale University Press.
- Laursen, F. and S. Vanhoonacker (eds) (1992) *The Intergovernmental Conference on Political Union: institutional reforms, new policies, and international identity of the European Community*, Dordrecht: Martinus Nijhoff.
- Lax, D. and J. Sebenius (1986) *Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*, New York: The Free Press.
- Leakey, D. (2006) 'ESDP and Civil/Military Cooperation: Bosnia and Herzegovina, 2005', in A. Deighton and V. Maurer (eds) *Securing Europe? Implementing the European Security Strategy*, Zürich: Swiss Federal Institute for Technology.
- Lewis, J. (1998) 'Is the "Hard Bargaining" Image of the Council Misleading? The Committee of Permanent Representatives and the Local Elections Directive', *Journal of Common Market Studies* 36(4): 479-504.
- Lewis, J. (2005) 'The Janus face of Brussels: socialization and everyday decision making in the European Union', *International Organization* 59(4): 937-971.
- Liberation (2007) *Darfur is Kouchner's first 'guest' at Quai d'Orsay* [translated by BBC World Monitoring], 21 May.
- Liesinen, K. and S. Lahdensuo (2008) 'Negotiating Decommissioning and Reintegration in Aceh, Indonesia', in Cate Buchanan (ed.), *Reflections on Guns, Fighters and Armed Violence in Peace Processes*, Geneva: Centre for Humanitarian Dialogue.
- Lindberg, L. (1963) *The Political Dynamics of European Economic Integration*, Stanford: Stanford University Press.
- Lipson, C. (1984) 'International Cooperation in Economic and Security Affairs', *World Politics* 37(1): 1-23.
- Lowenfeld, A. (1994) 'Remedies Along with Rights: Institutional Reform in the New GATT', *American Journal of International Law* 88(3): 477-488.
- Luce, R. and H. Raiffa (1957) *Games and Decisions: Introduction and Critical Survey*, New York: Wiley.
- Lukes, S. (1974) *Power: A Radical View*, London: Macmillan.
- Lukes, S. (2005) *Power: A Radical View*, London: Palgrave Macmillan.
- Mace, C. (2004) 'Operation Concordia: developing a 'European' approach to crisis management?', *International Peacekeeping* 11(3): 474-490.

- Majone, G. (ed.) (1996) *Regulating Europe*, London: Routledge.
- Majone, G. (2001) 'Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance', *European Union Politics* 2(1): 103-122.
- Major, C. (2009) 'EUFOR DR Congo', in G. Grevi, D. Helly and D. Keohane (eds) *ESDP: The First 10 Years (1999-2009)*, Paris: EU Institute for Security Studies.
- Manners, I. (2006) 'Normative power Europe reconsidered: beyond the crossroads', *Journal of European Public Policy* 13(2): 182-199.
- March, J. and J. Olsen (1984) 'The New Institutionalism: Organizational Factors in Political Life', *American Political Science Review* 78(3): 734-49.
- March, J. and J. Olsen (1998) 'The Institutional Dynamics of International Political Orders', *International Organization* 52(4): 943-969.
- Martin, L. (2006) 'Distribution, information, and delegation to international organizations: the case of IMF conditionality', in D. Hawkins *et al.* (eds) *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Mattelaer, A. (2008) 'The Strategic Planning of EU Military Operations—The Case of EUFOR Tchad/RCA', *IES Working Papers* 5, Brussels: Institute for European Studies.
- Mattelaer, A. (2010) 'The CSDP Mission Planning Process of the European Union: Innovations and Shortfalls', *European Integration Online Papers* 14.
- McColl, J. (2009) 'EUFOR ALTHEA: Successful Contribution to Stability', *Impetus: Bulletin of the EU Military Staff* 7: 21-23.
- McDonagh, B. (1998) *Original Sin in a Brave New World: An Account of the Negotiation of The Treaty of Amsterdam*, Dublin: Institute of European Affairs.
- McNamara, K. (2002) 'Rational Fictions: Central Bank Independence and the Social Logic of Delegation', *West European Politics* 25(1): 47-76.
- Menon, A. (1995) 'From Independence to Cooperation: France, NATO and European Security', *International Affairs* 71(1): 19-34.
- Mérand, F., S. Hofmann and B. Irondelle (2010) 'Transgovernmental Networks in the European Security and Defense Policy', *European Integration Online Papers* 14.

- Mérand, F., S. Hofmann and B. Irondelle (2011) 'Governance and State Power: A Network Analysis of European Security', *Journal of Common Market Studies* 49(1): 121-147.
- Merikallio, K. (2008) *Making Peace: Ahtisaari and Aceh*, Helsinki: WSOY.
- Merlingen, M. (2009) 'EU Police Mission', in G. Grevi, D. Helly and D. Keohane (eds) *ESDP: The First 10 Years (1999-2009)*, Paris: EU Institute for Security Studies.
- Merlingen, M. and R. Ostrauskaitė (eds) (2008) *European Security and Defence Policy: An Implementation Perspective*, London: Routledge.
- Meunier, S. and K. Nicolaïdes (1999) 'Who Speaks for Europe? The Delegation of Trade Authority in the EU', *Journal of Common Market Studies* 37(3): 477-501.
- Miller, G. (2005) 'The Political Evolution of Principal-Agent Models', *Annual Review of Political Science* 8: 203-225.
- Milner, H. and A. Moravcsik (eds) (2009) *Power, Interdependence, and Nonstate Actors in World Politics*, Princeton: Princeton University Press.
- Missiroli, A. (2003) 'From Copenhagen to Brussels: European defence core documents', *Chaillot Paper* 67, Paris: EU Institute for Security Studies.
- Milward, A. (1984) *The Reconstruction of Western Europe, 1945-51*, London: Routledge.
- Milward, A. (1992) *The European Rescue of the Nation-state*, London: Routledge.
- Moe, T. (1984) 'The New Economics of Organization', *American Journal of Political Science* 28(4): 739-777.
- Moe, T. (1990) 'Political Institutions: The Neglected Side of the Story', *Journal of Law, Economics and Organization* 6: 213-253.
- Moravcsik, A. (1991) 'Negotiating the Single European Act: national interests and conventional statecraft in the European Community', *International Organization* 45(1): 19-56.
- Moravcsik, A. (1993) 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach', *Journal of Common Market Studies* 31(4): 473-524.
- Moravcsik, A. (1998) *The Choice for Europe: social purpose and state power from Messina to Maastricht*, Ithaca: Cornell University Press.

- Moravcsik, A. (1999) 'A New Statecraft? Supranational Entrepreneurs and International Cooperation', *International Organization* 53(2): 267-306.
- Moravcsik, A. (2005) 'The European constitutional compromise and the neofunctionalist legacy', *Journal of European Public Policy* 12(2): 349-386.
- Moravcsik, A. (2009) 'Robert Keohane: Political Theorist', in H. Milner and A. Moravcsik (eds) *Power Interdependence, and Nonstate Actors in World Politics*, Princeton: Princeton University Press.
- Moravcsik, A. and K. Nicolaidis (1998) 'Keynote Article: Federal Ideas and Constitutional Realities in the Treaty of Amsterdam', *Annual Review of the Journal of Common Market Studies* 36: 13-38.
- Moravcsik, A. and K. Nicolaidis (1999) 'Explaining the Amsterdam Treaty: Interests, Influence, Institutions', *Journal of Common Market Studies* 37(1): 59-85.
- Müller, W. and K. Strøm (1999) *Policy, office, or votes?: how political parties in Western Europe make hard decisions*, Cambridge: Cambridge University Press.
- Myint-U, T. and A. Scott (2007) *The UN Secretariat: A Brief History (1945-2006)*, New York: International Peace Academy.
- NATO (2003) *Final Communiqué of Meeting of the North Atlantic Council in Defence Ministers Session*, 1 December.
- NATO (2008) *EU Operations Headquarters (OHQ) at SHAPE, Mons/Belgium*, [Online] available at: http://www.nato.int/shape/issues/shape_eu/shape.htm (last accessed: 26/11/2009).
- Nielsen, D. and M. Tierney (2003) 'Delegation to International Organizations: Agency Theory and World Bank Environmental Reform', *International Organization* 57(2): 241-276.
- Niemann, A. (2006) *Explaining Decisions in the European Union*, Cambridge: Cambridge University Press.
- Niksanen, W. (1968) 'The peculiar economics of bureaucracy', *American Economic Review* 58(2): 293-305.
- Nur Djuli, M. and N. Abdul Rahman (2008) 'The Helsinki negotiations: a perspective from Free Aceh Movement negotiators', in Aguswandi and J. Large (eds) *Reconfiguring politics: the Indonesia – Aceh peace process*,

[online] available at: <http://www.c-r.org/our-work/accord/aceh/helsinki-negotiations.php> (last accessed: 23 April 2009).

Nuttall, S. (1992) *European Political Cooperation*, Oxford: Clarendon Press.

Nuttall, S. (1997) 'The Commission and foreign policy-making', in G. Edwards and D. Spence (eds) *The European Commission*, London: Cartermill International.

Nuttall, S. (2000) *European Foreign Policy*, Oxford: Oxford University Press.

Nuttall, S. (2005) 'Coherence and Consistency', in C. Hill and M. Smith (eds) *International Relations and the European Union*, Oxford: Oxford University Press.

Offe, C. (2006) 'Political Institutions and Social Power: Conceptual Explorations', In I. Shapiro, S. Skowronek and D. Galvin (eds) *Rethinking Political Institutions: The Art of the State*, New York: New York University Press.

Olsen, J. (2010) *Governing through Institution Building: Institutional Theory and Recent European Experiments in Democratic Organization*, Oxford: Oxford University Press.

Oxfam (2008) 'Mission Incomplete: Why civilians remain at risk in Eastern Chad', *Briefing paper* 119.

Panke, D. (2010) 'Developing Good Instructions in No Time - An Impossibility? Comparing Domestic Coordination Practices for EU Policies of 19 Small States', *West European Politics*, 33(4): 769-789.

Parsons, C. (2002) Showing Ideas as Causes: The Origins of the European Union, *International Organization* 56(1): 47-84.

Patten, C. (2005) *Not Quite the Diplomat: Home Truths about World Affairs*, London: Allen Lane.

Perritt, H. (2010) *The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan*, Cambridge: Cambridge University Press.

Peters, G. (1992) 'Bureaucratic politics and the institutions of the European Community', in A. Sbragia (ed.) *Euro-Politics: Institutions and Policymaking in the New European Community*, Washington D.C.: Brookings Institution.

Peters, G. (2001) 'Agenda-setting in the European Union', in J. Richardson (ed.), *European Union: Power and Policy-making*, London: Routledge.

- Peters, G. (2009) *The Politics of Bureaucracy*, London: Routledge.
- Peterson, J. (1995) 'Decision-Making in the European Union: Toward a Framework for Analysis', *Journal of European Public Policy* 2(1): 69–93.
- Petrov, P. (2010) 'Early Institutionalisation of the ESDP Governance Arrangements: Insights From Operations Concordia and Artemis', *European Integration Online Papers* 14.
- Pierson, P. (1996) 'The Path to European Integration: A Historical Institutional Analysis', *Comparative Political Studies* 29(2): 123-163.
- Pierson, P. (2004) *Politics in Time: History, Institutions and Social Analysis*, Princeton: Princeton University Press.
- Pohl, B. (2009) 'Why ALTHEA?' Paper Presented during the Conference of the Netherlands Institute of Government, Leiden, The Netherlands, 12-13 December.
- Pollack, M. (1997) 'Delegation, agency, and agenda-setting in the European Community', *International Organization* 51(1): 99-134.
- Pollack, M. (2003) *The Engines of European Integration: Agency, Delegation, and Agenda Setting in the EU*, Oxford: Oxford University Press.
- Pollack, M. (2005) 'Rational Choice and EU Politics', in K. Jørgensen, M. Pollack and B. Rosamond (eds) *Handbook of European Union Politics*, London: Sage.
- Pond, E. (2008) 'The EU's Test in Kosovo', *The Washington Quarterly* 31(4): 97-112.
- Powell, W. and P. DiMaggio (eds) (1991) *The New Institutionalism in Organizational Analysis*, Chicago: Chicago University Press.
- Princen, S. (2007) 'Agenda-setting in the European Union: a theoretical exploration and agenda for research', *Journal of European Public Policy* 14(1): 21-38.
- Princen, S. and M. Rhinard (2006) 'Crashing and creeping: agenda-setting dynamics in the European Union', *Journal of European Public Policy* 13(7): 1119-1132.
- Regelsberger, E. (1988) 'EPC in the 1980s: Reaching Another Plateau?', in A. Pijpers, E. Regelsberger and W. Wessels (eds) *European Political Cooperation in the 1980s: A Common Foreign Policy for Western Europe?*, Dordrecht: Martinus Nijhoff Publishers.

- Regelsberger, E. (1997) 'The Setup and Functioning of EPC/CFSP', in E. Regelsberger, P. De Schoutheete de Tervarent and W. Wessels (eds) *Foreign Policy of the European Union: From EPC to CFSP and Beyond*, London: Lynne Rienner.
- Reichard, M. (2006) *The EU-NATO Relationship: A Legal and Political Perspective*, Aldershot: Ashgate.
- Reuters (2009) *Kosovo Serb policemen return to work*, 30 June.
- Rhodes, R., I. Bache and S. George (1996) 'Policy networks and policy-making in the European Union: a critical appraisal', in L. Hooghe (ed.), *Cohesion Policy and European Integration: Building Multi-level Governance*, Oxford: Clarendon Press.
- Riker, W. (1980) 'Implications from the Disequilibrium of Majority Rule in the Study of Institutions', *American Political Science Review* 74(2): 432-446.
- Risse, T. (2000) "'Let's Argue!': Communicative Action in World Politics', *International Organization* 54(1): 1-39.
- Rittberger, B. (2003) 'The Creation and Empowerment of the European Parliament', *Journal of Common Market Studies* 41(2): 203-225.
- Robertson, G., G. Papandreou and J. Solana (2003) 'Press Conference following the NATO-EU Meeting in Madrid', 3 June, [online] available at: <http://www.nato.int/docu/speech/2003/s030603i.htm> (last accessed: 26/10/2009).
- Rosamond, B. (2000) *Theories of European Integration*, Basingstoke: Macmillan.
- Rosamond, B. (2005) 'The uniting of Europe and the foundation of EU studies: Revisiting the neofunctionalism of Ernst B. Haas', *Journal of European Public Policy* 12(2): 237-254.
- Rosenau, J. (1997) *Along the domestic-foreign frontier: Exploring governance in a turbulent world*, Cambridge: Cambridge University Press.
- Ross, G. (1995) *Jacques Delors and European Integration*, Oxford: Oxford University Press.
- Ruggie, J. (1992) 'Multilateralism: the anatomy of an institution', *International Organization* 46(3): 561-598.
- Rutten, M. (2001) 'From St-Malo to Nice: European defence core documents', *Chaillot Paper* 47, Paris: EU Institute for Security Studies.

- Rutten, M. (2002) 'From Nice to Laeken: European defence core documents', *Chaillot Paper* 51, Paris: EU Institute for Security Studies.
- Sandford, R. (1996) 'International environmental treaty secretariats: A case of neglected potential?', *Environmental Impact Assessment Review* 16(1): 3-12.
- Sandholtz, W. and J. Zyman (1989) '1992: Recasting the European Bargain', *World Politics* 42(1): 95-128.
- Scharpf, F. (1988) 'The Joint-Decision Trap: Lessons from German Federalism and European Integration', *Public Administration* 66(3): 239-278.
- Schmitter, P. (2004) 'Neo-neofunctionalism', in A. Wiener and T. Diez (eds) *European Integration Theory*, Oxford: Oxford University Press.
- Schimmelfennig, F. (2001) 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union', *International Organization* 55(1): 57-80.
- Schout, A. and S. Vanhoonacker (2006) 'Evaluating Presidencies of the Council of the EU: Revisiting Nice', *Journal of Common Market Studies* 44(5): 1051-1077.
- Schroeder, U. (2007) 'Governance of EU Crisis Management', in M. Emerson and E. Gross (eds) *Evaluating the EU's Crisis Missions in the Western Balkans*, Brussels: CEPS.
- Schulze, K. (2007) 'Mission Not So Impossible: The AMM and the Transition from Conflict to Peace in Aceh (2005-2006)', *RSIS Working Papers* 131, Singapore: S. Rajaratnam School of International Studies.
- Seibert, B. (2007) 'African Adventure? Assessing the European Union's Military Intervention in Chad and the Central African Republic', *MIT Security Studies Programme Working Paper*.
- Seibert, B. (2010) 'Operation EUFOR Tchad/RCA and the European Union's Common Security and Defence Policy', *Strategic Studies Institute Monograph*.
- Shepsle, K. and B. Weingast (1984) 'Uncovered Sets and Sophisticated Voting Outcomes with Implications for Agenda Institutions', *American Journal of Political Science* 28(1): 49-74.
- Shepsle, K. and B. Weingast (1995) *Positive Theories of Congressional Institutions*, Ann Arbor: University of Michigan Press.

- Simon, H. (1987) 'Bounded rationality', in J. Eatwell, M. Milgate, and P. Newman (eds) *The New Palgrave*, New York: W.W. Norton.
- Smith, H. (2002) *European Union Foreign Policy: What it is and What it does*, London: Pluto Press.
- Smith, M.E. (2004) *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, Cambridge: Cambridge University Press.
- Smith, M.E. (2005) 'Implementation: Making the EU's International Relations Work', in C. Hill and M. Smith (eds) *International Relations and the European Union*, Oxford: Oxford University Press.
- Solana, J. (2003) 'Follow my Leaders', *Financial Times*, 12 July.
- Solana, J. (2004a) *Summary of the Report by Javier Solana, EU High Representative for CFSP, on a Possible EU Deployment in BiH Presented to the EU Council of Foreign Ministers*, 23 February [online] available at: http://www.ohr.int/other-doc/eu-stmnt/default.asp?content_id=31930 (last accessed: 27/10/2009).
- Solana, J. (2004b) *Summary of remarks by Javier SOLANA, EU High Representative for the CFSP, during his visit to Sarajevo, Bosnia and Herzegovina*, 15 July.
- Solana, J. (2008) *Intervention de Javier SOLANA, Haut Représentant de l'Union européenne pour la PESC, à l'occasion du débat sur EUFOR Tchad/RCA au Conseil de sécurité des Nations Unies*, 24 September.
- Solana, J. and O. Rehn (2005) *Summary note on the Joint Report on the future EU Role and Contribution in Kosovo*, 9 December.
- Spence, M. and R. Zeckhauser (1971) 'Insurance, information, and individual action', *American Economic Review* 61(2): 380-387.
- Spence, D. (2006a) 'The Commission's External Service', in D. Spence and G. Edwards (eds) *The European Commission*, London: John Harper.
- Spence, D. (2006b) 'The Commission and the Common Foreign and Security Policy', in D. Spence and G. Edwards (eds) *The European Commission*, London: John Harper.
- Stetter, S. (2004) 'Cross-pillar politics: functional unity and institutional fragmentation of EU foreign policies', *Journal of European Public Policy* 11(4): 720-739.

- Stone, R. (2009) 'Institutions, Power, and Interdependence', in Milner, H. and A. Moravcsik (eds) *Power, Interdependence, and Nonstate Actors in World Politics*, Princeton: Princeton University Press.
- Strøm, K. (1990) 'A behavioral theory of competitive political parties', *American Journal of Political Science* 34(2): 565-598.
- Tallberg, J. (2000) 'The Anatomy of Autonomy: An Institutional Account of Variation in Supranational Influence', *Journal of Common Market Studies* 38(5): 843-64.
- Tallberg, J. (2002a) 'Delegation to Supranational Institutions: Why, How, and with What Consequences?', *West European Politics* 25(1): 23-46.
- Tallberg, J. (2002b) 'Paths to Compliance: Enforcement, Management, and the European Union'. *International Organization* 56(3), pp. 609-643.
- Tallberg, J. (2003) 'The agenda-shaping powers of the EU Council Presidency', *Journal of European Public Policy* 10(1): 1-19.
- Tallberg, J. (2004) 'The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations', *Journal of Common Market Studies* 42(5): 999-1022.
- Tallberg, J. (2006) *Leadership and Negotiation in the European Union*, Cambridge: Cambridge University Press.
- Tallberg, J. (2010) 'Explaining the institutional foundations of European Union negotiations', *Journal of European Public Policy* 17(5): 633-647.
- Taylor, P. (1990) 'Regionalism and Functionalism Reconsidered', in P. Taylor and A. Groom (eds) *Frameworks for International Cooperation*, London: Pinder.
- Thatcher, M. (1993) *The Downing Street Years*, London: Harper Collins Publishers.
- Thatcher, M. and A. Stone Sweet (2002) 'Theory and Practice of Delegation to Non-Majoritarian Institutions', *West European Politics* 25(1): 1-22.
- The Independent (2008) *Chad President under siege as fighting rages*, 4 February.
- Tranholm-Mikkelsen, J. (1991) 'Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC', *Millenium* 20(1): 1-22.
- Trondal, J. (2006) 'Governing at the Frontier of the European Commission. The case of seconded national experts', *West European Politics* 29(1): 147-160.

- Trondal, J. (2007) 'Is the European Commission a "Hothouse" for Supranationalism? Exploring Actor-Level Supranationalism', *Journal of Common Market Studies* 45(5): 1111-1133.
- Trondal, J. (2008) 'The anatomy of autonomy: Reassessing the autonomy of the European Commission', *European Journal of Political Research* 47(4): 467-488.
- Tsebelis, G. (2005) 'Assessing the Contributions of the DOSEI Project', *European Union Politics* 6(3): 377-390.
- United Nations (2004) *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2004/348, 29 April.
- United Nations (2007a) *Report of the Secretary-General on Chad and the Central African Republic*, S/2007/488, 10 August.
- United Nations (2007b) *Report of the Secretary-General on Chad and the Central African Republic*, S/2007/739, 17 December.
- United Nations (2007c) *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2007/768, 3 January.
- United Nations (2008a) *Report of the Secretary-General on Chad and the Central African Republic*, S/2008/760, 4 December.
- United Nations (2008b) *Report of the Secretary-General on Chad and the Central African Republic*, S/2008/601, 12 September.
- United Nations (2008c) *Letter dated 28 October 2008 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council*, 30 October.
- United Nations (2008d) *Transcript of 6042nd meeting of the UN Security Council*, 12 December.
- United Nations (2008e) *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2008/354, 12 June.
- United Nations (2009) *Report of the Secretary-General on Chad and the Central African Republic*, S/2009/199, 14 April.
- UNOSEK (2006) *Press Briefing by UN Deputy Special Envoy for the Future Status Process for Kosovo Albert Rohan in Pristina*, 16 May.
- Van den Bos, B. (2008) *Mirakel en Debacle: De Nederlandse besluitvorming over de Politieke Unie in het Verdrag van Maastricht*, Assen: Van Gorcum.

Vanhoonacker, S. and A. Jacobs (2010) 'ESDP and institutional change: The case of Belgium', *Security Dialogue* 41(5): 559-581.

Wagner, W. (2003) 'Why the EU's Common Foreign and Security Policy Will Remain Intergovernmental: A Rationalist Institutional Choice Analysis of European Crisis Management Policy', *Journal of European Public Policy* 10(4): 576-95.

Wall, J. and A. Lynn (1993) 'Mediation: a current review', *Journal of Conflict Resolution* 37(1): 160-194.

Wall, S. (2008) *A Stranger in Europe: Britain and the EU from Thatcher to Blair*, Oxford: Oxford University Press.

Wallace, W. (1983a) 'Political Cooperation: Integration through Intergovernmentalism', in H. Wallace, W. Wallace and C. Webb (eds), *Policy-Making in the European Community*, London: John Wiley & Sons.

Wallace, W. (1983b) 'Less than a federation, more than a regime: the Community as a political system', in H. Wallace, W. Wallace and C. Webb (eds), *Policy-Making in the European Community*, London: John Wiley & Sons.

Waltz, K. (1979) *Theory of International Politics*, New York: McGraw-Hill.

Waterman, R. and K. Meier (1998) 'Principal-agent models: an expansion?', *Journal of Public Administration Research and Theory* 8(2): 173-202.

Weber, M. ([1922] 1978) 'Economy and Society: An Outline of Interpretive Sociology', in Guenther Roth and Claus Wittich (eds), Berkeley: University of California Press.

Weiss, R. (1994) *Learning from Strangers: The Art and Method of Qualitative Interview Studies*, New York: Simon and Schuster.

Weller, M. (2008) 'Negotiating the Final Status of Kosovo', *Chaillot Paper* 114, Paris: EU Institute for Security Studies.

Woodbridge, J. (2002) 'Ready and willing to take charge in the Balkans?', *European Security Review* 14: 3-4.

Williamson, O. (1985) *The Economic Institutions of Capitalism: Firms, Markets, Relations, Contracting*, New York: The Free Press.

NEDERLANDSTALIGE SAMENVATTING

Met het verstrijken van de tijd, doe ik wat ik wil. Ik weet wat men vindt. Ik volg mijn eigen agenda. Ik hoef niet steeds met iedereen in overleg. Ik heb liever vergeving dan toestemming. Als je om toestemming vraagt krijg je nooit iets gedaan – dr. Javier Solana (in de Financial Times, 12 juli 2003, eigen vertaling)

Buitenlands beleid was altijd het buitenbeentje van de Europese integratie. Waar binnen de interne markt en op het gebied van het regelgevend beleid beslissingen werden genomen en uitgevoerd door de Europese instellingen, bleef buitenlands beleid het *domaine réservé* van de individuele lidstaten. Het Europees Parlement en het Europees Hof van Justitie speelden geen rol. De Commissie werd alleen uitgenodigd ter consultatie indien beslissingen over het buitenlands beleid gevolgen hadden voor de interne markt.

Deze situatie veranderde drastisch als gevolg van het Verdrag van Amsterdam en de gelijktijdige Europese Raad in Keulen in 1999. Javier Solana werd aangesteld als de eerste Hoge Vertegenwoordiger voor het Gemeenschappelijk buitenlands en veiligheidsbeleid. Hij hield kantoor in het Raadssecretariaat en kreeg de beschikking over een Beleidseenheid en een dozijn Speciale Vertegenwoordigers. De buitenland-afdeling in het Raadssecretariaat werd versterkt. Daarnaast werd het Raadssecretariaat de thuisbasis van een uitgebreide militaire staf, een inlichtingencel en later ook een hoofdkwartier om politie, justitie, en monitoringsmissies uit te voeren. Ook de Europese Commissie kreeg een prominenter rol.

Deze institutionele ontwikkelingen behoren tot de belangrijkste en opmerkelijkste in de recente geschiedenis van de Europese Unie. Dit boek probeert ze niet alleen te verklaren, maar bestudeert ook het effect van deze institutionele veranderingen. Het stelt twee onderzoeksvragen: als *eerste*, waarom dragen de soevereine lidstaten vrijwillig taken over aan het Raadssecretariaat en de Commissie op het vlak van het buitenlands beleid? Ten *tweede*, onder welke voorwaarden kunnen het Raadssecretariaat en de Commissie invloed uitoefenen op het buitenlands beleid?

Delegatie in het Europees buitenlands beleid

Om de eerste onderzoeksvraag te beantwoorden analyseert dit boek alle belangrijke momenten van delegatie en non-delegatie sinds het begin van het Europees buitenlands beleid in 1970. Dit zijn bijvoorbeeld het Rapport van Kopenhagen (1973), de Europese Akte (1987) en het Verdrag van Nice (2003). Voor elk van deze momenten beschrijft het de beweegredenen van de verschillende lidstaten. Hierbij wordt gebruik gemaakt van officiële documenten, onderhandelingsdocumenten, krantenartikelen, secundaire literatuur en interviews met beleidsmakers.

Hoewel de Europese Unie er in de jaren zeventig natuurlijk anders voorstond dan in het begin van de eenentwintigste eeuw zijn er belangrijke overeenkomsten tijdens de meeste momenten van (non-)delegatie. In de samenwerking op het gebied van het Europees buitenlands beleid komen de lidstaten regelmatig taken tegen die ze, uit het oogpunt van efficiëntie, beter kunnen uitbesteden aan het Raadssecretariaat en de Commissie. Zo kunnen de Europese instellingen secretariële taken uit handen nemen, het beleidsproces beter begeleiden, coördinatie functies vervullen en militaire operaties plannen. Het uitbesteden van taken leidt tot goedkopere en zelfs vaak betere samenwerking tussen de lidstaten.

De overdracht van taken is echter geen automatisme. In elk van de momenten van (non-)delegatie wegen de lidstaten zorgvuldig de voordelen van efficiëntie af tegen de nadelen van het verlies van soevereiniteit. In veel van de onderzochte documenten komt deze afweging bijna expliciet naar voren. De angst om soevereiniteit te verliezen over het buitenlands beleid leidt in een groot aantal gevallen ertoe dat de lidstaten geen of te weinig taken over dragen. Hierdoor zijn de prestaties van het Raadssecretariaat en de Commissie geregeld sub-optimaal. Interessant is dat de lidstaten deze problemen meestal zagen aankomen en dat ze inefficiëntie verkiezen boven het verwachte verlies van soevereiniteit. Wanneer zij eenmaal de gevolgen van het overdragen van taken begrijpen kunnen zij vervolgstappen nemen.

De lidstaten denken ook goed na aan wie zij de taken overdragen. In het prille begin van samenwerking op het gebied van het Europees buitenlands beleid droegen zij taken over aan het zesmaandelijks roterende voorzitterschap. Zo hielden zij taken binnenskamers. Het voorzitterschap werd echter al gauw een zware last. De lidstaten besloten dit keer te kiezen voor het Raadssecretariaat en niet voor de efficiëntie van de Commissie: het Raadssecretariaat is een zwakkere instelling met minder middelen.

Invloed van het Raadssecretariaat en de Commissie

Gezien de grote mate van delegatie sinds het Verdrag van Amsterdam is het belangrijk om de invloed van het Raadssecretariaat en de Commissie te bestuderen. Daartoe analyseert het boek vier *case studies* – de militaire operaties van de EU in Bosnië en Chad, de monitoringsmissie in Aceh en de rechtsorde operatie in Kosovo. In elk van deze gevallen, beschrijft het de agendering van de operaties, het besluitvormingsproces, het begin van de missies, de implementatie en de afronding. Het boek maakt gebruik van officiële bronnen, 105 interviews met beleidsmakers, krantenartikelen en secundaire literatuur.

In alle gevallen blijkt het Raadssecretariaat een belangrijke speler in de agendering van civiele en militaire operaties. Vanaf het vroege begin van iedere missie was het Raadssecretariaat erbij. Het trok vaak op met een beperkte club van gelijkdenkende lidstaten, bereidde al plannen voor ruim voordat de meeste lidstaten zelfs over de operatie hadden nagedacht en het gebruikte zijn internationale netwerk om verwachtingen te kweken bij derden. Hierdoor kon het Raadssecretariaat operaties geregeld als een *fait accompli* aan de lidstaten presenteren. Men kon niet meer terug. Deze politieke invloed van het Raadssecretariaat valt te verklaren door zijn cruciale plaats in het beleidsproces. Het zat overal bovenop en had hierdoor een uitstekend overzicht van de stand van zaken.

Het Raadssecretariaat oefent echter meer invloed uit in civiele dan in militaire operaties. Hiervoor zijn diverse redenen. Allereerst hebben de lidstaten slechts één civiel controleorgaan tegen drie in militaire operaties. Dit orgaan behandelt soms wel twaalf civiele missies tegen slechts één of twee gelijktijdige militaire operaties. Verder bestaat het civiele comité uit jonge diplomaten, terwijl het militaire comité uit ervaren generaals bestaat. Ten tweede is militaire expertise beter georganiseerd in de meeste lidstaten dan de civiele expertise die zich in verschillende ministeries bevindt. Ten derde is er een groot gebrek aan civiele doctrine wat controle ingewikkelder maakt. De diplomaten kunnen niet zoals de militairen een checklist af gaan om te kijken of de plannen van het Raadssecretariaat aan de belangrijke criteria voldoen.

Waar het Raadssecretariaat dus behoorlijk wat invloed uitoefent is de rol van de Europese Commissie zeer beperkt. Het heeft niet de middelen om haar stempel op civiele en militaire missie te zetten. Toch zijn er twee trends zichtbaar. De Commissie lijkt met het verstrijken van de tijd beter te begrijpen hoe zij een bijdrage kan leveren. Door zich constructief op te

stellen vindt zij meer gehoor bij de lidstaten. Er is ook een beperkt verschil waarneembaar tussen de civiele en militaire missies. Net als het Raadssecretariaat is de Commissie invloedrijker in de civiele missies. Dit beperkt zich echter tot agendering en de implementatie van het beleid. Over het algemeen is de positie van de Commissie echter zwak.

Conclusie: bijdrage en implicaties

Het Verdrag van Amsterdam en de Europese Raad in Keulen hebben zeer belangrijke veranderingen gebracht voor het Europees buitenlands beleid. Dit beleid wordt nu grotendeels voorbereid en uitgevoerd in Brussel door het Raadssecretariaat en de Commissie. Dit boek verklaart waarom de lidstaten deze taken hebben overgedragen en wat de consequenties zijn in termen van de invloed van de Europese instellingen. Het laat bovendien zien dat de lidstaten zorgvuldige kosten-baten analyses maken en dat de invloed van het Raadssecretariaat en de Commissie onderhevig is aan een aantal voorwaarden en zich beperkt tot specifieke onderdelen van het beleidsproces.

Dit boek maakt duidelijk dat het Europees buitenlands beleid niet langer als het *domaine réservé* van de lidstaten kan worden beschouwd. De rol van de Europese instellingen is sterk toegenomen en dient onderdeel te zijn van iedere analyse van het Europees buitenlands beleid. Dit boek geeft niet alleen een beter beeld van de rol van de Europese instellingen op het buitenlands beleid, het draagt ook bij aan de conceptuele en theoretische kennis van zowel delegatie als *agency* theorie. Door in het delegatie model niet alleen naar efficiëntie te kijken, maar ook naar soevereiniteitsverlies, wordt de analyse preciezer en genuanceerder. Hetzelfde geldt voor het bestuderen van invloed. Door precies naar de relatieve middelen van zowel de lidstaten als de Europese instellingen te kijken kunnen waardevolle worden verkregen.

Op het moment dat dit boek geschreven werd stond het Europees buitenlands beleid voor een belangrijke nieuwe episode in de geschiedenis van de Europese integratie. Met het Verdrag van Lissabon (2009) worden de twee buitenland-afdelingen van het Raadssecretariaat en de Commissie samengevoegd in de Europese Dienst voor Extern Optreden. Deze nieuwe Dienst zal ook voor een gedeelte uit nationale diplomaten bestaan. Hoewel het natuurlijk te vroeg is om met conclusies te komen, staat het buiten kijf dat deze Dienst een cruciale rol gaat vervullen. Brussel zal in termen van het buitenlands beleid van de individuele lidstaten nog belangrijker worden.

Academische analyses van de Dienst zijn daarom noodzakelijk. Het is echter wel belangrijk om te realiseren dat deze Dienst niet vanaf de grond is opgebouwd. Hij bestaat uit de structuren van het Raadssecretariaat en de Commissie. Dit boek bevat daarom tal van conclusies die ook voor de Dienst voor Extern Optreden relevant zullen blijken.

ABOUT THE AUTHOR

Hylke Dijkstra (11 June 1983) was born and raised in Groningen, where he completed his secondary education at the Praedinius Gymnasium. He studied European Studies (B.A., 2005) and economics (B.Sc., 2006) at Maastricht University. During his studies, he spent short periods at Yale University and the Corvinus University of Budapest. He did traineeships at the Permanent Mission of the Kingdom of The Netherlands to the United Nations in New York and DG Enlargement of the European Commission.

Dijkstra continued his graduate studies in Contemporary European Studies (M.Phil., 2007) at the University of Cambridge, United Kingdom. He wrote his thesis on the changing role of the Council Secretariat in EU Foreign Policy. It was graded 'high performance' (i.e. *cum laude*) and was published in the *European Foreign Affairs Review*. It subsequently won the annual prize for best article by a scholar under the age of 35. Dijkstra returned to Maastricht University to become a Ph.D. candidate in 2007. He was a visiting fellow at Stockholm University, Sweden. Following the completion of his dissertation, he will continue to work at Maastricht University as a post-doctoral researcher.

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