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Commentary

Security Governance Matters

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WHERE FROM

With the end of the Cold War and the launch of the Common Foreign and Security Policy (CFSP) - and then the Common Security and Defence Policy (CSDP) as an integral part thereof - the European Union (EU) and its member states have played (both individually and collectively) an increasing role in international affairs, in particular through their participation in various types of peace-building operations.

In some contingencies, European countries have provided military troops or equipment under their own governments' auspices, mostly as part of 'coalitions of the willing', and occasionally within the framework of the United Nations (UN), NATO, as well as under the EU flag proper (both with and without NATO cooperation). These operations have entailed the provision of military training and support, humanitarian assistance, and peacekeeping. Moreover, EU countries have increasingly engaged in civilian operations, ranging from executive policing and training of local law enforcers to border monitoring and judicial assistance [see Christova in this issue]. Indeed, CSDP and other EU-led operations started in late 2002, grew in number and type in the following years (when the term 'mission-shopping' was coined to express the Union's eagerness to prove its worth as an autonomous international player), reached a peak around 2007-08, and then gradually declined. All these types of mission are now well reflected in Art. 43 of the Lisbon Treaty (Treaty on European Union, TEU): they are commonly defined as 'crisis management' operations, although they are essentially about peace-building, not 'peace-making' (as the Treaty still calls 'peace-enforcement' according to Chapter VII of the UN Charter). Their theatres, too, have varied significantly, from the Balkans to North Africa, from the Middle East and the Gulf of Aden to Central and even South-East Asia.

Over the past decade, such tasks have been carried out by and through a set of bodies that the EU has built up incrementally, starting from the thin structures allowed by the Amsterdam Treaty (1999) and ending up with the new architecture enshrined in and implemented after the Lisbon Treaty (2009).

The period 1999-2009 coincided with Javier Solana's tenure as High Representative for CFSP, and EU 'crisis management' was then identified with and labelled as European Security and Defence Policy (ESDP). A number of subsidiary bodies were gradually set up for military (EU Military Committee/EU Military Staff) and civilian (Committee for Civilian Aspects of Crisis Management, CIVCOM) activities. To these one could add also the integration - or creation *ex novo* - of dedicated agencies, specialised centres, special representatives, coordinators and working groups under the aegis of the Council Secretariat. Specific procedures, guidelines and doctrines (including the 2003 European Security Strategy) and targets (including the so-called 'Headline Goals') were agreed and put in place. And bilateral cooperation agreements were struck with NATO and the UN. All this has come to represent an *acquis* in its own right.

In parallel and addition to that, *security* policy was conducted also by and through the European Commission, whose competences in 'external action' at large were and have remained quite substantial: that was the case with trade (including its 'negative' side, notably sanctions [see Giumelli in this issue], development and humanitarian aid, enlargement, crisis response and conflict prevention [especially with the Instrument for Stability, see Lavallée in this issue] and also external *relations* proper. Typically, each such policy area had a dedicated Directorate-General (DG) and, since 1999, even an own Commissioner. The degree of 'exclusive competence' of the Commission varied significantly across the board, but the combination of a single bureaucratic structure (encompassing all EC Delegations in third countries and international organisations) and

budgetary endowment and control made it an indispensable player in the EU external game.

These two main policy and administrative 'boxes' were long seen and presented - following the Maastricht Treaty (1993) - as neatly separate 'pillars', one intergovernmental and the other communitarian. In fact, the CFSP 'pillar' soon turned out to be much less purely intergovernmental as normally assumed, while the Community 'pillar' encompassed also much more hybrid arrangements (e.g. in the field of development aid).

More importantly, the relationship between them went through various stages. Initially, the good personal relations between Javier Solana and Chris Patten, the first Commissioner for External Relations (Relex) shaped a type of co-existence and even cooperation that, in turn, triggered the call for creating a personal union between their functions ('Pattana', as it was jokingly branded) to achieve better coherence and synergy. That call translated soon into the provisions that were incorporated in the Constitutional Treaty (July 2003) and then, following subsequent adaptations, in the Lisbon Treaty itself. Yet the uncertainty over the fate of the new provisions on foreign and security policy which characterised the entire second part of Solana's mandate - he was initially expected to become the first double-hatted EU 'Foreign Minister' in late 2006 - contributed to a more tense relationship between 'the two sides of Rue de la Loi' (as they were called in the Brussels jargon), which often tended to look at issues of shared or overlapping legal competence and policy execution as institutional zero-sum games.

Come as it may, when the Lisbon Treaty eventually came into force in November 2009, the two main 'boxes' (or at least large volumes of each) were brought together under the authority of the multi-hatted High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HR/VP). When Baroness Catherine Ashton was appointed to the post, however, very little preparation had been made to implement the new provisions. As a result, a fresh round of inter-institutional negotiations had to be held (involving also quite substantially the European Parliament) in order to put in place, in particular, the brand new European External Action Service (EEAS), which soon turned out to be the centrepiece of the new EU foreign and security policy system of governance.

Interestingly, the end result of those negotiations - concluded in October 2010 - and their subsequent implementation (all Brussels-based EEAS officials were initially scattered across eight different buildings and were eventually gathered under the same roof only in September 2012) was in part different from what was arguably expected and, above all, is still subject to transformations and adjustments. Meanwhile, the operational dimension of CSDP has further evolved: the declining number of EU missions has been somewhat offset by one major success story, namely the naval counter-piracy operation off the coast of Somalia coupled with humanitarian and capacity-building missions offshore and onshore.

As the promised 'review' of the EEAS is now in the pipeline, and the much expected European Council devoted to defence proper approaching, it may be worth trying at least to identify some emerging issues, especially from a security policy perspective.

WHERE NOW

Any evaluation of the state of play of the Lisbon Treaty *sub specie* foreign and security policy has to be made (and taken) with caution. First, as mentioned above, its actual implementation has *just* started: after the many twists and turns of the long ratification process and the ensuing re-negotiations over the EEAS, the new 'system' is still under construction - and under review. Second, expectations need to be adjusted: the HR/VP

is *not* the EU foreign (or defence) 'minister' and the EEAS is *not* Europe's single 'foreign service' in the making. Third, some unintended consequences of both the treaty itself and the way in which EU security governance has taken shape over the past decade are beginning to become apparent, and may need to be addressed sooner rather than later. What follows is just a tentative catalogue of trends and issues that have emerged lately and may deserve political attention – and possibly action.

To begin with, Catherine Ashton's current job description is not manageable by any human being. Maybe Javier Solana was not entirely wrong when, roughly a decade ago, he argued that, while the 'personal union' between the HR and the Relex Commissioner did make sense, the creation of a single structure under the sole responsibility of the double-hatted supremo was less sensible: his main point was that he could operate as a sort of 'roving diplomat' and trouble-shooter in (certain) crises only because he was not, at the same time, in charge of a sizeable bureaucracy and the policy and administrative coordination efforts that requires. Maybe, too, the European Parliament was not sufficiently foresighted when, during the 2010 negotiations over the EEAS, it squarely vetoed the appointment of possible 'deputies' by and for the HR/VP: the main point was not their legitimacy but their utility, scope and accountability. At any rate, the outcome so far is a situation in which the HR can hardly be also a full vice-president of the Commission and is constantly torn between the management of the EEAS' fledgling machinery and the need to travel worldwide, to mediate with and among the member states, to shape innovative policy approaches, and to fight her own institutional corner.

On top of all this, as the 'appointing authority' for all positions in her policy and administrative domain, the HR/VP is bound to make many EU capitals unhappy: grumblings over the 'geographical balance' inside the EEAS or the procedures adopted for one or the other nomination do indeed abound, and are there to stay. They are a fact of life, in many ways, but they have also become a manifestation of member states' concerns about the role and the future of their own diplomatic services, often leading them to see the EEAS as a rival and a threat rather than a vehicle for and a complement to national foreign policies. This feeling has perhaps been stronger among the smaller and newer EU members, who also believe - rightly or wrongly - that with the end of the EU rotating presidency system they have lost out in terms of agenda-setting and access to policy-shaping.

Among the unintended consequences of the Lisbon Treaty, one should also underline the fact that EU foreign ministers are no longer members of the European Council. As a result, foreign and security policy is rarely on its agenda (it has been only once since 2009, in the autumn of 2010, but was then overtaken by other controversies at the summit), and the widespread feeling of marginalisation of national foreign ministries risks further weakening the sense of common ownership of the new system. The creeping 'presidentialisation' of policy-making in the EU, as epitomised by the number of European Council meetings held over the past three years, also means that the two presidents - Barroso and van Rompuy (and their respective staff) - now take central stage also in external relations, be it at G-8/G-20 level or at summits with strategic partners and regional organisations. The marginalisation, in other words, partially affects also the HR/VP and occurs inside EU institutions as much as vis-à-vis foreign players.

Regarding the EEAS proper, it is essential to differentiate between the Brussels 'headquarters', so to speak, and the EU Delegations abroad. Even in the former, at least two distinct realities have taken shape: on the one hand, in fact, both the geographical and the functional/horizontal directorates have seen a difficult process of integration between officials from the Commission's DG Relex, the Council Secretariat and - to a lesser but now growing extent - the diplomatic services of the member states. Such integration is far from complete and has produced mixed results, in part also due to personal and occasional factors: in this domain, indeed, only time can help (and will tell).

On the other hand, the previous CSDP-related structures from the Council Secretariat have been transferred almost integrally - i.e. en bloc and without any significant insertion of officials from other institutions - into the relevant military and civilian crisis management bodies of the EEAS, thus encompassing elements of not just a foreign but also a defence, interior and even justice 'ministry'. The challenge for them seems to be of another nature, namely the functional integration into the overall *modus operandi* of the new system at a time when the volume of operations is decreasing in number and scope.

Lastly, remnants and leftovers of the previous inter-institutional tug-of-war across Rue de la Loi still affect work relations with some Commission departments, especially when it comes to setting modalities and priorities for financial planning and execution: while tensions over development and humanitarian aid still persist (and trade remains uncontaminated Commission territory), an effective *modus vivendi* has instead developed with enlargement policy, as the recent success in brokering the deal between Belgrade and Pristina has proved. But that is also an area where the old 'soft power' of the EU still has considerable traction. It is also worth mentioning that other Commission DGs originally not much involved in external relations – such as those once operating under and along the third 'pillar' – are now developing their own capacity to act internationally and are not much willing to share it.

As for the 140 EU Delegations in third countries and multilateral organisations (accredited in as many as 163 states), the picture looks fairly good. Their gradual integration into the service - which, interestingly, was not foreseen by the Lisbon Treaty (that simply put them under the authority of the HR/VP) and was only inserted later on in the 2010 Decision on the EEAS - has proceeded rather smoothly so far [see Carta in this issue]. Experienced diplomats from the member states have been appointed to head some of them, especially those with more political significance, while the rest of the staff is still mainly from Commission DGs. Yet the arrival of professional diplomats has clearly filled a vacuum and complemented the existing local know-how, thus becoming a qualified success story. The flip side of this is the still relatively unclear role of the Special Representatives (EUSRs), who are *not* part of the EEAS nor belong to the Delegations - they are directly appointed by the Council, partly funded by the member state they come from, and accountable only to the HR - but operate alongside them in a number of countries and regions.

WHERE NEXT

Apart from and beyond these functional problems, a few underlying policy and institutional issues deserve to be mentioned. First, as with the Lisbon Treaty the CFSP becomes ever more global in scope and outreach and integrated in design, the CSDP is still largely limited to military and civilian 'crisis management' as carried out especially through the EUMS and the Crisis Management and Planning Directorate (CMPD). It has no direct relation to territorial defence, despite the qualified obligation to mutual aid and assistance in the event of an armed aggression enshrined in Art. 42.7 of the Treaty. The commitment (Art. 42.2 of TEU) to 'the progressive framing of a common defence policy' is quite vague and has hardly been followed up with action - as has the other 'solidarity clause' in Art. 222 of the Treaty on the Functioning of the European Union (TFEU) - while 'homeland' security (encompassing inter alia cyber-security, intelligence sharing, and civilian protection) is dealt with by other EU institutions and agencies [see Carrapico in this issue].

Nor is the CSDP linked up with - or backed up by - any consistent industrial policy and procurement framework: the only treaty reference to that (namely in Art. 346 TFEU) is of a restrictive nature and, at any rate, the regulatory powers the Union has in this domain still lie with the European Commission. Finally, medium- and long-term

investment programmes that are relevant to security and defence, albeit to varying degrees, are being implemented through different bodies, in the Commission - where they are still spread across separate DGs (Internal Market and Services (Markt), Enterprise and Industry (Entr), Trade, Research and Innovation (Rtd), Mobility and Transport (Move) - or by the European Defence Agency (EDA). And while energy 'security' falls nowhere in the institutional picture, space policy tools are scattered not only inside the EU (Commission, EU Satellite Centre (EUSC, commonly known as SatCen)) but also beyond, including the European Space Agency (ESA).

Finally, parliamentary oversight of security-related matters is minimal at EU level (although the European Parliament keeps trying to widen its turf by using the budget lever) and extremely diversified at national level, among the member states themselves: the rights and powers of the Bundestag, the Assemblée Nationale and the House of Commons – just to name the most important ones – are not even remotely comparable in this domain. As a consequence, it is extremely difficult to identify a fair and effective way to bring together not only Members of the European Parliament (MEPs) and Members of Parliament (MPs), but even MPs from national parliaments alone – some of which have considerable influence over such matters.

As a result, EU security policy is spread thin across distinct and often separate mini-'boxes' – each one with its own internal procedures, bureaucratic structures, funding rules and schemes – with tools that are hard to bring together to generate the desired coherence and synergies. This may not be that different from what happens at national level but it does make EU policy formulation and execution even more complicated.

On top of that, both the CFSP and the CSDP have to face rising external challenges with declining internal resources: financial and material resources, of course, but also *political* ones – as amply demonstrated by the recent intra-European divisions over the sovereign debt crisis and the shortage of mutual trust among EU member states. The internal constraints, in other words, are not simply economic and budgetary: they include a substantial lack of interest and determination to act in this domain (despite occasional exceptions, as in the case of Libya); a tangible loss of cohesion and ambition among the member states; and, last but not least, a reluctance among citizens and voters, despite widespread concerns about their own 'security' (in socio-economic terms), to consider security *policy* – as framed here – a political priority [see Zyla and Kammel in this issue].

Europeans still appear relatively (and comparatively) well equipped to mobilise the tools needed to tackle possible direct security threats. Yet, even without bringing into the picture NATO, the sheer range and variety of EU bodies, procedures, doctrines and budgets that affect security policy is striking. This is, arguably, the result of the incremental accumulation of ever more detailed functional arrangements to deal with specific sub-policies in the absence of an overarching and comprehensive political framework. The Lisbon Treaty has represented just a first effort to streamline such a fragmented picture, but both the HR/VP and the EEAS are still struggling to make their mark and prove their added value. In part, of course, this is also due to the economic and political challenges that have dominated the EU agenda since early 2010: the context has hijacked the text. And yet further improvements in EU security governance are both necessary and possible, even without changing the Treaty, at least right away. For instance, assembling all security and defence-relevant Commission competences and units under a single administrative roof and possibly Commissioner would bring only one person to the Council table and significantly reduce bureaucratic fragmentation: neither this nor launching more targeted, 'hybrid' Council formations to address the issues of policy coordination mentioned above would require a revision of the Treaty.

The so-called 'comprehensive approach' embraced by HR/VP Catherine Ashton and the EEAS is notably trying to bridge some of the gaps identified here by bringing together the so-called '3 Ds' (diplomacy, defence and development) and involving both EU institutions and member states, and to devise joined-up policy approaches to current

and future challenges. But when it comes to mobilising financial resources or producing legislation to back them up, the need for an even more comprehensive approach (and political framework) becomes apparent. The forthcoming European Council of December 2013 should thus represent a point of departure for a general reassessment of Europe's *common* strategic interests and ambitions, and of the *shared* policy instruments required to pursue them.

The EU appears indeed to be the most appropriate and effective framework in which to undertake these efforts, precisely because its member states can bring to bear all the different policy levers (including their collective regulatory power) built up over decades of economic and political integration.

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