



## Future of ESDP: Lessons from Bosnia

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### **Introduction**

Much has been achieved in the field of the European Security and Defence Policy (ESDP) since its inception in 1999. Following rapid institutional development, the EU began launching crisis management operations in 2003, including in Bosnia and Herzegovina. And it is in Bosnia that, for the first time, *all* ESDP crisis management instruments have been developed: in addition to the appointment of an EU Special Representative (EUSR), the European Union Police Mission (EUPM) was launched in 2003, followed by Operation Althea (known as EUFOR), the EU's largest military operation to date. With the expiry of EUPM's three-year mandate at the end of 2005, and EUFOR having completed its first year of operations, now is a good time to draw lessons from what has been a groundbreaking exercise.

### **Lesson 1: We are not the UN!**

"We are not the UN!" was a mantra adopted by the EUPM planning team prior to the Mission's launch, and illustrates the EU's intention to find its own niche in the international policing 'market'. While the UN focused on the importance of establishing basic democratic standards of policing, EUPM planners assessed that in general, Bosnia had already achieved those standards. Nevertheless, it still required international assistance to enhance the capacity and management of its police services. Essentially, EUPM was intended to be an 'upmarket' version of the UN product; seeking to take Bosnia's police services closer to what is expected from a European police service.

In order to deliver on its promise to "*establish sustainable policing arrangements... in accordance with best European and international practice*", EUPM needed police officers with specialised skills and management experience.<sup>1</sup> The reality is that most officers sent to EUPM lacked the skills and competence to "*effectively mentor, monitor and inspect*" Bosnia's police management.<sup>2</sup> Moreover, the EU also failed to learn from the UN's experience by, for instance, requiring officers to take an English language test upon arrival.

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<sup>1</sup> Council of the European Union, *Council Joint Action of 11 March 2002 on the European Union Police Mission*, 2002/210/CFSP, Preamble.

Available from <http://ue.eu.int/uedocs/cmsUpload/Joint%20Action%202002%20210%20CFSP.pdf>

<sup>2</sup> Ibid.

More importantly, the EU has so far failed to define what it means by European standards of policing. While this partly reflects the lack of common standards of policing in Europe, it also indicates a lack of any serious thinking about defining what kind of policing ‘product’ the EU should offer. An attempt was made to resolve the issue by assigning specific EUPM programmes to individual member states.

While this *ad hoc* solution helped establish certain standards for the programmes - albeit national ones, it still begged the question of what the EU as a whole can offer. Not only did it create the impression that EUPM was not much more than an umbrella for bilateral policing cooperation, it also generated some mistrust and competition between the different national contingents involved. Most importantly, one wonders whether turning EUPM programmes over to individual member states – thereby creating a patchwork of different national policing standards - is sufficiently coherent to deliver effective reform.

As the EU launches new police and rule-of-law missions in future, EU Member States need to resolve this question of what kind of policing product they want the EU to offer and whether they are willing to second police officers and civilians with the necessary expertise to deliver what mission statements promise.

## ***Lesson 2: Coherence, Coherence, Coherence***

The EU has deployed all of its Common Foreign and Security Policy (CFSP) assets in Bosnia: EUSR, the EU Monitoring Mission (EUMM), EUPM and EUFOR. This is a significant achievement, but not an end in itself. Coherence among the different EU instruments in Bosnia is in dire need of improvement. With regard to policing and the fight against organised crime, the situation at the end of 2005 was confusing at best: EUPM, deployed in 2003, had a mandate to strengthen Bosnia’s police forces through monitoring, mentoring and inspecting. Particular emphasis was put on local ownership of the reform process and on the local police taking responsibility for fighting organised crime.

Then, at the end of 2004, EUFOR was deployed to replace the NATO-led Stabilization Force (SFOR). Its mandate, like SFOR’s, is to maintain a safe and secure environment in Bosnia, including through supporting the fight against organised crime. In this context, EUFOR maintained the constabulary-like force SFOR had at its disposal, renaming it the Integrated Police Unit (IPU).<sup>3</sup> Unlike EUPM, the IPU is mandated and able to participate in, or directly conduct, police operations. Based on this mandated task, EUFOR (and its IPU) conducted several high-profile anti-organised-crime operations, initially without even informing the local police.

Meanwhile EUPM continued to concentrate on local ownership and on strengthening the local police’s capacity to tackle organised crime. This glaring contradiction in the way the two operations assessed and worked with the local police is a painful example of the lack of coherence between the mandates and the *modus operandi* of the two ESDP missions. Not only did EUFOR’s more robust approach to the fight against organised crime fail to cohere with EUPM’s work, it actually undermined its efforts to promote local ownership.

At the end of 2005, efforts were made to close the gap. These included EUPM and EUFOR agreeing on principles, and instituting regular EU meetings, for coordinating their efforts in supporting the fight against organised crime. Laudable as these efforts are, in order to avoid EU operational commanders working with mutually inconsistent mandates, more needs to be done at the strategic level in Brussels.

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<sup>3</sup> Constabulary-like forces are police forces under military command, such as the French Gendarmerie and the Italian Carabinieri. The latter form the backbone of the MSU and the IPU in Bosnia.

In this regard, the current structure of the Council Secretariat is unhelpful. The various operations deployed in Bosnia respond to different Directorates-General (DG) in the Secretariat in Brussels. Whereas EUPM fell under the auspices of DG IX - concentrating on civilian crisis management, DG VIII deals with the politico-military aspects of EUFOR, and DG VI has responsibility for the EUMM and the EUSR.

The problem is that each DG has its own dynamics, interests and objectives, which are reflected in how the mandates are formulated, negotiated with other DGs, and implemented. What the Secretariat is in dire need of is an Operations Department, where joint planning between military and civilian stakeholders on geographic desks is possible. The recently created Civil/Military Cell might turn out to be the embryo of this much-needed structure, but a more comprehensive restructuring of the Secretariat will be needed as well.

### ***Lesson 3: The EUSR: Political Figure or Manager?***

Even though the DGs in Brussels operate in a largely compartmentalised environment, it is possible for the EUSR in Bosnia to provide greater coherence among EU actors. The EUSR's (Lord Ashdown's) role, as defined in the July 2004 Council Joint Action, was nonetheless limited to providing "*overall EU political coordination*" (without prejudice to Community competence), and to contributing to the "*reinforcement of EU coordination and coherence*".<sup>4</sup>

While Lord Ashdown was in the chain of command of EUPM, it was often unclear to what extent communication with DG IX in Brussels had to be channelled through him. Nor did the EUSR have authority over the Head of the European Delegation. This makes it very difficult for the EU to speak with one voice and, in intricate post-war situations like Bosnia, is an invitation for local politicians to play the different EU stakeholders against each other. In 2005, for example, during discussions over police reform, the Bosnian Serbs attempted to negotiate directly with the European Commission rather than Lord Ashdown because they felt they could get more out of the Commission than they could out of him.

Coherence of EU action on the ground can and should be improved. Enhancing synergy between the powerful instruments the EU has at its disposal would increase its credibility as a serious actor in crisis management. In this context, the 'double hatting' of the head of the European Delegation as EUSR in Skopje in October 2005 is a step in the right direction. More should be done to turn EUSRs into real managers of CFSP/ESDP assets in theatre. Particular attention should be paid to the EUSR's role as a conduit between the Secretariat and the various EU missions on the ground. Moreover, as 'real-time' guidance is sometimes needed in response to rapid changes in political and security conditions on the ground, EUSRs can play a vital role by directing EU assets.

This more 'hands-on' function would require reassessing the way EUSRs operate and whether they should be based in country (currently there are only three resident EUSRs - in Bosnia, Macedonia and Afghanistan). Their relationship with the EU Presidency (represented by the appropriate ambassador in country) also needs to be better defined to avoid creating confusion and loopholes in EU policy on the ground.

### ***Lesson 4: Crisis Management in Brussels***

Missions cannot be run by committees. While the launch of an EU mission is made on highly democratic principles - whereby every Member State is given an equal voice in the various decision-making committees involved - the process is painfully slow and cumbersome. In addition to the Council, which gives the final nod, no fewer than four Council Working Groups are involved in the launch of a civilian crisis management

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<sup>4</sup> Council of the European Union, *Council Joint Action of 12 July 2004 on the mandate of the European Union Special Representative in Bosnia and Herzegovina*, 2004/569/CFSP, art. 3. Available from <http://www.eusrbih.org/legal-docs/pdf/eusr-joint-action.pdf>.

operation: the Committee for Civilian Aspects of Crisis Management (CIVCOM), the Political and Security Committee (PSC), the Working Party of Foreign Relations Counsellors (RELEX), and the Permanent Representatives Committee (COREPER).

CIVCOM does the groundwork by assessing all of the key operational documents necessary to launch an operation, presented to it by the Secretariat. While this is a transparent and democratic process, CIVCOM members generally do not have the requisite expertise to make decisions on what are essentially matters that could better be left to the Secretariat and operational commanders to decide.

At the same time, RELEX councillors examine the draft Joint Action (essentially a legal document adopted by the Council) needed to launch the mission. Their work overlaps with CIVCOM's, as sections of the texts presented to them are also discussed in that committee as well. Agreements reached in CIVCOM and RELEX are then forwarded to the PSC, COREPER and eventually the Council for adoption. While agreements reached in CIVCOM and RELEX are very rarely reopened elsewhere, getting documents approved by PSC, COREPER and the Council is a time-consuming and unnecessarily bureaucratic process.

The Secretariat also needs to streamline its work. While all documents approved by the many Council Working Groups need to be reviewed by Secretariat lawyers and translated into the EU's official languages, documents related to crisis management operations should be prioritised. This is because of the extremely tight deadlines generally attached to the launch of such operations. As this is not always evident to the Secretariat's lawyers and linguists, 'fast-track' procedures for crisis management operations should be devised to avoid unnecessary delays.

If the EU is serious about crisis management there is a need to streamline the planning process. Member states should continue to make political decisions vis-à-vis operations, but it should only require one, at the most two, (mandated) committees to approve the launch of EU operations. Documents should be processed under fast-track procedures, and operational planning and execution should be left to the Secretariat and heads of missions. In this regard, the recent launch of the Rafah border mission in less than three weeks demonstrates that rules and procedures can be made to accommodate tight deadlines.

### ***Conclusion: Bosnia Was Easy***

Much has been achieved since the launch of ESDP in 1999. The EU has embarked upon and concluded ESDP operations in Bosnia, Macedonia, Georgia and Congo. It is still running operations in far-flung places like Aceh and Iraq. While this is laudable and a significant achievement, there is now a need to take stock. The EU's experience in Bosnia, where its largest military operation was deployed alongside its first ESDP mission, is full of lessons yet to be learnt (some of which have been suggested in this paper).

The EU should also remember that at the time it took over from the UN and NATO, Bosnia had been stabilised and was generally peaceful. As the EU proposes to deploy its assets further afield, it should bear in mind that not all theatres will be as relatively forgiving as Bosnia. In this sense, speaking of crisis management in Bosnia (and in the Balkans generally) is something of a contradiction in terms.

While Bosnia was a good training ground for ESDP instruments, neither EUFOR nor EUPM were tested according to the purpose for which they were created: crisis management. EUFOR was deployed in a country largely stabilised and preparing for negotiations on a stabilisation and association agreement with the EU. Now that Bosnians have agreed to integrate their military forces into a single army, EUFOR's usefulness is further reduced. EUPM, in turn, ran a series of programmes and projects (see lesson 1) more akin to work commonly undertaken by the Commission rather than crisis management.

Unless the EU streamlines its crisis management procedures and structures in Brussels, defines what it has to offer more clearly, and improves its coherence on the ground, ESDP will not fulfil its true potential.

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