

Progress and Limitations of European Foreign and Security Governance

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Introduction

Two historical traits can be identified as affecting EU responses in the field of security. One derives from an early and consistent commitment to matters of security. The other highlights the fact that, for a long period, the EU was deemed a ‘civilian power’ and remained in the shadow of NATO as a security provider. A longing for peace and stability (internally and externally) can be seen as having motivated the original six member states to effectively combine security and economic objectives (Eilstrup-Sangiovanni *et al.* 2005; Laffan *et al.* 2000: 38–9). These motivations have remained constant in the functional progression, as well as the geographic expansion, of the EU. Over the years, they have crystallized into rules, norms and institutional structures, facilitated mutual understanding and promoted collective action in the field of security. As a consequence, the EU has successfully created

both formal and informal authority structures (Rosenau 2000: 190; Smith 2003), enabled states to positively identify with one another in security terms (Wendt 1992: 400; Nuttal 1992), acted as a socializing agent both for its members and for aspirants and non-members in the region (Hill and Wallace 1996: 6; Webber *et al.* 2004: 7), and encouraged normative notions of good and democratic governance as suggested by March and Olsen (1995).

Yet, in parallel with these successes, the failure of the proposed European Defence Community, the self-imposed taboo on matters of security, and the absence of relevant structures, resources (budget), military capabilities and military procurement cooperation effectively condemned the EU, until the late 1990s, to existence as an economic giant and political pygmy, embedded in NATO and the associated US protection. Some commentators have seen the latter description as a blessing in disguise and have portrayed the EU as a 'civilian power', with no historical legacy of wars, colonialism or power aspiration, a model of peaceful coexistence (Duchêne 1972). Whilst the image of a civilian power is fading, it has become a convenient target for those who like to characterize the EU as weak in security and defence terms (Kagan 2003).

The extent to which the EU can be deemed a security provider depends considerably on the definition of security or, more precisely, on the type of security threat that is envisaged. If non-military threats are added to the traditionally held military threats, as suggested by security governance (Kirchner 2006; Kirchner 2007), then the scope of EU response to such threats can be justifiably extended. This implies that the response to some security threats can be non-military, and that it can take the form of conflict prevention measures or post-conflict peace-building efforts. To illustrate these points further, four broad categories of security function will be applied. These consist of policies of assurance (measures taken in post-conflict situations), prevention (dealing primarily with root causes of conflict and the non-proliferation of weapons of mass destruction), protection (protecting society from ex-

ternal threat) and compellence (peace-making and peace enforcement intervention). A comparison of the salient dimensions of assurance, prevention, protection and compellence reveals the progress that the EU has made towards its emergence as an autonomous security actor and also points to its limitations. The EU possesses a much greater degree of freedom from its constituent states in the creation and execution of policies of prevention and assurance, while that freedom remains severely circumscribed or qualified when developing or implementing policies of compellence and protection. The following seeks to explain why this is so, by first considering the rationale, goals and principles of EU security governance.

Rationale, Goals and Principles of the EU as a Security Actor¹⁾

(a) Rationale

The rationale for the EU as a security actor supplementing or supplanting the member states reflects five major calculations: first, the EU can aggregate national capabilities, thereby facilitating the economies of scale currently eluding Europe, and release Europe's latent diplomatic, economic and military-strategic power in the service of European security interests; second, the EU, if it were to achieve a foreign policy and security identity, could leverage European security preferences in international negotiations, particularly vis-à-vis the United States; third, the EU provides at a minimum the institutional framework enabling the member states to coordinate and harmonize their security strategies; fourth, the post-Westphalian character of European states has made it manifestly impossible for those states to achieve many of their security objectives autonomously; and finally, the very variety of security challenges confronting the Europeans today presents a particularly acute collective action problem owing to the absence of an uncontested leader or even a stable duopoly or oligopoly that consistently exerts leadership or is unwilling to provide collective security goods

in the presence of free-riding.

The EU plays a differentiated role as a security actor owing to the technologies of publicness attending the four categories of security policy.²⁾ The milieu policies of prevention and assurance possess a high degree of publicness; the rationale for the EU as a security actor is compelling; and the Community method prevents free-riding. The policies of protection and compellence, on the other hand, remain largely intergovernmental, the content of those policies remains contested and heterogeneous, participation in joint EU initiatives or interventions is not compulsory, and free-riding remains an attractive, non-sanctioned option. Moreover, the political costs attending policies of compellence and protection are transparent to the electorate and the benefits are diffuse and asymmetrical. Consequently, the principle of solidarity loses its force as does the rationale for delegating responsibility to the EU, despite the merit of a joint solution from a narrow cost-benefit calculation. Where policies are directed towards milieu goals and where delegating sovereignty to the EU is relatively cost free for the electorate or political elites, however, the rationale for retaining national control over policies wanes and the logic for acting collectively waxes. Where policies require the expenditure of blood as well as treasure, where security policy initiatives transparently alter the domestic social contract (e.g., notions of privacy), it is more likely that electorates will insist that political elites retain sovereign prerogatives and the collective action problem remains.

Deeper integration within those four policy domains is propelled by overlapping security calculi that have, in turn, raised the profile of the EU as a security actor. In each case, there is broad agreement among the member states that joint action mediated by the EU is superior to mere intergovernmentalism. Yet the specific challenges facing the EU and the differentiated objectives of its member states create different opportunities and barriers to the harmonization of national policies and the eventual adoption and execution of security policies possessing the coherence of the single market or European monetary union, either sub-

stantively or procedurally.

(b) Principles

The policies of protection, prevention, assurance and compellence are interdependent and pursued concurrently; it is also as clear that economic instruments and military force can be employed to achieve not dissimilar goals. There is an elective affinity between the different security governance functions facing the EU and the range of policy instruments appropriate to performing them; most EU member states have a pronounced normative preference that subordinates military force to the economic and diplomatic instruments of persuasion and dissuasion. The policies of compellence—and the auxiliary objective of pushing forward the integration (or merely interoperability) of member state military forces—retain importance not only owing to the continuing utility of force to alleviate particular categories of threat, but in recognition that defence integration is the penultimate step prior to political (con)federation. A core component of state sovereignty remains the ability to defend against external attack and protect national values and interests, by force if necessary. Consequently, the sovereignty principle still forms a residual and fundamental barrier to defence and political integration. As in the case of protection, the sovereignty norm inhibits deeper integration, just as the solidarity principle propels integration forward. Moreover, it underscores the instrumental rather than substantive importance of subsidiarity as the principle guiding EU governance, particularly in the area of security.

The countervailing principle of solidarity acknowledges an underlying collective responsibility for jointly fulfilling common security tasks. It entails a positive obligation in the event of an attack to ‘mobilise all instruments at their disposal, including military resources, to assist a member state or an acceding State in its territory’. This principle of conduct nonetheless defers to national prerogatives when it comes to the assessment of a member/state’s interest: the nature and quantity of assistance provided to a member state experiencing an attack is

non-specified and strictly voluntary. Article 222 of the Lisbon Treaty lent the solidarity principle constitutional status. Thus, solidarity and sovereignty are the two principles setting the floor and ceiling of security policy integration and collective action; it delimits the boundaries of the EU as a security actor with prerogatives superseding those of its members. The sovereignty principle outweighs the solidarity principle in the policies of protection and compellence, while the converse characterizes the policies of assurance and prevention.³⁾

(c) Goals

Although the number and type of security challenges have multiplied over the entire course of the post-war period, the process of securitization accelerated after the end of the Cold War. The rapid proliferation of security threats represents a fundamental change in the contemporary security environment; viz., the altered relationship between the agents and the targets of threat. The intractability of the security threats arises from non-state actors as the chief antagonists threatening European security; the need for security policies executed jointly is matched by the intractability of the security environment. Traditionally, states have had the option of using military force against a well-defined enemy, another state. War was conducted on battlefields between opposing armies; civilians (in theory, if not practice) and the economic infrastructure were only secondary theatres of war. States are no longer the sole target or agent of threat; security threats are more likely to emanate from dysfunctional societies or failing states; non-state actors are more likely to wage 'war' against civilians and societal infrastructure, rely upon terrorism to do so, and pursue a non-negotiable agenda. Nonetheless, traditional forms of conflict still persist along Europe's perimeter and beyond. The EU and its member states have not only had to develop a broad array of policies tailored to the expanding number of security pathologies targeting internal tranquility and external stability, but strike a politically sustainable balance between the sovereign prerogatives of the member states and the abnega-

tion of those prerogatives to meet collective threats.

Two imminent threats to European security and stability arise from the persistence of intrastate conflict and disintegration along its perimeter, most particularly in southeastern Europe. The policies of assurance and prevention are intended to ameliorate the root causes of both. Assurance policies generally address the immediate needs of regions recovering from civil conflict; the primary policy goal is to provide sufficient humanitarian assistance to improve the lives of individuals in war-torn societies and to facilitate the transition to self-government and the rule of law. The policies of prevention represent 'second stage' security policies—they consolidate the process of state- and nation-building—as well as a prophylaxis against social unrest or disintegration.

Creating a European area of freedom, security and justice is the core task of the policies of protection. Although the rationale for undertaking such policies to enhance European security is unambiguous, it is likewise uncontestable that the policies of protection are the most domestically intrusive security policies on the EU agenda. The EU has undertaken to harmonize the institutional and legal infrastructure of its member states.

The bailiwick of compellence is the traditional one of mediating interstate conflicts and deterring or defending against the violation of territorial integrity. Although the traditional concern with territorial defence continues to occupy national authorities, that threat is no longer a primary, let alone immediate, preoccupation. Rather, national defence efforts are directed towards meeting the responsibilities for regional and global management assumed in the European Security Strategy (*ESS*). The EU seeks a force projection capability enabling it to intervene in armed conflicts where the EU and its member states have critical interests. Despite the on-going pursuit of an effective expeditionary capability, the EU has restricted itself to the modest goals of acquiring an autonomous planning and decision-making capability that would allow 'Europe' to act independently of the United States where

European interests diverged from those of the United States or where the United States simply did not share the European threat assessment.

The empirical analysis indicates (Kirchner and Sperling 2007) that the EU has not been willing or able to assume exclusively the attributes of a 'civilian' or a 'normal' power in the current threat environment. Perhaps unsurprisingly, Europe's post-Westphalian states and the EU face a less tractable security environment in the post-Cold War international system; the complexity of the contemporary security environment is bewildering, although not as imminently lethal as the prospect of mutually assured destruction that regulated Soviet-American rivalry in the postwar period. The variety of security challenges and goals falling under the complete or partial jurisdiction of the EU also points to a capability-mix trap into which the EU could fall *if* too great an investment is made in the acquisition of force projection capabilities at the expense of addressing the root causes of conflict and instability outside Europe. The EU must acquire a military capability commensurate with Europe's economic wherewithal and consistent with its geopolitical interests. If the EU is to emerge as a full spectrum security actor, it must not only be capable of implementing all four categories of security policy, but be able to do so with equal aplomb.

Institutional Innovations

The four categories of security policy have generated two general categories of institutional innovation: those that consolidate the leadership role of the Commission in policy implementation; those that create policy and institutional infrastructures that facilitate the development of policy networks between national authorities responsible for implementing Union initiatives. The policies of assurance and prevention conform to the first form of innovation, while protection and compellence conform to the second.

The policies of prevention and assurance, governed by the Community method, are financed through the EU common budget. The excep-

tion is the European Development Fund (EDF), which assists African, Caribbean and Pacific countries and does not come under the general Community budget; instead, it is funded by the member states, covered by unique financial rules, and managed by a specific committee. Institutional innovations in the policies of prevention have primarily assumed the character of instruments managing the pre-accession process (IPA) and implementing the European Neighbourhood Policy (ENP) and development and cooperation policies, such as the Lomé and Cotonou conventions, the Development Cooperation Instrument (DCI),⁴⁾ the European Initiative for Democracy and Human Rights (EIDHR), The European Community Humanitarian Aid Office (ECHO), the Instrument for Stability (IFS), formerly the Rapid Reaction Mechanism (RRM), and the Committee (funding) for Asia and Latin America (ALA). All these instruments are either located in or administered by the Commission. Similarly, the core institutional developments found in the policies of assurance are the Stabilisation and Association Process (SAP) and the Stability Pact for South Eastern Europe, which was superseded by the Regional Cooperation Council in 2008, both of which were initiated in response to the disintegration and civil conflicts that erupted in the former Yugoslavia, but now include all the Balkan states. Taken together, the institutional innovations supporting the policies of assurance and prevention function as Community instruments for implementing collective policies within the existing Community framework. These instruments and institutions do not so much expand Community competencies as reinforce the effectiveness of the Union as a foreign policy actor, particularly with regard to the shaping of the external milieu.

Institutional changes attending the policies of protection and compellence, however, have expanded the role of the Community in their formulation and execution; it has created an institutional infrastructure that provides the foundation not only for autonomous EU action externally (compellence), but the eventual transition to the Community method and common funding of single policies for both. The establish-

ment of Eurojust and the addition of criminal law to the competencies of the European Judicial Network have contributed to two developments: increased opportunities for intra-EU cooperation and continuous progress towards harmonizing penal law and judicial practices. Police cooperation with respect to the fight against terrorism and organized crime has been likewise facilitated by a set of institutions, particularly the expansion of Europol's competencies to address crimes with an international dimension and terrorism, the creation of the EU Chief of Police Task Force, and the European Union Police College (CEPOL). These networks provide a mechanism for better communication and cooperation between police and judicial authorities within the Union, two developments particularly critical to any effort to police and prosecute terrorists on an EU-wide basis. The EU has also expanded the number of Community institutions responsible for monitoring different facets of internal security policies, including epidemiological surveillance (the ECDC and RAS-BICHAT), policing external borders (FRONTEX), and infrastructure security (ENISA and CIWIN). The common polices that these institutions monitor, in turn, prepare the Union to assume sovereign responsibilities and acclimate the member states to that eventuality.

The EU member states have also made important progress towards creating an EU profile if not competency in the shaping and operational implementation of the policies of compellence. A clear institutional hierarchy has been established that enables the EU to execute the Petersberg tasks: the Political and Security Committee, the High Representative for Common Security and Defence Policy, and the Council of Ministers decide when and where the EU should intervene; the EU Military Staff and EU Military Committee are responsible for the operational command of EU forces participating in a military intervention. The EU Planning Cell at NATO Headquarters, in conjunction with the Berlin-plus arrangements, have increased the EU's capability for making autonomous decisions and leading military operations with or without NATO assets. Two other institutional developments have increased

the short-term and long-term ability to wield military force autonomously: first, the European Rapid Reaction Force and the Battle-group Initiative created the wherewithal to deploy troops quickly and for extended periods of time where Europe's interests are threatened; second, the European Defence Agency could eventually function as the arbiter of procurement policies for the individual member states and as the instrument for protecting the European defence industrial base and enhancing the global competitiveness of European defence contractors. The EU Joint Situation Centre (SitCen) monitors and assesses events and situations worldwide on a 24-hour basis with a focus on potential crisis regions, terrorism and WMD-proliferation. The SitCen also provides support to the EU High Representative and other senior officials as well as for EU crisis management operations; its primary task is providing a common intelligence base for the member states, particularly with respect to counter-terrorism and the handling of communications security issues.

The policies of protection are largely arrived at within the context of intergovernmental negotiations, while the policies of compellence are subject to Joint Action. Unanimity persists as the decision-making rule; Community institutions function as facilitators of common action, rather than as the driving force of common action; and responsibility for implementation remains with the member states and immune to the infringement process in the face of non-compliance. The Union institutions developed to implement framework decisions and security strategies do not encroach upon the sovereign prerogatives of determining the content or execution of security policies. Yet, these institutions *have* increased the ability of the member states to act jointly and enhanced the role of the EU in areas once exclusively reserved for the member states.

Assessing the EU as a Security Actor

Two specific questions will be addressed in this section: how does

the expectation–capabilities gap operate in the EU?; and what is the degree of policy effectiveness of the EU in field of security and defence?

1. How does the expectation–capabilities gap operate in the EU?

As Christopher Hill famously noted, the EU faces a ‘capabilities–expectations gap’: the economic wealth and diplomatic presence of its member–states has not been converted into a workable and effective EU foreign policy (Hill 1993: 103–30).⁵⁾ While the constitutional and institutional innovations introduced by the Amsterdam Treaty of 1997 promised greater foreign policy cohesion and cooperation, the absence of common security and defence policies is inevitably assessed as the major failing of the EU. The empirical evidence presented by Kirchner and Sperling (2007) strongly suggests that the EU has indeed emerged as a significant, consequential and autonomous actor.

Community institutions exercise considerable autonomy in formulating the policies of prevention and assurance and enjoy considerable latitude in the execution of those policies. Even though those policies are financed out of the common budget, the Commission and other Community institutions still require member–state acquiescence and cooperation to implement them effectively. The policies of protection and compellence remain, with the exception of border control for those states that have acceded to the Schengen *acquis* and Prüm Convention, firmly within the purview of member states, despite their compromised sovereignty. The logic of the post–Westphalian condition that the member states find themselves in has not overpowered the Westphalian impulse to retain policy autonomy in the areas of internal protection and defence. The Commission, in effect, possess the ability to implement prevention and assurance policies without interference from the member states and has acquired the legal standing to ensure member state compliance once the Commission and Council agree on the content and form of policy. The Commission enjoys neither similar prerogatives nor the agenda setting prerogatives—the right to establish the content and form of policy—in the areas of protection and compellence. The EU re-

mains a contingent security actor, but its autonomy from the member states varies from significant (assurance and prevention) to limited (compellence).

2. What is the degree of policy effectiveness of the EU in field of security and defence?

Any assessment of the EU's success or failure as a security actor in these four security policy arenas remains heavily dependent upon the yardstick employed to do so. The most demanding yardstick would define success in terms of policy outcomes: have EU policies of assurance produced democracies and market economies? Have EU policies of prevention stopped civil conflicts before they have emerged or mitigated their savagery when they erupt? Have EU policies of protection reduced the success of criminal enterprises operating in and around Europe or thwarted terrorist attacks? Have EU policies of compellence created a Europe with force projection and high-intensity warfare capabilities commensurate with the aggregated economic, technological and diplomatic resources of its member states?

The validity of these questions, however, rests on the political destination envisioned for the EU. If the EU remains a form of political organization that falls far short of a (con)federal state possessing fully the sovereign prerogatives now held by its members, then a different yardstick for assessing its success or failure as a security actor is in order. But to assess the EU *as if* it were a state or *ought* to seek the full range of sovereign prerogatives attending statehood creates an unreasonable and unattainable standard. The more fruitful approach to the problem of assessment would question whether the EU adds value to the security efforts of the member states, mitigates the collective action problem intrinsic to the four categories of security policy, and has achieved its programmatic objectives governing the behaviour of the member states. On such an accounting, the EU has been a relatively successful and important actor.

(a) Policies of Prevention

One of the key milieu objectives assumed by the EU has been providing support and incentives for those states in its 'neighbourhood' to adopt desirable political and economic reforms. One strategy for achieving that goal has been the offer of membership if the targeted state meets the Copenhagen criteria. For states that are ineligible for membership, the EU has developed Action Plans tailored to the short-comings of the target states and the member states have delegated responsibility for implementing and managing those policies to the Commission. Nonetheless, the challenge of translating financial and technical assistance, privileged access to the internal market and political dialogue into compliance with human rights, democracy, the rule of law and good governance remains beyond the exertions of the EU or its individual members—the efforts of the United States and the panoply of aid organizations falling under the umbrella of the UN system attest to the difficulty, if not futility, of an external actor to foster political or economic reform without the willing participation of the targeted state or society.

In addition to its regional efforts, the EU supports regional integrative or cooperative organizations outside Europe, particularly those possessing a clear mandate to prevent conflict such as the Economic Community of West African States (ECOWAS) and the African Union (AU). The EU has also mediated intra-societal or interstate conflicts, created favourable contexts for the implementation of ceasefire agreements, sponsored confidence-building measures between regional antagonists, provided emergency aid in support of the electoral process when threatened by internal disruptions or lack of domestic capability, and contributed to the demobilization of combatants in conflict-torn societies. For an overview of the various EU financial instruments for policies of prevention, see **Table 1**.

(b) Policies of Assurance

With regard to policies of assurance, the EU has been particularly

Table 1: Budgets for EU Policies of Prevention

Instrument	Duration of Budget	Total
EDF	2008–2013	22,682 billion Euro
DCI	2007–2013	16,897 billion Euro
ENPI	2007–2013	11,181 billion Euro
IPA	2007–2010	5,740 billion Euro
ECHO	2008–2013	4,881 billion Euro
EIDHR	2007–2013	1,104 billion Euro
IFS	2007–2008	126 million Euro

Sources: EDF: <http://europa.eu/scadplus/leg/en/lvb/r12102.htm> (accessed 27.9. 2010)

DCI: http://ec.europa.eu/europeaid/what/delivering-aid/funding-instruments/documents/dci_en.pdf (accessed 27.9.2010);

ENPI: http://www.euroresources.org/guide_to_population_assistance/european_community/enpi_1.html (accessed 27.9.2010);

IPA: <http://europa.eu/scadplus/leg/en/lvb/e50020.htm> (accessed 27.9.2010);

ECHO: http://ec.europa.eu/echo/files/funding/budget/finances_2008_2013.pdf (accessed 27.9.2010);

EIDHR: http://www.euroresources.org/guide_to_population_assistance/european_community/eidhr.html (accessed 27.9.2010);

IFS: http://ec.europa.eu/external_relations/ifs/index_en.htm (accessed 27.9.2010)

effective in helping to rebuild the war-torn societies in the Balkans. Two key instruments, the Stability Pact (now Regional Cooperation Council) and SAP, were relied upon to strengthen civil society and state building, promote democracy, enhance regional stability and bring the Balkan countries within the EU orbit. The successful grafting of EU values and norms onto the social and political fabric of these countries is central to the overall objective of regional stability and an instrumental goal for meeting the Copenhagen criteria. In the western Balkans, the EU-funded programmes have improved the physical, social and economic environment, and have created or improved the institutions of civil society. This backing has supported, if not produced, democratically elected governments, which in turn have contributed to regional stability. While it would be untenable to credit success to the EU alone, it

would be as negligent to underestimate the impact that the EU has had on the political development of the region. Arguably, the EU's regional policies in its own 'neighbourhood' have contributed to good governance and rule of law domestically, the improved capacity of civil institutions, and created a network of bilateral and multilateral commitments creating the foundation for the long-term stability along its eastern and southern periphery.

The EU's post-conflict interventions are not limited to the European regions or to the supply of technical and financial assistance. Interventions include not only EU rule of law and police missions that train national judiciaries (e.g., EUJUST Themis and EUJUST Lex), police forces (e.g. EUPOL Proxima and EUPOL COPPS), security forces (e.g., EUSEC Congo) and border guards (EUBAM Rafa and EUBAM Ukraine and Moldova), but serve as a bridge between a successful military peace-keeping operation and the restoration of civil order (e.g., EUPM Bosnia). Since 2003, the EU has completed eight CSDP civilian missions: four in Europe, three in Africa, and one in Asia. In November 2010, ten such missions were ongoing: four in Europe, two in Africa, three in the Middle East and one in Asia. The Rule of Law Mission in Kosovo, with 1,900 personnel, represented the largest CSDP civilian mission at work at that time. The 2007-launched EUPOL Afghanistan (basically a police training mission) engages in aspects of Security Sector Reform (SSR). The latter focuses not only on integrating defence, police, intelligence and judicial reform, but also on a normative commitment to the consolidation of democracy and to promotion of human rights and of principles of good governance — including accountability and transparency (Hänggi and Tanner 2005: 17).

(c) Policies of Protection

The policies of protection occupy the middle ground between the policies of assurance and prevention. Whenever the Schengen *acquis* is modified in the strengthen the policing of common external frontier, particularly in the fight against terrorism, the collective action problem

is resolved by the Community method and enforced by the Commission's ability to institute infringement proceedings. The other categories of policy—penal law, judicial process, police and judicial cooperation, and the variety of issues falling under the rubric of protection—remain intergovernmental. The policies of protection present an acute collective action problem; the EU has only been partially successful in carving out an autonomous role for itself in shaping policy and coaxing its member states to comply with the variety of framework decisions and action plans governing a policy domain including health security, information and network security and money laundering. Even more difficult have been efforts to reconcile or harmonize penal law and judicial process, two policy domains that electorates expect to remain national in character. The EU, therefore, waivers between independence and dependence from the member states in seeking to create an area of 'justice, freedom and security'.

The EU has been successful, however, in securitizing these policy domains, particularly the protection of critical infrastructure, bacteriological or viral contagions and financial crimes linked to organized crime or terrorism. The internalization of security has created an understanding amongst the member states that heretofore components of national sovereignty have become the legitimate targets of EU legislation. Yet, the transposition of framework documents into national law remains dependent upon the good faith of the member governments; neither the Commission nor the European Court of Justice has the legal standing to sanction infringements. Non-compliance remains problematic. Article 226 TEC is not applicable in Justice and Home Affairs (JHA) and the states are not yet willing to accede to the Commission's proposal to rely upon the bridging clauses of Article 42 TEU and 67(2) TEC to lend the Commission the ability to sanction infringements of Hague Programme legislation.

One way in which the EU has been able to distance itself from the member states and exert an autonomous influence, however, is in the establishment of EU sponsored networks that intermediate relationships

between national authorities, judicial or police, or eliminate the barrier posed by national borders to direct contacts formally segregated by strict jurisdictional boundaries formed by national frontiers. The EU has also asserted a kind of autonomy with the progressive harmonization of judicial and penal law within the Union and the creation of legal instruments valid throughout Europe, particularly the European arrest warrant, the European evidence warrant, and the guaranteed mutual access to a standardized criminal data base. The growing reliance upon these legal instruments and the cooperation engendered by Europol, Eurojust and the Police Chiefs' Task Force will inevitably compel the application of the Community method to JHA, at least in those areas touching upon serious crime and terrorism. While the concrete achievements may appear limited in terms of results that are subject to measurement (the number of joint investigations or prosecutions, the level or incidence of serious crime and terrorism, or the failure to transpose precisely framework decisions, regulations or directives), the EU gained member state acknowledgement that it has an important role to play in crafting these policies and a critical role in coordinating member state policies.

The policies of protection are most vexed by the underlying security policy paradox confronting the EU and its member states: the necessity of joint action to meet the threats to internal security is unquestioned by the governing elites, yet the policy initiatives in this domain directly touch upon the daily lives of the national electorates in spheres impinging upon national political and legal cultures as well as prerogatives that governments are protect from EU encroachments. The policies of protection constitute the most important security domain today in view of the palpable threats posed by terrorism and organized crime. Moreover, the existing technology of publicness suggests that greater EU independence from the member states, most easily achieved with the introduction of the Community method into the area of Justice and Home Affairs, would ameliorate the collective action problem currently plaguing policy initiatives designed to enhance inter-

nal security on a Union-wide basis. While a great deal of has been made in this particular policy domain, much remains to be done to increase EU collective action and to make the EU an effective internal security provider.

(d) Policies of Compellence

Perhaps surprisingly, the EU pursuit of common security policies falling under the rubric of the policies of compellence has been relatively successful. The success of those policies is surprising for at least two reasons: first, with the notable exceptions of Britain and France, the majority of the EU member states have gravitated towards a ‘civilianised’ foreign policy culture; second, the retention of sovereign prerogatives in defence has been often treated as the final barrier to the ‘ever closer union’ of the European peoples. The success enjoyed by the EU as evidenced by the growing number, size and variety of military interventions since 2003 reflects the recognition that Europe must play a larger regional and global role *if* it is to protect European interests and retain a close and mutually beneficial relationship with the United States. So far the EU has carried out seven military CSDP missions, most of which have been mandated by the UNSC. Of these, four have been completed: one in Europe and three in Africa. The largest of the completed military missions was in the Chad/Central African Republic (EUFOR Chad/CAR), with a contingent of 3,700 soldiers. By September 2010, there were three ongoing CSDP military missions: one in Europe and two in Africa. The European one involves the mission to Bosnia and Herzegovina, with an initial 7,000 strong force in 2004 (reduced to 2,500 by 2010); the second is the military naval operation against piracy at the coast of Somalia (EU NAVFO), involving 20 vessels and a serving staff of 1,500 ; the third in EUTM Somalia, under which Somalian security personnel is being trained in Uganda. It is interesting to note that with CSDP military missions in Africa (e.g., Congo and Chad/Central African Republic) the EU is losing its image as being only interested or active in the European region.

Only the EU—with the critical support of Britain, France and now perhaps Germany—can coordinate the defence policies of its member states and thereby guarantee the long-term survival of a European defence industrial base and provide the necessary assurance that an intra-Union division of labour in force structure or weapons systems acquisition will not expose individual member states to an unacceptable level of risk. The EU provides the forum for mediating the intergovernmental negotiations and institutionalizing intergovernmental bargains.

In the wake of the Anglo-French St. Malo Declaration (1998), the EU has enhanced Europe's military capabilities with the establishment, *inter alia*, of the Helsinki Headline Goals, thirteen battlegroups (the majority of which are multinational), the European Defence Agency, and an emerging institutional structure enabling the EU and the member states to decide jointly when to employ military force as well as providing the command and operational infrastructure to do so. The exercise of the military option under an EU flag nonetheless hedged and depended upon the good offices of the major member states. The EU member states have not pledged themselves to collective defence, the solidarity clause of the Lisbon Treaty notwithstanding. Despite the progress made towards the operational integration of the member state armed forces, the EU at present remains a coordinating mechanism for formulating and executing policies of compellence; the member states appear content to accept the trade-off between the dubious benefit of retaining national prerogatives at the considerable cost of diminished diplomatic leverage, economic inefficiency, and military ineffectiveness.

The Europeans have met the American challenge to assume greater responsibility within the European security space and progressively delineated a new division of labour within the Atlantic Alliance, particularly as it pertains to the projection of force in southern Europe and Africa. Europe claimed responsibility for executing the Petersberg tasks within Europe and has committed itself to act on behalf of the UN under a Charter VII mandate, while relying upon NATO and the United States for meeting Article 5 obligations and conducting high-intensity

warfare 'out of area'.

Conclusion

There is validity in the suggestion that Europe is a post-modern continent whose core project, the European Union, is about securing peace after centuries of war, dismantling borders and undoing nationalism in the name of shared prosperity (Cohen 2010). As a consequence, security is being Europeanized precisely because defence is no longer seen by elites and publics as a fundamental part of state identity (Merand 2008). This has allowed the EU to occupy a central and unique role in the governance of European security. The Council and the Commission have not only created a plethora of quasi-autonomous networks and institutions, sapping the policy and sovereign prerogatives of the member states, but replaced the hierarchy of the Westphalian order with post-Westphalian heterarchy. This system of governance has not yet produced a clear division of labour between the EU and its member states, but it has gone beyond a system of governance where the EU and its member states simply govern the security environment concurrently and in parallel (Ekengren *et al.* 2006: 119–20). Instead, some policies remain largely reserved to the state (compellence) or have been claimed by the EU (assurance and prevention) or have an indeterminate and shifting status (protection). Thus, the EU performs as an increasingly autonomous security actor *and* functions as a clearing station for member-states in their collective efforts to meet an array of security challenges. The EU has been given (or seized) responsibility for coordinating member state policies across the four security domains; the success of those coordination efforts, however, remains subject to member state acquiescence on most decisions touching upon the projection of force and the criminal justice system. The European governance system lends credence to those who argue that a state-centric analysis of contemporary security policy obscures more than it reveals. The EU member states have sanctioned the institutionalization of principles

eroding sovereign prerogatives in an effort to resolve the collection action problems attending the provision of security in the twenty-first century.

EU contributions to international security organisations and to global security and stability, whilst generally substantial, vary according to the security functions under consideration. This variation has both an internal and external dimension. The internal aspect relates to the degree to which the EU is able to act in a collective manner across the four respective security dimensions. The external factor relates to the ability of the EU to translate its contributions to the effort of 'building and strengthening an international order that is based on effective multilateralism' into political ends. These two dimensions overlap or have reinforcing tendencies, but for analytical purposes they will be addressed separately.

With regard to the internal considerations, EU collective behaviour can be observed in conflict prevention and assurance tasks. There is sufficient agreement among EU member states that collective action in these two policy areas is needed to contribute to international peace and stability and that joint efforts between member states and Community programmes are necessary. The policies of compellence have so far defined the limits of security cooperation under the aegis of the EU, while the policies of prevention and assurance identify the opportunity for security operation within the EU. They also are indicative of the persistent barrier to such a more integrative role posed by distinct and divergent national political and legal cultures (Kirchner and Sperling 2007: 243–8).

Different challenges emerge when assessing the external dimension of EU security policy contributions, especially with regard to EU efforts to export its worldview. In the first place, the involvement of several international actors, the complexity of what works in the short rather than the long term, and whether priority is to be given to democratic development rather than peace often impede accurate assessment (Youngs 2004). Secondly, the geographic factor is of importance. EU effective-

ness on policies of prevention and assurance is stronger in the European context, where the EU can rely, among other instruments, on the ENP, CSDP civilian missions and the SAP. However, attention also needs to be drawn to the fact that the EU is willing to use force for its security and defence objectives (as legitimised in the *ESS*) and that five out of the seven CSDP military operations have taken place outside the European continent. Thirdly, whilst it can be argued that the EU is taking the *ESS* aim of pursuing 'effective multilateralism' seriously and is assuming greater responsibility in regional and global security, the EU has difficulties in translating growing contributions into effective outcomes, or assuming a leadership role. This is particularly the case with regard to aid and development cooperation through OECD and UN channels. To avoid being or becoming a mere 'payer' rather than a 'player' in multilateral security affairs, the EU has some way to go either to compete with the influence of other players, such as the United States, or in organizations like the UN. In part, this requires a strengthening of consensus among member states and EU institutions, and cooperation as well as coordination between the EU and other international organizations. It also necessitates that the EU calls for greater recognition from the countries to which it provides assistance and support.

Overall, the EU has made significant progress, especially since 2003, in establishing a security and defence policy. This can be seen in the wide ranging instruments, financial commitments and activities which the EU has introduced in this area. However, limitations remain in the performance of EU security governance, as evidenced in the different performance of the four security dimensions: assurance, prevention, protection and compellence.

1) This and the following two section draw on Kirchner and Sperling 2007.

2) For a more detailed analysis of the degree of publicness in EU security and defence policy see Dorussen, Kirchner and Sperling 2009.

3) The subsidiary 'principle of mutual responsibility' complements solidarity: states accepted that their national security policies should not be confined 'to

maintaining their own security, but...focus also on the security of the Union as a whole'. This principle placed a positive obligation on the member states to consider the EU-wide security ramifications of national policy decisions and contributed to a collective understanding of the content and form of threats.

- 4) The DCI provides assistance to South Africa and 47 developing countries in Latin America, Asia and Central Asia, and the Middle East (only those countries not covered by the ENPI or the EDF. However, the DCI supports the restructuring of sugar production in 18 ACP countries).
- 5) The capabilities-expectations gap also generates a capabilities-expectations paradox; viz., the more the EU achieves in the area of foreign and security policy, the more will be expected of it. It is likely that expectations will inevitably outstrip capabilities. See Sperling 2001: 143–44.

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