

PARAMETERS OF THE EUROPEAN UNION DECISION-MAKING PROCESS ON CRISIS MANAGEMENT

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The ESDP is one of several instruments of the Union's common foreign and security policy (CFSP). Nonetheless, the introduction of the ESDP required new institutional bodies, the elaboration of new decision-making procedures, as well as new types of planning processes and methods in order to provide the Union with a real capacity to carry out peace support operations. In many ways the complex decision-making procedures at the EU level display fairly unusual working methods. The formal decision-making on ESDP operations is taken in bodies where all members are represented, all decisions are taken unanimously, and the level of formal delegation to other bodies than the member state forums is minimal. The relative strength of the various institutional bodies also differs considerably compared to most other EU areas.

1. Main aspects of the decision making process in the field of Common Foreign and Security Policy, including the European Security and Defense Policy

The vast majority of views on European institutional architecture converge on the conclusion that the latter is characterized by extreme complexity which generates a quite particular decision-making process in which the procedures are laborious and equally slow. This conclusion is validated in the contemporary context whose parameters, influenced largely by the effects of globalization, require a flexible approach which can facilitate decision making. It is obvious that the "victims" of this situation are multinational structures and, especially, those whose agenda includes a wide range of topics. It is by far the case of European Union which is dealing with a lot of topics, such as the economic dimension, with its extremely complex facets, as well as the newly created security and defense component. In this case, the particularity is enhanced by the fact that the relationship between the Union and the Member States remain "hostage" of the intergovernmental approach. We can talk there even of inertia, in terms of accepting a possible decrease of national attributes in this area, in a similar way with other policies, particularly the economic one. From this perspective, the EU Council can be considered an island in the decision making process which takes place differently and encompasses two basic procedures.

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The first concerns the parameters of decision on matters of strategic relevance, such as: amending the Treaties of the Union, European Union enlargement, drafting the budget, foreign relations, defense and security related issues. In these cases, decision-making within the Council relies totally on the consensus principle.

The second procedure is applicable to the remaining areas that are in the EU Council courtyard, where the decision making process can be conducted by Qualified Majority (QMV-Qualified Majority Voting). Within this system each Member State has a number of votes¹ corresponding to its population (number of voters) and its geographical size, as follows:

- Germany, France, Italy and the UK - 29 votes
- Spain and Poland - 27 votes
- Romania - 14 votes
- Netherlands - 13 votes
- Bulgaria, Czech Republic, Greece, Hungary, Portugal - 12 votes
- Austria, Bulgaria and Sweden - 10 votes
- Denmark, Ireland, Lithuania, Slovakia and Finland - 7 votes
- Cyprus, Estonia, Latvia, Luxembourg and Slovenia - 4 votes
- Malta 3 votes

In order to establish a balanced decision-making to represent, as far as possible, the interests of as many Member States, the adoption of a decision by QMV, the Treaty of Nice sets the threshold for passing a decision is 73.9% out of the total number of Council votes (255/345).

As regards security and defense, they are subjected to the first procedure. From the perspective of overcoming the difficulties arising from the implementation of the consensus, the Treaty of Amsterdam has introduced a new mechanism known as "constructive abstention", maintained by the Lisbon Treaty. The provisions of this instrument allowed that in case one state is not in favor of a decision can support the Union by expressing its choice to abstain. At the same time, the intergovernmental nature of CFSP-ESDP grants to the respective member state a certain degree of freedom in applying this decision. Nevertheless, it should be noted that this type of procedure does not apply in case the abstaining states represent 1/3 of the Council votes.

Also, the EU framework includes an additional tool, namely Enhanced Cooperation², which offers the possibility of establishing enhanced types of cooperation between Member States in developing projects or initiatives related to the foreign and security issues. To avoid initiation of such projects contrary to the general guidelines, the use of this tool can be made only for the implementation of the Joint Actions or Common Position adopted by the Council.

In procedural terms, the TEU stipulates that implementation of such cooperation has to be based on a request to the Council made by the Member States which so wish. Council consent is absolutely necessary to start such an initiative; the decision in this regard should be obtained by QMV. At the same time, there is an obligation that Parliament has to

¹ <http://www.europa.eu/consilium>

² *Official Journal of European Communities, no. C325, 24.12.2002, p. 28-30.*

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be informed regarding the application of this formula. Equally, there are limitations regarding the initiation of these issues, given the fact that the other Member States may ask the initiative to receive approval of the European Council, where the procedure involves consensus. Finally, it should be noted that the application of Enhanced Cooperation formulas is not possible in the military dimension of the European Security and Defense, which is entirely subject to the consensus of the Member States.

Routine decision making is based on the policy guidelines coming from the European Council meetings. The implementation process lies in the EU Council responsibility, which act in this regard through the General Secretariat and sometimes alongside with other EU institutions like the European Commission. At the Council's level, the most important structure is the Political and Security Committee (PSC), a body with major attributes in the exercise of decision making in security and defense issues.

In drawing up documents on security and defense issues, the PSC receives recommendations and advice from the Military Committee, the Committee on the Civil Aspects of Crisis Management, the Commission (if any), legal services and other bodies concerned from the General Secretariat. On this basis, the Political and Security Committee agrees to the document to be submitted to the Permanent Representatives Committee to discuss possible problems for which consensus was not reach. The next level is the EU Council in Foreign Ministers format which, practically, give the final approval on the documents.

To an equal extent, the role of European bureaucracy is supplemented by that of the Member States whose influence is exercised both through national representation structures to EU and also through the Council Presidency. From this perspective, the Member States influence in determining the agenda of ESDP reveals the tendency to use a direct approach to the Presidency in order to promote certain initiatives. Obviously, these aspects are part of the so-called lobby process which is integral part of every decision-making typology. Clearly, the informal process favors the Member States which has a significant contribution in the development of the component of security and defense. Usually, the contribution component, both in terms of forces and capabilities constitutes the leverage within the informal dialogue with the EU Council Presidency.

2. The main aspects of the decision-making process on the operational dimension

Although subsumed from the institutional perspective to the External Relations and security, the ESDP has a certain degree of particularity in terms of procedures. Basically, we can talk mainly about intergovernamentalist behavior in its almost pure form. It is equally the result of the compromise between European bureaucracy and Member States as well as the effect of the latter reluctance in reducing the prerogatives over the national resources. For these reasons, the set of rules agreed under the CFSP it is used only as guiding principles for the decision-making process carried out under the CESDP.

The main effect of this situation is located inside the interaction between actors involved in the decision-making process, particularly regarding the size of operational commitments. Within this framework, we can talk even about an appetite of the Member

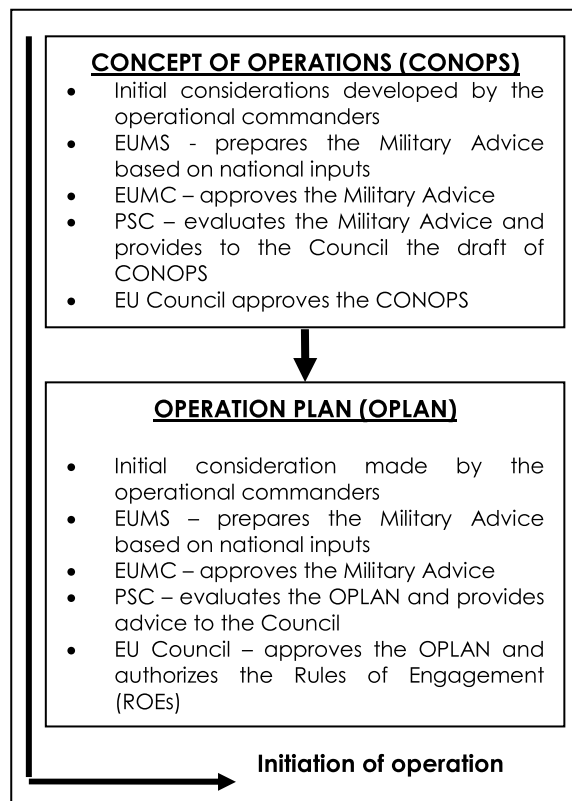
States in using their powers in order to influence the deployment of national contingents under the European flag. From this perspective, relational dynamics in the EU is targeted exclusively by the interests of Member States, the margin of maneuver of the bureaucracy and therefore of the Community approach being very limited.

Associated differences could be depicted, also, in the distribution of roles and powers between the European structures. As it is known, the lion-share is held by the EU Council, in the format of foreign ministers, the presence of European structures, particularly the European Commission, being extremely small. However, the role of the Council is affected by the Member States, which have the tendency to use it rather as a body of work, in order to preserve their prerogatives in coordinating the CESDP activities.

Clearly, this approach was reflected in structuring the EU decision-making on two levels. The first is the decision to launch negotiations on the operation *per se*, in which the main issues if political interest on the feasibility of the initiative. At the same time, the basic concern is the way in which the operation meets the Union's strategic interests. This requires a wide consultation process in order to mitigate the political concerns of the Member States. This component will record a variety of influences, from the classical typology of expression the national interests to the institutional “interferences” of the European bureaucracy through the General Secretariat and, especially, the High Representative for CFSP. In close conjunction with these aspects, the next steps are related

to the analysis of the EU capacity to conduct the respective operation. From this perspective, decision-making process is conducted in a comprehensive manner by involving both the political segment of European architecture, as well as military one or, as appropriate, that responsible for managing the civilian aspects of EU involvement in crisis management.

The second level of the decision making process for launching an operation is the segment covering the effective planning of the operation. Within this framework, the aim is to articulate a typology of civil-military approach at the level of the structures involved. In this context, the operational phase of the decision-making process takes place in parallel with policy dialogue on this issue. The purpose



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of this approach is to have a clearly and faster process and to formulate a coherent response on both dimensions, civil, political, or military.

From this standpoint, the Political and Security Committee is the main structure responsible for general management and for examining the options that may be the undertaken in order to respond. Pre-operational process is one iterative including three major phases: development of the concept of crisis management, development of the strategic options, and development of practical operational planning.

In this context, the PSC is responsible for developing the crisis management concept, which is meant to provide political and military objectives of the mission. Military specifications are based on the recommendations of the Military Committee, supported, in return, by the Military Staff expertise. Within the same logic, civilian recommendations are offered by the Committee for Civilian Aspects of Crisis Management. After approval by the EU Council of the Concept, PSC ask Military Committee for developing strategic military options which will be provided alongside with further recommendations. Based on this detailed military analysis PSC assesses strategic military options and propose a draft decision to the Council for approval. The next step is designation of the operational commander of the force.

At the same time, PSC requests the EUMC to develop the planning directive operation. Based on its approval by the PSC, the operational commander outlines the concept of the operation (CONOPS) and Operation Plan (OPLAN). The next step consists in filling the requirements for the operation. Within this, formal offers of forces and capabilities are committed by Member States on a voluntary basis, in the framework of Force Generation Conference.

Practically, this approach allows all Member States³ a high degree of involvement in the orientation of the decision-making process. As in the case of all international organizations, engaged in crisis management operations, especially the UN, easily the Member States retain full and simultaneously control in all phases of the operational process, including its concrete expressions. On this line, all decisions are made within the structures among which Member States are represented and can, therefore, to exercise their control.

Also, unlike the EU decision-making system used in other areas such as agriculture, competition, trade, the process used under CESDP is fluid but marked by a rigorous observance of procedural formalism. Therefore, the share of the informal component is quite limited, involving Member States and, less community structures. The “respect” showed by them vis-à-vis formal dimension of CESDP is, in the Member States perception, the only way through which their interests can be safeguarded. It is a concern that we find also at the smaller states which are extremely interested in maintaining balance in the decision-making and, by extension, within the entire European construction.

Analysis of Member States conduct in the context of operational commitments, offers a complex picture arising from the interaction of a number of factors. Of course, the spotlight is put on those political considerations and requirements that are characteristic of

³ *With the exception of Denmark which is not involved within the defence aspects of CESDP.*

each operation and obviously related to the particular conditions in the geographical theater. Of at least equal importance is the attitude of the Member States as regards the opportunity to launch an operation in a given area; their positions were shaped based on their strategic interests. From this point of view, the way in which states perceive the opportunity to deploy an operational commitment is juxtaposed on their behavior in relation with the geographical area.

Last but not least, the complex landscape related to the operational commitment is influenced by the effective capacity of Member States to feed the force generation process. The first major aspect of this complex picture is the early stages of the process of organizing the operational commitments, namely the area from where this kind of initiatives originate. In case of operational commitments, this is placed in the area of responsibility of Member States, each of which can, theoretically, to launch such an initiative. CESDP regulatory framework allows such an approach, but the management aspects of operational endeavors are located outside the formal framework and therefore subject to negotiations between them.

It is clear that the CESDP is perhaps the only policy of the European Union suitable to an "excessive" manifestation of national interests due to the absence of the specific *acquis*. Therefore, the negotiations between Member States and hence the informal component of the decision-making process, are even more significant, including at the level of operational commitments.

These aspects crafted the current situation in which EU operational experience is relying almost completely on the willing and interests of the Member States. We can talk in this respect about of certain of behavioral patterns. The most notably is by far the France case. Basically, the French model testifies the viability of using the full set of advantages that intergovernmentalism provides. This, both in terms of projecting, through operations, of its own security agenda, and, also, by promoting certain initiatives which give substance to the security and defence component.

If this is available in the case of bigger EU members, for the smaller states things are much more complex. It could be stated, without fear of error, the traceability and also the predictability of the behavior of members with less influence. In the vast majority, their basic option has been to support the launch of such types of engagement of the Union as a appropriate tool to increase their visibility. Also, this approach is meant, in their strategy, to offer certain compensations especially in filling various positions within the institutional hierarchy of the European Union. These are the main features of the smaller states approaches *vis-à-vis* CESDP. In spite of the pragmatic character, this tactic contributed, in essential way, to move further the European defence and security project.

The best evidence of this state of work is the structure of multinational contingents deployed under the aegis of the Union in various theaters of operations. If in the first period after adoption of CESDP framework, operations launched by EU included a limited number of countries, gradually, the structure of European operational commitments incorporated an ever increasing number of Member States. It was undoubtedly a gradual process that culminated in the involvement of countries traditionally considered to be "neutral". The most relevant case is that of Ireland, which after a neutral approach to the involvement in

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the operational development of CESDP changed radically his approach in order to become one of the most important actors in the field, by assuming the leadership of EU operation in Chad and Central African Republic.

The same attitude can be found in the case of so-called “neutral states” like Finland, Sweden, Austria and even those outside the European institutional, such as Switzerland.

All these are elements of a clear trend whose purpose will be involvement, in various forms, of the entire set of Member States. To the arguments set out above must be added the need for Member States to be involved in all decision-making aspects related to the operational dimension. A similar phenomenon was recorded in the context of creating the EU rapid response capabilities, particularly Battle Groups. Within this framework it can be traced the same approach which, ultimately, culminated with the participation in such formulas of all Member States.

It is obvious that this tendency will extend to the all areas managed by CESDP, particular after the adoption of the new European Union Treaty. The Lisbon Treaty increased relevance for the development of ESDP lies mainly in its implementation formulas, especially those related to the Permanent Structured Cooperation⁴ in the defense area. From this perspective, providing relevant capabilities for crisis management operations is one of the basic criteria for eligibility of membership within this type of cooperation. This could anticipate a consolidated tendency regarding the national involvement within of EU operations. Risk of the self-placement outside such formulas cannot be assumed by any of them.

Also, implementation of structured cooperation formulas in an area addressed only by the logic of multi-level consensus generates a series of challenges especially on the future of the decision-making design, including operational component. Basically, the effects of the new system could generate, first of all, the emergence of the second decision system associated with the structured cooperation formulas. And from this perspective it is obvious that the choice of Member States, regardless of the weight which they have in the Union, will be participate in these formulas. This is the only way to combat the "perverse" effects of this system and to preserve the principle of consensus in the security and defense field.

Additional to the above mentioned effects, the strict control imposed by the Member States leads to a relatively opaque nature of decision making, particularly in relation to external factors of the Union, but which are involved in the operational commitments. This problem involves the so-called third countries, the allied non-EU members (Turkey and Norway), as well as states like Russian Federation and Ukraine whose security interests require involvement in the operations conducted by the European Union.

Undoubtedly, within this framework, the most well-known case is that of Turkey's participation in the EU operations, which was always accompanied by an extensive political debate centered on the level of involvement in the decision-making process. In fact the

⁴ *Protocol on Permanent Cooperation established by Article 28 of the Treaty on European Union.*

issue of involving third countries in the operations is one of the main challenges for international organizations. The issue includes a significant ethical dimension, especially in regard to requests of these countries to be involved in a sufficient and enhanced manner within the decision-making process, especially on the component related to the operations to which they contribute.

Problem is valid for the European Union as well as for NATO. In the Alliance, the accents are even radical, due to the fact that countries are fully involved in the most demanding mission of the century which is ISAF operation in Afghanistan. Nevertheless, the effects of this situation were reflected differently at the level of the two organizations. In case of NATO, the difficulties to fulfill his mission in Afghanistan were those which, practically, generate the need for implementing a flexible approach in the sense of involving the States participating in the operation right from the initial stages of decision making.

The EU approach in this field is quite different. Concession made on these particular issues was a minimal one, institutionally implemented through a Committee of Contributors, whose duties relate more to the specific management of issues arising from the conduct of operational activities. In other words, the European approach aimed at maintaining the exclusive prerogatives of the Member States of its strategic decision-making stages.

To what extent this approach is adapted to the contemporary realities is difficult to give an answer peremptorily. Operational realities of the last decade have shown that participation of third countries in the operational commitments multinational organizations constitutes an added value. For the European Union this aspect has a particularly significance in terms of relative maturity of ESDP. Moreover, the contribution of third countries which are depository of significant operational experience as well as relevant capabilities, exceed by far the significance of the membership.

It is beyond any doubt that the involvement of third countries in EU-led operations and, hence, their involvement in the decision-making process will have a greater relevance in terms of power and capacity growth requirements. The relevance of these countries contributions will be even higher especially in the context of the member states fatigue caused by operational endurance. From this perspective, additional contributions come from states such as those listed above are likely to become more attractive for European operational commitments. Also, it could be anticipated that this situation will create additional opportunities for states coming from the outside of the European institutional perimeter and, ultimately will generate the radicalization of their positions regarding a greater involvement in decision-making process.

Within the same logic, the operational component of the EU decision-Making process will be subject to the influence of other external factors especially institutionalized ones. The most relevant is, of course, the UN which is one of the main partners of the European Union in the crisis management field. Within this context, the entire history of CESDP was marked right from the beginning by the gradual development of cooperation relations between these two organizations. The overarching principle was that of providing

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the suitable support, in terms of operational commitment, for the United Nations endeavors all over the world.

This approach it was also used in relation with regional organizations such as the African Union. The analysis of operational developments in recent years shows very clearly that the EU relations with other international actors has represented the basis for almost all operational commitments undertaken by the European Union, approximately 90% of crisis management operations being launched as a result of external requests.

Conclusions

Analysis of the decision making parameters certifies the reality of a still unfinished process in which there is a series of improvisations designed to overcome deficits of a procedural nature. The presence of the latter is caused, to a decisive extent, by the various gaps and overlaps within the existing legal framework of the CESDP.

This has led to the development of decision with sufficient gaps but which, paradoxically, allows greater flexibility. It is obvious that in crafting the decision-making system, EU used, to a large extent, the experience of North Atlantic Alliance. But the level of assimilation has not reached the upper limits, leaving a number of features designed to meet the specificity of the European Union. Clearly, the procedural rules related component of the military component benefited greatly from the experience of NATO. There are many areas showing major similarities, both in terms of dominance principle of consensus and in the level of planning or carrying out proper operational commitments.

Nature of the European Union has established, however, limit the assimilation model used by the North Atlantic Alliance. Key benchmark is the civilian component of ESDP, to which have been added the main elements of novelty in terms of ongoing decision-making typology. Closely linked with this, the overall objective of ESDP is to create the capacity for launching the operational commitments in a comprehensive manner likely to generate particular forms of structuring the various stages of decision-making.

These elements were added to the extremely "complicated" agenda of the NATO-EU relations. Such procedural and institutional differences are likely to exacerbate the difficulties caused by the persistence of political disputes. Unfortunately, the problem of existing asymmetry in the decision-making processes of the two organizations is perhaps the most difficult issue that could benefit from a structured settlement. This especially since the new EU Treaty (Lisbon Treaty) introduces a number of major institutional changes that will significantly affect the decision-making, emphasizing its particularity.

Nevertheless, the current realities testify the existence of the political will to adapt the regulatory framework governing the European decision-making in the security and defense field. At the same time, there is a significant dynamism which can conduct to further adaptation of the institutional way of doing business. Even the frequent changes arising from the adoption of successive EU treaties, must be seen as steps to identify the optimal formula to operate in the current security environment. Each of these steps has enabled the development of decision-making process, which allows positive prospects in the occurrence of a system adapted to environmental realities and which will be able to support the Union's international profile.

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