

# **The Political Influence of the EU Council Secretariat in Security and Defence Policy**

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**Abstract.** This article analyses the political influence of the Council Secretariat in the Common Security and Defence Policy. Using four carefully selected case studies – civilian and military operations in Aceh, Bosnia, Chad and Kosovo – and based on 105 semi-structured elite interviews, it shows that the Council Secretariat was most influential in agenda-setting and more influential in civilian than in military operations. Its prominence in agenda-setting can be explained by the pivotal position of the Council Secretariat in the policy process, which allowed it to get early involved in the various operations. The absence of strong control mechanisms and doctrine in civilian crisis management gave the Council Secretariat significant room to manoeuvre in the monitoring and rule of law missions.

**Keywords.** European Union, Council Secretariat, influence, security and defence, CSDP

## **1. INTRODUCTION**

European Union (EU) foreign policy has long been considered the *domaine réservé* of the member states.<sup>1</sup> For nearly forty years, it ran almost completely without the support of the Brussels-based institutions. The six-monthly rotating Presidency was responsible for convening meetings, issuing declarations and touring the world to speak on behalf of the Union. By hanging on to these functions, the member states could keep their sovereignty costs to a minimum, while benefiting at the same time from cooperation in the sensitive area of foreign policy.

This practice dramatically changed with the Amsterdam Treaty and the Cologne European Council (1999) when the member states empowered the Council Secretariat in foreign, security and defence policy.<sup>2</sup> They appointed the High Representative for the Common Foreign and Security Policy (CFSP), established a Policy Unit, nominated EU Special Representatives, and strengthened the Directorate-General for External Relations (DG E). To launch civilian and military operations, they equipped the Council Secretariat with two crisis management directorates, a sizeable military staff (EUMS), a civilian planning and operations headquarters (CPCC), and an intelligence capability

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1 EU foreign policy refers in this article exclusively to European Political Cooperation (1970-1993) and the Common Foreign and Security Policy (1993-date). It is not concerned with external relations policies in a wider sense.

2 The Council Secretariat is formally known as the General Secretariat of the Council of the European Union. While it is not a formal EU institution (article 13 TEU [ex 7 TEC]), it will be treated as such in this article.

(SITCEN). These services employed 450+ a-grade civil servants in 2009. They currently form the backbone of the recently established European External Action Service (EEAS).

The creation of foreign policy bureaucracies in Brussels is undoubtedly one of the most remarkable recent institutional developments in the EU. Small wonder that it has attracted academic attention. Various observers – from very different theoretical perspectives – explain why the member states have strengthened the Council Secretariat and have delegated new foreign policy functions (e.g. Christiansen 2002; Duke and Vanhoonacker 2006; Christiansen and Vanhoonacker 2008; Dijkstra 2008, 2010a). A thorough analysis of the effects of these institutional developments, on the other hand, is still missing.<sup>3</sup> This article tries to fill this lacuna. It analyses under which conditions civil servants of the Council Secretariat asserted political influence in the Common Security and Defence Policy (CSDP) – the most institutionalized part of EU foreign policy. Influence is defined as getting the member states to do something they would otherwise not have done (cf. Dahl 1957).

Providing empirical evidence from four case studies, this article shows that the Council Secretariat asserted most influence in agenda-setting and more influence in civilian than in military operations. Its prominence in agenda-setting can be explained by its pivotal position in policy-making. It was at the heart of the enterprise and through its networks it became early involved in the planning of operations. This allowed it to contribute to the framing of missions and the construction of *faits accomplis*. Its strength in civilian crisis management resulted from the absence of strong control mechanisms and doctrine. While the member states have three committees for military crisis management, they have only one (relatively junior) civilian committee. This committee dealt with a dozen operations compared to one/two parallel military missions. Moreover, the Council Secretariat directed civilian operations from Brussels, while the command of military operations was with the member states or NATO. Finally, the lack of doctrine made civilian crisis management difficult for the member states to control.

This article starts with a theoretical discussion of the Council Secretariat's interests, resources and opportunities and the control mechanisms of the member states. It then discusses the influence of the Council Secretariat during the different phases of the policy-process (agenda-setting, decision-making and implementation) of the military operations in Bosnia and Chad and the civilian missions in Aceh and Kosovo. These were highly salient missions with variation in terms of regions (Europe / outside Europe) and time (2004-2005 / 2007-2008). The empirical analysis is based on official documents and 105 semi-structured elite interviews with civil servants from the Council Secretariat, European Commission, member states and international organizations. These sources are complemented by newspaper articles and secondary literature. This article concludes by comparing the findings of the case studies.

## **2. POLITICAL INFLUENCE OF THE COUNCIL SECRETARIAT**

### **2.1 Interests and goal conflicts**

Studying the political influence of the Council Secretariat is only interesting, if there is actually a goal conflict with the preferences of member states. In the principal-agent literature, goal conflicts are typically assumed. For example, Kiewiet and McCubbins (1991: 5) confidently state that “there is almost always some conflict between the interests of those who delegate authority (principals) and the agents to whom they delegate it”. It is nonetheless a good idea to identify what the Council

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<sup>3</sup> There are notable exceptions that deal with the Council Secretariat in foreign policy after delegation. Juncos and Pomorska (2010) study role perceptions amongst Secretariat officials. Merand et al. (2010, 2011) show, amongst others, that Council Secretariat officials are part of the core CSDP policy networks. Klein (2010) conceptualizes the Council Secretariat in terms of the principal-agent model, but is empirically very short on agency.

Secretariat exactly wants. This also helps us to understand why it is pursuing particular strategies throughout the policy process.

Two interrelated interests can be identified. The first interest of the Council Secretariat is in 'more' CSDP. At least since the budget-maximizing model, as proposed by William Niskanen (1968), it has been generally assumed that bureaucracies have an interest in expansion. This can take the form of an increased budget, staff, or competences as has been argued in case of the EU (e.g. Majone 1996; Pollack 1997). If this assumption holds for the Council Secretariat, it will have a clear interest in launching new operations, as this requires a higher budget and more staff (cf. 'more Europe', Ross 1995). Put it the other way around, without CSDP missions, the various crisis management services in the Council Secretariat inevitably lose their *raison d'être* at some point.

There is further reason for the Council Secretariat to lobby for missions. Within the EU context, it faces institutional competition from the Commission in external relations (e.g. Dijkstra 2009; Klein 2010). The Council Secretariat has thus an interest in expanding its territory (e.g. Downs 1967). One way of doing this is by giving external relations issues a security dimension with the result that they fall under the competence of the Council rather than under the Commission. Various observers have unsurprisingly witnessed a 'second pillarization' at the expense of Commission-run first pillar external relations (Gourlay 2004; Manners 2006; Edwards 2006). CSDP has been a useful tool for the second pillarization of foreign policy. By putting troops on the ground in third countries, the Council Secretariat has tried to gain control over foreign policy proper.

The second interest of the Council Secretariat is for CSDP to be successful. It has therefore policy-seeking preferences (cf. Strøm 1990; Müller and Strøm 1999). These interests are not necessarily in conflict with its expansionist interests or with the preferences of the member states, but in various instances substantive preferences can be. In particular, the Council Secretariat has been extremely wary of failure. If missions would go wrong, it could mean the end of EU crisis management, which is clearly not in the longer-term interest of the Council Secretariat. CSDP mandates are therefore narrowly defined and end-date operations are preferred to end-state missions (Mattelaer 2010), yet this conflicts with expansionist interests. The Council Secretariat thus has to balance interests.

## **2.2 Bureaucratic resources**

Following the identification of preferences, it is necessary to analyse the bureaucratic resources of the Council Secretariat. Given its very limited formal competences in foreign policy, these must be sought in its institutional position in policy-making and its superior expertise, which both allow for information asymmetries that favour the Council Secretariat.

The Council Secretariat is notorious for its institutional memory resulting from its administrative functions (minute-taking, organization of work, archives) and its continuity (e.g. Westlake and Galloway 2006; Hayes- Renshaw and Wallace 2006). Its institutional position in policy-making yields further advantages. It gives it a clear overview of the state of negotiations between the member states (Beach 2005), which is valuable information as timing is so crucial in all negotiations. Due to its relatively neutral reputation, the Council Secretariat is a natural focal point, together with the rotating Presidency, for brokerage. This involves becoming party to privileged information, as brokerage generally used to create an opportunity to signal bottom lines (Tallberg 2006). Overall, the Council Secretariat has accumulated considerable process expertise (e.g. Wall and Lynn 1993; Beach 2005; Tallberg 2006), which creates a position of authority as guardian of the orthodoxy.

Networks are another important resource for the Council Secretariat (Haas 1992; Peterson 1995). It allows the Council Secretariat to gather information and to contact relevant stakeholders through

informal channels. The Council Secretariat can therefore go beyond formal national gatekeepers, such as the diplomats in the controlling committees (see below). Networks are important at different levels. Due to their pivotal position in policy-making, the bureaucratic services of the Council Secretariat are part of core CSDP networks (Mérand et al. 2010, 2011). At the senior bureaucratic and political level, the officials of the Council Secretariat have many contacts in the member states, third states and other international organizations. Javier Solana as the High Representative is a case in point, but it goes as well for his senior civil servants.

The Council Secretariat also possesses considerable content expertise in CSDP (e.g. Wall and Lynn 1993; Beach 2005; Tallberg 2006). In the introduction, the various bureaucratic services have been mentioned already. The civilian and military crisis management directorates employ approximately sixty civil servants, who are closely involved in the political decision-making in the Council. The military staff consists of nearly two hundred officers and provides the member states with planning documents and the liaison with the military headquarters. The CPCC of around seventy officials is in charge of civilian planning as well as operational command of the various civilian missions. The situation centre, which employs at least one hundred civil servants, provides the member states with security and intelligence assessments.<sup>4</sup>

These services are responsible for much of the initial information-gathering, information-processing and the planning of operations (Dijkstra and Vanhoonaeker 2011). Most CSDP missions start with a briefing and/or an options paper by the Council Secretariat. The Council Secretariat is then at the heart of the fact-finding mission on the ground. The fact-finding mission in turn leads to the Crisis Management Concept, which is the first formal planning document (Mattelaer 2010). Based on this concept, the EUMS and the CPCC draft the Strategic Options and the formal Joint Action. While the military headquarters and the member states are responsible for the launch and implementation of the operation, the Council Secretariat continues to fulfil a liaison and reporting function between Brussels and the operation. In civilian operations, the Council Secretariat has operational authority over the conduct of the mission. Dealing on a day-to-day basis with the implementation of tasks leads to specialization on the side of the Council Secretariat (Hawkins et al. 2006).

### **2.3 Control mechanisms**

The involvement of the Council Secretariat cannot be enjoyed without certain agency losses. As Lake and McCubbins (2006: 343) succinctly stated “no pain, no gain”. This does, however, not mean that influence is excessive. Principal-agent literature expects that the member states might tolerate some influence by the Council Secretariat, as it might know better what policies are in the EU's interest. Control mechanisms are nonetheless put in place to limit its influence. They always involve costs due to lower efficiency and extra requirements for the member states and the Council Secretariat (Miller 2005).

The ultimate control mechanism is re-contracting. If political influence becomes excessive, member states may take back some of the functions. This puts a natural break on the Council Secretariat, which is fearful of such prospect. Member states also put in place institutional checks and balances for day-to-day policy-making. Decision-making and political-strategic oversight in CSDP rests with the member states. The delegation of several CSDP tasks to the Commission instead of the Council Secretariat is also a way of limiting influence (Klein 2010). Through administrative instructions, the member states can put limits on the room to manoeuvre as well (Hawkins et al. 2006; Bradley and Kelley 2008). Agent screening and selection is a frequently used method to ensure that bureaucratic leadership in the Council Secretariat has rather similar preferences as the member states (Kahler 2001; Hawkins et al. 2006).

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<sup>4</sup> Little is known about the precise size of SITCEN. It has staff in Brussels and within the operations. Moreover, it also has an important internal security mandate.

Another method of control is to limit the resources of the Council Secretariat. It does not have a say over its own budget ceilings, the number of staff or competences. This fits in with general practice in international organizations, where secretariats have remained rather small (Stone 2009). There is also the question of the quality of staff and their loyalties. The Council Secretariat can only recruit a small proportion of staff autonomously. Many civil servants are member states appointees through secondment arrangements or otherwise. While these officials are not necessarily national agents behaving as Trojan horses (Trondal 2006), they undermine the institutional memory, continuity and thus expertise of the Council Secretariat. Few on the Council Secretariat staff, moreover, have, a personal desire to promote institutional interests (Juncos and Pomorska 2010).

The most important control mechanisms of the member states are the oversight committees in the Council. This includes the Political and Security Committee at ambassador level, but particularly its underlying working groups. To carry out oversight tasks, these national diplomats perform, with the help of ministries in the capitals, many of the same information-processing functions as the Council Secretariat. They can thus be conceptualized as small shadow bureaucracies, which have the aim of narrowing the informational asymmetry with the Council Secretariat (Lake and McCubbins 2006). The quality of oversight in the working groups is conditioned, in this respect, by the expertise in the ministries as well as the coordination in the capitals and with the permanent representations (e.g. Vanhoonacker and Jacobs 2010; Panke 2010).

There is a difference in the oversight of military and civilian missions. The EUMC, composed of two and three-star generals, is supported by two working groups. It generally deals with one/two operations at the same time and receives instructions directly from the national defence ministries. CIVCOM, in contrast, consists of junior to mid-career diplomats (Cross 2010). It has up to a dozen civilian missions on its agenda and is not supported by working groups. Moreover, instructions have to come from the ministries of interior and justice, both of which are not the parent ministry of these diplomats. Striking is also the lack of civilian doctrine (Benner and Bossong 2010). Doctrine and standard operating procedures give member states guidance while exercising control. Given their absence, it is difficult to check Council Secretariat proposals against external benchmarks.

## **2.4 Opportunities**

The Council Secretariat has bureaucratic resources in CSDP and control mechanisms do not fully compensate in this regard. This leads to opportunities for asserting political influence (Thatcher and Stone Sweet 2002). The final step is therefore to identify these opportunities. They differ throughout the policy process.

Agenda-setting essentially relates to the ability of the Council Secretariat to get certain issues high on the agenda and to keep them there (Princen 2007; Tallberg 2003). While it has no formal right of initiative, it can point attention to its issues through informal channels (Pollack 2003; Peters 2001). There are several opportunities due to its position in policy-making. Princen and Rhinard (2006) distinguish between a political and administrative route to agenda-setting. The political route includes top-down pressure, while the administrative route is bottom-up with the gradual building of momentum. The Council Secretariat has the ability to alternate between these political and administrative venues (Baumgartner and Jones 1991). It is active at the political and administrative level. When it gets stuck at one level, it can move to the other one and *vice versa*.

As the Council Secretariat is at the heart of policy-making, it gets very early involved in operations, which gives it a first mover advantage. Agenda-setting literature argues that this allows for conflict expansion and the framing of issues (Princen 2007). By getting like-minded member states involved and by keeping the opposing member states outside the inner club that discusses CSDP operations,

the Council Secretariat can create momentum. By raising expectations with external parties, it can furthermore construct *faits accomplis* on which the EU eventually has to act. Framing of the CSDP missions in a way that they become palatable for the majority of member states is also an advantage of early involvement. The later one gets involved in the process, the more difficult it becomes to change dominant discourse.

In addition to brokerage, the Council Secretariat can affect decision-making in CSDP operations through its private information and expertise. It is about the “ability to manipulate either the construction of policy alternatives or information about the consequences of different alternatives” (Bendor, Taylor and Van Gaalen 1985: 1042; Dahl [1963] 2003). By affecting the substantive information basis, on which member states base their decisions, the Council Secretariat can assert influence. It has a strong position, if it possesses exclusive 'hidden information' (Arrow 1985) resulting from autonomous information-gathering. It is, however, more likely that member states suffer from information overload. They may not be capable to evaluate all policy options on time, as a result of limited information-processing skills and expertise. Informational asymmetries depending on the Council Secretariat's resources and the member states' control mechanisms are in this respect important, as discussed above.

Policy implementation differs from agenda-setting and decision-making. During the implementation of the decisions made by the member states, the Council Secretariat can act on its own preferences rather than “strictly and faithfully [following] the preferences of the member states that created and empowered them” (Pollack 2003: 38). Its ability for 'hidden action' is important (Arrow 1985). This concept implies that “the agent's action is not directly observable by the principal” (ibid.: 37), but that it does partially affect the member states' payoffs. Hidden action thus automatically results in political influence for the Council Secretariat. Political influence is, however, limited through the control mechanisms, such as the ultimate sanction of re-contracting.

### **3. MILITARY AND CIVILIAN OPERATIONS**

#### **3.1 Operation Althea in Bosnia**

Following the Dayton agreement in 1995, the North Atlantic Treaty Organization (NATO) deployed some 60,000 troops to Bosnia. Its mission downsized significantly over time and, in December 2004, it handed over the military operation to the EU. At the time of writing, discussions continued within the EU about the termination of the operation.

While the relative contribution of the United States to the NATO operation decreased over time, and despite pressure from Washington for increased European ownership, the takeover was by no means automatic. Solana spent political capital to push for the takeover as part of setting up the military crisis management structures. The institutional development of CSDP was good, he argued, “but the proof of the pudding is in the eating” (interview national official 2009). He was supported by France and the United Kingdom, with whom he presented papers to the Council in February 2003. The United States was, in principle, not against the takeover, but it was wary of autonomous military operations. During the height of transatlantic tension over Iraq in 2003, it therefore blocked the handover for at least one semester. Only early 2004, the planning for the operation could start.

Important about the handover was that the Bosnians (and the United States) had little faith in the capabilities of European troops. The dominant discourse was therefore that of continuity (interviews national officials 2009). The EU would have the same number of troops, mandate, capabilities and command and control structures as the NATO operation (FT 2003a; Council 2003). Solana, on the other hand, also thought that the military operation should have added value for the overall effort of

the EU in Bosnia. It should help tackle some of the most persistent problems and signal that the EU was now in the lead. He thus argued for a “new and distinct mission”, as it would be in a “very different position from that when NATO first deployed” (Solana 2004). In concrete terms, he stated that the military operation should contribute to the work of the High Representative/EU Special Representative in Bosnia and to the fight against organized crime.

Solana lost the argument. The member states noted that these were not traditional military tasks (interviews national officials 2009). Moreover, the European Commission made clear that the Bosnians had to take ownership themselves; having the military do things was not a good idea. In more general terms, the Commission also objected to strengthening the EU Special Representative in Bosnia, who happened to report to Solana (interviews Commission officials 2009). At the end of the day, more coordination, rather than a reallocation of competences, between the actors on the ground was stressed. The fight against organized crime became a key supporting military task rather than a primary objective (Council 2004; Leakey 2006). Apart from the discussions over mandate, Solana and the Council Secretariat did not play a prominent role. They facilitated the difficult negotiations between the EU and NATO on practical details, such as the delineation of the mandate, “over the horizon” troops, and the role of NATO's regional command in Naples.

Discussions over the mandate came back on the agenda with the appointment of the first Force Commander, General David Leakey. Solana instructed him to carry out a new and distinct mission nonetheless using the supporting tasks from the mandate (interviews Althea and national officials 2009). Leakey indeed decided to make the fight against organized crime the “centrepiece of his agenda” (Bertin 2008: 68). He deployed troops to combat fuel smuggling at border crossings and to limit illegal logging in the timber industry (Leakey 2006). His actions met resistance from many of the member states, the EU Police Mission in Bosnia and the European Commission. The five major contributing member states were “very, very unenthusiastic, if not in opposition, to their military being used this way” (interview Althea official 2009). The member states eventually reacted by reducing the number of troops in Bosnia after Leakey's departure in 2005. The troubles between the military operation and the Police Mission led to more coordination and a stronger role for the EU Special Representative.

Solana and the Council Secretariat thus played an important role in getting the handover on the EU agenda. While they met some opposition from the United States, they managed to keep the mission on the agenda and they ensured that it was eventually launched. Apart from their role in agenda-setting, they were much less effective in pursuing their interests in the planning and implementation of the operation. Suggestions for innovation met conservatism and standard operating procedures from the member states. Solana nor Leakey was in the end successful in making the EU operation completely new and distinct.

### **3.2 Military Operation in Chad/CAR**

In 2008, the EU launched a 3700-troop strong military operation in eastern Chad and the Central African Republic (CAR) for a period of exactly one year. The purpose of this operation was to provide a “safe and secure environment” for internally displaced people, refugees from the neighbouring Darfur region, and personnel from the United Nations (UN). After the mandate had ended, the UN took over the well-functioning military operation.

Shortly after the election of the French President Sarkozy in 2007, France suggested that the EU should become closer engaged in the Darfur conflict. This led to extensive brainstorming between the French government and the (predominantly French) planners in the Council Secretariat. Their task was to “[kill] the stupid ideas” (Mattelaer 2008: 14; such as humanitarian corridors and no-fly zones), which had been proposed by *inter alia* the French foreign minister Bernard Kouchner, and

to put forward a realistic plan. The attention became focused on eastern Chad. A military operation in the region had been discussed since 2006, but the Chadian government was reluctant to host UN peacekeepers (UN 2007a). The Council Secretariat and France therefore suggested a one-year EU-led bridging operation, after which the UN could take over (interviews Council Secretariat and national officials 2009, 2010). The Council Secretariat presented these plans as part of a joint options paper with the European Commission on 13 July 2007.

The intimate involvement of the Council Secretariat was important in framing the operation. From the start it was clear that Germany and the United Kingdom were unenthusiastic about this French adventure (Mattelaer 2008; Berg 2009). Support of other member states was crucial. The Council Secretariat therefore stressed that this was a humanitarian operation in support of activities of the UN (local police training, humanitarian functions). Moreover, the EU would be an impartial actor with respect to local politics and the operation would only last one year. These parameters of the mission were attractive for a whole range of member states (interviews national officials 2009). In addition to framing the mission, the Council Secretariat helped France with the negotiations on the UN Security Council Resolution 1778, raised external expectations through a fact-finding mission and underestimated the common costs of the operation (interviews Council Secretariat officials 2009, 2010).

Despite the efforts of France and the Council Secretariat to make the operation look appealing, they struggled to get the other member states on board. Germany and the United Kingdom refused to participate and objected to the common costs. Other member states were reluctant and slow to make contributions available during the various force generation conferences. It remained difficult for the member states to see how the EU could be perceived as impartial given close ties between France and the incumbent regime. In addition, they realized that the investment in eastern Chad would serve French interests most (Mattelaer 2008). The Council Secretariat could not do much about it. At the end of the day, Sarkozy called his counterparts to request troop contributions (interviews national officials 2009). Several of the member states (notably Ireland and Poland) came on board, but enthusiasm remained limited.

The problems with force generation and the lengthy activation of the Operations Headquarters led to a delay of the operation, which could declare Initial Operational Capability on 15 March 2008. A shortfall in specific capabilities (i.e. helicopters) made the military operation less mobile (interview EUFOR official 2009). Moreover, the situation on the ground differed from what the EU had planned for. Instead of confrontations with armed rebels, the EU was faced with lower-level petty crime and human rights violations in the refugee camps for which it was ill-equipped (Oxfam 2008). The main cause was a security vacuum resulting from the absence of UN police trainers. The Council Secretariat in Brussels could do little about it. Problems became worse when the Security Council failed to agree on time on a handover. The EU eventually had to force the UN to take over, while still making 2000+ troops and capabilities available for the UN force. This came at the expense of good relations (see Dijkstra 2010b).

As with the military operation in Bosnia, the Council Secretariat played a role in the agenda-setting of the mission. While it is difficult to exactly distinguish between the civil servants of France and the Council Secretariat, the Secretariat clearly supported France in creating momentum, framing the operation and pushing it through. The Council Secretariat was much weaker in the planning of the operation, its force generation and the implementation. These were eventually decided by the member states and their military.

### **3.3 Aceh Monitoring Mission**

The Aceh Monitoring Mission resulted directly from a peace agreement between the Government of



Indonesia and the rebels, which had been negotiated after the tsunami had devastated the province of Aceh in December 2004. For 15 months, EU and ASEAN monitors oversaw the implementation of the peace agreement, which included the decommissioning of weapons and the withdrawal of the Indonesian army (2005-2006).

The peace negotiations between the parties took place in Helsinki and were mediated by the former Finnish President Ahtisaari. From the very start, he realized that he would not be able to oversee the implementation of an eventual agreement. In January 2005, he therefore contacted Solana and the Deputy Director-General External Relations of the Council Secretariat, Pieter Feith, whom he had known since the 1970s, about possible EU involvement (Accord 2008). They told him to “go ahead” with mediation (Merikallio 2008: 80). Feith and the Council Secretariat planners discussed a possible monitoring mission in February and they went to Helsinki in May with worked-out plans. This created external expectations that the EU would get involved. These expectations increased when Feith went on a fact-finding mission to the region in June, which effectively created a *fait accompli* for the member states.

The possible Aceh Monitoring Mission was not very popular with the member states. While they recognized the possible added value the EU would bring, only Finland, France, Sweden and The Netherlands were in favour (Grevi 2005). In fact, the ambassadors in Jakarta had been sending critical signals about the situation on the ground (Merikallio 2008; interview Commission official 2009). Financing the operation was also a particular problem, as the CFSP budget was insufficient. On 26 July, Solana intervened noting that the EU would have to undertake this mission. Meanwhile the Council Secretariat creatively suggested financing the operation through *ad hoc* contributions of the member states. None of the member states was particularly pleased with this solution, but they decided to go along with it (Grevi 2005).

It was not just about whether the EU should launch this mission, the Council Secretariat also played a crucial role in setting the parameters. Noteworthy is the very limited mandate – focussing solely on security issues and not on development and human rights – and the initial six months duration of the mission (Schulze 2007). This was the best means for the EU to quickly declare success and to get out as soon as possible. Moreover, the Council Secretariat set the total authorized strength of the mission, which was presented as a *fait accompli* to the negotiating parties and the member states. Its civil servants furthermore exceptionally wrote all the planning documents on the ground, because of time pressure and the lack of planning staff at headquarters during the summer (interviews Council Secretariat and national officials 2009). Finally, Council Secretariat planners established an Initial Monitoring Presence to cover for the period between the peace agreement and the deployment of the EU monitors.

The Council Secretariat was also intensively involved in the implementation of the mission. Feith became the Head of Mission on the ground and he took many of his staff members with him from Brussels. While the decommissioning of weapons was a Finnish-led exercise, Feith undertook a number of activities to pro-actively create confidence between the parties. An important example is the Commission on Security Arrangements (COSA). While not foreseen in the peace agreement, Feith used these meetings – initially twice per week – to discuss with the parties all incidents that had taken place and issue that might threaten the peace agreement. Many involved observers stress the importance of such pro-active monitoring (Kirwan 2008; Schulze 2007; interviews mission staff 2009).

The Aceh Monitoring Mission was thus very much a Council Secretariat show. In close cooperation with President Ahtisaari, the mission was put on the EU agenda. Political and administrative means were then employed to make the mission a reality. Apart from pushing for this mission, the civil servants in the Council Secretariat set most of the important parameters of the mission and played a

crucial role at the heart of the implementation of the mission.

### **3.4 Rule of Law Mission in Kosovo**

Following the war in Kosovo in 1999, the UN put in place an international civilian administration and postponed negotiation over status. Over time, however, call for independence increased and in 2005 a status process was set in motion under the leadership of President Ahtisaari. Closely related to this process was the handover of UN responsibilities to a EU rule of law mission (EULEX). Due to status-related problems this handover was messy, but since 2008 some 3000 EU and local experts are carrying out executive and non-executive tasks in the areas of police, justice and customs.

Solana and his officials in the Council Secretariat have been closely involved in the whole process. Following the riots in March 2004, which triggered the status process, Solana put one of his civil servants, Soren Jessen-Peterson, at the head of the UN mission (interviews UN officials 2010). In addition, his Western Balkans Director, Stephan Lehne, became closely involved in the status negotiations under Ahtisaari. In the spring of 2005, Solana co-authored a paper with Enlargement Commissioner Olli Rehn on the future EU involvement in Kosovo (Solana and Rehn 2005a). One of the major points was that the EU would play a major role in Kosovo by taking over functions from the UN. However, the report noted that a EU presence could not be a simple continuation of the UN administration, as the reputation of the UN had been badly damaged by the March 2004 riots. The EU would instead focus on the rule of law.

Over time it became conventional wisdom that the EU would take over (interview UN official 2010). At the end of 2005, Solana and Rehn wrote a second report (Solana and Rehn 2005b), which suggested a fact-finding mission. This fact-finding mission, which took place in February 2006, in turn, stated that any EU presence had to be carefully planned. A permanent planning team on the ground was therefore required. It was established in May and it sent its first option paper to the member states in September 2006 (Grevi 2009). In line with the discourse of Solana, the planning team suggested a light presence of less than 1000 international staff members. This light option became unattainable when it became increasingly clear that there would not be an agreement between the government of Serbia and the authorities of Kosovo on status (interview planning team and UN officials 2010).

The disagreements on status also had an impact in Brussels, where the member states were divided. Because it was difficult for the EU to plan on the basis of disagreement, the Council Secretariat planned the mission on the assumption that there would be a final agreement on states (interviews Council Secretariat, national officials 2010). This allowed the planning to go ahead. However, since the Kosovo dossier was contentious for the member states, they preferred not to talk about it too often, particularly not at ambassador level. Since CIVCOM was, however, at a too low level to take real decisions, the process went in circles. Eventually Council Secretariat officials had to take many decisions themselves (interview Council Secretariat and national officials 2010). The situation was worsened by the fact that because EULEX was such ambitious mission, the chain of command for civilian mission completely had to be changed. Solana already foresaw this at the Hampton Court European Council in October 2005, but it was difficult for CIVCOM to agree on such structures.

In March 2007, Ahtisaari unveiled his plan for “supervised independence”, which was endorsed by the Kosovo authorities but rejected by Serbia. This created a stalemate in the UN and led to the eventual unilateral declaration of independence in February 2008. Because the UN Security Council could not agree, there was no new resolution. This made it difficult for the UN to handover functions (and equipment) to the EU. The United States and leading member states put tremendous political pressure on the UN; and Council Secretariat officials worked out technical details with UN counterparts. The pro-active approach of the Council Secretariat was important in the launching of

the operation.

After Serbia finally agreed that the UN would hand over parts of its responsibilities to the EU, the mission was launched in December 2008. EULEX reached full operating capability by April 2009. While a new command and control structure was established in Brussels for this mission, in practice it has been difficult for the member states to keep full control over implementation. The sheer size of the operation leads to information overload and CIVCOM delegates have more on their agenda than Kosovo. One national interviewee noted “[the people in the Council Secretariat] are the real experts ... I am dealing with nine missions, so it is ... difficult to have an in-depth picture” (2010). That having said, the room for the Council Secretariat and the mission to manoeuvre is conditioned by the tremendous political difficulties on status. The mission has been pro-active with arranging practical matters, but in implementation it come, time and again, across political issues.

Solana and the Council Secretariat thus played an important role with regard to EULEX. They were very early involved and had contacts in all the important parts of the process. Together with Rehn, Solana set some of the important parameters of the operation, although the changing international environment required some adjustments to the initial plans. Assuming eventual settlement, however, the Council Secretariat planned the mission and it became conventional wisdom that the EU would take over. The Council Secretariat had to take a leadership role, because the member states in the committees did not want to discuss Kosovo too often and because they lacked the expertise to get this operation of the ground. In the launching and early conduct of the operation, officials from the Council Secretariat took a pro-active approach.

#### **4. CONCLUSION**

The political influence of the EU institutions has historically triggered much scholarly debate. For a long time, the emphasis was on the internal market and the regulatory policies. Foreign policy as the exemplification of high politics was generally considered a member states' affair (Hoffmann 1966). With the strengthening of the Council Secretariat and the delegation of foreign policy functions as part of the Treaty of Amsterdam and the Cologne European Council, this is no longer obvious. The Council Secretariat is generally considered an important actor in Brussels. This article has analyzed under which conditions it asserted political influence in CSDP.

The empirical evidence suggests that it played a significant role in the agenda-setting of the CSDP missions and that it has more influence in civilian than in military operations. Its prominence in agenda-setting can be explained by its pivotal position in policy-making and its resulting very early involvement in planning. In the case of Bosnia, Javier Solana pushed for the takeover from NATO. In Chad, the Council Secretariat teamed up with France. In Aceh, the Council Secretariat had strong contacts with Ahtisaari and the negotiations in Finland. As for Kosovo, the Council Secretariat was omnipresent from the beginning and acted with considerable foresight. While in all the cases, the Council Secretariat thus played an important role, it is noteworthy that in military operations it was in close cooperation with key member states, while in civilian missions, the Council Secretariat was stronger an actor in its own right during the phase of agenda-setting.

Such variation between military and civilian missions was very present in the decision-making and implementation of CSDP. The efforts of Solana, for example, to make the military operation in Bosnia new and distinct were blocked by the member states during the planning and conduct of the mission. In Chad, the Council Secretariat faced tremendous opposition of some member states and a lack of military contributions. The mission was eventually launched mainly due to French lobbying. The implementation of the operation took place outside the Council Secretariat's remit. In civilian crisis management, it was quite a different story. The Council Secretariat had a tremendous impact

on getting the Aceh Monitoring Mission approved, setting the mandate, and on implementation. In the case of Kosovo, the Council Secretariat pushed for a limited mandate different from that of the UN mission and it took a pro-active role in the launch and implementation. For the member states, it was difficult to exercise appropriate control due to the problems surrounding status and the lack of sufficient civilian expertise at committee level.

At the time of writing, the External Action Service (EEAS) was established. The remaining question is therefore whether this development will increase the political influence of Brussels in CSDP. It is needless to say too early to answer, but some speculations are in place. The EEAS takes over all the crisis management services from the Council Secretariat, but these services are not significantly strengthened. In planning and conducting CSDP operations, the EEAS might however benefit from its increased foreign policy expertise as well as autonomous information-gathering. Coordination might become easier as some of the turf tensions between the Commission and Council Secretariat have disappeared. On the other hand, the fact that the EEAS does not have to compete with the other EU institutions might make it less interested in pushing for CSDP operations. Lady Ashton seems, in this respect, to take a different approach than Javier Solana, for whom CSDP was the cornerstone of EU foreign policy. The influence of the EEAS thus remains a topic for further research.

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