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Common Foreign and Security Policy structures and instruments after the entry into force of the Lisbon Treaty

April 2012

Introduction:

This paper provides an overview of the structures and instruments that the EU has at its disposal to steer and implement its Common Foreign and Security Policy (CFSP) after the entry into force of the Lisbon Treaty. CFSP is by no means the only policy framework through which the EU channels its support to peacebuilding, yet an analysis of the current institutional set-up may help to better understand potential implications for EU's peacebuilding activities and identify entry points for civil society advocacy on CFSP.

The Lisbon Treaty introduced several innovations intended to make the Common Foreign and Security Policy more coherent and, as a result, to strengthen the EU's role as a global actor. These changes may in turn have a major impact on the peacebuilding potential of the EU, provided that the Member States are willing to unite behind the EU and to breathe new life into a truly *common* foreign and security policy which pursues the preservation of peace and the prevention of conflicts as one of its major objectives. CFSP, after the Lisbon Treaty as before, is an area where decision making rests primarily with the Member States and where coordination between EU and national foreign policy priorities remains a challenge.

One of the areas in which increased consistency has yet to be achieved is the deployment of Common Security and Defence Policy missions (CSDP) (one of the key instruments of CFSP) in line with clear EU strategic priorities and geographic interests and in a way that reinforces EU long-term peacebuilding policies. The fact that the crisis management structures in charge of planning, conduct and strategic review of the missions are now an integral part of the European External Action Service, gives some hope for a more strategic and coordinated use of this tool. However, recent developments show a tendency to assimilate CSDP with crisis response, which would hamper rather than enable a more effective use of CSDP missions.

Several obstacles may continue to jeopardise the EU's ambitions for increased consistency in its external affairs. One of the obstacles will continue to be the fact that some EU external policies, including development, humanitarian assistance, trade, Neighbourhood policy and Enlargement policy, remain outside the remit of the European External Action Service (EEAS) and in the European Commission's portfolio. This structural division may well be overcome by adequate inter-institutional co-operation and by effective management by the double-hatted High Representative for Foreign and Security Policy (HR/VP) who is also one of the Vice-Presidents of the European Commission. Yet doubts remain and not least because of evidence of internal power struggles.

The paper does not provide an exhaustive account of CFSP but rather an overview of CFSP structures and instruments after the entry into force of the Lisbon Treaty insofar as they relate to EU peacebuilding policies and activities.

Part I

Common Foreign and Security Policy bodies and actors:

With the entry into force of the Lisbon Treaty the European Union acquired **legal personality**. This reinforced its foreign policy identity as it allows the EU to, for instance, be party to international agreements and allows the EU member states to speak with one voice in international organizations (e.g. the World Bank). In May 2011, a resolution adopted by the UNGA[1] endorsed the changes brought by the Lisbon Treaty allowing the EU to present and promote positions in the UN, with the agreement of Member States. In October 2011, for the first time the President of the European Council exercised the newly acquired right to speak through EU representatives at the UNGA.

1. The European Council and the Council of the EU

Within the EU, the Common Foreign and Security Policy (CFSP) is developed and implemented by the European Council and the Council acting unanimously (Article 24 TEU) except where the Treaties provide otherwise. The **European Council,** which under the Lisbon Treaty became a fully fledged EU institution, is composed of Heads of State and governments together with the President of the European Council and the President of the European Commission. It provides the political direction to the EU by identifying the strategic interests, determining the objectives and defining the guidelines of CFSP including for matters with defence implications. It meets twice every six months and, as a rule, takes decisions by consensus. During the European

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[1] UNGA Resolution A/65/L64 Rev.1: Strengthening of the United Union system. Participation of the European Union in the work of the United Nations was passed by 180 votes in favour, 0 against and 2 abstentions.

Council meetings, the European Council can adopt Council Decisions on common positions and Council Conclusions, which are statements of intent.

The **President of the European Council**, now a full-time position with periods of office running for two and a half year (renewable once), represents the Union externally on issues concerning CFSP "without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy" (Article 15 TEU). This full-time position is also meant to bring increased consistency to the Union's external action, particularly as the former powers/functions of the rotating presidency of the Union in the area of CFSP have been reduced.

Box 1
Example of European Council Conclusions in the area of CFSP:

On 2 March 2012, the European Council adopted Conclusions to take stock of the developments relating to the Arab Spring and to provide guidance for future EU action to support democratization in the Southern neighbourhood. The European Council further invited the Commission and the High Representative to present a roadmap to guide implementation of EU policy, including listing objectives, instruments and actions, *vis-à-vis* the Southern Mediterranean partners.

The **Council of the EU** is the institution that represents Member States and is the legislative body of the EU, often deciding jointly with the European Parliament (the co-decision process). It is composed of Member States' representatives at ministerial level and takes the decisions (the adoption of legislative acts is excluded in the area of CFSP) or common approaches necessary to implement the CFSP on the basis of the guidelines and strategic lines defined by the European Council. The Council of the EU meets in different configurations depending on the policy area; the configurations with competence on CFSP are the Foreign Affairs Council (FAC) and the General Affairs Council (GAC).

Box 2
Example of Conclusions of the Council of the EU in the area of CFSP:

On 23 January 2012, the FAC adopted conclusions on the activation of the EU Operations Centre in the Horn of Africa where the EU has two military operations deployed – EUNAVFOR Atalanta and EUTM Somalia – and is planning to deploy a civilian mission to strengthen regional maritime capacities off the coast of Somalia.

The **FAC** is made up of the 27 Foreign Affairs ministers and it is chaired by the HR/VP, unlike all the other Council configurations which are chaired by the six-monthly Member States presidencies. It deals with the whole of the Union's external action, including CFSP and CSDP, and is responsible for ensuring consistency across the instruments in the EU's external action together with the General Affairs Council (GAC). This Council configuration is also in charge of concluding international agreements on behalf of the Union. A number of working groups specialized in thematic or geographic issues prepare the discussions which are then sent to Committee of Permanent Representatives of the Member States' governments (COREPER) or to the Political and Security Committee (PSC).

The **Presidency of the Council of the EU** is held on a rotating basis every six months by the Member States. An eighteen-month programme is defined and implemented in cooperation by three consecutive presidencies. Before the Lisbon Treaty, Member States holding the rotating presidency used to chair the FAC and use their power to push forward specific CFSP and CSDP

priorities. With the entry into force of the Lisbon Treaty the FAC is chaired by the HR/VP and the potential influence of the rotating presidencies has been reduced.

The **Political and Security Committee** (PSC) is the permanent body constituted by permanent representatives of EU Member States who are based in Brussels and who meet at ambassadorial level (the Member States' PSC Ambassadors). It is in charge of monitoring CFSP and CSDP within the Council of the EU and of exercising political control and setting the strategic direction of crisis management operations (Article 38 TEU). The PSC formulates opinions on these issues at the request of the Council, the HR/VP or on its own initiative. The PSC now has a permanent chair directly linked to the Corporate Board of the EEAS. The PSC is assisted by the Military Committee (EUMC) and the Committee for the Civilian Aspects of Crisis Management (CIVCOM).

Box 3
Decision making procedure for CFSP:

Unanimity is the rule for decision making in the area of CFSP. Members of the Council may, however, abstain and make a formal declaration of abstention. The **qualified abstention** allows them not to apply the decision which will nevertheless commit the Union. If the members of the Council qualifying their abstention represent at least one third of the member States comprising at least one third of the population of the Union, the decision shall not be adopted.

The Council can act by **qualified majority** only in the following cases:
- When adopting a decision defining a Union action or position on the basis of a decision of the European Council relating to the Union's strategic interest and objectives;
- When adopting a decision defining a Union action or position, on a proposal presented by the HR/VP following a specific request of the European Council;
- When adopting any decision implementing a decision defining a Union action or position;
- When appointing a Special Representative.

The European Council may also unanimously adopt a decision stipulating that the Council shall act by qualified majority in cases other than the ones listed above.

Entry points for advocacy towards the European Council and the Council of the EU (as per the EPLO Peacebuilding Power Analysis)

European Council
As the institution providing overall political direction and identifying the strategic objectives of the EU, the European Council is an important advocacy target but rather difficult to influence. In addition, the main issue lies in the gap between the decisions and their implementation. Advocacy opportunities include:
   1) putting conflict prevention and conflict prevention on the agenda of the European Council meetings
   2) Influence European Council Decisions and Conclusions
Council of the EU
The Council is the main decision making body on CFSP. The bodies constituting / advising the Council all therefore all important advocacy targets. Advocacy opportunities include:
   1) Place issues of relevance to conflict prevention and peacebuilding on the FAC agenda
   2) Influence ongoing negotiations at working party / committee / group level
   3) Provide briefings to different parties / committees / groups
   4) Bring conflict prevention and peacebuilding into the Presidency programme

2. The European External Action Service

The CFSP is implemented by the **High Representative for Foreign Affairs and Security Policy** (HR/VP) and by the Member States. The new post of HR/VP is responsible for increasing the consistency of the Union's external action (Article 26 TEU). The HR/VP, currently Catherine Ashton, chairs the Foreign Affairs Council and is one of the vice-presidents of the European Commission (and in this latter role is subject to a vote of consent by the European Parliament), taking on functions divide among three roles: the six-monthly rotating presidency on CFSP; the High Representative for CFSP (the position held by Javier Solana for 10 years); and the Commissioner for External Relations. The HR/VP is also Head of the European Defence Agency. The HR/VP also enjoys formal right of initiative in CFSP/CSDP matters and ensures coordination of the civilian and military aspects of CSDP, under the authority of the Council. She/he also conducts political dialogue with third countries.

The High Representative is assisted by the European External Action Service (EEAS) which works in co-operation with the diplomatic services of the Member States (please click on the link to access the latest EEAS organigramme). The EEAS is also responsible for communication and public diplomacy in third countries, drafting country and regional strategy papers, and election observation missions. Furthermore, the EEAS, in co-operation with the Commission's services, is involved in the programming, planning and management of relevant funding instruments, such as the Instrument for Stability and the European Instrument for Democracy and Human Rights.

The Directorate for Conflict Prevention and Security Policy of the EEAS includes the **Conflict Prevention, Peacebuilding and Mediation Division** and the **Security Policy Division**.[2]

An inter-institutional **Conflict Prevention Group** (CPG) was recently set up. It is chaired by the Conflict Prevention and Security Policy Directorate and composed of representatives from the geographic divisions including the EU Special Representatives (EUSRs), CSDP departments and directorates, Crisis Response Department, Coordination Division of PSC and FAC and the Chairs of CIVCOM and the Politico-military Group, Foreign Policy Instruments Service, the European Commission Development and Cooperation Directorate (DEVCO) and the Humanitarian Aid and Civil Protection Directorate (ECHO). Ad hoc members may include EEAS thematic divisions, other Commission directorates such as DG Enlargement, civil society organizations and Members of the European Parliament. The main tasks of the group, according to the draft paper on the EEAS Conflict Prevention Group,[3] will be gathering and reviewing early warning information, identifying early response options, developing conflict risk analysis methodologies and broadly mainstreaming conflict prevention into EU external action.

Another informal group with specific competences for peace and security is the **EU informal Task Force on Women, Peace and Security** established in 2008. The group, which is currently co-chaired by an official from the Human Rights and Democracy Directorate and an official from the Crisis Management and Planning Directorate, gathers officials from various EEAS divisions, representatives of Member States and officials from the European Commission. It is responsible for steering the implementation of the *EU Comprehensive Approach to the implementation of UNSCR 1325 and 1820*[4] in EU's external action. These resolutions recognize the distinct impact of conflicts on men, women, boys and girls, as well as the critical role of women in peace and security issues. To measure progress in implementation of the commitments enshrined in the

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[2] For recommendations on the roles and responsibilities of the Directorate for Conflict Prevention and Security Policy please check EPLO's 2011 statement on Peacebuilding and Conflict Prevention Inside the EEAS.
[3] The paper was presented at the Crisis Management Board meeting 25 July 2011.
[4] Comprehensive Approach to EU implementation of UNSCR resolution 1325 and 1820 on women, peace and security.

Comprehensive Approach, the Task Force drafted a number of indicators and adopted the first implementation report showing progress against them in 2011.[5]

European Union Special Representatives (EUSRs) are responsible for developing a stronger and more effective CFSP. There are currently 10 EUSRs, (please click on the link to access the list of EUSRs), they may be appointed by the Council, following a proposal from the HR/VP, with mandates covering particular transversal issues (there has been talk about a possible EUSR for Human Rights) and/or geographic areas, and they report directly to the HR/VP. They are engaged in political dialogue in regions they cover and are committed to increasing the coherence of the EU's action towards a particular region. Some of the mandates expressly cover the prevention of conflicts and the contribution to the peaceful settlement of conflicts, such as the mandate of the EUSR for South-Caucasus and the crisis in Georgia, the EUSR for the Middle East and the EUSR in Central Asia. On 8 December 2011, Alexander Rondos was appointed EU Special Representative for the Horn of Africa with a mandate which includes contributing to conflict prevention and resolution.

Before the entry into force of the Lisbon Treaty, the European Commission's delegations mainly dealt with trade, aid and development cooperation. With the entry into force of the Lisbon Treaty and the acquired legal personality of the EU however, they became **European Union delegations** with competencies for CFSP which previously fell under the competence of the rotating presidencies of the EU. They now represent the Union as a whole under the authority of the HR/VP, and have the status and structures to contribute to steering and strategizing the political engagement of the EU with a third country. All EU delegations will now have a political and communication section, unlike before, and are allowed to co-ordinate and represent the EU's position in third countries. EU Delegations in third countries now hold weekly meetings with representatives of the Member States in the country; these meetings were previously organized by the embassies of the rotating presidencies of the EU.

Targets and potential entry points for advocacy towards the EEAS (adapted from the EPLO Peacebuilding Power Analysis)

The EEAS for its responsibilities in the development and implementation of CFSP, programming of the external funding instruments jointly with the EC, coordination of EU Member States in third countries and representation of the EU outside its borders, is one of the main advocacy targets for CFSP. Advocacy opportunities include:
1) Programming of horizontal and thematic funding instruments
2) Revision and development of EU foreign policy (development of norms and guidance on implementation)
3) Preparation of Council decisions (for instance, on deployment of CSDP missions)

For more detailed information, please see section on key advocacy targets and action points, page 12-15 of the Power Analysis.

3. EEAS Crisis Management Structures

The EEAS now includes all the Crisis Management Structures which were previously in the Council Secretariat. They fall under the direct authority of the HR/VP. In December 2008, the Council decided to merge into a single directorate the **Crisis Management Planning Directorate** (CMPD), which is responsible for the politico-strategic planning level of CSDP civilian missions and military operations, as well as for their strategic review. Despite the higher number of civilian

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[5] Report on the EU-Indicators for the Comprehensive Approach to UNSCR 1325 and 1820

missions deployed to date, planners with military background in the CMPD outnumber those with a civilian background.

Established in 2007, the **Civilian Planning Conduct Capability**[6] (CPCC) has the mandate to provide input into the Crisis Management Concepts (CMC) of civilian CSDP missions, contribute to the development of the concepts, plans and procedures for civilian missions etc. It has a staff of about sixty, including official and seconded national experts, who further coordinate, advise and support civilian staff deployed in the missions (roughly three thousand men and women). The head of the CPCC is the Civilian Operations Commander who is the overall commander of all civilian Heads of Missions and reports directly to the HR/VP and, through the HR/VP, to the Council.

The **EU Military Staff**[7] (EUMS), which was transferred from the Council General Secretariat to the European External Action Service in 2011, works under the direction of the Military Committee working group of the Member States Chiefs of Defence and under the authority of the HR/VP. It performs early warning, situation assessment and strategic planning for CSDP missions. It includes units liaising with the UN and NATO, and also a cell at the Supreme Head-quarters Allied Powers Europe (SHAPE) of NATO for those EU operations drawing on NATO's assets and capabilities under the Berlin Plus Agreements.

The **EU Situation Centre (SITCEN)** is the EU "intelligence centre" is located in the EEAS and is the focal point of Situation Centres based in Member States as well as third countries. It monitors the international situation, with a focus on particular geographic areas and sensitive issues such as terrorism and the proliferation of weapons of mass destruction and exchanges information with the foreign, intelligence, security and defence bodies of Member States. It provides early warning, situational awareness and intelligence analysis to inform timely policy decisions under CFSP and CSDP.

Targets and potential entry points for advocacy towards the Crisis Management Structures (adapted from the Power Analysis)

The crises management structures are responsible for the planning, conduct and monitoring of civilian and military CSDP missions. Advocacy opportunities include:
CMPD:
1) Influence the early planning of CSDP missions by channelling situation assessments and conflict analysis
2) Engage in the strategic review of CSDP missions
3) Influence the drafting of the Concepts and Policy documents regarding CSDP missions
CPCC:
1) Provide policy advice and recommendations for the planning, conduct and review of civilian CSDP missions

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4. European Commission

The European Commission remains a very important actor in EU's external action but the institutional changes introduced by the Lisbon Treaty reduced, at least on paper, its influence over CFSP. The Lisbon Treaty deleted the previous formulation under the Maastricht Treaty according to which the Commission was to be *fully associated* with CFSP. The former Directorate General for External Relations (DG RELEX) of the Commission was entirely merged with the EEAS and, as previously noted, the Delegations are now the Union's and not solely the

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[6] Click on the link to see the structure of the CPCC.
[7] Click on the link to see the structure of the EUMS.

Commission's. The Commission retains the right to jointly (with the HR/VP) submit to the Council proposals on EU external action. The Service for Foreign Policy Instruments, responsible for the planning and financial administration of the Instrument for Stability (see below), remains a Commission service yet it now reports directly to the HR/VP in her role of Vice President of the Commission. Concerns about coordination between the EEAS and the Commission were raised on several occasions, including in the letter to the HR/VP prepared by 12 Member States on the anniversary of the creation of the EEAS.[8]

Despite these constraints, the European Commission still plays an important role when it comes to the EU's external action and, as a consequence in CFSP. First of all, it is responsible for drafting the proposal for the EU budget, including the allocations for CFSP. In addition, the European Neighbourhood Policy, development and humanitarian assistance remain in the remit of the Commission with a budget of over € 7 billion per annum. An inter-service agreement signed by the Commission and the EEAS on 13 January 2012 sheds light on the balance of power between the Commission and the EEAS in this area.[9] According to the agreement, the Commission and the EEAS jointly plan overall spending strategies on the Union's external relations budget. The funding instruments are jointly programmed (with leading roles for either the Commission or the EEAS depending on the instrument) but implemented solely by the Commission. In addition, the Commission oversees how the HR/VP spends the € 500 million/year EEAS internal budget.

Targets and potential entry points for advocacy towards the EC (adapted from the EPLO Peacebuilding Power Analysis)

The European Commission's powers in relation to CFSP have been reduced by the Lisbon Treaty but it remains an important advocacy target for its role in, inter alia, proposing, implementing and managing the EU (including the CFSP) budget. Within the Commission, the directorates dealing with policy areas with implications for CFSP (including neighbourhood and humanitarian aid) remain important advocacy targets. Advocacy options include:
Instrument for Foreign Policy Instruments:
    1) Influence the programming of the Instrument for Stability
DEVCO
Fragility Unit:
    1) Ensure conflict is adequately integrated in the programming of the funding instruments
Thematic Units (such as policy coherence):
    2) Provide input on thematic issues in programming by providing conflict analysis and policy recommendations
Geographic Units:
    3) Provide input and analysis on the impact of conflict on the effectiveness of development assistance
DG Enlargement:
    4) Influence annual Progress Reports of candidate countries towards EU accession
    5) Influence the European or Accession Partnerships
For more detailed information, please see sections on key advocacy targets and action points, page 19-24 of the Power Analysis.

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[8] The foreign ministers of Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxemburg, the Netherlands, Poland and Sweden on 8 December 2011 signed a letter on the first year of the EEAS addressed to the HR/VP highlighting some areas in need of improvement including the preparation of the Foreign Affairs Council, coordination between EEAS and Commission, the role of EU delegations and the involvement of Member States in CFSP.

[9] The agreement is not public yet the main features are commented in the article: Commission still pulls the strings on EU foreign policy EU Observer, 6 February 2012.

5. European Parliament

The Lisbon Treaty strengthened the oversight role of the European Parliament vis-à-vis CFSP by providing it with the right to be consulted regularly on the main aspects and basic choices of CFSP and CSDP. The HR/VP should also ensure that the Parliament's views are taken into consideration. The stronger consultative role is dovetailed with a right of inquiry vis-à-vis the Council and an increased number of debates (twice-yearly as opposed to once per year) on progress in implementing CFSP and CSDP. The Parliament can also adopt non-legislative resolutions and recommendations and it issues a yearly report and recommendations on the development of CFSP.

The work of the Parliament is prepared by committees, the political composition of which reflects that of the Parliament as a whole. The Committee on Foreign Affairs (AFET) and the sub-committee on Security and Defence (SEDE) have specific responsibilities for CFSP and CSDP. The Lisbon Treaty states that the Parliament now needs to be fully informed at all stages of the procedure during negotiations on international agreements and must give consent to Council decisions concluding international agreements. Also, a group of parliamentarians representing the major political groups and including the chairs of AFET and SEDE has the right to access confidential information of the Council.

More importantly, the Parliament exercises budgetary authority over CFSP and CSDP civilian missions (military missions are financed outside of the EU budget), which can be used as political leverage to hold the EU to account. The Parliament has on several occasions used its budgetary power to influence the substance of decisions such as the one on the establishment of the EEAS. In relation to CFSP, all expenditure, other than that with military or defence implications, has to be approved by the Parliament. Although the Parliament is not included in the decision making process on CFSP and CSDP, it retains the last word as regards funding for these policy areas.

Targets and potential entry points for advocacy towards the EP (adapted from the EPLO Peacebuilding Power Analysis)

The European Parliament is an important advocacy target because of its budgetary authority and oversight role on CFSP. Advocacy opportunities include:
1) Submit written questions to Members of the European Parliament (MEPs) on specific issues relating to CFSP and CSDP;
2) Engage MEPs into asking oral questions to the HR/VP on progress in implementing CFSP and CSDP;
3) Encourage the EP to use its budgetary power to hold the Council to account for CFSP and CSDP choices;
4) Use the visibility of MEPs to draw attention to issues of relevance in relation to accountability on CFSP and CSDP choices;
5) Propose amendments through MEPs on EP Reports dealing with security and defence issues.

6. Member States

CFSP remains an area where decision making powers rest primarily with the Member States. The Lisbon Treaty further stressed (Article 24) that the Union shall conduct, define and implement a common foreign and security policy based on the development of mutual political solidarity among Member States, leading towards the achievement of an ever-increasing degree of convergence of Member States' actions. Any Member State can refer questions relating to CFSP to the Council and may submit initiatives or proposals. Member States are also requested by the

Lisbon Treaty to coordinate their actions in international organizations and international conferences.

The Protocol annexed to the Lisbon Treaty on the role of national parliaments in the European Union sets out the possibility to set up inter-parliamentary conferences to debate CFSP, including CSDP.[10] National parliaments can make full use of this opportunity to submit contributions to the European Parliament, Council and Commission. There are already bodies such as the [Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union](#) (COSAC) which provide a framework to representatives of national parliaments to exchange information and best practices on the Union's affairs, including on CFPS and CSDP, and the [Conference of Speakers of EU Parliaments](#).

Targets and potential entry points for advocacy towards the Member States (adapted from the EPLO Peacebuilding [Power Analysis](#))

Representatives of Member States sit in the Council working groups / parties / committees and are the driving force of CFSP. Advocacy opportunities may include:
1) Raise accountability issues on CFSP and CSDP to the competent parliamentary committees
2) Advocate for independent monitoring and evaluation of CSDP missions through the competent parliamentary committees
3) Advocate for adequate pre-deployment training on conflict sensitivity for staff seconded to CSDP mission
4) Advocate for a better gender balance among staff proposed to senior seconded positions in the EEAS and in CSDP missions and operations

7. European Union Institute for Security Studies

The European Institute for Security Studies (EUISS) is a fully fledged agency of the EU operating under CFSP. It is meant to be the EU's strategic think-tank researching security matters of relevance to the EU and it is funded by Member States. EPLO has attempted, with no success, to obtain recent budget figures for the institute's budget. The EUISS is governed by the PSC, which provides overall political supervision, and the Board, which includes representatives of the Member States and the Commission and it is chaired by the HR/VP. The Institute regularly publishes the [Chaillot Papers](#), its flagship publication, on a number of geographic and thematic issues of relevance to the EU's security. It also convenes seminars, conferences and task force meetings.

Targets and potential entry points for advocacy towards the EUISS (adapted from the [Power Analysis](#))

The EUISS is not a policy maker but, as it conducts analysis and research on issues relating to security and defence, it influences the policy debate on CFSP. An advocacy opportunity would be:

1) Raise awareness among the researchers of peacebuilding issues
2) Cooperation with EUISS on peacebuilding

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[10] Article 10, [Protocol on the role of national parliaments in the European Union](#) (Annex to TEU).

8. European Defence Agency

The Lisbon Treaty reinforced the role of the European Defence Agency (EDA) in supporting Member States' efforts to improve defence capabilities in the field of crisis management. The Agency is also tasked with promoting defence research and technology, promoting armaments cooperation and creating a competitive defence equipment market. The EDA's budget is € 31 million (2010), of which the largest part is dedicated to running costs. A smaller part – € 8.4 million in 2010 – is used for feasibility and other studies under the Operational Budget. Projects and programmes are financed by different groups of participating Member States. In 2009, the amount spent on projects was approximately € 170 million. In recent times, there have been several calls to further strengthen the EDA, including from the European Parliament,[11] by upgrading its status, increasing its budget and personnel, areas of responsibility and powers.

Targets and potential entry points for advocacy towards the EDA (adapted from the Power Analysis)

As the EDA's mandate is to improve EU's defence and military capabilities within CSDP, it is not *per se* an advocacy target for peacebuilding issues but, with its budget of € 31 million (2010), it can be used as a comparative example of what resources should / could be used to strengthen EU civilian capabilities.

9. EU Strategic Partners

Multilateralism has been one of the mantras since the adoption of the European Security Strategy[12] in 2003. Recently, the EU has sealed ten strategic partnerships with the US, Canada, Japan, Brazil, Russia, India, China, South Africa, Mexico and South Korea, plus some with regional organizations. The extent to which these partnerships are actually 'strategic' has been much debated as there are no clear policies or guidelines defining the objectives the EU intends to pursue through these partnerships. There is no agreed definition on what the strategic partnerships entail or on who can be eligible for the status of strategic partner. For this reason, current EU partners are a group of heterogeneous countries playing profoundly different roles on the global scene.

The **U.N.** is a fundamental partner for the EU in peacebuilding activities. The two organizations have consistently cooperated in crisis management since 2003, the EU is also one of the major contributors to UN peacekeeping operations, both financially and with personnel on the ground, and its own CSDP missions tend to be deployed at the request of the UNSC. In 2007, the EU and the UN adopted a joint statement[13] to reiterate the reciprocal commitment to cooperation in crisis management based also on the 2004 guidelines on EU-UN cooperation in military crises management, which define several models of cooperation in conflict-affected areas.[14]

In addition, the EU channels a substantial amount of its funding for peacebuilding in fragile states through the UN. However, a recent report of the EU Court of Auditors analyzing the efficiency and effectiveness of EU contributions channelled through the UN in conflict-affected countries[15] highlighted several weaknesses in relation to project design, monitoring and reporting. The EU

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[11] EP Report on the impact of the financial crisis on the defence sector in EU Member States, Rapporteur Krzysztof Lisek, 30 November 2011.
[12] European Security Strategy.
[13] Joint Statement on EU-UN cooperation in crisis management.
[14] EU-UN cooperation in Military Crisis Management Operations.
[15] The efficiency and effectiveness of EU contributions channelled through United Nations Organisations in conflict-affected countries.

also channels significant funds towards supporting the UN's mediation work.[16] In general terms, the two organizations have not adopted the same definitions and policies on peacebuilding, and cooperation remains largely *ad hoc.* In particular, although there have been efforts to strengthen cooperation at the operational level, cooperation at the policy level is somewhat lacking.

Last but not least, **NATO** is also one of the EU's strategic partners. Relations with NATO, including the development of a common EU defence policy, shaped most of the debate on CFSP during the adoption of NATO's New Strategic Concept.[17] Through the Berlin Plus agreements the EU can draw on some of NATO's military capabilities for its own peacekeeping operations. However, relations between the two organizations have been recently stagnating on the Cyprus issue since the northern part of the island is recognised as independent only by Turkey and the 2004 accession of Cyprus to the EU failed to reunite the two parts of the island. Cyprus, in turn, is blocking Turkey's ambitions of membership to the EDA since the Western European Union[18] (of which Turkey was a member) was dismantled.

NATO's new Strategic Concept poses some potential challenges to the EU's role in crisis management as it seeks to develop 'appropriate but modest' civilian capabilities to respond to current crises which cannot be addressed solely with military means. This is also why NATO is attempting to strengthen its co-operation with traditionally civilian powers such as the EU and the UN. These recent developments raise the question of potential duplication and competition between NATO and the EU, yet, the response to the Libya crisis from NATO, and the (so far) lack of response from the EU, shows that the two organisations are still responding to different sets of priorities and are bound by different constraints.

Part II

Common Foreign and Security Policy budget, instruments and practices:

1. CFSP Budget

CFSP **budget** (see box 4 for the latest figures) including for civilian CSDP missions, is charged to the Union's budget with the exception of expenditures arising from operations having military or defence implications (which are funded by the Member States via the Athena Mechanism – see box 6). The Lisbon Treaty introduced the possibility for the Council to establish a start-up fund made up of contributions from the Member States, which would allow for rapid access to financing of urgent initiatives which cannot be charged to the Union's budget and which would support civil or military operations and missions. The start-up fund is a partial response to the cumbersome procedure of mobilising funds under the Athena Mechanism.

Additional funds to complement actions under CSDP (including the so-called flanking measures) may come from the **Instrument for stability,** in particular measures financed under its Article 3 'Assistance in response to Crises or emerging Crises'.

Box 4

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[16] In 2011, the European Commission signed an agreement with the UN Department of Political Affairs to cooperate on mediation. The initiative is funded via a € 2 million grant under the Peacebuilding Partnership of the Instrument for Stability.

[17] Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation, November 2010.

[18] The Western European Union, an international organisation tasked with promoting unity and progressive integration of European countries and collectively resisting policies of aggression toward the members, saw its competences progressively transferred to the CFSP and CSDP and ceased to exist in June 2011.

> **EU CFSP and UN peacekeeping budget at a glance**:
>
> In the EU budget, heading IV establishes the funds dedicated to the EU as a Global Player. This heading includes all the external funding instruments (except for the European Development Fund which is financed outside the EU budget), humanitarian aid and CFSP. The overall CFSP budget has increased consistently from roughly **€ 35 million** prior to 2004 to over **€ 326 million** in 2011, with **€ 274.524 million** allocated for civilian CSDP missions. In comparison, the approved budget for UN Peacekeeping operations for the fiscal year 1 July 2011-30 June 2012 is about **$ 7.84 billion.**
>
> In the current EU Multiannual financial Framework (MFF) 2007-2013, the total budget for the EU as a Global Player is **€ 56 billion** with CFSP **€ 1.98 billion**, that is 3.54% of the total.
>
> In the current European Commission proposal for the 2014-2020 MFF, the proposed CFSP budget is **€ 2.5 billion** out of the total **€ 70 billion** for the EU as a Global Player[19] (i.e. a similar proportion: 3.57%).

2. Decisions on actions, positions, arrangements

Article 24 of the Lisbon Treaty states that the Union conducts its foreign policy by 1) defining the general guidelines, 2) adopting **decisions** defining *actions*, *positions* and *arrangements* for the implementation of the decisions, and 3) strengthening systematic cooperation with Member States. The wording has changed compared to the Nice Treaty which referred to "joint actions" and "common positions" but the substance has not changed. Decisions on *actions* shall contain "objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation" (Article 28). Decisions on actions are usually the basis of CSDP missions and operations. Decisions on *positions* may refer to a particular matter of geographic or thematic nature (Article 29).

> Box 5
> **Example of EU Common Position**:
>
> For the 2011 Fourth High level Forum on Aid Effectiveness in Busan the EU endorsed a Common Position setting the EU's and its Member States common priorities for the Busan meeting. Among these, the need to address situations of conflict and fragility as a global developmental challenge with explicit reference to the International Dialogue on Peacebuilding and Statebuilding and the Monrovia roadmap on peacebuilding and statebuilding.

3. Common Security and Defence Policy

The Common Security and Defence Policy (formerly European Security and Defence Policy) is one of the key instruments of CFSP. A total number of twenty four missions and operations have been deployed to date, fourteen of which are civilian, three of mixed 'civ-mil' nature and seven military operations.[20] Civilian missions focus on four priority areas, 1) police, 2) strengthening the rule of law, 3) civil administration and 4) civil protection, as agreed upon by the Feira European Council in 2000[21] and can have either advisory or executive powers (or both).

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[19] Click here to access the full European Commission proposal.

[20] Click here to access the updated map of CSDP missions and operations.

[21] Click here to access the web-page on civilian crisis management reference documents.

Three new small-scale civilian missions are currently being discussed (as of April 2012), a mission on airport security in Juba (Sudan), a mission on maritime security off the coasts of Somalia to reinforce the two ongoing military missions EUNAVFOR Atalanta and EUTM Somalia, and an Advisory, Assistance and Training Mission in the Sahel region to support local police forces.[22] A fact-finding mission was also recently sent to Libya to make recommendations on options for a possible EU CSDP mission. No new missions have been deployed since the coming into existence of the EEAS and this has raised questions on the appetite for the use of this tool by the HR/VP and the Member States, also in the light of current financial constraints.

Box 6
Financing CSDP military operations:

CSDP military missions are financed outside the EU budget. The financing of common costs of CSDP operations with military and defence implications, namely transport, infrastructures, medical services etc, is administered through the **Athena mechanism** (for a full list of the common costs managed by the Athena mechanism please click on the link). Member States' contributions are proportional to their Gross National Income. Currently the three operations financed through the Athena Mechanism are EUFOR ALTHEA, EUNAVFOR ATALANTA and EUTM Somalia.

In December 2011, a review of the Athena mechanism was carried out and it resulted in the adoption of a Council decision 2011/871/CFSP.

On paper, the Lisbon Treaty has paved the way for increased coherence between CFSP and CSDP by integrating the CSDP planning and strategic bodies of CSDP, the Crisis Management and Planning Directorate (CMPD) and the Civilian Planning Conduct Capability (CPCC) in the EEAS. However, institutional links between these bodies and the other divisions of the EEAS, including the Conflict Prevention and Security Policy Directorate, are not yet in place. These structures respond directly to the HR/VP[23] and, in the current organigramme, are disconnected from the rest of the Service. Also, recent statements, developments and appointments in the EEAS show a tendency to link CSDP mainly to "crisis response" as a model for EU intervention in third countries, with a focus on short-term reaction to crises rather than long-term engagement to tackle the root causes of conflicts.[24]

The Lisbon Treaty expanded the range of tasks which can be performed in the framework of military CSDP missions and operations (so-called Petersberg tasks). Under the Nice Treaty these only included humanitarian and rescue tasks, peacekeeping and tasks of combat force in crisis management. Under the Lisbon Treaty, the Petersberg tasks include joint disarmament operations, military advice and assistance, **conflict prevention tasks**, peace-making and **post-conflict stabilization**.

EPLO has been advocating for developing the concept of civilian conflict prevention missions which could entail diplomatic or political tasks, drawing on the concept of Civilian Response Teams.[25]

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[22] Click here for the latest Foreign Affairs Council Conclusions of 22/23 March 2012.

[23] Click here for the French Presidency Report of October 2009 which includes provision for placing the Crisis Management Structures directly under the authority of the HR/VP.

[24] Click here to see the EEAS web page on Crisis Response.

[25] See Civilian Headline Goal 2008 – General Secretariat Document: Multifunctional Civilian Crisis Management Resources in an integrated format – Civilian Response Teams

Box 7
Decision making procedure in CSDP[26]:

Political phase:
Step 1 → The PSC, with the support of the different consultative bodies (CIVOCM and EUMC) and (geographic and thematic) working groups in the Council, considers whether EU action in relation to a particular (emerging) crisis is appropriate. Once the PSC has decided that action is appropriate, the planning starts.

Step 2 → The CMPD draws up a Crisis Management Concept (CMC) describing the EU's political interests, viable options (civilian and/or military) and objectives of a possible mission or operation. If considered necessary, a fact-finding mission may be sent to the country to assess the situation on the ground, make initial contacts with the local government, and provide recommendations on possible alternatives for EU engagement.

Step 3 → The CMC is finalized by the PSC (with the advice of CIVCOM and EUMC), forwarded to the COREPER and the Council of Ministries to be formally adopted.

Strategic phase:
Step 4 → depending on the situation, the EUMS develops the Military Strategic Options (MSO) and the CPCC develops the Police Strategic Options (PSO) or other Civilian Strategic Options (CSO) on which CIVCOM and EUMC provide comments.

Step 5 → The PSC drafts the decision on the various options provided and forwards it to COREPER and the Council.

Adoption of the decision/Launch of the operation:
Step 6 → The Council can now take the formal decision to act. This decision includes the mandate of the mission or operation on the basis of which an Operation Commander / Head of Mission is appointed.

Step 7 → The Operation Commander/Head of Mission with the supporting structures are responsible for drafting the planning documents, the Concept of Operations (CONOPS) and the Operational Plan (OPLAN). The CONOPS is a brief statement of how the Operation Commander plans to fulfil his/her mission and the OPLAN is a detailed description of the operational aspects.

Step 8 → Once the CONOPS and OPLAN are approved, the Council can launch the operation, which will be under the political control and strategic direction of the PSC.

4. Strengthened cooperation in security and defence

CSDP also includes the "progressive framing of a Union's defence policy". The Lisbon Treaty introduced two new clauses in this respect, the so-called **Permanent Structured Cooperation** and the mutual assistance clause. The former allows a group of capable and willing Member States to cooperate in defence and security matters on the basis of a decision taken by the Council determining the list of participating Member States.[27] The Lisbon Treaty also introduced the **mutual assistance clause** which states that if a Member State is victim of an armed aggression in its own territory the other Member States have an obligation of aid and assistance

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[26] Table's content adapted from Alexander Mattelaer, The CSDP Mission Planning Process of the European Union: Innovations and Shortfalls, *European Integration Online Papers*, Vol. 14 (2010) Art 9.
[27] The Protocol on Permanent Structured Cooperation .

towards it. The first provision has not yet been used whereas the second gave rise to claims that the EU is attempting to duplicate NATO's core function.

5. Dialogue, mediation and support to peace processes

The HR/VP represents the Union in matters relating to the Union's foreign and security policy, conducts **political dialogue** with third parties on behalf of the Union, and expresses the Union's position in international organizations and conferences. Dialogues and discussions on a number of themes, including human rights dialogues,[28] take place on a regular basis with candidate countries, Mediterranean countries (Barcelona process), Asian countries in the context of the Association of South-East Asian Nations (ASEAN) and the Asia-Europe Meeting (ASEM), the Western Balkans and countries with which the EU has association agreements. The decision to initiate a human rights dialogue requires a preliminary assessment by the Council Working Party on Human Rights (COHOM) after which the final decision is taken by the Council.

The EU is also involved in **mediation and support to peace processes**, such as in the Quartet for the Middle East Peace Process together with United Nations, United States and Russia, to support a two-state solution to the conflict. The EU in this respect is active in providing political support to the process through the European Neighbourhood Policy, the Euro-Mediterranean Partnership and the appointment of an EU Special Representative to the Middle East Peace Process, Andreas Reinicke, who is now also envoy to the Quartet. The EU also channels significant funds towards supporting the mediation capacity of the UN (see box 8 below).

The EU also acts as a **facilitator in dialogues** between countries. An EU appointed facilitator, Robert Cooper, is currently facilitating the dialogue between Serbia and Kosovo. An agreement[29] was sealed recently which would allow Kosovo to sign new agreements and to speak for itself at regional meetings. The parties also sealed a technical protocol on the implementation of the Integrated Border Management of crossing points signed in December 2011.

Box 8
EU support to mediation capacity of the UN:

In December 2011, the EU signed an agreement with the UN Department of Political Affairs to support mediation efforts led by the UN via a € 2 million grant sponsored by the Instrument for Stability. Through this grant the EU will also fund three positions in the stand-by team of Mediation Experts to be deployed at 72-hours notice anywhere in the world.

6. Sanctions or restrictive measures

Sanctions or restrictive measures are diplomatic and economic instruments seeking to terminate, for example, violations of international law or human rights law. They can target third countries, non-state entities (such as terrorist groups) or individuals. They include arms embargoes, other specific or general trade restrictions (import and export bans), financial restrictions, restrictions on admission (visa or travel bans), or other measures, as appropriate. Sanctions can be divided into two groups: measures implementing a UNSCR resolution and autonomous EU sanctions. Within the autonomous EU sanctions there is a further distinction between Community sanctions, which typically include interruption of financial and technical assistance and development aid cuts and fall entirely under Community competence, and CFSP sanctions, which do not fall entirely under

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[28] Click here to access the EEAS Human Rights Dialogues web-page.
[29] Click here to access the article Serbia and Kosovo Strike Name Deal, *European Voice,* 24 February 2012.

Community competence and therefore need an intergovernmental decision under CFSP rules (please click here for a list of CFSP sanctions currently in force).

Sanctions are referred to in EU's official documents as measures used for conflict prevention and conflict management. The EU adopted specific documents to guide the design and content of restrictive measures as well as the overall objectives they are meant to achieve.[30] Yet there are difficulties relating to the implementation, monitoring and particularly the evaluation of the efficacy of sanctions, which make them a rather complex instrument to manage. Problematic issues concern the identification of determinants of sanctions success and failure, methodological problems including the collection of data and the determination of goals and the assessment of their efficacy independently from other external factors.

The European Parliament recently adopted a report to prompt the Council to increase consistency in EU policy on restrictive measures.[31] Recommendations include building a coherent sanctions policy, developing clearer criteria on the adoption of restrictive measures and their short-term and long-term objectives, making sure development aid and sanctions are coordinated and do not undermine each other, and ensuring sanctions are thoroughly followed-through by EU Member States.

7. International agreements

The Union, as mentioned earlier, may now conclude international agreements with third countries and international organizations. These agreements may also establish an association involving reciprocal rights and obligations, common action and special procedures. They are binding upon the Union's institutions and the Member States. The opening of negotiations, adopting of directives and authorization of the signing of agreements is given by the Council, whereas the Commission or the HR/VP, where the agreements relate exclusively or principally to CFSP, shall submit recommendations to the Council. Except for agreements relating exclusively to CFSP, the Council adopts the decision after obtaining consent of the European Parliament (for instance for association agreements).

Box 9
Example of CFSP international agreements:

International agreements in the area of CFSP are relatively limited in scope and include agreements with third countries to allow them to participate in EU crises management operations, agreements between the EU and the concerned third country on the status of a deployed CSDP mission (click on the link for a full list of CFSP international agreements).

International agreements in the area of external relations instead, include European Political Cooperation, multi-lateral relations on a number of issues, bilateral agreements with non-member countries, actions in favour of countries in transition, commercial policy and development policies (click on the link for a full list of external relations international agreements).

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[30] The current guidelines on implementation and evaluation of restrictive measures in the framework of EU CFSP are currently being revised by the PSC.
[31] EP Report with a proposal for a European Parliament recommendation to the Council on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders, Rapporteur Graham Watson, 2 February 2012.

8. Political conditionality

One of the ways in which the EU attempts to influence peaceful transformation in third countries is the use of political conditionality. All agreements with third countries contain suspension clauses allowing the EU to react in case of violation of essential elements of the agreement, including human rights principles and democratic principles.

Positive conditionality applies in the Stabilisation and Association Process with partner countries (see box 10) aspiring to apply for EU membership. This process includes mutual obligations to ensure transition to a market economy and approximation to EU standards in a number of areas. This policy area falls under the competence of the Commission's DG Enlargement but it has clear spill-over effects on CFSP.

Box 10
Stabilisation and Association Process

Currently, Croatia is acceding to EU membership; Iceland, Macedonia, Montenegro and Turkey are official candidate countries; and Albania, Bosnia and Herzegovina, Serbia and Kosovo under UNSC Resolution 1244 are potential candidates. The Stabilisation and Association Process (SAP) is the framework for negotiations with the Western Balkan countries and it has as its ultimate aim accession to the EU. It provides a contractual framework for cooperation in a number of areas, including trade, economic and financial assistance, reconstruction and stabilization, and it includes incentives as well as obligations for the target country. Progress towards the agreed objectives is assessed annually by the Progress Reports. Please click on the link to access the Progress Reports.

EU reference documents relevant to CFSP:

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Report on the EU-Indicators for the Comprehensive Approach to UNSCR 1325 and 1820 (2011)

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[Recommendations for enhancing cooperation with Non-Governmental Organisations (NGOs) and Civil Society Organisations in the framework of EU Civilian Crisis Management and Conflict Prevention](#) (2006)

[EU Concept for Support to Disarmament, Demobilisation and Reintegration](#) (2006)

[EU Concept for ESDP support to Security Sector Reform](#) (2005)

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EPLO Members

Berghof Foundation

Centre for Humanitarian Dialogue (HD Centre)

Civil Society Conflict Prevention Network (KATU)

Conciliation Resources

Crisis Management Initiative

Dialogue Advisory Group

ESSEC IRÉNÉ

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Glencree Centre for Peace and Reconciliation

Global Partnership for the Prevention of Armed Conflict

International Alert

International Center for Transitional Justice

International Crisis Group

Interpeace

Kosovar Centre for Security Studies

Kvinna till Kvinna

Life and Peace Institute

Nansen Dialogue Network

NGO Support Centre

Nonviolent Peaceforce

Oxfam International

Partners for Democratic Change International

Pax Christi International

Quaker Council for European Affairs

Saferworld

Search for Common Ground

swisspeace

Toledo International Centre for Peace (CITpax)

World Vision International

European Peacebuilding Liaison Office (EPLO)

EPLO is the platform of European NGOs, networks of NGOs and think tanks active in the field of peacebuilding, who share an interest in promoting sustainable peacebuilding policies among decision-makers in the European Union.

EPLO aims to influence the EU so it promotes and implements measures that lead to sustainable peace between states and within states and peoples, and that transform and resolve conflicts non-violently. EPLO wants the EU to recognise the crucial connection between peacebuilding, the eradication of poverty, and sustainable development worldwide and the crucial role NGOs have to play in sustainable EU efforts for peacebuilding, conflict prevention, and crisis management.

EPLO advances the interests of its members through common policy positions and consequently advocating for those common positions. EPLO disseminates information and promotes understanding of EU policies of concern to its Members. The Office builds also solidarity and cooperation amongst its members and with other relevant NGO networks.

Finally, EPLO raises awareness about the contribution the EU should make to peacebuilding and the need to hold the EU accountable to its own political commitments of helping secure peace within and outside its borders.

About EPLO's Briefing Papers

EPLO's briefing papers are succinct and accessible guides to EU policies on conflict prevention, peacebuilding, security and development. Their purpose is to inform those working in the broader peacebuilding field about developments at the EU-level.

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