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Common Security and Defence Policy Legitimacy and Process: to What Extent is EUFOR Althea Supported by Due Political Process and is the Mission Fit-for-purpose?

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ABSTRACT

The context is the wider functioning of the European Union's Common Security and Defence Policy (CSDP) and External Action Service (EAS), formally constituted by the Lisbon Treaty and a continuation of the European Security and Defence Policy (ESDP) that emerged from usual intergovernmental process begun at St Malo in 1998. The paper examines whether the question of legitimacy or lack of legitimacy serves to strengthen or weaken the Union's ability to contribute to Europe's security and defence.

The paper argues that CSDP demonstrates high levels of member state control, enhancing input legitimacy. Paradoxically this may limit output legitimacy, while the lack of strategic coherence is the more serious weakness. This must be resolved as a matter of urgency not only because it undermines the effectiveness of CSDP and the efficiency of the EAS, but because the gap between rhetoric and achievement undermines the credibility of the European Union in international affairs.

EUFOR Althea is the EU's largest and longest running military mission. Evidence from interviews with EUFOR officials suggests a lack of strategic coherence that reflects underlying structural weaknesses in how ESDP/CSDP has been framed, and a lack of strategic clarity at the European level. The mission acts under a UN mandate but as such may be handicapped by a degree of democratic deficit found in other areas of EU policy making and practice. There is an irony in this because the EAS and the EUFOR Althea mission have the potential to do considerable good, but a lack of strategic direction and a low level of member state commitment (Witney, 2008; Howorth, 2009; 2010; Menon, 2009) undermines the prospects for real impact. It is striking that the problem of a capability-expectations gap identified by Christopher Hill (1993) has still not been resolved (Toje, 2008) despite considerable institutional innovation (Smith, 2004; Mattelaer, 2010).

Biscop (2008) warns that the Permanent Structured Cooperation created through the Lisbon Treaty could stimulate the capability enhancements that CSDP needs, but risks driving a wedge between leading CSDP contributors and the rest. In the interests of legitimacy and coherence the PermStrucCoop process must be as inclusive as possible, or it may exacerbate divisions. The challenge is to increase legitimacy while also raising capability and coherence. The EUFOR Althea mission appears to be weak in all three areas, and as such reflects deficiencies in the entire implementation and practice of CSDP.

The paper includes evidence gained from semi-structured interviews with officials and policy experts within or close to the ESDP/CSDP process, as well as interviews with EUFOR Althea practitioners and officials during a week in Sarajevo in May 2011. All interviews were conducted in 2010-12 as part of on-going doctoral research.

1. Introduction

This paper considers the question of legitimacy in Common Foreign and Security Policy with a particular focus on the institutional machinery of Common Security and Defence Policy (CSDP) through examining the case of the EUFOR Althea mission in Bosnia Herzegovina.

The conceptual framework for the paper follows Comelli (2010) in using the typology set by Wolfgang Weber (2005) whereby legitimacy has three dimensions:

> 1) legitimacy as ensured by effective governance ("government for the people" or "output legitimacy"); 2) legitimacy as ensured by participatory procedures ("government by the people" or "input legitimacy", the latter of which, in turn, may take place at national and/or European level); and 3) compliance with international law (Comelli, 2010:83).

Output legitimacy dictates that the results of CSDP should be adequately successful in returning public benefits proportionate to cost. Input legitimacy requires that oversight and engagement by parliaments and state authorities should be adequate, with genuine policy making accountability. This is especially relevant to CSDP as a domain of Common Foreign and Security Policy, designated as intergovernmental and not supranational, meaning that member state governments should have primacy in the policy making process. Compliance with international law for CSDP requires that actions should conform to international treaties, be backed by UN resolutions, and have clear support from relevant international institutions.

The structure of the paper is as follows. It begins with a brief overview of the **background to CSDP**, explaining that while the policy remains a subset of CFSP and is therefore intergovernmental, substantial innovations in institutional structures within a short time frame mean that CSDP is not purely intergovernmental. This according to Comelli (2010) raises important questions of legitimacy. Furthermore, there has been a two-fold weakness in CSDP that undermines the credibility of the Union as an actor in international affairs: the rhetoric used to describe the EU role in international security is not matched by either capability or EU actorness. Secondly, the assumption that the EU is a normative power (Manners, 2002) and therefore bathed in the warm glow of legitimacy is not justified: normative power does not equal legitimacy.

The second part of the paper examines **institutional structures** from the perspective of the legitimacy and effectiveness of the CSDP planning process. Legitimacy is interpreted as meaning a high level of member state control consistent with the intergovernmental principle underpinning CFSP. There has been a considerable degree of institutional innovation in this policy field (Smith, 2004; Mettelaer, 2010), but the European Union and its member states have tended to avoid hard decisions about capability and strategic purpose. In other words the high level of political oversight from member states secures a form of legitimacy, but it may do so at the expense of operational effectiveness. The Lisbon Treaty innovation of Permanent Structured Cooperation offer a possible way forward, but thus far there is not much evidence of positive results.

The third part of the paper explores the **EUFOR Althea Case Study** using data from interviews with EUFOR practitioners and experts in Sarajevo. The case is particularly relevant in assessing output legitimacy – the effectiveness of CSDP outcomes.

The **conclusion** argues that the weaknesses of CSDP are less founded in problems of input legitimacy and accountability than in the **lack of strategic purpose** around the European Union's aims in terms of security and defence and a **credibility deficit** consequential on the gap between rhetoric and achievement. Ironically if there were a proper debate about what the EU should be doing in strategic terms, this would boost the legitimacy of CSDP and of the wider European Union. Instead there has been a lack of debate and a studied failure to adopt a strategic approach to security and defence policy which undermines both legitimacy and effectiveness of the Union's efforts in this area.

There is an urgent need therefore to develop a strategic approach to ensure the effectiveness of the structures established by the Lisbon Treaty. This could be secured by ensuring the proper application of Permanent Structured Cooperation as introduced by Lisbon, and upgrading the impact of the European Defence Agency (Biscop, 2008).

The paper is supported by interview data collected during 2010-12 on a range of ESDP/CSDP related issues including institutional process and the overall aims and objectives of European Union in security and defence policy. 25 semi-structured interviews lasting approximately one hour were undertaken with officials and experts based in Brussels, London, Berlin, Paris, Sarajevo and elsewhere. All informants have practical experience and/or policy expertise in the field of EU security and defence policy. For the Case Study of EUFOR Althea in Bosnia and Herzegovina, seven interviews were conducted in Sarajevo with senior officials working with or close to the mission. These interviews were backed by further discussions outside the formal interview setting. All 25 interviews were conducted face-to-face, with the exception of two by telephone (see Appendix). Usual rules of anonymity apply.

2. Background to CSDP

EU interest in security and defence policy is relatively recent given that in the early decades of the European integration process this area was under the sole auspices of member states, locked into the culture of state sovereign responsibility for foreign policy. Between the abandonment of the proposed European Defence Community in 1954 and the Treaty on European Union (TEU) in 1992 the D-word (defence) was virtually unknown beyond the largely ineffective confines of the Western European Union (WEU), never much more than a talking shop, and not part of EU structures. The WEU 'lacked political clout, political legitimacy and political credibility' (Howorth, 2007:44). The TEU created the Common Foreign and Security Policy (CFSP) but in the pillared architecture of Maastricht it was assigned to the intergovernmental Pillar II. The St Malo Declaration, a bilateral Paris-London initiative in December 1998 was a watershed (Howorth, 2000; 2001), pitching defence and security onto the EU agenda. It was followed in 1999 by the Cologne Council which launched the European Security and Defence Policy, confirmed by the Helsinki Headline Goals in December. The first ESDP missions were launched in Macedonia, Congo and Bosnia Herzegovina in 2003. This rapid train of

events was augmented by the highly influential European Security Strategy (ESS) released in December 2003. A total of 27 missions followed - the majority civilian. The Lisbon Treaty instituted Common Security and Defence Policy in place of ESDP and launched the European External Action Service (EAS) under the leadership of the Union's High Representative for Foreign and Security Policy, Baroness Ashton. The EAS links the various instruments of EU foreign policy across the foreign and community pillars, thus linking Commission policy in trade, aid and development with the traditional interests of foreign and security policy, which remain under the auspices of the Council, and therefore within the ambit of intergovernmental negotiation and agreement.

This process has been accompanied by considerable institutional innovation meaning that its characterisation as purely intergovernmental has been challenged. It has become a complex and heterogeneous policy making domain, characterised as 'heterarchical', where 'state power is not diluted but reconstituted at the European level' (Mérand *et al*, 2011:140). This is beyond intergovernmentalism and reflects a variant of multilevel governance.

In terms of legitimacy, ESDP/CSDP is prone to similar criticisms as other areas of EU decision making, in that the transition towards an EU role in security and defence has brought a number of institutions into being that the public is unaware of and the implementation of a range of policies which attract little media or public attention. Institutional innovation may actually contribute to democratic deficit. Similarly the launch of 27 CSDP missions remains relatively uncommented and beyond the radar of popular interest.

The accomplishment of 27 missions is not insignificant, but should be set against the rhetoric espoused in key documents. St Malo proclaims that the Union should 'have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises' (cited in Howorth, 2007:34). The Helsinki Headline Goal declared that the Union should build a rapid reaction force of 60,000 troops deployable into a crisis within two months and able to remain for up to a year. The European Security Strategy declares that the Union should be capable of 'robust intervention' where necessary. The Lisbon Treaty, which launched the European External Action Service, promises

> to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence (…) thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world (European Council, 2008:16).

Given the continuing capability gap and the lack of strategic coherence, the rhetoric merely highlights the lack of actorness on the part of the Union. A worst case assessment is that the EAS becomes a European External (In)action Service. This damages the international credibility of the Union and therefore undermines its legitimacy as an international actor in security matters.

However, this criticism should be set against the high level of input legitimacy through the political control exerted over CSDP within the ambit of the European Council and member state representatives, especially through the Political and Security Committee (PSC), which is at the centre of the CSDP planning and policy process. The question of legitimacy is further considered in the next section which looks at the institutional framework of CSDP.

3. Institutional structures of CSDP

Legitimacy is an important component of the ESDP/CSDP process in that as Comelli (2010) points out, one of the objectives of EU security and defence policy is the promotion of democracy, and so it would hardly be conducive to the reputation of the EU or its ability to project its values if the much discussed problem of democratic deficit applied in this area as well as in others. Accountability and scrutiny therefore are vital elements in security and defence policy making, even if they are problematic especially where rapid response is needed in a crisis situation. However the extent to which scrutiny and ultimate control over policy is located in national parliaments is open to question, as it varies among member states. In the UK, Italy and Germany it is executives and their appointees which shape security and defence policy making. This has certainly been true where ESDP/CSDP is concerned although here too rhetoric has exceeded achievement, as for example Prime Minister Tony Blair declared in Warsaw that 'we need a vastly improved European defence capability so that (we can) undertake actions in our own right (where NATO chooses not to act)' (Blair, cited in Howorth, 2007:43).

Post-Lisbon, in a bid to secure the improved legitimacy of CSDP, the High Representative is tasked with ensuring that Common Foreign and Security Policy is referred to the European Parliament and that its opinion is taken into account (Comelli, 2010; Quille, 2010). Quille argues that the Lisbon Treaty delivers the promise of improved legitimacy through national and European Parliamentary oversight, and also through the opportunity for a much more inclusive and wide ranging debate about the strategic objectives of CSDP. But judging from past experience this is very much the triumph of hope over expectation. An informant interviewed for this research argued that there was almost no debate *anywhere* even prior to the publication of the European Security Strategy (*Interview* 3) and another that the Report on the ESS in 2008 also produced no debate (*Interview* 10). Likewise a Berlin based expert affirmed that in Germany there is studied avoidance of debate on CSDP (*Interview* 18) a view echoed by an SPD member of the Bundestag (*Interview* 17).

There is no evidence of this foreign and security policy debate taking off, and still less of CSDP becoming the focus of strategic planning about how the EU can achieve its goal of becoming a global power or even, according to Simòn (2011) a regional hegemon. Indeed Simòn argues that the stakes are extremely high: a strategic CSDP is essential for the survival of the European Union. If debate is needed to deliver more legitimacy then there is no sign of this, three years after Lisbon ratification. Arguably the profile of CSDP has actually diminished given the focus on the financial crisis and the Eurozone.

European Parliament opinion on CSDP however is hardly power. The only significant role of the European Parliament is some control over the budget of non-military CSDP missions. But while the EP monitors the CFSP budget for civilian missions, member states may choose to supply additional funding to cover their own personnel costs (Comelli, 2010), so in fact the EP cannot set the ceiling on expenditure even for a civilian mission. Military operations are financed by the Athena mechanism whereby a fund of contributions proportional to gross national income meets core costs, and the contributing member states pay for operational expenditure on the basis of 'costs lie where they

fall', a mechanism which is widely criticised as inadequate (Witney, 2008; Biscop, 2008), also by respondents (*Interviews* 9, 16) although one Secretariat official felt this problem was exaggerated (*Interview* 6).

Apart from the opportunity for some binary level parliamentary scrutiny, the institutional structure of ESDP/CSDP offers other opportunities for scrutiny and therefore enhanced legitimacy on account of state representation in key committees, such as the Political and Security Committee (PSC) and the EU Military Committee (EUMC). CSDP legitimacy is rooted in the intergovernmental nature of CFSP, and the institutional structures to defend the principle of member state scrutiny and ultimate authority over EU security and defence policy.

The St Malo Process precipitated a number of significant EU institutions under the leadership of the then High Representative for the Foreign and Security Policy, Javier Solana. Within the ambit of the European Council, and strictly under an intergovernmental regime, with state rights of veto and opt out applying, ESDP spawned a Council Secretariat answerable to the Political and Security Committee (PSC), also known by its French acronym COPS, composed of Ambassadors from the member states, and typically 'on message' from their respective governments. The PSC had overall control of ESDP and was supported by the Secretariat within which a number of other specialist units were involved in management and implementation, notably the EU Military Committee (EUMC) composed of member state Military Chiefs. EUMC is the highest military body in the European Council and is

> responsible for providing the PSC with military advice and recommendations on all matters military within the EU. It exercises military direction of all military activities within the EU framework (European Council, 2001).

It also provides military direction to the EU Military Staff (EUMS) and receives from EUMS strategic military options in crisis management. It forwards these with evaluations, military advice, and risk assessment to the PSC. EUMC also supplies financial estimates for crisis management military costs.

Given the focus within ESDP on humanitarian intervention and civilian crisis management (CCM) this structure underwent change following ratification of the Lisbon Treaty and the renaming of ESDP as the Common Security and Defence Policy. CSDP is 'conceived as a crisis management tool' (Mattelaer, 2010:3), a somewhat limited remit, a point this paper will return to.

Post-Lisbon, the PSC is provided with the Crisis Management Planning Directorate (CMPD) within the Council Secretariat. The CMPD, operational since February 2010, is a new body at the heart of mission planning and policy implementation. It drafts a crisis management concept (CMC) which covers the political and military aspects of a crisis intervention. The military input comes from the EU Military Committee (EUMC) and EU Military Staff (EUMS) while the civilian expertise is provided by the Committee on Civilian Aspects of Crisis Management (CIVCOM) and the Civilian Planning and Conduct Capability (CPCC). The CIV-MIL cooperation and comprehensive vision within CMPD is intended to drive coherence of the crisis intervention. CMPD also engages with the Commission in terms of the economic and political implications of crisis management, including the Commission

role in post-crisis stabilization, economic matters, democracy and rule of law, human rights and institutional development. The CMPD therefore encapsulates the 'toolbox' approach of the CSDP, and furthermore ensures the cross-pillar holistic nature of CSDP. The Crisis Management Concept is presented to the PSC for oversight, comment and recommendation, before forwarding to the Permanent Representatives Committee (COREPER) and the Council of Ministers for approval. The PSC continues to exercise oversight over implementation once a mission is undertaken, receiving local reports from Mission Commanders and from EU Delegations within the EAS.

The CMPD is supported and informed by the EUMC and the EUMS on operational matters. All concerned elements are technically within the ambit of the European External Action Service (EAS) which also has oversight of 123 EU Delegations throughout the world. In Bosnia Herzegovina for example the EUFOR Althea mission is under the auspices of the EAS and reports to the EU Senior Representative (EUSR) in the EU Delegation in Sarajevo. The EAS has the further advantage in that it links the foreign policy interests of the Council and the PSC with the Commission given that the Union's High Representative is also the Vice President of the Commission. The Commission, being responsible for Community interests in trade, aid, external relations, and budgetary matters has a further interest in the EAS through its staffing links with EU Delegations and all forms of policy implementation, information gathering, diplomacy and bilateral relations with third parties, as well as a decisive interest in the Copenhagen Criteria and relations with pre-accession states or potential candidate states for pre-accession status. An early consideration of the Lisbon changes questions whether the new HR/VP of the Commission can actually bridge the pillar divide and whether the complex structures and small staff of the EAS can deliver the coherence required to ensure an effective CSDP (Mauri and Gya, 2009). It may also be argued that the new EAS is a shoestring exercise introduced as a compromise between the Council and the Commission and entirely lacking the power to make the required leap forward to EU actorness in international security.

Nevertheless, the speed of institutional development has been impressive, and has delivered, according to Mattelaer (2010) a CSDP that is more accountable than processes undertaken by NATO or the UN. The extent of PSC authority and member state involvement, for example in the EUMC, ensures a high level of member state oversight. The legitimacy credentials of CSDP therefore seem to compare favourably not only with other international institutions but with other areas of EU policy making. Nevertheless, the apparent effectiveness of the institutional machinery is in many ways illusory, a situation which compromises output legitimacy.

Norheim-Martinesen (2011) and Mattelaer (2010) argue that the civilian-military coordination should be much better and that in many respects full European Union engagement with CSDP is distinctly lacking. This is in part due to the small staffing numbers, around 240 in the Council Secretariat and about 2,000 in the EAS. Weak coordination severely undermines the effectiveness of CSDP. An even more serious deficiency is the strategic weaknesses of the EU's approach to security and defence policy. Various criticisms of the lack of strategic coherence have appeared, notably Howorth (2009), Biscop and Coelmont (2010), Simòn (2011). Simòn is critical of the reactive focus on crisis management and argues for a much wider strategic focus that could deliver:

the EU's strategic objectives, namely the exercise of global power and a leadership role in promoting security and prosperity in the broader European neighbourhood (Simòn, 2011:10).

Instead the Union has achieved a CSDP which provides for detailed stage by stage and almost paper by paper political oversight, 'a remarkable feature of the CSDP planning process' (Mattelaer, 2010), but this is accompanied by weak operational capability and an acute lack of strategic direction. Since states control the resources placed at the disposal of CSDP, capability deficiencies are maintained by the lack of member state commitment. States continue to hamper the EU ambition to make a substantial contribution to international security, an ambition clearly stated in the European Security Strategy and reiterated in Lisbon. Throughout the evolution of CSDP from St Malo onwards, rhetoric has far exceeded both capability and achievement. If CSDP does not achieve what it is designed to achieve, this clearly compromises output legitimacy.

The Political and Security Committee for example, despite its collegiate nature and even its tendency towards an *esprit de corps* sympathetic to a degree of Europeanization of security and defence policy (*Interview* 2) remains essentially on message from member state capitals. Various informants questioned about the institutional coherence of CSDP repeatedly affirmed that 'states call the shots' and that CSDP is entirely dependent on what is approved by the PSC and made available to Operations Commanders (*Interviews* 1, 2, 9, 14). Variations on this dominant role of the member states is that ESDP was essentially driven by France (*Interview* 12) or that states have very much cooled on the whole project (*Interviews* 3, 18). It remains to be seen the extent to which the new post-Lisbon structures can take CSDP forward (*Interview* 6) but this is unlikely to be decisive without personalities and leadership, a particularly common complaint among respondents (*Interviews* 1, 2, 7, 13, 17, 18, SRV 2, SRV 5).

The control element in CSDP is reported by Mattelaer to be doubly effective in that EUMC and CIVCOM provide detailed technical checks while the PSC provides the political oversight. The irony however is that accountability can lead to limiting interference at a micro-level:

> The elaborate procedural model in the CSDP ensures the constant involvement of the political level and fosters accountability and oversight by elected governments. Yet it also creates opportunities for political micromanagement that may be ill informed about the operational context and it leaves less room for prudent planning for hypothetical contingencies (Mattelaer, 2010:9).

Mattelaer highlights several procedural deficiencies. The Operation Commander is appointed late in the planning process. There being no permanent CSDP Operational HQ, each HQ has to be established from scratch for every mission. This is wasteful and time consuming and detracts from efficient and coordinated implementation (Mattelaer, 2010; Simòn 2011). Naturally the absence of a permanent OHQ is a result of political obstructionism at a state level. The usual 'neuralgic issue of sovereignty' (*Interview* 11) is a barrier to common sense. Finally the Operations Commander, furnished with an Operation Plan, has to petition adequate resources from member states, and if these are not forthcoming, delays ensue – which can be critical – or a single state has to make up the

deficiencies, as happened with EUFOR Tchad/RCA which ended up looking like a French operation rather than an EU mission. Simòn (2011) argues that failures in the military planning stage led to delays in mission implementation for EUFOR Althea in Bosnia Herzegovina, EUFOR RD Congo in 2006 and EUFOR Tchad/RCA in 2008/09. Lessons learned surely point to the need to improve military planning in order to achieve rapid reaction capability. A complication in the planning stage regarding lessons learned is that

> military-strategic lessons are often politically sensitive and this complicates any developmental action to resolve these lessons and implement any changes that may be required (*Interview* 13).

This respondent further expressed the view that while there is a lot of expertise in the planning process there remains a lack of sharing of information and inefficiency in learning from experience. He suggested that there is a lack of linkage between the various Council Secretariat and Operation Command bodies, so while the PSC is at the centre of a network of expertise, there is a lack of sharing that impedes quality in the planning process. This opinion suggests that the focus on the PSC and the authority vested in that body, and in its communication with its political masters in the member states, risks by-passing important knowledge that could enhance the effectiveness of CSDP, especially if there was better cooperation between the civilian and military aspects, which is clearly meant to happen within CMPD.

As part of the rapid institutional development of ESDP the European Defence Agency (EDA) was set up in 2003 to enhance operational capacity through harmonisation and rationalisation, identification of needs, monitoring states' capability commitments, facilitating cooperation in both research and industry, and securing efficiency. The difficulty is that states are under no obligation to take any notice of EDA suggestions, so it has so far brought only modest achievements. Capability levels remain grossly deficient despite the EDA urging member states towards better coordination, research and development cooperation, a genuine European defence equipment market, and more transnational partnering in defence-related manufacturing. Defence industry cooperation is referred to as an 'issue of industry viability, especially with the USA's technical superiority' (Moustakis and Violakis, 2008:426). The EDA has no right of initiative and can only respond to state requests from which it produces recommendations. It has no authority and so it is entirely up to the member states whether they accept or ignore EDA advice (*Interviews* 7, 10). A Senior EDA official commented:

> The EDA is a small agency, separate from the Council and it can only work with the backing of the member states. We are totally dependent on the states, and we can only respond to state initiatives (*Interview* 7).

In terms of instruments, the EU does have in its arsenal (if that is not a too ironic word) a range of civilian approaches to the conduct of its external relations. Clearly the EU, as a primarily civilian and soft power, can deploy diplomatic pressures, economic incentives, trade, aid, and other benefits to third parties, many of which are explicitly conditional on 'good behaviour'. Indeed there is an element of coercion in how the EU deploys soft power. It can use trade policy as a milieu shaping instrument to secure benefits to the EU, as for example in agricultural policy and farm products

trading. The European Security Strategy however refers to the 'toolbox' approach including the use of force:

> we need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention (Solana, 2003:11)

The full range of instruments extends from polite diplomacy and trade agreements to armed intervention in crisis situations, including the need to enforce peace where there is none. But there has been no obvious commitment to go beyond the rhetoric, either of St Malo, which promised 'autonomous defence' or the ESS 'robust intervention'.

The ESS appeared to define the purpose of ESDP soon after the debacle of the EU split over Iraq, but at the same time it lacked strategic content (Norheim-Martinsen, 2011). A Council Report in 2008 was 'a missed opportunity' to update it in any meaningful way (*Interview* 10). It remains an effective elucidation of contemporary security threats, but while it refers to the EU ambition regarding its international obligations to secure a better world, it is absolutely vague on how this can be achieved in practice, or what instruments and level of capability should be made available.

There has long been, and remains a lack of credibility highlighted by Hill (1993) as a capability-expectations gap, and still unresolved (Toje, 2008). Others too have bemoaned the lack of capability (Heisbourg, 2000; Hyde-Price, 2004; Witney, 2008; Menon, 2009) and others the strategic weaknesses of ESDP/CSDP (Biscop and Coelmont, 2010; Simòn, 2011) to which this paper return in its conclusion.

Resolving the capability weaknesses would require substantially increased commitment both to defence spending and to defence and security cooperation. Again, the means to achieve this are in place, as Permanent Structured Cooperation in close partnership with the EDA could bring real capability improvements (Biscop, 2008). Biscop calls for the pooling of assets through PermStrucCoop, under the guidance and monitoring competencies of the EDA. The process must be as comprehensive and as inclusive as possible, avoiding a split between large and small states, or between the higher spenders and the rest. This is the only way to overcome the fragmentation which currently persists and is sustained by states' viewing CSDP through national prisms, entirely contrary to the principles that governments have signed up to. Pooling and rationalisation, and a concerted effort to enhance capability in all areas is the only way that CSDP can survive and be effective. Clearly this approach requires leadership and commitment at all levels. It demands a strategic approach that can deliver actorness on the part of the Union in matters of regional and global security.

In conclusion to this section we can summarise four points.

1) Output legitimacy is hampered by the lack of capability and strategic clarity in CSDP.
2) Input legitimacy through parliamentary oversight, whether national or European, is at best limited and public debate, or even debate among governing elites, is barely evident, as the subject is too often simply avoided.

3) In other ways states are fully involved in the institutional processes of CSDP, having decisive control over key institutional bodies in Brussels thus ensuring significant input legitimacy.

4) This member state control is at the expense of strategic clarity and limits the potential of CSDP to deliver successful outcomes that might match the rhetoric espoused at regular intervals since the St Malo Declaration. There remains a fundamental reluctance to provide CSDP with either strategic coherence or adequate capability, which in turn hampers its output legitimacy.

CSDP has delivered a significant and reasonably coherent institutional community, but not a political community able to make a strategic difference. This was summed up by one respondent as follows:

> We have an EAS, we have institutions and we have missions, but this amounts to a technical kind of strategic community, not a political one (*Interview* 18).

Having considered the institutional frameworks around CSDP this paper now further considers the effectiveness of CSDP through a focus on EUFOR Althea in Bosnia Herzegovina.

4. Case Study: EUFOR Althea – Process and performance assessment

4.1 Context

Launched in December 2004, EUFOR Althea was the first and most substantial EU military mission under the then European Security and Defence Policy (ESDP). EUFOR inherited the remit of NATO's SFOR after the 1992-95 war and the Dayton-Paris Peace Agreement (DPA) of December 1995. The mandate delivered to EUFOR from the UN was and remains to 'contribute to a safe and secure environment in BiH' (Klein, 2009:149) and 'to ensure compliance with the Dayton Peace Accords' (Merlingen & Ostrauskaité, 2006:57). Facing high levels of organised crime, a weak economy and prevalence of weapons and ammunition throughout the territory, a significant element of EUFOR responsibility has been to provide reassurance to the local population (Klein, 2009:149-50). The legitimacy afforded to EUFOR stems from its UN mandate and its status as an EU CSDP mission. The mission is staffed by military representatives and civilians from various contributing states whose executives and parliaments accept their contribution to EUFOR Althea, but it is unlikely that the mission attracts much popular attention or public debate in any contributing state.

EUFOR Althea is the EU's longest running peacekeeping mission and is hence a suitable case study to assess the benefits and shortcomings of ESDP/CSDP. Subject to six monthly reviews, its mandate has been continually renewed. Technically a military operation, EUFOR began with 7,000 troops and now has around 1,400. In practice it has had more of a policing role, assisting the Bosnian authorities in countering organised crime, helping to bring indicted war criminals to justice, and 'weapons harvesting', thereby reducing the risk of renewed conflict (*Interviews* SRV 1, 4, 5). It also supports the international community's High Representative (UNHR), who is also the EU's Special Representative (EUSR) for BiH. In practice – despite mandates – EUFOR Althea is a mixture of EU civilian and military crisis management mechanisms to deal with aspects of peacekeeping, economic reconstruction, counter-narcotics, organised crime, institution-building and peacekeeping

(*Interviews* SRV 1, 2, 4, 5, 7) . The operation therefore has varying degrees of political, economic and military components and is hence the biggest test for ESDP/CSDP.

Klein reports that the former EUFOR commander General Leakey, backed by the then High Representative for Common Foreign and Security Policy Javier Solana, saw the fight against organised crime and the effort to provide a safe and secure environment as complementary (Klein, 2009:150). EUFOR personnel contributed to disrupting organised crime by engaging in vehicle checks and similar interventions which provoked criticism from the parallel EU mission in BiH, EU Police Mission (EUPM). EUPM considered EUFOR's involvement as interfering in policing responsibilities (Merlingen and Ostrauskaité, 2006). In 2006 the EU Special Representative (EUSR) in Sarajevo and the Political and Security Committee in Brussels adjusted the overlapping competences of the missions and attempted to better coordinate the role of the EU instruments (EUSR, EUPM and EUFOR). This meant giving EUPM the lead in fighting crime while ensuring that EUFOR interventions in this respect would be coordinated with EUPM. The PSC consequently amended the EUPM mandate underlining its lead role in coordinating policing aspects of the fight against organised crime. EUPM remains tasked with capacity building and institutional development in supporting the local police.

A vital context to the EUFOR Althea operation is that Bosnia Herzegovina is a post-conflict society where internal security risks persist, albeit on a much reduced scale. In 2008 Bertin described the country as 'awash with weapons and ammunition' (Bertin, 2008:62). While this is probably significantly less true now (*Interviews* SRV 1, 5), his description of a 'weak economy (with) widespread organized crime and corruption and the fragility of the rule of law' (*Ibid,* 61-2) holds true four years later (*Interviews* SRV 1-7). The country is 'deeply divided along ethnic lines and across the two entities (...) the Bosniak/Croat Federation and the Serbian Republika Srpska' (*Ibid*, 62). Despite these entrenched problems, Bertin refers to the 'long term' task of EUFOR Althea being 'to leave behind a peaceful and stable Bosnia en route towards EU membership' (*Ibid*, 76). Other reviews of the political and economic situation confirm alarming levels of dysfunction and instability in BiH (Gross, 2007; Whitman and Juncos, 2011; Sarajlic-Maglic, 2011: 47-58).

4.2 Findings and Analysis in the Case of EUFOR Althea – operational successes and shortcomings

4.2.1 The Role of EUFOR Althea and of the EU in Bosnia Herzegovina (BiH): achievements and challenges

EUFOR Althea inherited the UN mandate provided to NATO SFOR to ensure 'a safe and secure environment' and to 'uphold the Dayton-Paris Peace Agreement'. However, interview respondents frequently referred to the wider EU role in BiH being to provide reassurance and security to the local population (*Interviews* SRV 1, 4, 5) and to assist the local authorities in state-building (*Interview* SRV 2), including institutional development, policing and legal structures, and to facilitate economic and political processes so as to secure the viable future of Bosnia Herzegovina with a view to its becoming a candidate for entry to the European Union. However, respondents consider Bosnian accession to be many years away, barely mentioning it and none forecasting a date. Furthermore, accession has nothing to do with the UN mandate. Nevertheless, while technically EUFOR operates

from a UN mandate, an EU ESDP/CSDP mission clearly has political objectives and in the Western Balkans this includes a pre-accession strategy.

In terms of the relative success of the Mission there is clear consensus that the EUFOR mission was and remains successful (*Interviews* SRV 1, 2, 4, 5, 7). Its core mandate – to provide a safe and secure environment and to uphold the DPA – has been upheld. There have been no deaths from armed violence since EUFOR took over from SFOR in December 2004. Emerson and Gross (2007) caution that the success should not be overestimated as EUFOR began as a continuation operation, and various instruments and organisations have contributed to the apparent stability. Furthermore, success should not obscure significant shortcomings that have implications for the wider functioning of CSDP, and for the EU's aspirations for the Western Balkans.

The political situation in BiH has deteriorated in the past two to four years (*Interviews* SRV 2, 3, 5, 7). This is not a military or security deterioration: there is minimal danger of any return to the violence of the early 1990s. The deterioration refers to the political context, as one respondent reports:

> We cannot continue to offer the excuse, or allow the excuse that internal divisions, the ethnic divide, the history, the numbers killed or injured, we cannot allow these things to be an excuse for not moving forward. We cannot forever use the past as an excuse for doing nothing. Basically the ethnic smokescreen is 20 years old, but the media and education here perpetuates the same myths, the same divisions. This is an abject failure (*Interview* SRV 2).

A striking perception emerging from this research is the extent of political failure in BiH and the reluctance of the EU, or more specifically its member states, to face this, or to address it with anything remotely strategic, practical and measurable. This includes the view that Bosnian officials and politicians are guilty of enormous levels of corruption (*Interviews* SRV 1, 2, 5, 7), according to one respondent the worst in the Balkans, and the worst in Europe (*Interview* SRV 7). However, the Union does not confront this issue practically in a useful way, it remains remote from what is happening, and the majority of EU member states only measure successes as being worthy of attention (*Interviews* SRV 1, 2, 7).

The EU provides money to local politicians and bureaucracies, but much of this is wasted through misallocation and fraud, including money laundering (*Interviews* SRV 1, 2). According to one interviewee:

> Money comes in here, but it's not getting to where it should be, it's effectively laundered. It comes in, goes out, and comes back to the same people. The EU is helping what it should be preventing. The EU, Brussels, thinks money will ease the problems in Bosnia Herzegovina, but it doesn't. The problem is we give the political leaders money, but we don't give them responsibility. We give them assets that disappear (*Interview* SRV 2).

A fundamental problem facing the EU and its instruments in Bosnia is that the state itself is dysfunctional being based on division (*Interviews* SRV 1, 2, 5, 7). Informants suggest that the Union acquiesces in the ethnic divisions consolidated by the Dayton-Paris Peace Agreement, but this an

unfair criticism since the UN mandate for the EU missions in Bosnia is to uphold the Dayton-Paris Peace Agreement, not to unpick it. Arguably, the task which EUFOR took on was a poisoned chalice, poisoned by the appalling violence of the Bosnian War, and the poverty of choices available to the UN in securing peace in 1995 in a deeply divided territory. EUFOR has to uphold the Dayton Agreement, so if the DPA is deficient it is not the EU alone which must forge improvements. Two respondents suggested that the agreement should be revised, especially since population data based on the 1992 census has changed considerably (*Interviews* SRV 1, 2).

A further observation on the challenge facing EUFOR is that the mission deploys the wrong kind of personnel. EUFOR is a military mission involving trained soldiers, but the work is almost exclusively civilian, including gender equality, human rights, and political development for which EUFOR personnel lack expertise. The mission has 'civilianized' (*Interviews* SRV 2, 5, 6) in contrast with the military aspirations of ESDP envisaged by France and Britain at St Malo in 1998. Howorth and Menon (2009) suggest that ESDP has shifted from a military orientation towards a civilian approach to security. Nevertheless, according to one respondent, while the civilianization of EUFOR can be viewed as a success, it has implications for the coherence of the mission and for the experience, training and skills of the personnel deployed. On the other hand, EU troops are still occasionally needed to quell ethnic flashpoints from time to time.

4.2.2   Criticisms of the EU in BiH and in relation to EUFOR Althea

In terms of shortcomings of EU Engagement in BiH the Sarajevo interviews generated various comments. Complaints against the EU included the following representative reflections: `the EU provides carrots, but no sticks' (*Interviews* SRV 3, 7); `local politicians and bureaucrats receive money, but have no responsibility' (*Interview* SRV 2); `Brussels is remote from what is happening in Bosnia and only wants to hear good news' (*Interview* SRV 6). Respondents viewed the EU approach in BiH as inherently minimalist, a position that fits the description of the Union as a 'small power' (Toje, 2011). Toje cites Cooper *et al* in positing that small powers have a tendency to embrace notions of 'good international citizenship' to guide their diplomacy, a view consistent with the Sarajevo interviews. An observation encountered in the literature, and also in Sarajevo (*Interview* SRV 3), is that the Union pursues 'lowest common denominator' approach (Smith, 2008:10, Rynning, 2011:30), a consequence of needing unanimity from 26 member states (Denmark is not a signatory to CSDP). Sarajevo interviewees complained that the EU lacks strategic coherence, displays poor leadership and fails to set measurable targets. Instead of being concerned with outcomes, it pursues process and compromise (*Interviews* SRV 1, 2). This is characteristic of EUFOR which demonstrates 'consensus orientation' and the 'lowest-common denominator' nature of both the mission and the wider impact of ESDP/CSDP.

At the heart of the criticisms directed at the EU lies its seeming inability to confront the political impasse between the different entities within BiH, and the association between the failure of these entities to engage with each other in state-building, a consequence of which is a shocking level of corruption and waste. This impasse cannot be broken without a more proactive and strategic response from the EU and the wider international community (*Interviews* SRV 1, 2, 6). EUFOR officials interviewed are critical not only of the EU, but also of the OSCE and the United Nations for

effectively hoping that time alone will deliver improvement when instead the political situation is deteriorating. Other observations include the awkward precedent that most EU states have recognised Kosovan independence from Serbia (*Interview* SRV 5), which fuels the separatist ambitions of Republika Srpska in BiH. One respondent referred to the lack of commitment to the state from Croats and Serbs, the former looking to Zagreb, the latter to Belgrade (*Interview* SRV 6). It is evident that Banja Luka sees Republika Srpska on a 'sliding scale to secession' (*Interview* SRV 5). The Krajina Serbs, exiled inside Bosnia and effectively in camps, are understandably restless; a further unresolved issue is Brcko, the enclave linking the two parts of Republika Srpska, where a mix of ethnicities most with no commitment to Bosnia Herzegovina remains under the control of the UNHR (*Interviews* SRV 4, 7).

4.2.3   EU Institutionalisation and EUFOR Althea

Whether the new institutional structures introduced post-Lisbon can effectively deal with these shortcomings remains to be seen. In terms of institutional relationships in the EU Menon (2011) describes the debate between realists who underestimate the power of institutions in shaping security policy, and institutionalists who overplay the role of institutions while underestimating the role of power/agency in determining policy. Menon (2011) argues that power in the EU is diffuse, and that through institutional engagement smaller states can exert more influence than they otherwise would. Evidence from the Sarajevo interviews supports this, but respondents referred to the need for agreement between all member states and the difficulty in achieving consensus for anything substantial or involving major costs (*Interviews* SRV 3, 6).

Hofmann (2011) urges more institutional overlap between different international organisations, such as the EU, NATO, OSCE and UN, a view upheld by several interviewees (*Interviews* 9, 12, 15). In BiH, EUFOR displays significant institutional overlap, especially as the EUHR is double-hatted as UN High Representative and the operation began under the Berlin Plus partnership with NATO. Interviewees made some favourable comment on cooperation with NATO (*Interviews* SRV 4, 5), but respondents also argued that there should be more coordination and information sharing between international organisations (IO's) in BiH (*Interviews* SRV 2, 3).

Mérand *et al* used network analysis to show how CSDP governance is:

> more heterarchical and two level than intergovernmentalists acknowledge (and yet) state actors keep the upper hand (and) Political and Security Committee Ambassadors occupy a strategic position at the core of the network (Mérand, *et al*, 2011:140).

This finding is borne out by the Sarajevo respondents who concurred that the PSC is decisive in overseeing EUFOR and in accepting or not requests that come from CMPD (*Interviews* SRV 2, 5, 6). On the surface this confirms the pre-eminence of national interests in CSDP policy-making. However, as Biscop has argued PSC members have over time developed a coordination reflex in effect Europeanizing the context of national decision-making choices in CSDP and thereby developing a veneer of "thin" European strategic culture which complements national strategic culture (Biscop, 2011: 127-147). There's the rub, what matters is the degree to which the PSC members wish to

practically implement EU and/or national concerns to varying degrees. The concern in Sarajevo is that the PSC and the EU more broadly makes insufficient commitment to securing measurable results in Bosnia (*Interviews* SRV 1, 3, 7).

The direct interlocutor for the EUSR and EUFOR is the Balkan Desk Officer in the Crisis Management Planning Directorate (CMPD), but decisions on CMPD recommendations are taken by the PSC and the member states (*Interview* SRV 6). The Balkan Desk Officer is Policy Advisor to the CMPD. EUFOR also has direct communication to the Balkan Desk in the CPCC, as well as with the Political Military Group under the PSC, and finally also with the EUMC and EUMS in the Council Secretariat, both of which inform PSC. The PSC considers policy options presented by the CMPD. All these committees/units have few staff and are according to EUFOR respondents under-resourced. One respondent elaborated on the relative power of member states, considering that if Qualified Majority Voting applied it would make little difference to CSDP since a proposed operation would need support from at least one and probably two of the largest member states because no mission could be effective without France, Britain or Germany. This is compounded even further in that Germany does not participate in military crisis management operations in that Berlin does not deploy troops into combat operations (*Interview* SRV 6).

There is some agreement among informants (*Interviews* SRV 4, 5) that the working relationship between the EU instruments in BiH (EUSR/EUPM/EUFOR) can be described as 'horizontal', partly on account of high levels of actor autonomy (Klein, 2009). There is also agreement (*Interview* SRV 6) that EUFOR is part of a multilevel or heterarchical governance system (Mérand, *et al*, 2011). Informants assessed positively their interlocutors in the CMPD and EU Military Committee (EUMC) in the Council Secretariat (*Interviews* SRV 1, 6) and recognised the under resourced nature of the Secretariat's Balkan involvement (*Interview* SRV 3). While the resources attached to EUFOR have greatly diminished from an initial 7,000 personnel to around 1,400, the remit has not altered (*Interview* SRV 5).

Perhaps respondents' major institutional comment is that the PSC is the primary decision-making body. It mainly responds to the wishes of member states, and Bosnia Herzegovina is a low priority. A request from CMPD would usually be met with a stalling filibuster or a negative answer. An experienced EUFOR official reported the following:

> By 2005 we in EUFOR were getting more contact with EUMC under the PSC, and Chiefs of Defence Staffs from the EUMS, and they still come regularly and they apply what we can call a finger on the pulse approach, they come to see what the atmosphere is like here, they get a perspective from us and they report it back in Brussels along with the reports that we send. It's an assessment of EUFOR by EUFOR in the report, and if we ask for something then the EUMC take the message and they'll reply yes or no, and if it's something we want then it's usually no. The decisions are taken as PSC level, EU Ambassadors. They're on message with their capitals. So the modus operandi of the PSC is to get requests from the military people and report back that the governments say not yet or they don't agree and that's all there is to it (*Interview* SRV 1).

The PSC is the ultimate arbiter of what happens under the auspices of the EU instruments in Bosnia, a position that accords with recent CSDP literature stressing that the member states are principal agents of change in CSDP (Mérand, *et al* 2011). Institutionally CSDP, and also EUFOR and other EU instruments in BiH, are now in transition as post-Lisbon changes become established. Respondents referred to the need to give the European External Action Service (EEAS) time to settle down institutionally before becoming institutionally operative. Specifically, High Representative Catherine Ashton's visit in April 2011 to Banja Luka is seen as significant because she came, in the words of one respondent, with 'a big enough carrot', being progress on Serbia's ambition to join the EU. The new EU Delegation (EUD) in Sarajevo involves re-housing the EUSR in the EUD building where they will also be Head of the Delegation. Given that the same appointment is also UNHR, this is a significant consolidation, albeit one that may diminish the role of the EU missions, EUPM and EUFOR. The EUD may enhance the role of the Commission in BiH, which may be beneficial in terms of increasing EU engagement with the country, but this remains to be seen. In practice it may mean nothing of the sort, but these are very early days for the EEAS and as the criticisms of the EU's role in Bosnia indicate, there is much for the Delegation to address. However, it may manage to raise the Union's profile in the country, though the priority could be to raise the profile of BiH in the EU.

5. Conclusion

Input legitimacy is consistent with the traditional intergovernmentalism of CFSP. CSDP frameworks and institutions offer plenty of opportunity for member states to play a determining role. The irony is that this may be a factor in the failure to engage with strategic ambition, thus compromising the desired outcomes of EU security and defence policy and thereby negatively impacting output legitimacy. What is required is leadership, and political will. Even a proper debate on the issues at stake would be start, and that might also better inform the public of what is at stake, and enhance both legitimacy and accountability.

The overall conclusion from this paper, supported by evidence from experts consulted in Brussels and elsewhere, but also specifically in Sarajevo working with EUFOR Althea, is that there is a high level of state engagement in the CSDP process in Brussels. While this at least partially meets the need for input legitimacy, parliamentary oversight is weak. Much more significant, however, and somewhat ironic, is that states compromise output legitimacy. The positive and strategic outcomes that CSDP ought to bring are not evident. Results are somewhat minimalist and capability remains deficient. States support CSDP missions on a lowest common denominator basis, agreement achieved only where ambition is low or vague. The result is small scale and low risk operations and a CSDP that is reactive rather than proactive.

A major implication of a reactive CSDP is that it does not match the rhetoric that is found in the major statements produced by leading member states and by the EU itself regarding the Union's role in international security. This generates a major credibility gap between what the Union says and what it delivers in terms of actorness, which in turn damages the legitimacy not only of CSDP but of the European Union itself. It would be better to retreat to modest aspirations than repeatedly claim a major role in international security while not delivering the capability and the political will needed to make that aspiration a reality.

The EU and its member states are not providing the strategic response necessary for the Union to be a regional hegemon and still less a major contributor global security. Once more the rhetoric far exceeds the level of achievement.

EUFOR Althea appears to be status quo oriented, lacking both the political will and the resources to really make a difference. Is it fit for purpose? Yes, in terms of meeting the UN mandate, this is achieved. But the purpose of the European Union in BiH and in general through CSDP should be far more strategic, and not simply a holding operation. The EU relationship to EUFOR Althea feels remote and half-hearted. This might yet change as the EAS and the EUD in Sarajevo consolidates, but current signs are not encouraging.

For the wider CSDP, despite the promise entailed in Lisbon through the commitment to the EDA and Permanent Structured Cooperation, progress is disappointing. There is an acute danger that just when CSDP requires a great leap forward, it perishes due to neglect. With the focus of attention elsewhere, CSDP is in a critical phase.

Appendix: Primary source details

Interview 1 Security and defence policy expert, ISIS, Paris 16/06/2010
Interview 2 Expert on EU Common Foreign and Security Policy, Brussels 17/06/2010
Interview 3 European foreign and security policy expert, Leeds 25/06/2010
Interview 4 Security and defence policy expert, Brussels 01/07/2010
Interview 5 Former military officer and ESDP expert, Brussels 08/09/2010
Interview 6 Expert on Civilian Aspects of Crisis Management, Brussels, 09/09/2010
Interview 7 Senior Official in EDA, Brussels 10/09/2010
Interview 8 Official in EU Military Staff in Council Secretariat, Brussels, 22/09/2010
Interview 9 Military official in CMPD, Brussels, 24/09/2010
Interview 10 Security and defence expert in ECFR, London 30/09/2010
Interview 11 EU Foreign policy expert, York, 18/11/2010
Interview 12 Senior Official in MoD, London 10/03/2011
Interview 13 Military representative inside the EEAS, Brussels 23/03/2011
Interview 14 Former Member of the Venusberg Group, Munich 25/03/2011 (by telephone)
Interview 15 Defence and security expert, SWP, Berlin 27i/09/2011
Interview 16 Defence and security expert, German Council for Foreign Relations (DGAP) Berlin 27ii/09/2011
Interview 17 24 SPD Member of Bundestag in Grand Coalition 2002-06, 09/07/2012
Interview 18 25 Defence and security expert, ECFR, Berlin 11/07/2012

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SRV 1 Senior Official, EUFOR, 18/05/2011
SRV 2 Senior Official, OHR/EUSR Office, 17/05/2011
SRV 3 Second Senior Official, OHR/EUSR Office, 17/05/11
SRV 4 Second Senior Official, EUFOR, 18/05/2011
SRV 5 International Civilian Consultant to EUFOR, 16/05/2011
SRV 6 Senior Political Advisor to EUFOR Command and EUSR, BiH, 25/05/2011 (by telephone)
SRV 7 Civilian Consultant to EU Delegation, BiH, 19/05/2011

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