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*Panel 8D: "What difference has the lack of a constitution made to the work of the European Parliament? Views from inside"*

## **In the shadow of the Constitution: adapting to a changing external environment**

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### **1. Introduction**

*Europe at a cross-road* is a familiar but useful term to describe the current impasse the Union finds itself following the rejection of the Constitutional Treaty. The current vein of political and public opinion could take the EU down very different pathways. These debates highlight a growing recognition that the EU is evolving rapidly as a foreign policy player on the world stage. The EU's original or embryonic brand of foreign policy has been neatly coined by observers such as Weiler as "civilian diplomacy" i.e. speak softly and carry a big wallet,<sup>1</sup> but this approach is being rapidly augmented by a less well-known and more muscular "European Security and Defence Policy (ESDP)".

There is very little in the current Treaties (or even the Constitutional Treaty) to explain the rapid development of this muscular element of the EU's foreign policy between 1999 and 2007. Nor do the Treaties help us explain the sudden growth of military personnel pacing the corridors of the Council (and setting up office in Avenue de Cortenbergh). In order to understand these major developments (described below) it is more useful to examine European security trends of the 1990s and follow the sign-posts of European Council conclusions since the introduction of ESDP at the Cologne and Helsinki European Councils in 1999.

The speed in the development of ESDP and its undoubted impact on driving forward a new more visible EU Foreign Policy raises important questions for both the concerned institutions and the citizens of Europe. We often hear that opinion polls show support for the further development of EU in external relations, but interpretations of opinion

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<sup>1</sup> The term is attributed to J.H.H. Weiler, during a presentation on "Cyprus: Toward a European Solution" at the *La Pietra* (Florence) Workshop October 18th-19, 2006

polls are notoriously selective. For example, a recent Eurobarometer opinion poll shows positive responses to the impact of enlargement on contributing to peace and security amongst EU Member States.<sup>2</sup> It also shows a positive view amongst the respondents on the view that more decision-making should take place at the EU level on promoting peace and democracy in the world.<sup>3</sup> Eurobarometer states that amongst the policy areas where citizens feel the EU could improve even more "...are areas where the European Union's performance is judged positively. They concern cooperation in research and innovation, equal treatment between men and women, *the promotion of democracy and peace in the world.*"<sup>4</sup> This paper is not a textual analysis of opinion polls, but an interesting question comes forward: do such opinions show support for the original EU approach to CFSP ie speaking softly and carrying a big wallet, or are they also endorsing the developments since 1999 of the more muscular ESDP?

The authors of this paper do not need to be convinced of the added-value ESDP is playing today and will undoubtedly play in the future. Nor do they need to be convinced that ESDP is an important new "instrument" in the foreign policy "toolbox" to respond to the demands of the contemporary security environment or to avoid the inaction and hesitancy of the past. However, the authors put forward a number of issues in this paper that should be discussed more widely if the development of ESDP is to be a real added value for the pursuit of the Union's CFSP and sustainable in the face of future external crises and internal political debate. In this respect the authors argue for the need to address the so-called double-democratic deficit where there is a need for improved transparency, debate and democratic scrutiny of ESDP, which will otherwise remain in the *shadow of the constitution.*

Advances in the Constitutional Treaty in the area of the Common Foreign and Security Policy (CFSP) include the creation of a Foreign Minister and the prospect of greater coherence in external relations. The Treaty's rejection by French and Dutch citizens in referenda has paradoxically not slowed the rise of the EU in external relations as witnessed by negotiations with Iran and the 9 ongoing European Security and Defence Policy (ESDP) crisis management operations around the world.<sup>5</sup> The EU's international profile on security matters has continued to grow, in particular since the introduction of ESDP in 1999, and has led to calls for institutional reforms. However, partly in respect of French and Dutch constituencies, such reforms have so far stopped short of declaring a new Foreign Minister or External Action Service. The

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<sup>2</sup> Eurobarometer 251/Wave 65.1 - TNS Opinion & Social, "The Future of Europe", Fieldwork February - March 2006, Publication May 2006, European Commission, p. 31. Found at: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_251\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_251_en.pdf) The question posed was "QA12. Which of the following do you think is the most positive result of European unification?" 60% responded "peace among the Member States of the EU".

<sup>3</sup> Ibid. p. 40. The questions posed was "QA8. For each of the following areas, please tell me if you believe that more decision-making should take place at a European level or on the contrary that less decision-making should take place at a European level." 77% responded positively on more decision making at the EU level on the promotion of peace and democracy.

<sup>4</sup> Ibid. p. 42.

<sup>5</sup> There are currently 9 ongoing ESDP operations (EUFOR Althea in BiH, EUPM in BiH, EU Planning Team in Kosovo, EUPOL COPS in the Palestinian Territories, EU BAM RAFAH in Palestinian Territories, EUJUST LEX for Iraq, EUPOL in Kinshasa, EUSEC DR Congo in Kinshasa, EU Support to AMIS II in Darfur) and 7 completed ESDP operations (EUPAT FYROM, EU Concordia in FYROM, Proxima in FYROM, EUJUST THEMIS in Georgia, AMM in Aceh Indonesia, EUFOR RD Congo in Kinshasa, and Artemis DRC). See:

<http://www.consilium.europa.eu/showPage.asp?id=268&lang=en&mode=g>

current debate, therefore, focuses upon how to make the new external relations “instruments” under the two pillars (Community pillar I and CFSP pillar II) work more coherently with each other and with the Member States (in particular their military instruments). This emphasis upon “coherence of external resources” (EU and national) places a greater demand upon the Member States and the European institutions to coordinate more closely. This trend also leads to a greater role for the European Parliament that is more demanding than has been seen to-date in this policy area and one that has not been widely discussed in academic and some policy-making circles. This article will explore the implications of these policy trends for the future external role of the Union and in particular the implications for the European Parliament.

The paper introduces the key arguments and paradoxes inherent in moving forward on CFSP and ESDP within the existing treaties and in the absence of an agreement on the innovations (such as a Foreign Minister) introduced by the Constitutional Treaty. In particular, it looks at the role of ESDP which is widely recognised as a new driver of the EU’s external relations. It will then demonstrate how proposals in the Constitutional Treaty have focussed in particular on political and institutional improvements in CFSP rather than on the area of defence which partly explains why it has been easier for the Member States to move ahead on ESDP using the current Treaties. Nevertheless, the paper argues that this twin-speed “bottom-up or technical” development of ESDP without the “political upgrading” of CFSP (through the proposed Foreign Minister and External Action Service) risks continuing incoherence and inconsistency of CFSP and further confusion in the public sphere on critical questions of leadership, representation and responsibility for the EU’s external actions.

Importantly, this trend also raises questions for the European Parliament to address. For instance MEP Graham Watson speaking in the plenary debate of the European Parliament on the decision by EU Member States to contribute forces to the UN force (UNIFIL) to end the Israeli-Lebanese conflict in the summer of 2006, stated:

*“...The Union does not have the European constitution that it needs and which would have equipped it far better to deal with this situation. We are deploying European forces but this is not an EU force...In terms of democratic decision-making we are running on a wing and a prayer. ...Mr Solana said that this was the most important decision taken by the EU for many years....[But when Mr Solana was asked about the details of the operation we were told that it was] ... ‘a matter strictly between the United Nations and the troop contributors’. We were told, therefore, that this was not a European matter. The danger is this: the European public at large believe that Europe has responded to the crisis. If things go wrong and we have large numbers of young men coming back home in body bags, people will want to know who in Europe is responsible. Somebody will have to take the political responsibility.”<sup>6</sup>*

The paper concludes by highlighting the key issues, and offering some innovative ideas, that are being debated by the European Parliament on the continued development of CFSP in the absence of an agreement on the Constitutional Treaty

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<sup>6</sup> MEP Watson, Graham, Speaking on behalf of the Liberal Group (ALDE) in the plenary debate on the Situation in the Middle East, Wednesday, 6 September 2006 - European Parliament, Strasbourg. Full speech can be found at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20060906+ITEM-012+DOC+XML+V0//EN&language=EN&query=INTERV&detail=3-149>

and the potential and real problems this causes for meeting the expectations of public and parliamentary scrutiny. It is a modest contribution to a complex and fundamental debate at the heart of the future of Europe.

## 2. Framing CFSP/ESDP

### 2.1 From the European Defence Community to the Amsterdam Treaty

It was not until the 1992 Maastricht Treaty that *defence* made its way back into the EU after the rejection by the French Assemblée Nationale of the European Defence Community in 1954. For some, this gave the EU a strong civilian power identity although this view perhaps over-simplified the full political landscape in Europe where the development of the European Economic Community and then the European Union occurred alongside the development of a military alliance in NATO.<sup>7</sup> Whether one supports the civilian power thesis or not, few would disagree that the origins of the Union are rooted in a “peace project” to ensure that the wars of the twentieth century amongst Europe’s member states would never again destroy the lives of generations of European citizens.<sup>8</sup> With increased political cooperation (leading to the Single European Act), the end of the Cold War and unification of Germany, and the agreement on the Maastricht Treaty in 1992 the “peace project” became a central part of Europe’s foreign policy and codified in Title V of the Treaty on European Union whereby:

"The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter,
- to strengthen the security of the Union in all ways,
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders,
- to promote international cooperation,
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms."<sup>9</sup>

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<sup>7</sup> Early references to the civilian power role include, Duchene, F “Europe’s role in world peace” in Mayne, R. (ed) “Europe Tomorrow: Sixteen Europeans Look Ahead”, London, Fontana, 1972. For a contemporary overview see Sjursen, H. “What kind of power?”, Journal of European Public Policy, Vol.13, No. 2, March 2006 pp. 169-181.

<sup>8</sup> THE ROLE OF THE EU IN CONFLICT PREVENTION, Background Note, Parliamentary Meeting on the Future of Europe: from reflection to action, 4-5 December 2006, Brussels. Can be found at: <http://www.futureofeuropa.eu/parl.europa.eu/future/webdav/site/event2/shared/import/Home/BackgroundNote3/PreventionEN.pdf>

<sup>9</sup> Article 11, Title V of the CONSOLIDATED VERSIONS OF THE TREATY ON EUROPEAN UNION AND OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY, Official Journal C 321E of 29 December 2006. Can be found at: <http://europa.eu.int/eur-lex/lex/en/treaties/index.htm>

The text of the current Treaties provide a wide basis for the continued development of CFSP and ESDP. The 1992 Maastricht Treaty established the CFSP with its broad objectives that in principle included “the eventual framing of a common defence policy, which might in time lead to a common defence.” Although the Union would request the WEU “which is an integral part of the development of the Union” to implement any defence decisions.

However, the Union’s foreign policy was still in its infancy and these broad objectives were soon to be exposed by the tragedy of the Balkan Wars. During this time divisions between Member States impeded common action and diplomatic and economic pressure alone proved insufficient. Despite criticisms levelled at the EU the 1997 Amsterdam Treaty introduced important innovations, not least the position of High Representative. Defence ambitions remained although expressed in a slightly modified language including “the progressive framing of a common defence policy...which might lead to a common defence, should the European Council so decide.” Proposals for the submersion of the WEU into the EU were laid out (and eventually implemented in 2000) and the so-called “Petersberg tasks” were adopted.<sup>10</sup>

The introduction of the High Representative at Amsterdam, seemed to signify an incremental change with the position restricted to supporting the Presidency and implementing decisions of the Council of Ministers. However, once more events in the EU’s neighbourhood, specifically the 1998-1999 Kosovo crisis, were highlighting European weaknesses to respond as well as their inability to influence the military intervention of the United States, which persuaded the Member States that they needed to be more ambitious. This resulted in the appointment of a high-profile HR, Javier Solana, a former Spanish Foreign Minister and NATO Secretary General, and in the December 1998 bilateral Franco-British Summit at St Malo which called for the EU to develop “the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.” This breakthrough represented a shift in UK attitude to the development of defence within the framework of the EU and, during the June 1999 Cologne European Council it also marked the arrival of ESDP as a new driver in the development of the CFSP.<sup>11</sup>

## **2.2 From Cologne to Iraq**

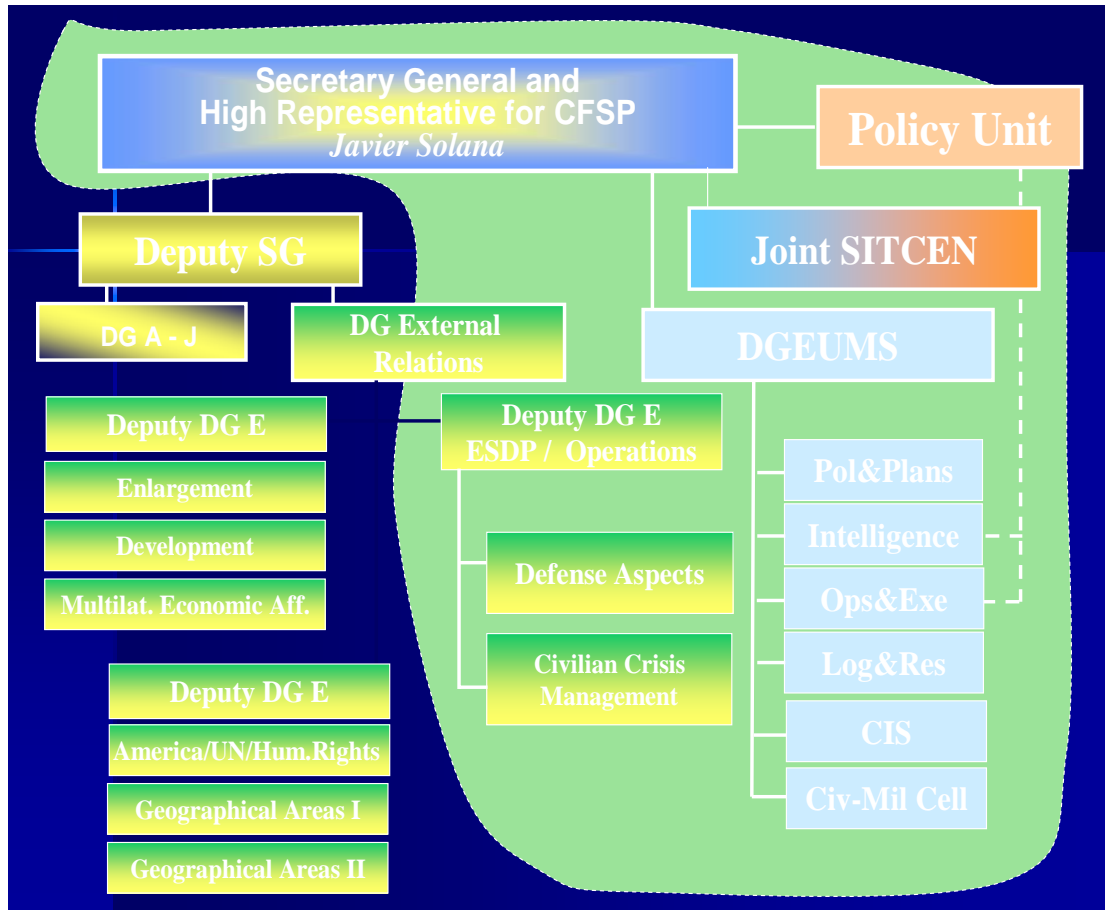
Between 1999 and 2003 ESDP developed at a hot pace concentrating initially on structures for decision making and upon defence capability development. The HR would now be supported in his activities by a Policy Unit and a Joint Situation Centre, whereas decision-making would be based around the Member States, at the level of Ambassadorial representatives, in a new Political and Security Committee (made permanent by the 2001 Nice Treaty) mandated to provide overall political and strategic guidance for European Council decisions. The Political and Security

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<sup>10</sup> The Petersberg Tasks were first developed by the WEU at its June 1992 Ministerial and “include humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking”.

<sup>11</sup> For an overview on the origins and evolution of defence matters in the framework of the EU see: Missiroli, A. and Quille, G. "European Security in Flux", in Cameron, F. (Ed) "The Future of Europe: integration and enlargement", Routledge (London and New York) 2004, pp. 114-135

Committee (PSC) could seek advice from an EU Military Committee (EUMC) composed of national Chiefs of Defence staff (or their representatives) which in turn could draw support from an EU Military Staff (EUMS) comprising around 200 personnel seconded from national armed forces. The PSC, although it does not take decisions *per se*, has now become a recognised “linchpin” in security and defence policy-making which has caused some tensions along the way with COREPER.<sup>12</sup>



Organigramme Council General Secretariat ESDP structures in support of the Political and Security Committee, EU Military Committee and Committee for Civilian Aspects of Crisis Management. Source European Security and Defence College-HLC.

The initial focus upon the creation of decision-making structures was also combined with a focus upon the development of defence capabilities as described at the 1999 Helsinki European Council and its famous Helsinki Headline Goal commitment to “be able, by 2003, to deploy within 60 days and sustain for at least 1 year military forces of up to 50,000–60,000 persons capable of the full range of Petersberg tasks.”<sup>13</sup> When it became clear that the Member States could not achieve this target due to capability shortfalls, a process was established that would become a mainstay of ESDP discussions on cataloguing European capabilities (Headline Goal Catalogue), analysing commitments to the Headline Goal (Headline Commitments Catalogue) and measuring progress to achieve capability shortfalls (Headline Progress Catalogue). The analysis carried out by the EU Military Staff on these catalogues reinforced the

<sup>12</sup> Duke, S. The Linchpin COPS: assessing the workings and institutional relations of the Political and Security Committee”, Working Paper 2005/W/05, European Institute of Public Administration (EIPA).

<sup>13</sup> Helsinki European Council, Presidency Conclusions, 10 and 11 December 1999 at [http://europa.eu.int/council/off/conclu/dec99/dec99\\_en.htm#security](http://europa.eu.int/council/off/conclu/dec99/dec99_en.htm#security)

conclusion, arrived at previously in NATO, that despite having some 2 million men and women under arms and spending annually approximately €2 billion on defence,<sup>14</sup> European member states had key capability shortfalls especially in the enabling areas of “force projection” (i.e. strategic and tactical air and sea lift, sustainability and logistics, and command and control). A further step was therefore established that would, following the process to elaborate the Constitutional Treaty, lead to the creation of a European Defence Agency to help the process of post-Cold War defence “transformation” in Europe and to address such key capability shortfalls.<sup>15</sup> However, before a European Defence Agency could be established, ESDP gained a new boost from a surprising source: the Iraq war.

### 2.3 The European Security Strategy

Less than 4 years after the 1999 Cologne European Council, CFSP/ESDP and the European Union more broadly was facing a serious crisis generated by the war in Iraq and the appearance of deepening divisions in intra-EU as well as Transatlantic relations. In order to help overcome serious divisions within the EU, Javier Solana was tasked at the informal foreign ministers (known as a “Gymnich”) meeting in spring 2003 with developing a common European Security Strategy (ESS). The process to develop an ESS was, at the time, considered to be as important as the final outcome and represented perhaps the most ambitious effort by Solana’s team in the Policy Unit of the Council General Secretariat to consult and to develop a consensus on the first European security strategy document. Interestingly such a process had taken place before in NATO and the WEU but never within the EU. Furthermore it unfolded in a climate of suspicion and unrest amongst political leaders and their populations. The process to develop an ESS therefore included elaborate consultations with Member States and with a wider, predominantly think-tank and research, community through specific seminars (in Rome, Paris, Stockholm and Brussels). The Parliamentary dimension was not particularly visible but separate meetings were taking place with the European Parliament and in particular through the Convention Working Group on defence and external relations which would ultimately lead to the adoption of the Constitutional Treaty.<sup>16</sup>

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<sup>14</sup> Comparisons have also been made with the US to highlight European inefficiencies of having 27 separate defence budgets and procurement plans, as well as almost 27 armies, navies and air forces. Such figures (before dramatic US increases following 9/11) indicate that the EU was spending approximately half as much as the US on defence but only achieving as little as 10% of the capabilities. See for instance Howarth, J. "European integration and defence: the ultimate challenge?", November 2000, Chaillot Paper 43, Paris.

<sup>15</sup> For a detailed assessment of the development of ESDP defence capability and transformation process see Quille, G. “The impact of EU capability targets and operational demands on defence concepts and planning” in Bailes, A.J.K. et al "The Nordic countries and ESDP", SIPRI/Oxford University Press, 2006.

<sup>16</sup> See Biscop, S. "The European Security Strategy - A Global Agenda for Positive Power", Royal Institute for International Relations, Belgium, Ashgate, 2005 and Bailes, A. J. K. "EU and US strategic concepts: a mirror for partnership and difference", *International Spectator*, Vol. 39, No.1 , Jan-March 2004. Quille, G. "The European Security Strategy: a framework for EU security interests?", *Journal of International Peacekeeping*, Vol. 11, No. 3, Autumn 2004, pp 1-16

The ESS was adopted by consensus at the European Council in December 2003.<sup>17</sup> It was immediately celebrated as a distinctly “European” document emphasising “effective multilateralism” and the “rule of law” in particular based upon the UN system. This stood in stark contrast to the 2003 US National Security Strategy and its association with “unilateralism” that was seen as the bed-rock of the US strategy for war with Iraq and the cause of so much division within Europe. The ESS was not only a reaction to the US, it also set out clear ambitions for the Union to raise its game as a global economic power and assume responsibilities in responding to “key threats and challenges”. The latter were described as international terrorism, non-proliferation regional security, organised crime and failed states as well as an ambition to be more active, coherent and capable. The initial ESDP focus upon developing defence capabilities stimulated a reappraisal on the need to do more on civilian capabilities and the broader EU instruments in the area of development, humanitarian aid and the promotion of economic stability. *Coherence*, a key concern for many years was also highlighted as a central theme of the new European Security Strategy which would require more policy coordination because:

*"The challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development."*<sup>18</sup>

In short the strategy was well received and reminded Europeans that, despite the radical disruption caused by the Iraq War, they had a common understanding and approach to key security issues and a common institutional framework within which to pursue them. Therefore, attention then turned to making ESDP operational.

## 2.4 The early ESDP Operations

Reality on the ground provided the first indication of the type of concrete operations the EU might conduct under ESDP. Whilst the majority of ESDP operations have been civilian the largest and most demanding to-date have been military operations. These have also served the basis for some of the most developed lessons learned (at the UN and national level) which in turn have led to new conceptual developments. Below we will first introduce some of the ESDP operations and then look in more detail at the civilian and military interplay of capabilities in relation to the DRC.

**Figure 2: past and present ESDP Operations (Source: [www.europa.eu](http://www.europa.eu))**

Ongoing Operations	Date and Description
<b>Western Balkans</b>	
EU Military Operation in Bosnia & Herzegovina (EUFOR-Althea)	The Council of the European Union decided on 12 July to conduct a military operation in Bosnia and Herzegovina (BiH).

<sup>17</sup> European Council, Presidency Conclusions, 12 and 13 December 2003 at [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressData/en/ec/78364.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressData/en/ec/78364.pdf)  
Solana, J. "A secure Europe in a better world: European Security Strategy", Brussels, 12 December 2003 at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

<sup>18</sup> Ibid.



EU Police Mission in Bosnia-Herzegovina (EUPM)	The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) started on 1 January 2003. It followed on from the UN's International Police Task Force.
EU Planning team (EUPT) in Kosovo	The Council decided on 10 April to establish an EU planning team regarding a possible future EU crisis management operation in the field of rule of law and possible other areas.
<b>Middle East</b>	
EU Police Mission in the Palestinian Territories (EUPOL COPPS)	On 14 November 2005, the Council established an EU Police Mission in the Palestinian Territories. The operational phase started on 1 January 2006 and will have an initial duration of 3 years.
EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah)	On 15 November 2005, Israel and the Palestinian Authority concluded an "Agreement on Movement and Access", including agreed principles for Rafah crossing (Gaza). On 21 November 2005, the Council of the EU agreed that the EU should undertake the Third Party role proposed in the Agreement.
EU Integrated Rule of Law Mission for Iraq (Eujust Lex)	Following an invitation from the Iraqi Transitional Government, the EU Council has decided on 21 February 2005 to launch an integrated rule-of-law mission for Iraq.
<b>Africa</b>	
EU Police Mission in Kinshasa (DRC) (EUPOL Kinshasa)	In April 2005, the EU, in close coordination with the United Nations, launched a police mission in Kinshasa (DRC).
EU security sector reform mission in the Democratic Republic of the Congo (EUSEC DR Congo)	Following an official request by the DRC government, the EU decided to establish an EU advisory and assistance mission for security sector reform in the Democratic Republic of Congo (DRC).
EU Support to AMIS II (Darfur)	In response to the request of the African Union (AU), the European Union established on 18 July 2005 an EU civilian-military supporting action to AMIS II.
<b>Completed operations</b>	
<b>Western Balkans</b>	
EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (EUPAT)	On 15 December 2003, the EU launched an EU police advisory team (EUPAT) in the former Yugoslav Republic of Macedonia.
EU Military Operation in former Yugoslav Republic of Macedonia (Concordia)	The European Union launched a military operation in the former Yugoslav Republic of Macedonia (FYROM) on 31 March 2003.
EU Police Mission in the former Yugoslav Republic of Macedonia (Proxima)	On 15 December 2003, the European Union established an EU Police Mission in the former Yugoslav Republic of Macedonia.
<b>South Caucasus</b>	
EU Rule of Law Mission in Georgia (Eujust Themis)	The European Union (EU) launched on 16 July 2004 an EU Rule of Law Mission to Georgia (EUJUST THEMIS)
Aceh Monitoring Mission (AMM)	The European Union, together with contributing countries from ASEAN, as well as with Norway and Switzerland, deployed a mission to monitor the implementation of the peace agreement in Aceh (Indonesia).
<b>Africa</b>	
EUFOR RD Congo	The EU launched a military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process.
EU Military Operation in Democratic Republic of Congo (Artemis)	On 5 June 2003 the Council adopted a Joint Action for the operation, code-named <i>ARTEMIS</i> , that was intended to contribute to achieving a safe and secure environment in Bunia.

### *2.4.1 Operation Concordia*

On 31 March 2003 the EU launched its first EU Military Operation in the Former Yugoslav Republic of Macedonia (EUFOR Concordia). European Union forces took over from NATO's Operation Allied Harmony with the aim of contributing further to a stable, secure environment in FYROM and ensuring the implementation of the August 2001 Ohrid Framework Agreement, which settled the conflict between Macedonian Slavs and Albanians. The EU force patrolled the ethnic Albanian-populated regions of FYROM that border Albania, Serbia and Kosovo.

The operation, requested by FYROM and endorsed by UN Security Council Resolution 1371,<sup>19</sup> was conducted by personnel from 13 EU member states (all MS other than Denmark and Ireland) and 14 non-member states.<sup>20</sup> The total forces were a modest 400 lightly armed military personnel, and the budget for the first six months of the operation was €6.2 million. The EU drew on NATO assets and capabilities under the Berlin Plus arrangements, thus providing the first test case for the strategic EU–NATO partnership for crisis management embodied in the agreement of December 2002.<sup>21</sup>

### *2.4.2 Operation Artemis*

The EU's second military operation, Operation Artemis, highlighted a second operational concept available to the Union, that of the 'framework nation'. The aim of Operation Artemis was to prevent a large-scale humanitarian and civil crisis in Ituri, a region in the north-east of the DRC. The EU responded to an appeal by the UN Secretary-General and launched a military operation on 12 June 2003, under a mandate set out in UN Security Council Resolution 1484.<sup>22</sup> Operation Artemis sought to contribute to the stabilization of security conditions and the improvement of the humanitarian situation in Bunia, the capital of Ituri, with a force of about 1800 soldiers, mostly French, under the Operational Command of Major General Neveux. Artemis was the EU's first military operation outside Europe as well as the first not to rely on NATO assistance.

Operation Artemis showed that the 'framework nation' concept, initially elaborated within the Western European Union, can be useful for achieving some semblance of 'rapidity' in an EU multinational operation. Certain member states have the necessary structures to lead rapid response operations, and in a Union of 25 (now 27) members it will not always be possible to include every member in every operation, as was

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<sup>19</sup> UN Security Council Resolution 1371, 26 Sep. 2001, URL <<http://www.un.org/Docs/sc/>>.

<sup>20</sup> Denmark does not take part in EU actions which have defence implications due to its opt-out under Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union. Ireland's participation was blocked by a legal intervention questioning whether a new UN Security Council mandate was necessary for the EU operation.

<sup>21</sup> NATO, 'EU–NATO declaration on ESDP', Press release (2002)142, 16 Dec. 2002, URL <<http://www.nato.int/docu/pr/>>.

<sup>22</sup> UN Security Council Resolution 1484, 30 May 2003, URL <<http://www.un.org/Docs/sc/>>.

attempted with EUFOR Concordia.<sup>23</sup> It was also a clear indication of the EU's approach to effective multilateralism, made explicit later that year in the European Security Strategy Reform, as it was set up at the request of the UN Secretary-General and was intended to support MONUC whilst the UN Mission was strengthened and re-deployed. Finally, by operating with a chapter VII mandate under the UN Charter, it showed the way for a more muscular UN force in the DRC.

### 2.4.3 EUFOR Althea

A third EU military operation, EUFOR Althea, took over from NATO's Stabilization Force in Bosnia and Herzegovina (SFOR) on 2 December 2004. This operation also drew upon the "Berlin Plus" arrangements agreed with NATO. It was (and remains) the largest ESDP operation of its kind with approximately 7000 troops. The model is also interesting because the operation is being closely associated with the Comprehensive Policy for Bosnia and Herzegovina and is being tabled by the EU as an innovative approach to improving civil-military coordination in the field (specifically, with the EU Police Mission in Bosnia and Herzegovina, which as - the first ESDP operation - has been running a police operation since January 2003).<sup>24</sup>

These early experiences as well as those from the wider international community (UN and Member States) are bringing to the fore new concepts for intervening in complex civil conflicts/crises (from humanitarian relief to stabilisation and peacebuilding missions). In particular such concepts and lessons learned emphasise "comprehensive planning" and civil-military planning and coordination which responds to both a need to improve EU inter-institutional coherence and improving effectiveness of external action in the field. For the EU this has highlighted a need to bring ESDP (pillar II) and Member State capabilities together with the Community's (pillar I) short-term humanitarian aid and post-conflict reconstruction assistance and its longer-term stabilisation and development aid. A recent example of the potential for the EU to draw upon capabilities from across the range of ESDP (civilian and military), Member State and Community instruments was highlighted by its role in supporting transition in the Democratic Republic of the Congo (DRC).

### 2.4.4 DRC – Civil-Military Coordination

On 27 April 2006 the EU adopted a Joint Action which established a legal basis for an EU ESDP Military Operation, known as EUFOR R.D. Congo to run from August to November the same year. The operation was widely anticipated after the UN (Under Secretary General for Peacekeeping Operations) invited the European Union on December 27th 2005 to consider providing support to strengthen the United Nations Peace keeping Operation in the DRC (MONUC) during that country's first elections

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<sup>23</sup> Quille & Missiroli. op cit.

<sup>24</sup> European Council, Presidency Conclusions, 17 and 18 June 2004 at <http://ue.eu.int/uedocs/cmsUpload/81742.pdf>. For a critical analysis see Keane, R. 'EUFOR Mission for Bosnia by the end of 2004', *ESR*, No 23 2004.

for 40 years. The mission was an autonomous ESDP operation with Germany acting as Framework Nation and providing the Operational Headquarters at Potsdam.<sup>25</sup>

The EU had been working for some time in support of peace processes in the Great Lakes region. This has included political (not least represented by the appointment of an EU Special Representative for the Great Lakes), economic and development support and the already mentioned operation Artemis.

More immediately the EU has invested substantially in the election process. Over half of the funding for the elections comes from EU resources. This includes an additional 60 million in November 2005 towards the support programme for electoral reform on top of the 89 million allocated in 2004. This is the largest ever Community contribution to an electoral process. The election was further supported by an EU Election Observation Mission headed by MEP General Morillon and reinforced by a European Parliament short term observation mission.

Further support to transition and specifically to the electoral process has been provided for by the launch of an ESDP Police Mission known as EUPOL Kinshasa.<sup>26</sup> It was the first ESDP EU civilian (police) mission in Africa. In December 2004, the PSC decided that EUPOL Kinshasa should pursue a three-fold approach to assist with the rehabilitation and refurbishment of a training centre and the provision of basic equipment; to assist with the training of the Integrated Police Unit (IPU); and to follow-up, monitor, and oversee the implementation of the IPU's mandate after the initial training phase. Furthermore, on 8 June 2005 (for an initial 12 month period, subsequently extended) the EU also launched a Security Sector Reform Mission in the DRC known as EUSEC DRC. The main objective of EUSEC DRC is to provide advice and assistance on Security Sector Reform (SSR) and in particular to contribute to a successful integration of a united Congolese army.<sup>27</sup>

Whilst Europe's interests stem from its colonial past, it has evolved into one based on significant political dialogue, trade flows as well as aid. The EU is the biggest donor in Africa accounting for 60% of all official ODA.

The recently adopted EU Africa Strategy reminds us of the EU instruments and policy frameworks that have been developed for engaging with Africa, namely the recently revised Cotonou Agreement (dating from the original 1963 Yaoundé agreement and then the Lomé I Agreement signed in 1975 and further developed up to Lomé V for sub-Saharan Africa, the Caribbean and Pacific countries), the Trade Development and Cooperation Agreement (with South-Africa), the Euro-Mediterranean partnership and

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<sup>25</sup> The financial Framework identified in the Joint Action is 16.7 million for "common costs" to be managed by the ATHENA Mechanism. This is in addition to costs borne directly by Member (and contributing 3rd) States a practice known as "costs lie where they fall".

<sup>26</sup> Martinelli, M. Helping transition: the EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the framework of EU policies in the Great Lakes. *European Foreign Affairs Review*, 11(3), Autumn 2006, pp. 379-400.

<sup>27</sup> Ibid. See also: Martinelli, M. "Les initiatives européennes de réforme du secteur de sécurité en République démocratique du Congo." In : Bernard, A. (ed) *Europe Puissance Tranquille ? Rôle et identité sur la scène mondiale.* Grip, Bruxelles, 2006, pp. 148-157 ; et Martinelli, M. "Implementing the ESDP in Africa: the Case of the Democratic Republic of Congo." In: Merlingen, M. and Ostrauskaite, R. (eds) *The European Security and Defence Policy: Operationalisation, Impact and Context*, Routledge, forthcoming, 2007.

the European Neighbourhood Policy (for North African countries).<sup>28</sup> The EU Africa Strategy also complements key EU security reference documents, namely the European Security Strategy, that highlight a desire by the Union to balance security and development interests whereby peace and security are the first prerequisites to sustainable development.

European interests in Africa are by no means altruistic; they reflect long standing economic, developmental and security interests in the region.<sup>29</sup> All these economic, developmental and political actions serve to underpin the EU's longer-term role in supporting the DRC to transition and helping to build a stable regional actor. The EU has, therefore, wider interests than the colonial legacies of predominantly France, UK and Belgium (and more distant relationships of Germany with DRC's neighbours in Rwanda and Burundi) that represent immediate security, economic and political interests of Europe today. Collectively, these factors provide important additional information for understanding the EU's current support to the DRC during the election period.

#### *2.4.5 Limits of ESDP?*

The reality of operational demands has somewhat marginalised previous rhetorical questions, such as what the ESDP was for and where it might be used. While they illustrate the EU's strategic ambitions, both in its neighbourhood and in sub-Saharan Africa, there is no ground for complacency about a multiplication of these actions because the capability-building process underpinning the operations remains a much longer-term effort. Ongoing conflicts in such places as Darfur, Sudan, and the reactions of different European states to recent operational demands in Afghanistan and Iraq have provided reminders of the political and material limits to collective European action. Nevertheless with preparations ongoing to take over from the UN in Kosovo in what promises to be the largest, and potentially most demanding, ESDP civilian police mission of its kind, there is every reason to believe that the current trend, which has led to 16 complete or ongoing ESDP operations in less than 5 years, will continue.

Since the development of ESDP within the EU from the 1999 Cologne European Council, the Member States have developed the decision-making and institutional support structures to enable them to use the EU as a “framework” for pursuing their

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<sup>28</sup> Communication from the Commission on 12 October 2005 entitled an 'EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa's Development', page 2. Can be found at: [http://europa.eu.int/comm/development/body/communications/docs/eu\\_strategy\\_for\\_africa\\_12\\_10\\_2005\\_en.pdf](http://europa.eu.int/comm/development/body/communications/docs/eu_strategy_for_africa_12_10_2005_en.pdf)

<sup>29</sup> Such interests include, not least as a trading partner rich in mineral resources (including copper, cobalt, zinc, manganese, uranium, diamonds, coal, gold, silver and, particularly important, coltan) and there are also major deposits of offshore petroleum near the mouth of the Congo River; to see a positive return on large sums of development assistance (such as 750 million euro between 2003-2007); to see a positive return on international financial assistance, for example in June 2002, the IMF approved a three-year US\$ 750 billions PRGF (Poverty Reduction and Growth Facility) and the Paris Club of donors pledged a further US\$ 5.7bn for the period 2005-2007; to avoid large scale humanitarian crisis which might result in the need to deploy substantial numbers of troops, as well as increased sums of humanitarian and development assistance; to avoid large scale population movement which in turn will increase regional instability and lead to increased immigration at the borders of Europe.

national and combined defence and security ambitions.<sup>30</sup> They have been careful to maintain their inter-governmental control over the development of ESDP by limiting the financial resources (embedded in article 28 of the Treaty on European Union) available through the CFSP budget and by providing military resources on the basis of national contributions-only (i.e. no EU military budget for defence operations and no European army).<sup>31</sup> Together with these inter-governmental tendencies, lessons learned have inspired institutional arrangements to support the concepts of coordination and planning such as a new EU Civil Military Planning Cell, established between 2005 and 2006, and an EU level Operations Centre from January 2007. Finally new operational capabilities have been developed, notably the so-called Battlegroups with two on stand-by for deployment from January 2007, a development which even led one commentator to state "The European Union has quietly acquired what might be described as a standing army".<sup>32</sup>

Improving the coherence of EU external action is a welcome objective but its pursuit also creates a new level of complexity in EU planning between civil and military actors and across Community and inter-governmental pillars. The European Security Strategy's emphasis upon coherence across the spectrum of ESDP and Community capabilities were also being developed within the Convention on the Future of Europe, which was also addressing more fundamentally the institutional arrangements needed to underpin the growing international presence of the EU on the world stage.<sup>33</sup>

## **The Convention on the Future of Europe and the Constitutional Treaty**

### *3.1 Key Foreign Policy innovations*

They developments in the Constitutional Treaty in the area of Foreign Affairs refer to the creation of the new post of Foreign Minister and a joined up External Action Service (which would overcome the existing pillar structure). The final report of the Convention's Working Group, chaired by Jean Luc Dehaene, on "External Action" reflected a "*large trend*" in favour of setting up a double-hatted "*External Representative*" (ER), combing the functions of Solana and Commissioner Patten.<sup>34</sup> The job description submitted by the Working Group was translated into the new draft Constitutional Treaty with very little adjustment. It is important to appreciate that the Convention formula does not amount to a merger of two positions into one, instead it attributes to one and the same person the exercise of two functions, (i.e. a *personal union*).<sup>35</sup>

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<sup>30</sup> Cameron, F. "ESDP: the state of play", EPC Working Paper No. 11, September 2004

<sup>31</sup> See footnote 9.

<sup>32</sup> Reynolds, P. "New force behind EU foreign policy", BBC Web-site at: <http://news.bbc.co.uk/2/hi/europe/6441417.stm>. On the Battlegroups see: Quille, G. "The EU Battlegroups", Policy Department, Directorate General External Policies, European Parliament, 12 September 2006. Lindstrom, G. "EU Battlegroups", EU-Institute for Security Studies, Paris, April 2007.

<sup>33</sup> Grevi, G. et al "The EU Foreign Minister: Beyond Double-hatting", International Spectator, Vol XL, No. 1, March 2005

<sup>34</sup> See CONV 459/02

<sup>35</sup> Grevi et al, op cit.

The Constitutional Treaty sets out a *job description* for the Foreign Minister. Article I-28 of the Constitutional Treaty states:

- that the FM is to be appointed by the European Council, acting by a qualified majority, with the agreement of the President of the Commission (Article I-28.1);
- in such a role he/she will (Article I-28.3) preside over the Foreign Affairs Council;
- he/she will also be one of the Vice Presidents of the Commission and as such be "bound by Commission procedures to the extent that this is consistent" with this article.

Whilst the Convention on the Future of Europe provided a new focus for European and Transatlantic discussions on the future of the EU and NATO, this soon settled into an older pattern of dispute and compromise between the US, UK and France, with input from Italy as the holder of the EU Presidency. The final agreement on contentious defence issues - such as that of an autonomous EU capability for Operational Planning - was reached by the UK and France and made public at their bi-lateral summit meeting on 24 November 2003, which stated: 'The UK and France will continue our co-operation in the field of capability development. The ultimate test of the success of the EU's crisis management capacity is that it is able to prepare for, launch and conduct effective and coherent operations'.<sup>36</sup> While no specific reference was made to 'an autonomous planning cell' an accent was placed on the planning, capabilities and conduct of operations. This opened the way for a 'defence deal' at the 2003 Inter-governmental Conference (IGC).

### *3.2 Key defence innovations*

The articles in the Constitutional Treaty covering defence include a commitment to the progressive framing of a common defence policy and this could lead to a common defence "when the European Council, acting unanimously, so decides". The most important change, however, is the acceptance of a new form of "permanent structured cooperation" (articles I-41 para 6 and III-312) within the Union that would allow those Member States whose military capabilities fulfil higher criteria, and which have made more binding commitments to one another in this area, to carry out missions on behalf of the EU.

Article 1 of Protocol 23 of the Constitutional Treaty (CT) states that permanent structured cooperation shall be open to any Member State:

- That undertakes to proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the European Defence Agency.
- That has the capacity to supply, by 2007 at the latest, targeted combat units for the missions planned... with support elements including transport and logistics.

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<sup>36</sup> Franco-British Summit, London, 24 November 2004 at [http://www.fco.gov.uk/Files/kfile/UKFrance\\_DefenceDeclaration,0.pdf](http://www.fco.gov.uk/Files/kfile/UKFrance_DefenceDeclaration,0.pdf)

Article 2 states that to achieve these objectives Member States participating in permanent structured cooperation shall:

- Cooperate to achieve approved objectives concerning the level of expenditure on defence equipment, and regularly review these objectives in the light of the security environment and of the Union's international responsibilities.
- Bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics.
- Take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures.
- Work together to make good the shortfalls perceived in the framework of the "Capability Development Mechanism".
- Take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the Agency.

Article 3 refers to the EDA and states that it shall contribute to the regular assessment of Member States' contributions in relation to capabilities (article III-312 para 3 and 4). There are also complicated proposals for the use of qualified majority voting (QMV) in taking decisions under permanent structured cooperation but experience suggests that Member States would be very reluctant to break from the traditional principle of unanimity in defence matters. Another change is the mutual solidarity clause, which acknowledges the commitments of NATO Members States that "if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all means in their power..." (article I-41 para 7). Although this is more a political gesture than an attempt to create an EU defence alliance, it does serve to underline the basic solidarity between Member States.

The proposals for a Foreign Minister and External Actions service are under review as the Member States discuss their next steps after the French and Dutch referenda. As an important political symbol, as well as widely regarded innovations to help improve the coherence and effectiveness of European external action, the appointment of an EU Foreign Minister with an external actions service has not been implemented. This stands in stark contrast to the defence aspects of the Constitutional Treaty. All the defence proposals have further developed and operationalised including the European Defence Agency and the solidarity clause.<sup>37</sup> Whilst permanent structured cooperation

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<sup>37</sup> Council Joint Action 2004/551/CFSP on the establishment of the European Defence Agency, OJ L245/17, 17 July 2004, at [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l\\_245/l\\_24520040717en00170028.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_245/l_24520040717en00170028.pdf). European Council, Presidency Conclusions, 25 and 26 March 2004 adopted a Declaration on Terrorism which included the incorporation of "the spirit of the Solidarity Clause contained in Article 42 of the draft Constitution for Europe". The declaration came into force on 1 May 2004 and can be found at: <http://www.consilium.europa.eu/uedocs/cmsUpload/79635.pdf>



has not been implemented *de jure* it is widely regarded as being implemented *de facto* in the form of the Battlegroups. These proposals on the defence aspects of the ESDP are being implemented as *practical incremental steps* whereas the highly political upgrading of the Union with a Foreign Minister is being kept under review for the time being. Whilst this may signify a certain respect for French and Dutch voters, it also ensures the ESDP motor continues to drive the Union forward with a greater number of ESDP missions and CFSP commitments.

### 3.3 Implications for the European Parliament

Whilst distinct challenges still remain to overcome the democratic deficit in CFSP and in particular the military aspects of ESDP, the draft Constitution provides a foothold for engaging more meaningfully with the decision-making process. The Parliament will play a formal role in endorsing the candidature of the Vice-President of the Commission, i.e. the Foreign Minister. The European Parliament is also consulted on important decision in relation to the establishment of the External Action Service and any new procedures for pre-financing CFSP actions. This is in addition to the strengthened consultation role it has negotiated within the framework of the new Financial Perspectives 2007-2013 (and the associated Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management).<sup>38</sup> The Parliament's report on the Constitution (2004) welcomed what "*will be a significant enhancement of the Union's visibility and capacity as a global actor*" with the Foreign Minister and single External Actions Service.<sup>39</sup>

The position of FM not only provides an opportunity for greater formal Parliamentary scrutiny as a Vice-President of the Commission, but the breaking-down of the pillars represented by the proposal for a united External Action Service (EAS) will also strengthen the current trend toward more "joined up" use of external instruments (namely under the CFSP budget, Stability Instrument, Development Cooperation Instrument, European Neighbourhood and Partnership Instrument, the Pre-Accession Instrument, and the Instrument for the Promotion of Democracy and Human Rights) over which the EP has important budgetary scrutiny as well as powers of co-decision.<sup>40</sup>

Although there is still a long way to go in improving parliamentary scrutiny at the EU level, the developments introduced in the Constitutional Treaty in the form of the FM and EAS will also lead to a *de facto* significant increase in the European Parliament's powers of scrutiny and budgetary decision-making. In the absence of the Constitutional Treaty, the EP maintains a scrutiny role over CFSP and it incrementally improves its budgetary powers (such as through in the above mentioned

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<sup>38</sup> Official Journal of the European Union C 139/1, Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, 14.6.2006

<sup>39</sup> European Parliament resolution on the Treaty establishing a Constitution for Europe (2004/2129 (INI)) of 12 January 2005, para. 3, OJ C247 E, 6 October 2005, pp. 88 at <http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/ce247/ce24720051006en00880093.pdf>

<sup>40</sup> There is also a Nuclear Safety and Security Instrument and a financing Instrument for Cooperation with Industrialised countries and territories and other high-income countries and territories (ICI), which along with the Pre-Accession Instrument merely foresee consultation with the European Parliament.

Inter-Institutional Agreement), but unlike the case for the FM it has weak political authority over the current High Representative for CFSP. This may seem a small detail but just look at the recent controversy over the role of the EU member states in the so-called extraordinary rendition by the CIA of suspects in the war on terrorism and the damaging political fallout from the lack of cooperation from some Member States and in particular from the lack of cooperation from the High Representative to the European Parliament. This has left both a negative image of the EU and its High Representative. Here there are lessons for any future Foreign Minister, who would need to be more cooperative and responsive to the European Parliament or risk bringing down the whole college of the Commission.<sup>41</sup>

### *3.4 The rejection of the Treaty - the end of CFSP?*

The world has not stopped with the rejection of the Constitutional Treaty in French and Dutch referenda, nor has it paused for reflection to join intra-European debates on the cost of non-Europe in foreign affairs following this rejection. Whilst the EU's member states, institutions and citizens have embraced a debate on the future of the treaty, they have not become introverted "navel gazers" but have remained active on the world stage in responding to and taking part in some of the most serious and complex foreign policy issues of the day. This has ranged from playing a central role in the resolution of last summer's war between Israel and Lebanon, to its role in the future status of Kosovo, to the stable transition of the DRC, to an increased ESDP role alongside its humanitarian aid role in Afghanistan, to supporting solutions in Sudan and Somalia as well as responding to serious natural disasters.

Europe has been able to play a leading role because its member states remain leading international players and are increasingly prepared to instrumentalise the EU and its institutions, on the basis of the current legal framework, to pursue their national and collective security interests. But is that enough? Should we be satisfied, despite widespread academic and governmental criticisms about the lack of coherence in CFSP, and conclude that we do not need further institutional reform through the treaties?<sup>42</sup> Or further still should we accept the broad framework of the existing treaties to push forward on ESDP without reflecting upon the political imperative to engage and move forward with the full support of Europe's citizens? Lastly but certainly not least, how can we move forward in this sensitive policy area which is widely recognised to suffer from a "double-democratic deficit" at both the national and EU levels, and more specifically weak parliamentary scrutiny (and legitimacy)?<sup>43</sup> This concept of a "double-democratic" deficit refers to the situation whereby the

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<sup>41</sup> European Parliament resolution on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, (2006/2200(INI)), 14 February 2007 at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0032+0+DOC+XML+V0//EN&language=EN>

<sup>42</sup> Although related to developments on defence market reform, this argument has been put forward recently by: Tybus, M. "With or without the EU Constitutional Treaty: towards a Common Security and Defence Policy" in the *European Law Review*, April 2006, pp. 145-166

<sup>43</sup> Born & Hanggi (eds) "The 'Double-democratic deficit: parliamentary accountability and the use of force under international auspices", Ashgate, 2004. Wessels, W. "The Parliamentary Dimension of CFSP/ESDP: Options for the European Convention", Final report, No. IV/2002/01/01, Study submitted to the European Parliament. *See also* Wagner, W. "Parliamentary Control of Military Missions: Accounting for Pluralism", Geneva Centre for the Democratic Control of Armed Forces (DCAF), Occasional Paper, No. 12, at [http://www.dcaf.ch/docs/op12\\_parliamentarycontrolplural.pdf](http://www.dcaf.ch/docs/op12_parliamentarycontrolplural.pdf)

European Parliament is well placed to scrutinise and follow ESDP issues but has weak formal decision-making powers, but where national parliaments have better defined formal powers in relation to their national armed forces but are less well placed to follow EU-level developments and decision making in ESDP. These are all issues that any responsible citizen, Parliamentarian, Minister and institution should reflect upon and which are being debated widely in Europe and in particular in the European Parliament.

We can see above that ESDP is developing at a considerable pace without the Constitution. This is creating demands on the EU and European Parliament as a budgetary authority such as in the need to fund in particular the civilian aspects of these missions but also the associated trappings of a greater external profile such as in the form of a growing number of Special Representatives. Furthermore, the greater perceived role of the EU as a global actor, driven largely by the dynamism of ESDP, is also putting pressure on the need for more “joined up” or “coordinated” use of policy instruments. The majority of these other policy instruments in the external relations area fall under the community (pillar 1) and where the EP now exerts greater authority as a co-decision actor. The net conclusion is that, even in the absence of the Constitutional Treaty, as CFSP/ESDP grows the EP is drawn further into the policy making framework.

The EP’s decision making powers are founded upon its budgetary role but let us not forget even under the current Treaties the European Parliament is a political actor responsible for the development of the Union and has a specific mandate to scrutinise CFSP. The EP has a responsibility to both its citizens and towards the development of CFSP/ESDP. As such it is an important player at the cross-roads where citizens and institutions meet in the area of CFSP/ESDP, but is the European Parliament sufficiently well informed to scrutinise CFSP and provide democratic legitimacy to decisions in this area? If not, is there a risk to the very credibility of the European Parliament should an ESDP operation result in deaths or escalate into a more serious conflict requiring the further mobilisation of European citizens? The speed of development of CFSP/ESDP and the question of parliamentary scrutiny are fundamental issues facing the European Union as it progresses under the current Treaties or even if the Constitutional Treaty is revitalised.

In response to this growing EU role and action in the area of security policy the European Parliament has established in 2004 a new sub-Committee on Security and Defence (SEDE) within its Foreign affairs Committee (AFET). With the continued rapid growth of ESDP since 2004, the European Parliament is currently considering upgrading SEDE into a full Committee on Security and Defence. This would send both a strong political signal of the Parliament's intention to pursue this important policy area and it would also increase the Parliament's level of scrutiny through more regular reports dedicated to ESDP issues.<sup>44</sup>

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<sup>44</sup> On the upgrading of SEDE see European Parliament website article on "Improving the public perception and efficiency of the work of the European Parliament - mandate for a working group on reform of the Parliament, 15 February 2007 at [http://www.europarl.europa.eu/news/expert/infopress\\_page/008-3202-050-02-08-901-20070215IPR03201-19-02-2007-2007-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/008-3202-050-02-08-901-20070215IPR03201-19-02-2007-2007-false/default_en.htm)

### 3. Academic critiques of CFSP/ESDP

A brief look at key policy journals and expert security studies literature highlights a vibrant theoretical debate about the nature of the EU's external relations and the significance of the development of new military crisis management procedures and decision making framework represented by ESDP. With the deployment of ESDP operations, empirical data is now also emerging and being used to enrich theoretical discussions. However, looking at the state-of-the-art of research on EU security and defence matters it is obviously still very early in generating empirical analysis to test our analytical and theoretical frameworks. This is not a criticism levelled against researchers but a consequence of the fact that the first ESDP operations have been launched less than five years ago.

Furthermore, the decision-making framework is still in flux as institutional innovations come alongside deeper reflections on the future of Europe. It is natural therefore that the existing well developed theoretical research is only slowly being complimented with empirical data and that this empirical data is first concentrating on ESDP policy and (inter-)institutional developments rather than field-oriented investigations of operations. In this respect there is, except for some very important academic contributions (including dedicated research networks under the European Commissions fifth (e.g. ESDP Democracy), sixth (e.g. FORNET, EU CONSENT, and CHALLENGE Liberty and Security) and seventh research framework programmes), somewhat of an imbalance between those holding expertise on EU theory and integration and those with expertise on EU-oriented security and defence.<sup>45</sup> One further expectation from this paper is perhaps to inspire some of you EU experts to take a greater interest in EU security and defence in order to ensure the future of Europe benefits from the best intellectual minds and rigorous analysis in what is perhaps the most important EU policy area of the early twenty-first century.

The academic literature provides us with many perspectives on the development of ESDP including the view that we can continue as usual within the framework of the existing treaties but also pick-up and implement the innovations in the Constitutional Treaty in the area of security and defence (armaments policy, crisis management and collective defence). This argument has been put forward forcefully in a recent article "With or without the EU Constitutional Treaty: towards a Common Security and Defence Policy" in the *European Law Review*.<sup>46</sup> This view represents a bottom-up or technical understanding of the development of ESDP to-date and the limited nature of the proposals on defence in the Constitutional Treaty which we have seen can continue to be implemented along the trajectory set out in Cologne and Helsinki in 1999.

However, this argument ignores the political concerns expressed by such people as MEP Watson, at the beginning of this article, as well as previous criticisms that have long accompanied ESDP and are regaining credence regarding the very premise and purpose of EU external action particularly on security and defence matters. We have referred to the democratic deficit above, but other concerns are also being highlighted

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<sup>45</sup> Furthermore see footnotes 41-43 below. More on these research programmes at the respective sites: <http://www.ulb.ac.be/iee/esdpdemocracy/>; <http://www.fornet.info/>; <http://www.eu-consent.net/>; and <http://www.libertysecurity.org/>

<sup>46</sup> Tybus, M. op. cit.

such those that question the ad hoc and piecemeal approach which highlights questions of institutional weaknesses and coherence. Another concern has been expressed in relation to the institutionalisation of security and defence without a clear leadership and direction which in itself lead to fragmentation and incoherence and thus undermine the important efforts in recent years to develop a strategic European culture on security and defence. The latter need for a strategic culture on security and defence was identified by Solana himself in the ESS as the "...need to develop a strategic culture that fosters early, rapid and when necessary, robust intervention".<sup>47</sup>

These concerns seem more urgent in the context of the confusion amongst citizens on the exact role and nature of the EU expressed through the rejection of the Constitutional Treaty and in a broader lack of understanding of the complexities of EU decision making amongst a wider public – partly fostered deliberately by some European leaders.

#### 4. Conclusions and Analysis

The EP itself is still extending its authority over external relations but the complexity, lack of transparency and ad hoc nature of ESDP raises many challenges; to understand, formulate an opinion and communicate to the public exactly what is happening, never-mind be able to predict and offer any reassurances, on future main aspects and basic choices of CFSP. If something goes wrong as warned by Watson how will the EP explain its role in scrutinising and allowing the budget for such (civilian) operations? What does this mean for the institution?

Some aspects of the problem can be addressed within the existing Treaty arrangements and are being discussed in particular in the context of the framework of

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<sup>47</sup> A simple select look at the literature, including that already referenced throughout this article and the publications of EU-Institute for Security Studies and ISIS Europe, includes: Smith, M. "Comment: Crossroads or cul-de-sac? Reassessing European foreign policy", *Journal of European Public Policy*, Vol. 13, No. 2, March 2006, pp. 322–327. Manners, I. "Normative power Europe reconsidered: beyond the crossroads", *Journal of European Public Policy*, Vol. 13, No. 2, March 2006, pp. 182–199. Wolfgang, W. "The democratic control of military power Europe", *Journal of European Public Policy*, Vol. 13, No. 2, March 2006, pp. 200-216. Sjursen, H. "What kind of power?", *Journal of European Public Policy*, Vol. 13, No. 2, March 2006, pp. 169-181. Keane, R. "European security and defence policy: from cologne to sarajevo", *Global Society*, Vol. 19, Issue 1, January 2005, pp 89-103. Remacle, E. "La stratégie européenne de sécurité. Plus occidentale qu'européenne", in: Delcourt, Duez and Remacle (eds.). "La guerre d'Iraq. Prélude d'un nouvel ordre international?" Bruxelles: pie. Cornish, P. & Edwards, G. "Beyond the EU/NATO dichotomy: the beginnings of a European strategic culture", *International Affairs* Vol. 77 No. 3, 2001, pp. 587–603. Kirchner, Emil J. "The Challenge of European Union Security Governance". *Journal of Common Market Studies*, Vol. 44, No. 5, pp. 947-968, December 2006, Edwards, G. "Is there a European Security Culture in the Enlarged European Union?", *International Spectator*, Vol. 3, 2006 pp. 7-23. Smith, K. "The End of Civilian Power EU: A Welcome Demise or Cause for Concern?". *International Spectator*, Vol. 23, No. 2, pp. 11–28. Posen, Barry R. "ESDP and the Structure of World Power" *The International Spectator* No. 1, Rome, 2004. Wallace, W. "Is There A European Approach To War?" *EFPU Working Paper 2005/2*, London School of Economics, 2005. Whitman, Richard G. "NATO, the EU and ESDP: an emerging division of labour?" *Contemporary Security Policy* Vol. 25, No. 3, 2004. Bailes Alyson J. K., *The European Security Strategy: An Evolutionary History*. SIPRI Policy Papers No. 10, Stockholm, 2005. Diez, T. "Constructing the self and changing others: reconsidering 'Normative Power Europe'", *Millenium*, Vol 33, No. 3, 2004. Freedman, L. "Can the EU develop an effective military doctrine?", in Charles Grant, ed., *A European Way of War*, Centre for European Reform. Manners, I. "Normative Power Europe: a contradiction in terms?", *Journal of Common Market Studies*, Vol. 40, No. 2, 2002.

discussions on the implementation of the new external relations instruments and the associated Inter-Institutional Agreements. In response to the growing role of the EU, in particular through ESDP operations, which is creating a demand for an everincreasing CFSP budget, the EP is demanding greater and more timely flow of information from the Council in order for it to carry out its responsibilities as a budgetary authority. These budgetary decisions also have important consequences of a political nature but also for the lives of Europe's citizens who are, for instance, sent on an ESDP Civilian Crisis Management operation to support police or military reform in the DRC. The EP therefore demands that it is fully informed before taking budgetary decisions that have profound political and material consequences. Not to do so risks making uninformed choices that affect the lives of Europe's citizens and the credibility of the European Parliament itself.

Such considerations may have been behind the request of the Member States at the Helsinki European Council to request a legal opinion on whether a Treaty amendment was necessary in the light of recent developments in ESDP.<sup>48</sup> At the Feira European Council an annex makes references to the opinion of the Council Legal Service, which provided some reassurance that the existing Treaties provide a framework for implementing the Cologne and Helsinki commitments but it also cautioned that "...it is for Member States to determine whether amendments to the Treaty would be politically desirable or operationally appropriate".<sup>49</sup> Whether addressing the question of parliamentary scrutiny as a "politically desirable" or "legally desirable" aspect of ESDP, the European Parliament continues to express its concerns on the need to adequately respond to its Treaty based rights and responsibilities to provide budgetary and political scrutiny over the development of ESDP.

In demanding greater and timely access to information, the EP has recently secured an agreement on CFSP from the Finnish Presidency to be informed "before individual decision and actions" and to "provide its opinion before such decisions". This has been an important and hard-fought breakthrough for the EP. Such developments are important in improving transparency and openness in ESDP decision making which is an important step in opening up the "ESDP Black Box" and helping citizens understand how decisions are made and where they come from. They might even help to improve our understanding of complex interventions where the EU is one of a number of actors such as in Bosnia-Herzegovina, Afghanistan, the DRC and perhaps soon Kosovo. It may even help improve our understanding of occasions such as the meeting in Brussels on the premises of the Council of the EU where EU member states discussed their individual troop contributions to the UN Operation in Lebanon (UNIFIL II) and then in the presence of Kofi Annan, Solana and the Presidency announced to the world they would contribute but not as the EU !

Further improvements could follow if the Parliament's (non-binding) opinion was referenced in Joint Actions establishing an ESDP mission. Under current practices Joint actions normally cite the UNSC Resolution providing authority for a mission, an exchange of letters with the country inviting the EU to carry out the operation, and to the status of forces agreement/status of mission agreement setting out the legal parameters for the role and conduct of the mission in the host country. To reference

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<sup>48</sup> See above.

<sup>49</sup> Presidency Conclusions, Santa Maria da Feira European Council, 19 and 20 June 2000, Presidency Report, Annex I on "Strengthening the Common European Security and Defence Policy".

the opinion of the EP would be a substantial step forward in demonstrating ESDP is not above being subjected to prior parliamentary scrutiny at the EU level and seeks democratic legitimacy for its external actions. No doubt some will object on the grounds that this goes beyond the right of the EP under the existing Treaties and even as foreseen in the Constitutional Treaty or that it would slow down already cumbersome decision-making procedures. Whether such a proposal would work requires a detailed discussion amongst sincere parties willing to explore how to improve transparency, openness and parliamentary scrutiny over CFSP. At this stage one can only state that the EP's opinion would be non-binding and therefore fully consistent with its current responsibilities in the Treaties and CT, and secondly that this non-binding opinion would be complimentary to national Parliamentary practices that must also be respected, thirdly, based on examples from national parliaments there is no reason why the EP could not achieve the efficiencies of national parliaments and be able to provide its opinion within for example 5 days of the launch of a Battlegroup.

Indeed, Battlegroups provide a specific challenge whereby the composition of a particular Battlegroup will determine if a national parliament or parliaments are invited to give their opinion. For instance, German participation in a Battlegroup would need both a German government decision in the Council and the approval of the Bundestag, whereas a Battlegroup made up of other participating countries may not trigger such parliamentary approval. In which case the member states could approve a mission on an inter-governmental (i.e. unanimous) basis and if no prior parliamentary approval is needed for the specific Battlegroup configuration it would be launched with a double-democratic deficit. The European Parliament is faced with the scenario of having no budgetary authority over the Battlegroups, which are financed directly by the member states, but having to deal with the question of political scrutiny over a "European force(s)" which is carrying out a mission in the name, and under the flag, of the European Union.

One step forward in this area could be for the European Parliament to be invited to scrutinise, and thereby provide legitimacy for, the Battlegroups. In order to do this within a short (e.g. five day) timeframe, a European Parliament delegation (established by internal procedures) could be sent to the Political and Security Committee and would then prepare an opinion to be adopted by the responsible (Sub)Committee (AFET/SEDE). There would also need to be an improvement in the flow of information to the Parliament in order for it to take such a decision within the necessary timeframe. The current flow of information based upon article 21 of the Treaty on European Union (where the Parliament is consulted and kept informed on the main aspects and basic choices of CFSP) as interpreted by the Council, is inadequate for informing the Parliament sufficiently for providing its opinion within a short timeframe. The exchange of letters under the Finnish Presidency on improved flow of information on the CFSP budget shows that improvements can be agreed. However, an opinion to approve the launch of a Battlegroup would require more structured/automatic flow of information and should be set out in an Inter-Institutional Agreement. This would provide the European Parliament with the necessary information from, and consultation with, the Political and Security Committee for its (Sub)Committee to prepare its opinion on the launch of a Battlegroup and thereby providing both parliamentary scrutiny and legitimacy for the operation. Should the European Parliament express an opinion that is not in favour of an operation, the

Council would not be bound by its findings and the European Union would benefit from a transparent and public debate. The risk is a marginal one, particularly when compared with the potential gains of a more visible, transparent, and democratically accountable ESDP emerging from *the shadow of the constitution*.



**Annex I: ESDP/EU military and civilian crisis management, stabilisation and monitoring missions/operations-  
Financial framework<sup>50</sup>**

					the use of financial sources and mechanisms:					
EU operations	Type of mission	Duration of the operation <sup>51</sup>	(costs <sup>52</sup> (as of 01/2007))	Link to Legal Basis	EU Budget (CFSP budget line)	EU Budget under the Commission competence	Ad-hoc mechanism for military operations financing	Athena Mechanism	European Development Fund (Africa Peace Facility)	
1	EU Military Operation in former Yugoslav Republic of Macedonia (fYROM/Concordia)	military	03/2003-12/2003	4.7 million (2003)	<a href="http://eur-lex.europa.eu/Result.do?arg0=European+Union+military+operation+in+the+Former+Yugoslav+Republic+of+Macedonia&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=European+Union+military+operation+in+the+Former+Yugoslav+Republic+of+Macedonia&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	NO	NO	YES	NO	NO

<sup>50</sup> Source Malovec, M., Sub-Committee on Security and Defence (SEDE), European Parliament, 11 May 2007

<sup>51</sup> Starting with the entry into force of the respective legislation.

<sup>52</sup> Costs involve the financial reference amount provided by the legal decisions launching the operations (Joint Actions); and where applicable, the financing of EUSR, other Community support to the operation, the European Development Fund or other relevant expenditure (e.g. MS/ 3rd countries' bilateral contributions) as known to the author of this paper from the relevant accessible sources at the beginning of January 2006.

2	<b>EU Military Operation in Democratic Republic of Congo (DRC/Artemis)</b>	military	06/2003-09/2003	<b>7 million</b> (2003)	<a href="http://eur-lex.europa.eu/Result.do?arg0=European+Union+military+operation+in+the+Democratic+Republic+of+Congo&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=European+Union+military+operation+in+the+Democratic+Republic+of+Congo&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	NO	NO	YES	NO	NO
3	<b>EU Rule of Law Mission in Georgia (Eujust Themis)</b>	civilian (rule of law)	07/2004-07/2005	<b>2.307.873</b> (2004-2005)	<a href="http://eur-lex.europa.eu/Result.do?arg0=eujust+themis&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=eujust+themis&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 03)	NO	N/A	N/A	NO
4	<b>EU Military Operation in Bosnia and Herzegovina (EUFOR-Althea)</b>	military	12/2004-	<b>71.7 million</b>	<a href="http://eur-lex.europa.eu/Result.do?arg0=althea&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=althea&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	NO	NO	NO	YES	NO

5	European Union Police Mission in the former Yugoslav Republic of Macedonia (Proxima)	civilian (police mission)	10/2003-12/2005	<b>37.511 million</b> (all from CFSP budget, 2003: 7.3 million + 0.65 million ; 2004: 7.056 million + 6.555 million + 5 million; 2005:10.95 million)	<a href="http://eur-lex.europa.eu/Result.do?arg0=EUPol+proxima&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=EUPol+proxima&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 03)	NO	N/A	N/A	NO
6	EU Police Mission in Bosnia-Herzegovina (EUPM)	civilian (police mission)	04/2002-12/2007 (possible extension)	<b>153.850.000</b> (2002:14 million - CFSP budget; 2003: 1.7 million (CFSP budget + 38 million (of which 16.69 million from CFSP; 2004: 38 million of which 17.5 million from CFSP budget; 2005: 38 million of	<a href="http://eur-lex.europa.eu/Result.do?arg0=EUPM&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=EUPM&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 07)	NO	N/A	N/A	NO

				which 17.41 million from CFSP budget + 3 million CFSP budget; 2006: 9 million CFSP budget; 11/2006-12/2007: 12.150.000)						
7	<b>European Union Police Mission in Kinshasa (DRC) (EUPOL "Kinshasa")</b>	civilian (police mission)	12/2004-30/06/2007 (to be extended)	<b>9,945 million</b> (12/2004-04/2006: 4.37 million; 05/2006-12/2006: 3.5 million ; 01/2007-06/2007: 2.075 million)	<a href="http://eur-lex.europa.eu/Result.do?arg0=eupol+kinshasa&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=eupol+kinshasa&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 07)	NO	N/A	N/A	NO
7b	<b>European Union support to the establishment of the Integrated Police Unit in the Democratic Republic of the Congo (DRC)</b>		2004-	<b>585000 + in-kind and financial MS contributions (in addition to other EDF project to support IPU)</b>	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/L_182/L_18220040519en00410045.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/L_182/L_18220040519en00410045.pdf</a>	YES	NO	NO	NO	NO

8	<b>EU Integrated Rule of Law Mission for Iraq (Eujust Lex)</b>	civilian (police, rule of law mission)	03/2005-06/2006 (possible extension)	<b>21,2 million</b> (03/2006-10/2006: 10 million <sup>53</sup> of which services in Baghdad up to 2.5 million; 11/2006-12/2007: 11.2 million CFSP Budget)	<a href="http://eur-lex.europa.eu/Result.do?arg0=eujust+lex&amp;arg1=&amp;arg2=&amp;titre=&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=eujust+lex&amp;arg1=&amp;arg2=&amp;titre=&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 03)	NO	N/A	N/A	NO
9	<b>EU mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DR Congo) (EUSEC DR Congo)</b>	civilian	05/2005-30/06/2007 (to be extended)	<b>8.19 million</b> (2005: 1.6 million-CFSP budget; until 15/02/2006: 0.9 million - MS contributions, 16/02/2006 - 02/05/2006: 0.94 million CFSP 03/05/2006 - 30/06/2007: 4.75 million) <sup>54</sup>	<a href="http://eur-lex.europa.eu/Result.do?arg0=the+European+Union+mission+to+provide+advice+and+assistance+for+security+sector+reform+in+the+Democratic+Republic+of+the+Congo&amp;arg1=&amp;arg2=&amp;titre=&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=the+European+Union+mission+to+provide+advice+and+assistance+for+security+sector+reform+in+the+Democratic+Republic+of+the+Congo&amp;arg1=&amp;arg2=&amp;titre=&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 03)	NO	N/A	N/A	NO

<sup>53</sup> An amount of 10 million EUR was decided for the whole mission.

<sup>54</sup> the overall contribution for 2007 foreseen is 10 million; source <http://register.consilium.europa.eu/pdf/en/07/st09/st09141.en07.pdf>

10	European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia (AMIS/AMISOM EU Supporting Action)	civilian-military supporting action	AMIS <sup>55</sup> support: 07/2005-10/2007 (possibly longer)  AMISOM support: 04/2007-onwards	341.875  (07/2005-12/2005: 2.12 million-AMIS EU Supporting Action from CFSP budget; 1.97 million from ATHENA; 01/2006-10/2006:2.2 million <sup>56</sup> + 1.275 million (EUSR - 2005: 0.675 million; 2006: 0.6 million) +92 million from African Peace Facility +196.4 million (MS bilateral	<a href="http://eur-lex.europa.eu/Result.do?arg0=European+Union+civilian-military+supporting+action+to+the+African+Union+mission+in+the+Darfur+region+of+Sudan&amp;arg1=&amp;arg2=&amp;titre=titre&amp;clang=en&amp;RechtType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=European+Union+civilian-military+supporting+action+to+the+African+Union+mission+in+the+Darfur+region+of+Sudan&amp;arg1=&amp;arg2=&amp;titre=titre&amp;clang=en&amp;RechtType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 03; 19 03 06)	NO	NO	YES	YES
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<sup>55</sup> According to the Commission, in total, the EU and the Member States have contributed over €570 million towards alleviating and resolving the Darfur conflict., source: [http://ec.europa.eu/world/peace/geographical\\_themes/africa/african\\_peacekeepers/index\\_en.htm](http://ec.europa.eu/world/peace/geographical_themes/africa/african_peacekeepers/index_en.htm)

<sup>56</sup> The amount of 2,2 million EUR is intended for the period 01/2006 - 07//2006.

				assistance +11/2006-onwards: 1.785 million CFSP budget) + 15 million (EDF for AMISOM); 05/2007-10/2007 (AMIS supporting action): 2.125 million						
11	<b>EU Monitoring Mission in Aceh (AMM)</b>	civilian (monitoring)	09/2005-12/2006	<b>16.83 million</b>  (2005: 9 million; 2006: 300.000+1.53 million + 6 million special contributions from MS/3rd countries)	<a href="http://eur-lex.europa.eu/Result.do?arg0=AMM&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=AMM&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 03)	NO	N/A	N/A	NO
12	<b>EU Coordinating Office for Palestinian Police Support (EUCOPPS)</b>	civilian (police mission)	11/2005-12/2008	<b>8.900.000</b>  (2005: 2.5 million; 2006: 3.6 million; 2007: 2,8 million; for 2008 will	<a href="http://eur-lex.europa.eu/Result.do?arg0=European+Union+Police+Mission+for+the+Palestinian+Territories&amp;arg1=&amp;arg2=&amp;titre=titre&amp;">http://eur-lex.europa.eu/Result.do?arg0=European+Union+Police+Mission+for+the+Palestinian+Territories&amp;arg1=&amp;arg2=&amp;titre=titre&amp;</a>	YES (19 03 07)	NO	N/A	N/A	NO

				be decided later)	<a href="#">chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>					
13	<b>EU Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)</b>	civilian (police, administrative mission)	12/2005-05/2007 (to be extended)	<b>total: 7.600.000</b> <b>(2005: 1.696.659 ; 01/2006-05/2007: 5.903.341 )</b> <sup>57</sup>	<a href="http://eur-lex.europa.eu/Result.do?arg0=EU+BAM+Rafah&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;idRoot=1&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=EU+BAM+Rafah&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;idRoot=1&amp;Submit=Search</a>	YES (19 03 01)	NO <sup>58</sup>	N/A	N/A	NO
14	<b>EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (EUPAT)</b>	civilian (police advisory mission)	11/2005-06/2006	<b>1.5 million</b> (2006)	<a href="http://eur-lex.europa.eu/Result.do?arg0=EUPAT&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=EUPAT&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES	NO	N/A	N/A	NO

<sup>57</sup> The possible overall financing foreseen in 2007 might reach 7,3 million.;source: <http://register.consilium.europa.eu/pdf/en/07/st09/st09141.en07.pdf>

<sup>58</sup> For flanking measures only.



15	<b>EU Border Assistance Mission to Moldova and Ukraine</b>	not an ESDP mission; financed from EC expenditure and via support of an EUSR	11/2005-11/2007	<b>8 million</b> (2005: 4 million from the Rapid Reaction Mechanism +0.3 million (2005: EUSR)		YES (budgetary line 19 03 06)	YES (2005: Rapid Reaction Mechanism)	N/A	N/A	NO
16	<b>EU MM in Western Balkans</b>	not an ESDP mission (monitoring)	01/2001-12/2007	<b>17.841.386,8</b> (2000-2001: 4.820.404; 2002: 6 979 000 ; 2005: 2 million ; 2006: 1.723.982,80 2007:2 318 000)	<a href="http://eur-lex.europa.eu/Result.do?arg0=EUMM&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=EUMM&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (budgetary line 19 03 01)	NO	N/A	N/A	N/A
17	<b>EU planning team regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo (EUPT Kosovo)</b>	EU planning team regarding a possible future EU civilian crisis management operation in the field of rule of law and police	core deployment since 01/04/2006 full deployment since 01/09/2006 - 05/2007 (to be extended soon)	<b>13.550 million</b> 04/2006-12/2006: 3.005 million; 01/2007-05/2007: 10.545 million (CFSP budget) <sup>59</sup>	<a href="http://eur-lex.europa.eu/Result.do?arg0=EUPT&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=EUPT&amp;arg1=&amp;arg2=&amp;titre=titre&amp;chlang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	YES (19 03 03)	NO	N/A	N/A	N/A

<sup>59</sup> The overall expected costs in 2007: 43.955.000; source: <http://register.consilium.europa.eu/pdf/en/07/st09/st09141.en07.pdf>

18	EU-team to contribute to the preparations of the establishment of a possible international civilian mission in Kosovo, including a European Union Special Representative component (ICM/EUSR Preparation Team)	preparation for ICM/EUSR	15/09/2006-31/07/2007	<b>1.676.000</b>  09/2006-03/2007: 869 000; 09/2006-07/2007: 807 000	<a href="http://eur-lex.europa.eu/Result.do?arg0=ICM%2FEUSR+Preparation+Team&amp;arg1=&amp;arg2=&amp;titre=titre&amp;clang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=ICM%2FEUSR+Preparation+Team&amp;arg1=&amp;arg2=&amp;titre=titre&amp;clang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>					
19	EU military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process (EUFOR DR Congo)	military	30/07/2006-30/11/2006 (+time for deployment and redeployment not included)	<b>16,7 million</b> (Athena) + approx. 56 million (German contribution) + approx. 56 million (French contribution) + other national expenditure	<a href="http://eur-lex.europa.eu/Result.do?arg0=eufor+&amp;arg1=&amp;arg2=&amp;titre=titre&amp;clang=en&amp;RechType=RECH_mot&amp;Submit=Search">http://eur-lex.europa.eu/Result.do?arg0=eufor+&amp;arg1=&amp;arg2=&amp;titre=titre&amp;clang=en&amp;RechType=RECH_mot&amp;Submit=Search</a>	NO	NO	NO	YES	NO

20	Kosovo Rule of Law and Police ESDP Mission	civilian				YES (19 03 03)				
21	Afghanistan Police Mission: EUPOL Afghanistan	civilian		foressen expenditure: 58.000.000 <sup>60</sup>		YES (19 03 07)				
22	ESDP Security Sector Reform police mission to the Democratic Republic of Congo (EUPOL RD Congo)	civilian								

<sup>60</sup> <http://register.consilium.europa.eu/pdf/en/07/st09/st09141.en07.pdf>

