Understanding the EU's crisis response toolbox and decision-making processes

Deliverable 4.1

(Version: 30.09.2016)

Prepared by

Norwegian Institute of International Affairs

Project acronym:	EUNPACK
Project full title:	Good intentions, mixed results – A conflict-sensitive unpacking of the EU comprehensive approach to conflict and crisis mechanisms
Grant agreement no.:	693337
Type of action:	Research and Innovation Action
Project start date:	01 April 2016
Project duration:	36 months
Call topic:	H2020-INT-05-2015
Project web-site:	www.eunpack.eu
Document:	Understanding the EU's crisis response toolbox and decision-making processes
Deliverable number:	D 4.1
Deliverable title:	Working paper mapping the EU crisis response toolbox, its institutions and decision-making processes
Due date of deliverable:	30.09.2016
Actual submission date:	30.09.2016
Editors:	Pernille Rieker
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Participating beneficiaries:	NUPI, CEPS, FUB, Comenius
Work Package no.:	4
Work Package title:	EU crisis response mechanisms
Work Package leader:	Pernille Rieker
Work Package participants:	NUPI, CEPS, FUB, Comenius
Estimated person-months for deliverable:	5
Dissemination level:	Public
Nature:	Report
Version:	1
Draft/Final:	Final
No of pages (including cover):	38
Keywords:	EU, crisis response, institutions, instruments

1. Introduction

Since its early days, the EU has been developing external relations capabilities aimed at providing various forms of developmental and technical aid to countries in need of such support (Bruter 1999; Dimier and McGeever 2006; Bátora and Hynek 2014). However, only after the 1992 Maastricht Treaty has the EU gained an explicitly political and diplomatic role, and become increasingly involved in the field of peacebuilding/statebuilding (Blockmans, Wouters and Ruys 2010; Richmond, Bjørkdahl and Kappler 2011). Following the adoption of the EU Security Strategy in 2003, the EU has 'gone operational': as of 2016 it had undertaken a total of 35 Common Security and Defence Policy (CSDP) operations of various kinds in different regional settings.[1] This has also opened up for new analyses of security-policy implementation (for an overview see Asseburg and Kempin 2011). Since most CSDP operations undertaken so far have been either civilian or civil–military operations, and since the Commission has been promoting other civilian instruments (humanitarian aid, civil society support, rule of law support etc.) in parallel, the literature has increasingly focused on the EU's more holistic 'comprehensive approach' to crisis response (Rieker 2013; Drent 2011) and the interlinkages with human security (EU Global Strategy 2016: 9; Human Security Study Group 2016; Martin and Taylor 2010).

As EU crisis response is a policy area under constant revision and improvement, it is crucial to take into account the many recent and ongoing initiatives and processes aimed at revising and adapting EU policies to shifting security contexts. Since the adoption of the Lisbon Treaty in 2009, the establishment of the External Action Service in 2011 and the adoption of a comprehensive approach to crisis management in 2013, the EU has spent considerable time and energy on streamlining its approach and improving internal coordination. Ongoing conflicts and crises, from the conflict in Ukraine, to the rise of ISIS and the refugee situation in the Global South, have made the improvement of external crisis response capacities a top priority. This also explains why the EU started revising both the European Security Strategy from 2003 and its European Neighbourhood Policy (Blockmans 2015). The new 'Global Strategy', presented to the European Council in June 2016, offers a practical and principled way to conflict prevention, crisis response and peacebuilding, fostering human security through an integrated approach. Here the meaning of the comprehensive approach has been expanded beyond the development–security nexus proposed in the December 2013 Joint Communication (European Commission and HRVP 2013), to now encompass the commitment to synergistically use all tools available in all stages of the conflict cycle while paying attention to all the different levels of EU action (from local, to national, regional and even the global) (EU Global Strategy 2016: 9; Council of the European Union 2016).

The report provides an overview of current EU crisis-response capacity. It describes the institutional framework and the decision-making processes, placing main emphasis on the capacity at the EU level. Towards the end it also discusses how and to what extent the EU has developed institutional capacities for coordinating its activities with other international organizations (NATO, UN, AU, etc.) as well as with individual member-state activities in this area. Finally, it discusses how the EU deals with conflict sensitivity in its key documents. This report is intended as a key reference document for EUNPACK and its Work Packages when they start their critical investigation on how and to what extent the EU is conflict-sensitive in implementing its crisis-response capacity in various areas.

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[1] For an overview of these missions see http://www.eeas.europa.eu/csdp/missions-and-operations/

The report begins with a brief presentation of how the EU conceptualizes 'crisis' in its key documents. The main portion of this report (section 3) offers an overview of the EU's crisis response and its capacity to act. The aim here is a systematic overview of existing capacities, presented in terms understandable also for non-EU scholars.

As the EU faces a range of crisis situations in its immediate and extended neighbourhood its ability to define and respond to crisis is today more relevant than ever. Each of these crises represents different kinds of threats and challenges, and there is no uniform EU approach to crisis response and crisis management. Just as the Lisbon Treaty incorporated the Western European Union's *raison d'être* expressed in a 'mutual assistance clause' (Article 42(7) TEU), EU responsiveness to natural and man-made crises has now been included on a legal basis (Article 222 TFEU), producing a comprehensive rearrangement of the EU's crisis-response architecture for better coordination and effectiveness.

The quest for a nuanced view of the strengths and weaknesses of the policy formulation, legal underpinning and implementation of EU crisis response and crisis management starts with the definition of the concept 'crisis'. Once this has been clarified, questions can be entertained insofar as they relate to how decisions are made and policies are formulated in the EU crisis-management cycle. The coordination challenges besetting the policy-making process in Brussels and the costs and benefits of the EU's comprehensive approach/effectiveness of the instruments are key areas to be reviewed, each in turn.

2. The EU and crisis response: Conceptualizing 'crisis'

In recent decades, 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). Pollution and contamination issues will pose dire long-term threats to public health and the environment, including agriculture and the food supply, within the EU and globally. Serious and complex security threats, from armed attacks and terrorism, to natural disasters and through to cyber-attacks, may easily overwhelm the capacities of any single EU member-state. These threats call for improvements to EU crisis and disaster management practices as regards efficiency and coherence. They require solidarity in immediate response and responsibility in prevention and preparedness, with an emphasis on better EU-level risk assessment and risk management of all potential hazards.

Strikingly, the EU employs no uniform definition of the word 'crisis': the term has remained ambiguous within the EU as well as academia. Understandings range from internal crises (e.g. a financial crisis), perceived threats to justice and home affairs (e.g. uncontrolled migration influxes), or external crises (e.g. international conflict) (Boin, Ekgren and Rhinard 2013:7).

A crisis can be defined as 'a perceived threat to the core values or life-sustaining systems of a society that must be urgently addressed under conditions of deep uncertainty' (Rosenthal, 't Hart and Charles, 1989). There are two problems with such an all-purpose definition, however. Firstly, different policy communities within the EU have different ideas about which threats the EU faces and thus how they should be addressed; secondly, actors/regimes may choose to ignore a crisis, as defined by the people affected, because they do not believe it is indeed a crisis and thus necessitates action. For example, even though many would argue that climate change is a crisis, various governments do not agree, or take action (Boin et al., 2013:6). Boin et al.

further state that for the EU specifically there are three types of crisis: national crisis (Type I), external crisis (Type II), and transboundary crisis (Type III). Type I crises are when 'the available resources are not (or no longer) sufficient to alleviate the suffering of the victimized population', as in a natural disaster, for example. But within the EU itself, this situation is rare, as developed nations generally have the resources to aid their population. Boin indicates that most crisis response work concerns Type II crises.

When EU officials or scholars use the term 'crisis', there is a good chance they are referring to an international conflict, a large-scale disaster, or a failed non-EU state. Examples include the Balkan Wars, the earthquakes in Turkey and Haiti, the civil war in the Congo, and the revolution in Libya (for which an EU 'crisis management' mission was approved but never deployed). Using the term 'crisis' in this way became dominant in the 1990s as the EU sought to develop a Common Foreign and Security Policy and was looking for a niche in the international arena to assert its presence (Boin et al., 2013:8).

Transboundary crises (Type III) are those which have an effect on multiple sectors or actors, when the life-sustaining systems or critical infrastructures of many member states are acutely threatened.

In the context of EU's own understanding of crisis response, crises may be both internal and external crises caused by human-caused and natural disasters (see, e.g., Article 222 TFEU). Still, as Boin et al. argue, when EU officials talk about 'crisis response', they are probably referring to an international conflict, a large-scale disaster or a failed state outside EU territory. As presented by the EEAS, crisis response in EU terms implies '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 recently 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: 9; see also Council of the European Union 2016).

While there is no clear-cut distinction between internal and external crisis, as the recent migration crisis has clearly shown, the main aim of EUNPACK is to study the EU's external crisis response. In this project, a *crisis* is conceptualized as a serious incident or set of incidents bound to have negative consequences for at least some groups in a given country or region.[3] Such crises are inherently political, and intricately connected to conflicts and wars, conceptually and empirically (Brecher 1996:127). Instead of focusing on the EU's capacities of border control, this report examines the EU's capacity for responding to some of the root causes of migration.

3. EU crisis response and capacity to act

Here we present how the EU's capacities for external crisis response function. Instead of simply listing of all the different institutions and bodies involved, we have chosen to draw on March and Olsen's (1995) work on actor capacities. This has been done for identifying the EU's actor capacities in security and defence (Rieker 2009, 2013), but here we expand the approach to the somewhat broader area of crisis response. March and Olsen argue that, in addition to having

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[2] https://eeas.europa.eu/topics/crisis-response/412/crisis-response_en
[3] For more on this see Mac Ginty, Pogodda & Richmond (2016).

the capacity to formulate clear objectives and make decisions accordingly, an actor must also have certain administrative key capacities in place. These include a legal framework for action, the necessary resources (financial means, staff, instruments and 'equipment'), knowledge and capacity for learning as well as organizational skills (March and Olsen 1995: 91). We also add a sub-section (3.7) on inter-institutional cooperation. A final sub-section (3.8) turns to *conflict sensitivity* and how the EU seems to relate this, as that is a key issue in the EUNPACK project.

3.1. Goals and objectives

After the end of the Cold War came a reassessment of the concept of security, as new threats and risks were identified which were too complex to be tackled by single institutions or units, instruments and measures. EU engagements in Bosnia, Iraq and Afghanistan revealed the need for better coordination of crisis management. The EU tackled this by introducing the European Security Strategy (ESS), which recognizes the link between internal and external aspects as well as between security and development (Council of the European Union 2003a). Analysing the EU discourse on a 'comprehensive approach' before the Lisbon Treaty shows how the EU adopted much of NATO's 'comprehensive approach' concept, seeking to promote coordination and cooperation among key actors (political, civilian and military) in theatre. In the post-Lisbon period, this comprehensive approach has been put in a far broader framework by assigning greater responsibilities to the HRVP. This development has been accompanied by reflection on the most appropriate instruments for providing added value in EU crisis management (Pirozzi 2013:5–7; Post 2015:79/80).

The EU's 'comprehensive approach' does not mean only the coordination of different compartmentalized tools such as diplomacy, defence and development, or between civil and military components and structures: it aims at developing a coherent way of thinking as well a 'culture of coordination' (Drent 2011:4; Weston and Mérand 2015:337–338). This forms the basis for the ongoing organizational build-up of the EEAS into an integrated external affairs administration (Blockmans and Hillion 2013; Bátora 2013; Cooper 2016; EU Global Strategy 2016). As such, the comprehensive approach is about defining a common strategic EU vision, as well as the operational premises to permeate all areas of EU external action (European Commission and HRVP 2015).

This comprehensive approach to crises must be understood as a central organizing principle, aimed at ensuring a holistic, coherent and integrated response from the various EU institutions and instruments (European Commission/HRVP 2013: 2). With comprehensive approach – to be followed by 'comprehensive action' –the EU's range of tools and instruments (political, diplomatic, economic, financial, military, consular, judicial and development aid related) are to be effectively used and sequenced when applied to '(...) the whole crisis cycle, including conflict prevention and crisis response, crisis management, stabilization and longer-term recovery, reconciliation, reconstruction as well as development, in order to preserve peace and strengthen international security' (European Commission and HRVP 2013: 9).

Involving many actors in crisis-management efforts requires external and internal coordination of crisis management units, instruments and the coherence of common objectives. It entails a long-term and holistic approach to cross-cutting policy issues of international crisis management, with emphasis on output-oriented goals (Weston and Mérand 2015:337–38). These modifications of the former concept of 'crisis management' are intended to bridge the

institutional and policy gaps of the security–development nexus (Post 2015:80–81), as the nexus between security and all other policy domains in which the EU acts externally.

The HR/VP and the European Commission have introduced the following eight measures to enhance the coherence and effectiveness of EU external policy and action in conflict or crisis situations (European Commission and HRVP 2013: 9):

1.   develop a shared analysis
2.   define a common strategic vision
3.   focus on prevention
4.   mobilize the different strengths and capacities of the EU
5.   commit to the long term
6.   linking policies and internal and external action
7.   make better use of EU Delegations
8.   work in partnership.

The EU's latest effort to develop its approach further, the European Union Global Strategy, refers to an *integrated approach* to conflicts (EU Global Strategy 2016: 28).

In order to achieve such an integrated approach to conflicts, the roles and formal division of labour between the different instruments and their relevant policy-making, decision-making and implementation responsibilities must be clearly defined (Kempin and Scheler 2016b: 26). While this is challenging at the national level, it has been implemented rather successfully in Germany with the introduction of 'networked security' from 2006 and in the UK with the 'Building Stability Overseas Strategy (BSOS)' from 2011. But what of the EU as a whole?

3.2. The crisis cycle: Institutions, decision-making structures

Emerging and acute crises require swift responses – to alleviate human suffering, to prevent further escalation and strive to promote dialogue, reconciliation and reconstruction, and also to protect EU citizens. Unlike in other areas of foreign policy, 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 within the EU structures are required. Response is thus complementary to medium- to long-term measures; it is an integral element in a comprehensive approach that includes conflict prevention and peace-building, CSDP missions and/or development programmes[4].

The EUNPACK project distinguishes between the following three phases in a crisis cycle:

1. *Pre-crisis phase,* when the EU can exert influence on conflict dynamics and preparedness and responses through early warning and conflict-prevention efforts. Although crises do not always'begin' at a defined moment, the origins and motivating factors can often be traced back, and unresolved issues from previous crises or other crises in the region can impact on their escalation.

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

2. *Crisis* phase, when response and management, rapid-reaction mechanisms, possible deployment of a CSDP mission, aid packages, links to other pre-existing policies and how these impact on conflict dynamics are applied. This usually happens when a crisis response is formulated by a member-state or the High Representative/Crisis Platform, followed up by the EEAS Department for Crisis Response and Operational Coordination, and thereafter internal and external coordination (Brosig 2014) and a field/ground-level assessment of conflict dynamics.

3. *Post-crisis* phase, when stabilization and state-building efforts for peace, stability and human security are implemented. This phase usually begins with an extended ceasefire or peace agreement (Stedman, Rothchild and Cousens 2002). The aim is no longer crisis response, but crisis management and prevention (Paris 2004:370–72; Bøås 2009). Here attention must be paid to the inter-organizational competition and cooperation in crisis management.
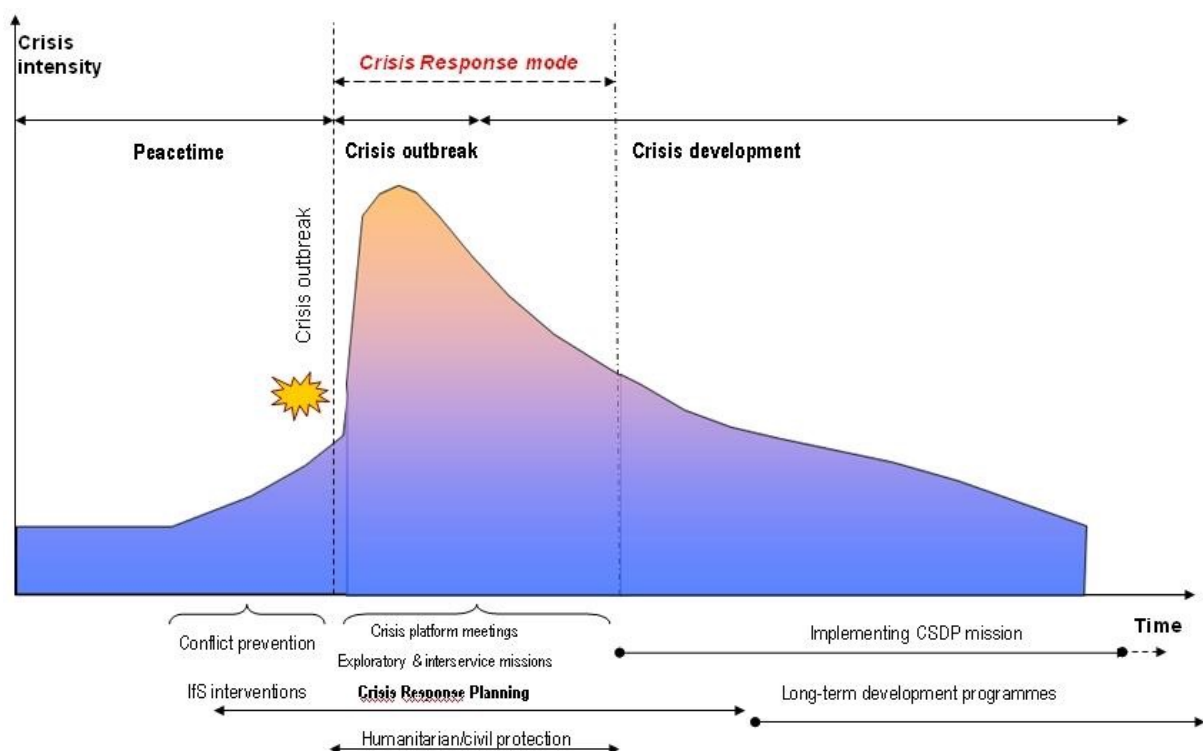

Figure 1
Source: http://www.eeas.europa.eu/crisis-response/what-we-do/response-cycle/index_en.htm

While many EU institutions will be involved in more than one of these three phases, we have tried to distinguish between the different institutions and their main responsibilities here. The pre-crisis response is mainly 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. And third, in the post-crisis phase, the Commission's institutions (such as DEVCO) are particularly important, but also the EEAS and the various CSDP stabilization and training missions. These may be seen both as post-crisis missions and as missions aimed at preventing a new crisis, which means that they also can be defined as conflict-prevention measures.

3.2.1. Pre-crisis response

According to the EEAS, EU external action for the prevention of conflicts, which was introduced in 2001, is based on the following four elements: early identification of risk of violent conflict and starting the process for early action; improved understanding of the conflict situations (root causes, actors and dynamics); enhanced identification of the range of options for EU action; and, finally, conflict-sensitive programming for external assistance.[5]

Conflict prevention was introduced in 2001, but the EU was given a stronger mandate to engage in conflict prevention through the 2011 Council Conclusions on Conflict Prevention, building on the Treaty of Lisbon (Articles 21(1)c, 42(1) and 43(1) TEU). This led to a strengthening of the EU's capacity for monitoring and detecting possible outbreaks of conflict, to be followed by early warning and early action.

EEAS

The European External Action Service (EEAS) was established by the Lisbon Treaty in 2009, in order to make the EU a more visible and effective international actor. The EEAS is the EU's diplomatic service and the main advisory and implementing body of EU external action. Its role is to coordinate the EU's external policies, instruments and resources, with the aim of reinforcing the political and strategic capability of EU foreign policy and crisis management. Thus, the EEAS manages the EU's response to crises, has intelligence capabilities and cooperates with the Commission in areas of shared competence. Today the EEAS plays an essential role in this regard, in particular the Situation Room, IntCen (earlier SitCen) and the Conflict Prevention, Peacebuilding and Mediation Instruments Division. As mentioned, the many CSDP missions described under post-conflict responses may also be defined as conflict-prevention measures. Still, we hold that the main institution in the pre-crisis phase is the EEAS, working in cooperation with the Commission.

The *Conflict prevention, Peace building and Mediation Instruments Division* within the EEAS is essential to the crisis-response cycle and particularly the pre-crisis phase. This Division provides support to the geographic services, EU Delegations and EU Special Representatives. It was strengthened with the Council Conclusions of June 2011 on Conflict Prevention, which recognized conflict prevention as a primary objective of the EU's external action. The Mediation Support Team, which is an integral part of the Division, is mandated with supporting geographical divisions, EU Delegations and EU senior management, as well as deploying mediation experts, contributing training and 'coaching', and the provision of advice, guidance material and research papers.

The EU has increasingly become engaged in conflict mediation,[6] ranging from high-level political meetings, political facilitation and confidence building, to dialogue processes with civil society. Actors frequently involved in mediation include EU Special Representatives, EU Delegations and CSDP missions. Mediation is a tool used by the EU not only in emerging

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[5] http://eeas.europa.eu/cfsp/conflict_prevention/index_en.htm

[6] Based on the Concept on Strengthening EU Mediation and Dialogue Capacities adopted in November 2009: General Secretariat of the Council, 2009, Concept on Strengthening EU Mediation and Dialogue Capacities, 15779/09, Brussels. See also European Peacebuilding Liaison, EU Support to peace mediation: developments and challenges:
http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/EU%20Support%20for%20Peace%20Pro cesses/EPLO_Policy_Paper_EU_Support_to_Peace_Mediation.pdf

crises, but also during and in the aftermath of armed conflicts. In many ways, these efforts are on-going processes that do not require a case-by-case decision by the member-states in order to be implemented. When a crisis has erupted, however, response from the EU requires a common decision by the member-states.

The division has also had the responsibility for developing the *EU Conflict Early Warning System (EWS),* established in 2011. This is a risk-management tool which collects and analyses information and helps staff across the EU to identify and communicate risks of violent conflict and/or deterioration in a country or region. The EWS informs EU policy-makers as regards taking decisions on early preventive action to address those risks.[7] According to the EU, the EWS methodology exemplifies the EU Comprehensive Approach to External Conflict and Crisis, as it involves the EEAS, the European Commission, the member-states and civil society organizations.[8]

The Commission

The main branch of the Commission with respect to pre-crisis response is the Service for Foreign Policy Instruments (FPI). It is responsible for running various EU foreign-policy instruments, including its Common Foreign and Security Policy (CFSP), the Instrument contributing to Stability and Peace (IcSP), the Partnership Instrument (PI), sanctions, the Instrument for Cooperation with Industrialised Countries (ICI), the Kimberly Process and the anti-torture measures. The FPI manages operations, including their financing; it is under the direct authority of HRVP Ashton and is co-located with the EEAS. The IcSP is one of the key external assistance instruments that enable the EU to take the lead in helping to prevent and respond to actual or emerging crises around the world (urgent short-term actions in response to situations of crisis or emerging crisis, often complementing EU humanitarian assistance), but also longer-term capacity-building of organizations engaged in crisis response and peace-building. Although conceived as a civilian instrument of crisis response complementing CSDP missions, the IcSP is mainly seen as a synergetic and comprehensive crisis response that links security and development. A decision to deploy these instruments typically requires vertical cooperation between the Delegations and Headquarters, in the EEAS and FPI, as well as consultation with DEVCO and scrutiny by the PSC and CIVCOM.

In addition, the *DG Neighbourhood and Enlargement Negotiations (NEAR)* has a key role in conflict prevention and thus pre-crisis response. DG NEAR works closely with the EEAS and the line DGs in charge of thematic priorities. By implementing assistance actions in Europe's eastern and southern neighbourhoods, DG NEAR supports reform and democratic consolidation. Concerning enlargement, DG NEAR assists relevant countries in meeting the membership criteria defined by the Treaty of European Union and the European Council; it closely monitors the progress of enlargement countries towards the EU and supports accession negotiations as required by the Council.

Even though the main focus of EUNPACK is external crisis response, mention should also be made of the *DG Migration and Home Affairs (HOME)*, tasked with creating an 'area of

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[7] European Union External Action, 2014, Factsheet – EU Conflict Early Warning System: http://eeas.europa.eu/cfsp/conflict_prevention/docs/201409_factsheet_conflict_earth_warning_en.pdf. See also http://eeas.europa.eu/cfsp/conflict_prevention/index_en.htm

[8] http://eeas.europa.eu/archives/docs/cfsp/conflict_prevention/docs/201409_factsheet_conflict_earth_warning_en.pdf

freedom, security and justice'. This has an external dimension; in relation to the aim of creating internal security, the EU promotes police cooperation (through Europol) in order to combat terrorism, organized crime, trafficking of firearms, human trafficking, child abuse and sexual exploitation. It works through an Internal Security Strategy under the 2003 European Security Strategy, and also deals with border management (through Frontex), civil protection, disaster management and the creation of common EU policy on migration and asylum.

3.2.2 Crisis response

The EU shifts into the crisis response phase when a situation is jointly identified as a crisis by the member-states (through the Foreign Affairs Council or the European Council) or by the High Representative and the Crisis Platform). A response is then decided by the member-states.

Since crisis response, as defined for the purposes of EUNPACK research, is an area where the member-states have retained most decision-making powers, they must reach unanimity before a response can be launched.[9] The Commission and the European Parliament therefore have a very limited role, except in areas such as development aid, humanitarian aid and civil protection, all defined outside the area of Common Foreign and Security Policy. But the Commission, through its Foreign Policy Instruments Service, maintains control of disbursement of CFSP funds from the EU's general budget. In order to understand how the decision to undertake a crisis response is made in the area of CFSP, we need to present the main decision-making bodies of the EU and their competencies.

The decision-making phase

The *European Council*, with its summits, is seen as 'the most politically authoritative institution' of the EU (Bulmer and Wessels 1987:2), particularly in connection with crisis response. It meets regularly (and at least twice every six months) on the level of heads of state or governments to discuss/decide the political priorities of the EU (Merlingen 2012:C4), but may also be convened on short notice in the case of a crisis. Further, the European Council exercises important informal leadership by acting as policy arbitrator an internal policy arbitrator in cases where consensus or compromise cannot be reached on the level of the ministerial meetings (Bulmer and Wessels 1987; Hayes-Renshaw and Wallace 2006).

While the European Council agrees on the general guidelines for the EU in various areas, the *Council of Ministers* is still the principal decision-making body. The President of the Council is expected to be an honest broker and facilitator of Council deliberations and decisions (Merlingen 2012:C4). Of the several different types of councils, it is the *Foreign Affairs Council (FAC)* that is relevant concerning foreign affairs and external crisis response. The FAC is chaired by the High Representative of the Union for Foreign Affairs and Security Policy (HR) and it is usually the FAC (if not the European Council) that decides whether a situation should be defined as a crisis. The FAC meets at least once a month and is the main policy-making body

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[9] Ever since 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 formalized through the procedure of 'constructive abstention', relieving those who abstain of the obligation to apply the decision (Article 31(1) TEU). In some matters, such as the appointment of EUSRs, 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 EU (Merlingen 2012:C4).

of the EU's Common Foreign and Security Policy (CFSP). The defence ministers meet periodically alongside the ministers of foreign affairs and development in Common Security and Defence Policy (CSDP) Councils (Merlingen 2012:C4). The FAC makes policy by adopting positions and defining actions. While common positions define the EU's stance towards third countries, international events, or situations and may – when deemed appropriate – require implementing measures, examples of joint actions could be a decision to launch EU crisis-response actions (military and civil), or to adopt measures for implementing the EU's foreign and security policy, including possible sanctions (Council of the European Union 2014).

In making decisions on crisis response, tensions may arise (Boin et al. 2013:64): First, there is the decision on whether the crisis requires a military, civilian and/or humanitarian response (or a combination of all), as well as what methods and instruments should be deployed, and which institutions should be in charge. Second, in order for the response to be legitimate, consensus must be achieved among the EU's 28 member-states, even though decision-making on crises needs to be *rapid*. The HR plays an important role in negotiating such consensus.

At a lower level, mention should be made of the *Political and Security Committee (PSC),* a key institution in the CFSP and CSDP decision-making structure. Composed of ambassadors (or high-ranking diplomats), it meets twice a week and acts as the principal adviser to the FAC. Further, it oversees common policy adopted by the FAC and exercises political control and strategic direction of CSDP operations under the authority of the FAC and the HR. It is the body *par excellence* with political capability for EU crisis response. A potential point of tension is the relationship between the PSC and the Committee of Permanent Representatives (COREPER), the Council's more senior ambassadorial body. Following an institutional compromise, the PSC has responsibility for substance and policy while COREPER evaluates the institutional, financial, and legal implications of CFSP agreements reached in the PSC. For assistance, COREPER relies on a Working Party of Foreign Relations Councillors (RELEX)[10], which checks all decisions against conformity with EU rules (Merlingen 2012: 64). The RELEX working group is chaired by the rotating presidency of the Council, which provides opportunities for the member-state government of the current chair to shape the agenda.

The PSC is permanently chaired by a high-ranking EEAS official and is assisted by the *EU Military Committee (EUMC)* and the *Committee for Civilian Aspects of Crisis Management (CIVCOM),* which offer advice concerning a military or a civilian response, respectively. The EUMC is composed of the national chiefs of defence and serves under the PSC as the chief adviser on the launch, conduct and termination of military CSDP Missions. Similarly, the CIVCOM, which is made up of professional diplomats and a representative of RELEX and the Commission, briefs and advises the PSC on civilian aspects of CSDP. CIVCOM has been criticized for consisting mostly of generalists who lack experience in stabilization and reconstruction in crisis areas (Merlingen 2012: 65). Both EUMC and CIVCOM cover matters like mission planning, personnel deployments and lessons learned. Figures 2and 3 show the institutional set-up and the complex procedure for CFSP/CSDP planning and decision-making.

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[10] The Working Party of Foreign Relations Counsellors (RELEX) is made up of diplomats and Commission staff covering legal, financial and institutional issues of the Common Foreign and Security Policy (CFSP). Its priorities include sanctions, EU crisis management operations, EU special representatives, financing of external activities, non-proliferation and other cross-cutting issues.
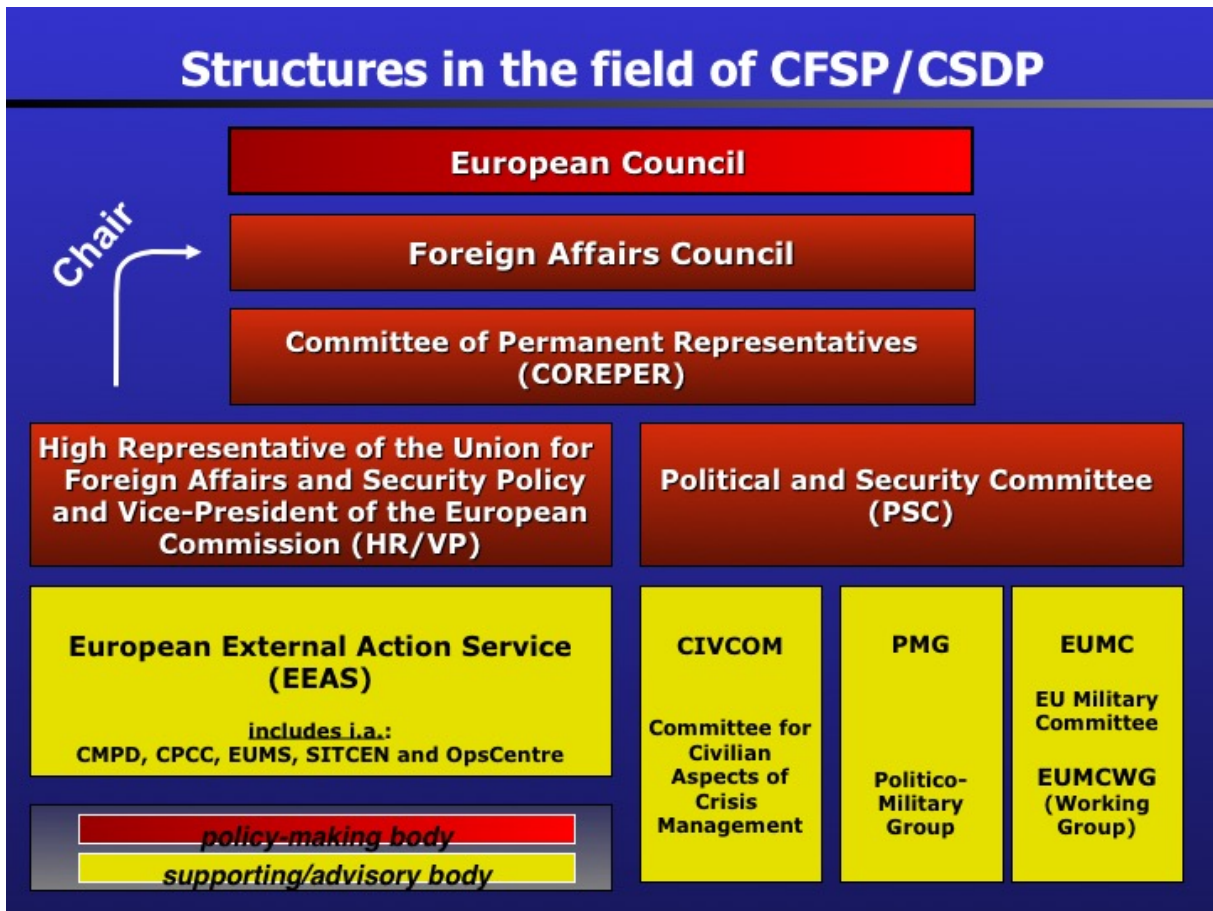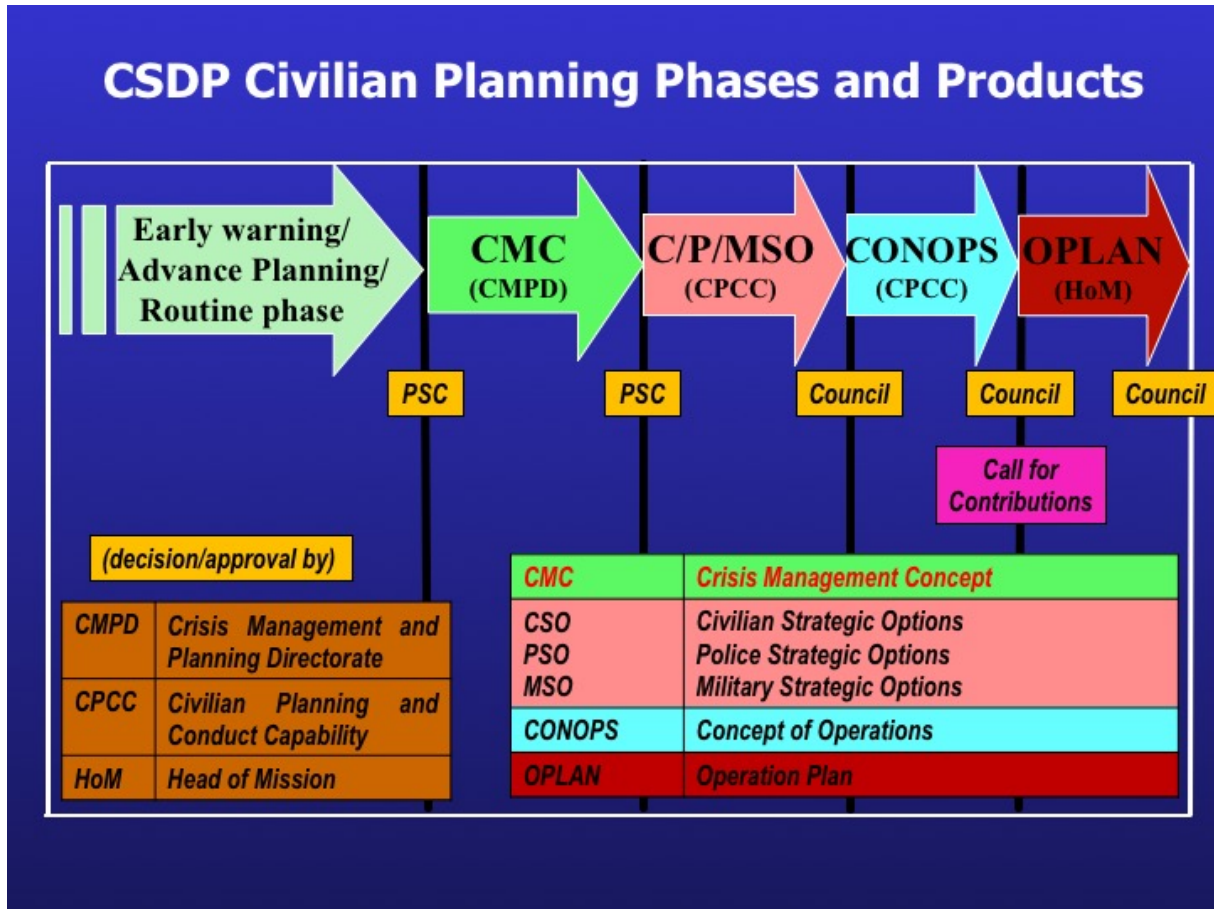
Figure 2

Figure 3

The implementation phase
The EU Council and Commission have their own sets of instruments for responding to various kinds of crises, to be coordinated by the EEAS. These range from diplomatic and political instruments, military involvement or training or the building and reform of civil institutions, to humanitarian aid. In the following we examine this coordination role of the EEAS.

When a decision is made for a crisis response, it is followed up by *the Department for Crisis Response and Operational Coordination* (EEAS). Crisis management is deployed after a crisis is defined as such. In the context of the EEAS, crisis response 'implies the immediate mobilisation of EU resources to deal with the consequences of external crises caused by man-made and natural disasters'.[11] The Crisis Response and Operational Coordination Department provides a first assessment of an emerging crisis and coordinates EEAS organs as well as the managing directors of the five regional directorates (Boin et al. 2013:66). The Department is also responsible for activating the *EEAS Crisis Response System*, which includes the *Crisis Platform, the EU Situation Room and the Crisis Management Board*.

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[11] https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response_en

The Crisis Platform[12] is convened on an *ad hoc* basis to ensure coherent and comprehensive response to an external crisis, and is chaired by the HR, and the Secretary General (SG) or Deputy Secretary General of the EEAS for CSDP and Crisis Response (DSG-CSDP). The Platform provides the EEAS and Commission services with a clear political and/or strategic guidance. Depending on the characteristics of a particular crisis, the Crisis Platform will bring together various EEAS crisis-response/management structures: the Crisis Management and Planning Directorate (CMPD),[13] the Civilian Planning and Conduct Capability (CPCC),[14] the EU Intelligence and Situation Centre (INTCen),[15] EU Military Staff (EUMS),[16] as well as other relevant departments such as the EU Military Committee (EUMC) and the appropriate European Commission services (ECHO, DEVCO, FPI, etc.). The secretariat is backed up by the EEAS Crisis Response Department, which performs an overall operational coordination function in support of the DSG-CSDP, on the basis of conclusions agreed at Crisis Platform meetings.

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[12] European Union External Action, 2016, Crisis Platform, online available: http://eeas.europa.eu/crisis-response/what-we-do/crisis-platform/index_en.htm. At the time of writing (autumn 2016), the information online was outdated, due to recent changes to the structures of the EEAS.

[13] The Crisis Management and Planning Directorate (CMPD) within the EEAS is the sole civil–military strategic planning structure for EU peace-keeping and humanitarian operations and missions, embodying the basic elements of the EU Common Foreign and Security Policy (CSDP). Key functions are strategic planning of CSDP missions and operations, strategic reviews of current CSDP missions and operations, developing CSDP partnerships, coordinating the development of civilian and military capabilities, developing CSDP policy and concepts, and conducting exercises and developing CSDP training

[14] The Civilian Planning and Conduct Capability (CPCC) within the EEAS provides inputs to crisis-management concepts for civilian CSDP missions, including the development of civilian strategic options. The CPCC Director, as Civilian Operation Commander for each mission, exercises strategic-level command and control of the operational planning and conduct of all civilian crisis-management operations. Further, the CPCC plans and leads the participation of civilian experts in technical assessment missions regarding the planning of CSDP missions and preparation of assessment reports. Within the parameters set by the crisis-management concept for a civilian CSDP mission and possible subsequent planning documents, the CPPC carries out the operational planning for civilian operations at strategic level and implements the 'Force Generation Process' of civilian CSDP missions. CPCC staff also work towards identifying human, material (equipment, services, premises) and financial resources required for an envisaged civilian CSDP mission, and propose technical solutions to this end. Further, the CPCC develops the legal framework for the various civilian CSDP missions (including decisions, rules of engagement and status of mission agreements).

[15] The EU Intelligence Analysis Centre (EU INTCEN, formerly SITCEN) is the civilian intelligence function of the European Union, providing in-depth analysis for EU decision-makers. Its analytical products build on intelligence from the EU MS intelligence and security services. INTCEN's mission is to provide intelligence analyses, early warning and situational awareness to the HR. This it does by monitoring and assessing international events, focusing on sensitive geographical areas, terrorism and the proliferation of weapons of mass destruction and other global threats. EU INTCEN is not an operational agency and has no collection capability. The operational level of intelligence is the responsibility of the member states: EU INTCEN deals only with strategic analysis.

[16] The EU Military Staff (EUMS) comprises about 200 military and 15 civilian staff and is the military expertise division within the EEAS. It provides early warning, situation assessment, strategic planning, Communications and Information Systems, concept development, training and education, and partnership support.
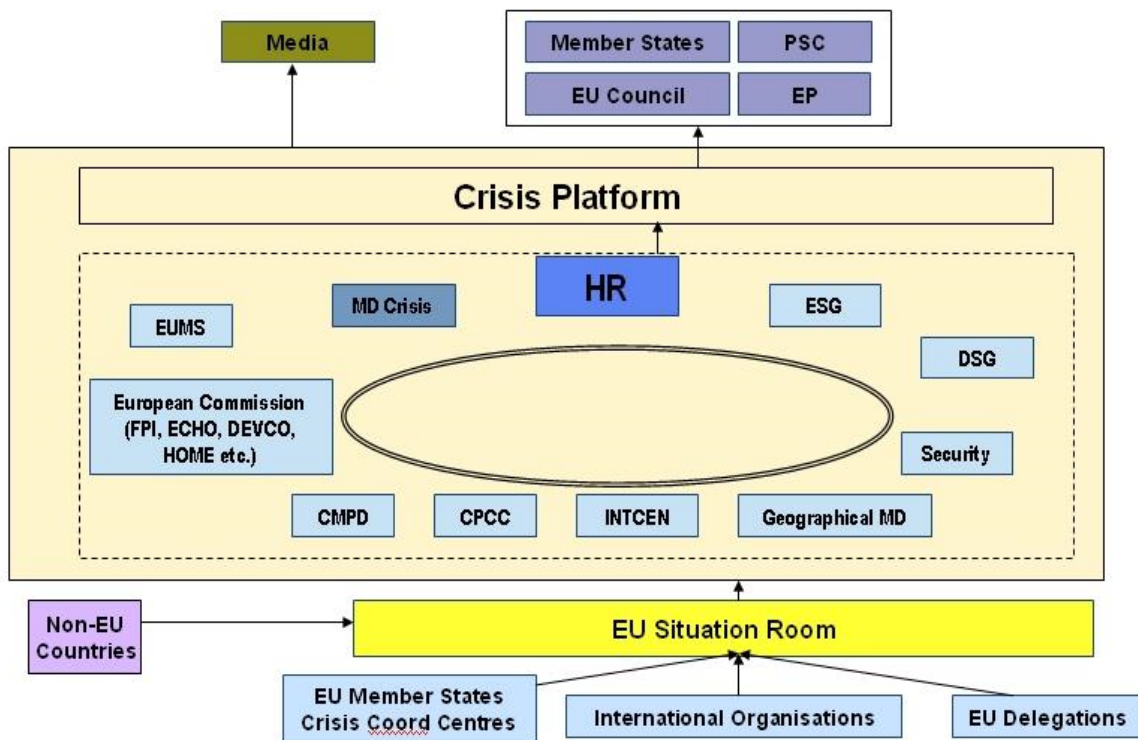
Figure 4
Source: European Union External Action, 2016, Crisis Platform, online available: http://eeas.europa.eu/crisis-response/what-we-do/crisis-platform/index_en.htm

Together with the *Crisis platform*, the *EU Situation Room* and *the Crisis Management Board* (where all EEAS services are represented for information-sharing) are also integral parts of the crisis-response system. While the Situation Room is a permanent stand-by body that provides worldwide monitoring, the Crisis Management Board has been established as the permanent entity for dealing with the horizontal aspects of EEAS crisis response. It operates in close liaison with the Commission and the Council General Secretariat services.[17] (Pirozzi 2013: 12)

Apart from its responsibility for activating the EEAS Crisis Response System, the Department for Crisis Response and Operational Coordination also houses the *Consular Crisis Management Division*, which currently has two roles: to assist the Council Presidency in coordinating consular policies across the EU (e.g. issuance of travel advice, consular guidelines) and to assist the Presidency and/or Lead States in coordinating action in times of crisis.

A Commission service highly relevant for direct crisis response is *the Humanitarian Aid and Civil Protection Department (ECHO)*, which provides needs-based humanitarian assistance to those affected by man-made and natural disasters, contributes to civil protection in the immediate aftermath of crises, and also allocates funds to disaster-risk reduction. The *EU's Civil Protection Mechanism* is coordinated by the Emergency Response Coordination Centre (ERCC) in ECHO. It deals with governmental aid and activities aimed at protecting the

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[17] Relevant EEAS services include the Chairman for the EU Military Committee, the COO, the Deputy Secretaries-General, the Managing Director for Resources, the Chair of the Political and Security Committee, the MD CRandOC, the Geographical and Managing Directorates and the Conflict Prevention and Security Policy Directorate, INT.

population in the immediate aftermath of man-made or natural disasters within or outside the EU. Since its establishment in 2001, the Mechanism has monitored more than 300 disasters, and has increasingly been used to respond to emergencies outside Europe. In 2013 the Council adopted a new Union Civil Protection Mechanism to improve the effectiveness of systems for preventing, preparing for and responding to disasters of all kinds within and outside the EU, as per the Solidarity Clause of Article 222 TFEU (Council of the European Union 2013; Blockmans 2014a).

3.2.3 Post-crisis response

Post-crisis response aims at peace- and state-building in the aftermath of a crisis, and is the phase in which the EU often becomes deeply engaged. The EU has been involved in various negotiations of peace agreements and extended ceasefires (e.g. Aceh, South Sudan, Mindanao) as well as various kinds of reconciliation processes (e.g. Belgrade-Pristina). Mediation instruments are thus tools of the pre-crisis and also the post-crisis response.

Disarmament, demobilization, post-conflict monitoring and/or security sector reform have also been objectives of some CSDP missions. 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. On 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 Ashton[18] – towards a more pragmatic approach focusing on stabilization and support of state-building, with less emphasis on the democratic elements of governance, as set in the EU's Global Strategy launched in June 2016 and promoted by HR Mogherini (EU Global Strategy 2016).

Beyond some of the CSDP missions, the bodies tasked with post-crisis response, are the *EU Special Representatives (EUSRs)* and the *Directorate-General for International Cooperation and Development (DG DEVCO)* and EU Delegations, including relevant units in EEAS HQ. The EUSRs handle the EU's role in negotiations of peace agreements/ceasefires and general stabilization of the region. With some exceptions, they are responsible for various regions of the world, which include the Horn of Africa, Kosovo, Afghanistan, Bosnia-Herzegovina, South Caucasus and the crisis in Georgia, the Sahel, and Central Asia. In addition, there are the EUSR for the Middle East Peace Process, and the EUSR for Human Rights.

DG DEVCO is responsible for formulating EU development policy and managing external aid, which may have consequences for how a crisis unfolds. DG DEVCO is in charge of development cooperation policy within the wider framework of international cooperation, adapting to the evolving needs of partner countries. This encompasses cooperation with developing countries at varying stages of development, including countries that have graduated from bilateral development assistance, to cover their specific needs during the transition period from being low-income and upper-middle-income countries. DG DEVCO works closely with other Commission services responsible for thematic policies, as well as with the European External Action Service and Commission services on external action, to facilitate and help

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[18] 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)

ensure a consistent approach. DG DEVCO is responsible for formulating EU development policy and thematic policies aimed at reducing world poverty; ensuring sustainable economic, social and environmental development; and promoting democracy, the rule of law, good governance and respect for human rights – notably through external aid (European Commission 2016a).

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).

3.3. Legal framework

The need to move beyond the envisaged security structures introduced in the Treaty of Maastricht during the 1991 intergovernmental conference (IGC) became painfully apparent with the violent disintegration of Yugoslavia at the end of that year and then the war in Bosnia and Herzegovina (1992–1995). Lacking own military capabilities under the newly launched Common Foreign and Security Policy (CFSP), the European Union was able to avail itself of the Western European Union (WEU) to elaborate and implement Council decisions and actions which had 'defence' implications.[19] However, the word 'defence' had to be interpreted in the broad sense, because any common defence of the territory of the European Union was excluded and left to NATO for those EU countries that were also NATO members. The term was used to refer to military cooperation in out-of-area actions (Blockmans 2008).

Reviewing the significant changes in the European security situation following the outbreak of the Yugoslav crisis, the WEU Council of Ministers at its 19 June 1992 meeting at Petersberg (near Bonn), redefined its operational role to include the deployment of military units of WEU member-states for 'humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking' in order to implement conflict-revention or crisis-management measures taken within the framework of the OSCE or the UN.[20] While military units of the ten WEU member-states – all of them also EU member-states – conducted operations in the Adriatic and on the Danube, this was not done in support of the European Union. The only official request from the EU in the first half of the 1990s concerning the use of WEU capabilities concerned support for the EU administration of the Bosnian city of Mostar (1994). Unfortunately, this operation was generally deemed a failure, not least by the parties to the conflict (van Eekelen and Blockmans 2008). With the crises in Albania (1997) and Kosovo (1999), the EU was further embarrassed to see how little it could contribute to the 'management' of crises on its doorstep. Throughout the 1990s, it stood by and watched the Balkans burn. Reliance on US diplomacy and NATO's military power to put out the fires relegated the EU to paying the bills for reconstruction, without shifting the focus to conflict prevention and crisis management.

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[19] *Article J.4(2) TEU.* See also the document on the 'Relations between the Union and the WEU', adopted by the Council of the EU on 26 October 1993 and accepted by the WEU Council of Ministers on 22 November 1993, published in Bull. EU 10-1993 and as Document 1412 of the Assembly of the WEU, 8 April 1994.

[20] *The WEU Declaration of 19 June 1992* is reproduced in C. Hill and K. Smith, *European Foreign Policy: Key Documents* (London: Routledge, 2000), at 205–11.

Crisis management (writ large)

Frustration at such inadequacies – and calls for change – led France and the United Kingdom, the EU member-states with the greatest military punch, to prod colleagues at the European Council's December 1999 summit in Helsinki to work on developing the EU's own military and civilian crisis management capabilities (see Section 3.4). In subsequent steps, the European Council agreed to establish the institution of new political and military bodies, structures and procedures to ensure political guidance and strategic direction; principles for consultation and cooperation with non-European allies and the UN, NATO and other international organizations; measures to enhance EU military and civilian capabilities, with timetables for carrying forward work in both domains; and the adoption of an *acquis sécuritaire*, including the 2003 European Security Strategy (ESS) — the EU's first 'comprehensive approach' to security. Thus, very quickly, the EU developed what was needed to create an ability of its own to undertake the full range of the 'Petersberg tasks', as incorporated in the old Article 17(2) TEU.

The most striking manifestation – and *raison d'être* – of the CFSP is the European Union's capacity to back its diplomatic efforts by action on the ground. Building on the Treaty of Amsterdam, Javier Solana, the first High Representative for the CFSP, supported by his staff on the Council, made the most of the cautious wording of his tasks in the old Article 26 TEU. In the Western Balkans, the testing ground *par excellence* for the CFSP, the EU was instrumental in brokering a peace deal between the government and Albanian separatists in the former Yugoslav Republic of Macedonia (FYROM) in 2001, and in hammering out the Belgrade Agreement (2002) to prevent the Federal Republic of Yugoslavia (FRY) from falling apart, which could have a knock-on effect on the precarious balance achieved in Kosovo (Blockmans 2007:189–207).

On 1 January 2003, the EU launched the European Union Police Mission in Bosnia and Herzegovina – its first-ever civilian crisis management operation – within the framework of the 'European Security and Defence Policy' (renamed 'Common SDP' by the Lisbon Treaty). On 31 March 2003, the EU deployed Operation Concordia, its inaugural military mission, to follow up on NATO's efforts to contribute to a stable and secure environment in FYROM. Since 2003, the EU has affirmed its operational capability through the launching of more than 30 CSDP operations,[21] mainly in Africa and in the Western Balkans, but also in the EU's eastern neighbourhood, the Middle East, and Asia.

In line with the functions and tasks provided for in Title V of the Treaty on the European Union ('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 crisis manager across the spectrum:

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

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[21] For an up-to-date list and maps of current and previous deployments, see the website of the EEAS: http://www.eeas.europa.eu/csdp/missions-and-operations/ .

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

The only task in which the EU has not yet engaged is what the treaty erroneously calls 'peace-making', understood not in the UN sense of the word (meaning 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).

Although the functions mentioned above have been listed chronologically, most of them have involved various phases of the crisis-management cycle. For instance, 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 'management' 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'). Immediate crisis response may be somewhat easier to identify, but also here the legal geography of the EU's 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) dimensions.

Crisis response (stricto sensu)
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 three-musketeer principle should not be confused with the 'mutual defence clause' enshrined in Article 42(7) TEU, discussed below.

While the word 'solidarity' appears 16 times in the treaties, its precise meaning has yet to be fully assessed. 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). It is perhaps because of these conceptual differences that practical implementation of the solidarity clause has lagged behind, in spite of 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), ash clouds (like the fall-out from the explosion of Iceland's Eyjafjallajökull volcano in 2010 and 2012), chemical spills (like the 2010 red sludge spill in Hungary), forest fires (as

in Portugal in 2012) and pandemics (like 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.[22] 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. Arguably, 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.

Whereas the solidarity clause has been placed in Title VII of the TFEU's Part Five on EU external actions, it has a definite security and defence dimension. This is clear from the reference to the military resources of the member-states in Article 222(1) TFEU, as well as the procedural provisions for the clause in paragraph 3.[23] Arguably, the core of the solidarity clause could have been placed in Title V TEU. Indeed, with the increasingly blurry boundaries between internal and external security (Krieger 2007:195, Hillion and Wessel 2009), it seems odd that there is no reference to the solidarity clause (or terrorism for that matter) in the mutual defence clause of Article 42(7) TEU. On the other hand, 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'.[24]

On the other hand, the mandatory formulation in Article 222(1) TFEU emphasizes 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', i.e. the institutions and bodies of the EU, are obliged to 'mobilise all the instruments at its disposal, including the military resources made available by the Member States'.

In the elaboration of the types of situations in which the European Union, its institutions, bodies and agencies, must provide assistance, the primary focus is on counter-terrorism. Paragraph 1a specifies that the EU shall mobilize all instruments and resources at its disposal to prevent terrorist threats in the territories of member-states, to 'protect democratic institutions and the civilian population from terrorist attack', and to 'assist a Member State in its territory, at the request of its political authorities' after a terrorist attack. Paragraph 1b then turns to natural and human-caused disasters (other than terrorist attacks), specifying that the EU is obliged to respond to a request of the political authorities of a member-state by using all the instruments and resources at its disposal to assist the stricken state. To be sure, in all four cases identified

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[22] Also in other domains, not least that of the single currency, intra-EU 'solidarity' has been sorely tested.

[23] See also Opinion of AG Bot delivered on 31 January 2012 in Case C-130/10, *Parliament v Council*, nyr, para. 65: '[I]t is clear from the wording of the solidarity clause contained in Article 222 TFEU, which can be triggered where a Member State is the object of a terrorist attack, that that clause relates to the CFSP, particularly in so far as concerns the CSDP.'

[24] 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.

in paragraph 1, the EU acts under the auspices of the political authorities of the member-state in question.[25]

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.[26] 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.[27] In principle this formulation allows for many forms of assistance, but in practice the explicit reference to 'armed aggression' points specifically to military means.[28] Whereas large-scale aggression against a member-state appears unlikely in the foreseeable future, the Treaty constitutionalizes both traditional territorial defence and defence against new threats, 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 question raised by Article 42(7) TEU is how far the member-states are required to go in order to comply with their duty under this strand of solidarity, and how rigorous the enforcement of this duty can be. The wording suggests that military means constitute merely one option open to a member-state when it considers how best to comply with its duty. It also suggests that compliance with the mutual defence clause must depend on the subjective assessment of a member-state as to how best it may assist another member-state which is the victim of armed aggression on its territory. This assessment will involve a great many considerations, not least of a political and economic nature. Such inherently indeterminate criteria do not lend themselves to a rigorous mechanism of verification or control, and distinguish the EU's mutual defence clause from that laid down in Article 5 of NATO's Washington Treaty.

The above is not meant to suggest that the provision of Article 42(7) TUE is not significant, however. On the one hand, it is a specific illustration of political solidarity, one of the main pillars of the CFSP as laid down in Article 24(3) TEU. On the other hand, interpretation of the mutual defence clause is subject to continuous redefinition: the development of the CSDP and political solidarity in general, and of common structures of military capabilities in particular, will necessarily impact on how close to the military end of the scale member-states would be prepared to go in order to assist another member-state under attack. There is another function

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[25] Consent is not formally required in all four situations described in para. 1, but consent to act on the territory of a member-state in order to prevent a terrorist attack and to protect democracy would be required under international law.

[26] Earlier versions of the Draft Treaty (Article III-214) included implementation arrangements with procedures for member-states to meet at ministerial level when the mutual defence obligation was to be invoked (assisted by the Political and Security Committee and the EU Military Committee). However, as part of the redrafting at the Intergovernmental Conference, these arrangements were eliminated.

[27] It might be held that even cyber-attacks, used as arms with the aim of causing severe damage and disruption to a member-state and identified as coming from an external entity, could qualify as being covered by the mutual defence clause, if member-state's security is significantly threatened by its consequences. On the other hand, there are theoretical possibilities that both Articles 222 TFEU and 42(7) TEU could be triggered together, particularly in cases when the 'threat agent' is unclear (e.g. cyber-attacks on Estonia).

[28] It is worth mentioning that the WEU's Article V, which inspired the EU's mutual defence clause, states that all members shall 'afford the Party so attacked all the military and other aid and assistance in their power.'

of the mutual defence clause which is noteworthy: in contrast to the various CSDP missions conducted in the neighbourhood and farther-flung places, exporting EU values to third parties, it renders the CSDP relevant to EU citizens in a more direct manner. In other words, it bolsters a sense of belonging by reaffirming the solidarity between member-states.

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 famous 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 Da'esh in Syria. There is no doubt that any NATO involvement would have prompted opposition from Russia, undermining any emerging diplomatic and military cooperation to fight Da'esh. Choosing the EU route was more suggestive 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 institutionalized form of cooperation, thus 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, rather than in an EU context. As noted by HR Mogherini in her subsequent press conference held jointly with Defence Minister Le Drian: 'On the detail of the kind of aid and assistance that will be provided by all Member States, this will be subject to bilateral conversations, technical conversations that France will have with Member States. This will also be provided within the decisions that single Member States will take.' (Quoted in Blockmans and Hillion 2015: 2).

EU involvement was thus kept to a minimum, both in the initiation of the mechanism and at the operational level. As a result, the EU merely offers a framework within which the member-states support each other. This was emphasized by 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 High Representative was right 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, i.e. the part on CSDP, a more contextual reading of Article 42(7) TEU could provide for a more significant EU involvement. After all, it is not unthinkable that EU member-states might decide to launch a CSDP mission or operation in response to France's requests.

Invoking Article 42(7) TEU holds more than just symbolic value. It triggers an obligation of *conduct,* rather than outcome. The provision reminds EU member-states of their unequivocal obligation to provide aid and assistance 'by all the means in their power'. This formulation allows for various forms of assistance: diplomatic, financial or in kind. However, as noted above, the explicit reference to 'armed aggression' points specifically to member-state assistance by military means. Support for such an interpretation can be found in the legal geography of Article 42(7), which is set in the CSDP part of the Treaty, and in the prioritization of means enshrined in Article V of the 1954 Modified Treaty of Brussels underpinning the Western European Union, from which the EU's mutual assistance clause in the Lisbon Treaty

derives: all members 'will (…) afford the Party so attacked all the military and other aid and assistance in their power'.

Recognizing France can no longer do everything on its own – maintain a presence in the Sahel, the Central African Republic and in the Levant while ensuring the security of its own territory – Le Drian specifically requested that the assistance from 'partners' should back up France's military engagement in external theatres like Syria and Iraq. It is notable that President Hollande, in addressing the French Parliament, referred to Article 47(2) and called for various European policy initiatives, such as combating arms trafficking, protecting the EU's external borders, and managing refugee issues in the EU and in neighbouring states. This suggests that the French political leadership envisaged assistance in broader policy terms than solely security and defence. Indeed, Hollande's speech could be taken as a more general call to the EU and its member-states to close ranks and engage constructively with these inter-related issues, in line with the intentions of Article 222 TFEU, and as an appeal to forge a more comprehensive and longer-term EU approach to crisis response (Hillion and Blockmans 2015).

3.4. Resources and capabilities

In addition to the ability to formulate goals and objectives, an institutional framework for decision-making and implementation capacity and a legal framework regulating its responses, the EU will also need to have resources in terms of budgets, staff and capabilities, if it is to be able to implement a crisis response.

The focus is usually on the capabilities linked to CSDP (military and civilian capabilities) when the aim is to identify EU crisis-response capacities or resources. In this area, the EU's main capabilities are linked institutions and decision-making frameworks, whereas its capabilities (civilian or military) depend on member-state commitments (through various headline goals, etc.). However, the EU level also has 'its own' capacities for crisis response, and these are less vulnerable to shifts in the political will and financial capabilities of member-states.

While the Commission's instruments are of importance with regard to preventive and stabilization measures, the EEAS plays an important role in these areas when it comes to coordination of different instruments and resources.

Budgets
Focusing on the budget first, 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 different 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 this area for the period 2014–2020.[29] While this might seem low, the important point is how this is spent. That is something we will focus on throughout the EUNPACK project period. From the budget plan for global Europe for the same period, we see that three instruments (IPA, ENPI, DCI and humanitarian

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[29] *http://europa.eu/rapid/press-release_IP-13-1096_en.htm*

aid) constitute roughly 80% of the commitment appropriations under this heading and CFSP constitute only 3–4%, which is explained by the fact that most costs of CSDP missions are covered by the contributing states.

TABLE 2: HEADING 4 UNDER THE 2014-2020 MFF[43]

(values in million €)	2013	2014	2015	2016	2017	2018	2019	2020	
Instrument for Pre-Accession assistance (IPA)	1,864.6	1,573.8	1,605.2	1,637.4	1,670.1	1,703.5	1,737.6	1,771.1	Instrument for Pre-accession assistance (IPA)
European Neighbourhood and Partnership Instrument (ENPI)	2,370.6	2,113.0	2,027.3	2,084.4	2,159.8	2,243.2	2,358.4	2,446.5	European Neighbourhood Instrument (ENI)
Democracy and Human Rights	175.6	179.3	182.9	186.6	190.1	193.8	197.7	202.3	European Instrument for Democracy and Human Rights (EIDHR)
Instrument for Stability (IfS)	330.4	314.5	320.8	327.3	333.9	340.5	347.4	354.4	Instrument for Stability (IfS)
Common Foreign and Security Policy (CFSP)	396.3	314.5	320.8	327.3	333.9	340.5	347.4	354.4	Common Foreign and Security Policy (CFSP)
Industrialised Countries Instrument (ICI)	23.5	-	-	-	-	-	-	-	
Industrialised Countries Instrument (ICI+)	47.9	-	-	-	-	-	-	-	
	-	113.3	119.2	126.3	134.4	143.9	154.7	163.0	Partnership Instrument (PI)
Development Cooperation Instrument (DCI)	2,620.3	2,309.5	2,467.7	2,636.1	2,805.4	2,988.2	3,180.1	3,274.6	Development Cooperation Instrument (DCI)

43. Source: European Commission, 'Financial Programming and Budget: Multiannual Financial Framework 2014-2020', available online at: http://ec.europa.eu/budget/mff/lib/data/MFF2014-2020.xls.

(values in million €)	2013	2014	2015	2016	2017	2018	2019	2020	
Humanitarian aid	865.3	905.3	918.8	932.8	945.4	959.4	978.7	981.4	Humanitarian aid
	5.0	19.5	19.9	20.3	20.7	21.1	21.5	21.4	Civil Protection Mechanism (CPM) and European Emergency Response Centre (ERC)
	-	12.7	14.8	17.9	22.0	26.3	26.8	27.5	European Voluntary Humanitarian Aid Corps EU Aid Volunteers (EUAV)
Emergency aid reserve*	264.1	-	-	-	-	-	-	-	
Instrument for Nuclear Safety Cooperation (INSC)	78.9	30.5	31.2	31.8	32.3	33.0	33.6	32.9	Instrument for Nuclear Safety Cooperation (INSC)
Macro Financial Assistance (MFA)	100.0	76.3	78.0	79.7	80.8	82.1	83.8	84.0	Macro-financial Assistance (MFA)
EC guarantees for lending operations	155.7	58.5	239.8	273.2	199.0	178.1	159.8	84.8	Guarantee fund for External actions
	20.3	20.7	21.1	21.6	22.0	22.4	22.9	23.3	Agencies
Other actions and programmes	139.8	150.6	153.6	207.5	159.6	162.8	166.1	167.0	Other
	376.7	143.1	228.0	233.0	322.4	386.1	451.7	521.3	Margin
Decentralised agencies	20.0	-	-	-	-	-	-	-	
Total Heading 4	**9,855.1**	**8,335.0**	**8,749.0**	**9,143.0**	**9,432.0**	**9,825.0**	**10,268.0**	**10,510.0**	**Total Heading 4**

Figure 4
Source: *EUISS Yearbook 2015*: 22

The portion of the budget allocated to CFSP is very limited, and is meant to cover 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 nonproliferation and disarmament. Thus, there are limited resources for funding military missions. While civilian operations are funded over the EU budget, military operations will be covered mainly by national contributions, chiefly from the countries participating in such operations. To make the EU more dynamic here, the member-states have agreed on a financing mechanism, ATHENA, which allows the Council Secretariat to have a certain amount of funding available to cover the shared costs of an operation – typically, the cost of headquarters, infrastructure and medical help. The participating countries then contribute soldiers, weapons and equipment. But since ATHENA represents only 10 per cent of the total costs of a military operation, the EU must depend on the participation of one or more of its larger member-states.[30] A major challenge to the EU is still that it lacks funds to enable quick military response in an emergency. This leads to a disparity between the ambitions expressed in the EU's official security strategy and the means actually at its disposal.

Equipment (civilian and military capacities)
Even though the CFSP/CSDP budget is small and CSDP operations are funded largely by the participating states, this instrument has become an important part of EU crisis response. Since March 2002, when the European Union Police Mission in Bosnia and Herzegovina was created by Council Joint Action, 32 civilian and military missions and operations have been launched under the CSDP.

The number of operations is rather impressive, especially given the limited budget. However, most of them have been rather small, and it has remained challenging to ensure that member-states contribute sufficient capabilities – especially on the military side. While the Treaty does not specifically refer to the further development of military capacity, the Council's Declaration on Strengthening Capabilities (2008) specifies the need to develop EU capability to mount several overseas missions simultaneously. The European Defence Agency, founded in 2004 and with 27 member-states, is one element in several decades of increasingly more formal defence cooperation in Europe. In 2012 member-states agreed on the necessity of pooling, sharing and specializing military capacity. The permanent structured cooperation (PESCO) introduced by the Lisbon Summit encouraged member-states to coordinate their military capacity.[31] At the December 2013 European Council, the heads of state and government decided to push this forward, even if the level of ambition remained rather modest.[32] They tasked the EDA with developing projects in such areas as air-to-air refuelling and satellite communications. They returned to the issue at their June 2016 Summit, when they requested the High Representative to present an Action Plan for Defence by December 2016.

Human resources
Beyond the budget constraints, it has also been argued that the EU has problems with a high number of institutions, but limited staff (Rieker 2013). As regards staffing, DG DEVCO is the largest directorate in the Commission, with almost 10% of the overall Commission staff. Table 1 presents an overview of the distribution of staff in the various DGs.

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[30] http://www.consilium.europa.eu/uedocs/cmsUpload/ATHENA_june-2007.pdf
[31] ibid p.68
[32] https://europa.eu/globalstrategy/sites/globalstrategy/files/about/council_conclusions_dec_2013.pdf

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European Commission

Distribution of staff by employment type and directorate-general

	Officials	Temporary staff	Contract staff	Other	Total	%
COLLÈGE	293	178		39	510	1.6%
SG	519	13	74	2	608	1.8%
SJ	373	9	23		405	1.2%
COMM	534	73	370	39	1 016	3.1%
EPSC	14	23	7		44	0.1%
ECFIN	516	64	35	4	619	1.9%
GROW	835	44	138	1	1 018	3.1%
COMP	666	82	66		814	2.5%
EMPL	598	13	144		755	2.3%
AGRI	893	11	99	1	1 004	3.1%
MOVE	420	17	73		510	1.6%
ENER	522	8	51	1	582	1.8%
ENV	435	8	61	1	505	1.5%
CLIMA	136	3	20		159	0.5%
CNECT	750	4	219	7	980	3.0%
RTD	990	5	455	21	1 471	4.5%
JRC	1 764	22	801	284	2 871	8.7%
MARE	242	23	58	2	325	1.0%
FISMA	278	6	26		310	0.9%
REGIO	552	12	133		697	2.1%
TAXUD	430	3	16		449	1.4%
EAC	393	5	66	1	465	1.4%
SANTE	608	35	103	3	749	2.3%
HOME	331	31	32		394	1.2%
JUST	367	22	60		449	1.4%
FPI	71	4	83	8	166	0.5%
TRADE	537	11	48	102	698	2.1%
NEAR	401	2	480	645	1 528	4.6%
DEVCO	1 018	5	868	1 224	3 115	9.5%
ECHO	226	4	77	394	701	2.1%
ESTAT	570	27	92		689	2.1%
HR	536	64	152	21	773	2.3%
DIGIT	423	24	38		485	1.5%
BUDG	386	18	52		456	1.4%
IAS	124	13	8		145	0.4%
OLAF	287	64	35	1	387	1.2%
SCIC	687	49	57		793	2.4%
DGT	2 197	62	117		2 376	7.2%
OP	589	13	17		619	1.9%
OIB	330	4	781	6	1 121	3.4%
PMO	145		410		555	1.7%
OIL	122	3	199	84	408	1.2%
EPSO	106	3	25		134	0.4%
CdP-OSP	30	2	10		42	0.1%
Total	22 244	1 086	6 679	2 891	32 900	100.0%

* Other includes Local Staff, Special Advisers and Agents under national law

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Table 1
Source: Statistical Bulletin 26/02/2016

In addition, comes the EEAS staff, recruited from the Commission, the Council Secretariat, and national diplomats. The EEAS has five regional departments as well as one global department. It also has field presence through EU Special Representatives (EUSRs) and through EU

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[33] European Commission, 2016, Statistical Bulletin on 01/02/2016 – Distribution of staff by employment type and Directorate-General: http://ec.europa.eu/civil_service/docs/europa_sp2_bs_dist_staff_en.pdf

Delegations ('EU Embassies') in 140 countries. The current EEAS staff totals approximately 4,200, of which fewer than 1000 are career diplomats; and 2/3 of the senior management positions in Brussels are occupied by member-state diplomats (EEAS 2015).[34]

Figures on seconded personnel in civilian CSDP operations show that the size of operations has been relatively small. The exception is the mission in Kosovo, in Georgia and to some extent the mission in Ukraine (see Table 2).

It is widely held that the EU lacks resources for crisis response, and is heavily dependent on member-state contributions (CFSP/CSDP). Budgets and staffing are relatively small at the EU level; capabilities in the member states are also subject to constraints, especially in a period of global economic crisis with subsequent reductions in national defence spending. Expectations that the Lisbon Treaty would provide new impetus to CSDP have not been fulfilled. Pooling, sharing, specialization and rationalization for security and defence have been put forward as the way to overcome these constraints, but this has proven difficult to achieve. Thus far, the EU's crisis-response resources have been important mainly in the area of external action.

3.5 Competence and learning capacity

Evaluations of EU crisis-response capacity have indicated that the EU should pay more attention to lessening the distance between Brussels and the field, to ensure proper information flows and learn from experience (Bossong 2013; European Parliament 2012). The EU increasingly recognizes the importance of knowledge-management and lessons-learned processes in external crisis response, and these mechanisms have now become integral elements in EU crisis-response policy. *The EU's comprehensive approach to external conflicts and crisis* (European Commission and HR/VP 2013) states 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' (Ibid). Hence, the EU has developed its own policy cycle that includes feedback mechanisms. In recent years, serious efforts have been made to improve lessons-learnt procedures, including studies on the efficiency of these initiatives. While having procedures for institutional learning is relevant, it is more important that these are used and fed back into the planning of new missions and operations. The EUNPACK report 'Best practices in EU crisis response and policy implementation' has covered existing procedures. This paper has surveyed existing practices of lessons learnt and best practices in various parts of the EU's crisis-response activities, and examined the extent to which conflict sensitivity has been a special concern (Rieker et al. 2016).

The paper on best practices emphasizes that the mechanisms and procedures for learning are particularly well developed within the EEAS, in relation with the CSDP, and within the Commission in its relations with ECHO. There exist certain evaluation procedures also for the FPI, these seem to be less institutionalized and streamlined as of yet. A closer look at the mechanisms developed for CSDP and ECHO, however, reveal the lack of a clear method for undertaking evaluations. Three key observations can be noted (Rieker et al. 2016).

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[34] For an organizational chart of EEAS, see: http://eeas.europa.eu/sites/eeas/files/september_2016_-_organisation_chart_of_the_eeas_en.pdf

First, even though there are well developed procedures for lessons learnt and internal and external evaluations of the EU activities in both institutions, there is little evidence of the extent to which these lessons in general, and those relating to local ownership and conflict sensitivity in particular, are actually fed back into the planning phase of new missions or activities. The policy cycle model presented under *conceptual clarifications* could serve as a useful framework for the different cases.

Second, one must distinguish between immediate assessment of missions and operations of EU crisis response on the one hand; and, on the other, assessment of the lessons-learnt processes, mechanism and methods on a meta-level, meant to improve the way lessons learnt are practiced. Both are important, as lessons will not be followed up unless procedures for doing so are in place, 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 this is important, such a focus may overshadow relevant aspects of 'conflict sensitivity'. Creating concepts and best practices that can readily be transferred from one crisis or conflict to another may make it difficult to recognize the particularities of each conflict.

This means that while there is a certain level of knowledge 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.

3.6. Organizational skills

The final administrative capabilities that should not be neglected when evaluating an actor's capacity to act are, according to March and Olsen (1995), *organizational skills*. While such skills also depend on the presence of the other capabilities discussed in here (clear objectives, legal framework, resources and competence 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: 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 themselves. They all contribute to the development and implementation of EU crisis response in different ways. Although there exist regulations (see 3.3 above) for how they are to operate together, these are often so general that uncertainties remain as to the distribution of responsibilities.

The need for improved coordination in the sphere of external relations and CFSP is nothing new, and various reform measures have been implemented to remedy these problems. The establishment of the EEAS and the strengthening of the High Representative in the Lisbon Treaty are the most visible measures for improving coordination between the Council and the Commission. This has solved several problems, but also created other and new coordination challenges between the EEAS and the Commission. The relationship between them is complicated by the fact that the Commission executes the budget and manages the programmes, which means that the EEAS is tied to the Commission in all matters where the latter holds operational responsibility. Also here some measures have been initiated, like the core Commissioners' Group on External Action (CGEA), formed in 2009 and including DEVCO,

ECHO and NEAR. They are expected to exercise their functions 'in close cooperation with the HR in accordance with the Treaties'. Initially the group had a rather formalistic character, and could not add value to the inter-service consultation process or the ambitious task of joining up the Commission's strands of EU external action with those managed by the Council and the EEAS. In 2014 Commission President Juncker reactivated the group with renewed 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 2016:9). Also, from an organizational viewpoint, the fact that the HR Mogherini moved 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 problems within the Council. These are of a different character, 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 unanimity, 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 put certain restrictions on the EU's ability to act, but those in the institutional dimension have led to the creation of structures designed to strengthen civil–military cooperation. The establishment of a civilian–military unit within the military staff in 2005 should be recognized as an attempt to do precisely that. Also, following implementation of the Lisbon Treaty, some of the newly introduced Association and Cooperation Councils with countries in the EU's neighbourhood are chaired by the foreign ministers of countries holding the rotating presidency of the Council. This is done in coordination with the HR and supports the Presidency and the HR in generating consensus among the member-states and among EU institutions (e.g. in the framework of CGEA) on specific aspects related to the Neighbourhood Policy. While the lack of inter-institutional coordination is often emphasized as the main challenge to EU crisis response (see Kempin and Scheler 2016; Pirozzi 2015; Rieker 2009, 2013), others have emphasized the innovative dimension of 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 institutionalized 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 organizational 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 lack of speedy 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 that unanimity is required to launch a common security and defence initiative. This results in strict limitations on the HR/VP and her role as Chair of the Foreign Affairs Council. A recurrent problem is the low political will of member-states (Barry 2012:5). From the cases of South Sudan, Mali and the Central African Republic, Furness and Olsen (2016:116) observe that national interests of prominent EU member-states can hamper the capacity for effective crisis response. There are also, in some cases, ambiguity and uncertainty as to the roles to be played by the EEAS and the EU Delegations (Spence and Bátora 2015) and a source of struggle for influence and symbolic power with the diplomatic services of member-states (Adler-Nissen 2014). Perhaps this vertical coordination challenge (rather than the horizontal challenge

between EU institutions) remains the main reason why the EU's potential as a security-political actor has yet not been fully exploited.

3.7. External inter-institutional cooperation in the field

The EU's first European Security Strategy emphasized effective multilateralism as a key guiding principle. Basically, this included the EU's declared goal of strengthening its cooperation with the UN and NATO (European Council 2003) in particular. A joint declaration of the EU and the UN was also presented the same year (Council of the European Union 2003b). In 2011, Joachim Koops published a book evaluating the EU's effective multilateralism through different case studies, focusing on crisis management. His main conclusion was that the EU has not achieved its objective of strengthening inter-organizational cooperation; further, that the EU had not managed 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: 439).

Since 2011, the EU has experienced various crises, internal and external. The focus of the Global Security Strategy presented in June 2016 seems to be on strengthening the EU's capacity to act rather than on inter-institutional cooperation. Still, while 'effective multilateralism' is no longer referred to as such, the main idea is still alive, and stronger inter-institutional cooperation between the EU and UN and the EU and NATO is emphasized as a tool for improving the EU's capacity to act (EU Global Strategy 2016).

EUNPACK will study the inter-institutional aspect in each of the crisis and see to what extent the EU coordinates its activities with other actors engaged in a specific crisis, and whether this cooperation is sensitive to local perceptions in the crisis-affected country or region.

3.8. Conflict sensitivity

A core assumption is that the EU needs a conflict-sensitive approach in order to break the crisis cycle and foster sustainable peace (Chandler 2010; Osland 2014:20–22; Mac Ginty 2011; Richmond 2009; Richmond and Mitchell, 2012). Conflict sensitivity in the context of EU crisis response implies recognizing the complexity and multi-layeredness of conflict, and that different groups in conflict have differing perceptions of the root causes of conflict and legitimate actions and agents.

The Comprehensive Approach to Conflict as the 'central organizing principle of the EU's external action' (European Commission/HRVP 2013a: 2) emphasizes the reciprocal relationship between security and development. It stresses an inclusive understanding of crisis management for addressing all phases and dimensions of a conflict and 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'. It further entails earlier and more coordinated planning for 'a smooth transition' from one form of EU engagement to another (especially regarding the transition from short- or medium-term activity to longer-term development cooperation). Here the Council stresses the importance of 'local ownership and the need for sustainable results' (Council of the European Union, 2014:2–3).

While the intention of maintaining a conflict-sensitive approach has been present, some argue that the EU has not succeeded because of its technocratic understanding of state-building. Ehrhart and Petretto (2014:192) hold that this was the case in Somalia, where this lack of dynamism led to legitimacy problems: '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. Further, in Somalia, the external engagement has ignored the intrinsic features of Somali society and failed to leave room for local concepts, ideas, and efforts (ibid.:189)

The EU has also been criticized for not involving regional actors towards more coherent and effective cooperation in certain crisis-ridden regions. The EU's 'core Sahel' approach, for instance, reveals the limitations of separating dynamics in the 'core' Sahel from those in neighbouring states, viewed as 'outliers'. This makes implementing a coherent regional framework difficult, as it fails to integrate these 'outliers' in the Sahel Strategy (Bello 2012:11). EUNPACK aims at closer study of conflict sensitivity in EU crisis responses in different regions.

6. Concluding remarks

This report has surveyed the current state of EU crisis-response capacity, by presenting the EU's comprehensive approach to crisis and the capacities it possesses. In structuring the analysis, we have drawn on the work of March and Olsen (1995) to identify the administrative capacities of EU crisis response. Administrative capacities are defined as the goals and objectives, the institutional framework, the legal framework, and resources (budget, staff and equipment); and organizational capacity as the level of competence. To this we have added a brief section on inter-institutional cooperation and conflict sensitivity, particularly important in the area of external crisis response.

The aim has been a stock-taking of the state of the art in this field, which can serve as a point of departure for investigating the EU crisis response in different regions. Our overview indicates that the EU has managed to identify rather clear goals and objectives; it also has an institutional framework and a legal framework that is complex but functional. Despite these strengths, EU capacity to act is still hampered by the constant lack of resources and the underdeveloped capacity to make use of existing knowledge about lessons learnt and best practices. There is a need to strengthen external organizational capacity or inter-organizational cooperation in the field.

These limitations can all be addressed if there is political willingness. The main problem remains the intergovernmental character of this policy area, which often prevents the EU from making rapid decisions in a crisis situation. Given the low political willingness to provide the EU with increased competencies in this area, at least at present, a new division of labour between the levels (the EU and the member-states) might be needed to compensate for this weakness.

This report has focused on the institutional and administrative capacities, including the relevant decision-making structures. However, it should be noted that non-institutional aspects – like political will, popular mobilization and political fatigue – will also influence the EU's capacity to make decisions. Most research has studied EU capacity to handle crises from a top–down or European perspective, with less attention to local perceptions of this crisis response. While the EU stresses the importance of 'local ownership' and 'conflict sensitivity', less is known about how and to what extent the EU actually manages to achieve this objective, alone or in cooperation with other actors engaged in the various crises. Forthcoming research within the EUNPACK project will address these issues in greater detail.

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