Plugging the capability-expectations gap: Towards effective, comprehensive and conflict-sensitive EU crisis response?

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Abstract

Since the entry into force of the Lisbon Treaty in 2009, the European Union (EU) has spent considerable time and energy on defining and refining its comprehensive approach to external conflicts. The knock-on effects of new and protracted crises, from the war in Ukraine to the multi-faceted armed conflicts in the Sahel and the wider Middle East, have made the improvement of external crisis-response capacities a top priority. But has the EU has managed to plug the capability–expectations gap, and develop an effective, comprehensive and conflict sensitive crisis-response capability? Drawing on institutional theory and an approach developed by March and Olsen, this article analyses whether the EU has the administrative capacities needed in order to be an effective actor in this area and implement a policy in line with the established goals and objectives identified in its comprehensive approach.

1. Introduction

Natural and human-caused disasters have increased in frequency and scale, and a further increase is expected with the aggravation of climate change (Georgiev *et al.* 2011). Serious and complex security threats – from armed attacks, terrorism and cyber-attacks to various types of natural disasters – may overwhelm the capacities of any individual EU member state. Dealing with such threats requires improvements in EU crisis and disaster management practices as regards efficiency and coherence. Crises may occur within and outside the EU's borders; both types may affect the Union, directly or indirectly. This article focuses on EU crisis-response capacity with regard to *external* crises.¹

Since adopting a "comprehensive approach" to crisis management in 2013 (European Commission and HRVP 2013), the EU has spent considerable time and energy on streamlining its approach and improving internal coordination. New and protracted crises, from the conflict in Ukraine to the rise of ISIS and the refugee situation in the South, have made the improvement of external crisis-response capacities a top priority. This also explains why the EU has revised the European Security Strategy from 2003 and its European Neighbourhood Policy (ENP) (Blockmans 2017). The EU's "Global Strategy", presented to the European Council in June 2016, offers a practical and principled route to conflict prevention, crisis response and peacebuilding, fostering human security through an "integrated approach". The comprehensive approach has been expanded beyond the development–security nexus, to encompass the commitment to the synergistic use of all tools available at all stages of the conflict cycle, while paying attention to all levels of EU action, from local, to national, regional and even the global (EU Global Strategy 2016, p. 9; Council of the European Union 2016).

But has all this improved the Union's actual capacity to act – or has it further aggravated the "capability-expectations gap"? (Hill 1993). He saw the capability-expectations gap as having three primary components, namely, the ability to agree, resource allocation and the instruments at the EU's disposal (Hill, 1993: 315). While this gap has narrowed considerably since Christopher Hill coined it in 1993, it has not fully disappeared. While it may be argued that the gap exists less because of a lack of resources and more about a lack of decision-making procedures capable of overcoming dissent (Toje 2008), this is not the full story in particular in the many areas of EU foreign policy that have become EU competence. In order to study how the EU is doing with regards to plugging the capability-expectations gap in the Union's integrated approach to crisis response, a more comprehensive stock-taking exercise is needed. At least two important elements need to be added. First, "the intentions-implementation gap"which relates not only to the capability to make decisions on the basis of the stated objectives, respond with one voice and deploy the necessary resources, but also how these responses are implemented on the ground by different EU institutions and its member states, as well ashow other actors - local and international - enhance or undermine the EU's activities. Second, the gap between the implementation of EU policies and approaches, and how these policies and approaches are received and perceived in target countries: "the implementationreception/perceptions gap". This aspect is crucial as the Union's capacity to act and obtain positive results is likely to depend on support by the local authorities in crisis ridden countries.

One way of examining this is by evaluating the EU's actorness and capacity to act in this specific area in more systematic way than what has been done so far. To do this we apply a

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framework developed by James G. March and Johan P. Olsen for studying the efficiency of democratic governance, where they noted several conditions that must be met in order to achieve effective democratic governance (March and Olsen 1995). This is also an attempt to contribute to a discussion of what is meant by these gaps and why and how they can and should be plugged (Larsen 2017). As we see it, the same basic conditions must be met in the area of crisis response: First, the capacity to formulate clear objectives and make decisions accordingly. Second, the existence of administrative key capacities such as a well-developed legal framework specifying when and how the EU should act; the resources necessary to be able to respond to a given crisis (financial means, staff, suitable instruments and equipment); knowledge and competence about the crises and a capacity for learning, to ensure conflict sensitivity; and a well-developed set of organisational skills that can prepare the ground for effective coordination and a comprehensive/integrated approach.

We investigate whether these capacities are in place in the area of EU crisis response, whether they match the nature of the conflicts in question, and whether the EU is learning from past experiences.

2. EU crisis response and capacity to act

The EU employs no uniform definition of the word "crisis", perhaps due to the various and multi-faceted types of incidents and accidents it has encountered. Crises may be internal and external, man-made and natural disasters (see, e.g., Article 222 of the Treaty of Rome/TFEU), impacting financial matters, posing threats to justice and home affairs (e.g. uncontrolled migration influxes), involving arms and foreign (f)actors (Boin *et al.* 2013, p.7).

The European External Action Service (EEAS) uses the term "crisis response" to refer to "the immediate mobilisation of EU resources to deal with the consequences of *external crises* caused by man-made and natural disasters." ² The European Commission and the High Representative/Vice President (HRVP) have developed a "comprehensive approach to external conflicts and crises" – a holistic and integrated approach which implies a broader analysis, set of instruments and capabilities (EU Global Strategy 2016, p. 9; see also Council of the European Union 2016).

For the purpose of this article, we conceptualise *crisis* as a serious incident or set of incidents bound to have negative consequences for at least some groups in a given country or region (Mac Ginty *et al.* 2016), but also an incident where the EU find it necessary to act. Recognising the blurred boundaries between internal and external dimensions to crises, we also use the term here to focus on EU capacities developed for responding to external crises.

Much of the scholarly literature on the EU as an external crisis responder has been narrowly conceived, focusing on the EU actorness, coherence and effectiveness, often giving priority to the institutional framework and instruments in the area of CSDP over the quality and impact of its various crisis-response activities (see Ginsberg 1999; Manners 2002, pp. 236–238; Toje 2008, pp. 203–205). It is repeatedly argued that the EU is something special, *sui generis*, and that new concepts are required to capture the essence of its agency as an actor. The EU has been referred to as a "normative actor" (Manners 2002) and a "cosmopolitan actor" (Sjursen 2006), but also as a "small power" (Toje 2008) or even a "super power" (Moravcsik 2010; Mc Cormick

² https://eeas.europa.eu/topics/crisis-response/412/crisis-response_en

2007). In their introduction to a special issue on EU external policy, Niemann and Bretherton (2013), call for a shift in focus from notions of actorness to effectiveness. In this article, this is what we aim to do in the area of crisis response.

Despite the recent proliferation of specific case-studies of EU missions (see Derks and Price 2010; Gross 2009; Knutsen and Dönjar 2015; Kartsonaki and Wolff 2015; Menon and Sedelmeier 2011), there have been few systematic analyses of the EU's approach to crisis response, evaluating its effectiveness. Some important exceptions exist – like as Martin and Kaldor (2010), Gross and Juncos (2011), Whitman and Wolff (2013), Boin *et al.* (2013) – but as far as we can see, there is no systematic study of the full *repertoire* of the comprehensive EU crisis-response apparatus with the specific aim of identifying where the remaining gaps are. In this article, we aim to do precisely that by investigating whether the EU has the necessary capacities in crisis response and how they are deployed. Applying the criteria developed by March and Olsen (1995), we examine the EU's capacity to formulate goals and objectives and make decisions accordingly, and whether the EU possesses the administrative capacities necessary for implementing these decisions.

2.1. Key objective – an integrated approach to crisis response

After the end of the Cold War, the concept of security had to be reassessed, given the new threats and risks too complex to be tackled by single actors, instruments and budgets. EU involvement in Bosnia, Iraq and Afghanistan revealed the need for better coordination when engaging in crisis management. In response, the EU introduced the European Security Strategy (ESS), recognising the link between internal and external aspects as well as between security and development (Council of the European Union 2003a). The EU discourse on the pre-Lisbon "comprehensive approach" shows how the EU did more than merely adopt NATO terminology: it also sought to promote coordination and cooperation among key actors (political, civilian and military) in theatre.

In the post-Lisbon period, the EU's comprehensive approach has been put into a much broader framework, encompassing all policy areas relevant to forging effective external action. This was the logical consequence of the amalgamation of foreign-policy objectives in Article 21 of the Treaty of European Union (TEU) and the decision to assign greater responsibilities to the HRVP regarding policy initiation, coordination and conduct (Blockmans and Koutrakos 2018). These developments have spurred academic reflection on the most appropriate instruments for providing added value in EU crisis management (Pirozzi 2013, pp. 5–7; Post 2015, p. 79/80).

The EU's "comprehensive approach" not only implies the coordination of various compartmentalised tools such as diplomacy, defence and development, or between civil and military components and structures: it also aims at developing a coherent way of thinking as well as a "culture of coordination" (Drent 2011, p. 4; Weston and Mérand 2015, pp. 337–338). This forms the basis for the ongoing organisational build-up of the EEAS into an integrated foreign affairs service (Blockmans and Hillion 2013; Bátora 2013; Cooper 2016; EU Global Strategy 2016). As such, the comprehensive approach is about defining a common strategic vision of the EU and the operational premises, permeating all areas of EU external action (European Commission and HRVP 2015), not just along the security–development nexus. The comprehensive approach must be understood as a horizontal organising principle, aimed at ensuring a holistic, coherent and integrated response from the various EU institutions and instruments (European Commission/HRVP 2013, p. 2). Indeed, the EU's latest effort to develop

its approach further, the European Union Global Strategy on Foreign and Security Policy, refers to an *integrated approach* to conflicts (EU Global Strategy 2016, p. 28).

To achieve an integrated approach to conflicts, the roles and formal division of labour among the instruments and their relevant policy-making, decision-making and implementation responsibilities must be clearly defined (Kempin and Scheler 2016b, p. 26). If done properly, then the implementation of the integrated approach could go so far as to enhance the EU's conflict sensitivity by strengthening capacities in the fields of early warning, conflict analysis and prevention; to reframe the EU's stabilisation approach, integrating various political, security and development components to make sure that transition between crisis management and stabilisation is more coherent and inclusive, integrating (rather than coordinating) different levels of EU action; and to more effectively link all levels of EU responses with those of other multilateral actors and regional organisations (UN, OSCE, NATO, African Union), ensuring consistency in international community interventions. We ask: to what extent has the EU has managed to adapt its crisis-response apparatus to enable implementation of this integrated approach?

2.2. The crisis cycle: Institutions and decision-making capacity

Emerging and acute crises require swift responses – to alleviate human suffering, prevent further escalation, promote dialogue, reconciliation and reconstruction, and protect populations. The capacity of the EU to meet the needs and challenges that arise, often unexpectedly, in natural and man-made emergencies depends crucially on its ability to take *ad hoc* decisions and actions in real time. Crises seldom follow a predictable pattern – but when they erupt, immediate attention and coordination are required. Responses to acute situations are thus complementary to medium- to long-term measures; they are an integral element in a comprehensive approach that includes conflict prevention and peace-building, CSDP missions and/or development programmes.³

The EU commonly distinguishes between three phases in a crisis cycle – the pre-crisis phase, the actual crisis phase and the post-crisis phase. While many institutions will be involved in more than one of these three phases, individual EU bodies normally have their main responsibilities in one of the three. The pre-crisis response is largely taken care of by the EEAS and the Commission, in line with their focus on early warning and conflict prevention. In the crisis-response phase, the Council and the intergovernmental decision-making structures with the European Council and the Council of the EU are involved to a greater extent (with diplomacy and CSDP missions), as well as the Commission, via its Humanitarian Aid and Civil Protection department (ECHO). Finally, in the post-crisis phase, the Commission's services (like the Directorate-General for International Cooperation and Development, DG DEVCO) are particularly important, as are the EEAS and the various CSDP stabilisation missions.

A review of the EU's capacities in the *pre-crisis phase* and the competences of the EU level (Blockmans and Rieker 2017) indicates that these are fairly extensive. While both the EEAS and the Commission are involved in this phase, it is primarily the former's newly established "Prevention of conflicts, Rule of law/SSR, Integrated approach, Stabilisation and Mediation" (PRISM) division, serving the Deputy Secretaries General (DSGs) for "CSDP and crisis response" and "Political Affairs", under whose authority an integrated approach is to be

³ European Union External Action, 2016, Crisis Response Cycle: http://www.eeas.europa.eu/crisis-response/what-we-do/response-cycle/index_en.htm

achieved, especially in conflict prevention. EU actions also benefit from the support of programmes implemented by the member states.

Concerning *the actual crisis phase* the EU has been accorded fewer competences by the member states, thereby limiting its decision-making capacity. The EU shifts into the crisis response mode when a situation is jointly identified as a crisis by the member states (whether through regular or emergency meetings of the PSC, Foreign Affairs Council or the European Council) or by the High Representative and the Crisis Response System (see below). A response must then be decided unanimously by the member states.⁴ The Commission and the European Parliament have a very limited role, except in areas like humanitarian aid and civil protection, defined outside the realm of Common Foreign and Security Policy (CFSP). However, through its Foreign Policy Instruments Service, the Commission maintains control of the disbursement of CFSP funds from the EU's general budget.

When decisions are to be made on crisis response, tensions may arise (Boin *et al.* 2013, p.64). First, it must be determined whether the crisis requires a military, civilian and/or humanitarian response (or a combination), as well as what methods and instruments should be deployed, and which institution(s) should be in charge. Second, for the response to be legitimate, consensus must be achieved among all EU member states. The HR plays an important role in negotiating such consensus, but this is often a difficult and time-consuming process, which limits the Union's capacity to be the swift crisis responder it aspires to be. While crisis response "implies the immediate mobilisation of EU resources to deal with the consequences of external crises caused by man-made and natural disasters",⁵ such steps are taken only *after* the member states have reached a decision.

PRISM, which performs an overall operational coordination function in support of the Deputy SGs for "CSDP and crisis response" and "Political Affairs", is responsible for activating the *EEAS Crisis Response System*, which includes the *Crisis Platform, the EU Situation Room and the Crisis Management Board*. The Crisis Platform – which includes services across the EU system and is chaired by the High Representative, the EEAS Secretary General or one of her deputies – can be convened on an ad hoc basis. This is a crucial mechanism that is activated to guarantee EU responsiveness during external crises. The Platform provides the EEAS (CMPD, CPCC, EUMS, EUMC, INTCEN, etc.) and the Commission (ECHO, DEVCO, FPI, etc.) with a clear political and/or strategic guidance for the management of a given crisis. Secretariat support is ensured by PRISM on the basis of conclusions agreed at the Crisis Platform meetings.⁶ Here too, INTCEN and the EUMS provide a first assessment of an emerging crisis and coordinate with other parts of the EEAS (SECPOL + the five regional directorates). Still, the main challenge in this phase is to reach a decision that allows the EU to act. This requires the alertness to trigger the inter-service crisis response system at the EU's disposal.⁷ It also

⁴ Ever since the Maastricht Treaty, EU treaties have set the consensus principle as the default option in Council decision-making on CFSP. Abstentions do not prevent decisions from being adopted, and can be formalised through the procedure of 'constructive abstention', relieving abstainers of the obligation to apply the decision (Article 31(1) TEU). In some matters -qualified majority voting applies (Article 31(2) TEU). Also, majority voting is not applied if a government declares that it has a vital national interest in opposing such a vote. This arrangement is a legacy of the 1966 Luxembourg Compromise, which reversed the trend toward supranationalism in the EEC/EU (Merlingen 2012, p.C4).

⁵ https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response_en

⁶ For more details about how these mechanisms work, see Rieker *et al.* 2016a.

⁷ Astonishingly, the Crisis Platform was not activated when flight MH17 was shot down over Eastern Ukraine in July 2014 and more than 200 EU citizens lost their lives.

demands political urgency, which was drummed up by the HR during the holiday period when she convened the PSC mid-August 2017 to discuss the rising tensions with North Korea.⁸

As effective crisis response has proven difficult, it is the post-crisis response with peace- and state-building as the main instruments that is the phase in which the EU often becomes deeply engaged. The EU's role in the peace and reconciliation processes in Aceh, Belgrade-Pristina, Mindanao and South Sudan are cases in point (Blockmans 2014b). Many of the same instruments identified as pre-crisis response can also be considered as post-crisis measures, as it is sometimes difficult to separate the two phases in the crisis cycle. The reconstruction of state institutions and the economy lies at the heart of the EU's post-conflict engagement, and reform and capacity-building of the judiciary and security sector have been part of its response. At the strategic level, there has been a shift from a focus on the concept of "deep democracy" – political reform, elections, institution building, anti-corruption, independent judiciary and support to civil society as promoted by HR Ashton⁹ – towards a more pragmatic approach to security and stability of state institutions, with less emphasis on the democratic elements of governance, as set out in the EU's Global Strategy promoted by HR Mogherini. Disarmament, demobilisation, and reintegration (DDR), as well as security sector reform (SSR) are key objectives here, and have been included in recent CSDP missions and operations.

Beyond the Council's role in the CSDP, the bodies tasked with post-crisis response are the EU Special Representatives (EUSRs), EU Delegations and the Commission's DG DEVCO. The EUSRs handle the EU's role in negotiating peace agreements/ceasefires and general regional stabilisation. EU Delegations in the field provide political reporting, monitoring and follow-up in negotiations with local stakeholders in third countries. They also provide a logistical base for teams of EU officials on field visits to post-crisis areas. Further, they serve as coordination hubs for the EU's diplomatic presence on the ground, including efforts to streamline the work of member-state missions (Austermann 2014; Spence and Bátora 2015). The EU level (Commission and the EEAS) has extensive powers in the post-crisis phase, and stronger capacity to act. Also in areas where the main competence lies with the member states (e.g. CSDP stabilisation missions) joint action is often less controversial and less urgent.

2.3. Legal framework

In line with the functions and tasks provided for in Title V of the TEU ("General Provisions on the Union's External Action and Specific Provisions on the Common Foreign and Security Policy"), in particular Article 21 TEU (objectives), Article 27(2) TEU (external representation and political dialogue by the HR) and Article 43(1) TEU ("Petersberg tasks", the EU has acted as a crisis manager in many guises:

- conflict preventer or security guarantor during elections (e.g. DR Congo)
- counter-terrorism agent (e.g. Niger)
- combatant against organised crime and illegal migration (e.g. Southern Mediterranean)
- combat force in crisis management against piracy (e.g. Horn of Africa)
- agent for humanitarian relief and rescue (e.g. DR Congo)
- honest broker of peace between the parties to a conflict (e.g. Aceh)

⁸ "Federica Mogherini convenes an extraordinary meeting of the Political and Security Committee on DPRK on 14th August", Press release 170811_6, 11/08/2017, and the subsequent Statement by HR/VP Federica Mogherini on the situation on the Korean Peninsula, Press release 170814_7, 14/08/2017.

⁹ See *Remarks by the EU High Representative Catherine Ashton at the Senior officials' meeting on Egypt and Tunisia*, Council of the EU, A 069/11 , 23 February 2011, Brussels (https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119459.pdf, accessed 30.10.16)

- facilitator for mediation between adversaries (e.g. Serbia-Kosovo, and Iran)
- peacekeeper on the invitation of a host country (e.g. FYROM)
- regional arrangement operating under a mandate by the UN Security Council to assist peacekeeping operations conducted by other international organisations (e.g. Darfur)
- post-conflict stabiliser, a component of an international transitional administration (e.g. Pillar IV in the UN Mission in Kosovo)
- assistant to border management (e.g. Moldova/Ukraine)
- adviser in justice reform (e.g. Georgia)
- trainer of police and prison staff (e.g. Iraq)
- military adviser and assistant (e.g. Guinea-Bissau)
- civilian security sector reformer (e.g. Ukraine).

The only task in which the EU has not yet engaged is what the Treaty erroneously calls "peacemaking"– to be understood not in the UN sense of the word (i.e. peaceful settlement of disputes through diplomatic means) but as peace enforcement through military intervention (as with NATO's Operation Allied Force, the 1999 bombing campaign against the former Yugoslavia over the war in Kosovo) (Blockmans 2014b).

Most of the tasks mentioned above have involved various phases of the conflict cycle. After all, long-term post-conflict peace-building may well be seen as aimed at preventing future conflict. A clear legal separation among the EU's crisis response tasks is difficult to make, as the legal basis may be found in the various provisions grouped together under Title V of the TEU, or indeed Part V of the of the Treaty on the Functioning of the European Union (TFEU, "The Union's External Action").

Identifying EU crisis response in the strict sense may be somewhat easier, but here too the legal geography of the action may pertain to Articles under the TEU or the TFEU, especially if the EU responds to crises with both internal (homeland) and external (expeditionary) measures.

Since the Lisbon Treaty, the constituent treaties of the EU have included a "solidarity clause" and a "mutual defence clause" in connection with crisis response. Article 222 TFEU imposes the explicit obligation upon the EU and its member states to act jointly, "in a spirit of solidarity", if a member state is the object of a terrorist attack or the victim of a natural or man-made disaster. Although the two are closely related, this strand of the principle should not be confused with the "mutual defence clause" enshrined in Article 42(7) TEU.

Although the word "solidarity" appears 16 times in the treaties, its precise meaning remains unclear. Arguably, "solidarity" is in the eye of the beholder: "for some, solidarity is measured by how much support flows to a country in need. For others, solidarity means everyone doing their own 'homework' to avoid the need for assistance in the first place. Still others believe that solidarity against today's risks and threats is best pursued outside of EU frameworks" (Myrdal and Rhinard 2010: 1). It is perhaps because of these conceptual differences that practical implementation of the solidarity clause has lagged behind, despite the terrorist activities since the Lisbon Treaty entered into force (recall the 2012 bombing of a bus with Israeli tourists in Burgas, and the recent wave of attacks in France, Belgium, Germany and elsewhere), as well as ash clouds (like the fall-out from the eruptions of Iceland's Eyjafjallajökull in 2010 and 2012), chemical spills (like the 2010 red sludge spill in Hungary), forest fires (as in Portugal in 2012 and 2017) and pandemics (like the outbreak of swine flu in late 2009) which have exceeded national emergency capacities – and which could all have been captured by the provisions of Article 222 TFEU. In the absence of any judicial interpretation derived from case

law, the implications of the solidarity clause for EU institutions and member states remain a matter of conjecture. Now that solidarity in case of emergency has been established on a solid legal basis in the TFEU, differences about its interpretation should be reconciled so as to promote implementation of the clause.

The reference to military resources in Article 222 TFEU indicates the comprehensive approach to conflicts and crises that informs EU activities, and stresses the need for a combination of a broad range of instruments – all in keeping with the decision that it "will be for Member States (...), acting in a spirit of solidarity and without prejudice to (...) traditional polic[ies] of military neutrality – to determine the nature of aid or assistance to be provided to a Member State which is the object of a terrorist attack or the victim of armed aggression on its territory".¹⁰

However, the mandatory formulation in Article 222(1) TFEU emphasises the shared responsibility of EU institutions and member states, giving the solidarity clause a character that supersedes the intergovernmental obligation of the "mutual defence clause" of Article 42(7) TEU: "the Union" (the institutions and bodies of the EU) must "mobilise all the instruments at its disposal, including the military resources made available by the Member States".

Unlike the "solidarity clause", the "mutual defence clause" is purely intergovernmental in nature: it binds member states without transferring any competence to EU institutions; nor does it require coordination at the EU level in situations when the mutual defence obligation is invoked. Article 42(7) TEU reminds member states of their unequivocal obligation to provide aid and assistance "by all the means in their power" if a member state is the victim of "armed aggression" on its territory. In principle, this formulation allows for many forms of assistance, but in practice the explicit reference to "armed aggression" points to military means. Whereas large-scale aggression against a member state appears unlikely in the foreseeable future, the Treaty constitutionalises both traditional territorial defence and defence against new threats (e.g. cyber-attacks), while stipulating that, for the EU countries that are members of NATO, the latter remains the foundation of their collective defence and the forum for its implementation, and that commitments and cooperation in the area of mutual defence must be consistent with commitments under NATO.

The first invocation of Article 42(7) – by France in the wake of the 13 November 2015 terrorist attacks in Paris – showed that the practical significance of the clause is another matter altogether. France, which is a NATO member, triggered the EU's mutual assistance clause rather than the Alliance's Article 5 because that would have complicated one of the envisaged responses to the Paris attacks: garnering support for France's role in the bombing campaign against Daesh in Syria. Beyond doubt, any NATO involvement would have prompted opposition from Russia, undermining any emerging diplomatic and military cooperation to fight Daesh. Choosing the EU route was more indicative of an appeal for help from a civilian power, not a hard military power (Hillion and Blockmans 2015).

Further, by invoking Article 42(7) TEU, France opted for the most sovereign and least institutionalised form of cooperation, implying that it is up to the member states to decide between the EU's assistance mechanisms. Once approved by the Council of Defence Ministers on 17 November, the French request for assistance could immediately be discussed and agreed on a bilateral basis, keeping EU involvement to a minimum. Thus, the EU merely offers a

¹⁰ Decision of the Heads of State or Government of the 27 member states of the EU, meeting within the European Council on 18–19 June 2009, laid down in the Protocol on the Concerns of the Irish People on the Treaty of Lisbon, OJEU L 60/131.

framework within which the member states support each other. This was emphasised by High Representative Mogherini, who noted that the EU could facilitate and coordinate the aid and assistance given to France, "whenever and however it is useful and necessary". The HRVP was correct in noting that Article 42(7) TEU does not require any formal decision or Council conclusions to be taken and that the EU "need[s] no further formality to move on". Indeed, activating the mutual assistance clause does not in itself imply the launch of a civilian mission or military operation in the sense of Article 43(1) TEU. But this statement should not be interpreted as a circumvention of a possible EU dimension to the operational response to terrorist attacks. Given the treaty landscape within which the clause is to operate (the part on CSDP) a more contextual reading of Article 42(7) TEU could enable more significant EU involvement. It is not unthinkable that a EU member state might decide to launch a CSDP mission or operation in response to a request by another member state. Moreover, a member state's call to the EU and fellow member states to close ranks could be understood as an appeal to forge a more comprehensive and longer-term EU approach to crisis response, in line with the intentions of Article 222 TFEU (Hillion and Blockmans 2015).

2.4. Organisational skills

According to March and Olsen (1995), organisational skills are an administrative capability that should not be neglected when evaluating an actor's capacity to act. While such skills also depend on the presence of the other capabilities discussed above (clear objectives, legal framework, resources, conflict sensitivity and the capacity of learning), it is crucial to apply all these effectively. "Without organizational talents, experience, and understanding, the other capabilities are likely to be lost in problems of coordination and control [...]" (March and Olsen 1995, p. 95).

Many institutions at various levels have roles to play in EU crisis response: the EEAS, the Commission, the Council, independent agencies, and of course the member states. They all contribute to the development and implementation of EU crisis response in different ways. Although there exists a legal framework for cooperation (see 2.3 above), this is so general that uncertainties remain as to the distribution of specific responsibilities.

ECHO, for instance, has a special role to play in the EU's integrated approach to external conflicts and crises, given the need to follow as closely as possible the principle of neutrality and independence that underlies humanitarian cooperation. This implies that its agents act autonomously from other EU and Commission bodies – to avoid misperceptions on the ground in operations – while also maintaining cooperation at the decision-making level. For this reason, DG ECHO's level of engagement in the integrated approach could be defined as "in, but out": part of the EU crisis response, but outside the EU's response toolbox. Responses are to be directed where the needs lie, beyond other strategic, military or economic concerns. Against this backdrop, information sharing is among the principal coordination activities that has been progressing in recent years, thanks also to ECHO's participation in the Commissioners' Group on External Action (see below).

The need for improved coordination in the sphere of external relations and CFSP is nothing new, and various reform measures have sought to remedy these problems. The establishment of the EEAS and the strengthening of the role of the High Representative in the Lisbon Treaty have been the most visible measures for improving coordination between the Council and the Commission. This has solved several problems, but also created new coordination challenges. A well-documented problem is the relationship between the EEAS and the Commission, complicated by the fact that the EEAS sets the strategic objectives whereas the Commission executes the budget and manages the programmes. Procedures and managerial guidelines have now been put in place to facilitate inter-service cooperation, and measures have been initiated to promote intra-service coordination. A case in point is the Commissioners' Group on External Action (CGEA). The members of this group with an external dimension to their portfolio are expected to exercise their functions "in close cooperation with the HR in accordance with the Treaties". Under Barroso, the group had a rather formalistic character and did not contribute to the Commission's strands of EU external action. In 2014, Commission President Juncker reactivated the CGEA, with greater emphasis on coordination and streamlining under the leadership of the HR and Vice-President and four core Commissioners (ECHO, NEAR, DEVCO and Trade). With its monthly schedule, it is now better suited for working on structural issues and long-term trends (Blockmans and Russack 2016, p.9). Also, from an organisational viewpoint, the fact that Mogherini shifted the HR office from the EEAS building to the Commission building has helped to provide better conditions for improving day-to-day cooperation and coordination with the relevant DGs in CGEA.

However, there are also coordination issues within the Council, with political as well as institutional dimensions. The political dimension concerns the traditional coordination problems between member states within a policy area where most formal decisions are taken by consensus, whereas the institutional dimension is about coordination problems between civilian and military personnel. The problems in the political dimension have no short-term solution and will continue to emplace restrictions on the EU's ability to (re)act, but those in the institutional dimension have led to the creation of structures designed to strengthen civilmilitary cooperation. The establishment of a civilian-military unit within the military staff in 2005 should be recognised as an attempt to do precisely that. Also, following the entry into force of the Lisbon Treaty, some of the association and cooperation councils with countries in the EU's neighbourhood have been chaired by the foreign ministers of countries holding the rotating presidency of the Council. This is done in coordination with the HR and helps in generating consensus among member states and EU institutions (e.g. in the framework of CGEA) on specific aspects related to the ENP. While the lack of inter-institutional coordination is often cited as the main challenge to EU crisis response (see Kempin and Scheler 2016; Pirozzi 2015; Rieker 2009, 2013), others view the innovative dimension of the EU's institutional complexity as a strength. For instance, Bátora (2013) sees the "interstitial" nature of the EEAS as a source of innovation in the institutionalised fields of diplomacy, defence and development as the EEAS recombines practices, norms and rules from these fields. Similarly, Weston and Mérand (2015) note that the EEAS' mixture of competences might make it a source of organisational innovation, so that drivers of conflict could be addressed across a broader spectrum, taking into account regional as well as local perspectives.

Despite the flow of new initiatives for improving coordination between EU institutions, the absence of rapid decision-making capacity (and thus a well-developed capacity for crisis response) is due mainly to the strongly intergovernmental nature of much of this policy area, and the fact that unanimity is required to launch a common security and defence initiative. This strictly limits the HRVP and her role as Chair of the Foreign Affairs Council. A recurrent problem is the low political will among member states (Barry 2012, p.5). From the cases of South Sudan, Mali and the Central African Republic, Furness and Olsen (2016, p.116) observe how national interests of prominent EU member states can hamper the capacity for effective crisis response. There may also be ambiguity and uncertainty as to the roles of EEAS HQ and the EU Delegations on the ground (Spence and Bátora 2015) and struggle for influence and symbolic power with the diplomatic services of member states (Adler-Nissen 2014). Perhaps this vertical coordination challenge (and not the horizontal challenge between EU institutions)

remains the main reason why the EU's potential as a security-political actor has not been fully exploited. This is the void that will have to plugged under the authority of PRISM (see 2.2 above).

In addition to the vertical coordination challenge, the EU also struggles to live up to its objective of effective multilateralism as a guiding principle. Basically, this included the EU's declared goal of strengthening its cooperation with the UN and NATO (European Council 2003; 2016) in particular. In 2011, Joachim Koops published a book evaluating EU multilateralism through several case studies, focusing on crisis management. His main conclusion was that the EU had not achieved its objective of strengthening inter-organisational cooperation; further, that the EU had failed to match EU-internal with EU-external inter-institutional integration, and that case studies showed that "the EU has still – at its various levels – been more strongly concerned about focusing on the short-term goal of promoting its own visibility, capability, coherence and presence as a new international security actor" (Koops 2011, p. 439).

Since 2011, the EU has experienced various crises, internal and external. The focus of the Global Security Strategy presented in June 2016 has been on strengthening the EU's capacity to act rather than on inter-institutional cooperation. However, although "effective multilateralism" is no longer referred to as such, the idea remains alive, and stronger EU/UN and EU/NATO cooperation is emphasised as a tool for improving the EU's capacity to act (EU Global Strategy 2016).

2.5. Resources and capabilities

Following the criteria for actorness, spelled out by March & Olsen (1995), it is not sufficient to have the ability to formulate goals and objectives, an institutional framework for decision-making and implementation capacity, as well as a legal framework providing the basis for its responses. In addition, the EU will also need resources – *budgets, staff* and *equipment*.

In a multidimensional actor as the EU, it it is important to include all the relevant capacities at the EU level, but also at the level of the member states. The literature on EU crisis response has been generally focused on the capabilities linked to military and civilian CSDP (Galavan 2015; Tovornik 2015; van der Heijden 2015; and Schilde 2016). This is an area where EU action is needed, but also where action is dependent on member-state commitments (through headline goals, etc.) and their relatively limited resources.

As shown above, the EU level also has its own capacities for crisis response. These are softer capacities, like humanitarian aid and civil protection, far less vulnerable to shifts in the political will and financial capabilities of member states. Moreover, they can, in principle, be deployed at shorter notice. Still, the lack of resources is a constraint also here.

As to the budget, common financial resources for crisis response are rather limited. The EU's external policies are implemented through the use of specific external and security-related thematic instruments and agencies. These "tools" are established within the priorities and limits of the Multiannual Financial Framework (MFF), a budgetary plan that translates EU priorities into financial terms and sets the maximum annual amounts which may be spent in various areas. Instruments relevant for external action are grouped in a single section of the EU budget, "Global Europe". Only 6% of the EU budget has been allocated to this area for 2014–2020.¹¹ While this might seem low, the important point is how the money is spent.

¹¹ http://europa.eu/rapid/press-release_IP-13-1096_en.htm

In the budget plan for Global Europe, three instruments (IPA, ENPI, DCI and humanitarian aid) constitute roughly 80% of the commitment appropriations under this heading, as against only 3–4% for CFSP (EUISS Yearbook 2017, p. 54), because costs of CSDP missions are covered by the contributing states. The portion of the EU general budget allocated to CFSP is meant to cover only administrative expenses related to CSDP civilian missions, EU Special Representatives, preparatory measures for CFSP/CSDP crisis management operations, and the management of grants in the sphere of non-proliferation and disarmament. Military operations, by contrast, are covered mainly by national contributions, chiefly from the countries participating in such operations.

What about staffing? DG DEVCO is the largest directorate in the Commission, with almost 10% of the overall Commission staff.¹² In addition come the EEAS staff, recruited from the Commission, the Council Secretariat, and national diplomats. Apart from its staff at headquarters, DG DEVCO has a field presence through EUSRs and 140 EU delegations. The current EEAS staff totals approximately 4,200, of which fewer than 1000 are career diplomats; and two-thirds of the senior management positions in Brussels are occupied by member-state diplomats (EEAS 2015).¹³ Still, compared to some of the larger member states and seen in relation to the Union's ambitions in crisis response, there seem to be many institutions and agencies responsible for implementing EU crisis response, but rather limited staffing.

We find a similar situation regarding "equipment". This is the case for the necessary equipment for CSDP missions, both civilian (Juncos 2018) and military capabilities (Duke 2018), which is dependent on member-state contributions – but also for other types of crisis response where the EU has competence but where budget constraints emplace limitations on the capacity to act.

Thus, it can be said that even though the EU has a certain capacity for crisis response, it does not have sufficient resources – even if we include the resources at the member state level – to meet its own objectives and expectations.

2.6. Learning capacity

A final capacity that, according to March & Olsen (1995), is required to be claim actorness is knowledge and competence as well as a certain capacity for learning from experiences. Evaluations of the EU's crisis-response capacity have indicated that the EU needs to reduce the distance between Brussels and the field, to ensure proper information flows and learn from experience (Bossong 2013; European Parliament 2012). Increasingly, the EU has been recognising the importance of knowledge-management and lessons-learned processes in external crisis response, and these mechanisms have now become integral elements in its structures and policy. The Union's comprehensive approach to external conflicts and crisis stipulates that EU missions should aim to "take stock of lessons learned, including within the EU institutions, with Member States and external actors, and feed them back into the comprehensive approach cycle starting from early warning and including prevention efforts, training and exercises" (European Commission and HR/VP 2013). The EU has developed its own policy cycle, with feedback mechanisms. In recent years, serious efforts have been made to improve lessons-learnt procedures, including studies of the efficiency of these initiatives (Arnaud et al. 2017).

¹² Statistical Bulletin 26/02/2016

¹³ For an organizational chart of EEAS, see: <u>https://eeas.europa.eu/sites/eeas/files/organisation_chart_june_2017.pdf</u>

Having procedures for institutional learning is relevant, but it is more important that these are used and feed back into the planning of new missions and operations. A recent study has surveyed practices of lessons learnt and best practices in various parts of EU crisis-response activities, asking whether conflict sensitivity has been a special concern (Rieker et al. 2016b). It found the mechanisms and procedures for learning particularly well developed, both within the EEAS in relation to the CSDP, and within the Commission's DG ECHO as regards humanitarian aid. There exist certain evaluation procedures also for the FPI, although these appear less institutionalised and streamlined. Closer examination of the mechanisms developed for CSDP and ECHO, however, revealed the lack of a clear method for undertaking evaluations. Three key observations can be noted from that study (Rieker et al. 2016b):

First, although there are well-developed procedures for lessons learnt and internal and external evaluations of EU activities in both CSDP and ECHO, there is little to indicate whether the lessons are actually fed back into the planning phase of new missions or activities.

Second, we must distinguish between immediate assessment of missions and operations of EU crisis response on the one hand; and, on the other hand, assessment of the lessons-learnt processes, mechanisms and methods meant to improve how lessons learnt are practised. Both are important: lessons will not be followed up unless procedures for doing so are in place, and there is the risk of paying more attention to procedures than to the actual impact.

Finally, the main focus seems to be on *horizontal learning*, or learning from crisis response in different regions. While important, such a focus may overshadow relevant aspects of vertical learning and important aspects such as local experiences with EU engagement and thus what is often referred to as *conflict sensitivity*. Creating concepts and best practices that can readily be transferred from one crisis or conflict to another may make it difficult to recognise the particularities of each conflict.

This means that, although there is a certain level of understanding as well as procedures for lessons learnt and best practices, uncertainty remains as to whether and to what extent this new knowledge is actually put to use. A case in point is how the EU has been able to incorporate the objective of conflict sensitivity, given the core assumption that the EU needs a conflict-sensitive approach in order to break the crisis cycle and foster sustainable peace (Chandler 2010; Osland 2014, pp.20–22; Mac Ginty 2011; Richmond 2009; Richmond and Mitchell, 2012).

As the "central organising principle of the EU's external action" (European Commission/HRVP 2013a, p. 2) the EU comprehensive approach to conflicts and crises emphasises the reciprocal relationship between security and development. It stresses an inclusive understanding of crisis management for addressing all phases and dimensions of a conflict, noting the interlinkage of different policy areas: "a coordinated and shared analysis of each country and/or regional specific context, the conflict dynamics and the root causes of crisis situation". Further, this entails earlier and more coordinated planning for "a smooth transition" from one form of EU engagement to another (especially the transition from short- or medium-term activity to longer-term development cooperation). Here the importance of "local ownership and the need for sustainable results" is stressed (Council of the European Union, 2014, pp. 2–3).

The EU's role in pre- and post-crisis response has been instrumental. At the high diplomatic table, the EU-facilitated dialogue continues to prepare the ground for normalisation of relations and the future accession of Serbia and Kosovo. There have been hiccups in the process, and the

EU's slow decision-making processes have constrained swift application of negative conditionality, thus diminishing leverage over spoilers. At a more grassroots level, EULEX Kosovo, the largest EU civilian CSDP mission to date, has been seen as an important watchdog for preventing further human rights abuses. However, Kosovo-Albanians and Kosovo-Serbs alike have complained of conflict- or context insensitivity on the part of the EU: "while the local institutions are reporting to EULEX, communication only goes in one direction. (...) The EU is more interested in stabilisation than in building democracy within the country" (Bátora *et al.* 2018, p. 28).

Whether or not one attributes conflict-triggering characteristics to the Eastern Partnership policy, the fact remains that war in Ukraine was a scenario not anticipated when the EU initiated negotiations aimed at concluding an Association Agreement (including deep and comprehensive free trade arrangements) with the country. Russia's Putin forced Ukrainian President Viktor Yanukovych to follow the example of his Armenian counterpart by rescinding talks with the EU in November 2013, and used the ensuing pro-European revolt as an excuse to annex Crimea and invade Donbas. This episode exposed shortcomings in the EU's awareness of the strategic nature of the Eastern Partnership. Amplifying the EU's conflict insensitivity of the post-2011 turmoil in the Middle East and North Africa, the Ukraine crisis triggered a review of the ENP which led the EU to abandon, at least on paper, its success formula of regional integration as a model for stabilisation, cooperation and growth. A more bilateral and security-interest driven approach has dominated implementation of the 2015 ENP Review, akin to the expression of traditional foreign policy (Blockmans 2017).

Together with the refugee and migration crisis, the instability in Libya is illustrative of the EU tendency to tackle immediate security threats instead of focusing on longer-term solutions like capacity building and security sector reform. The EU runs the naval force operation "Sophia" in the southcentral Mediterranean (EUNAVFOR MED) and a EU Border Assistance Mission (EUBAM) in Libya. In different ways, both seek to handle the migration challenge. The EU vessels patrolling along the Libyan coast have been criticised by rights groups for serving as a "taxi service" for refugees, fuelling smuggling networks and the war economy, and preventing the internationally recognised government from establishing its authority. Moreover, Libyan coast guard officers trained by the EU have been found responsible for human right abuses and complicity in running refugee slave camps in the country. Beyond these operations, the EU has launched a Trust Fund for Africa and Libya, and ECHO is engaged in Libya with humanitarian aid. In response to criticism that the Trust Fund was defined in an overly top–down manner, projects have since undergone "conflict sensitivity assessment". The multi-faceted response to the protracted crisis in Libya reveals a fragmented picture in terms of the EU's conflict sensitivity and ability to learn and implement lessons (Loschi *et al.* 2018).

Beyond the geographical neighbourhood, the EU approach shows "normative" or "realist" tendencies. The concern with fragile states in the Sahel became evident through the EU strategy for Security and Development in the Sahel (EEAS 2011), where the comprehensive approach to development and security was largely pioneered. The conflict that erupted in Mali in 2012 pushed the issue higher on the agenda, and the migration crisis in 2014/15 propelled the Sahel to top prominence in the European Council. Various actors are involved in Mali: the UN with MINUSMA; France with its operations Serval and now Berkhane; the EU with police, antiterrorist and military training missions (EUCaP Sahel Mali and EUTM) as well as border management through the EU Trust Fund. Despite these international "interventions", security in Mali is deteriorating and the conflict has spread to the centre of the country. As many Malians have problems understanding what the EU missions entail, their anger and frustration with the

French approach affects the EU. France is criticised for defining the crisis as being caused by foreign terrorist insurgencies – and that has become a convenient excuse for not dealing with the root causes of conflict and the drivers of violence. It has been argued that, even if EUTM and EUCAP Mali were well-intended responses from Brussels-based policy-makers concerned with terrorism, trafficking and refugees, they have produced mixed results, due to massive staff turnover, generically defined operation plans unsuited to the local context, and the superficial, technocratic and short-term "solutions" offered (Bøås *et al.* 2018). Focusing on Somalia, Ehrhart and Petretto (2014, p.192) argue that "to be fully legitimized, the process of state-building has to be based to a far greater extent on democratic procedures and local identities." They point out that the EU has been underlining the importance of ownership without actually pursuing such an approach. In their view, external engagement has ignored the intrinsic features of Somali society and failed to leave space for local concepts, ideas and efforts (ibid., p.189).

This criticism resonates with the findings from recent surveys and research in Iraq (Saroush 2018) and Afghanistan (Mohammed 2018). While people generally have a good impression of the EU, many respondents were unaware of its engagement and had difficulties distinguishing between its actions and those of individual member states. The EU is best known for its humanitarian assistance, less for its efforts in development aid and rule of law. Local stakeholders who have been cooperating with the EU claim that its activities lack impact and sustainability, held to be due to the combination of limited resources and lack of understanding of the situation on the ground.

3. Concluding remarks

This article has surveyed the current state of EU crisis response and whether the EU has managed to plug the capability–expectations gap. It has investigated the EU's comprehensive/integrated approach to external conflicts and assessed the Union's capacities in this field. In structuring the analysis, we have drawn on the work of March and Olsen (1995) to identify what is needed for *actor capacity in the realm of crisis response*. This we have operationalised as being able to identify clear objectives, with an institutional framework and a decision-making capacity to follow up these objectives, as well as a set of administrative capacities like a legal framework, organisational skills (including the ability to learn from past experience), resources (budget, staff and equipment), and conflict sensitivity.

Our analysis indicates that the EU has managed to identify fairly clear goals and objectives; that it has an institutional framework and a legal framework that is complex but functional. However, the capacity to act remains hampered by limited resources and a less-developed capacity to make use of existing knowledge to ensure a conflict-sensitive approach. Given the low political willingness to provide the EU with increased capacities, especially for the actual crisis-phase, better coordination between the EU and its member states is needed to compensate for this weakness.

This is important for plugging the capability–expectations gap – but it is not sufficient. While the EU stresses the importance of "local ownership" and "conflict sensitivity", empirical evidence from recent research shows that it has not managed to achieve this objective. Being an effective actor in the area of crisis response requires deeper understanding of the various conflicts and their dynamics – aspects that seem to have been neglected by the EU and its member states. Although the EU has managed (at least partly) to close "the intentions– implementation gap" in crisis response, the "implementation–reception/perceptions gap" remains to be plugged. This will require better implementation of a conflict-sensitive approach based on greater local ownership and in-depth understanding of the nature of the crises to which the EU seeks to respond.

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