



UNIVERSITY OF PISA

Department of Political Sciences

PhD Course in Political Sciences - Geopolitics

**Looking Back to Move Ahead:
Assessing the Long-Term Impact of the Common
Security and Defence Policy Civilian Missions**

Supervisor Prof.

Marinella Neri Gualdesi

PhD Candidate

Azzurra Bassi

Academic Year 2017/2018

Table of contents

List of abbreviations	5
Introduction	8
An overview of the Common Security and Defence Policy and the issue of the evaluation of EU crisis management missions	8
Research question and aims	10
Theoretical framework	11
Methodological note	18
Thesis structure	22
CHAPTER 1	
Conceptualising EU Civilian Crisis Management	24
1.1 The origin and development of the Common Security and Defence Policy	24
1.2 The Common Security and Defence Policy: dynamics and new perspectives	27
1.3 Definition and features of CSDP civilian missions	36
1.4 CSDP missions evaluation at institutional level	42
1.5 CSDP missions evaluation in the academic debate	47
1.6 Complexities and challenges in evaluating CSDP missions	54
CHAPTER 2	
A result-oriented approach in CSDP civilian missions	57
2.1 The meaning and relevance of evaluation	59
2.2 Impact in CSDP civilian missions analysis	66
2.3 Effectiveness	70
2.3.1 Defining effectiveness	70
2.3.2 Indicators for the analysis of effectiveness	73
2.4 Sustainability	78
2.4.1 Defining sustainability	78
2.4.2 Indicators for the analysis of sustainability	81
CHAPTER 3	
The European Union police mission in Bosnia-Herzegovina	93
3.1 EUPM: context and features of the mission	94
3.2 The Effectiveness of the EUPM	99
3.2.1 Mandate	99
3.2.2 Resources	108
3.2.3 Coordination in the field with EU family and non-EU actors	110
3.2.4 Exit strategy	115
3.3 The sustainability of the EUPM	117
3.3.1 Local ownership	117
3.3.2 The durability of reforms	119

3.4 Conclusions	122
CHAPTER 4	
The rule of law mission EUJUST THEMIS in Georgia	125
4.1 EUJUST Themis: context and features of the mission	128
4.2 The effectiveness of EUJUST THEMIS	131
4.2.1 Mandate	131
4.2.2 Resources	133
4.2.3 Coordination in the field with EU family and non-EU actors	134
4.2.4 Exit strategy	136
4.3 The sustainability of EUJUST THEMIS	138
4.3.1 Local ownership	138
4.3.2 The durability of reforms	143
4.4 Conclusions	147
CHAPTER 5	
The rule of law mission EULEX in Kosovo	150
5.1 EULEX: context and features of the mission	154
5.2 The effectiveness of EULEX	157
5.2.1 Mandate	157
5.2.2 Resources	161
5.2.3 Coordination in the field with EU family and non-EU actors	163
5.2.4 Exit strategy	167
5.3 The sustainability of EULEX	169
5.3.1 Local ownership	169
5.3.2 The durability of reforms	172
5.4 Conclusions	179
CONCLUSIONS	182
Key findings and recommendations	189
ANNEXES	192
Annex 1. Ongoing CSDP missions	192
Annex 2. Outline of interviews	193
Annex 3. Organisational Charts of EEAS, CMPD, CPCC	195
Annex 4. Maps of BiH, Kosovo and Georgia	198
BIBLIOGRAPHY	199
Articles	208
Documents	213

List of abbreviations

BiH	Bosnia-Herzegovina
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CBSD	Capacity Building for Security and Development
CFSP	Common Foreign and Security Policy
CMPD	Crisis Management and Planning Directorate
CONOPS	Concept of Operation
COSI	Committee on Operational on internal security
CPCC	Civilian Planning and Conduct Capabilities
CSDP	Common Security and Defence Policy
DDR	Disarmament Demobilisation Reintegration
DG	Directorate General
DG DEVCO	Directorate General for Development Cooperation
DG HOME	Directorate General for Home Affairs
DLK	Democratic League of Kosovo
DPKO	Department of Peacekeeping Operation
EC	European Commission
ECHO	European Civil
EDA	European Defence Agency
EDC	European Defence Community
EEAS	European External Action Service
ENP	Enlargement and Neighbourhood Policy
EPC	European Political Cooperation
EPLO	European Peace-building Liason Office
ESDP	European Security and Defence Policy
EU	European Union
EUJUST	Themis European Union Rule of Law Mission in Georgia
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
EUPM	European Union Police Mission in Bosnia-Herzegovina

EUPT	European Union Planning Team
EUSR	European Union Special Representative
FSJ	Freedom Justice and Security
HOM	Head of Mission
HR/EUSR	High Representative/European Union Special Representative
HR/VP	High Representative/Vice President
ICO	International Civilian Office
ICR	International Civil Representative
IFOR	Implementation Force
IFS	Instrument for Stability
IPA	Instrument of Pre-Accession
IPTF	International Police Task Force
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KP	Kosovo Police
MIP	Mission Implementation Plan
MMA	Monitoring, Mentoring and Advising
NATO	North Atlantic Treaty Organisation
OECD	Organisation for Economic Cooperation and Development
OPLAN	Operation Plan
OSCE	Organisation for Security and Cooperation in Europe
PB	Peace-building
PCIA	Peace Conflict Impact Assessment
PESCO	Permanent Structured Cooperation
PR	Progress Report
PRC	Police Restructuring Commission
PET	Policy Evaluation and Training
PSB	Police Steering Board
PSC	Political Security Committee
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SBS	State Border Service
SFOR	Stabilisation Force

SIPA	State Intelligence Protection Agency
SSR	Security Sector Reform
TACIS	Technical Assistance to the Commonwealth of Independent States
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
WEU	Western European Union

Introduction

An overview of the Common Security and Defence Policy and the issue of the evaluation of EU crisis management missions

The complex and challenging security environment which emerged after the end of the Cold War set before the European Union (EU) the need to define its own role and objectives on the world scene. For this reason, the EU as international actor and security provider has long received the attention of scholars. With the launch of the Common Foreign and Security policy (CFSP) in 1992, the EU created the mechanisms and instruments to develop a security dimension. Efforts to improve the coherence and effectiveness of the EU's approach, especially after its failure to manage conflict in the Balkans, were made at the end of the '90s with the creation of the European Security and Defence policy (ESDP) at the European Council of Cologne in June 1999. In the following years, the EU acquired military and civilian capabilities to be deployed in crisis theatres and after the Lisbon Treaty came into force in 2009, the ESDP was renamed Common and Security Defence Policy (CSDP)¹, bringing about innovations in procedures and mechanisms in this policy field (Shepherd, 2012; Pirozzi, 2015). Since 2003 the European security policy became a tangible reality, as the European Union started to deploy a growing number of military and civilian missions in the context of post-conflict stabilisation and reconstruction in many third countries from the Western Balkans to Africa and the Middle East (see Annex 1). Many CSDP missions are civilian and with different objectives, depending on the country setting where they are launched. In the majority of cases, they concern police and security sector support, rule of law reform, customs and boundaries assistance, monitoring and so on (Pirozzi, 2013; Keukeleire, 2009; Gross and Juncos, 2011). "Such missions can be deployed in both situations related to conflict prevention and resolution, but first and foremost in post-conflict consolidation, when weak state structures need to be strengthened or rebuilt after armed conflicts" (Major and Bail 2011: 16). This seems to confirm the "EU's soft power nature" (Duchêne, 1972; 1973) and its willingness to participate actively and constructively in the international scene, with the aim to promote multilateralism and cooperation. Without doubt, military aspects and the use of force are not the most relevant features of the CSDP: even if the use of force constitutes a key

¹ In the thesis the term "CSDP" will be mainly used, except for the historical development of the European foreign and defence policy.

element of international policy, the experience gained by conflicts and new challenges show the ineffectiveness of military tools alone and the importance of having a set of civilian tools: “States and international organisations increasingly view civilian instruments as a key element for sustainable conflict regulation and expand their capacity” (Major and Bail 2011: 16). Nonetheless, CSDP missions demonstrated EU potentiality in the field of crisis management, but at the same time revealed strategic and operational shortcomings (Morelli, 2015: 31), for example most missions have been accused of being too small in size, ill-prepared and under-resourced to guarantee an enduring change and sustainable results (Major and Bail 2011).

This research deals with the analysis of long-term impact, precisely, the evaluation of the effectiveness of EU civilian missions and the sustainability of reforms introduced in the course of the mission, through the study of three operations chosen as case studies. I was interested in studying civilian missions, due both to the growing experience acquired by the EU in this type of mission and to my previous interest in the concept of civilian power in Europe, and consequently, of a European civilian way of contributing to international challenges. “The speed at which ESDP has developed and the number of missions undertaken under its aegis, have been impressive” (Menon, 2009: 228) and this helps to justify the need to examine the question of evaluation. Specifically, the aim of this study is to identify long-term changes and build a ‘big picture’ for the impact of each selected mission. The question of evaluation constitutes a real challenge for the future of European defence policy, as Tardy highlights: “(...) There are at least three reasons why performance needs to be assessed. One relates to institutional efficiency, i.e. the evaluation of the level of EU performance, which in turn leads to adaptation, both within the assessed mission and in more generic terms. The other pertains to political visibility and the idea that declaring success is central to the profile of decision-makers – Member States – as well as of the EU as an institution. A third reason, of course, relates to the necessity for a security actor to indeed somehow contribute meaningfully to international security” (Tardy, 2015: 35). The considerable experience achieved by the EU in the field of crisis management and post-conflict reconstruction invites us to make a careful evaluation of the long-term effects obtained by European Union involvement, in order to assess the actual impact and increase the credibility of the EU as a peace-builder and security provider. By ‘credibility’ I mean being able to address and overcome current challenges in crisis theatres at a global level, achieving a mature way to act.

Generally, impact evaluation has two aims: the first one is to assess how programmes are performing or have performed, in order to improve that performance. The second aim is related to accountability. Consequently, attention is paid not only to the results or impact of a specific policy, but also to the sources of any emerging failures or success. In particular, by examining real achievements in the field, this study will try to address the question whether, in the selected case studies, EU engagement fulfilled the purpose stated in the mandate, and whether these achievements met the needs of the host country. This is especially important for missions completed some time in the past, in order to look at the actual situation on the ground and the effects produced through CSDP operations, in view of future deployments. Moreover, the focus on the issue of sustainability emphasizes the necessity to think of EU missions in a more comprehensive way: “sustainable results are even often described as a “sine qua non” for the successful implementation of a mission’s mandate and aim to provide a solid basis to ensure their transition and exit strategy” (Rafrafi, 2015: 231).

The relevance of the evaluation theme for EU civilian missions, and consequently, that of this thesis, rests on the necessity to determine “what works” and “why”, to put new emphasis on the development of a “result-oriented approach” and to contribute to a theoretically grounded understanding of impact in CSDP civilian missions. Especially, in a period of budget constraints and integration fatigues, it is important to evaluate changes which have effectively taken place, with a view also to improving operational effectiveness and accountability.

Research question and aims

Turning again to this specific research study, the main objective is the analysis of the impact of CSDP civilian missions. Consequently, the central research question is: What has been the long-term impact of EU civilian missions?

Certainly, this question raises other related questions: What does impact mean in CSDP missions? How can it be evaluated? What are effectiveness and sustainability? How sustainable are CSDP missions’ achievements? What is the added value in the development of a “result-oriented approach culture” for CSDP missions?

In this way, the thesis will study the impact of CSDP missions examining their long-term effectiveness and sustainability, to determine to what extent the EU has been able to guarantee sustainable effects which continue after a mission’s termination.

The expected results of this project are on two levels: a conceptual level and an empirical one.

On the conceptual level, the project intends to:

- define the key concepts of impact, effectiveness and sustainability in CSDP civilian missions;
- delineate a theoretical framework drawing on existing academic literature about impact in the area of peace-building (PB) and in CSDP missions;

On an empirical level, it will apply the study of impact through the analysis of three civilian missions chosen as case studies.

Theoretical framework

The European Union is considered a distinctive actor in the international arena and the attention paid to the ways it acts and its foreign and defence policy, has gradually grown. The interest towards the EU external identity and action was also due to the multi-faceted nature and manifold features and actors, that characterised the EU from its origins. The uniqueness of the EU stems from: its essence, it is not a state, neither a traditional international organisation nor a non-governmental organisation; the interplay between national, European and international stages, as well as the panoply of its external policies and outputs. For this reason, scholars believe that it is important to bear in mind the EU complexity in dealing with the analysis of its policies.

Against this backdrop, the theoretical framework of this research concerns two dimensions in order to develop a holistic approach. One related to the way to look at and interpret the foreign and defence policy of the EU, its evolution and characteristics; the other aimed at defining an outline to evaluate the long-term impact of civilian CSDP missions, evidencing key concepts and indicators.

To begin with the first dimension, the theoretical structure is based on two assumptions: the first refers to the importance of history and theory nexus in explaining the creation and the development of a European security and defence policy: “History and theory matter when explaining the EU as a new player in international security” (Ginsberg and Penksa, 2012: 42). In this way, a historical perspective places the European (now Common) Security and Defence Policy in a more than six-decade process of integration. The creation of a European foreign and defence dimension has been marked by a long and challenging path, which took

place since the beginning of '50s. In fact, along with an economic integration, a political and defence community was attempted without success. The following developments, such as the European Political Cooperation (1970) and the Common Foreign and Security policy (1992), empowered the EU step by step to realise its scope for influence. A historical understanding of the CSDP allows to include the latter into a wider process of evolution and to comprehend its features and functions (Hill et al., 2017: 7-8). Moreover, historical events have influenced developments and choices in this realm, as stated below.

The second assumption is based on the challenge to explain the complexity of the European foreign and security policy through the lens of a single theoretical perspective. The richness offered by different international theories is fundamental to provide a complete portrait of the European foreign policy, and in particular of CSDP (Ginsberg and Penksa, 2012: 3; Kurowska and Breuer, 2012; Pirozzi, 2015: 9; Pohl, 2013: 308; Krotz and Maher, 2011). "No one approach, whether broad-brush as in realist, rationalist and constructivist, or more specific as in geopolitics, intergovernmentalism or expectations, comes near to be adequate by itself" (Hill et al., 2017: 8.). In this way, the attempt of this thesis in the analysis of CSDP civilian missions impact is to consider insights from main theories, which can give a partial vision of this issue on their own. Whereas, if they are combined together, they can offer a more graduated shading and comprehensive overview (Haesebrouck, 2015: 6). An interdisciplinary approach seems to be more suitable to study EU defence policy and its outputs, underlying the complexity of this subject.

In this way, neorealism (Waltz, 1979) can be helpful to explain the driving factors that had affected the birth and the following strenuous steps of the European foreign and defence policy. Neorealist perspective shows the reluctance of Member States to cede sovereignty to supranational institutions in sensitive matters or in high politics fields, such as foreign and defence policy. The preference of Member States to pursue national interests, maximizing gains and minimizing losses, has influenced CSDP, and their behaviour derived from states' relative power in the international and regional system (Pohl, 2013: 309). The pressure of international system and the balance of power have characterised the emergence and content of the EU foreign and security policy. However, neorealism core assumption about the structure and distribution of power, which considers states the only relevant actors in an anarchical world politics, jealous of their sovereignty, cannot describe the transformation of post-Cold War security field, as well as, current features of EU crisis management and EU foreign policy progress (Pirozzi, 2015: 9-10). In particular, it cannot completely justify CSDP

step forwards, new cooperation mechanisms or the increasing role of EU bodies. On this point, definitions such as “Brusselsisation” (Nuttall, 2000; Howorth, 2013) or “supranational intergovernmentalism” (Howorth, 2010) are particularly compelling.

In its turn, social constructivism (Wendt, 1999) contributes to CSDP debate by focusing attention on common norms and values, which shape interaction and cooperation within EU institutions. In its view, Member States are not utility maximizers but rule-followers, and so the motivation to engage in European integration is “more than just a rational choice or an exercise in power politics” (Ginsberg and Penksa, 2012: 46). The constitutive essence of ideas has increasingly gained importance in literature to depict the EU existential nature and to denote features of its outputs. Social constructivism stresses the relevance of the socialisation process, the issue of a European identity and the role played by values and norms in the EU foreign and security projection. In this regard, it is worth mentioning the wide literature on civilian or normative power Europe (Duchêne, 1972; 1973; Manners, 2002). In general, these concepts refer to the EU peculiar way to act at international level, by using civilian and soft means, instead of military or hard instruments. This EU connotation and its preference for resorting civilian tools would also appear in and inform CSDP missions (Ginsberg and Penksa, 2012: 46).

While bearing in mind the previous theoretical insights, this research embraces the institutionalism approach. There are many variants of this theory from historical institutionalism to rational choice and sociological institutionalism (Hall and Taylor, 1996). However, in the perspective of institutionalism, institutions are important and its basic premise refers to principal-agent model in the interaction between Member States and EU institutions. In other words, the formulation and execution of the EU foreign policy, including CSDP, stems from the interplay between Member States and EU bodies. In particular, according to intergovernmental institutionalism (Moravcsik, 1992) domestic politics drive states’ behaviour and preferences, and influence decisions at the EU level. In this way, Members States perform as “principals”, by designating authority to the “agents”, namely EU institutions (Ginsberg and Penksa, 2012: 44).

In this perspective, it is particularly interesting the approach of experiential institutional learning defined by Smith (2017: 40) and intended as “changes in an institution’s functions, procedures, and capabilities as a result of new information, observation or experience”. Applied to CSDP actions, they represent a key learning experience for the EU, because they enable a circular “learning by doing” process. Each mission deployment would allow to

reform or devise institutional mechanisms, in order to strengthen procedures and future engagements. Consequently, the experiential institutional learning considers taking on new actions or tasks, as a manner for institutions to knowledge and reform its ways of doing things. Nonetheless, the challenge I emphasise, is how to comprehensively systematise the learning experience into a result-oriented approach to move from “learning by doing” towards “learning *for* doing”.

In order to knit together these theoretical stimuli in a more complete frame, I have identified three multiple dynamics which, I assume, they connote the EU foreign and defence policy and CSDP missions in practice, proving to be a valuable lens to read this multi-layered subject.

First of all, a “multi-level dynamic” (supranational-intergovernmental) can be recognised. The reason is due to the many-sided nature of the EU foreign and defence system. This means that the latter is composed of different types of policies, which have their own logics and processes, such as: the European Commission policies with external projection such as the Enlargement and Neighbourhood policy, but also the actions which are undertaken within CFSP and CSDP, for example civilian and military operations.

In addition, there is a “multi-players dynamic” (EU institutions-Member States). The interplay between European and national stages have always characterised the domain of the EU foreign and security policy. From one point of view, EU bodies have emerged as “socialising agents”, and the institutional set-up of the Lisbon Treaty has favoured formal and informal institutionalisation and shift towards a more determining role of EU institutions (Pirozzi, 2015: 64). From another point of view, Member States are the ultimate decision-makers in the strategic guidance and in the operational management of this policy field (Merlingen, 2012: 20).

Finally, a “multi-dimensional dynamic” (internal-external) has to be highlighted. This dynamic aimed at emphasising the influence of the international context and its conditions in the development of the EU foreign and defence policy and its actions. In this way, “the EU matters in the world and the world matters to it” (Hill et al., 2017: 6), or better the interaction between the EU and the international system is an interesting issue of international relations and it envisages a mutual influence. An example is the role played by the EU inadequate performance in the Yugoslavia and Kosovo crises to move towards more credible and autonomous defence capabilities. However, I come back to these dynamics in the chapter dedicated to the conceptualisation of EU civilian crisis management.

In addition, there is a second dimension of the theoretical framework of this research, which refers to the framework to evaluate the long-term impact of CSDP civilian missions. Based on an extensive review of peace-keeping and peace-building literature, as well as of evaluation studies, I have outlined key concepts and indicators to carry out the assessment of three specific case studies. I will explain in more details the evaluation scheme in the second chapter, and now, I offer just an overview of the key concepts, namely impact, effectiveness and sustainability.

In the peace-building literature, the issue of evaluation has become a pivotal object of study with the main aim to acquire knowledge about the factors of success and failure and to build a bridge between theoretical peace-building and peace-building in practice (Diehl and Druckman 2010; Debiel et al., 2016). In particular, a number of different approaches and criteria for evaluating peace-state building missions emerges from the peace-building literature, for example according to Mark Hoffman (2003: 15-16), the criteria most frequently examined are:

1. impact and coverage;
2. relevance and appropriateness;
3. effectiveness and efficiency;
4. timeliness;
5. sustainability;
6. coherence, coordination and complementarity.

Moreover, it can be noticed that methodologies and motivations to evaluate success are different between scholars and practitioners of peace-building (Mateja, 2016). Generally, academic research tends to focus on the primary interest of building theory and for this reason it prefers to choose a macro-approach, generalisable criteria, broader benchmarks, and to study longer-term consequences, “scholars, tend to focus on broader political goals and “overall” success at a macro level analysis” (Druckman and Stern 1999: 81). On the contrary, policy makers’ main interest is to understand what works or not in a specific operation or context, so they prefer to use unique criteria and to focus on short-term goals to draw the necessary conclusions. Nevertheless, a more collaborative approach has evolved “to build knowledge about the factors associated with success and failure and to make good policy choices” (Diehl and Druckman 2010:1).

The key concept of this research is impact, interpreted as effectiveness and sustainability, but due to their complexity, both these terms are multifaceted and they have many questions that

need to be defined or framed, i.e. what time perspective to adopt to assess the results of a mission? Effectiveness for whom? Who are locals? etc. For this reason, an in-depth inquiry into these concepts is required. As explained in more detail in the second chapter dedicated to the definition of key concepts, the choice of these two criteria to study the impact of CSDP missions is justified by the need to deconstruct this term, in order to allow a real and detailed analysis of indicators contributing to CSDP missions' effects and to look at what results the mission generated, as well as how solid and enduring they are.

In many disciplines, effectiveness is an evaluation criterion which primarily takes into account goal attainment. In other words, goal attainment "asks questions about the substantive content, output and outcomes of the program" (Vedung, 2009: 38). Effectiveness has to be understood as the degree of achievement of the goals declared in the mandate: "it measures the degree to which intended results are actually what was achieved" (Hoffman, 2003:16). However, concentrating exclusively on the accomplishment of the objectives in the mandate is not sufficient for a comprehensive and long-term analysis of a mission's effects. Furthermore, it is necessary to consider a macro-level of analysis to examine the sustainability of results.

Before defining sustainability, it is necessary to reflect on the time perspective adopted. In peace-building literature, the difference between short and long-term analysis is well defined, and both have pros and cons. A short-term perspective is useful for modifying policies, adapting strategies and planning a mission's exit strategy. By contrast short-term goals do not necessarily lead to positive impact over a long period (Mateja, 2016). Long-term evaluation is more complex, but it is helpful to study the long-lasting changes and how solid they are. Nonetheless, some scholars establish a relationship between short and long-term horizons, the reason being that short-term outcomes can be viewed as one of several influences on long-term success (Druckman and Stern 1999; Diehl and Druckman 2010). Ginsberg and Penksa (2012) underline that the literature analysing the long-term effects of CSDP missions is insufficient. As I show in the presentation of the case studies, this research will consider two completed missions, in order to study their long-term effects. The mission deployed in Georgia lasted one year and was completed in 2005, so it is interesting to analyse to what extent the goals have been achieved, how EU advice and support have been assimilated by locals and how sustainable the effects are. On the contrary, the EUPM was a long-term mission, finishing in 2012, so it will be useful to compare the differences in terms of accomplishment of objectives and level of sustainability between a long period mission and a

short period mission. However, the important feature is not just that they are completed, but that some time has passed since the mission left the country, particularly in the case of Georgia.

The other key concept of this project is sustainability. This concept is complex and multidisciplinary: references to sustainability can be found in many fields or domains for example agriculture, technology, social science, economics, and so on. Moreover, in the academic literature, sustainability has been defined in many ways depending on the context. Sustainability is considered one of the biggest challenges for peace-building activities (Samuels, 2005). This is because sustainability refers to “the need for peace-building approaches that are capable of reconciling the multiple, simultaneous, and sometimes contradictory demands of peace-building, peace-making and peace enforcement, and that are oriented towards the longer-term requirements for durable peace rather than just short-term stabilisation” (Gheciu and Paris 2011: 76). Especially, sustainability measures the extent to which the impact of a project is likely to continue after the donor funding has been withdrawn. Samuels (2005: 732) establishes that to be sustainable post-conflict peace-building requires a triple transformation on the part of: a) society, from resorting to violence to using political tools to resolve conflict b) the governance framework, able to prevent future conflicts c) the institutions, in order to be sustainable after the mission ends.

As Rafrafi (2015) stresses, the notion of sustainability is not unknown to the EU, as generally all mission mandates and planning documents refer to it and in order to be successful, a mission needs to generate “positive and lasting changes”. She defines sustainability as “the capacity to maintain some entity, outcome or process over time” (2015: 231) and she sees sustainability as “a precondition for the CSDP mission to exit the theatre and transition to other instruments or local authorities” (2015: 232). Moreover, tangible and lasting results have become the benchmark for measuring success and a mission’s impact, the essential condition for the successful achievement of the mandate’s objectives. Rafrafi refers to the Eucap Sahel Niger mission, which has a proper “sustainability policies unit” whose aim is to assist the mission’s exit strategy or transition, as a virtuous example. In this way, sustainability is a concept that can be analysed in a long-term perspective, but at the same time, it is also an aspect that should be considered and be prepared from the beginning of the mission. Consequently, this project will also look at an ongoing mission, EULEX in Kosovo, which is the most ambitious CSDP operation, in order to determine if and how CSDP structures work to guarantee and to increase the sustainability of the reforms implemented.

Furthermore, sustainability is also connected to the aspect of so called “local ownership”. Local ownership is at the core of the EU’s bottom-up approach employed in its missions and its way of capacity-building. The idea is to involve local authorities in the process of reform implementation and state building (Fihl, 2015), as a means of working on and strengthening sustainability. Local ownership and sustainability are interrelated because the latter, over a long-term perspective, helps to “highlight the possible impact on local power structures, dynamics and social capital and emphasises the need to be cautious about creating situations of dependency between outside actors and internal structures, processes or organisations” (Hoffman, 2003: 16). In peace-building literature, there is much debate about the legitimisation of the local ownership approach. Some scholars highlight the deficiencies of local ownership as a form of “neo-colonialism” (Richmond, 2012), while others point out two dimensions: “the first refers to the local as a means of effective peace-building, (...) the second focuses on the local as a means of emancipation expressed through the emphasis on voices from below” (Leonardsson and Rudd, 2015: 826). Donais (2009) identifies two forms of peace-building, liberal and communitarian, which have different visions of local ownership. The first sees local ownership as emerging out of a commitment by local actors to assume ownership of a largely predetermined vision of peace-building, while the second implies a far more substantive notion of local ownership, in which the peace-building process is designed and implemented by local actors.

In this project, sustainability will be considered as the involvement of local counterparts in the process of change and the durability of reforms. The analysis of sustainability allows an in-depth study of long-term effects, but at the same time it is a way to adopt the recipients’ point of view.

Methodological note

This paragraph aims at showing the methodology which has been used to carry on this research. As a matter of fact, the study of CSDP civilian missions requires a constant dialogue between theory and empirical evidence in order to offer a completed framework.

In order to achieve its aims and answer the main question, this research has adopted qualitative strategy and methodologies based on: case studies, document analysis and interviews.

Firstly, case study research strategy is “based on the in-depth empirical investigation of one, or a small number of phenomena in order to explore the configuration of each case, and to elucidate features of a larger class of (similar) phenomena, by developing and evaluating theory explanations” (Vennesson, 2008: 226). It is a form of investigation used in qualitative research (Silverman, 2017: 262) to analyse social phenomena. Literature (Vennesson, 2008: 227-228; Halperin and Heath, 2012: 206; Schwandt and Gates, 2018: 346) identified four purposes to use of case study methodology: 1) to provide descriptive contextualisation; 2) to apply theory to new contexts; 3) to generate hypothesis or to refine existing ones; 4) to evaluate whether existing theories account for the processes and outcomes of selected cases. In this regard, Silverman (2017: 263) reported Stake’s categorisation of three different types of case study: the intrinsic case study, the instrumental case study and the collective case study.

This research focuses on the analysis of three missions chosen as case studies, in order to examine each single mission in depth, but also to develop the analysis of long-term impact in CSDP operations, according to my evaluation design. In this way, the case study method is descriptive but also instrumental.

Actually, the project will consider the following missions for the case study analysis:

1. The European Union Police Mission (EUPM in Bosnia-Herzegovina), which was the first civilian mission to be deployed and one of the longest (2003-2012). It was a police mission which aimed to focus on police reform and to fight against organised crime and corruption;
2. EUJUST Themis (Georgia) was a short mission (2004-2005) and the first one concerning the rule of law. The purpose was to assist all stakeholders within the criminal justice sector and to support in the new criminal justice reform strategy.
3. EULEX (Kosovo), an ongoing mission (since 2008) and the most ambitious, working on the police, rule of law and customs reforms and reinforced by an executive mandate.

The choice of the missions is based on their features. All three missions under examination are civilian with tasks aimed at bringing about reform in the police and rule of law sectors. Furthermore, I decided to choose missions in a geographical area close to the European Union boundaries where the EU has a vested interest, in the building of stable and peaceful relationships. However, the cases examined here differ in terms of their relationship with the EU. For instance, both Bosnia-Herzegovina and Kosovo are part of the EU’s enlargement

process, although Kosovo is yet to be recognised by five EU Member States. Georgia is engaged in the so called “Eastern Partnership” and has a growing relationship with the EU, but there is no formal plan to join the EU. Consequently, it is interesting to study if these different relationships with the EU impact on the willingness and involvement on the part of the local authorities in the reforms process.

Moreover, I chose two completed missions (EUPM and EUJUST Themis) in order to examine long-term effects. Whereas short-term effects are studied during mission deployment or at the time the mission is closing, long term effects have to be analysed sometime after the mission’s closure. In this case, the EUPM finished in 2012 and EUJUST Themis in 2005 but the former was deployed for almost ten years, whereas the latter lasted one year. In a comparative analysis, it is interesting to look at the existence of a difference in terms of positive effects and sustainability achieved, when the mission has been deployed for a long or a short period. The choice to include an ongoing mission, EULEX, is due to the fact that it can provide an opportunity to examine how the EU works to increase the sustainability of reforms implemented by incorporating previous lessons learned, when the mission is still present on the field.

For each mission, the following analysis structure composed of three steps has been adopted:

1. Desk step: study and reconstruction of the context of the country in which the mission was deployed and of the mission’s main features (objectives, organisation etc.) through a literature review and EU document analysis;
2. Field step: collection, transcription and analysis of interviews;
3. Synthesis step: elaboration of data and information collected through analysis of documents and interviews.

As for primary and secondary resources, I have proceeded with the analysis of the primary documents (Johnson et al., 2016: 268), which has concerned EU official documents on civilian missions, such as Council Joint Actions, Concept of operations (CONOPS), Operation plan (OPLAN), and the existing material on missions’ evaluation, if available, for example mission implementation plans, monthly reports, six-monthly reports, strategic reviews and lessons learned. In addition, the relevant academic literature has been carefully reviewed, particular attention has been paid to the definition of the key concepts of the project (impact, effectiveness and sustainability) and to the existing literature on CSDP missions and peace/state building studies, which constitute secondary sources.

Concerning interviews,² they have been part of my fieldwork and they are also primary resources. Fieldwork represented a form of inquiry in many disciplines such as political science, anthropology, sociology and so on, (Kapiszewski et al., 2015: 1) and it has been an important phase of this thesis. In fact, fieldwork allows to engage with the specific context under scrutiny and, in its turn, this allows a rich source of knowledge (Kapiszewski et al., 2015: 28). Moreover, the tool of interviews is particularly relevant and valuable when studying social phenomena. Interviews are a “prominent method of data collection” (Halperin and Heath, 2012: 253) and their added value is that they provide a more comprehensive and complicated understanding of phenomena, through thoughts and behaviours by those who are involved within processes themselves (Johnson et al., 2016: 344).

In this project, interviews have been an instrument to collect data about the impact of CSDP civilian missions directly from people who experienced them at first hand and were part of the transformation process. For this reason, they have been conducted mainly during my fieldwork which has been carried out in the countries where the missions chosen as case studies were deployed, namely Georgia and Kosovo, but also in Brussels in the main CSDP headquarters and offices (Civilian Planning and Conduct Capability, Crisis Management and Planning Directorate, European External Action Service). Other interviews were conducted during my Master’s degree thesis and the first year of my Phd. I have not been in Bosnia-Herzegovina because the mission EUPM is not deployed anymore and there is not any civilian mission at this moment. While in Georgia, even if EUJUST Themis is also completed, another civilian mission is ongoing, the European Union Monitoring Mission and some officials of the latter were also deployed in Themis. In this way, for Bosnia-Herzegovina I have remedied by interviewing former officials engaged in EUPM. In order to assess impact, I have considered essential to take into account not only the point of view of intervening donor, so the EU, but also that of the receiving country. For this reason, I interviewed missions local officials and, when possible, local counterparts or independent experts from research institutes. Unfortunately, interviewing local counterparts has not always been possible due to issues about authorisation and technical problems. Moreover, I have tried to interview officials from other international organisations on the ground such as the United Nations, NATO and OSCE.

² In this regard, views and opinions expressed by interviewees are personal and do not necessarily reflect the official position or policy of related institutions or agencies.

Interviews have been semi-structured, in order to have a general outline of questions and at the same time an open structure to be flexible and free to digress if necessary (Berg, 2004; Kapiszewski et al., 2015). The outline of questions (Annex 2) has concerned the investigation of impact, according to key concepts of the research, namely effectiveness and sustainability, and single indicators, i.e. mandate, resources, coordination, exit strategy, local ownership and the durability of reforms. Some of the interviews have been elite interviews, due to the high-level position of some interviewees for example the Head of mission. In addition, interviews have been mainly in-depth and face to face to obtain unique perspectives from interviewees, clarify non-responses and catch further information from body language and vocal cues (Halperin and Heath, 2012: 254). They have been anonymous, and, before the interview, an informed consent form has been presented and signed to inform interviewees about the subject and purposes of my research and to safeguard their personal data (Olson, 2011). When it was possible and allowed, I recorded the interviews and I took writing notes. If a face-to-face interview was not possible, the interview took place via Skype or email. I have tried as well as possible to put the interviewee at ease without becoming overly familiar. At the end, I have conducted almost forty interviews and I have proceeded with their analysis through a process of open coding (Halperin and Heath, 2012: 323). First of all, I have transcribed them, and then, I have applied labels (by using key words and different colours) to passages of the text, which referred to a certain thematic idea, mainly effectiveness or sustainability.

After presenting the theoretical and methodological approach of this thesis, I show a general overview of its structure.

Thesis structure

The thesis is divided into five chapters. The first chapter is dedicated to the conceptualisation of the EU civilian crisis management. After the presentation of the main historical steps, which carried out to the CFSP/CSDP, and the main innovations of the Lisbon Treaty, I present three multiple dynamics and new perspectives which characterise this field of study. Then, I show the state of art of the evaluation of CSDP missions in the academic literature, as well as the evaluation practice on the ground and in Brussels, highlighting gaps and shortfalls.

Finally, I conclude the chapter analysing complexities and challenges in the assessment of peace/state-building operations.

The second chapter aims at defining the key concepts, namely impact, effectiveness and sustainability, and outlining a framework for evaluation to apply to case studies. The following chapters concern the analysis of impact of the missions chosen as case study, and, in order to make the presentation homogeneous, each chapter is organised as follow: an introduction section to briefly present the historical/political context of the country, the paragraphs which examine effectiveness, the paragraphs which examine sustainability and a conclusion section to draw up main findings on the case study. Specifically, chapter three analyses the European Union Police Mission (EUPM) in Bosnia-Herzegovina, chapter four the European Union rule of law mission EUJUST Themis in Georgia, and chapter five the European Union rule of law mission EULEX in Kosovo.

Finally, the last chapter offers concluding remarks and key recommendations.

CHAPTER 1

Conceptualising EU Civilian Crisis Management

1.1 The origin and development of the Common Security and Defence Policy

A historical perspective places the Common security and defence policy in a six-decade process of regional integration. In fact, the endeavour to create a foreign and defence dimension dates back to the beginning of the European integration process. Morelli (2015: 25) stressed that, along with an economic integration, a political and military union was attempted in the response to the challenges of the Cold War and, in particular to the question of West German rearmament (Merlingen, 2012: 28).

However, the first attempt to establish a European Defence Community (EDC), in accordance with the Pleven's proposal (1950) (Howorth, 2013: 6), was not put into effect after France's Assembly rejection in August 1954 (Merlingen, 2012: 29). On a different basis, it was created the Western European Union (WEU), an intergovernmental organisation with the participation of the Great Britain, but the defence of Europe was still entrusted to NATO (Fursdon, 1980).

The progress in this field remained unchanged³ since the Conference of The Hague in December 1969, when one of areas of the so called "trptych" was the "deepening", which aimed at looking for a mechanism of coordination of the single Member States foreign and security policies. Thus, the European Political Cooperation, created in 1970, had a twofold objective: information exchange and regular consultations concerning international issues and the growth of solidarity through the adoption of common positions. However, this mechanism remained on a consultation and informal level and literature has evidenced features, achievements and shortfalls of the EPC through different theoretical perspectives (Hill, 1983; Panayiotis, 1987; Pijpers et al. 1988; Pijpers, 1990; Ginsberg, 1989; Nuttal, 1992). This idea of "soft cooperation" is clearly shown by Smith (2017: 22): "EPC began to touch upon security issues by the late 1970s, but this weak, informal mechanism certainly did not empower the European Community to undertake complex foreign security assistance

³ At the beginning of '60s, the proposal for an intergovernmental political union was relaunched through the two Fouchet's plans during the Presidency of Charles De Gaulle, but without success.

operations”. Moreover, “intergovernmental in its nature, the EPC was an informal, consensus-based arrangement and was deliberately kept outside the European Community legal and institutional framework to safeguard national sovereignty” (Merlingen, 2012: 30). In this way, the EPC was run by Member States foreign ministers, supported by national diplomats within the Political Committee. The synergy between the EPC and the European Community grew at the beginning of ‘80s when the EPC was allowed to use Community instruments for foreign policy purposes, i.e. the imposition of sanctions (Fraser, 2012: 33).

A decisive step forward was made with the institutionalisation of the EPC in the Single European Act (1986), but it was only with the Maastricht Treaty in 1992 that a second pillar concerning the Common Foreign and Security Policy was born. The main provisions of the treaty were: the introduction of “Joint actions”, the European Commission was fully associated with the CFSP activities and the administrative expenses fell under the EU common budget (Bonvicini, 2010: 22; Fraser, 2012: 37-43). Nevertheless, the second pillar had still an intergovernmental connotation. The end of the bipolar era opened a series of new challenges and opportunities for the European Community. At an internal level, it had to deal with for example the reunification of Germany, the democratic transitions of the Central and Eastern Europe states and continuation of the process of economic and monetary integration. At an international level, a more globalised world, new conflicts and threats in areas such as the Middle East and the former Yugoslavia, and the relations with the United States calls for a definition of the European security role (Hanhimäki et al., 2012: 122; Fraser, 2012: 34). Against this backdrop, the Western European Union was empowered to carry out the so called Petersberg tasks⁴ on behalf of the newborn European Union: “however, in the realm of defence, EU Member States could not agree to a merger of the WEU and the EU at that time, so the TEU simply reiterated the WEU’s commitment to strengthen itself as the “defence arm” of the EU *and* as the “European pillar” of the Atlantic alliance” (Smith, 2017: 37) . As for its performance, the CSFP was generally modest for both the foreign dimension, namely the adoption of Joint actions, Common positions and Common strategies, and the defence dimension (Fraser, 2012: 37; Smith, 2017: 24).

Developments carried on with the Treaty of Amsterdam (1997), which expanded the definition of fundamental objectives of the CSFP (Smith, 2017: 25) and introduced the High

⁴ Petersberg tasks were the typology of actions which could be undertaken initially by the EU and then, after the Amsterdam Treaty by the EU itself. The original competences were: humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking.

Representative for the Common foreign and security policy and the Policy Planning and Early Warning Unit (Bonvicini, 2010: 24). Furthermore, the Petersberg tasks were included within the treaty, and consequently they were undertaken by the EU itself (Merlingen, 2012: 34).

Nonetheless, the inadequate response to the breakup of the Yugoslavia and in Kosovo crisis, due to the lack of coordination and agreement among the Member States positions and the inefficiency of military capabilities, made evident to the EU to take on its responsibility and to increase the credibility of its external action: “the Kosovo conflict reflected the need for a rejuvenated debate on what the EU should/can do in order to restore its credibility as an international actor” (Ramirez and Szapiro, 2001: 122). In December 1998, the Saint-Malo Declaration by Jacques Chirac and Tony Blair affirmed the importance to credible instruments and capacities in order to undertake autonomous actions (Ginsberg and Penksa, 2012: 21). “The summit gave a major boost to Europe’s security-institutional arrangements by launching the European Security and Defence Policy” (Howorth, 2013: 7).

From this moment on, the process towards the birth of the European Security and Defence Policy accelerated quickly and it was formalised at the European Council in Cologne in 1999 (Fraser, 2012: 97). The following steps were decisive to operationalised the ESDP: at the Helsinki European Council in December 1999, the Headline Goals 2003⁵ were adopted to provide necessary capabilities to develop a Rapid Reaction Mechanism and to create new structures to manage the ESDP (Merlingen, 2012: 36-37), and at the European Council in Santa Maria de Feira in 2000, four areas for the deployment of civilian capabilities were identified, namely police, rule of law, civil administration and civil protection (Nowak, 2006: 19; Gourlay, 2013: 98). This confirmed the peculiar connotation of the EU as a security provider with the aim to affirm a comprehensive way to respond at international challenges, including civilian tools. In 2001, at the European Council of Laeken, the ESDP was declared operational (Biscop and Coelmont, 2013: 81), and since 2003, the EU has deployed a growing number of crisis management missions, mostly civilian ones, in many countries and with different purposes.

Furthermore, in 2004, the EU launched a new Headline Goal 2010 with the aim to create Battlegroups (Biscop and Coelmont, 2013: 81), and a Civilian Headline Goal 2008⁶ to further

⁵ The Helsinki Headline Goal called for the Member States to be able by 2003 to deploy within sixty days and sustain for at least one year military forces of up to 60.000 persons capable to handle Petersberg tasks (Fraser, 2012: 97)

⁶ Civilian Headline Goal 2008 is available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:133239>

extend Feira's civilian tasks, including support of EU Special Representatives and monitoring missions, and to develop Civilian Response Teams (CRT). CRT were tools in order to enhance rapid recruitment of experts with a mix of expertise (Gourlay, 2013: 99). In 2005 and 2006, the scope for civilian capabilities was expanded again to include missions in support of Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR), respectively (Gourlay, 2013: 98). Finally, a new Civilian Headline Goal 2010⁷ was drafted in 2007 with the aim to: improve quality, enhance availability, develop instruments and achieve synergies in EU civilian crisis management. The next important step in the evolution of the CFSP and ESDP was the Treaty of Lisbon, which, as I have underlined in the introduction, has brought about relevant changes that I show in the next paragraph.

1.2 The Common Security and Defence Policy: dynamics and new perspectives

The current global context offers numerous challenges now more than ever: unpredictable actors, new threats and difficult hurdles to overcome. The demand and the compelling need for the EU is to be able to tackle and manage them. While this research was being carried out, the EU started the revision of its strategy on security and defence with the aim to improve its way of acting and reacting to the contemporary dis-order. In 2009 the entry into force of the Lisbon Treaty represented a significant redefinition of the general EU structure and in particular of the Foreign and Security policy, by incorporating the majority of the amendments, contained in the Draft Treaty establishing a Constitution for Europe which was rejected by two referenda in France and in the Netherlands. The Lisbon Treaty set up two distinct entities: the Treaty on European Union (TEU) and the Treaty on the Functioning of the EU (TFEU), the latter amended the Treaty of the European Community. Principally, provisions on the CFSP and CSDP are in the TEU (Title V), even if they are part of the EU external action, they are distinct policies and subject to specific procedures and rules (art. 24.1 TEU). To sum up, the main innovations introduced by the Lisbon Treaty with reference to foreign and defence policies can be divided into three baskets: principles, institutions and procedures/mechanisms (Pirozzi, 2015). As regards the first basket we have: (1) the

⁷ Civilian Headline Goal 2010 is available at <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014823%202007%20INIT>

elimination of the three pillars structure, in view of strengthening coherence and visibility; (2) the acquisition of an EU legal personality and consequently the EU as whole can negotiate international treaties and be part of international organisations; (3) under the Lisbon Treaty, guiding principles such as democracy, rule of law, respect for human rights have been included, but with the addition of the principle of consistency (art. 21.3 TEU) between different EU policies. In the second basket, the main innovations of the new Treaty refer to the creation of a stable President of the European Council and a “double-hatted” High Representative for Foreign Affairs and Security policy, who is, at the same time one of the Vice Presidents of the European Commission (HR/VC). The President of the European Council is elected by the European Council by a qualified majority for two and a half years and can be renewed once. The President should chair the European Council and guide its work; ensure the preparation and continuity of its work in cooperation with the President of the European Commission and on the basis of the work of the General Affairs Council, facilitate cohesion and consensus within it, and present a report to the European Parliament after each of its meetings. On the other hand, the role of the High Representative already exists, it was created in 1997 with the Amsterdam Treaty. In addition, he/she is appointed as Vice President of the European Commission in charge of external relations and as chairman of the Foreign Affairs Council, so this is a hybrid actor. His/her duties concern the leadership of both the CSFP and the CSDP, and the implementation of decisions adopted by the European Council and the Council in this field. The High Representative in accomplishing his/her tasks is supported by the European External Action Service (EEAS) (art. 27.3 TEU), an institution established in 2010 which became operational in 2011.⁸ The function of the EEAS is similar to that of a diplomatic service and it seems to be a key agency in the direction of the EU external action with the aim of assisting the HR, but also the European Commission and the President of the European Council in their work in the domain of external relations (Vai, 2015: 59). It comprises staff from the European Commission, the General Secretariat of the Council and national diplomatic services. Moreover, its organizational chart includes the headquarters in Brussels and delegations in third countries and international organisations. In Brussels, at the top of the EEAS structure there is the HR, a Secretary General, a Deputy Secretary General for economic and global issues, a Deputy Secretary General for political

⁸ Decision of the Council of the European Union 2010/427 on the organisation and functioning of the European External Action Service, available https://eeas.europa.eu/sites/eeas/files/eeas_decision_en.pdf

affairs and a Deputy Secretary General for CSDP crisis response ; then, there are geographical and thematic departments, and CSDP and crisis management structures such as Crisis Management and Planning Directorate (CMPD) and Civilian Planning and Conduct Capability (CPCC)⁹ (see Organisational charts Annex 3). The EU delegations represent the European Union in third countries and international organisations, and have the role of EU embassies with competences both in Communitarian policies and CFSP policies under the supervision of a Head of Delegation. Substantially, EU delegations substituted European Commission delegations and were integrated in the EEAS after the entry into force of the Lisbon Treaty and the recognition of the legal personality of the European Union; this means that now they fully represent the Union as a whole. As stressed by Pirozzi (2015: 28), the composition of the EEAS tries to hold three different cultures together: the Communitarian culture from Directorate Generals of the European Commission such as Relex; the political culture derived from the policy unit and the crisis management structures; finally, the national diplomatic cultures of Member States. Ultimately, the third basket is related to innovations and improvements in mechanisms and procedures introduced by the Lisbon Treaty:

- First of all, in accordance with the changed perception of threats and with practice on the ground, the new Treaty extended the Petersberg tasks, adding activities concerning joint disarmament operations, military advice and assistance tasks, conflict prevention and post-conflict stabilisation (Merlingen, 2012: 38);
- The Treaty established the possibility of using enhanced cooperation in the defence sector through the deployment of Permanent Structured Cooperation (PESCO). A PESCO is a tool which envisages the possibility that those Member States “whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework” (art. 42.6 TEU) by notifying their intention to the Council and to the High Representative;
- Other innovations relate to: (1) the mutual defence clause (art. 42.7 TEU), according to which if a Member State is victim of armed aggression in its territory, the other MS shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. Nonetheless, the specific character of the defence and security policy of certain Member States is not

⁹ The CMPD was created in 2010 and the CPCC in 2007, before to be integrated in the EEAS, they were previously located within the General Secretariat of the Council.

undermined, nor are commitments under NATO. (2) The solidarity clause (art. 222 TFEU) which states that Member States shall act jointly if one of them is the object of a terrorist attack or the victim of a natural or man-made disaster;

- Finally, the Lisbon Treaty established the foundation of the European Defence Agency (EDA), whose aim is to proceed with the development of defence capacities, with research, with acquisition and with armaments. Even if it represents a novelty within the Treaty, the birth of the EDA dates back to 2004. The objectives of this intergovernmental agency which includes all the Member States except Denmark are: to improve the EU's defence capabilities especially in the field of crisis management, promote EU armaments cooperation, strengthen the EU industrial and technological defence base and create a competitive defence equipment market, promote research with a view to enhancing Europe's industrial and technological potential in defence.

From the historical evolution and institutional features of the EU foreign and defence policy, three multiple dynamics emerge. The first dynamic is "multi-level" (supranational-intergovernmental), and it is related to the many-sided concept of EU external action (Foradori et al., 2007). As stated above, the Lisbon Treaty has included the Common Foreign and Security Policy and the Common Security and Defence Policy in the whole framework of European external action, which is composed of different policy areas: from Development Cooperation and Humanitarian Aid Policy, the Trade Policy, the Enlargement and Neighbourhood Policy, but also energy, environment, migration and so on. In the provision of the Lisbon Treaty, the EU "shall ensure consistency between the different areas of its external action and between these and its other policies" (art. 21.3 TEU). Nonetheless, this means that not only different policies but also, at the same time, different institutional levels, i.e. intergovernmental and supranational, have to converge with distinct institutions involved which have their logic and decision-making procedures to follow. A comprehensive approach is necessary but also arduous. Looking at CSDP missions in particular, it can be noted that often many EU family initiatives and actors coexist in the same field with different or similar tasks or areas of intervention, for example institution building. In the same country, there can be a CSDP military mission, a civilian one, European Commission financial instruments, programmes within the Enlargement and Neighbourhood Policy etc. As stressed below, the risk of a lack of coordination is high and the challenge for a coherent and coordinated action on the ground is decisive in terms of the overall effectiveness.

The second dynamic is “multi-players” (EU institutions-Member States). The role of the Member States, and consequently the intergovernmental approach, has always characterised cooperation on foreign and security issues from the beginning of the EU integration process. In this way, “Member state principals delegate authority to EU agents in the foreign and security policy bodies of the Council and the Commission to reduce individual transaction costs, ensure adherence to common accords, and carry on combined weight in international politics” (Ginsberg and Penksa, 2012: 5).

On the one hand, institutions in Brussels such as bodies in the Council of the EU, crisis management structures, the recent European External Action Service and the double hatted High Representative of the EU/Vice President of European Commission have emerged as key players and socialising agents in this policy field. Especially, after the entry into force of the Lisbon Treaty, this shift in stakeholders has been more evident (Pirozzi, 2015: 12). In this regard, Klein (2010) looked at how the European Commission, the High Representative and the Council General Secretariat exert significant influence on the formulation and implementation of EU crisis management operations by pursuing their own preferences and expanding their scope for institutional agency.

On the other hand, Member States remain the pillars of CFSP/CSDP and the intergovernmental character is still dominant. This means that the general approach, strategic objectives, decisions concerning the definition and the implementation of this policy, mainly, belong to Member States by means of intergovernmental institutions, i.e. the European Council and the Council of the European Union. Moreover, the dominant decision-making rule is unanimity, although qualified majority voting may be applied to specific cases, based on articles 31, 45.2 and 46 of the Treaty on the European Union (TEU). The implications of this approach are considerable because, in this way, the majority of decisions should be in favour of Member States’ interests and have their full political support. The exclusion of the adoption of legislative acts is also implied (art. 24.1 TEU). Furthermore, civilian missions, as part of the CSDP, fall into the intergovernmental mechanism and in accordance with article 42.4 TEU: “decisions relating to the Common security and defence policy, including those initiating a mission as referred to in this article, shall be adopted by the Council acting unanimously on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from Member States”. Moreover, the attempt to achieve a coherent and comprehensive European foreign and security policy does not have to undermine national competences or the formulation and conduct of Member States’ foreign

and security policies, as stated in the annexed Declaration n. 13 of the Lisbon Treaty. This is valid also for the defence policy; the common one the policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States and the respect of the obligations of certain Member States within the context of NATO (art. 42.2 TEU).

For this reason, no CSDP research analysis can overlook this feature which influences the structure of foreign and defence policy and the implementation of its outputs. For example, the particular connotation of EU civilian missions should be underlined in this regard. These missions have political objectives in line with the CFSP, but they are essentially technical instruments. That is to say, even if missions are specialised tools operated by national experts, their deployment and management is subject to the political will of Member States and for this reason “a balance between the need to accommodate national interests and the urge to prioritise allocation of resources to selected areas and sectors of intervention” is necessary (Pirozzi, 2012: 189). Furthermore, decisions to deploy, to equip and to end a mission are strongly linked to Member States interests and commitment. This emerges clearly from field interviews and appears at both political-strategic level and at operational level.

Finally, there is a “multi-dimensional” dynamic (internal-external). The latter intends to emphasis the mutual influence between the EU and the international system. “The EU is influenced by the shifting currents of international politics, which open, close or limit the scope for opportunities for EFP (European foreign policy, added by the author) action, and by outside demands for the EU to act internationally whether or not it is ready or capable” (Ginsberg, 2001: 24). Along with an inner process to define EU’s interests, actions, priorities and principles; there is an external environment constantly developing which offers new threats to face, as well as opportunities to take.

In the field of CSDP missions, this consideration is related to the update of actions that they can undertake, for instance security sector reform or disarmament, demobilisation and reintegration tasks; but also, to new challenges or events in certain countries or regions that can envisage a possible CSDP intervention, i.e. the deployment of the European Union monitoring mission in Georgia to control the Six points Agreement between Georgia and Abkhazia and South Ossetia after the August war in 2008. However, this dynamic is also noticeable in the definition of a EU foreign and security strategy and way of acting. On this last point, a reference to the recent revision of the EU external strategy is valuable and it is worth mentioning the main points.

At the moment, the EU security and defence policy is undergoing a gradual change, the last strategy on foreign and security dates back to June 2016, when the Global Strategy for the European Union's Foreign and Security Policy (EUGS) "Shared Vision, Common Action: A Stronger Europe" was presented.¹⁰ In addition, the Implementation Plan on Security and Defence was elaborated by the Council in November 2016. From an academic point of view, this represents stimulating food for thought and an essential resource for the analysis of new trends on this subject.

The recognition of new and complex threats led the EU to review and develop its strategy on foreign and defence policy. The Global Strategy identified the need to build a stronger Europe, able to play its collective role in the world. The EUGS established five priorities to pursue:

1. The security of the Union itself;
2. State and societal resilience to the East and South of the EU;
3. An integrated approach to conflicts;
4. Cooperative regional orders;
5. Global governance for the 21st Century.

The challenge is to move from vision to action in order to act as a credible, responsive and joined-up Union. The following Implementation Plan on Security and Defence drawn up in November 2016, based on EUGS interests, principles and priorities, aims to contribute to this ongoing process of reformulation in the security sector, especially through CSDP capacities. To be more precise, three main tasks were defined in the Implementation Plan: a) responding to external conflicts and crises, b) the capacity building of partners, c) protecting the Union and its citizens. This definition resulted from the recognition of a new level of ambition, regarding new challenges such as hybrid threats, cyber security, border management etc. Furthermore, the document attempts to outline six guidelines which in turn contain concrete actions to implement the identified tasks in a credible manner. In this way, new perspectives and proposals in the CSDP can be envisaged, including those connected to civilian missions. First of all, (1) the identification of capability development priorities, which means the revision and the update of the Feira priorities, as well as the enhancement of the responsiveness capacity of civilian crisis management. According to the Implementation Plan, the new level of ambition requires, civilian capabilities which should cover more targeted tasks and high security risk contexts. On this point, it is important to mention an EEAS

¹⁰ As for the elaboration of the new Global Strategy see Tocci, 2017.

document in October 2017 which have identified new potential areas of CSDP civilian missions, namely irregular migration, hybrid threats and cyber security, counter-terrorism, organised crime, border management and maritime security.¹¹ Moreover, the Implementation Plan underlined (2) the need for greater defence cooperation, through for example the European Defence Agency (EDA), and (3) the need to strengthen the EU's structures for situational awareness, planning and conduct, but also the rapid response toolbox, comprising the tool of EU Battle groups, the establishment of permanent headquarters for military planning and conduct capabilities and the activation of a Coordinated Annual Review. Another area of reform refers to (4) the financing mechanism to increase solidarity, flexibility and a range of funding options both for civilian and military operations. Furthermore, (5) the quest is to make full use of the means made available by the Lisbon Treaty: this, in particular, refers to the Permanent Structured Cooperation, which has the potential to generate a more binding commitment for capability development, outputs improvement and strengthening the CSDP. A PESCO can be a valuable instrument to explore the system of "differentiated integration" in order to enable it to take a concrete form, by overcoming gaps and disagreements among Member States' interests and capabilities. Finally, the last guideline concerns (6) taking forward CSDP partnerships with other international organisations such as the United Nations, NATO, African Union and so on, to reinforce CSDP missions legitimacy and to enlarge the spectrum of available capabilities.

In the light of the new level of ambition, along with these necessary adjustments, especially the update of the Feira priorities and the enhancement of EU responsiveness, the Implementation Plan concentrated on two nexuses. The first nexus is security-development: this is in connection with the CSDP aim to contribute more systematically to the resilience and stabilisation of partner countries recovering from or threatened by conflict or instability. In other words, the EU through CSDP engagement and in synergy with other instruments and actors should work towards civilian and military capacity building in the framework of the EU-wide Security Sector Reform and Capacity Building for Security and Development (CBSD) and according to the principles of local ownership and buy-in. The second nexus is internal-external security and has to do with the new typology of threats and the interconnection among Member States in the field of security. Current challenges have not only external consequences but also internal effects - just think of terrorism or cyber and

¹¹ The EEAS working document 2017/1281 is available at <http://www.statewatch.org/news/2017/oct/eu-eeas-civilian-crisis-priorities-13258-17.pdf>

hybrid threats. For this reason, protecting the Union itself and its citizens is a pressing priority of strategic interest, achievable only through systematic defence cooperation. Considering the growing sense of insecurity among EU citizens and the fact that even the larger Member States are too small to guarantee security, it is increasingly important to join efforts. Undoubtedly, the causes of this insecurity vary from Member State to Member State. Consequently, threat perception is different in Tallin, Paris or Rome but the result remains unchanged: the security of the EU is decisive. Added to this, is the fact that “*poll after poll the majorities of citizens in the Member States want more Europe when it comes to security and defence*”.¹² In this way, the internal-external nexus calls for coordination between internal and external instruments and policies. In other words, a perspective which includes CSDP missions supporting countries in the fight against terrorism, organised crime and so on, but also links with the Committee on Operational Cooperation on Internal Security (COSI) or the Freedom, Security, Justice (FSJ) actors.

Moreover, a series of ingredients seems to create favourable conditions for concrete steps forward in defence cooperation: “*there is a mix of factors: Brexit, the Trump Presidency, investments of the European Commission, the position of Germany, which create an incredible cocktail*”¹³. To be more precise, as regards the first factor, the departure of the United Kingdom has given new impetus to the prospect of common defence, indeed the UK was sometimes an obstacle to progress for the CSDP as regards PESCO, for example. As regards the second factor, the recent election of Donald Trump to the Presidency of the United States has served to remind Europeans more than ever of the American quest for a more substantial financial contribution to defence. This has always been a recurring theme of the overseas ally, and it was particularly clear during the two Obama administrations. As a matter of fact, since the end of World War II, Europe has subcontracted its security to the United States through the Transatlantic Alliance and NATO. Thirdly, the European Commission is prepared to invest funds in capability and defence research to enhance systematic defence cooperation, whereas previously, the EC looked at defence development as something inconceivable. Finally, regarding Germany’s role, this country is a key actor, that has been investing heavily in defence in recent years, due to its high level of insecurity. Therefore, it needs a compelling reason for this trend, as Nathalie Tocci stressed: “*absolutely it cannot justify it with a post-Trump NATO perspective, because it is not so popular. Moreover, Germany being*

¹² Interview with Nathalie Tocci, IAI Director, Rome, July 2017.

¹³ Ibidem.

*Germany with its history during the twentieth century, it cannot adopt a nationalist narrative. So, the German Government needs a European defence framework. It needs a European history to tell*¹⁴. Taking into account all these elements, it seems that they create an unprecedented magic moment, considering also that the political will of Member States on defence issues has never been so strong: *“more has been achieved over the last year than in the past decade about European defence”*.¹⁵

The presentation of existing tendencies as regards a European security and defence policy helps to confirm the following statements linked to the main theme of this thesis:

1. The recognition of security and defence as a current EU priority field of action and reform;
2. The intergovernmental feature and consequently the prominent position of Member States in the area of defence policy;
3. The key role played by civilian missions, confirmed also in the recent Global Strategy, even if with new and updated tasks.

Moreover, a fourth point, which is not immediately deducible from this digression on new CSDP perspectives and what this research attempts to demonstrate, is the need to adopt a result-based approach, both in the assessment of CSDP outputs and outcomes, for example civilian crisis management missions, but also in the wider revision and definition of CSDP policies. Without doubt, the importance of a result-oriented approach in EU foreign and security policy emerges not only for the evaluation of the impact of policies, but also for their formulation and the broader EU international strategy.

1.3 Definition and features of CSDP civilian missions

The evolution of a European Union defence sphere has been characterised by both gradual and quick steps. Since the adoption of the Petersberg Tasks by the EU in the Amsterdam Treaty, the development of the ESDP has been perceived as an important way to operationalise EU external projection: “CCM has become a central part of the EU’s external action and is likely to acquire even more prominence in responding to the evolving threats to European security” (Tardy, 2017: 9). Nonetheless, what is European civilian crisis management? Conceptualising EU crisis management is not a simple issue, due to the

¹⁴ Ibidem.

¹⁵ Ibidem.

multidimensional nature of the European Union, and to the complex combination among its driving forces, namely both intergovernmental and supranational elements. Tardy (2017: 9) underlined: “Yet civilian crisis management remains under-conceptualised and suffers from weak visibility as well as a certain level of scepticism about its added-value, in particular in comparison with its military counterpart”. Furthermore, the absence of a clear and conceptual definition of crisis management has been identified also as a deficit in the credibility and performance of the EU in practice (Pavlov, 2015: 23). For this reason, given that the subject of this research is CSDP missions, a brief insight into this concept is necessary.

Operations and missions deployed in the framework of Common Security and Defence policy can be viewed as one piece in the puzzle of EU foreign policy. As a matter of fact, there is a wide range of literature concerning crisis management in international relations, conflict and peace studies (Diehl, 2008; Mac Ginty, 2013; Ramsbotham et al., 2016; Goda et al., 2016), as well as the EU contribution to peace/state-building (Nowak, 2006; Blockmans et al., 2008; Chivvis, 2010; Gross and Juncos, 2011; Biscop and Whitman, 2013; Galantino and Freire, 2015; Pirozzi, 2015). The notion of crisis management is related to warfare. It is a generic term, a sort of big container which includes many actions in different stages of a conflict, from prevention, to handling, settlement and resolution of a threat. In particular, the adjective ‘civilian’ identifies what is not military. More precisely, civilian crisis management refers to a policy which involves the use of civilian means in the various phases of a crisis. If conflict is supposed to be a cycle, this cycle starts when a given situation becomes unstable and dangerous and so violence could erupt (Hopman, 2016). Measures adopted at this stage of the conflict are generally aimed at preventing large-scale violence; 'conflict prevention' deals with a set of instruments or factors which try to hinder the breaking out of hostilities. In response to the escalation of violence, the following step is to contain and manage it, what is more commonly known as 'conflict resolution'. The latter includes different levels of activities, such as, peace-making which is “the action to bring hostile parties to agreement” (Diehl, 2008 b: 528) voluntarily or through peaceful means, peace-keeping which “refers to the interposition of international armed forces of belligerents, often now associated with civil tasks such as monitoring and policing and supporting humanitarian intervention” (Ramsbotham et al., 2016: 35) or peace-enforcement, namely “the imposition of a settlement by a powerful third party” (Ramsbotham et al., 2016: 35). Finally, when violence is quelled, peace-building further integrates the work of peace-making and peace-keeping by addressing the root causes and structural issues of the conflict and focusing on post-war state-building. In this way, the first

minimalist purpose of peace-building is to avoid the recurrence of conflict and the use of violence. However, a broader definition of PB also takes into account a wider set of activities designed, not only to lead to the absence of violent conflict (negative peace), but to foster domains like democratisation, reconciliation, values transformation, or issues concerning justice (positive peace)¹⁶ (Diehl, 2008: 8). Galtung has connected peace-building to the idea of an “associative approach”, that aims at the abolition of structural violence, not just direct violence. In his vision, fundamentally, PB deals with the structural causes of conflict and the transition from the conflict phase to a post-conflict one is seen as a passage where new institutions and structures replace the old ones. According to Galtung, for sustainable and positive peace, structural transformation is needed.

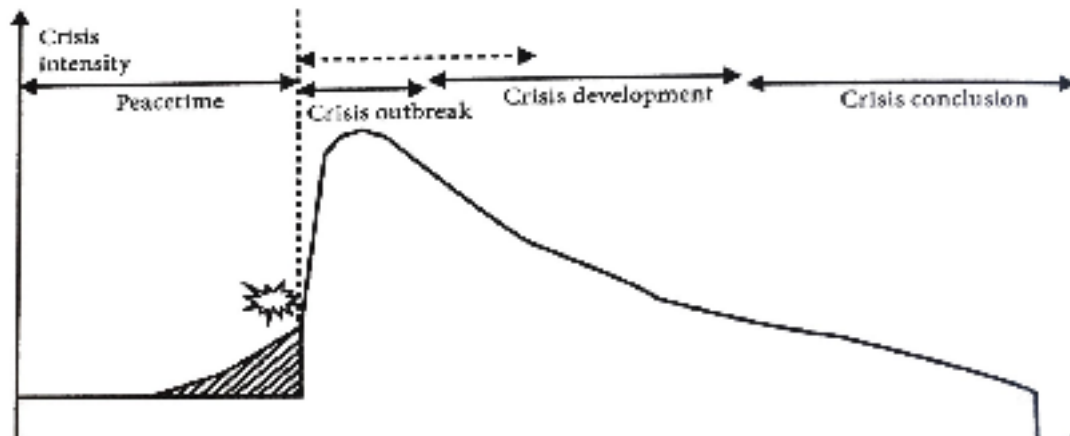
Moreover, in the UN Secretary General Boutros Boutros Ghali’s document “An Agenda for peace”, this concept was presented as a way to make peace-making and peace-keeping truly successful. This means that PB “includes comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people” (Boutros Ghali, 1992, point 55). Peace-building interventions aim at the creation of a new environment and strategies may make it necessary to disarm warring parties, destroy weapons, facilitate elections, repatriate refugees, enhance economic and social structures, reform or strengthen governmental or security institutions and so on. Goals and activities in peace-building stress two particular connotations: the timing of such activities and the actors involved. As regards the first point, PB takes place after prevention has failed, after peace-keeping and peace-making, and it usually entails a longer-term engagement in the field, especially in its state-building tasks. The second point considers key players; generally, it has been assumed that external actors play a significant role, but the presence and commitment of local actors have gained crucial importance in the quest for more successful outcomes (Diehl, 2008 b: 529). So, finally, what comes to light is the multi-faceted connotation in crisis management and peace operations, especially in conflict prevention and post-conflict actions, which require the establishment of basic security and state institutions particularly concerned with respect for human rights, rule of law, good governance and economic assistance.

Among international organisations engaged in crisis management, namely the UN, NATO, OSCE, the EU has also acquired its own competences and capabilities over time. As stated

¹⁶ See J. Galtung, (1996), *Peace by peaceful means: peace and conflict, development and civilisation*, Oslo, London, Sage Publications.

above, crisis management includes a range of distinct actions from conflict prevention to peacekeeping and post-conflict stabilisation and this is valid also for the EU. In article 43.1 TEU, the generic list of possible civilian and military engagements within the CSDP framework, which refers to the Petersberg Tasks, includes: joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict-prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. In the case of the European Union, civilian commitment is more complex, because the variety of possible actions coincides with the variety of policies, tools and institutions involved. As stressed above, at least three pillars of EU civilian crisis management could be distinguished: CSDP civilian missions, the European Commission and Justice and Home Affairs agencies (Tardy, 2017: 11). Looking at the crisis response cycle, this mixture is noticeable (figure 1): the pre-crisis phase aims mainly to address the root causes of conflict, early warning and conflict prevention efforts aimed at avoiding crisis escalation. The possible tools are mainly managed by the European External Action Service (EEAS) and the European Commission. In the crisis response phase, the European Council and the Council of the EU are involved to a greater extent and the deployable instruments to solve the crisis or to transform it are, for example, rapid reaction mechanisms and CSDP missions. Finally, in the post-crisis phase, the objectives are to implement stabilisation and state-building measures, and to avoid the re-emergence of a conflict. At this stage, the European Commission's directorates (i.e. DG ECHO, DG NEAR, DG DEVCO) are important, as well EEAS and CSDP engagement, particularly in relation to aid to rebuild democratic and solid institutions or security apparatus. Furthermore, global and inter-linked challenges (i.e. terrorism, organised crime etc.) have gradually pushed for the inclusion of the former Third-Pillar policies in the European foreign dimension. In fact, Justice and Home affairs policies have implications for the overall European external and security order, reinforcing the internal-external nexus.

Figure 1.



Source: Pirozzi, 2015: 8

In this way, the complex essence of the European Union with reference to its external and security policies, players and instruments has consequences for the conceptualisation of crisis management which, in turn, proves to be difficult and unclear, due to its multi-level and multidimensional nature. Consequently, “the lack of a consolidated definition in crisis management in the EU’s framework supports the idea of a fluid concept that has been characterised by scattered patterns of development and partial strategic elaboration” (Pirozzi, 2015: 7). In the first European Security Strategy (ESS) in 2003, the necessity for effective crisis management by “applying the full spectrum of instruments for crisis management and conflict prevention at our disposal including political, diplomatic, military and civilian, trade and development activities” (ESS, 2003: 11) was underlined. Therefore, the Union has to be able to engage in preventive, short-term crisis and post-crisis actions, in a coherent manner. The ESS document called for a “comprehensive idea” of crisis management, that seems to be confirmed in the recent Global Strategy. This focuses on the need for an “integrated approach” to conflicts and crises, which means adopting a multidimensional, multi-phased, multi-level and multilateral way of acting¹⁷. In this way, the European Union represents a

¹⁷ Multidimensional in the sense that it is important to adopt all available policies and instruments at conflict prevention, management and resolution stages. Multi-phased in order to be able to act at all stages of the conflict cycle. Multilevel which means to perform at local, national, regional and global levels. Finally, multilateral in the engagement with all the actors present in the crisis.

unique example among “international organisations in its capacity to contribute to all three aspects of post-conflict stabilisation: security (military and policing), economic and humanitarian, and political and institutional” (Menon, 2009: 228), with a variety of tools. In the following Implementation Plan on Security and Defence drafted in November 2016, the key role of CSDP operations, including civilian ones, is underlined in their possibility to respond to external crises, in their competences in capacity building and reform of security and defence sectors of partners and third countries in order to enhance their resilience, and in the protection of the Union and its Member States. These three priorities are mutually reinforcing and they should not be seen as compartmentalised but as a coherent whole and a single CSDP mission can contribute to all three priorities. In this way, the already mentioned redefinition of the Feira civilian priorities should be an important opportunity to establish clear-cut actions in CCM that EU should undertake.

Nonetheless, the absence of an agreed EU definition of CCM undermines the effectiveness of outcomes and what is more, it increases the possibility of overlap between different EU institutions, especially the Commission and the Council. The risk of overlapping among various initiatives constitutes a great challenge for CSDP missions. On this point, Gourlay (2013: 93) stated “the fragmented nature of decision-making within the EU means that there is no single venue in which discussions over strategic priorities and how best to achieve them take place. Rather, decision-making is sector-specific, and takes place in different institutional contexts and with different actors”. In other words, the CSDP is but one of the tools that the EU can use to manage conflict, to enhance institution-capacity building in third countries or to ensure security internally and externally. The quest for a more joined-up EU approach to conflict and crises is so a significant challenge to face.

For the purposes of this PhD thesis, a narrower concept of crisis management is adopted, both related to conflict phases and the set of tools to use. First of all, the analysis focuses on the phases of crisis and especially, post-crisis response. This means that, even if conflict prevention represents a relevant policy in the whole EU external dimension, to avoid the eruption of crises, to build stable relations with third countries and to contribute to a peaceful order, this is not taken into account in this paper. Secondly, as regards the range of tools, this thesis does not consider *de facto* trade, development, diplomatic *strictu sensu* instruments, or activities like humanitarian aid, economic programmes or sanctions and commercial agreements, which mainly belong to the competences of the European Commission. Rather, this research explores EU action within the framework of the Common Security and Defence

Policy, particularly through civilian crisis management missions. As mentioned above, the objectives of these missions generally reflect the Petersberg tasks, and civilian missions are principally related to the post-conflict phase to sustain reforms, train local counterparts, monitor, mentor and advise in the fields of security, policing, customs and rule of law. Civilian capabilities are also employed in monitoring peace missions or cease-fire agreements (AMM in Aceh or EUMM in Georgia) and border management (EUBAM Rafah)-in practice the Feira priorities. The institutional context considered in this thesis is at the highest level: the competences of: the European Council, the High Representative of the Union for Foreign Affairs and Security Policy (HR) who is double-hatted as Vice President of the European Commission, the European External Action Service, the Foreign Affairs Council (FAC), and the Political and Security Committee (PSC). Moreover, the operational institutions designated to the deployment of civilian missions are examined, namely, the Crisis Management and Planning Directorate and the Civilian Planning and Conduct Capabilities. Naturally, the role of Member States, other institutions such as the European Commission and the European Parliament, and other international organisations (UN, NATO...) is considered. Finally, concerning the legal framework, the main reference works are the articles of the Treaty on European Union (TEU), particularly Title V General provisions on the Common Foreign and Security Policy art. 21-22, Specific provisions on the Common Foreign and Security Policy art. 23-41, Provisions on the Common Security and Defence Policy art. 42-46 section 2, and the strategies elaborated in 2003 and the Global Strategy in 2016.

1.4 CSDP missions evaluation at institutional level

The aim of this paragraph is to outline the existing evaluation approach at CSDP structures level, in order to illustrate practices and challenges: Which tools are employed by the main institutions deputed to the deployment of civilian missions?

On the one hand, the establishment of the EEAS in 2012 coincided with a growth in the launch of civilian CSDP missions with more sophisticated tasks, in accordance with the new priorities which had emerged under the Lisbon Treaty. Consequently, due also to budget constraints at a time of economic crisis, the demand for greater information about the results of missions and about “what works” and “why” have increased. The call for a more result based approach has risen over time. In recent years, a culture requiring evaluation has

emerged, whereas previously, the evaluation of CSDP missions had long been resisted within the EU for political and institutional reasons: “for some member states CSDP is above all a political activity that should not be too closely monitored and evaluated” (Tardy, 2015: 38). This renewed emphasis on effectiveness and accountability has been perceived as an opportunity for more efforts to improve and strengthen the principle and practice of evaluation in Brussels and in the field.

Firstly, the status quo of evaluation tools for CSDP civilian missions is many-sided. There are different tools and phases, as well as many CSDP bodies involved within them. In recent years, CSDP institutions have refined mechanisms for the monitoring and assessment of mission results, creating a range of instruments for different bodies and diversifying them according to the mission phase. Since the very first operations, all mission concepts of operations (CONOPS) have defined objectives and mission tasks; they also contained definitions of “end states” and “criteria for success” based on the analysis of risks and opportunities for mission accomplishment (Loeser, 2015). A benchmarking system was formally introduced in 2011, as a tool for measuring changes. Each document which plans the mission (Crisis Management Concept, Concept of operations, Operation plan), progressively defines benchmarks, decisive points, desired outcomes, objectively verifiable indicators, and means of verification. As highlighted by Tanja Tamminen (2017: 26): “missions are currently being assessed with a set of benchmarks that result in exit strategies built on clear end-state logic”.

The evaluation framework is developed on two different levels: mission and institutions, respectively. At mission level, the Heads of missions are asked to report regularly on mission progress by means of the following documents (Loeser, 2015):

1. the Mission Implementation Plan (MIP) is defined as a management instrument to record activities undertaken within each of the assigned tasks. It is at the disposal of the Head of Mission in order to plan and oversee mission activities, that are determined with a view to achieving agreed mission objectives, priorities and benchmarks set out in the CONOPS and the OPLAN. A MIP covers the entire mandate duration of the mission and it should also be used within the mission as the basis of daily work, but also with CPCC in accordance with an evaluation logic to learn about progress, challenges, difficulties;
2. Monthly mission reports which focus on factual information on mission progress. They focus on what the mission does and its outputs;

3. Six monthly reports, which are more systematic and analytical. They contain a more in-depth analysis of mission achievements and they are an opportunity to relay back to the defined benchmarks with a view to assessing how the mission is implementing its mandate, in addition to offering a perspective on possible progress during the semester ahead.

At the level of CSDP institutions, other instruments are employed and many bodies are involved as well. The Crisis Management and Planning Directorate drafts Strategic Reviews with the aim to check the mandate, objectives, size and sustainability of existing missions and operations against the background of a changing strategic context or a new local or international political situation. CMPD also identifies lessons to be learned from the political-strategic planning of CSDP missions and from related strategic reviews (Cremonini, 2015). Strategic reviews are undertaken to check the parameters of the Crisis management concept in the light of mandate extension or change, or alternatively, mission conclusion. Lessons learned are also identified in other CSDP structures such as Civilian Planning and Conduct Capabilities and the European Union Military Staff (EUMS), then the CSDP Lessons Management Group determines five broad key lessons to submit to the Political and Security Committee for the elaboration of an Annual CSDP Lessons Report.

Within CPCC “desk visits” are scheduled in the field with different purposes such as: studying the context, problem solving, fact finding, planning or settlement support. The extant evaluation tools are conducted routinely or in view of finishing the mandate, so they have a short-term perspective.

Recently, an Impact Assessment methodology for CSDP missions in CPCC has been created with the aim of complementing the benchmarking method, by offering a tool able to assess the impact achieved by missions. Moreover, Impact Assessment would increase the degree of objectivity in the evaluation praxis by associating external participants, e.g. the EEAS, the Commission services and Member States,¹⁸ and by developing a standardised template to proceed with reviews of missions (Loeser, 2015: 187). The expected timing in this type of assessment is longer term, that is after mission closure, in order to evaluate changes and attributions to CSDP engagement in the field. The decision to define and draft an impact assessment methodology has not only sprung from budgetary pressures and cost-benefit analysis reasons, but at the same time, from a wish to understand the added value of CSDP

¹⁸ Interview with CPCC official, Brussels, June 2015.

missions better and provide a more systematic approach to evaluation. Indeed, there was a need to develop a methodology not only to analyse outputs and outcomes, but also the relevance and sustainability of missions. Furthermore, this would concern the “political credibility and the comparative advantages of civilian CSDP as one tool in foreign and security policy. The EU aspiration is to be a global player active in the field of peace and security, with real potential for contributing to sustainable change. Being able to attribute success to its own activities makes these efforts more visible and ultimately more credible” (Loeser, 2015: 187). Nonetheless, even if the methodological set-up for impact assessment has been prepared, very little has been done so far (Tamminen, 2017: 26). This procedure, which should create a more comprehensive practical, evaluation approach, has still not been adopted.

This general overview shows how complex the evaluation background of CSDP missions is and “*how it is still inadequate*”.¹⁹ Gourlay (2013: 96) confirmed these last statements: “it is, however, extremely difficult to assess the relative effectiveness of the CSDP model in the absence of robust monitoring and evaluation systems”. It is a matter of fact that the EU will be held accountable for its capacity to project and deploy missions outside its borders, but also for its ability to generate or contribute to real and lasting changes in a country or a region. Therefore, the necessity to look carefully at the long-term effects is strictly important, and consequently it is essential to develop a systematic approach to analyse them.

The main CSDP shortcomings in its approach to evaluating its missions can be synthesized as follows: (1) it is too EU-internal and restricted. Especially, “*they are not based on an objective analysis*”²⁰ (2) There is a lack of interest in developing a more systematic evaluation,²¹ aimed at investigating the impact as a whole and posing the question of sustainability. The benchmarking system is useful for internal mission management, but it does not fit all types of missions and it does not give an idea of the overall mission impact. “At present, the internal CSDP processes of lesson-learning are not designed to measure impact, sustainability or cost-effectiveness” (Gourlay, 2013: 96) (3) Consequently, there is a weak focus on long-term objectives to assess.²² Of course, it is very important to know if the mission is doing things right and consequently if outputs are being achieved, but as stressed by Tamminen (2017: 27): “only Member States, based on Strategic Review prepared by CMPD can discuss the question

¹⁹ Interview with CPCC official, Brussels, June 2017.

²⁰ Interview with CPCC official, Brussels, June 2017.

²¹ Interview with EEAS official, Brussels, June 2017.

²² Interview with CMPD official, Brussels, June 2017.

of whether the mission is doing the right things; whether the mandate is suitable to the situation or if the situation has changed since the mandate was decided”. (4) A lack of consideration of the perspective of local counterparts and civil society²³ in the evaluation procedures.²⁴ Local ownership should be an integral part of the evaluation efforts. Tamminen (2016: 115) clearly pointed out: “measuring progress or evaluating impact of international interventions should be a stakeholder driven process”. This goes back also to the need for a greater involvement of local authorities in the whole mission cycle. A more inclusive process in the planning phase would allow a better knowledge of local set-up, jointly agreed objectives and a more decisive commitment to the reform process. Sometimes the impression seems to be that it is more important to launch a mission, than to verify the concrete results. It sounds like: “*Whatever happens, it will be a success*”.²⁵

Which are the main reasons for this reluctance in adopting a more systematic methodology? Firstly, the term “evaluation” has generally negative connotations due to related idea of finding fault, external interference or bureaucratic processes. So, evaluation is perceived, mainly, as a way of criticising and judging, and not a can-do attitude. Specifically, reasons for such hesitation can be described as political and methodological in nature. Methodological limitations include:

- the complexity of evaluation issues in conflict or post-conflict contexts, especially that of impact assessment. First, the definitions of terms such as success, impact, or sustainability run the risk of being tricky and subjective (Tardy, 2015: 36). Moreover, the choice of methodologies and indicators influences the results of evaluation;
- many variables should be also taken into account or defined in the evaluation procedure, for example: What is being measured? What is the reason for evaluating? Who are the beneficiaries of the mission? Which indicators are more suitable? How do we know if the situation would be worse or better without the mission? (Tardy, 2015: 37);
- another consideration is that any evaluation should refer to the level of ambition the mission has. Clearly, the level of ambition varies from one mission to another depending on the mandate. A mandate reforming governance or security apparatus is undeniably different from one monitoring a cease-fire or peace accords;

²³ Interview with EPLO officer, Brussels, June 2017.

²⁴ Interview with EEAS official, Brussels, June 2017.

²⁵ Interview with former EUPM official, Rome, July 2017.

Regarding political limitations, the first can be found in the intergovernmental inspiration of CSDP in which Member states play a relevant role.²⁶ The political nature of missions makes the acknowledgement of their successes and failures difficult. “Member States resist any endeavour to assess the performance of CSDP missions which would imply a parallel evaluation of their own performance, individual or collective” (Tardy, 2015: 36). Nonetheless, this is not the only reason: a sort of “institutional fatigue” can be perceived within EU structures, which are cautious about any internal inquiry, that would probably identify their own weaknesses. A lack of sense of accountability can be perceived.²⁷ Moreover, the lack of resources, namely the allocation of personnel and financial resources²⁸ further complicates the development of tools deputed to this field, for example the creation of a proper unit focused on these tasks in Brussels and on the ground.

1.5 CSDP missions evaluation in the academic debate

As Vedung (2009: 3) affirmed: “since evaluation is a truly general analytical process, it can be applied to any area of social endeavour (...), it also includes foreign policy”. The underlying assumption of this research project concerns the relevance that the evaluation phase should have in the elaboration, implementation and particularly in the revision of CSDP civilian missions, as a tool of EU foreign and defence policy. The aims are to stress the need for a systematisation in the evaluation approach of CSDP field engagements, and to enrich knowledge for future European commitments.

Nonetheless, the starting point is to analyse the state of the art as regards the evaluation of CSDP missions, because it is important to take stock of what has been studied, gaps in the literature and how to contribute to the debate with this thesis. Of course, the state of the art refers to the academic debate about this issue, that is how EU foreign and defence policy has been evaluated by scholars. Obviously, the academic literature, as well as institutional practice, are in constant development and for this reason their study constitutes an essential source of understanding.

When it comes to the analysis of the European Union foreign and defence policy and its role at an international level, the academic literature is extremely extensive and has gradually

²⁶ Interview with EPLO officer, Brussels, June 2017.

²⁷ Interview with EEAS official, Brussels, June 2017.

²⁸ Interview with CPCC official, Brussels, June 2017.

grown since the first coordination of Member States foreign policies, through European Political Cooperation in 1970. The contribution of academic scholarship to this debate increased decisively after the end of the Cold War, but also in the light of European institutional innovations in these policy fields and new global challenges which arose during the 90s. For this reason, a reconstruction of the main streams in the definition and evaluation of the EU way of acting and performing at an international level is required.

Since the 70s, a significant body of literature has described the position of the European Union, the European Economic Community at that time, in the international arena, defining it as a civilian power (Duchêne, 1972; 1973) or superpower (Galtung, 1973). The aim was to characterise the way in which the European Community interacted in world politics by using what were considered its strong points (trade policy, common values, development aid etc...). According to Hanns Maull (1990), a civilian power is identified by three elements: the acceptance of cooperation, the deployment of non-military instruments and the preference for multilateralism to manage international problems. The European Community was thus represented as a distinctive power, particularly strong on “soft power tools” (economic incentives, humanitarian aid, diplomacy, conditionality and so on) in its way of conceiving and conducting foreign policy. The European Community’s strength and novelty as an international actor was based on its ability to export its own model of ensuring stability and security, by economic and political means.

The subsequent creation of a pillar devoted to the development of a Foreign and Security Policy (CFSP) within the Maastricht Treaty (1992), as well as the birth of the European Security and Defence Policy in 1999 helped to encourage studies and publications about the international character of the EU. Many labels were created to a certain extent revisiting the concept of civilian power²⁹: global actor (Bretherton and Vogler 1999), gentle power (Padoa-Schioppa, 2001), transformative power (Grabbe, 2006), ethical power (Aggestam, 2008), soft power (Nye, 2004). In particular, Manners (2002) concentrated his focus on the power of ideas and norms, and consequently on the EU capacity to spread, by virtue of its international presence and values-oriented foreign policy, principles such as peace, rule of law, good governance, democracy and so on, thus forging the definition of “normative power”. Moreover, important attempts have been made to define, not only the type of actor or power the EU is, but also what features the European foreign policy has and to analyse the

²⁹ On a more recent debate on the EU civilian power, it is worth mentioning Telò, 2006; 2009; Laschi and Telò, 2009.

tools and the substance of its outcomes. Many definitions are attributed to EU external activities: for example, “presence” (Allen and Smith, 1990), “international identity” (Whitman, 1998), “external political impact” (Ginsberg, 2001), “multilevel foreign policy” (Krahmann, 2003), “structural foreign policy” (Keukeleire and MacNaughtan, 2008). Bindi and Angelescu (2012) assessed Europe’s role in the world using various EU foreign policy tools and EU relations with neighbours and other countries.

Furthermore, the evolution of a defence dimension, with the acquisition of military and civilian capabilities,³⁰ represented for many scholars a decisive step forward to increase the credibility of the European Union external projection as a security provider. In this way, the EU increasingly perceived and marketed itself as a rounded security actor, combining military and civilian tools and so moving from a civilian power “by default” to a civilian power “by design” (Stavridis, 2001). It is fair to say that part of the literature stressed the inconsistency of military means acquisition with the concept of civilian power, “pointing out that the EU sometimes subordinates the pursuit of norms to narrow economic or political interests” (Merlingen and Ostrauskaitè 2006: 15). In this way, the establishment of military capabilities was seen to be in contradiction with its soft nature and a possible indication that it was losing some peculiarities that distinguished it as a civilian/normative power. A broader and more sophisticated examination of EU security governance was carried out by Kirchner and Sperling (2007), who investigated the European Union as a security actor through the effectiveness of four policies in relation to its external and security dimensions (policies of prevention, assurance, protection and compellence).

Since 2003, when the first missions were deployed,³¹ the attention of analysts has increasingly concentrated on the sphere of Common Security and Defence Policy. As Merlingen underlined, the evaluation of CSDP missions has not always been considered by analysts and scholars, who were more focused on the institutional developments, capabilities and politics of the CSDP (2013: 41). That is to say that the investigation into shortfalls and added values at political, financial and institutional levels were predominantly identified by literature. Nonetheless, the growing number of missions deployed gradually shifted the scholars’ attention to the evaluation of achievements obtained by EU engagement. The demand for

³⁰ On this point, see the paragraph dedicated to the origin and development of CSDP.

³¹ In 2003, in the framework of the CSDP, the first civilian mission (European Union police mission in Bosnia-Herzegovina) and the first military mission (Concordia in Fyrom) were launched.

research-based evaluations of the challenges faced by CSDP missions on the ground increased, as evidence for a systematic assessment (Merlingen and Ostrauskaitė 2005).

Generally, the *status quo* as regards the evaluation of CSDP operations is varied: some assessments focus on single missions, others on multiple missions deployed in one country, or in a region, or on certain types of mission (police, security sector reform...). Tardy stressed that CSDP missions have been evaluated widely with the notions of success and failure, but often with vague and peremptory terms, “more prone to castigate EU inefficiency or dysfunctionality than to identify positive developments or successful interventions” (2015: 36). Undoubtedly, the assessment of operations will be different depending on the criteria used and the perspective adopted (Keukeleire, 2010). As regards criteria, Merlingen (2012: 177-183) offered a panoply of the most common yardsticks to evaluate CSDP operations. The first deals with how well CSDP missions have carried out their mandates. Within this analysis different issues are considered such as mission start-up, mission management, funding procedures or recruiting staff. Possible shortcomings and deficiencies in these phases contribute to the achievement of objectives. Another evaluation criterion is the contribution of CSDP missions to the EU’s role and visibility at an international level, and consequently, its ability to enhance political influence in world regions. Other measures try to examine whether CSDP operations make the difference in practice, that is to say, their impact on the ground. Lastly, the impact of CSDP engagement can also be analysed in its effort to contrast international terrorism.

Regarding perspectives, Pirozzi and Sandawi (2009) described some developments in this policy area from a CSDP historical evolution point of view, after five years of operational deployments: globalisation of the operational area, the expansion of the operational spectrum, increasing civilian-military interaction, growing intertwining of the first and second pillars, unsatisfactory exit strategies, increase of the financial requirements for these operations etc. These detected trends showed areas of light and shadow. On the one hand, they presented efforts to expand EU fields of action, capabilities and geographical spread, in order to gain more credibility and political relevance. On the other hand, they brought to light operational shortfalls and a lack of political unity and willingness to reach strategic objectives and concrete outcomes.

Merlingen and Ostrauskaitė (2008) examined the European defence policy from an implementation perspective, in order to analyse how it is put into operation looking at the processes of organising and running missions, interaction with local authorities and other

international and EU actors, and outputs and outcomes of missions. They argued that “the EU’s presence is the result of both what it is and what it does” (2008: 203) and the case studies showed that some CSDP operations made a contribution to peace and state building both in a material and symbolic way, for example, the enhancement of legitimacy and reputation are an output of the CSDP.

Furthermore, Grevi, Helly and Keohane (2009) wrote a remarkable report on the first ten years of Common Security and Defence Policy, highlighting the developments of CSDP institutions, resources, and partnerships and then analysing the missions launched in the CSDP context. The aim was to provide a study of both individual operations and the general operational *acquis* for CSDP missions. According to Menon (2009: 228), “there is a tendency of the academic literature to focus excessively on the institutional development of the ESDP at the expense of studies of its practical impact”. He attempted to examine the impact of the CSDP starting from an examination of its records, in terms of operations, capabilities and political will, and also to assess it as an international institution. In 2010, Chivvis reflected upon the record of EU civilian crisis management through the analysis of EU civilian and military capabilities and two case studies Eupol Afghanistan and EULEX to bring to light the added value of EU participation, as well as problems and shortfalls in the field. The EU process of learning was investigated by Bossong (2012), who applied the notion of organisational learning to civilian crisis management. Asseburg and Kempin (2009) elaborated a study for a systematic assessment of relevance and effectiveness of ESDP operations and missions as an instrument of EU crisis management and their role in improving the EU’s performance in international security issues. Their study, built on OECD’s guidelines for evaluating activities in the field of conflict management, concentrated on three aspects: the reason for deploying a mission and what the mandate looks like; secondly, the implementation of the mandate, and finally, the assessment of whether each deployment scrutinised served European foreign policy objectives in the short and long term. Nonetheless, this does not seem to envisage looking at the impact for the receiving country.

In addition, recent contributions have considered more specific issues related to the question of evaluating the achievements within the CSDP (Ginsberg and Penksa, 2012), (Juncos, 2013), Merlingen (2013), (Peen Rodt, 2014), and Pirozzi (2015). The distinctive characteristic of these studies is that they are linked to a clear theoretical framework. In particular, Ginsberg and Penksa outlined a comprehensive analytical framework to study the politics of impact. They highlighted the uniqueness of EU crisis management, not a single state, nor an alliance,

nor an international organisation and defined it as a *sui generis* security provider. The CSDP is considered an instrument of EU foreign policy and two dimensions of impact are stressed: internal impact and external impact. The first is defined as: “the impact of CSDP operations on the Union itself and its foreign policy decision-making system”, and the authors identify four indicators of internal impact related to starting, conducting and evaluating operations (mission catalyst, mission mandate, mission launch, mission evaluation). The second type of impact is defined as “the power to modify the course of events, or the perception, position, situation and/or behaviour of others” and, as well as in the case of internal impact, they point to five indicators (functional, political, societal, unintended, temporal).

Juncos studied the politics of coherence and effectiveness of EU foreign and security policy in Bosnia-Herzegovina, devoting a specific chapter to CSDP missions EUPM and Eufor Althea. Coherence and effectiveness have a positive relation, because if the EU can act coherently, also it becomes a more effective international actor. Precisely, coherence is defined as “the lack of contradictions between policies, institutions, instruments, plus a variable degree of synergy as a result of policies/institutions/instruments working together in order to achieve a common objective” and effectiveness is defined as the degree of achievement of the intended goal by distinguishing internal and external effectiveness. The concept of effectiveness is important because it can help to study not only if an action has achieved the intended objectives, but also if it has done so in the manner planned.

In 2013, Merlingen outlined a toolkit to evaluate the design and implementation of mission mandates. He theorised an implementation-based evaluation of mandates drawing on the concept of role. According to Merlingen (2013: 43), three generic roles cover CSDP activities: bargainers (it means that CSDP missions engage in deterrence, compellence or facilitation of EU conditionality), arguers (that is mentoring, advising and training duties), and information brokers (it refers to the engagement in monitoring and mediation). The focus on mandate can offer information to improve its design and its implementation, but it does not consider additional factors which influence mission impact.

Furthermore, even if limited to CSDP military missions, Peen Rodt studied the concept of success, and then, she applied it to five CSDP military operations. She pointed out two aspects of success: internal success, in other words if the operation has reached its objectives, and external success, if the intervention has helped to manage the violent aspect of a conflict. The complexity of this concept required an additional division into two criteria for each category of success, goal attainment and appropriateness. In this way, the following aspects

can be distinguished: internal goal attainment (if the main objective of the policy was successfully obtained), internal appropriateness (whether the way in which the objective was obtained can be classified as successful), external goal attainment (if the military conflict management mission was successful in helping to prevent the continuation, diffusion, escalation and intensification of the violence), and external appropriateness (whether the intervention was implemented according to the principles of discrimination and proportionality in the use of force). In addition, Pirozzi (2015) scrutinised the approach of the EU to crisis management after the entry into force of the Lisbon Treaty. Starting from the principles which according to Hans Georg Ehrhart (2002), should characterise a comprehensive security provider, namely normativism, appropriateness, inclusiveness, a multidimensional approach and multilateralism; she offered a vision of the post-Lisbon crisis management system through the analysis of both new institutional elements and the assessment of case studies in the field. Recently, Fakiolas and Tzifakis (2017) studied two EU civilian missions (EUPM and EULEX) analysing mandate, resources and results, but without examining the sustainability of reforms.

Summing up, the review of the literature concerning CSDP missions offers different insights with regard to the issues investigated and the approach and methodology adopted. Undoubtedly, CSDP missions have become a relevant field of study of the European Union defence policy. On the one hand, the majority of studies focused initially on the historical evolution of the EU defence dimension, and later, on its institutional developments. On the other hand, most of the literature examined missions putting particular stress on internal dynamics such as: processes in decision-making, organization and running operations, interactions with other EU or non-EU actors in the field etc., and on external dynamics, that is perceptions in host countries, impact on other security providers and on the EU itself. Nonetheless, only lately the issue of impact has gained more attention and has been theorised. At the same time, the concept of sustainability *per se* has not received enough attention by literature. Actually, few recent studies have investigated the long-term effects of missions on the ground, as well as those that have been structured on a theoretical basis, linking case studies and theory (Juncos, 2013; Peen Rodt, 2014; Pirozzi, 2015). In this way, these contributions not only emphasized strengths and weaknesses in CSDP operations and procedures, but in addition, starting from EU field engagement, they tried to examine CSDP as an EU foreign policy tool intended to empower it. Deeper empirical knowledge has been valuable to test theoretical understandings and concepts; consequently, this can enable us to

bridge the gap between CSDP scholars and practitioners. In particular the confluence between theory and practice facilitates a more comprehensive understanding of CSDP multi-level, multi-players and multi-dimension dynamics. Moreover, the state of CSDP civilian missions also shows that a more comparative oriented approach is required in order to compare and contrast the growing in number of case studies (Ginsberg and Penksa 2012). In conclusion, the existing literature about effectiveness is flourishing, even if not often adopting a long-term perspective. On the contrary, academic studies concerning the concept of sustainability in CSDP missions are underdeveloped with the exception of the analytical work of Sofie Rafrafi (2015).

1.6 Complexities and challenges in evaluating CSDP missions

As stated above, the basic theme of evaluation is very complex and many variables and aspects should be defined and considered. Moreover, difficulties increase because assessment programmes or interventions have their own complexities and features to bear in mind. As a matter of fact, fields such as crisis management or post-conflict and peace-building are considered highly challenging and sophisticated. Identifying challenges in the approach to the evaluation of CSDP missions is important to show external and various elements which influence the assessment. At the same, it is useful to bring problematic elements into focus, in order to be aware of them also in the analysis of this thesis. So, in addition to the complexity of the evaluation issue itself, challenges and difficulties to stress are:

1. Consideration of the context where the mission has been deployed. Basically, the evaluation of a mission cannot disregard the fact that recipient countries are war-torn or post-conflict societies with complex internal features and dynamics. A linear causality inputs-outputs-outcomes-impact is not easy to identify and often proves to be incomplete. Very often recipient countries are affected by a series of multidimensional factors and complexities which should be taken into account such as the coexistence of ethnic groups, social cleavages, political conditions, high levels of corruption and so on. Bercovitch and Jackson (2009: 178) have synthesised: “peace-building does not lend itself to causal analysis, as in a single country there are a host of internal and external variables that may have an independent effect on the overall long-term peace-building process”;

2. Difficulties in comparing CSDP missions because they vary widely in size and scope of engagement. Nonetheless, this does not mean it is impossible to define some evaluation guidelines that can be adaptable across the full range of interventions, considering specific contexts of engagement, mandate objectives etc.;
3. Isolation of the unique contribution of CSDP missions. Tardy (2015: 37) has underlined: “analysing EU performance cannot be done in abstraction from other security actors’ own policies”. In most cases, countries hosting a CSDP mission are overpopulated, that is, other international and non-governmental organisations have their own missions or programmes. In this way, it is very difficult to attribute outcomes or impact solely to a CSDP mission;
4. Mandates referring to post-conflict missions, like CSDP ones, often contain vague and broad objectives, for example contribution to “support”, “advise”, or “assist” local counterparts. On the one hand, goals are fairly general, in order to allow flexibility and possibility to readdress them, according to the situation on the ground and to Member States’ interests. On the other hand, this makes objectives “measurability” more difficult to assess, and also making the use of qualitative assessment particularly important;
5. As I will emphasize in the analysis of case studies, a key factor in impact assessment is the local counterparts’ perspective and perception of the mission. To what extent do locals perceive mission engagement? Do they “legitimate” the mission? The inclusion of stakeholders’ perception is extremely important, and at the same time arduous;
6. A final consideration concerns the objectivity of assessment. Of course, the ideal type of evaluation should be conducted by external actors in order to maximise objectivity. However, this is not feasible due to the high politicisation of the CSDP field and to the idea of a lack of knowledge of the real situation on the ground by external experts. In the proposal of Impact Assessment methodology for CSDP missions, a mixed team of evaluators has been proposed to gather together CPCC officials, EEAS officers, Member States representatives, external evaluation experts, and personnel deployed in the mission to take account of both political and technical sensitivities.

The knowledge of evaluation practice at the level of CSDP structures, as well as the awareness of evaluation complexities, provide a more comprehensive idea of the overall assessment of civilian missions. It helps to understand and take into account the “institutional and political dimension” at the foundation of the European defence policy, and as I will show

in the definition of key concepts and in the analysis of case studies, it highlights the tangled puzzle of institutional features and dynamics, that influences “*this immature status in the evaluation of missions*”.³²

³² Interview with CPCC official, Brussels, June 2017.

CHAPTER 2

A result-oriented approach in CSDP civilian missions

This chapter aims to present the meaning and relevance of evaluation and the definition of the key concepts of this research study. When it comes to the question of evaluation in CSDP civilian missions, a sort of resistance has been noted to the adoption of a result-oriented approach to planning, conduct and assessment, particularly in a longer-term analysis. Generally, a result-oriented approach means that in the development of a given project, intervention or policy, the focus is on results and impact. Obviously, as has already been explained, the particular spheres of crisis management, peace-keeping/building have additional challenges and a number of variables which make it difficult to adopt this type of orientation. In particular, these fields refer to: conflict or post-conflict contexts, complex and highly sophisticated environments, intrinsically political dimensions and include multiple stakeholders. Additionally, they face methodological evaluation challenges because of the non-linear path of these contexts and the large number of contributing factors that can influence evaluation. Moreover, complexity is even greater because a long-time frame is necessary before the intended changes occur in this kind of intervention. For this last reason, certain changes are not immediately visible begging the question whether these processes should be assessed in the short or long term. However, I will show each feature and element of the evaluation in detail when I describe key concepts during this chapter.

In a nutshell, the way programmes are designed, planned and implemented is to some degree connected with the actual results produced. This is also valid for areas such as crisis management. Therefore, the adoption of a result-oriented approach in peace/state-building operations has consequences for their planning and implementation “aimed at producing a real impact on the ground” (Pirozzi, 2015: 152). In accordance with this attitude, a regular assessment of CSDP missions should be oriented not only towards financial and organisational management, but also to the attainment of the full range of mission objectives, the improvement of capacities and the meeting of the effective needs of the recipient country in a long-term perspective.

In this sense, what is the added value of a result-oriented approach? Benefits can be divided

into four functions:

- First, it can contribute to a more focused elaboration of policies, and consequently of tools, aimed at the achievement of the mandate objectives (fact-finding and check function). A focus on results provides a way of demonstrating the fulfilment of intended goals and in turn of managing programming, directing adjustments and conferring support to the process underway;
- Second, the supervision of the management and implementation of the established policies, and consequently of tools, including the resources employed (control and accountability function). Member States and EU institutions need to understand and to justify the cost-effectiveness of these operations abroad. In this way evaluation is a means of demonstrating accountability and transparency, combining commitments and contributions with achievements;
- Third, the identification of intervention/mission consequences, results obtained in the short and long-term period, good and bad practices, has the potential to build institutional knowledge and to create and enrich institutional memory (learning function). This is very important for future deployments, for a know-how development, for the enhancement of capacities and activities. This is also valid at two levels: on the field and within Brusselian institutions;
- Last but not least, the evaluation phase should help to improve actions undertaken, tools available and procedures (improvement function). Moreover, it should contribute to strengthening the overall credibility of the EU as a security actor. In other words, the assessment of its foreign and defence policy outputs would facilitate awareness of shortfalls, problems, but also merits and values, strengthening EU potentiality and consciousness in external actions.

As mentioned above, within the CSDP the practice of evaluation has not always been the norm, and even if some steps forward have been accomplished, it is still a work-in progress area. In particular, it is necessary to adopt a perspective oriented towards evaluation: *“there should be a process of systematization in the monitoring and evaluation. It should be created an “epistemic culture” in the monitoring and evaluation”*³³.

³³ Interview to Eulex official, Pristina, March 2017.

2.1 The meaning and relevance of evaluation

“Evaluation is a key analytical procedure in all disciplined intellectual and practical endeavors” (Vedung, 1997: 2). In many domains and sectors, evaluation has assumed a central role and therefore it has become a specialised field of study, for example in social sciences and public policies, and since evaluation is an elastic word, a general process, it can be applied to any area of social inquiry. Consequently, many public policies, such as those regarding the environment, social welfare, health assistance, transportation, economic development, and so on are involved in the practice of evaluation. Foreign policy has also been included, even if as a policy area, it has been left predominantly untouched by systematic evaluation. In this field, Baldwin (2000) puts more emphasis on policy processes, than on policy output, as well as on analytical and conceptual anarchy. In fact, there are many approaches and different definitions regarding the evaluation of foreign policy tools. In the context of public policies, evaluation has become an integral part of the policy development process, which generally includes different stages: problem identification, policy formulation, policy decision, policy implementation and finally, policy evaluation. Peters (2015: 127) underlined that “after governments formulate and implement policies, those policies must be evaluated”.

The term “Evaluation” has been defined primarily as the process of determining the merit, worth or significance of something or the product of that process (Vedung, 2006: 397), it is the way of distinguishing the worthwhile from the worthless, the precious from the useless (Vedung, 1997: 2). More specifically in the public sector, evaluation is “a mechanism for monitoring, systematizing, and grading ongoing or finished government interventions (programs, projects, activities, their effects, and the processes preceding these effects, perception of the content of the intervention included) so that public officials and stakeholders in their future-oriented work will be able to act as responsibly, creatively, equitably, and economically as possible” (Vedung, 2006: 397). Accordingly, the need for evaluation arises within two dimensions: utilitarian and normative/ethical (Peters, 2015). The utilitarian one is related to the economic consequences of the intervention and the logic of a cost-benefit analysis. The second one has to do with the concept of public interest and fairness, in view of a logic of appropriateness.

The field of evaluation is very wide and composed of many elements and features. First of all,

let us consider the purposes and relevance of the evaluation phase. According to Vedung (1997: 101 and 2006: 398), the rationale of evaluation is multiple. At least four objectives should be identified: 1) accountability, 2) improvement, 3) basic knowledge and 4) strategic purposes. Accountability aims to determine how agents have exercised their power and to look for sources of outputs and outcomes. In the improvement perspective, evaluation aspires to assess how programmes are performing or have performed, in order to make that performance better. In other words, the main purpose is to learn what has worked or did not work, in order to improve the effectiveness of policies/programmes and increase the credibility and influence of institutions or policy-makers. The evaluation step has become more important because it furnishes a type of knowledge, which includes the observation of a complex set of aspects of the implemented policies and it helps to redefine a theoretical framework which is useful for future reorganisation and improvement (Stame, 2007). The third purpose is seen as a tool to provide a general understanding of actions and events which have taken place, and finally, the last objective is permeated with game-oriented considerations. This means that evaluation is used “to hide shortcomings and failures, to display attractive images of programs and in general provide appearances more flattering than reality” (Vedung, 1997: 111). Furthermore, a main distinction to make is between internal and external evaluation, namely if the assessment is conducted by the institution or organisation itself, so it is organised, managed, financed by the same organisation that deployed the programme/intervention, or if it is arranged and led by outsiders for profit or non-profit consultants, institutions or organisations. An additional fundamental choice is the evaluation model used for assessment. Vedung (1997) identified six models: the most classical is “goal–attainment” which analyses if the programme goals have been achieved and to what extent. Briefly the other models are:

- “side-effects model”, the question in this model is not only the goals attained, but also the negative side-effects that would undermine the overall efficacy of the programme.
- “relevance”, the objective of evaluation is not goal attainment, but the effects on the underlying problem in the policy area. The question is if the underlying social, political, economic problem is being addressed successfully.
- “client model”, this permits the clients of a programme to make their own evaluations.
- “stakeholder model”, similar to the previous model, but it considers the views and interests of a whole range of actors connected to, and affected by, the programme.
- “collegial model”, this allows the actors involved in the implementation of the service

to evaluate themselves.

In this introduction to the significance of evaluation, taken as part and parcel of any policy, intervention or programme, the importance of this tool emerges. In the literature, a distinction is made between policy feedback and policy learning (Marier, 2013: 401). The first use of evaluation should be to give positive or negative feedback regarding policies and their consequences and provide knowledge for other programmes (Peters, 2015: 137). Policy learning is a step forward, in fact “while policy learning is a potential outcome resulting from policy feedback, the latter is not essential for learning to occur” (Marier, 2013: 401). One of the major purposes of evaluation is for policymakers to be able to learn from past mistakes, or successes, in order to make future policies better (Peters, 2015: 138). In this sense, learning should be a crucial outcome of the evaluation phase, but the question of learning also gives rise to the question of the utilisation of evaluations, or better, if politicians and bureaucrats read evaluations, internalise the findings and are willing to improve. Vedung (1997: 267) offered a more varied picture, stressing five types of use: instrumental, conceptual, interactive, legitimizing and tactical. Instrumental use is to be understood as a means in goal-directed problem solving processes; in the conceptual function, evaluation offers cognitive and normative insights to politicians and stakeholders, whereas interactive utilisation facilitates a socialisation process among different actors. The legitimising approach is primarily used not to know more about the effects of programmes, but to justify decisions and policies. Finally, tactical use asserts that evaluation is required in order to gain time, avoid responsibility, cover faults or criticism.

These general considerations regarding the issue of evaluation serve to offer an overview of the meaning of evaluation in public policies and the contribution it can provide for their analysis. In the field of CSDP missions policy, the importance of the concept of evaluation is underestimated. For this reason, a more specific reference point in this research is the literature on and practice in international peace operations, in particular peace-building, conducted mainly in the framework of the United Nations. The growing popularity of peace-building activities has produced a corresponding need for evaluation to determine if funds and efforts are actually contributing to change (Fast and Neufeldt, 2005: 26). Even if it is important to consider differences between UN peace-building and CSDP civilian missions, it is interesting to investigate how the approach towards evaluation and impact in peace-building missions can contribute to the study of EU civilian missions.

In actual fact, in the fields of peacekeeping, humanitarian interventions and especially

peace-building, attention paid to the evaluation phase within the conflict management cycle has increased decisively in recent years. Interest in developing more accurate methods to measure impact has been principally due to two trends (Menkhaus, 2004: 1), recognisable both in the academic literature and in international organisations. First, the rise of more systematic approaches to project monitoring and evaluation characterised by rigorous template and results-oriented measurement. This trend has in turn been influenced by some factors, such as the growing demand for accountability, the need for a cost-effectiveness analysis or the desire to gather cumulative knowledge on intervention structures and results for future deployments. The second trend is connected to the transformed nature of conflicts, increasingly characterised by complex emergencies, post-conflict challenges and multifaceted crisis. Consequently, the call for more sophisticated and comprehensive conflict and post-conflict approaches, also able to address the root causes of crisis, has become more and more compelling. In the wake of post Cold War changes concerning the nature, tasks and complexity of peace operations and especially considering the gradual fruition of peace-building tools and activities, the question of success and the need to evaluate impact have been emphasised. As stated above for public policies in general, the implications of the effectiveness and impact analysis of peace-building are important in terms of the identification of results, a source for lessons learned and for testing the credibility of the peace-building approach.

Despite recognition of the importance of evaluation, a variety of approaches and disagreements over criteria, methodology and definitions can be traced in the peace-building literature. How to evaluate peace operations? Are they successful or not? Which indicators are suitable? In the peace-building literature, peace operations have mainly been studied for their success or failure. Understanding what constitutes success and failure in peace operations has been considered necessary in order to build rigorous scholarly knowledge about international interventions and their effects and to make more appropriate policy decisions (Mateja, 2016: 3). Since the mid 1990s, when UN peacekeeping operations became more complex and acquired new competences also in peace/state building, academic interest became more systematic (Maley, 2012: 201). At the same time, attention given to the evaluation of missions increased considerably, also because of the call to unite theory and practice. This means that contributions from scholars were considered useful for peace operations from a practical point of view, in that they highlighted shortcomings and best practices or identified the conditions that could influence success (Druckman and Stern, 1999: 81).

Furthermore, Diehl (2008: 118-119) observed the tendency among scholars to assess whether an operation succeeded or not, but without a definition of what success is. Undoubtedly, defining success is not a simple issue, due to the complexity of the subject and to different measures used. However, the definition of terms is very important to establish, for example, criteria for success or failure. Nonetheless, there is no agreed definition of success and different approaches for its evaluation can be found in the literature. Broadly speaking, there are minimalist and maximalist approaches (Mateja, 2016: 5). Minimalist standards tend to focus on mandate implementation, whereas maximalist ones aim at investigating the contribution of international interventions to improve the chances for positive peace, or to tackle violent cultures and repressive civil or state structures. A second distinction is between quantitative and qualitative analysis. Generally, scholars adopted different research methods in their approach to the question of success focusing either on case studies or on large data sets on conflicts. An example of the latter is given by Doyle and Sambanis (2006) who used a peace-building triangle to determine three variables: local capacity for peace, hostility, and international capacity for assistance, in order to examine peace-building success which is the dependent variable. Then, they applied these variables to a data set of civil wars. This provides a general understanding of the success of peace missions and it facilitates a comparison among operations. Vice versa, a case study approach helps to generate specific in-depth knowledge about a definite context.

Diehl (1993) and Durch (1996) offered a number of criteria for evaluating a mission's success: accomplishment or not of the purpose stated in the mandate, impact on the local population, cost-efficiency analysis. In particular, Diehl outlined two measures that he had employed as a basis to measure success: limitation of armed conflict and resolution of the underlying conflict (Mateja, 2016: 6). Nonetheless, due to growing and changing tasks involved in peace operations, the debate on the evaluation issue became more vexed and complex. Johansen argued that to "find the utility of peacekeeping, we should assess the effect of peacekeeping forces on local people affected by their work, and compare the degree of misunderstanding, tension, or violence in the presence of UN peacekeepers to the estimated results of balance-of-power activity without peacekeeping" (Johansen, 1994: 309-310). However, the last benchmark type required a counterfactual analysis, "what would have happened if the operation had not been deployed?", but this proved to be difficult to determine (Druckman and Stern, 1999). Another attempt to define generalisable criteria was developed by Marjorie Ann Brown (1993) who rested her analysis on three questions: Was the mandate

fulfilled? Did the operation lead to the resolution of the underlying disputes of the conflict? Did the presence of the operation contribute to the maintenance of international peace and security by reducing or eliminating conflict in the area of the operation? Referring to operational success, Duane Bratt (1996: 66) mixed Brown's and Diehl's criteria to assess thirty-nine UN missions. First, he assessed whether mandate performance had been completed, then he looked at whether it had contributed to conflict resolution and conflict containment. Considering peacekeeping operations, he also focused on casualty limitation.

Over time this discussion became broader as peace operations included peace-building and state-building elements. In this sense, as suggested by Ruffa (2010: 46), the distinction between success and failure as a mere dichotomy is insufficient and inappropriate. Academic scholars began to establish benchmarks such as: democracy and justice. Paris (2004) aimed at examining whether political and economic liberalisation enhance the chances of a stable and lasting peace. Diehl (2008: 123) affirmed that "peace operations have multiple purposes, but all of them seek to ameliorate the conditions associated with a conflict". In a later contribution, considering that peace operations were multidimensional, Diehl and Druckman (2012: 213) elaborated a template for evaluation composed of a series of interrelated steps. The first one was to identify the primary goals of an operation, be they general or specific; the second step was the establishment of key questions required to achieve them. Thirdly, measures of progress had to be identified, along with the fourth step which is the identification of the benefits and limitations of those measures. The last step had to ascertain to what extent the primary goals had been accomplished.

In their reconstruction of the evaluation question in peace-building, Ramsbotham, Woodhouse, Miall (2016: 282) highlighted the explosion of sophisticated methodologies among which the Peace and Conflict Impact Assessment (PCIA). The main reason for the development of this methodology was the need on the part of agencies and donors to assess projects, and in particular to assess their positive and negative impacts.

Furthermore, within international organisations attention paid to the evaluation issue increased progressively, until more systematic approaches and conduct were adopted. In the United Nations, the Department of Peacekeeping operations (DPKO) established a Policy Evaluation and Training Division (PET), dedicated to evaluation. The aim of PET is to strengthen the ability of the DPKO to accumulate and use experience to enhance operations in the field (DPKO Policy: 2015). The Organisation for Economic Cooperation and Development (OECD) has elaborated guidelines for a better understanding of the impact and

effectiveness of programmes and interventions operating in conflict and fragile settings to deliver better results. The idea to develop a guide was conceived due to persistent evaluation gaps. From the guide, it emerges that evaluation can support learning and accountability to improve practice and results and that these are key elements to becoming more effective at building peace (OECD, 2008: 10). In addition, the World Bank Group has set up an Independent Evaluation Group (IEG) which has the function of assessing the performance of the institution's policies and projects, and to learn what works or not. The IEG employs different instruments, according to the type of evaluation to be carried out or the topic to be assessed. The IEG's purposes are twofold: to deepen the World Bank Group's evidence regarding results and to promote a stronger internal culture for accountability and learning.

The European Commission has also taken greater care to assess its external projects and strategies. In particular, the Directorate General of Development and Cooperation has produced methodological guidance for evaluation. Starting from the idea that "evaluation matters", it has provided four volumes on the basic concepts of evaluation, thematic and geographic evaluations, guidelines and existing tools. The EC evaluation policy aims to build a culture of accountability and learning, conscious that good practice and negative experience can help to improve future engagements. These evaluations also involve independent external experts, local stakeholders and other donors committed to similar projects in the same country.

Considering the unique features of the European security and defence policy and the complexity of its crisis management missions, the praxis adopted by other international organisations or in other EU institutions to evaluate their programmes or operations can provide two causes for reflection. The first concerns the importance of developing and carrying out evaluations within international institutions for accountability and learning purposes. The second concerns the need to build what is designated as an "institutional memory"³⁴ for future commitments and to strengthen the visibility of EU actions. Institutional memory is meant as the collective set of facts, concepts, practices held by a group, institution or organisation. The stored knowledge, where to collect experiences but also what worked or not, should help to preserve the acquired know-how, improve methods and procedures, and reinforce the effectiveness of policy outputs.

³⁴ Interview with CMPD official, Brussels, June 2017.

2.2 Impact in CSDP civilian missions analysis

After presenting the significance and the relevance of evaluation in CSDP civilian missions, especially stressing the benefits of a results based-approach and the need to encourage the analysis of long-term effects, this chapter aims to continue with the definition of the main key concepts adopted in this research. As suggested by Diehl and Druckman (2015: 95), the evaluation of peace operations is not merely an empirical exercise, but is preceded by a series of conceptual and analytical choices. Moreover, considering success and failure as a dichotomy proves to be inconsistent and inappropriate, due to multi and complex factors influencing peace-building missions in general and CSDP ones in particular.

This project began by addressing the following underlying research question: What has been the long-term impact of CSDP civilian missions?

But what is impact? How has its analysis been addressed in peace/state building studies? Before presenting the definition of impact used for this thesis, I would like to summarise the debate on the conceptualisation of this notion in the academic and institutional literature. The discussion about the assessment of impact with reference to peace/state building is complex with many crucial points.

Above all, impact can be defined in two main ways: the first one focuses on content and the second on methods (Stern, 2015: 4). The latter has a narrow acceptance based on experimental and counterfactual logic whereas the content definition has to do with the object/s of impact assessment. One of the best known content definitions envisages: “the criterion of impact refers to positive and negative, primary and secondary long-term effects produced by an intervention, directly or indirectly, intended or unintended” (OECD, 2008: 41). As stressed by Stern (2015: 5), this definition recognises that results can be positive and negative, focuses on long term effects, acknowledges that effects are produced by the intervention, and aims to examine any effect (direct and indirect, intended and unintended). Nonetheless, as I have already argued as regards the complexities of evaluation in CSDP civilian missions, practitioners and researchers have gradually recognised that evaluating the impact of peace-building programmes within the traditional cause-effects paradigm presents a major challenge. “Impacts are often visible only long term after a programme is completed and are difficult to attribute to a particular programme because they occur far along the results-chain and thus are difficult to separate from other influences” (Woodrow and Chigas,

2011: 205). In wider terms, impact tries to look at the notion of “peace writ large”, and not only at whether a programme has achieved its stated goals, but whether those achievements have made a meaningful contribution to the transformation of the broader conflict and its root causes.

Fast and Neufeldt (2005) presented the variety of approaches in evaluating peace-building impact which have evolved over time. In this sense, there are many agencies and donors that have elaborated theories and processes for example: theories of change, “Local Capacities for Peace Project” (LCPP), Peace and Conflict Impact Assessment, conflict sensitivity. In particular, they noticed a shift from studies more inclined to focus on gaps and challenges, to those aiming at a “learning approach” and improving current practice through reflections on weaknesses and strengths (Fast and Neufeldt, 2005: 26). A more complete overview of approaches and methodologies in peace-building impact evaluation is offered by Vincenza Scherrer (2012). Among the major approaches we can find:

1. Those prone to attribute impact to a given intervention (attribution). This is the case of a scientific-experimental approach through counterfactual analysis;
2. Those which try to demonstrate the contribution of an intervention to certain outcomes or impacts, at the same time recognising that other factors or actors may contribute to them (Scherrer, 2012: 14). The main approaches are theory based, and focus on identifying changes to a project, or participatory seeking to involve direct beneficiaries in the process of evaluation.

At the same time, there are also other approaches, that are non-causal, e.g.: action evaluations based on an ever-growing interaction between the evaluator, project team and key stakeholders; goal-free evaluations aim to examine the actual impact compared to the intended one; results-based evaluations try to understand to what extent objectives have been attained; or utilisation-focused evaluations aiming to understand the utility and use of evaluations.

As regards methodologies, the first distinction to make is between quantitative and qualitative methods. Increasingly, consensus has risen in favour of the use of qualitative methodologies rather than the exclusive use of quantitative ones (Fast and Neufeldt, 2005). In addition, a qualitative approach has a better grasp of the nature of conflict and post-conflict activities in complex political, social and cultural realities. Scherrer (2012: 18) outlined quantitative methodologies such as impact evaluation and some theory based evaluations, and qualitative ones i.e. contribution analysis, outcomes mapping, most significant change.

This overview shows the panoply of impact assessment methodologies, but despite these advances in the conceptualisation and determination of impact, there is a lack of agreement on how to interpret and assess it.

However, another way of categorising impact is to examine the degree and type of impact attributable to a particular programme. Therefore, as stressed by Fast and Neufeldt (2005: 27), impact can be understood in different manners ranging from the level of impact (micro/macro), to the location of change (internal/external). The micro level analysis should be a baseline to assess changes in the society or community affected by the project or mission, in a small-scale dimension and in individual and personal experiences. On the other hand, the macro level aims to evaluate structural and procedural changes. Examples of macro level impact areas are those of institutional capacity, political structures and processes, military and human security, economic structures and processes, societal reconstruction and empowerment (Bush, 1998: 25). Macro level can be also understood as “how well peace operations promote world values”, principally human rights protection (Diehl and Druckman, 2015: 95). As for internal/external differentiation, on the one hand internal analysis relates to the project, programme or mission under examination. On the other hand, external analysis refers to societal realities or what can be identified as the beneficiaries. These categorisations facilitate a sort of concept deconstruction which, in turn, contributes to a deeper and differentiated study of impact.

Concentrating on the internal/external dualism of impact, it is useful to go back to Ginsberg and Penksa’s contribution as regards the politics of impact with reference to CSDP missions. As mentioned above, by recognising the complex task of evaluating the impact of a foreign policy actor, the authors based their approach on this distinction. Consequently, they defined as internal the impact of CSDP missions on the Union itself and its foreign and security policy-decision making system. They selected four indicators which influence this dimension of impact: the mission catalyst, mission mandate, mission launch and mission evaluation. On the other hand, for the external aspect they assessed the impact on others, both on host states and societies and on other international security providers. Five types of external impact were pinpointed: functional, political, societal, unintended and temporal. Furthermore, impact on international organisations, or non-Member States was labelled as strategic. The added value of partitioning the definition of impact into different dimensions and levels of analysis permits observation from different perspectives, and a richer and more complete understanding of the effects CSDP missions (Ginsberg and Penksa, 2012: 55).

Starting from a deconstruction of the meaning of impact, this thesis approaches its analysis on a macro level, that is focusing on the effects and changes which have occurred at structural and procedural levels in both the mission and host country, applying, however, a distinction between the concepts of effectiveness and sustainability. Subsequently I will describe each concept, as well as other conceptual and methodological choices. However, the differentiation between these two measures allows us:

1. To consider both short and long-term perspectives. As detailed below, the notion of effectiveness principally refers to the accomplishment of the mandate, so a short-term angle. Conversely, sustainability provides a longer term perspective;
2. To link internal and external impact dimensions. Even if the literature presents different positions among scholars regarding the influence of operational factors (Diehl, 2008: 133), many elements of what Ginsberg and Penksa have defined as internal impact such as, mission mandate, planning and deployment, play a significant role in contributing to the overall mission impact;
3. To consider the points of view of both the mission and host country;
4. To understand CSDP civilian missions in a more articulated and complete way, and this could offer a valuable insight for organisational and institutional learning, in order to move from a process of “learning *by* doing” to “learning *for* doing” .

Finally, the deconstruction of the meaning of impact enables us to consider the peculiarities of the contexts of CSDP missions and those of CSDP organisational and procedural frameworks, which are different from other international organisations due to the very nature of the EU. To conclude, I will structure the analysis of impact for each case study inspired by Diehl’s categories of conditions influencing the success of peace operations (2008: 132). Obviously, I will adapt them to the framework/context of CSDP civilian missions. Diehl identified three categories, namely operational, contextual and behavioural that may condition the impact of missions. Operational elements are those associated with the way missions have been planned and organised (mandate, training, equipment etc.) and I will consider these within the criterion of effectiveness. Contextual elements are those factors related to the state of play and features of the conflict (conflict causes, relations between ethnic groups, characteristics of the domestic environment, the political situation and so on). At the beginning of the case studies, I will briefly illustrate the historical and political context of the country where the mission was deployed, in order to provide an overview of domestic dynamics. As I will consider later, knowledge and awareness of the country’s context is essential to achieve stable effects:

“peace operations are not deployed in a vacuum. Rather, they must deal with the circumstances of the conflict, some of which might inhibit success” (Diehl, 2008: 136). Behavioural aspects refer to the reactions and conduct of key actors engaged in the field, such as primary disputants, local parties, third states or organisations. I will not address this issue directly and in detail, but three points will be underlined and analysed within the thesis: 1) as regards effectiveness, the overcrowded presence in the field of deployment, and so the need for coordination among different EU and non-EU actors for a comprehensive approach; 2) as regards the study of sustainability, the relationship between CSDP mission staff and their local counterparts, as well as the theme of local ownership and 3) the influence of the political will of a mission’s key players to achieve the mandate goals, which emerged from my field interviews as *a sine qua non* requisite.

2.3 Effectiveness

2.3.1 Defining effectiveness

In the previous paragraph, I have illustrated the definition of the notion of impact for the purpose of this thesis. Moving away from a dichotomous comprehension of the effects of missions in terms of success and failure, I have introduced the definition of impact as a composite of effectiveness and sustainability. Nevertheless, each of these concepts requires to be investigated and defined. The first element identified is effectiveness. Like other notions, effectiveness can be understood in different ways.

In public policy analysis, effectiveness is understood as part of the default option for policy evaluation. Fundamentally, effectiveness is known as goal-attainment (Vedung, 2013: 388), that is, if the results and outputs intended by the framers of the programme were produced or not (Peters, 2015: 128). McConnell (2010) analysed three dimensions of policy success, namely process success, political success and programme success. The last dimension implies achieving objectives and producing desired outcomes, that concern the goals achieved and the broader impact obtained, respectively.

However, turning our attention specifically to the context of peace operations, the OECD guidance defines effectiveness as a criterion “to evaluate whether an intervention has reached its intended objectives” (OECD, 2008: 40). The key to evaluating effectiveness is finding out

to what degree the envisaged objectives have been fulfilled and accomplished. In the literature, the mandate is considered the starting point for investigating the performance of operations. For example, Howard used two simple but comprehensive ways to measure success: mandate implementation for the various tasks assigned to the mission and a broader assessment of the state of the country where the mission was deployed (Howard, 2007: 7). Likewise, the fulfilment of the mandate is one of the indicators used by Garb (2014) to evaluate the success or failure of different kinds of missions deployed by many international organisations. Furthermore, Debiel, Held and Schneckener (2016: 9) highlighted that three different benchmarks are used to measure the effectiveness of peace-building operations: a minimum standard, that is the absence of violence (measuring negative peace), a medium standard, or better the implementation of specific objectives based on the mandate (measuring goal attainment), finally a high standard, that is the achievement of sustainable peace (measuring positive peace). These different standards call for a more comprehensive and inclusive vision of effectiveness in peace operations. In this sense, Ruffa highlighted two approaches in the analysis of effectiveness: 1) to check if the mission fulfilled the mandate 2) the durability of peace. The first one tends to focus on the accomplishment of goals, while the second one considers a wider, longer-term vision, not confined to the fulfilment of the operation's tasks. The term "durable peace" is also employed in Van der Lijn's evaluation of UN peacekeeping operations (2010). This is considered the main criterion for assessing their success.

For the purpose of this research, when I say 'effectiveness of CSDP civilian missions', I mean the degree of goal attainment contained in the mandate. Thomas (2012: 460) examined the coherence and effectiveness of European foreign policy and he defines effectiveness as the EU's "ability to shape world affairs in accordance with the objectives it adopts on particular issues". These objectives vary and can include the achievement of certain material and environmental gains, the promotion of respect for certain values, the shaping of international institutions or helping other states in specific fields of intervention (economic sustainment, political reform, administrative support, monitoring and so on). On the subject of how to operationalise the concept of effectiveness, he affirmed that this depends on the issue and forum in question.

Thus, the decision to begin with the investigation of the mandate objectives reflects the need to have a baseline for the analysis of CSDP missions, as a particular tool of EU foreign policy. As a matter of fact, the mandate is the document which contains the basic conditions, goals

and arrangements of missions, along with other types of documents such as CONOPS and OPLAN. Consequently, these official papers prepare the deployment and the organisation of a mission for its entire lifetime. “Crisis management operations function with a legal mandate in order to intervene in the security affairs of another country. The mission mandate delineates the primary purposes of the crisis management operations. In other words, the mission mandate addresses the “who, what, when, and where” of CSDP security assistance” (Ginsberg and Penksa, 2012: 70).

Druckman and Stern (1999: 79) referred to the mandate as a good starting point for understanding mission effectiveness. At the same time, they suggested looking at a series of factors and components connected with mandate such as a reliable interpretation of security, assessment of the mission’s legitimacy and appropriateness. In the same vein, on the topic of EU missions, Asseburg et al. (2009: 149) observed that there are several elements affecting the contribution of CSDP engagements in addition to formulation of the mandate such as circumstances on the ground, resources provided by Member States, or the integration and coordination of CSDP activities in a more comprehensive conflict approach. For the same reason, Ruffa (2010) founded her study on the effectiveness of peace operations looking at the peculiarities of each mission mandate and context, and then using four indicators used by Brooks and Stanley (2007): integration, responsiveness, high skills and quality. Integration means the degree of relationship between strategic, tactical, operational and humanitarian activities. Responsiveness is the ability to adapt to the security situation on the ground and their counterparts’ capabilities or external constraints (Brooks and Stanley, 2007: 11). High skills are logistic and humanitarian capacities to carry out operational tasks, whereas quality refers to the level of equipment, structures, tools. Moreover, Ruffa added another indicator, namely interoperability, that is multinational coordination for joint operations.

Actually, effectiveness is determined not only by the formulation and the implementation of the mandate, as other operational factors can influence the achievement of goals. So, bringing together these considerations and building more specifically on CSDP missions literature and context, I have identified other components for the study of effectiveness. Due to the functional and organisational nature of these factors, I will connote effectiveness as operational effectiveness.

2.3.2 Indicators for the analysis of effectiveness

In the previous paragraph, I presented the meaning of effectiveness conceptualised for the aim of this thesis. Effectiveness is to be understood as the degree of goal attainment within the mandate. Consequently, the mandate has been identified as the starting point of inquiry. Nonetheless, using the mandate objectives as the sole benchmark is not enough, because there are other important determinants which affect the goal achievement of CSDP missions. This means that investigating effectiveness makes it necessary to look at both mandate design and at its implementation and management. For this reason, I have pinpointed and included the following indicators in the analysis of effectiveness:

1. Appropriateness of resources in terms of logistic, personnel, budget capabilities;
2. Coordination with other EU and non-EU actors in the field;
3. Adequacy of the exit strategy.

In the following paragraphs, I will proceed with an explanation of the meaning and implications of each indicator.

As regards the capabilities and resources available for the planning, launch and implementation phases of civilian missions, the appropriateness of personnel, financing and equipment is fundamental. The deployment of operations requires staff with appropriate expertise and adequate financing and logistic capacities. The literature (Ginsberg and Penksa, 2012; Ioannides et al., 2007; Grevi et al., 2009; Merlingen, 2012) stressed that from the beginning of the CSDP, there have been deficiencies in the deployment process. Especially in the first missions launched, the main shortcomings consisted in deficits in planning capacities, slow procurement procedures, difficulties in staff recruitment procedures, insufficient personnel and lack of expertise, high turn-over, inflexible financing mechanisms (Ginsberg and Penksa, 2012: 75). Although there have been steps forward with the innovations brought by the Lisbon Treaty, some weaknesses still persist in the nuts and bolts of CSDP missions.

To be more precise, the assumption is not that the effectiveness of CSDP missions depends exclusively on these technical aspects. There are many contributing variables that affect or constrain goal achievement on the ground. Nonetheless, these operational factors have been influential in the ability of the EU to plan and conduct its missions successfully (Ginsberg and Penksa, 2012: 76). It should be said that appropriate resources are the premise to “get off to a good start”.

The recruitment and sending of personnel on CSDP civilian missions has been principally at Member States level depending on their availability. For this reason, the majority of the personnel deployed in the missions has been seconded by MS. Over time, Member States took on more responsibility in terms of staff to send to the field, even if the number of staff contracted directly by EU institutions has increased in recent years (Pirozzi, 2016: 26). However, there are still outstanding issues regarding the recruitment of skilled staff and a common standard model of training for field engagement: “among the most challenging (...) for civilian CSDP missions have been cumbersome funding procedures and difficulties in recruiting and retaining qualified personnel” (Merlingen, 2012: 178). Especially for comprehensive rule of law commitments, it has been very arduous to find specialised experts for the full range of tasks, namely, police, judges, prosecutors, and so on. In general, Member States have not seconded their most talented personnel, preferring to leave those officials for domestic service, and especially at the beginning, MS did not offer incentives for service in CSDP missions (Ginsberg and Penksa, 2012: 89). As for the training of civilian staff, there are no highly organised or coordinated activities. There is a wide panoply of training provided by Member States, the European Security and Defence College, the European Commission, or NGOs etc. Nonetheless, the levels of trained people differ from one Member State to another (Pirozzi, 2016: 26-27). Ginsberg and Penksa recognised the vital role of civilian staff in CSDP missions, “specialised training is integral part to the success” of these operations (2012: 90). In addition, another hurdle is the high level of turn-over in the field. This does not allow for a “*deeper comprehension of host country dynamics and interaction with local authorities*”.³⁵

The financing mechanism for civilian missions is managed by the European Commission through the CFSP budget (Merlingen, 2012: 124) and also through possible additional contributions by Member States. As stated in the Treaty of the European Union the operating expenditure incurred in implementing CFSP and CSDP decisions is charged to the budget of the European Union “except for such expenditure arising from operations having military or defence implications” (art. 28.3 TUE). Whereas in CSDP military operations, financed by the Athena mechanism and according to the principle “costs lie where they fall”, the Commission has a low profile, in civilian missions it “plays an active role as the manager of EU budget” (Merlingen, 2012: 52). The politics of financing is unquestionably visible and important for the performance of CSDP missions. Two specific points have to be stressed: the juxtaposition of other financial instruments and the timing and procedures to access resources. It is

³⁵ Interview with Eulex official, Pristina, March 2017.

important to place the CFSP budget in the broader context of monetary resources allocated for EU external action (Grevi et al., 2009: 90). The third section of the budget is dedicated to external relations (Title 19) and within it a chapter deals with the CFSP. Moreover, one of the sections of the CFSP is dedicated to civilian crisis management³⁶. For this reason, CFSP expenditure has to be considered in the panoply of EU tools for external and security policy at large. In the conceptualisation of EU civilian crisis management in this thesis, I have already stressed the coexistence of many initiatives in crisis theatres lead by different EU family actors. For its part, the Commission has developed and managed a set of thematic and geographical instruments for different tasks from conflict prevention to post-conflict peace-building, for example the Instrument for Pre-accession assistance (IPA), European Neighbourhood and Partnership (ENPI), Instrument for Stability (IFS). At the same time, this would call for a deeper and wider reflection on the coordination of all the different activities in the field for ensuring the coherence and continuity of EU actions.

As for procedural decision-making regarding the size of the CFSP budget, agreement is reached through a delicate dialogue between the Commission, the Council of the EU and the European Parliament. Once the CFSP budget has been approved by the Council and the European Parliament, the task of controlling its implementation is assigned to the Commission (Grevi et al., 2009: 94). As Terpan (2015: 225) pointed out: “it is worth noting that the budgetization of civilian CSDP missions gives the Commission and the Parliament many opportunities to exert influence over the CFSP”. The principal shortcomings in the issue of CSDP missions funding highlighted in the literature have to do with: the question of coherence and consistency in the overall external action due to different ways of financing civilian and military operations; the lack of resources and, finally, the timing of procedures and allocation of resources. Delays in funding actions, especially pre-deployment, have been recurrent. “Ineffectual financing mechanisms and insufficient funding for both military and civilian operations have constrained the functioning of missions” (Ginsberg and Penksa, 2012: 80). In particular, due to their nature, crisis management missions require effective, prompt, and flexible funding. Thus, some changes have been put in place such as: the Rapid Reaction Mechanism to allow a rapid allocation of funds in the event of a crisis scenario or the

³⁶ The other sections/tasks of CFSP are: non-proliferation and disarmament, conflict resolution and other stabilization measures, emergency measures, preparatory and follow-up measures and EU special representatives.

Instrument for Stability³⁷ (IfS), a strategic tool “to improve the Commission’s crisis response capacity and to foster the cooperation between first and second pillar instruments” (Grevi et al., 2009: 97). The IfS would provide assistance in crisis situations and emerging crises and assistance in the context of stable conditions for cooperation.

Along with personnel and budgetary means, coordination in the field, especially with other EU family programmes, but also with other donor initiatives, proves to be an asset for effective results. “*The coordination is fundamental and has an impact on the effectiveness of the mission*”³⁸. Generally, the Balkans, and specifically, two of the case studies presented in this thesis, namely Bosnia-Herzegovina and Kosovo are clear examples of what Isabelle Ioannides (2007) has defined “an over-crowded scene”. The risks in overcrowded scenarios are, for example: the duplication of mission objectives and fields of intervention, operational overlapping, confusion in interactions with local counterparts. With reference to this last point, one of the aspects which emerged from field interviews, was the agreement that all the actors engaged in the theatre should work together, and interact coherently with locals. “*Bosnians told me: why do you not agree with each other before telling us what to do?*”³⁹. Schroeder (2007 b: 198) identified four ideal-types of organisational interaction among international actors in the same field:

1. Cooperation (joint strategies and programmes);
2. Coordination, positive (problem-solving)/negative (non-intrusion);
3. Non-interaction (parallel programmes and high potential for occupational overlap);
4. Competition (overlap of competencies, antagonism).

The main actors with which the EU usually interacts in the field are: the United Nations, NATO, OSCE, the African Union and so on, it also depends on the geographical context (Fraser, 2005).

Furthermore, the issue of coordination also depends on organisational planning and attitude on the part of the Head of mission or mission senior managers. “Clearly, individuals shape outcomes as much as mandates and decision-making structures” (Penksa, 2006: 13). In other words, a lot depends on personalities and their ways of interpreting their role, as well as their capacity to carry out their work and consequently, their interaction with others.

³⁷ The Instrument for Stability was established in 2006, in the EC Regulation 1717 of the European Parliament and of the Council establishing an Instrument for Stability. It is managed by the Directorate A in DG RELEX, which is in charge of crisis platform and policy coordination in CFSP.

³⁸ Interview with former EUPM official, Rome, July 2017.

³⁹ Interview with former EUPM official, Rome, July 2017.

Another indicator which contributes to effective results is an adequate exit strategy, in place since the first phases of the mission, “*each mission should have a clear end state*”⁴⁰. Together with a longer period vision in the mission design process, a clear-cut end state would ensure a more effective mission implementation: “*the exit strategy should not be invented or improvised when the mission is going to withdraw*”⁴¹. Conversely, in a broader vision, the exit strategy should be part of mission planning and the EU should have in mind an exit strategy, idea or model for each mission, “in many ways, getting the entry of a mission right means getting also its exit right or at least determines the impact and success of its performance *vis à vis* an envisioned end state for it” (Gross, 2014: 2). Lintern (2015: 70) stated that it is more appropriate to talk about transition strategy and he pinpointed some options for transition from CSDP missions:

1. No possible or required transition;
2. Transition to host country, which is the most suitable option where possible;
3. Transition to a third party such as other regional or international organisations;
4. Transition to Member States’ bilateral activities or to another EU instruments.

Clearly, the exit/transition strategy has to be adjusted or readdressed in the case of changes in the operational environment; however, it should be included in the overall mission strategy. The issue of the end state of CSDP missions calls attention once again to the planning phase of operations, and at the same time, to the paradigm of a “comprehensive approach”. In other words, the way CSDP missions fit into the broader EU toolbox, but more specifically, the way mission activities can be taken over by other instruments-by the EU itself or other organisations-upon termination (Gross, 2014: 1-2). In this sense, the recent Global Strategy has tried to provide a more concrete vision, introducing the concept of an “integrated approach to conflicts and crises”, illustrated in the previous chapter of this thesis. The idea of an integrated approach is to operationalise a more ambitious and longer-term approach, aimed at creating synergies, contributing to shared understanding and strategic vision, and facilitating inter-agency activities, in view of a greater impact (Tardy, 2017: 3).

⁴⁰ Interview with EUMM official, Tbilisi, May 2017.

⁴¹ Interview with Eulex official, Pristina, April 2017.

2.4 Sustainability

2.4.1 Defining sustainability

The previous paragraph described the first criterion used to analyse impact effectiveness and the principal indicators that influence the degree of goal achievement. In this paragraph, I will present the other criterion, namely sustainability.

The concept of sustainability is understudied in the literature of CSDP missions. However, in other fields of study, for example economics, ecology, biology and so on, it is a basic concept. Therefore, this term is multidisciplinary and can be conceived, as well as used, in multiple ways (Portney, 2015). Different types of sustainability can be distinguished: social (in terms of promoting equality, human rights...), economic (in terms of sustaining people's welfare, an equitable division of resources) and environmental (in terms of sustaining nature or natural resources for humans and for non-human species) (Kopnina and Shoreman-Ouimet, 2015: 3). Literally, the word sustainability derives from the Latin, "*sub*", namely "under", and "*tenere*", which means "to hold". Thus, it stands for "to hold from below", and so, its literal meaning suggests the idea of supporting, sustaining, maintaining, enduring or caring for.

Nonetheless, what does sustainability mean in the context of EU civilian peace missions? What are the conditions for sustainable results in crisis management?

Impact, both on the ground and at strategic level, is a key challenge faced by civilian CSDP missions: "whilst pursuing political-strategic objectives in the framework of the EU's CSDP, civilian missions aim to foster **sustainable** (*emphasis added*) changes in countries and regions affected by conflict" (Fearon and Picavet, 2017: 96). Referring to Ian Manners' definition of normative power Europe, one of the principle building EU normative standards is sustainable peace (Lucarelli and Manners, 2006: 33). In this sense, two interpretations should be highlighted, one theoretical and one practical. The theoretical one belongs to the constitutive essence of the EU's nature since its foundation in the 50s. The EU promotes sustainable peace as its essential value. The practical interpretation deals with the policies that the EU implements through different instruments to contribute to sustainable peace, for example its civil and military operational capacities. For the purpose of this thesis, I am interested in the operational dimension of sustainability, that is the way EU civilian missions can contribute to and ensure sustainable results and which factors can influence sustainability.

Facing the challenge of sustainability is considered very complex among researchers and

policy experts. At the same time, it is an important objective to achieve. In Samuels' view (2005: 732), to be sustainable, post-conflict peace-building has to contribute to three transformations: (1) of society, from one based on violence to one based on political means; (2) of the governance framework to guarantee agreement between parties and democracy, and (3) of institutions that will be sustainable after the mission leaves. A narrower definition of sustainability is offered by the OECD (2008: 42): "the continuation of benefits from a development intervention after major assistance has been completed". In this perspective, sustainability considers a longer-term view, it "refers to the need for peace-building approaches that are capable of reconciling the multiple, simultaneous and sometimes contradictory demands of peace-building, peace-making and peace enforcement, and that are oriented toward the longer-term requirement for durable peace rather than just short-term stabilisation" (Gheciu and Paris, 2011: 76).

According to Sofie Rafrafi (2015: 231), who analysed sustainability in CSDP, in particular in the case study of Eucap Sahel Niger mission, this notion is not unfamiliar to the European Union, because it is often contained within mandate objectives and it is described as the condition for successful mandate implementation. After the closing of a mission, the underlying question should be: what changes did the mission really generate and how solid are they? So, which of them constitute tangible and lasting results? Starting from the meaning of the word, Rafrafi depicted sustainability as the capacity to maintain some entity, outcome or process over time. In other words, sustainability should be defined as the extent to which results continue after the mission's exit.

Similar to the criterion of effectiveness, sustainability is not just an end *per se* of peace missions, but also an approach. For this reason, sustainability should be integrated in the overall planning and implementation of the mission, through the development of guidelines and action plans to use as operational tools and adjusted to local realities. More precisely, a mission's sustainability strategy should be interlinked with other mission activities and phases such as evaluation, within the entire cycle of the mission. The example of Eucap Sahel Niger, reported by Rafrafi, clearly highlights this point. Eucap Sahel Niger has a proper "sustainability policies unit" in the operations department, that has developed its own sustainability strategy based on the mission's objectives and exit strategy. Sustainability is so set as a "precondition for the CSDP mission to exit theatre and transition to other instruments" (Rafrafi, 2015: 232).

In order to clarify the definition adopted for the study of sustainability in this research, I

decided to refer to it as “the extent of durable and lasting changes after or in view of a mission’s exit or transition”. As in the case of effectiveness, I have specified two indicators to analyse sustainability: the involvement of local counterparts in the reform process, so-called local ownership, and the durability of reforms, to be understood as the capacities and competences acquired by locals, and consequently the progress achieved up to this time, according to the specific scope of the mission. In the next paragraph, I will illustrate these two indicators in greater detail.

The issue of sustainability gains particular value in the light of the new Global Strategy. This is especially true for two EUGS priorities of the EU external action: an integrated approach to conflict and crises and the resilience of states to the East and South of the EU. Within the integrated approach to conflicts, sustainability would help in the pursuit of a multi-phased approach acting at all stages of the conflict cycle, particularly in the stabilisation phase, avoiding premature disengagement from the theatre and ensuring a more effective shift to other EU instruments and actors. Moreover, sustainable changes would encourage investments to strengthen the stabilisation and resilience of neighbour states and societies, by providing expertise, shaping and reinforcing their capacities and abilities within the tasks of CSDP missions. Resilience is understood as “the ability of states and society to reform, thus withstanding and recovering from internal and external crises” (EUGS, 2016: 23). The Joint Communication 21/2017 of the European Commission stresses the importance of a strategic approach to resilience in the EU’s external action. The EC document highlights that the EUGS has taken resilience further as a broader concept, which features democracy, trust in institutions and sustainable development, and the capacity to reform. Resilience has to be interpreted in political, economic, environmental, climatic etc. terms and at state, societal and community levels. Because of its manifold and multilevel meaning, resilience should be addressed with an overall approach to EU external action. In the EU’s toolbox, the civilian CSDP missions help to “promote stability and build resilience in fragile environments through strengthening rule of law institutions and key leaders” (Fearon and Picavet, 2017: 89). Systematically promoting the resilience of partner countries also means promoting the security, stability and democracy of states and society. A resilient state is a secure state, and security is the key to prosperity and democracy.

In this regard, paying attention to the sustainability dimension in CSDP civilian missions would give CSDP interventions more credibility and would assure a deeper impact of EU external action. At the same time, it would strengthen EU work on peace-building in general,

and more specifically, on framing or increasing the resilience of weak neighbour states.

2.4.2 Indicators for the analysis of sustainability

After defining the concept of sustainability as a criterion to assess the impact of CSDP civilian missions, I will proceed with the description of each indicator of sustainability, namely local ownership and durability of reforms.

Since the first CSDP deployments, the notion of “local ownership” has been at the core of the EU’s approach to crisis management and state building. Local ownership should be considered a key feature of the CSDP approach towards host states. Generally, the language of ownership belonged to other EU external policy discourses, including policy fields such as development, enlargement, conflict prevention (Ejdus, 2017: 5). At the same time, the principle of ownership reflects the EU image in the world as a responsible conflict manager. In particular, according to the recent Global Strategy the role of the EU in addressing the root causes of conflict or facilitating states and societies’ resilience requires a bottom-up approach, aware of local dynamics (Ejdus and Juncos, 2017: 2). However, local ownership arrived in the EU from the wider community of international peace-building.

In the context of peace operations, the notion of “ownership” has become increasingly important, after highlighting the limits and dilemmas of external interventions aimed at implementing social, economic or political reforms from the outside in or top down approach. Narten (2009: 252) stated that the common denominator of external state-building interventions, managed by whatever institutions or organisations, is that they all aim at building functioning and self-sustaining state structures, which then would allow outsiders to complete the mission and to withdraw from the field. Moreover, an opinion has gradually evolved, that “for change to be sustainable, it has to be owned by those who have to live with it” (Donais, 2015: 227). In other words, policy makers and academic communities agreed on the need for a bottom-up or endogenous-driven peace process to increase effective outcomes. This turned out to be important when peace operations evolved into post-conflict ones, e.g. democratization, institutions-building, security sector reforms and so on (Von Billerbeck, 2017: 35). Also, Hameiri, Hughes and Scarpello (2017: 1) highlighted:

“from 2000s, (...) peace building has increasingly been delivered through state building, which denotes a broad range of programs and projects designed to build or strengthen the capacity of institutions, organisations and agencies to effectively perform the functions with modern statehood”.

In peace and state building interventions, local ownership is the principle based on the premise that international engagements “can lead to sustainable results only if there is a sufficient degree of local input, participation and control” (Ejdus, 2017: 3). In fact, local ownership generally refers to the capacities of political, social and community actors in a particular country to set, and take responsibility for, the peace-building agenda and to sustain support for it (Pouligny, 2009: 174). In other words ownership refers to the extent to which domestic actors and institutions control the design and implementation of political change processes (Donais, 2015: 227). Behind local ownership, there should be the idea of “peace from below” (Leonardsson and Rudd, 2015: 826) and of a “participatory approach” in peace missions, in which locals are actively engaged in reform processes and in taking responsibilities at first hand. In the new generation of peace operations, concepts such as local governance, local capacity and local ownership have become central in the now emerging peace building discourse (Leonardsson and Rudd, 2015: 827). Lederach (1997) argued that local people and their culture are the greatest resource for sustaining peace in the long-term. The logic of ownership represents

“the belief that because local actors are on the ground and know the political, social, economic, cultural and security terrain, they should have an input into the construction of their own polity” (Richmond, 2012: 356).

Looking at peace-building as a holistic process, the domestic dimension is considered important, as well as the external one. It should even be recognised as a principal component in peace-building efforts. Locals should not be viewed exclusively in a paternalistic way as recipients, but as resources in peace-building interventions. Similarly, this concept implies that democracy, rule of law and security institutions emanate from a local, social and political context in which citizens make up their own states (Richmond, 2012: 357).

At the same time, local ownership is an essentially contested concept in the academic literature, as regards its meaning and application in peace and state building practice (Donais, 2015: 228). Moreover, it has also been deemed an ambiguous and elusive principle, particularly in the peacekeeping field (Von Billerbeck, 2017: 37). Different theoretical perspectives of peace-building have distinctively characterised the notion of ownership, also by affirming its vague and complex interpretation. In conventional liberal peace-building⁴²,

⁴² Liberal peace-building is the most common approach towards conflict and post-conflict management and reconstruction. It is based on Western experiences and principles of liberal political development and an economic growth model.

which has associated the peace-building model to pluralism and democratic reforms as well as to the creation of a liberal market economy, local ownership happens when “local actors take ownership over externally generated norms, processes and institutions” (Donais, 2015: 228). In the communitarian peace-building perspective, local ownership plays an essential role, that is, local actors rather than external ones should design, manage and implement peace-building processes. In this way, the role of outsiders is to facilitate, rather than to plan or to impose top down. The communitarian approach stresses the importance of tradition and social context in determining the legitimacy and appropriateness of particular visions of political order, justice or ethics (Donais, 2009: 6). This is why an indigenous contribution is fundamental. More radically in critical peace-building discourse, emphasis is placed on the claim that peace-building “has become self-referential and that it has long lost its connections to the real world and the needs of the people” (Paffenholz, 2013: 350). According to the critical approach, the focus should shift to ordinary people, oppressed voices, local civil society. Critics of liberal peace-building have expressed concern about the values and assumptions that underpin it, as well as its performance in practice, often interpreted as “their ownership” of “our ideas” (Suhrke, 2007: 1292) and “exporting” or “imposing” its principles in different contexts.

The role and involvement of locals is not only a matter of principle, but also of legitimacy. The legitimacy of international peace-building has been undermined “by the perception of a lack of ownership and local consultation, by its elements of coercion and by the apparent lack of accountability that has accompanied some forms of peace-building” (Newman et al., 2009: 13).

The polysemic nature of local ownership can be identified in the single features that compose its meaning. Pouligny (2014: 175) has underlined how local ownership covers a host of different meanings, and academic debate has turned its attention to its practical implementation and on its real, even if often, rhetorical importance (Leonardsson and Rudd, 2015: 825). First of all, the term “local” has to be clarified. Generally, it is used to distinguish the sphere of the country in which intervention occurs from the outside world. The dichotomy insiders/outside has also been identified. The former are those who have suffered the conflict, whereas outsiders are those who decide to become involved in the conflict. However, these distinctions are very broad and need to be delimited further. Pouligny (2006) has identified various groups belonging to the local populations: political, military and economic actors, indigenous civil society, local employees involved in missions. Moreover, the

dimension of involvement should be investigated, namely how, when and for what purpose, locals are involved. In addition, the aspect of participation needs to be analysed. The understanding of participation as “participative management” has not been considered best suited, because as stressed by Pouligny (2014: 176), “the participation of local civil societies, and even more of communities, in elaborating development strategies is often more ceremonial-if not ornamental-than real”. In this way, locals are perceived more as “beneficiaries”, than resources.

In spite of its real implementation, local engagement has also been considered by reason of its contribution to local “capacity-building”. Capacity development would be a key to ensuring a gradual transition from assistance to self-management, and to obtaining the withdrawal of the external presence. Here local ownership means not only local commitment, but a form of “local empowerment”:

“Fully embedded, the notion supposes that beneficiaries are given some power, which means a certain leverage capacity in the local socio-political arena, as well as representative mechanisms at the community level to influence and even have some control on the application of the different components of the peace-building agenda” (Pouligny, 2014: 177).

This interpretation stemmed from the progressive integration in peace-building missions, of capacity building, promotion of governance, or public administration and economic reform among their tasks, increasingly paving the way for the “locals” to own and build sustainable peace. In this way, the position of local actors increasingly stimulated debate among scholars, about the so called “local turn” of peace-building. The role of locals should be significant and should not be underestimated. In this regard, the notion of “hybridity” proves to be of particular interest. “Hybridity” has been applied to investigation within many academic disciplines e.g. sociology, anthropology and so on, but also to colonial and post-colonial studies. Basically, the concept has to do with the idea of the relationship and interaction between the single entities that compose social phenomena. Applied to the peace-building context, it means that actors in peace support are not separate, unrelated entities, but they mutually influence each other, producing what has been defined a “hybrid peace”. “Actors in peace support contexts are rarely able to act unilaterally. Their actions take the positions and actions of others into account. In so doing, the actors, as well as the nature of the peace, are subject to change” (Mac Ginty, 2011: 74). Both the principal agents of peace missions (international organisations, leading states etc.) and local agents represent “an amalgam of personnel, material, techniques, and justificatory ideas” (Mac Ginty, 2011: 75). In other

words, all the players are involved in a two-way process of hybridisation, that has an impact on all of them, projecting and having to consider both the international and local understandings, values, beliefs and so on. Therefore, hybridity is considered a process (Mac Ginty, 2011: 77-78), a dynamic, within a four-part model of interaction, namely between: the compliance power of international agents, networks and structures; the incentivising power of international agents, networks and structures; the resistance of local actors, networks and structures, and the alternatives provided by local agents, networks and structures. According to this perspective, local actors, intended in a broad sense: national governments, political parties, elites, NGOs, civil society, communities, individuals, are able to “mobilise power” and hybridise the peace process with their abilities, tools, beliefs.

Furthermore, it is worth looking at Richmond’s study (2014), where he reconsidered peace and state building interventions, in view of the “peace formation” process. Peace formation “indicates a potentially positive hybrid peace, driven partly by local, peaceful agencies” (Richmond, 2014: 24). Peace formation works for a “grassroots peace-building”, arising from the specific, networked, socio-political and historical context and managed by local agencies and externally supported, not imposed. It would mobilise indigenous actors who may operate in relation to their comprehension of local politics, institutions, identity, laws etc., whereas international donors should sustain this process. Once again, the role of outsiders should not be to impose their solutions, but to promote and to sustain locals in managing their conflict and reconstruction of state apparatus (Miall, 2007: 32). The objective of the peace formation idea would be to find and to foster a progressive interrelationship with statebuilding and peace-building, believing that “solving conflicts and making peace cannot only be carried out by focusing on the state or norms, but must also engage with local social practices and the injustices and inequalities maintained by the international system” (Richmond, 2014: 192).

To sum up, before proceeding with the analysis of local ownership in CSDP missions, these broader considerations allow us to underline three points. First, the complexity of conflict and post-conflict environments is particularly evident when we consider the issue of relations between local and international levels. Secondly, the involvement of “locals” and the relationship with them is essential to enhance sustainability and avoid the risk of dependence on external support (Mac Ginty, 2011: 3) The peace process has to be contextual if it is to be sustainable (Richmond, 2014: 181). In this way, the engagement of local counterparts can also increase the legitimacy and accountability of both locals and donors. Lastly, controversial concepts such as “local ownership” or “local participation” should be conceived and

implemented free from “neo-colonialist” symbolism and assumption. This has been one of the main criticisms levelled at international actors for their way of putting declared bottom-up approaches into practice. Intrinsically, the idea of “local ownership” would emphasise the external origin of peace-state building missions (Suhrke, 2007: 1292) and the vision of something externally imposed.

However, concentrating specifically on CSDP civilian missions, local ownership is considered a guiding principle of EU external action. At the moment, there are two EU guiding principles (Ginsberg and Penksa, 2012: 112): along with local ownership, sovereign consent to deploy CSDP missions is essential.

Despite the academic controversies expressed above regarding the nature of local ownership, and the liberal foundations of CSDP interventions:

“local ownership is a widely accepted principle associated with the successful impact of peace operations, especially for security and rule of law missions that require the reform of existing institutions and laws, or the creation of new government bodies and legislation” (Ginsberg; Penksa, 2012: 113).

First of all, the definition of who we mean by “locals” in CSDP missions has to be clarified. Generally, locals are equated with the partner government and host state institutions, in other words the political elite of the host country; but also, with the direct operational counterparts e.g. policemen, customs officials, prosecutors and so on at a lower level. To a wider extent, also civil society and civil populations can be included in the notion of local. However, even if they offer valuable insights, as I also stress later, they are not directly taken into consideration in the frame of local ownership in CSDP missions.

Furthermore, in the field of CSDP missions, it is worth underlining some distinguishing features, which help us to consider “ownership”, not only as a goal, but as a tool. Ejodus (2017: 3) identified three conceptual approaches which, generally, have crystallised the debate on ownership. The first is top-down and it conceives local ownership as an essential buy-in of domestic elites to an externally driven intervention. The second approach is bottom-up and it construes local ownership as a predominantly indigenous process, based on the assumption that peace-building, in order to be sustainable, has to be locally driven. The last one belongs to a sort of “middle ground” between the two previous approaches as it looks at ownership as a negotiation between the intervener and the receiving country. In other words, it is based on a local-international consensus and on a combination of donor and local resources. Concerning CSDP missions, the EU in its policy rhetoric has been inclined to a middle ground approach, so to a balance between external and internal and between top-down imposition and

bottom-up self-restraint. The aim is also to avoid being perceived by the host state as a colonialist power, more prone to impose a model than to support. On the other hand, in practice, the tendency has been for the EU to operationalise ownership from a top-down perspective, with a low degree of local participation (Ejdus, 2017: 2). Nonetheless, at least in EU policy discourses, participation by domestic authorities is considered important, especially for missions with monitoring, mentoring and advising (MMA) tasks, like those of the CSDP.⁴³ To this end, it is worth noting two aspects. First, the need to look at the implementation of local ownership, in order to fill the gap between theory and practice. For this reason, case studies are valuable tools. Secondly, the “*relational dimension*” of local ownership in CSDP missions should be emphasised. Namely, the fact that local ownership points to “relations between external and internal actors over the political, legal, social, developmental and security institutions being imported or locally built and grounded” (Richmond, 2012: 359). In the context of CSDP missions, in particular, local ownership proves to be a kind of “working relationship”, “mutual ownership” or “co-ownership”. From field interviews, what strongly emerges is the relevance of working shoulder to shoulder with local counterparts. “The process of cultivating local ownership depends on the timing, sequencing and type of reforms and the particular country in question” (Ginsberg and Penksa, 2012: 113), but at the same time local ownership means different things to different CSDP officials. The success of working relationships depends on the will, interpretation and clear direction provided by mission staff, especially senior leadership, as regards how to interact and work with domestic counterparts. Concurrently, there could also be language and cultural barriers or prejudices that impede working relationships on both sides. CSDP personnel may see little value in consulting local counterparts whom they perceive as involved in conflict and corruption or lacking expertise. Conversely, for their part locals can perceive the behaviour of mission officials who often do not know the local-set up or context as intrusive or arrogant. As stressed by Ejdus and Juncos (2017: 12) the EU’s approach has not always been context-sensitive.

“The approach should not be that one of professor. Nobody should behave in order to correct, to rate, and to give a telling-off. On the contrary, the approach should be of coexistence and to work together. It should be said: I would do in this way, What do you think? Is it appropriate?”⁴⁴

⁴³ Monitoring, mentoring and advising are three different key assignments in capacity building and strengthening, which refer to: observation of performance, work methods and so on (monitoring); fostering and supporting personal skills and professional acting (mentoring); and giving advice to develop capacities and accomplish tasks (advising). These functions represent the core of CSDP civilian crisis management.

⁴⁴ Interview with former EUPM official, Rome, July 2017.

However, even if the interpretation and implementation of ownership vary according to different actors and personalities, it is unquestionable that sustainable reforms require support by domestic political leaders, who must buy-in to the reform package (Ginsberg and Penksa, 2012: 113). A reform agenda just imposed from the outside without local agreement and support is bound to fail, because it never gains traction or it might be useless as soon as the external agents leave. In order to ensure transition of knowledge, skills and capacities, respect for full ownership on the part of the host country should be preserved. Once again, this should not mean that host country elites merely “accept and implement reform programs designed and executed by the EU” (Ginsberg and Penksa, 2012: 113). On the contrary, the involvement of the host state would also reduce the risk of a mismatch between the needs of the host governments and the interests of the intervening security provider. Referring to CSDP missions in particular, the inclusion of host input should be rather more substantial. As noted by Ginsberg and Penksa (2012: 114), host governments have the possibility to shape the direction of the CSDP mission before Member States accept the Council’s decision to proceed with the operation. Nonetheless, Zarembo (2017: 193) pointed out that it is not always possible for host governments to share the mandate of a CSDP mission and after Member States’ acceptance of the Council decision it is even more limited. One of the obstacles encountered by the CSDP in the involvement of locals indicated by Ejodus and Juncos (2017: 12) is exactly this: “there has been little if any local input into the very design of interventions. Under political pressure to deploy under very tight time constraints, the planning process is a rushed process that rarely includes the concerns of host governments or populations”. Instead, to persuade local authorities to commit to the reform project, the objectives need to be jointly agreed (Tamminen, 2017: 27) and the planning process should be more inclusive.⁴⁵

The high political connotation of the CSDP, both in the Brussels Headquarters and in the field, certainly influences the degree of involvement of the host counterpart in the definition of the mandate, in the deployment stage and in other mission phases. “*CSDP missions are technical tools, which operate in highly political environment*”⁴⁶, even “it is a myth that CSDP operations are purely technical. In fact, many of the CSDP mission mandates include political and societal objectives, not just functional objectives” (Ginsberg and Penksa, 2012: 115). For this reason, theatres, where CSDP missions are deployed, are of strategic and political interest

⁴⁵ Interview with CPCC official, Brussels, June 2017.

⁴⁶ Interview with CPCC official, Brussels, June 2017.

to the EU, and so “to have significant operational effects, they must be an embedded part of a broader EU and Member States foreign policy” (Ginsberg and Penksa, 2012: 115). The political essence is embodied in the role played by Member States in the overall mission process and in the search for a common political vision and direction of CSDP output. A clear political direction among Member States and EU personnel is an asset to help achieve the objectives of CSDP operations at strategic and operational levels. Consequently, emphasis should be focused on mission programmes and benchmarks and on wider policy and strategy to avoid jeopardising the long-term sustainability of reforms.

At the same time, political implications also concern the context of the host country, where missions function. Ideally, CSDP missions should enhance peace and security in the host state, and without local buy-in and understanding, as well as consensus, as to why reforms are necessary, the intended results may not be achieved. This is why the political will of the host is important and the host state’s consent to the CSDP should not be taken for granted. If the host state does not find the mission effective, local ownership can become contested and self-defeating for the mission itself. For this reason, Zarembo (2017: 194) underlined the importance of identifying the host state’s needs and expectations: “in the first place, meeting the expectations of the beneficiary is important, since this is itself a prerequisite for effectiveness”, and I would add for sustainability. In addition, if we assume that “the primary goal is sustainable peace and security for the host state and society” (Ginsberg and Penksa, 2012: 117), it is important to make sure that CSDP missions are tailor-made to specific host country needs and interests. In truth, the rationale behind CSDP operations should be a “win-win” outcome (Ginsberg and Penksa, 2012: 113) for the EU and the host state, so producing benefits in the fields of security, stability and capacity-building for the beneficiaries of the mission, thereby reinforcing European security. At the end of the day, as suggested by Tardy (2015: 47), CSDP performance depends on EU ability to empower and involve domestic stakeholders, but also on local consent and capacity to absorb the kind of assistance offered by the mission.

In order to strengthen the sustainability of reforms and civilian missions’ chance of success, CSDP leadership and staff have to find and cultivate contact points with the “local side”, be it domestic authorities, political leadership, or civil society. “Local ownership should therefore entail the active participation in the entire process by stakeholders at all levels” (EEAS, 2014/15272: 11). Civil society is going to receive particular attention in CSDP literature, as it “provides valuable knowledge for multinational operations and has an essential role in

consolidating democracy in post-conflict countries” (Ginsberg and Penksa, 2012: 116). The function of civil society raises the question of how to include it more systematically, together with the host state perspective, in the programming and evaluation phases, which are still too unilaterally conducted by the EU, as previously stated regarding the shortfalls of the evaluation approach. Nevertheless, even if we circumscribe it to direct counterparts, the dimension of relationship remains central for local ownership.

*“Effectiveness and sustainability are influenced and strengthened by the practice of co-location. Or rather, by the fact that EU staff and local counterparts work physically together, shoulder-to-shoulder. The personal dimension in the working relationship between EU officials and locals is very important to carry on daily work”.*⁴⁷

In theory, local ownership means “working closely with the local authorities from the outset, seeking advice from other local stakeholders, building on the governance, legal and institutional processes already in place and helping to design reform processes that will work in the specific local context” (EEAS, 2014/15272: 12). In their analysis Ginsberg and Penksa (2012: 117) confirmed:

“A collaborative relationship between CSDP missions and host states and societies depends as much on positive interpersonal relationships and culturally sensitive public and media relations as it does on formal mechanisms of consultation”.

It is undoubtedly a difficult and delicate task to pursue local ownership in everyday work, and, even if not externally imposed, but guided and encouraged, the local system requires time to settle. For this reason, it is essential to develop a respectful awareness of the local cultural and political environment and a flexible approach in mutual relations. For the purpose of this thesis, I refer to local ownership as the degree of involvement of local counterparts, particularly looking at the value of local ownership, and to the challenges presented by the interaction between the two sides and the kind of factors which could strengthen sustainability. For local counterparts, I mean the direct working counterparts in the daily life of a mission. In this way, I do not consider the point of view of high political spheres, even if a reference to the importance of political will,⁴⁸ and in particular that of civil society is unavoidable. In my field interviews, I received some specific valuable insight from local experts or agency researchers, but the research does not actually address the insight of local civil society and NGOs.

⁴⁷ Interview with Eulex official, Pristina, March 2017.

⁴⁸ In field interviews, many times the relevance of political will has emerged as a determinant for the real implementation of reforms and change.

In the analysis of sustainability, along with the concept of local ownership, I examined the concept of reform durability. In the early stages of an MMA relationship, the trainer's influence in the everyday work of his/her counterparts is intensive and it focuses on technical working methods and advice. However, when

“the counterparts show appetite to adapt competences, working and management techniques, the mentor/advisor should slowly start to reduce his/her active influence in the counterpart's daily routine and move to a more strategic perspective” (EEAS, 2014/15272: 13).

Consequently, in order to study the sustainability, it is also important to look at the capacities acquired by locals or reforms achieved in the light of mandate tasks and the state of play of reforms in the area of mission engagement. Of course, the concept of durability of reforms has to be declined according to the mandate of mission and its tasks: some missions have capacity-building tasks, other MMA activities and supporting in reforms and so on. In this way, besides interviews, it is also worth using EU progress reports on the single countries in question.

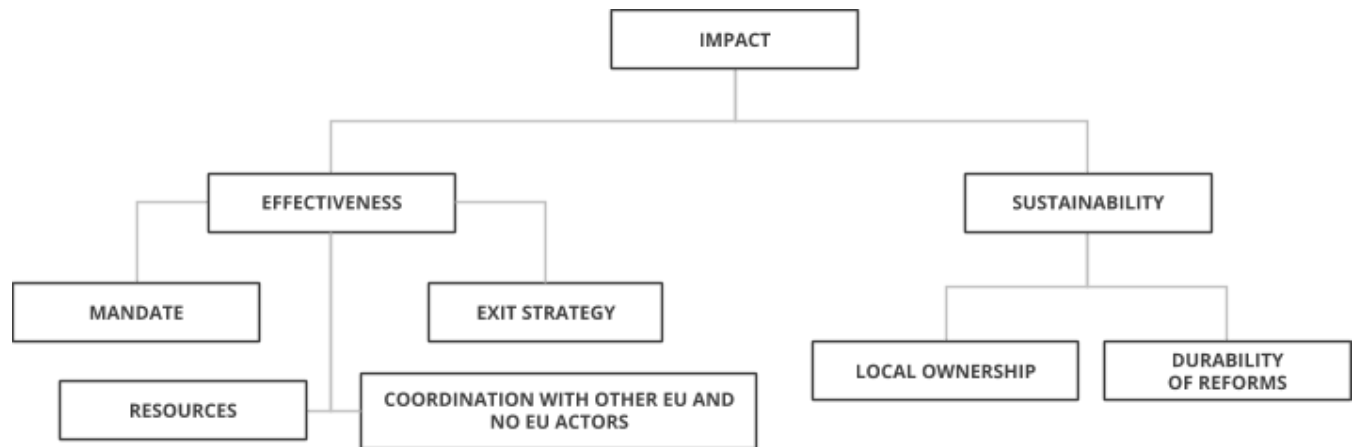
Once again, also the way the dimension of the working relationship is implemented and perceived by both sides (mission staff and locals) proves to be crucial, e.g. the approach to communication between mission officials and locals (reciprocal listening, the feedback mechanism and so on), the building of trust and confidence or the search for compromise on reforms. This is why the aim from a CSDP perspective should not be to impose a ready-made system on the host country; the aim should rather be to give to the host country the tools necessary to “develop a system that fits for this individual country” (EEAS, 2014/15272: 13). *“This is not our country, we will leave this country and we are here to help”*.⁴⁹ Furthermore, an awareness of the political, administrative and legal environment and the context in which mission staff operate is the precondition for longer-term and rooted results. This is particularly true, when CSDP officials or leadership have to deal with the local political elite.

Finally, turning our attention to sustainability within the framework of CSDP evaluation permits a wider and deeper understanding of the overall CSDP impact. Especially, in a longer-term frame, the sustainability indicator would be useful to examine if CSDP missions are able to ensure that the results are enduring. What is more, sustainability should be seen and integrated in the overall CSDP mission strategy.

To sum up, this chapter has been devoted to the presentation of the key concepts adopted for this thesis, namely: impact, effectiveness and sustainability, as well as single factors that have

⁴⁹ Interview with EUPM official, Rome July 2017.

been considered fundamental for the analysis of key concepts. The choice of these concepts would satisfy the need to take into account short and long-term, EU and local perspectives, but also to stress the need for a more complete evaluation approach to CSDP civilian missions. The following chapters will be dedicated to the examination of single case studies, on the basis of a literature review and field experience. The following picture sums up the frame for the evaluation of impact.



Source: created by the author

CHAPTER 3

The European Union police mission in Bosnia-Herzegovina

The previous chapter aimed at defining the key concepts of this research, namely impact, effectiveness and sustainability. The purpose of the following chapters is to present the case studies I have chosen, and analyse them using my conceptual frame of evaluation.

The first case study is the first civilian mission deployed in the framework of the CSDP in 2003: the European Union police mission in Bosnia-Herzegovina (see map Annex 4). The Balkans have always represented for Europe a fundamental and strategic area for geographical, historical, and security reasons. At the beginning of the nineties, the break-up of Yugoslavia, and at the end of the century, the war in Kosovo revealed beyond doubt the lack of EU preparation to deal with crises in surrounding regions and to propose a clear and common response or project.

“The sobering experience of the EU in the Balkans, from the Yugoslav conflicts to the war in Kosovo, provided the EU with a significant number of lessons. The conflict in Kosovo made it evident to the EU that it was time to show stronger commitment to the region by offering a clear membership prospect as the only recipe to promote stability and democracy in the countries of the Western Balkans” (Juncos, 2007: 47).

EU engagement in the Western Balkans was driven alternately by self-centred and other-regarding interests and reasons (Merlingen, 2013 b: 146). As a matter of fact, the conceptualisation of the EU as a post-Westphalian actor is particularly suitable to describe the rationale and the kind of security governance implemented: a type of security which goes beyond the sovereignty of nation-state and the military dimension *per se*. Nonetheless, the label of normative power is not sufficient to explain the role and the concerns of the EU in this region, but also its international ambition. This is why, a fluctuation between ethic and strategic interests, between selfish and other-regarding behaviour better reflects and interprets EU external and security policy. According to Merlingen (2013 b: 146-147), on the one hand, EU commitment in the Western Balkans was related to “egoistic” security demands in the backyard, in order to protect its territory against sources of instability and threats such as: fragile states, organised crime and illegal activity flows, illegal migration etc. Furthermore, another self-centred objective concerned EU identity. To restore the EU’s reputation after its

embarrassing performance during the Balkans war, a visible and decisive action with the specific support of CSDP tools would have shown a more prepared, coherent and fundamental security provider. “If the EU fails to bring stability, peace and prosperity to its immediate neighbourhood, its reputation as a serious foreign policy actor will suffer a serious blow” (Merlingen, 2012: 128). On the other hand, unselfish policy goals and interests towards Balkan countries demonstrated an EU orientation for solidarity, human security, the promotion of human rights, economic development and so on. This also made it evident that “there is thus a non-negligible element of cosmopolitanism in EU policy towards the region” (Merlingen, 2013 b: 147). In other words, the EU feels a certain degree of responsibility to promote stability and security in this geopolitical area.

Before going into a detailed description and assessment of the EUPM, it is useful to examine briefly the historical and political context of Bosnia-Herzegovina, when the mission was launched.

3.1 EUPM: context and features of the mission

The EUPM mission was dispatched in Bosnia-Herzegovina in a time period of utmost importance for the EU. The EUPM did not only make the European Security and Defence Policy operational, but this mission was deployed the same year (2003) when the first document elaborating an EU security strategy appeared. To a certain extent, the EUPM also helped to make the role that the EU could play in its immediate neighbourhood and on the global stage both effective and tangible.

At the same time, Bosnia-Herzegovina was still going through a period of stabilisation, recovering from the destructive and violent war during the 90s. Bosnia declared its independence in March 1992, in the wake of the overall breakup of Yugoslavia. The country was dragged into a brutal ethnic war from 1992 to 1995. Sonia Lucarelli (2000: 12) identified three main phases in the process of the Yugoslavia dissolution:

1. The first, from June 1991 to January 1992 involved Slovenia and Croatia. The main international organisations which were involved, were the European Community and the OSCE;
2. The second, from January 1992 to April 1994, involved the extension of the conflict in Bosnia-Herzegovina and the engagement of the United Nations for humanitarian

assistance and peacekeeping interventions;

3. The last phase from May 1994 to November 1995 occurred in Bosnia-Herzegovina and concerned NATO intervention under the aegis of the United States.

In particular, in Bosnia Herzegovina⁵⁰ many attempts at mediation were managed by the European Union, along with the United Nations engagement for humanitarian aids and peacekeeping actions. Other efforts for a pacific resolution of the war were conducted at a diplomatic level and produced concrete proposals to solve the conflict, i.e. the Vance-Owen and the Owen-Stoltenberg plans, but to no avail. At this point, in mid-1994, the United States pressured for the creation of a Contact Group, in charge of negotiations.

However, the escalation of violence and episodes of ethnic cleansing⁵¹ made NATO military intervention increasingly probable. The NATO air military campaign Deliberate Force started in September 1995 and pushed belligerents towards a more collaborative approach. The end of the conflict was established with the Conference of Dayton (November 1995), which formalised peace agreements and a new institutional organisation of Bosnia-Herzegovina, taking account of ethnic factors. The Dayton Agreement divided Bosnia into two entities-the Muslim-Croat Federation and the Serbian Republic (Srpska)-and a weak central state. A High Representative (HR) was appointed to safeguard the implementation of agreements, in particular civilian aspects. Later, the HR took a more proactive and forceful role, and by 2002, he had been double hatted also as European Union Special Representative (EUSR). For its part, NATO was in charge of security with the mission Implementation Force (IFOR), later renamed Stabilisation Force (SFOR).

An important lesson drawn by the EU from the collapse of the Balkans, was that the EU needed to strengthen its crisis management abilities and tools. The Saint-Malo Declaration in 1998 and later reforms sealed this ambition. As previously stated, from 1999 the EU equipped itself with military and civilian capacities for crisis management, peace-keeping and peace-building missions. In 2003, Bosnia-Herzegovina, and the Balkans in general, proved to be an *ad-hoc* laboratory to test these capacities. The point is that CSDP operations, both military and civilian, “tackle transnational security threats by contributing to the stabilisation

⁵⁰ For a detailed study of wars in the former Yugoslavia, see: Woodward S., *Balkan tragedy: chaos and dissolution after the Cold war*, 1995, Washington DC, The Brookings Institution; Ramet S., *Balkan babel: the disintegration of Yugoslavia from the death of Tito to the fall of Milošević*, 2002, Boulder, Westview Press; Rogel C., *The breakup of Yugoslavia and the war in Bosnia*, 1998, London, Greenwood Press; Glaurdić J., *The hour of Europe: Western powers and the breakup of Yugoslavia*, New Haven, Yale University Press.

⁵¹ It is worth mentioning the extreme episode of violence which happened in Srebrenica in the summer of 1995.

and the reconstruction of post-conflict societies” (Merlingen, 2013 b: 147). Therefore, in a few years, many military and civilian missions were launched in this region: in 2003, the civilian European Union Police Mission in BiH, the military operation Concordia and the civilian mission EUPOL PROXIMA both in Fyrom. In 2004 the military operation Eufor Althea was deployed in BiH. This chapter will consider mainly the EUPM as a test case. The EUPM was the first EU police mission its mandate being to a general extent the assistance and reform of the Bosnian police. The EU opted for a stand-alone police mission and not for an overarching engagement in the rule of law sector for two main reasons. The first was related to the already existing work carried out by the Office of High Representative (OHR) in the field of rule of law. Secondly, embarking on an integrated approach to civilian crisis management, so including many areas of reform, would have been too complicated and too costly for the first mission (Merlingen and Ostrauskaité, 2006: 61).

The state of play of the Bosnian police was unstable and inefficient. It was a legally, politically and ethnically divided system. The police structure reflected the complex, multi-level and fragmented political order created by the Dayton Agreement (Mühlmann, 2008: 44). Whereas the Srpska Republic as a centralised entity had one regionally subdivided police body; the Croat-Muslim Federation had eleven different police apparatuses, namely one per each of the ten cantons and one for the Federation, responsible for cross-cantonal crimes, organised crime and anti-terrorism measures. The Brčko District had its own police structure due to its status under international supervision (Merlingen and Ostrauskaité, 2006: 54; Mühlmann, 2008: 44). The importance given to the reform of the Bosnian police can be found in the Dayton Peace Agreement itself, which devoted a separate Annex 11 to this issue. In addition to the fragmentation problem just listed, the Bosnian police force suffered other dilemmas. For example, the legacy of the previous communist system made the police an instrument of the communist party. This means that the police was largely subjected to political pressure and interference. Moreover, the organizational culture of police suffered from “over-centralized decision-making and a lack of responsibility and initiative further down the hierarchy” (Mühlmann, 2008: 45). Police forces were also accused of complicity in the mass atrocities and ethnic cleansing episodes during the war. Therefore, the efforts of the international community, and later also those of the EU, aimed at assisting and developing law enforcement agencies in Bosnia, according to best international standards, as well as promoting an overall Constitutional reform able to strengthen the state at the expense of ethnic entities. In view of this, the EU “made the creation of a unified police structure which

invests all legal and budgetary powers in the state, one of the conditions for signing a Stabilisation and Association Agreement (SAA) with Bosnia” (Merlingen, 2009: 163)

The EUPM mandate ran initially for three years (2002-2005)⁵², the mission began officially on 1 January 2003, taking over the tasks from the police mission of the United Nations, the International Police Task Force (IPTF) and it lasted on the ground for almost nine years, after two renewals. As the IPTF mission was expected to finish at the end of 2002, the need to provide the Bosnian police with further assistance made a post-IPTF engagement necessary. At that moment, the need for EU involvement seemed to offer a favourable opportunity for deploying its first crisis management operation, by replacing IPTF (Mühlmann, 2008: 43). In addition, the field of policing was also one of the tasks identified for EU crisis management commitment at the Santa Maria de Feira Council.

*“In 2002, the work in view of launching the first CSDP mission moved on two levels: on the one hand, the choice to appoint as Head of mission, the last Head of IPTF, in order to manage the passage between the two missions. On the other hand, in Brussels we were operating to prepare the core documents for the new mission and to create a first unit to send in a later stage in Bosnia”.*⁵³

The EUPM had a non-executive mandate: this means that it did not contemplate executive actions or substitutions, rather its work was limited to advising, monitoring and mentoring tasks at the middle and top levels of the Bosnian police. The original mandate was established by the Council Joint Action 2002/210 and was very general. It was supposed to “establish sustainable policing arrangements under BiH ownership, in accordance with best European and international practice, thereby raising current BiH police standards”. At the moment of its deployment, the intention of the EUPM was to improve the existing Bosnian police system. Nonetheless, as the High Representative/European Union Special Representative (hereafter HR/EUSR) Lord Paddy Ashdown started to reform the whole rule of law and security sector systems, the need to overcome institutional fragmentation and restructure policing into a single system proved to be essential. For this reason, due also to the above-mentioned nexus between police reform and the start of negotiations to proceed with the Stabilisation and Association Process (SAP), the role of the EUPM became over time more determining and it also had to deal with the overall reorganisation of the police.

The EUPM was preceded by a Planning team which aimed to prepare the start of the EUPM

⁵² To clarify, the EUPM mandate will be revisited twice, and in order to refer to the first years of mission I am going to use EUPM 1, then EUPM 2 to refer to the EUPM from 2006 to 2009 and EUPM 3 to refer to the last period from 2009 to 2012.

⁵³ Interview with former EUPM official, Rome, July 2017.

and a smooth takeover from IPTF. Furthermore, the aim of the planning phase was to draft the operational documents needed to deploy the mission: CONOPS and OPLAN. These documents were approved by the Council of the EU. As provided for by article 3, paragraphs a and b, of the Council Joint Action 2002/210, the EUPM was structured in a main headquarters in Sarajevo and other “monitoring units co-located within BiH police structures at medium-high level including within Entities, Public Security Centres, Cantons, State Intelligence Protection Agency (SIPA), State Border Services (SBS) and within Brcko district”. A Head of mission was appointed to exercise command and to manage day-to-day work. The choice of the first head of mission fell on the well-known Sven Fredericksen, who had also been the last Head of IPTF, to simplify the passage between the two missions. The staff of the EUPM was seconded for at least one year by the Member States, which also provided for salaries, allowances and so on. Third states could participate in the EUPM, sending staff and providing for its maintenance. According to the mandate, the Community budget was to provide for the start-up costs (art. 9a of the Council Joint Action 2002/210) and a part of yearly running costs for the years 2003 to 2005 (art. 9b(ii)).

This overview of provisions contained in the first EUPM mandate already offers some food for thought about this EU crisis management experience which can be useful for future deployments. First, the launch of the EUPM was an important laboratory for the EU, not only to test, but also to learn and to improve its crisis management concepts, structures and procedures. It has to be noted that the EU did not have a manual for crisis management (Juncos, 2007: 49), but it was in an early testing phase. In other words, the EUPM was useful to apply the so called “learning by doing” approach. Second, the importance of the planning phase to get familiar with the country’s context and to draft the operational documents of the mission in a realistic way. Third, the importance of taking into account the complex, as well as specific, domestic political and institutional environment in which every mission has to operate. I am going to explain further each of these points, analysing effectiveness and sustainability criteria.

3.2 The Effectiveness of the EUPM

3.2.1 Mandate

At a glance, the mandate objectives of the EUPM contained in the Council Joint Action were very broad, and as it will be shown later, it will be subjected to redefinition. As I mentioned before, the EUPM was supposed to advise, monitor and inspect the Bosnian police without directly conducting any police work itself. So, the mission was expected to “create sustainable police institutions run by Bosnians according to recognised European and international practices” (Overhaus, 2009: 18). Nonetheless, the mandate did not specify what these terms meant in practice; there was only a vague definition. It was not clear either what the precise assignments of the EUPM were, nor the exact meaning of European standards. Single projects, in order to operationalise the mandate, were identified after mission launch and not before the actual deployment of the EUPM, creating an initial disorientation and a stall in the implementation of the mission.

Moreover, as Bosnia-Herzegovina was characterised by an unsettled security and political context, a clearer sense of direction and more awareness of mission goals should have been paramount. “If the mission mandate had been formulated against the backdrop of an established *acquis sécuritaire*, its vagueness would not have been problematic” (Merlingen, 2009: 164). This made it strictly necessary to translate the tasks and objectives of the mission more accurately and from a more operational perspective. To this end, four primary strategic mission goals were identified within the Strategic Implementation Plan (Merlingen and Ostrauskaitė, 2006: 63):

- The development of police independence and accountability;
- The fight against organised crime and corruption;
- The financial viability and sustainability of the local police;
- Institution and capacity building.

These objectives were more concretely pursued through seven programmes:

- Crime police;
- Criminal justice;
- Internal affairs;

- Police administration;
- Public order and security;
- State Border Service;
- State Information and Protection Agency.

Each of these programmes had its own projects and sub-projects to implement. The first five programmes had a thematic topic, the last two were related to the development of two police agencies. The EUPM had a two-level involvement structure, at state-level policing institutions (the ministry of security, the SBS and SIPA) and at the entities-level.

Looking more specifically at the single programmes⁵⁴, the crime police programme concerned support for local police in upgrading its crime attack capabilities, training local detectives in criminal investigation, the establishment of an IT system to connect all police departments and to improve information exchange, training police officers in the criminal procedure code in order to enable them to work with prosecutors etc. A key part of the crime police programme was the project on “Major and Organised Crime”, which concentrated its work in other fields i.e. witness protection and training in specific capabilities to tackle this type of crime. As regards the Criminal Justice programme, the EUPM elaborated a series of sub-programmes to guide and build capacities aimed at maintaining order in the courtroom, ensuring the presence of witnesses, safeguarding the security of judges and so on. Turning to Internal Affairs, the aim was to equip local police forces with a transparent oversight mechanism to ensure the accountability of police officers internally and to the public. The Police Administration programme referred to some technical reforms such as the personnel and human resources policy, financial management, public information campaigns etc. Whereas, the programme topic Public Order and Security was intended to guide police on the safety of returnees and to their cooperation with the deputed international organisations such as the United Nations High Commissioner for Refugees (UNHCR). Furthermore, the additional Police and Educational programme⁵⁵ tried to systematise the issue of training in all its aspects and police sectors, as it proceeded with the organisational reforms of police academies and educational *curricula*. Finally, the last two programmes were devoted to operationalising the SIPA and the SBS two state-level institutions, already created by the IPTF, which were suffering for lack of implementation and capacities. As regards the SIPA,

⁵⁴ For further details and information about the EUPM reforms, see Merlingen and Ostrauskaitė, 2006: 64-72.

⁵⁵ This programme was a late addition to EUPM tasks. It was developed in 2004, after the identification of deficiencies and a lack of systematization of the indigenous police education system.

the agency both for the protection of persons and objects on request of the prosecutor, and for information exchange of crime-related intelligence between decentralised police structures, the work of the EUPM focused especially on tackling the problem of fragmentation in the fight against organised crime, by strengthening the investigative power and the executive component of the agency. Moreover, the EUPM aimed to establish an intelligence-led policing across the country and to reinforce the link with the Crime Police programme. As for the SBS, namely the agency in charge of border control and customs law enforcement, the EUPM, after identifying a series of deficiencies in this institution, stated its commitment to improving local capacity-building, and in particular, to hindering organised cross-border crime, smuggling and arms trafficking. This array of tasks was expected to be accomplished by the expiry date of the mandate, namely 2005.

The description of the early years of the EUPM provides some preliminary considerations about the effectiveness of the mission, according to the provisions in the mandate. First of all, drawing up a realistic operational mandate with defined tasks prior to the effective deployment of the mission is essential. *“The expected goals were unattainable”*.⁵⁶ *“The first mandate of the EUPM made the mission essentially a programmatic one, as it was organised on seven major programs and a never-ending series of projects and subprojects”*.⁵⁷ Such a broad mandate was *“extremely difficult to manage and nobody knew what to do”*.⁵⁸ Furthermore, a very questionable issue was the legacy from IPTF. Even if the hand-over from IPTF to EUPM was quite smooth, the problem was that the EUPM based and planned its programmes and projects on the work carried out by the UN mission. *“The EUPM developed its program on the assessment that the United Nations had done of their mission. So, we started to work, taking for granted that what the United Nations had assessed was true, and I can ensure that it was not so”*.⁵⁹

The mandate of the EUPM was ambitious (Mühlmann, 2008: 53); however, the mission contributed to some achievements:

- The set-up of a country-wide computer-based intelligence model;
- The re-engineering of crime departments according to modern standards;
- The formulation of anti-human trafficking policies;
- The elaboration of guidelines for major public order events;

⁵⁶ Interview with former EUPM official, Brussels, June 2017.

⁵⁷ Interview with former EUPM official, Rome, July 2017.

⁵⁸ Interview with former EUPM official, Rome, July 2017.

⁵⁹ Interview with former EUPM official, Rome, July, 2017.

- The establishment of a crime hotline to allow citizens to tip-off the police on crime;
- The creation of a new police education system;
- The establishment of public complaints bureaux;
- The build-up of state-level policing institutions;
- The introduction of financial plans to rationalise the use of scarce resources.

Notwithstanding these records, the reform of the Bosnian police was far from being accomplished. For this reason, the EUPM mission (EUPM 2) was prolonged at the end of 2005 for two more years, and a total change of mandate and approach were agreed.⁶⁰ The new mandate was based on three major objectives: the first was police reform, the second was the fight against organised crime, and the third the accountability of police forces, that is the independence of the police from political control. As regards police reform, EUPM 2 was completely associated with the process in the person of the Head of mission, who participated in the Peace Implementation Council Steering Board and in the Police Restructuring Commission (PRC). As duly stressed by Mühlmann (2008 b: 3), the restructuring of the Bosnian police was considered crucial for many reasons:

“Politically, it was necessary to create a modern police force, without political interference in operational police work, within an efficient political and legal framework. Economically it was necessary, to make the system sustainable and financially viable in the long run. And, from policing perspective, it was necessary, in order to create a single security space for the country, sub-divided according to technical policing criteria, fit to fight crime in general and organised crime in particular. For the international community, this restructuring was also seen as a necessary step to an exit strategy, defined as bringing Bosnia irreversibly on the path to NATO Partnership for Peace membership as well as that of EU integration, facilitating negotiations on a Stabilisation and Association Agreement within the framework of the Stabilisation and Association Process”.

Police reform represented a real challenge for the international community. In addition, the link of police reform to the Bosnian path towards the European Union proved to be a controversial choice. *“The real problem of the police reform was that it was one of the conditionality to sign the Stabilisation and Association Agreement with the EU. It was considered a pillar of the EU action in Bosnia and it had to be carried out”*.⁶¹ This point needs further investigation. The progress achieved in the policing system mainly concerned technical and professional aspects, but it did not deal with the essence of the problems within

⁶⁰ The EUPM was renewed several times. As mentioned, above the original mandate lasted from 2003 to 2005 and EUPM 2 from 2005 to 2007. Afterwards, the mission was prolonged till 2009, then a fourth time from 2009 to 2011, and the last renewal lasted until 2012.

⁶¹ Interview with former EUPM official, Rome, July 2017.

the Bosnian police. In this sense, police reform started from a valid point, namely an insufficient and inadequate police structure, but it was managed superficially, improperly and, above all, underestimating the country's political context, the political relevance of this project and the need for local engagement in it. According to Mühlmann (2008 b: 4) "it was an internationally-imposed discussion, including imposed timelines that fitted the main international proponents, but were not compatible with the importance that such fundamental changes to the security sector signified for the political elite of Bosnia".

The security sector is a key field in every political system, and a rooted reform has consequences for the domestic political and institutional structure. This means that this type of reform does not only involve technical questions, but making changes in the political and constitutional order. In the case of Bosnia-Herzegovina, this was particularly hard because of the institutional Dayton set-up and every attempt had to consider the question of ethnic division and the balance of power among ethnic groups. "*Lord Ashdown had a big hot potato: the revision of the Bosnian Constitutional Chart. An ambitious project, out of reach. He embarked in the reform of police in order to unhinge the territorial system, constitutionally based on the Dayton Agreement*".⁶²

However, the police reform process began by setting up a Police Restructuring Commission (PRC) composed of representatives from the Bosnian political sphere, associate members such as SIPA and SBS representatives, the entity directors of police, the Bosnian Chief prosecutor, and the international community represented by the Chairperson Wilfried Martens, the deputy chairman David Blakey and the EUPM Head of mission Kevin Carty. The commission had to draft legislation for a single policing structure for Bosnia under a stronger centralised control (Tolksdorf, 2013: 20). In particular, three specific principles were identified:

1. All legislative and budgetary competencies for all police matters should be administered at state level;
2. Operational policing areas must be designed according to technical and functional criteria and not for ethnic reasons;
3. The elimination of political influence in operational police work.

Since July 2004, many proposals⁶³ for the second level of policing have been presented, but

⁶² Interview with former EUPM official, Rome, July 2017.

⁶³ The first proposal envisaged a five region model. It had been proposed by the EUPM and was based on a division in five police regions, crossing the Inter-Entity Boundary Line and distinguished according to police

political conditions were not mature, and they did not allow for agreement among entities representatives. More precisely, police reform was considered the first step towards the future arrangement of the Bosnian state system and a new division of power between ethnicities. Of course, each ethnicity had its own position, fears, expectations regarding this re-distribution of power that could potentially increase or decrease their political influence. For Bosnian Serbs, a reform which aimed at centralising police risked leading to unification, which meant diminishing the competencies of the Republika Srpska: “Bosnian Serbs suspected Ashdown of trying to implement state centralisation and the break-up of the Republika Srpska’s autonomy within Bosnia and Herzegovina” (Tolksdorf, 2013: 21). For Bosnian Croats what mattered, was not to lose control over areas inhabited by Croats. Their concern was that the end of the cantonal police system would mean the reinforcement of Bosnian influence (the majority) within the Federation. For their part, the Bosnians supported a centralisation of police that could ensure greater control over other regions, but they were in favour of the five regions model (see footnote 62).

The difficulty in finding an agreement was not only a consequence of domestic political dynamics, but also of the way of conceiving and managing the reform from the international and the EU side. First of all, given the complex political scenario, the externally driven timing was problematic. Such a reform required long-term discussions to engage the public: “the importance of the police-restructuring question for Bosnia was therefore in clear conflict with Ashdown’s ambition to push through reforms within a few months” (Mühlmann, 2012: 12). Moreover, international representatives, even members of the police reform commission, were not aware of the country’s context, nor of the difficult balance between ethnicities and the challenge of political comparison.

In spite of many failures in attempts to reach an accord, in the autumn of 2005 Cavic’s⁶⁴ proposal was accepted by the major political parties and this agreement made the start of SAA negotiations the following November 2005 possible (Tolksdorf, 2013: 22). This statement of intention on police reform was very weak, it left many questions open and subject to different interpretations: decisions on the set-up of police regions was postponed, reference to the crossing of the Inter-Entity Boundary Line was not mentioned, and the implementation of reform should have happened according to the Bosnian Constitution and the entity

criteria. Due to the impossible compromise, other options came to light: 9+1 region model (nine regions and the Sarajevo Metropolitan area) and 10+1 region model (ten regions and the Sarajevo Metropolitan area).

⁶⁴ Dragan Cavic was the President of the Republika Srpska.

constitutions. Even though the result was far from the original PRC and High Representative's intentions, "everybody seemed to be satisfied, not least the international community, where one could almost hear a sigh of relief" (Mühlmann b, 2008: 12).

In 2006, the EUPM Head of mission changed, Vincenzo Coppola took Kevin Carty's place (the latter had substituted Sven Frederiksen, after his death). Moreover, Paddy Ashdown left and Christian Schwarz-Schilling was appointed HR/EUSR, even if in 2007 he was followed by Miroslav Lajčák. Negotiations on police reform continued, but according to a new approach. The EUPM kept on harmonising police procedures in both entities and strengthening the professionalism and technical aspects of the police forces (Tolksdorf, 2013: 23). Furthermore, a weakness identified by the CSDP mission was the lack of coordination among the existing police services, but the work of the EUPM also aimed at reinforcing coordination as regards aids and support programmes for the Bosnian police with other international and bilateral donors, in order to avoid duplication and differentiation in equipment and resources offered to police structures.⁶⁵ At the same time, the EUPM Head of mission proceeded with regular and almost daily consultations with the relevant stakeholders, namely heads of police forces, Bosnian political representatives, and international and EU representatives, and he also had regular information exchanges with CSDP institutions (CIVCOM, PSC) in Brussels.⁶⁶ In 2007, despite the persistent vulnerability of the police system and inner political disagreements,⁶⁷ a compromise among the major political parties was achieved. "It envisioned the establishment of seven new police coordination bodies at the state level that did not immediately affect the entity competences over the police" (Tolksdorf, 2013: 24). Furthermore, the Bosnian Parliament adopted two police laws in 2008, which enabled a step forward to be taken in the reform. These results obtained within the police reform framework were reported and presented by the Head of the EUPM. On this basis and, thanks to a more flexible approach on the part of the EU⁶⁸ as regards the implementation of the three principles identified at the beginning of the process, Bosnia was able to sign the SAA in 2008.

⁶⁵ Interview with former EUPM official, Rome, July 2017.

⁶⁶ Interview with former EUPM official, Rome, July 2017.

⁶⁷ In addition, at that time other dynamics in the Balkans contributed to exacerbating the political debate in Bosnia, especially for Serbian politicians. Firstly, Montenegro's withdrawal from Serbia in 2006 and the discussions on the upcoming Kosovo declaration of independence.

⁶⁸ According to an interview with a former EUPM official involved in the process of police reform: "the work on police reform required a double work. It concerned with obliging Bosnian authorities to move forward police reform, and obliging the European Union to turn back with reference to such a reform. So the two institutions (i.e. Bosnia and the EU) should have met halfway; otherwise there was a risk to end up empty-handed".

*“Hence, the police reform was a good result, not the best. However, I would not have suggested a complete reform of police. I would have suggested to change the existing police forces coordination mechanisms. This did not mean to redo from scratch but to create a good coordination system. One of advantages of the work on police reform was to sit down at the table the heads of police and create a community of experts, which continued over time. This experience was not useful to say that three, four or five multi-ethnic areas should be made but it was useful to meet each other, to understand that they had similar problems and that they needed cooperation and common solutions to find”.*⁶⁹

As regards the other two objectives of the EUPM mandate, namely the fight against organised crime and the accountability of police. Organised crime was considered an endemic problem in Bosnia. It was for this reason that a stronger focus was devoted to this issue on the renewal of the mandate.

*“The overall system should be established from scratch. There was not a system, they did not even know the real dimension of the phenomenon. In this way, the first step had been to draft a report on organised crime in Bosnia with the support of local police forces. According to this report, the EUPM and the Bosnia started to think on strategic guidelines to tackle organised crime”.*⁷⁰

As a result, actions aimed at combating organised crime were undertaken on two levels. One level related to the development of a strategy, and the other to providing operational support for local authorities. Support consisted in practical activities, balancing the EUPM advisory role and mobilisation of assets offered by the EUFOR Althea operation, in view of increasing local capacity. Furthermore, to enhance credibility in combating organised crime, the EUPM started to work on the relations between the Bosnian police and prosecutors, so including a rule of law dimension⁷¹ (Flessenkemper, 2013: 30), to provide assistance in penitentiary, money-laundering, and financial investigations. As Flessenkemper (2013: 31) stressed: “the underlying idea was to extend the assistance and advice of the mission to all elements along the chain from crime to prison”. Distrust and a lack of coordination in police-prosecutor relations benefitted criminals (Merlingen, 2012: 129). In fact,

“the well-functioning relations between police and prosecutors was fundamental. If this system did not work, or it was not effective and institutionalised, we did not go anywhere. If, for example, police asks for a search warrant and the prosecutor does not reply, this is not functional and suitable. The cooperation is relevant from an operational and investigative point of views. Thanks to a number of measures and

⁶⁹ Interview with former EUPM official, Rome, July 2017.

⁷⁰ Interview with former EUPM official, Rome, July 2017.

⁷¹ The mission did not expect to provide rule of law assistance per sé as for the mandate. However, in 2007, when the mission mandate was renewed for the third time until 2009, “in the context of the same wide scope and strategic goals as in the two previous mandates, EUPM was additionally tasked with helping the BiH agencies run their criminal justice system more efficiently and improve their police prosecution capabilities” (Fakiolas; Tzifakis, 2017: 200).

*conferences where police and prosecution systems met, they understood that they needed to work together, to manage investigations together with good results”.*⁷²

The other goal of the revised EUPM mandate regarded police accountability. Political interference in police work was an extremely widespread phenomenon. Moreover, police corruption, misconduct and political meddling in operational police decisions and actions were one of the factors undermining the fight against organised crime.

*“Bosnia is a small country, and obviously, personal relations are very close. Also, for example, the Minister of Interior and the Chief of police of the canton number nine may have close contacts, but the former cannot tell to the latter what to do or to command. This system had to be dismantled but it was arduous because it was a complex structure”.*⁷³

In this way, the EUPM supervised “the exercise of political authority over the police and the conduct of officers during crime-busting operations” (Merlingen, 2013 b: 148). At the same time, the EUPM contributed to the administrative autonomy of police: “each entities government (that of the Federation, those of the cantons, that of the Republika Sprska had to provide the Ministry of Interior with security funds. The amount for police should have been managed by the chief of police in question”.⁷⁴

In October 2008, Stefan Feller was appointed as Head of mission, and after the fourth renewal of the mandate in 2009, the mission refocused its main goal on organised crime: “the fourth mandate was slightly modified to center its attention more closely on assisting the relevant BiH law enforcement agencies in the fight against organised crime and corruption” (Fakiolas and Tzifakis, 2017: 200). In 2011, the EU decided to renew the EUPM mission for the fifth time, to get through an exit strategy phase, and to move towards the mission’s withdrawal, which actually took place in 2012.

The EUPM experience provides important food for thought about the mandate and its influence on the operation’s overall effectiveness, both for the EUPM itself and for CSDP missions in general. In particular, it is worth considering three points:

1. The mandate was conceived too broadly in terms of objectives and tasks. Consequently, in the operational dimension, it required a refocused and more precise identification of activities. The risk of a broad and indefinite mandate is that it proves to be over ambitious or unrealistic. As clearly stated by Juncos (2007: 70): “in sum, a clearer mandate would have saved money and time, along with increasing the effectiveness of the EUPM”;

⁷² Interview with former EUPM official, Rome, July 2017.

⁷³ Interview with former EUPM official, Rome, July 2017.

⁷⁴ Interview with former EUPM official, Rome, July 2017.

2. Generally, an identified shortfall in the way of conceiving CSDP missions, (as it was the first mission, the EUPM is the main example) is the short-term strategic thinking.

*“The big problem of these missions is the short-term planning. One thing is to plan a mission, then we are going to see the possibility to extend the mission...Ok, the mission is extended for other two years, and then other three years, again other two and so on. In this way, the mission was deployed for eight years, but they were not eight, they were two plus three plus two...If it would have been said, we stay in Bosnia ten years, we would have planned the implementation of the mandate for this time period. To give an idea, in ten years for instance, I can build a highway, I use six months to prepare the project, then I build infrastructures, then bridges, streets, railways...I take care of a ten years child, and take him to university. In a longer-term project, we might start slow, but then we go increasingly faster”.*⁷⁵

3. The lack of a judicial component in the tasks of the mandate.⁷⁶ The decision in the planning phase to focus on policing matters led to a lack of attention to the link between policing and the wider rule of law (Mühlmann, 2008: 56). In fact, the inclusion of monitoring, mentoring and advising activities also at a judicial level would probably have facilitated a more comprehensive work in the field of rule of law: “a related obstacle stemmed from the absence of a remit to involve the criminal justice system as a whole and specifically, the lack of authorisation to monitor prosecutors” (Penksa, 2006: 6). Furthermore, it would also have permitted decisive action when tackling specific types of crime such as organised crime. This is the reason why, even if not envisaged by the mandate, when the EUPM decided to contribute to the fight against organised crime, it was tasked to improve police-prosecutor relations.

The mandate is the first piece in the puzzle when examining the effectiveness of the EUPM. The following paragraphs will investigate the other aspects of the analysis.

3.2.2 Resources

The question of staff, equipment and financial resources is a very significant one, due to its interrelated link with a timely and efficient mission launch. Clearly, the real deployment of CSDP missions requires an essential set of financial, material and human capacities. As stressed by Ginsberg and Penksa (2012: 75-76), the issue of financing and equipping missions has been challenging from the beginning of the CSDP.

⁷⁵ Interview with former EUPM official, Rome, July 2017.

⁷⁶ Interview with former EUPM official, Bruxelles, June 2017.

The EUPM, even if it was the first CSDP deployment, was sustained by adequate and sufficient financing: “over the entire period of its operation, the mission’s budget was set to amount to 110 million euros” (Fakiolas and Tzifakis, 2017: 201). The budget was covered by the European Commission through the CSFP budget, whereas costs related to seconded personnel were provided by Member States.

The first challenges faced by the EUPM were related to equipping the mission with basic logistic, technical, information and communication instruments, which delayed the launch of the mission. Even though the EUPM had a long-time planning process⁷⁷, procurement procedures proved to be difficult, both because of a lack of expertise in procurement, financial and programme management and for bureaucratic reasons.⁷⁸ This resulted in a slow and toned-down start to the mission. Despite “unusually favourable conditions to plan a crisis management mission, this proved insufficient to obtain all the requested supplies in time for mission launch” (Mühlmann, 2008: 55). The way the procurement of capabilities occurred was particularly cumbersome, inadequate for a situation of crisis management (Juncos, 2007: 50). These constraints led to an under-equipment of the EUPM in terms of material supplies i.e. mobile phones, desks and computers and so on. “On top of this, a procedural mistake forced the mission to begin the process of procuring computers all over again, which meant that the final delivery of desktops only arrived in December 2003” (Mühlmann, 2008: 55).

A second challenge for the EUPM regarded human resources, particularly as far as staff with expertise in specific fields was concerned. At the beginning, the mission had more or less 550 staff including police officers and civilian experts, and the number gradually decreased. Personnel recruitment was not a problem at the time of mission launch, because many of the EUPM staff came from the UN IPTF mission (Fakiolas and Tzifakis, 2017: 201). By then, particularly when EUPM tasks became more and more specific and highly-skilled in the overall field of rule of law, the mission suffered a lack of qualified personnel. Force generation became more complex and demanding, for instance the mission needed to employ not only police officers, but also rule of law advisors and professionals “for all stages in the criminal justice chain” (Flessenkemper, 2013: 59-60; Fakiolas and Tzifakis, 2017: 202). So, recruitment became increasingly complicated in two areas: the required number of staff and

⁷⁷ The planning team was composed of almost thirty persons (23 internationals and five locals) and guided by Sven Frederiksen himself. It had about eight months to plan the mission.

⁷⁸ The problem of financing the mission was not related to the monetary budget at their disposal, but to procedures for obtaining funds, which required the approval of the European Parliament and the surveillance of the European Commission due to their Communitarian nature.

the experience and specialised competences of personnel. In other words, Member States were unable to second the necessary number of officials, experts, etc., and they did not second their senior or more skilful functionaries keeping them for national services (Flessenkemper, 2013: 60). This resulted in the deployment of mainly junior and not senior staff, with less relevant management experience, and consequently less possible influence over local counterparts. Without enforcement tools, “the mission relied on the professionalism and experience of its personnel to gain respect of their local counterparts, the lack of seniority severely limited the influence that the EUPM could exercise over the Bosnian police” (Mühlmann, 2008: 58).

On the other hand, there was a lack of expertise in some relevant policing areas such as financial intelligence, money laundering, war crimes, or organised crime and corruption (Fakiolas and Tzifakis, 2017: 202). As I will also show later, the issue of recruitment of a sufficient number of qualified staff represents a constant challenge for CSDP deployments,⁷⁹ along with two other issues: first, the high turn-over of the staff, and second, the different levels of training among Member States staff.

Penksa (2006: 6-8) identified four needs regarding recruitment for CSDP missions, which arose from the experience of the EUPM: firstly, to improve performance in appropriate mission staffing; secondly, to hire analysts to assist with programme development and assessment; thirdly to have a separate budget line for policy oriented research to facilitate exchange of best or worst practices; finally, to increase the quality of induction training for mission personnel.

3.2.3 Coordination in the field with EU family and non-EU actors

The EUPM with its role in the effort to support and reform the security sector and rule of law systems in Bosnia-Herzegovina was included in a bigger framework of donors engaged in this country. Some of these were part of the EU family, others belonged to international organisations or they were single donors. Consequently, the EUPM had to cooperate in the field at different levels and with different peace-builders. In a comprehensive overview of mission effectiveness, looking at coordination with other actors committed in the field is essential. This proved to be particularly true in the case of many actors that are part of the

⁷⁹ Flessenkemper (2013: 60) noticed: “these force generation difficulties point to a general shortcoming in CSDP”.

same family origin, as is the case of the European Union, in order to not create overlapping in competences and duplication of tasks, as well as to ensure a coherent action. “In the case of the EU it means that CSDP operations must efficiently interface with EU member states, other EU actors (i.e. EU Special Representatives, EEAS delegation) and in some cases with other CSDP missions” (Ginsberg and Penksa, 2012: 75).

Beginning with relations with other EU family actors engaged in Bosnia, Mühlmann (2008: 53) referred to a difficult *ménage à trois* between the Office of the High Representative (also appointed as European Union Special Representative), the European Commission and the EUPM. Moreover, relations with the EU military mission EUFOR Althea should be taken into account. The HR/EUSR was one the main interlocutors of the EUPM and the HR/EUSR provided political guidance for the mission (Merlingen, 2009: 166). Initially, relations were difficult particularly because of his double-hatted function⁸⁰; however, the HR/EUSR had regular meetings with the Head of EUPM and they were also represented by members of their teams at daily staff level meetings. Moreover, the HR/EUSR played a central role in coordinating all the EU bodies: he chaired EU coordination meetings with the EUPM and EUFOR Althea Heads of mission, the term presidency of the EU, the EC delegation, and the European Union Monitoring Mission (Merlingen and Ostrauskaitė, 2006: 73).

As regards relations with the European Commission, different levels should be considered such as, the then EC delegation and the activities within its assistance programmes. In fact, the Commission was, and is, a key player for any country in the process towards EU accession. The general framework of this path was the Stabilisation and Association Process, and in the case of Bosnia, the EC had its own Community projects in the area of rule of law, financed through the Community Assistance for Reconstruction, Development, and Stabilisation (CARDS) programme (Juncos, 2007: 56).⁸¹ However, CARDS supported and supplemented many EUPM projects to establish synergies between the instruments of different EU pillars (Merlingen and Ostrauskaitė, 2006: 74). On the one hand, relations with the Commission were good, and this was important because of the EC role in civilian mission

⁸⁰ According to Mühlmann (2008: 53), the first HR/EUSR Ashdown resisted having EUSR dedicated staff for a long time and this created lack of guidance and coordination, and difficult relations with OHR and EUPM staff.

⁸¹ The CARDS programme of the European Commission was an instrument for financial assistance created specifically for the Western Balkans countries, within the Stabilisation and Association process. The main objectives were : democratic stabilisation, institutional and legislative development, sustainable economic and social development, promotion of regional cooperation etc. Since 2007, CARDS has been replaced by the Instruments of Pre-Accession (IPA).

budget provisions. On the other hand, there should have been a mechanism to interface and coordinate each respective arrangement in Brussels and Sarajevo. This coordination was facilitated by a Joint Coordination Group with the aim to plan activities in the field of policing. Furthermore, a team from CARDS was co-located in the EUPM headquarters. Nonetheless, Juncos (2007: 57) noticed that even though horizontal coordination worked, there were some difficulties. Some stemmed from the way policing aid was conceived according to the different perspectives of the three pillars. In other words, within the first pillar (Community actions) policing assistance was considered a long-term instrument within the pre-accession framework. In the second pillar (CFSP, namely Council), police missions are a short-term tool to respond to urgent needs. Consequently, the problem was connected with cross-pillar coordination, and Council and Commission bonds. Other difficulties emerged from the harmonisation of Commission projects and EUPM projects, causing duplication of advisers for some Bosnian institutions, all the more so as police assistance and reform projects in Bosnia were also provided by other organisations, i.e. ICITAP⁸² and bilateral donors.

Conversely, relations between the EUPM and the CSDP military mission EUFOR Althea were not so trouble free. EUFOR was deployed in 2004 under the “Berlin Plus Agreements”⁸³, taking over from the NATO operation SFOR and it is currently ongoing. Its mandate deals with Annex 1A of the Dayton Peace Agreement, intended to contribute to a safe and secure environment in Bosnia-Herzegovina and to provide capacity building and training for the Bosnian armed forces.⁸⁴ The relationship with the civilian mission got off to a rough start, paving the way for a feeling of mistrust. The reasons for this had mainly to do with the different nature and approach of the two operations (Bertin, 2008: 71). While the EUPM was a strengthening civilian mission, aimed at implementing monitoring, mentoring and inspecting tasks through a local ownership strategy in its approach to police reform, the EUFOR was an executive military operation, acting with enforcement tools if appropriate (Juncos, 2007: 58; Merlingen and Ostrauskaité, 2006: 75). The attitude of EUFOR was

⁸² The ICITAP was the International Criminal Investigative Training Assistance Program supported by the US government.

⁸³ The Berlin Plus Agreements managed the operational relations between the EU and NATO, establishing procedures and criteria to allow the EU to resort to NATO means and instruments for its operations. The first Berlin Plus Agreements were signed in 1996, then after the birth of the European Defence and Security policy they were updated in 2003.

⁸⁴ For further details see the mandate of the mission: Council of the European Union, Council Joint Action 2004/570/CSFP of 12 July 2004, on the European Union military operation in Bosnia-Herzegovina.

perceived as aggressive, conflictual and intrusive, and at the beginning there were tensions between the two missions in specific grey areas like the fight against organised crime: “this led to considerable confusion over which mission should take the lead of those particular tasks” (Gross, 2012: 3). Consequently, the implementation of tasks was carried out with minimal coordination and an agreement on operational principles to improve coherence and, at the same time effectiveness, was necessary. Under the guidance of the EUSR, Common Operational Guidelines by the EUPM and Althea were established in 2006. Closer cooperation between the EUPM and Althea made both more successful (Merlingen and Ostrauskaité, 2006: 76). In sum, inter and intra pillars coordination proved to be a necessary condition to create a comprehensive, coherent and effective framework for EU action in third countries. However, the strained EUPM-EUFOR relationship revealed the challenge, especially in these first years of the European Defence Policy, of an integrated civilian and military approach, in the frame of CSDP crisis management. At the same time, the coexistence of initiatives undertaken by different EU pillars represented the hybrid nature of the European Union and the constant attempt to reconcile and hold together its different souls. As for coordination with other international actors, in Bosnia-Herzegovina the main framework for policy coordination was the Steering Board of the Peace Implementation Council, but for day-to-day activities, the coordination structure was the Board of Principals which included NATO, OSCE, EUPM, EUFOR, European Commission, UNDP, OHR, UNHCR (Schroeder, 2009 b: 209). All these actors interacted in a complex policy making environment (Penksa, 2006: 12). On the whole, the coordination with other organisations or donors in the field is an important element for effectiveness analysis, from at least two perspectives: from the perspective of the host country, which has to interact with different interlocutors, and from the perspective of the EU itself, because it has to work in an over-crowded environment and it can take over tasks from these actors, as happened for the EUPM which replaced the UN police mission and EUFOR Althea, the NATO operation. According to Gross (2012: 3), the experience of the EUPM as a hand-over mission from the UN “signalled the need for greater preparation and inter-institutional coordination in future”. *“The hand-over from IPTF to the EUPM was quite good”*⁸⁵; however, the problem was *“that we had taken for granted that what the IPTF had done before was effective, and I can say that it was not true. We based our program on what the United Nations had done and on their*

⁸⁵ Interview with former EUPM official, Brussels, June 2017.

assessment”.⁸⁶ “*The United Nations declared to have left a sustainable situation on the ground but it was not this way, and when I arrived to EUPM, how many IPTF mistakes I had to correct!*”.⁸⁷ Practically, the seamless transition was ensured by the fact that, as I said before, the IPTF Head of mission was also appointed as the first EUPM Head of mission. In this role, Sven Frederiksen retained a certain number of IPTF police experts for the EUPM. While this policy and personnel strategy guaranteed a continuity between the two operations and facilitated the hand-over, there was at the same time another side of the coin. As Merlingen and Ostrauskaitė (2006: 61) pointed out: in this way, “it was difficult for the European police experts to develop their own independent profile and to make clear that the new mission was distinct in its mandate”. For locals and other international actors, Frederiksen represented both missions, indistinctively. While, coordination was relatively efficient, the choice⁸⁸ of double-hatting the IPTF-EUPM head and the high number of retained personnel was questionable (Schroeder, 2009 b: 210).

As regards coordination with NATO, it particularly affected relations with the EU military mission EUFOR Althea. Their relationship was, and still is, shaped by two factors. First, EUFOR Althea has followed SFOR in its tasks and is a mission under the Berlin Plus Agreements, meaning that the EU relies on NATO capabilities and assets. Second, NATO has continued to maintain a small presence in BiH in the form of NATO Headquarters in Sarajevo to provide assistance in counterterrorism, in security sector reform and to bring to justice war crimes suspects (Bertin, 2008: 74; Ginsberg and Penksa, 2012: 195). Thus, as Bertin (2008: 74) observed, a definition of respective responsibilities and competencies was needed in order to ease divergences on tasks. This occurred vaguely at a political level in Brussels, but it had to be sorted out at a tactical level. “It is worth noting that both sides state that operational cooperation on the ground in BiH is very good despite the blockage of EU-NATO cooperation at the political level in Brussels” (Ginsberg and Penksa, 2012: 196).

Moreover, the OSCE was, and currently is, another important actor engaged in BiH, since the formulation of the Dayton Agreement with the aim to build sustainable democratic institutions, strengthen good governance and human rights principles, and support the development of a multi-national and multi-ethnic democratic society.⁸⁹ Being the third largest

⁸⁶ Interview with former EUPM official, Rome, July 2017.

⁸⁷ Interview with former EUPM official, Rome, July 2017.

⁸⁸ Interview with former EUPM official, Rome, July, 2017.

⁸⁹ For more details see: Decision of Ministerial Council in Budapest on OSCE action for peace, democracy and stability in Bosnia-Herzegovina, 1995.

organisation in Bosnia, and sustaining also police reform activities, some elements of duplication with the EUPM tasks have been identified (Cameron, 2005: 19).

*“In Bosnia, everyone wanted to help the police. The UN desired to help the police, the OSCE wanted to help the police...it was decided to coordinate all initiatives in support of police forces in the EUPM through...on behalf of the Head of mission. The aim was not to create divergences on procurement and type of support or projects among Bosnian police”.*⁹⁰

Furthermore, there was a different interpretation of policing assistance between the two. Thanks to its experience, the OSCE assumed that the knowledge needed for policing reform was not only a prerogative of experts, and for this reason most of the OSCE police aid programmes prioritized an active role for citizens and non-governmental organisations (Merlignen and Ostrauskaité, 2005: 232). In addition, a greater degree of coordination would be recommendable generally in other areas of EU and OSCE commitment in a same country, such as: monitoring activities, economic initiatives and so on. However, Bosnia does not represent the most difficult case of relations between an EU crisis management mission and the OSCE, as the experience of the CSDP mission EUPOL Proxima in Fyrom reveals. In this case, coordination was strenuous: “tensions between the OSCE and Proxima were inevitable, given that both missions were hands on, visible among the Macedonian population and to a large extent dependent on Macedonian perceptions of their work” (Ioannides, 2007: 107). Summing up, interactions among EU and non-EU family actors in Bosnia can be said to be characterised by an oscillation between dynamics of non-interaction, nearly competition and attempts at coordination. This was particularly true at the beginning of the engagement in Bosnia,

“the international community struggled with a noticeable absence of stakeholder coordination, which resulted in duplication of resources, competition among international organisations and member states interests, and often, reduced political leverage among domestic actors” (Penksa, 2006: 12).

Overall, especially international donors “have found it difficult to coordinate their work, not least because of their different and often incompatible mandates, operating procedures, timelines and funding sources” (Schroeder, 2009 b: 211).

3.2.4 Exit strategy

The EUPM lasted on the ground for almost ten years. As I observed in the general overview

⁹⁰ Interview with former EUPM official, Rome, July, 2017.

of the key concepts, the issue of an exit strategy proved to be of particular relevance, in view of a comprehensive approach to crisis management. The nexus is not only in reference to the CSDP, but also to the whole EU toolbox. For this reason, instead of the term exit strategy, it is more appropriate to talk of “transition strategy”. The latter suggests the changes which take place between the end of the mission and the beginning of the activation of other instruments (Gross, 2014: 1). Therefore, the idea of “transition” or “follow up” actions concerns a dynamic which involves two indicators of effectiveness, in particular: the planning of the mandate and coordination with other EU actors, especially the European Commission, given that CSDP missions have been conceived as short-term tools, whereas the engagement of the EC envisages a longer-term set of tools.

When it comes to the specific case of the EUPM, it is worth noting that this mission paid for being the first CSDP deployment. However, this case is useful to trace a sort of common trend in CSDP civilian missions. “The 2012 closure of EUPM Bosnia, the EU’s longest running police mission, after nearly a decade of operation illustrated the intricacies of ending missions and handing over tasks to other actors” (Gross, 2014: 3). In Bosnia, follow-up activities were ensured by reinforcing the office of the EU Special representative, with a small presence of strategic advisors in the field of rule of law, to continue to support reforms. On the one hand, missions, including the EUPM,

“have been affected by bureaucratic infighting among different branches of EU foreign policy and by related difficulties in coordinating action on the ground among different members of the EU family. Institutional politicking and turfing have degraded mandate implementation. They also prevented the EU from making the most of its comprehensive foreign policy toolbox in its efforts to transform the Balkans” (Merlingen, 2013: 154).

On the other hand, from field interviews, the need to plan missions differently, in order to provide for a more inclusive and longer-term planning of goals and tasks emerged forcefully.

“First of all, the exit strategy is established on the basis of objectives and not on time. We should not leave a country in ten years, but when objectives have been accomplished. So, the exit strategy is defined by goals, and again short-term planning does not work and does not ease the situation. An institution building project cannot be conceived in short periods. If we had gone to Bosnia saying that: “we have six years, but six years for sure. We could have planned a six year program, we should have obtained better results than in ten years”. We stayed ten years, but a first mission lasted three years with a different mandate, then the mission, when I was in the field, was expected to last for two years, then it was extended for one year, which was after all two years, then another head of mission arrived and the mission was prolonged for other two years and so on. At the end of day, we stayed in Bosnia for ten years, but in dribs and drabs. If we had started in 2003 with a project till 2010, the planning would have

*been completely different. In fact, in three years, I can take this armchair, and move it here. But, if I have seven years, I can take the armchair, move it, reupholster it, clean it and polish it. Whereas, we start with a cleaning of the armchair, after three years we can clean it again and once again, but it remains the same old and dirty armchair”.*⁹¹

The EUPM experience suggested that the importance of getting the “entry” of a mission right, also means getting its “exit” right, especially when dealing with complex and weak environments (Gross, 2014: 2; Gross, 2012: 4; Lintern, 2015: 68). In other words, when conceiving the deployment of a mission, it is important to envisage an end state of it, along with specific objectives and activities. This implies increasingly collaborative and longer-term planning, and a coordinated operational approach among EU actors, aimed at avoiding gaps and frictions between CSDP and Commission instruments.

In conclusion, the EUPM probably required another two years of deployment “*to lock the process down*”.⁹² “*The need was to secure more the overall process in the police management, in order to make the process unchangeable*”.⁹³

3.3 The sustainability of the EUPM

3.3.1 Local ownership

Assessing the sustainability of the EUPM, according to the framework of the analysis structured for the purpose of the thesis, implies examining the strategy of local ownership and the degree of durability of reforms. Beginning with local ownership, Mühlmann (2008: 49) pointed out that the key principles of the EUPM mandate were both local ownership and sustainability. In general terms, the EU aimed at adopting a bottom-up approach for its crisis management, and in the context of the EUPM, it was put into practice in a more systematic fashion, as of 2006 (Fréjabue, 2013: 39). In this way, the work method adopted within the EUPM to respect these principles was to involve local counterparts in the process of development and implementation of reforms, and not to design something from outside and to instruct locals in its use. Thus, the principle of local ownership represented the core value of the European approach, unlike the executive powers of its predecessor the IPTF.

⁹¹ Interview with former EUPM official, Rome, July 2017.

⁹² Interview with former EUPM official, Rome, July 2017.

⁹³ Interview with former EUPM official, Rome, July 2017.

First of all, the majority of EUPM staff was co-located with their counterparts throughout the country, in order to ensure a “shoulder-shoulder” contact. Furthermore, to provide local authorities with an institutional voice, a Police Steering Board (PSB) was created. The idea was to establish a forum where police leaders could discuss central reform issues and deliberate about their implementation. From field interviews, it emerged that the exchange of views among local police chiefs was important to enable them to “*face up to each other, and understand that they had the same problems fundamentally. They needed to cooperate and find common solutions*”.⁹⁴ One of the main needs was to harmonise the legislation of the sixteen police bodies in order to enhance uniformity in the ranking, education, promotion, disciplinary system and to foster cooperation in administrative and management mechanisms (Fréjabue, 2013: 40).

Moreover, in the daily work, it was important to “*not give the idea that we were there to teach something*”.⁹⁵ In fact,

“When I was in EUPM, the process was appreciated when we did not behave as professors: No, no, no (per dire hahaha), you got wrong! I give you five for encouragement. Instead we worked together. I cannot arrest because I have not the mandate for doing this, but I can give you my collaboration, my presence, means and resources. We worked together and we assumed responsibility together”.⁹⁶

As the EUPM was an MMA mission without executive responsibility, the EUPM staff could not execute police tasks in practice, however the message to send to local counterparts was “*I am on your side, I work with you*”.⁹⁷ In this way, the working relationship between the EUPM and the local counterparts was more a sharing of mutual experiences, and it took the shape of knowledge exchange.

At the basis of the concept of sustainability, there is the idea of not creating a sense of dependence on external assistance.

“The sustainability approach worked. For my part, at the beginning, we (EUPM staff) had to commit a lot to our tasks, and then to disengage gradually, because they absolutely had to work on their own. Of course, we did not disengage haphazardly, we were not more responsible in that we stopped taking responsibility. We disengaged because they (local counterparts) did not need us anymore. For some tasks, they did not need help because they were able to do them on their own, we left with their consent. Sometimes, locals replied yes, sometimes not yet, and so we waited”.⁹⁸

⁹⁴ Interview with former EUPM official, Rome, July 2017.

⁹⁵ Interview with former EUPM official, Rome, July 2017.

⁹⁶ Interview with former EUPM official, Rome, July 2017.

⁹⁷ Interview with former EUPM official, Rome, July 2017.

⁹⁸ Interview with former EUPM official, Rome, July 2017.

Obviously, the way of carrying out this type of work depends on the personality of the staff, in particular of the senior staff and the Head of mission.

“The Head of mission for a CSDP operation plays an important role in shaping the internal direction of the mission; intra-EU relations between the field headquarters with the CSDP structures in Brussels and with other EU instruments in the field; and the external mission relationship with the host authorities and society”. (Ginsberg and Penksa, 2012: 111)

For example, in the case of the EUPM, the involvement of local counterparts was not difficult basically;⁹⁹ but it depends on the way of engaging with local authorities. At a general level, the EUPM was perceived as having a fairly holistic approach to the police system in the country (Fréjabue, 2013: 37).

*“Every time that it was necessary to become involved, I was the first, I mean...I opened negotiations, I brought my ideas, my suggestions, my vision on what should be done. Once, agreement was reached with the counterpart authority, then the work was carried out at a more technical level. However, I used a direct approach, especially when important subjects were in question. I talked to counterpart leaders about topics which were new, or needed to be reviewed. Once I reached an agreement with host authorities and I was sure that there was an agreement on a higher level, then technicians discussed on a lower level”.*¹⁰⁰

To a large extent, local authorities were quite competent and had the necessary educational background to fully commit to the operational work. To the question if it was difficult to interact and engage with local counterparts, the answer was that *“it was not so difficult. On the other side there were capable people, they were professional and clever. I have always found partners and chiefs of police cooperative in 99% of cases.”*¹⁰¹ However, a certain degree of undue influence, especially political, was notable, and at working level it took the form of a reluctant attitude and obstructionist behaviour towards a certain type of reform such as the harmonisation of police legislation or centralisation of police competences (Fréjabue, 2013: 37).

3.3.2 The durability of reforms

It is valuable to consider the way the two sides of the mission, namely the EUPM staff and local counterparts, interplayed and cooperated at working level, when assessing sustainability in terms of the local ownership approach. However, a more complete frame on the

⁹⁹ Interview with former EUPM official, Rome, July 2017.

¹⁰⁰ Interview with former EUPM official, Rome, July 2017.

¹⁰¹ Interview with former EUPM official, Rome, July 2017.

sustainability of implemented reforms requires an examination of their solidity and of the current situation in relation to the areas of EUPM engagement.

According to Latal's analysis (2013: 51-52), from a local community perspective, of the EUPM as a "catalyst of change", or better, the success or not of the police reform and the EUPM contribution, the CSDP mission suffered from the negative publicity of the IPTF. So, a first consideration on overall sustainability has to do with the legacy from the IPTF, which refers us back to the previous paragraph on coordination among actors in the field. Furthermore, on the one hand, "*the EUPM worked. Largely, it worked. Fundamentally, it provided some important indications*".¹⁰² "*In the general context, the EUPM contributed to stabilisation in the limits of its mandate and in view of the enlargement perspective*".¹⁰³ On the other hand, when the mission left, a sense of gloom and concern characterised public perception about the state of Bosnian police (Latal, 2013: 57). In order to ensure more durable results, and also to get society familiar with reforms, the EUPM focused on communication and a public media campaign.

"When at the beginning of 2006, the person in charge of communication told me about the launch of a new media campaign, he said: "this year in the media campaign, we would like to talk about what the EUPM is doing". I replied: "Probably, we have not understood each other (non ci siamo capiti). There is no EUPM mission, there is no EUPM media campaign. Forget it! The next media campaign will be organised local police men, and the message I suggest is...trust your police!""¹⁰⁴

The message was clear: a media campaign for citizens should not deal with how wonderful the EUPM was, but it should emphasise confidence in their police. "*The role of the EUPM was not boast about how good it was, but to show that the EUPM helped the local police to become more credible, efficient, capable, ready...A perfect police? No. No country has a perfect police force, it does not exist*".¹⁰⁵ This choice also had the effect of acknowledging that EUPM staff made an effort to engage with local communities, even if the mandate of the EU mission was narrow on the work of law enforcement agencies.

Despite public concerns, at the end of the EUPM, Bosnia was a relatively safe and peaceful country (Latal, 2013: 54), even if some reforms were still necessary. As reported by the European Commission in the 2016 Progress Report (PR), Bosnia Herzegovina is a potential candidate in the EU enlargement process, after the entry into force of the Stabilisation and

¹⁰² Interview with former EUPM official, Rome, July 2017.

¹⁰³ Interview with former EUPM official, Brussels, June 2017.

¹⁰⁴ Interview with former EUPM official, Rome, July 2017.

¹⁰⁵ Interview with former EUPM official, Rome, July 2017.

Association Agreement in 2015. As regards the specific field of the police within the area of justice, freedom and security, the report observed that the institutional framework was still weak (European Commission PR, 2016: 7). “*Bosnia gets stuck still on an unsustainable institutional frame*”.¹⁰⁶ However, this should be considered a more general weakness, related to the fragile set-up established by the Dayton Agreement. Some weaknesses in the police sector which still characterise the Bosnian police are: the lack of coordination and cooperation between police agencies, undue influence in the appointment of senior staff and the necessity to strengthen staffing procedure (European Commission PR, 2016: 72).

As stated above, in its second and third phases of engagement, the EUPM focused its activities on reinforcing Bosnian capability to fight organised crime. In particular, a lot of work was done with the State Investigation and Protection Agency, which acquired police authorisation and competences across the country (Penksa, 2013: 70). The SIPA concentrated, and still concentrates today, on many sensitive issues such as organised crime, corruption and war crimes. The EUPM had a valuable role in the development and consolidation of the SIPA, and as Penksa (2013: 70) underlined: SIPA’s increased capability has been attested by the growing number of organised crime and corruption cases brought to court and the number of reports and statements submitted by its officers. Officials from the EUPM and SIPA also cooperated effectively (Ginsberg and Penksa, 2012: 107). The 2016 Progress Report highlighted the development of strategies and action plans in combating organised crime and other policing matters such as human trafficking; nonetheless, oversight mechanisms, a comprehensive and harmonised legal framework at state level, as well as further training needed to be implemented (European Commission, 2016: 72-73).

The analysis of the durability of reforms and that of the overall sustainability in case of the EUPM suggests that the CSDP mission has been a relevant actor in the development of Bosnian policing competencies and standards of professionalism (Merlingen, 2013 b: 148), providing valuable inputs within its mandate tasks. Nevertheless, it also brings out a sense of incompleteness, as if some processes should have been further reinforced, and currently they require more implementation or improvement.¹⁰⁷ “*At the end of the day, has the EUPM worked? I believe that it largely worked. Fundamentally, it gave some important directions, but I also believe we left a bit early. The process was not finished, and I think that for many*

¹⁰⁶ Interview with former EUPM official, Brussels, June 2017.

¹⁰⁷ Interview with former EUPM official, Rome, July 2017.

reasons the process of support has been given up".¹⁰⁸ As also Gross (2012: 3) confirmed:

“In Bosnia, police reform turned out to be a highly complex and politically charged issue that touched on ethnicity, the role of elites and their willingness to reform, and local ownership, including that of civil society. A setting where reforms remain less than complete naturally raises questions regarding their sustainability over time and the need for a coordinated and coherent EU approach towards host countries to prevent political interference with rule of law institutions”.

This last consideration opens the way for some concluding remarks on the EUPM mission, which I am going to set out in the next paragraph.

3.4 Conclusions

The EUPM left Bosnia in 2012, after ten years of deployment in the field. “*Was the EUPM a success? Without doubt, the EUPM achieved important results*”. “*To a large extent, EUPM contributed to stabilisation in Bosnia within the bounds of its mandate*”.

This is a first general point: it is important to evaluate mission effects on the basis of the legal mission mandate’s features and tasks. The EUPM did not have an executive mandate and it did not include a rule of law dimension with the entire law enforcement chain in its remit (Ginsberg and Penksa, 2012: 107). “It was not executively mandated to restructure BiH’s police system and root out criminal and corruptive networks” (Fakiolas and Tzifakis, 2017: 206). In the Western Balkans, Ioannides (2013: 55) recognised an instrumental role of CSDP missions, gradually pushing the region from stabilisation and security goals, to a process in the perspective of EU membership. This reminds us of the need, but also the challenge, to use the full range of tools at EU disposal to increasingly move towards a comprehensive way to address conflicts.

As regards EUPM effectiveness, the mission contributed to making local police more accountable, more professional and effective (Juncos, 2007; Merlingen, 2013). The EUPM improved the functionality and sustainability of the BiH security sector and depoliticised conflict over police restructuring (Penksa, 2013: 67). The most salient improvements were: the creation and mentoring of internal control units for police misconduct; the setting up of a human resource management apparatus taking into account gender and ethnic issues; the enhancement of capacity building in investigation and crime scene management; the growing capabilities to deal with organised crime and prosecutors (Merlingen, 2009: 169-170).

¹⁰⁸ Interview with former EUPM official, Rome, July 2017.

Indicators to analyse effectiveness (mandate, resources, coordination between EU and non-EU actors in the field, and exit strategy) show from a certain point of view that the EUPM suffered for being the first CSDP mission. Consequently some difficulties and delays in implementation and management had to do with a sort of “inexperience”. From another point of view, they reveal how the way a mission is planned, implemented and conducted, affects the achievement of objectives.

Even if, according to recent EC reports, Bosnia Herzegovina still suffers some structural problems and deficiencies in the policing field, these cannot be blamed exclusively on the EUPM.

“While the institution building of police services appeared to have largely been successful at the entity and local levels, the restructuring and centralisation of police institutions at the central state level failed to secure substantial advances. BiH’s police system remained fragmented, with weak central state-level bodies and structures that were unable to combat organised crime, deal with corruption, and uphold the rule of law. (...) However, to be fair, the failure of the centralisation of police institutions should not be attributed to EUPM predominantly”. (Fakiolas and Tzifakis, 2017: 204-205)

At the heart of this thesis, there is the assumption that CSDP civilian missions are one of the instruments in the EU foreign and defence policy toolbox. For this reason, the evaluation of CSDP impact does not want to be taken as an evaluation of the whole EU external action. So, the reasoning is not that the strong or weak impact of a mission indicates the strong or weak impact of the EU foreign and security policy to a large extent.

Nonetheless, what emerges from the study of the EUPM’s effectiveness and sustainability leads to some interrelated lessons and considerations, which also concern other instruments and actors in the EU foreign and defence dimension. First of all, the coordination of all EU tools should be a central issue to ensure credible, effective and sustainable results, both for CSDP missions and for other EU programmes. CSDP missions should not be disconnected from the entire EU strategy in a country, in order to implement a more coherent and fruitful action. About Bosnia-Herzegovina (and Kosovo), Fakiolas and Tzifakis (2017: 208-209) remarked: “the greater coordination of EU means and instruments in these two countries (they refer to Bosnia and Kosovo), the larger have been the possibilities that CSDP objectives would be advanced on the ground”. Once again, in the case of Bosnia-Herzegovina and of the Balkans countries in general, the direct reference is to the enlargement policy. In general, CSDP missions are one of the tools, but they are not monads. Conversely, in particular in the Western Balkans, CSDP missions should be considered to be in support of the long-term

broader EU perspective in this area.

Furthermore, as the case of the EUPM shows, the complementarity of EU tools in complex work environments and with weak institutions has implications for many issues: in daily coordination in the field, in the long-term engagement through the establishment of a sustainable and joined-up exit strategy from one instrument to another, and in the overall political EU engagement and strategy towards a country. This last point is particularly relevant and I will refer to it further in the thesis. As mentioned above, CSDP missions are technical tools that operate in a highly political context. “It is not just a technical project, it is a political-diplomatic process that requires comprehensive strategic agreement and political leadership among EU instruments and actors and the full cooperation of domestic political officials” (Penksa, 2006: 18). For this reason, the need is to provide a “stronger political framework that is supported by effective strategic guidance from Brussels and EU member states” (Gross, 2012: 4).

CHAPTER 4

The rule of law mission EUJUST THEMIS in Georgia

The previous chapter presented the first case study in this research, the CSDP mission launched in Bosnia-Herzegovina which was the first police mission carried out by the European Union. In this chapter, the aim is to present and analyse the impact of the first CSDP rule of law mission, EUJUST Themis, which was deployed in Georgia in 2004 (see map Annex 4). EUJUST Themis was also the first mission to be deployed in a post-Soviet space. EUJUST Themis had a different mandate, and differently from the EUPM it lasted just one year in the field.

At the time of the EUJUST Themis deployment, Georgia was in geopolitical and social turmoil, especially because of the long-standing ethnic conflicts in the two secessionist republics of Abkhazia and South Ossetia¹⁰⁹ (Kurowska, 2009: 202). For this reason, before going into the details of the mission's structure and tasks, I am going to give a brief description of the historical-political context of the country, after the disintegration of the Soviet Union.

Once Georgia declared its independence from the Soviet Union in 1990, it was in a difficult political and economic situation. Before the Rose Revolution (2003), Georgia had a corrupt government headed by the former Soviet minister Eduard Shevardnadze, who failed to move the country towards a process of institutional reforms (Kurowska, 2008: 97). "Shevardnadze's rule (1992-2003) was characterised by corruption, criminalization and economic decline. By the turn of the century, after eight years in power, he was very unpopular" (Toria, 2014: 319). Nonetheless, the EU's strategy towards the post-Soviet republics continued to develop throughout the 1990s. The European Commission provided technical and financial assistance within the Technical Assistance for the Commonwealth of Independent States (TACIS) programme.¹¹⁰ According to the EC paper on the country's strategy, Georgia's main priority

¹⁰⁹ Briefly, the last Georgian-Russian war erupted during the night of 7th-8th August 2008, when Georgian troops invaded the territory of South Ossetia. The following day Russia intervened heavily against the Georgian army. Fights broke out both in South Ossetia and near the boundaries with Abkhazia. On 15th August a cease-fire agreement was signed thanks to the mediation efforts of the French President Nicholas Sarkozy who held the rotating presidency of the EU.

¹¹⁰ The Tacis programme represented the EC's effort to support the process of economic reform and development in the countries of the Commonwealth of Independent States. The overall aim was to help states to develop

areas of reform concerned: rule of law and good governance, human rights, poverty reduction, conflict prevention and post-conflict rehabilitation. However, this first attempt at cooperation between the EU and Georgia was characterised by little enthusiasm by the two sides and mutual disinterest (Rinnert, 2011: 5). On the one hand, Georgia was mainly concerned with its internal problems. On the other hand, the EU still did not pay too much attention to the South Caucasus region, as with the closer Central and Eastern European countries, and the TACIS programme was not adequately built up and implemented to have a substantial impact (Rinnert, 2011: 6).

The following step was the EU launch of Partnership and Cooperation Agreements with South Caucasus countries, including Georgia in 1996, which entered into force in 1999. The agreement initiated a wider cooperation in many areas, especially concerning trade matters. It was an example of the so called EU conditionality: in exchange for meeting “European values” and liberal reforms, the EU offered assistance or forms of association (Haukkala, 2013: 160). However, the EU policy approach was cautious and excluded a clear accession perspective.

Despite this unenthusiastic start, mutual interest was reignited in 2003 (Kurowska, 2008: 99), a year which represented a turning point both for the EU and Georgia. On the EU side, in 2003, the first document on the European Security Strategy was elaborated and it underlined the need for a stable and secure neighbourhood. This was particularly true, due to the coming enlargement of EU boundaries to include some Eastern Europe states in 2004. At the same time, Georgia seemed to be facing a new political season with the Rose Revolution. As a result of rigged parliamentary elections in November 2003, peaceful, civilian protests occurred in Tbilisi for twenty days, supported by a new class of young politicians. President Shevardnadze was obliged to resign. The following presidential and parliamentary elections brought to power a pro-Western and nationalist president Mikheil Saakashvili, paving the way for renewed enthusiasm for reforms, hinged on the fight against corruption and a resolute behaviour towards Russia (Kurowska, 2008: 99). It is against this backdrop that the EU strengthened its approach through the launch of the European Neighbourhood Policy (ENP). The ENP was structured as a bilateral policy which aimed to strengthen security, stability and well-being for all neighbours and promote a ring of well-governed countries around Europe

effectively functioning market economies based on private ownership and initiative, and to sustain the development of pluralistic democratic societies.

(Rinnert, 2011: 7; Comelli, 2010: 74).¹¹¹ The underlying rationale of the ENP answered two needs: the first was to guarantee benefits and support for neighbouring countries, avoiding possible causes for instability; the second was to create a fall-back scheme towards these countries that could not or had little chance of joining the EU (Comelli, 2010: 71). In other words, a new model of cooperation without envisaging the possibility of EU accession. In this way, the EU established single Action Plans with each neighbouring country, drawing up an agenda according to the country's needs and the EU's interests. In the framework of the Action Plan priority reform areas to be worked on were identified, in order to obtain incentives, support and cooperation from the EU. In 2004, Armenia, Azerbaijan and Georgia were also included within the ENP (Irrera, 2008: 91). In 2006, the EU-Georgia Action Plan was signed, and eight priority fields¹¹² were defined in order to bring Georgian legislation, norms and standards closer to those of the EU (Ritter, 2011: 8). The ENP revealed some limits as a security and stability strategy, mainly due to the lack of a regional approach which some challenges required and the weakness in security and energy sectors (Comelli, 2010: 88; Haukkala, 2013: 162). Thus, the ENP was refocused differentiating between two more specific initiatives: the Union for Mediterranean (2008) and the Eastern Partnership (2009).¹¹³ As regards Georgia for example, in 2008, the country was the scene of conflict between the Georgian government and the two separatist republics of Abkhazia and South Ossetia supported by Russia.¹¹⁴ However, in the frame of the Eastern Partnership, Ritter (2011: 11) observed that Georgian-EU relations had made considerable progress on many issues, such as visa facilitation and a Deep and Comprehensive Free Trade Area. Moreover, negotiations about the ratification of the Association Agreement officially began in 2010 and the document was signed definitively in 2014.

¹¹¹ The ENP is based on the following principles: positive conditionality, which means inducing reforms by offering incentives based on the progress accomplished by countries; joint ownership, which means that priorities, goals and plans are agreed on together; and, differentiation, which means considering each country's specific context.

¹¹² The eight areas of recommendation included: the reinforcement of the rule of law system and the protection of human rights; the support of democracy and pluralism; the modernisation of the trade sector; the adoption of fiscal and customs law and the intensification of the fight against corruption; transparency in the privatization process; progress on poverty reduction, sustainable development and environmental conservation; the reinforcement of conflict resolution and regional cooperation; finally, balanced macroeconomic policies (Irrera, 2008: 94).

¹¹³ The Eastern Partnership has established along with a bilateral track, as the Neighbourhood Policy, a multilateral one, through four thematic platforms: 1. Democracy, good governance and stability, 2. Economic integration and convergence with EU policies, 3. Energy security 4. Contacts between people.

¹¹⁴ For further details on the 2008 war, see footnote 108 above.

This general overview outlining the relations between the EU and Georgia shows the increasing importance acquired by the South-Caucasus region, because of its strategic geopolitical location and energy resources. Since the Rose Revolution the political and economic systems changed remarkably and projected the country towards new paradigms of growth and aspirations. Despite the 2008 Georgian-Russia war and the financial crisis that affected the Georgian process of change, as well as the strong influence of Russia on Abkhazia and South Ossetia, Georgia still continues to look to the EU, trying to strengthen mutual bonds. “*Visa liberalisation, trade agreements and so on continue to be a stimulus for Georgian government*”.¹¹⁵ Nonetheless, as also stressed below, the Eastern Partnership did not envisage a comprehensive strategy, consisting of the crisis management dimension, and consequently, still lacked an integrated mechanism of European Commission and CSDP tools (Bosse, 2011: 144).

4.1 EUJUST Themis: context and features of the mission

The proposal for an CSDP rule of law mission in 2004 was presented by the representative of Lithuania¹¹⁶ within the Committee for the Civilian Aspects of Crisis Management. The proposal was supported by the Directorate for civilian crisis management of the General Secretariat of the Council, which at that time was defining the doctrine of rule of law¹¹⁷ missions (Kurowska, 2008: 100). The idea was welcomed by Brussels as an opportunity to test this new type of mission and by Member States interested in broadening EU geographical action. This could be interpreted as a signal of the EU to be more active in its neighbourhood. As for the government of Tbilisi, it appreciated the initiative as a demonstration of political support from the EU, even if “some lobbying in favour of a military ESDP operation that could be potentially extended to the conflict areas” (Kurowska, 2009: 203).

At the beginning, the European Commission did not agree with the deployment of a CSDP mission in Georgia, as it was perceived as a stand-alone endeavour, and suggested enhancing EC delegation activities (Smith, 2017: 176).

¹¹⁵ Interview with Georgian researcher, Tbilisi, May 2017.

¹¹⁶ At that time, Lithuania was still a candidate country, but with an observer status in the Council of the EU.

¹¹⁷ The sector of rule of law was an integral part of the civilian tasks of European missions as defined at Santa Maria de Feira Council.

However, there were substantial arguments in favour of a CSDP commitment. First of all, it would represent a political signal to the new Georgian leadership (Helly, 2006: 87); secondly, it would also provide operational and technical capabilities and direct control by the EU over the implementation of mission assistance.¹¹⁸ Furthermore, a CSDP mission would achieve quick-impact measures as a short-term tool (Kurowska, 2009: 204). These reasons supported a CSDP rule of law engagement and the Council of the EU sent an exploratory mission in March 2004 to identify the overall scope for a mission in the Georgian justice system. The exploratory mission recommended the necessary assistance to make the Georgian justice system more coherent and effective, focusing on many areas of reform such as the penitentiary system (Smith, 2017: 176). The latter was excluded in the end from the possible mission tasks, because of an existing engagement of the European Commission, and so, the EUJUST Themis focused on broader aspects of criminal justice. On this basis, the Council Joint Action for the launch of EUJUST Themis was adopted on 28 June 2004, with an initial mandate of one year.¹¹⁹ All in all, the mission represented a good opportunity for the EU to test its rule of law capabilities and to test its relations with Russia (Helly, 2006: 91).

The mandate of EUJUST Themis was to assist local authorities in developing an overarching criminal justice reform strategy. Before proceeding with the analysis of the mandate tasks and features in order to analyse the effectiveness and sustainability of EUJUST Themis, I intend to give a brief illustration of the criminal justice sector in Georgia, highlighting the main defects of the Georgian system at the time of deploying this mission.

Since the end of dominion by the Soviet Union, due to unresolved regional conflicts, political instability and governance shortcomings (Helly, 2006: 89), Georgia did not make any progress in judicial reforms. The first element to stress was “*widespread corruption, which affected all levels of the justice field*”.¹²⁰ “*The bribes were the normal way of life*”.¹²¹ “*Georgia was one of the most corrupted countries in the post-Soviet space*”.¹²² Furthermore, a lack of capacities and an efficient system characterised this field, which was essentially based on Soviet organisation.¹²³ This means that there was a dispersion of investigation powers and political interference during investigation and trial phases. In addition, phenomena of collusion with

¹¹⁸ In fact, the European Commission proceeded by subcontracting the implementation of reforms to NGOs.

¹¹⁹ Council Joint Action 2004/523/CFSP on the European Union Rule of law mission in Georgia, EUJUST Themis.

¹²⁰ Interview with Georgian researcher, Tbilisi, May 2017.

¹²¹ Interview with Georgian researcher, Tbilisi, May 2017.

¹²² Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹²³ Interview with Georgian rule of law researcher, Tbilisi, May 2017.

organised crime and police abuses created a sense of mistrust among citizens. Some attempts at reform took place within a number of cooperation programmes i.e. in the penitentiary system or in the Criminal Procedure Code (Helly, 2006: 90). However, they proved to be isolated and unsystematic endeavours, so an overall reform of the justice system was still urgent at the time of Rose Revolution.

In the wake of the revolution, at the same time trying to avoid a new destabilisation, EUJUST Themis was perceived as a positive and preventive tool, even if a small-scale mission was agreed. Generally, *“the main goal of the mission was to assist Georgian authorities (so at a high level) in assessing the rule of law conditions and to develop a strategy”*.¹²⁴ According to the mandate,

“EUJUST Themis shall in full coordination with, and in complementarity to, EC programmes, as well as other donors’ programmes, assist in the development of a horizontal strategy guiding the reform process for all relevant stakeholders within the criminal justice sector, including the establishment of a mechanism for coordination and priority setting for the criminal justice reform”

(art. 2.1 Council Joint Action 2004/52).

More specifically, the aim of EUJUST Themis was: to provide guidance for the development of a new criminal justice reform; to support a mechanism for coordination among the relevant Georgian authorities in the field of judicial reform and anti-corruption; to support planning for new legislation; and to support international and regional cooperation on criminal justice (art 2.2 a-d Council Joint Action 2004/523).

The mission was headed by Sylvie Pantz, who was also the Head of the planning team. In fact, within the Operation Plan, the mission activities were divided into three phases: an assessment phase (2 to 4 months), a drafting phase (4 to 6 months), and an implementation-planning phase (2 to 4 months). Each phase was supposed to finish with the achievement of specific objectives. Consequently, the first phase was supposed to offer an assessment of the Georgian criminal justice system; during the drafting step a high level working group aimed at elaborating a draft of the strategy, and the implementation-planning phase envisaged the establishment of a high-level strategy group to implement the new plan (Kurowska, 2009: 204). Consistent with monitoring, mentoring and advising tasks, EUJUST Themis experts were co-located at key positions within Georgian institutions, namely the Prime Minister’s Office, the Ministry of Justice, the National Security Council, the Council of

¹²⁴ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

Justice, the Prosecutor General's Office and the Public Defender's Office and they collaborated with Georgian legal advisers.

*"A number of experts were deployed in Georgian justice institutions and each expert had its sector in the major pillars of justice system. Each EU expert had its local assistant for legal advice. Local expert guided international experts by explaining Georgian reality, explaining Georgian legal and political culture etc."*¹²⁵

Upon which, the mission started officially in mid-July 2004 and it lasted one year in the field.

4.2 The effectiveness of EUJUST THEMIS

4.2.1 Mandate

As mentioned before, the mandate of EUJUST Themis was to support the Georgian rule of law system, and more specifically, to advise Georgian authorities on the development of a criminal reform strategy. From a certain point of view the mandate was considered ambitious, especially if limited to one year. From another point view, it was depicted as a clear, narrow and specific mandate.¹²⁶ Another pro of the mandate was that it addressed not only political but also technical issues. *"The mission was an expert mission and not just a political one"*.¹²⁷ The fact that the mandate involved local institutions at a high level was perceived as an incentive to guarantee the implementation of reforms. Moreover, imposing a strict time limit to accomplish the mandate seemed to compel the counterparts to work,¹²⁸ even if there were, however, some strains in engaging the political support of Georgian authorities. However, the short-term mission was also very challenging and difficult, because *"the experts were not Georgian and we had to translate all the legislation"*; furthermore, *"for experts to get aware how the system is working one month is not enough"*.¹²⁹ All of this aside, field interviews revealed that the time period, when the mission was deployed, was almost right. In fact, 2003-2004 was a turning period for Georgia and

"the new political establishment initiated huge reforms. The new government started to reform the system and the main issue at that time was the corruption and the influential criminal groups which controlled

¹²⁵ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹²⁶ Interview with former EUJUST Themis official, Tbilisi, May 2017.

¹²⁷ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹²⁸ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹²⁹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

*some areas, they even controlled part of the government (...) It was the period of the inception of reforms”.*¹³⁰

*“From Georgian side, new Georgian government were very young motivated and western educated people. They wanted to improve situation”.*¹³¹ *“The mandate was really needed and required. It was the right moment to do it. The time period was exact, if it was one year after, it would have been sense less because all the important reforms would have been already made”.*¹³²

The mandate was executed according to the phases envisaged.

*“How to transform a soviet based criminal justice system into a modern European one? How was the mandate carried out? Firstly, the assessment was made. What are the characteristics of the system? What are the problems? Well, the problems are legislative gaps or practical problems. And how the existent system complies with the international standards, in order to it has to be changed. Right? So, it was a very comprehensive assessment, which was one document and based on that it was disseminated within the working groups and the Georgian counterparts, Then, the mission started working on the strategy. The logic was the same: working groups and the division of labour and tasks by directions. And...the challenge was that we had to assess and develop the strategy in one year”.*¹³³

The assessment phase led to an evaluation of the main shortfalls. However, it was a professional and technical assessment.

*“We were more expert oriented. This is your criminal or prosecution system...what does not work properly? How do you recruit prosecutors? How do you train prosecutors? It was not a general political objective, it was expert”.*¹³⁴

Then, the mission proceeded with the outline of the strategy, which in the end was drafted and adopted by the government (Merlingen, 2012: 141).

As regards the negative aspects of the mandate, two dimensions emerged from interviews: first, *“it (the mandate) was just one year, it is not a problem of time, but of vision. Because to develop a strategy, one year is nothing, but we did it”*; and second, *“when you did it (to develop a strategy), and you leave afterwards...immediately, it can be lost”*. In this way, the absence of a follow-up mission to support the implementation of the strategy was considered important, at least: *“in the sense to have experts here for other one/two years after”*.¹³⁵ I will develop this point later, in the paragraph on the exit strategy.

¹³⁰ Interview with Georgian researcher, Tbilisi, May 2017.

¹³¹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹³² Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹³³ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹³⁴ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹³⁵ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

4.2.2 Resources

EUJUST Themis was not really a capacity building mission; however, it required financial, technical and human resources. As far as financial arrangements were concerned, article 10 of the Council Joint Action 2004/523 allocated 2.050.000 euro to cover mission expenditure. As a civilian mission, the amount was financed within the common budget and in accordance with the procedures and rules of the European Union. Similar to the EUPM mission, EUJUST Themis experienced the complex Community financial and procurement procedures (Smith, 2017: 206): “due to delays in this regard, the mission did not have computers for the first three months of its deployment” (Kurowska, 2009: 205). Despite its small size, “*EUJUST Themis underwent a too slow deployment of equipment*”¹³⁶, so revealing a common European shortcoming.

With regard to staff, the EU Member States seconded its own staff and they were responsible for any matters linked to the secondment, including salary, allowances and so on. Member States experts¹³⁷ were co-located at Georgian justice institutions and they collaborated with Georgian legal advisers. On the one hand, field interviews, based on personal experience, revealed that “*human resources were chosen efficiently, so they were capable both at the EU level and local level*”.¹³⁸ One of the factors, which influenced the achievement of results, “*has been adequate experts*”.¹³⁹ “*Expertise and knowledge of the EU staff was an important element to fulfil mandate objectives*”.¹⁴⁰ On the other hand, literature highlighted that Georgian authorities did not always appoint experienced officials and constantly reshuffled their staff. Poor planning and implementation of the European Commission’s financial and procurement procedures, as well as unskilled local experts contributed to delays in the accomplishment of tasks (Helly, 2006: 98-99).

¹³⁶ Interview with former EUJUST Themis official, Tbilisi, May 2017.

¹³⁷ Member States’ legal experts were from France, Denmark, Germany, Italy, Latvia, Lithuania, Estonia, the Netherlands, Poland and Sweden.

¹³⁸ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹³⁹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁴⁰ Interview with former EUJUST Themis official, Tbilisi, May 2017.

4.2.3 Coordination in the field with EU family and non-EU actors

As in other cases of CSDP deployment, EUJUST Themis had to face the challenge of coherence and coordination with other EU family actors and non-EU organisations in the field. Beginning within the EU family: “Themis once again highlights the issue of coordination within the EU family” (Kurowska, 2008: 106), and Koutrakos (2013: 163) underlined among the problems concerning EUJUST Themis (apart from local expectations and delays in funding and equipment): “the third problem is also familiar and was related to the mission’s interactions with other EU institutions actors”. As regards the coordination mechanism, the Council Joint Action 2004/523 (art. 8) established a chain of command in which the Head of mission had to report to the EUSR, and through him, to the High Representative. Political control and strategic direction rested with the Political and Security Committee, under the responsibility of the Council (art. 9 Council Joint Action 2004/523). The chain of command aimed at ensuring a system of report and coordination between the field and CSDP institutions in Brussels.

Moreover, rule of law represents a grey area of competence for both the CSDP and Community instruments (Helly, 2006: 93), and as outlined with reference to the decision to launch EUJUST Themis, both the Council and the Commission could assist Georgia in rule of law reform: “the most serious challenge was with the Commission which has been very active in Georgia (...)” (Koutrakos, 2013: 163). In fact, this raised two questions, as usual: the first refers to the risk of overlapping of tasks or duplication of endeavours; the second concerns the need to coordinate different programmes.

I have already mentioned the disagreement of the European Commission as regards the proposal for a CSDP rule of law mission in Georgia. In the debate, three added values of a CSDP mission were outlined, which in the end led to the launch of the first EU rule of law mission: the possibility of a rapid deployment, the enhancement of the EU’s visibility and the more political influence of the CSDP compared with the EC delegation assistance programmes. Consequently, the political connotation of a CSDP mission, and in this case that of EUJUST Themis, was considered an element to strengthen the effectiveness of the mission¹⁴¹. Despite these initial divergences, article 2 of the Council Joint Action 2004/523 clarified that EUJUST Themis should carry out the mandate “in full coordination with, and in

¹⁴¹ Interview with former EUJUST Themis official, Tbilisi, May 2017.

complementarity to EC programmes, as well as other donors' programmes". The Council and the EC also agreed on a mechanism for complementing their respective instruments. As regards penitentiary reform for example, a sector excluded from the competence of EUJUST Themis, one Themis expert would deal with this issue in cooperation with the Commission's penitentiary experts already engaged in this reform sector (Kurowska, 2008: 101). In addition, "regular meetings within EU family programmes were held, including the EC delegation",¹⁴² and the Head of mission also took part in EU Member States ambassadorial weekly meetings (Helly, 2006: 94). It is also worth noting, as I illustrate further in the following paragraph, that the inter-institutional cooperation issue emerged at the end of EUJUST Themis for the mission follow-up, as well.

However, "on the ground, relations between Themis and the Commission were not as successful as they could have been" (Helly, 2006: 94), and even if there were mechanisms for ensuring cooperation and coherence, "concrete practices of cooperation and cross-fertilisation have been developing incrementally in a largely non-codified and on occasion conflictual manner" (Kurowska, 2009: 208). In the end, the practice of coordination was not smooth (Koutrakos, 2013: 164), and it tended to emphasise institutional differences more than a comprehensive approach. At the same time, collaboration with the EUSR proved to be demanding and did not succeed in supporting the mission's efforts to arouse more enthusiasm from the Georgian side (Koutrakos, 2013: 163), and to give an example Kurowska (2009: 208) writes:

"Themis did not secure sufficient assistance from the EUSR in April 2005 when the timely submission of the draft strategy was at risk. The head of mission chose instead to travel to Brussels and appeal there for nudging the Georgian authorities towards more tangible commitment to the project".

As a consequence, "EUJUST Themis was not adequately supported by Brussels and the Commission",¹⁴³ to the detriment of a broader and deeper political impact (Koutrakos, 2013: 165). Consequently, this fostered the idea that, in practice, efforts in crisis management in Georgia were not coordinated between the instruments available to the Commission and the CFSP/CSDP (Bosse, 2011: 144). Finally, this gives us food for thought on two specific interlinked issues, which call on the attention of scholars. The first is a problem of coherence among all EU instruments and actors involved in its external action: "whether it was EUPM or EUJUST Themis, CSDP missions suffered from problems of institutional turf wars

¹⁴² Interview with former EUJUST Themis official, Tbilisi, May 2017.

¹⁴³ Interview with former EUJUST Themis official, phone call, June 2017.

between the Commission and the Council” (Juncos, 2016: 26). As a result, the second issue deals with a lack of proactive action and a clear political strategy to implement: “in the Eastern neighbourhood, the fit between CSDP and other EU policies has encountered even more problems because of the lack of defined political goals in this region” (Juncos, 2016: 30).

Along with EU initiatives, other international and bilateral donors were present on the ground, such as: the OSCE, committed in many areas from conflict settlement to democratisation and rule of law, the Council of Europe, UN agencies and so on, or specific projects such as the Norwegian Mission of legal advisers to Georgia (Smith, 2017: 188). It is also important to underline the presence of United States advisers.¹⁴⁴ Helly (2006: 97) remarked that part of the EUJUST Themis’s mandate regarded the strengthening of international coordination in the field of justice reform. For this purpose, a roundtable was established (Smith, 2017: 188), and a relaunch of information exchange was managed by the mission. Nonetheless, the coordination of these different voices was not an easy task. In particular, in the case of US advisers, different legal cultures and views (Kurowska, 2009: 206; Helly, 2006: 96) reflected divergent solutions and proposals, resulting in conflicting advice being offered to Georgian interlocutors (Merlingen, 2012: 140). “*The American legal model was persuasive*”,¹⁴⁵ and the need to negotiate and find a compromise in the face of different proposals made drafting the strategy proceed at a much slower pace. In particular, two legislative proposals stemmed from the American legal philosophy: plea bargaining¹⁴⁶ and jury trial. Themis experts did not recommend these legal institutions for Georgia, because they could leave too much room for corruption in a fragile and non-transparent legal system. “*We advised against the American jury model*”.¹⁴⁷ As a result, EUJUST Themis had to work very hard in the last period of the mission deployment to finalise the draft of strategy.

4.2.4 Exit strategy

The EUJUST Themis did not have the capacity and institution building or training tasks. Consequently, a proper exit strategy from the mission was not envisaged. However, since

¹⁴⁴ There was a project of the American Bar Association,

¹⁴⁵ Interview with former EUJUST Themis official, phone call, June 2017.

¹⁴⁶ Plea bargaining is a legal institution, typical of the North-American system, that admits an agreement in criminal cases between the prosecutor and defendant, whereby the defendant agrees to plead guilty to a particular charge in return for some concession from the prosecutor.

¹⁴⁷ Interview with former EUJUST Themis official, phone call, June 2017.

before the end date of the mission, the issue of its follow-up arose with a certain urgency, especially after the struggles and delays in preparing the final draft of the strategy. Nonetheless, the decision behind what kind of engagement was not clear, but the driving idea was not to relaunch a second EUJUST Themis or to prolong it. Kurowska (2008: 105) pointed out that: “there was little interest in such an option in Tbilisi”. In fact, the Georgian counterpart did not formally request an extension of the mission, and also in Brussels, CSDP actors were not inclined to continue the mission beyond its initial mandate, given that the first rule of law mission should have been presented as a success. Nonetheless, a supervision of the criminal strategy implementation and further assistance as regards rule of law were needed.

As a result, the main proposal advanced referred to a gradual transfer of the implementation task of the criminal justice reforms to the European Commission delegation. In order to do this, two possibilities were outlined: one was to appoint two rule of law experts in the EUSR office to monitor and provide assistance in the definition of the implementation plan; the other was to hand over directly the responsibility of the implementation of the strategy to the EC delegation (Kurowska, 2008: 105).

In the end, the decision was to appoint two Themis experts to a support team of the EUSR on border monitoring¹⁴⁸ to assist Georgians in the planning of the implementation process (Helly, 2006: 100). In turn, the defined plan was supposed to be included within the country action plan of the European Neighbourhood Policy, so implicating also the European Commission (Smith, 2017: 199). “*A sort of follow-up mission envisaged legal experts under the EUSR and then, EU delegation rule of law experts would have continued to monitor rule of law sector*”.

¹⁴⁹ In other words, this solution aimed at involving all stakeholders (EUSR office, the EC, Georgian government) and creating a coherent synergy among EU family actors.

From theory to practice, on September 2005, Themis’ experts were allocated within the EUSR, but *de facto*, they carried out their tasks on their own (Kurowska, 2008: 105). In fact, the EC delegation did not strongly support the Themis’ experts and delayed recruiting its rule of law experts to reinforce its extended rule of law assignments. Furthermore, Themis’ experts did not receive guidance from Brussels, and as a consequence the impact of follow-up was limited. According to field interviews, local counterparts did not even perceive a real and clear follow-up of EUJUST Themis. As for one of the drawbacks of EUJUST Themis:

¹⁴⁸ The necessity of a follow-up mission stemmed from the need for further assistance in the rule of law, but also from increasing Georgian pressure for a stronger EU commitment on border monitoring.

¹⁴⁹ Interview with former EUJUST Themis official, Tbilisi, May 2017.

*“When you want to make a real impact, it is important to have a follow-up and not only...only through EU delegation in the country. Because partly, even though we were located, situated in EU delegation, we were not part of EU delegation, we were in mission. In reality, the EU delegation couldn't...I mean, physically or technically (EU delegation) could not do the same things as experts were doing. So, I think it had been very important to have a follow up in terms of experts being here for another one or two years”.*¹⁵⁰

Once more, *“a shortcoming of the EU approach could be the lack of a clear follow-up and probably a proper follow-up mission could have strengthened the sustainability (of the EUJUST Themis)”*.¹⁵¹

Yet again, the question of coordination within the EU family presented itself, in this case as regards the EUJUST Themis follow-up, and Kurowska stressed how institutional rivalry played a role in the overall EU impact in the country, showing “a more general shortcoming of the EU, namely the absence of an overarching foreign policy vision and institutional fragmentation” (2008: 106).

4.3 The sustainability of EUJUST THEMIS

4.3.1 Local ownership

The study of sustainability examined two dimensions, namely: local ownership and durability of reforms.

As regards local ownership, we have to remember once again that the mandate of EUJUST Themis did not include capacity building tasks; however, the involvement of local authorities proved to be important, even more in this case, since the drafting of a criminal justice reform strategy required genuine involvement on the part of local counterparts. Three specific issues arise in the analysis of local ownership in the EUJUST Themis case: 1) the political will and involvement of the locals, 2) co-location and 3) the working group method. Above all, in any case, local ownership is considered valuable.

“Without this ownership, there would not be any changes in any country, especially in Georgia. You cannot just copy and paste European examples and European experience. You need some adoption, and so you need local ownership because those local people are more informed and experienced in dealing

¹⁵⁰ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁵¹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

*with the local staff, local criminal justice etc. So, there should be some kind of combination of these two: European experience and local experience. So, of course, it (local ownership) is worth”.*¹⁵²

*“Local ownership is a value, of course. Absolutely! Without that, you could never in that kind of missions, or even in technical assistance missions, you could never actually yield the results that you wish. I know many other initiatives where they design action plans, or the strategies, and when foreign experts go, they just put it on the table”.*¹⁵³

Furthermore, still from the same interview:

*“For us to have ownership, it was critical.”¹⁵⁴ Because in capacity building, you say: ok, you train this, this and this...and you can measure, but in strategy...if you just wrote a strategy and there is no ownership, there is no impact. You know...because in training you might have impact after five years, ten years, because you put knowledge in the heads, then you never know when they are going to use it...in case of strategy, if it is not used right immediately...so local ownership is crucial. It is usually crucial in any kind of mission”.*¹⁵⁵

However, the implementation of the principle of local ownership was not always simple. *“I would say that this (the case of EUJUST Themis) was not completely local ownership. Sometimes the authorities are thinking how to get rid of this obligation, how to comply with an obligation, and not to create something really important”.*¹⁵⁶ In Kurowska’s analysis (2008: 103), political difficulties appear:

“for instance, despite a clear deadline, the Georgian side failed to do its part in finalising the draft strategy. (...) Hence, the mission, in clear violation of the principle of local ownership, decided to draft part of the strategy without Georgian input”.

Similarly, Helly (2006: 97) replied again:

“the strategy drafting process and realisation of the Themis mandate were complicated by an absence of political commitment from the top level of the Georgian government and lack of consensus amongst the Georgian elite on how to design and implement the whole criminal justice reform”.

In the end, *“my impression is that the strategy created was not on the ownership of the Georgian State”.*¹⁵⁷ Ultimately, as in the case of the EUPM, the challenge is to balance between monitoring, mentoring and advising activities, as well as promoting collaboration, and the principle of local ownership.

¹⁵² Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁵³ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁵⁴ Critical in the sense of decisive, crucial, important.

¹⁵⁵ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁵⁶ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁵⁷ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

Moreover, the political will plays a central role in the effective application of local ownership, in view of reforms sustainability. In fact, “*the sustainability depends on political will*”,¹⁵⁸ and political will could have strengthened the degree of sustainability.¹⁵⁹ The counterpart’s political will is fundamental: “*when there is political will, you can achieve a lot of things*”.¹⁶⁰ Nevertheless, from interviews lights and shadows come out in this regard.

On the one hand, after the Rose Revolution,

*“the new Georgian government was composed by motivated, very young people and they wanted to improve the condition. (...) Government actually supported a lot, because they wanted our assistance and our acknowledgment. (...) The preconditions from both sides coincided, this is the best-case scenario, generally. (...) It was the readiness of government to listen, to react, to act. (...) The readiness of both parties to commit themselves”.*¹⁶¹

The post-revolutionary time and context seemed to be a propitious time for changes, and the mission initially benefited from strong support.

Also, according to another interviewee: “*One of the factors which influenced the achievement of objectives was the political will of the Georgian government, they were motivated. The strategy was drafted with Georgians, this increased sustainability and put into practice local ownership*”.¹⁶²

On the other hand, especially when looking at the practice,

“We had sometimes big problems dealing with the government. Problems about deadlines, problems about delivery, problems about getting the right appointments...they were reluctant. Here is the point. If I come to your family and I say: 'I am going to help you to reorganise your family, your house'. So, you tell me: 'where do you want your piano? Where do you want your library?' You tell me that and I am going to help you. But then you say: 'ok, I will but you are not ready for it because It is not the proper time. You are not thinking about your piano, your kitchen. You are thinking to something different how to reorganise your power'. Your thinking and my thinking are not the same. So, you may tell me: 'Here's my piano, and I want my piano to be here', but it may not be the best of your ideas. Because this is not the proper time, maybe, to reorganise your house. I am coming from the outside just forcing you to reorganise your house, and maybe it is not the best choice that you are making. Also, you are doing this in the last days of the deadline. You have a deadline to tell me where your piano must be and you come on the very last days to think about where your piano must be, how the door or the window should look like. You tell me on the very last days, because you are not ready. You are doing this as a formal obligation and this is what I noticed from the government. You are not mature to think about all these things. I think

¹⁵⁸ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁵⁹ Interviews with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶⁰ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶¹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶² Interview with former EUJUST Themis official, Tbilisi, May 2017.

*this was not the proper time for EUJUST Themis to draft the strategy, maybe they should have had a little more time, or maybe they should have come a little bit later. My thinking is that the government was not ready for such a kind of fundamental thinking of its system. Maybe I am bit exaggerated but this is exactly what happened. In the prosecutor office, we were working on the strategy with them...to draft the strategy, for a year. There was no progress. On the very last day, I drafted some of the strategy papers for them, so I gave it to them and said: Here are some ideas for prosecutorial strategy, the deadline is coming. And then what happened? In about two or three days, they came up with a different strategy. It was on their own, but it was written in a very short time. (...) Low level of interest and involvement from the high ministerial level”.*¹⁶³

Ultimately, in daily practice, the will of local counterparts did not always mirror the commitment which formed the basis of the formal invitation to deploy the mission. “*Maybe there should be a higher agreement on timing*”¹⁶⁴, or the EUJUST Themis should have lasted longer.

As for the involvement of local counterparts, a level distinction has to be made: generally, it was difficult to involve local authorities at a high level,¹⁶⁵ whereas at a medium/low level, cooperation was stronger.

*“Yes. It was difficult to fully involved local counterparts. Another difficulty was the coordination, or better contact person...Who was responsible to talk on behalf of the ministry? The Ministry had not time...so who did express the will of the ministry? As far as I remember it was difficult to get high level meetings.”*¹⁶⁶

*“It was a matter of business of the highest level, sometimes we had problems in getting all the institutional top managers. It was difficult (to involve) at the top level”.*¹⁶⁷

On the contrary, looking at the daily work between the EU staff and Georgian staff and assistants, “*there were no particular obstacles to work together. They were easily accessible, so if you want to have some interactions with European experts, there was no problem to do so*”.¹⁶⁸

*“We were very flexible and there was no this formal division I’m an expert and you are an assistant. We were like a family. We always worked together. (...) There was no such a formal education of tasks, we knew what we were responsible for; but at the same time we also worked together on so many issues”.*¹⁶⁹

¹⁶³ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶⁴ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶⁵ Interview with former EUJUST Themis official, Tbilisi, May 2017.

¹⁶⁶ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶⁷ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶⁸ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁶⁹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

“I was not involved in the high-level meetings, I was an assistant of the experts in the daily work. We had a very good cooperation among staff. It was not difficult to work between Georgian and the EU staff. More in the high level (it was difficult)”.¹⁷⁰ Helly (2006: 96) particularly stressed the key contribution of Georgian legal assistants in advising EUJUST Themis officials and in mediating with Georgian ministries and the Georgian government. *“Each expert had his own legal assistants. It was a very effective, efficient structure of the work which delivered good results”*.¹⁷¹

To a certain extent, cooperation was favoured by the co-location of EU staff within Georgian institutions. The process of co-location meant that *“professional contacts increased sustainability”*.¹⁷²

“Absolutely, (working shoulder to shoulder was important) to discuss any kind of misunderstanding or any kind of question marks. Why don't you like this? Ok, maybe we can discuss it. What do you understand under this term, this concept?”.¹⁷³

Co-location was perceived as a concrete application of the national ownership principle and it also facilitated the knowledge of the local context by the EU Themis staff. In fact, it reportedly allowed Themis experts to become embedded in the system and to develop relations of trust with their local counterparts. It was also a way of understanding Georgian reality and the local justice system. This last point, which emerged from interviews, is particularly important because one of the shortcomings in the EU approach, from the locals' perspective, deals with the knowledge of the Georgian context.

“The first shortcoming is the lack of knowledge of the Georgian reality. From the very beginning, there was a kind of perception from some European experts...they perceived Georgia as a country without any legal system... some jungle (...) European experts should know more about Georgia. About its history, culture, legal traditions, how Georgia acted as member of the Soviet Union... probably it should be better they had some introduction about Georgia, what country they were coming through”.¹⁷⁴

“The shortcoming is that there must be good preparation before you go to this country... (...) Of course Georgians are very hospitable, of course they are always happy to receive guests from other countries, but they are not mentally prepared to really work with the experts, to use their resources. I would say there was not adequate preparation for the mission probably. The adequate preparation should be first of

¹⁷⁰ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁷¹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁷² Interview with former EUJUST Themis official, Tbilisi, May 2017.

¹⁷³ Interviews with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁷⁴ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

*all the assessment, the wish list from Georgian counterparts, and then the preparation of mission based on mutual exchanges of interests”.*¹⁷⁵

Consequently, the initial phase of the EUJUST Themis should have been more accurate:

*“there was a clear need to have an inception phase. You know an inception phase is when you get a mission, and give them like a month to understand: where they are, what they have to do...during the inception phase you gather also information on Georgian context (for example). To my knowledge there was nearly no inception phase here (...) It is also important for international experts to understand the other side, why they are thinking that way, and also to be a kind of psychologist”.*¹⁷⁶

In a similar vein, “an initial phase of getting to know the legal system of the host country would be very useful” (Kurowska, 2008: 107).

Finally, the working group method was quite effective and contributed to cooperation on both sides, even if difficulties can be noticed in top level meetings, which barely took place (Kurowska, 2008: 103), going back to the question of political will. *“As far as I remember, it was difficult to get high level meetings. The people who participated in them, they were not sometimes delegated the responsibility to talk on behalf of the agencies (the term refers to local stakeholders engaged in the process of reforms)”.*¹⁷⁷

4.3.2 The durability of reforms

EUJUST Themis *per se* has been considered a successful mission. Notwithstanding its shortfalls and practical difficulties, a reform strategy was finally drafted as stipulated by the mandate and the Operation Plan (Kurowska, 2008: 104). President Saakashvili adopted the National Strategy for Criminal Justice Reform in July 2005 by decree. Furthermore, even if some delays in the implementation of the drafted strategy occurred, it represented an important step forward for Georgia in its path closer to European standards (Kurowska, 2009: 207). *“The objectives were achieved during the mission in time”.*¹⁷⁸

“I think (EUJUST Themis) it was of paramount importance for Georgia, because...even though it is not just because of EUJUST Themis what happened in criminal justice. But it was motivated, it pushed for the reforms. It was the first attempt, this is what we said about the coincidence of right time-right place, then even though there were some recommendations that were not taken on board by government, but majority of things, so majority of concepts they were implemented. And as I told you even now, the first strategy was finished in 2005, and then implemented from 2006 in the action plan. After that, every two

¹⁷⁵ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁷⁶ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁷⁷ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁷⁸ Interview with former EUJUST Themis official, Tbilisi, May 2017.

years we have another strategy and action plan. So, this is like a chain reaction... (strategy and action plan) based on the directions that EUJUST Themis gave. It's like...it put the car on the road, it put the gasoline and it switched on, and of course car goes alone. (Me: EUJUST Themis provided the gasoline) The gasoline is now European, because the EU supports the implementation of the action plan through the European delegation. They give particular budgetary support. So, it was a push from EUJUST Themis, we could say that it was a very successful mission in terms of long term impact because the strategy is still working. Of course, there are additions, developments, new action plans but the directions and system which Themis set up it is still going. This is my perspective.”¹⁷⁹

*“I think that 95% of objectives were achieved. (...) Yes, it is still implemented. I am not good at assessing criminal justice because I changed business activity...but some parts are still in the implementation process. I would say that at least 60% of the strategy has been implemented. (...) This was the first attempt on the part of the Georgian government to work on the whole system, including criminal justice. First and efficient attempt, I would say. (...) EUJUST Themis was the highest mandated mission and played its own part”.*¹⁸⁰

As Bosse (2011: 136) underlined: “the 2005 ENP country report for Georgia made numerous positive references to the EUJUST Themis rule of law mission”. In the end, over the years, the criminal justice reform strategy has been revised, but the one drafted with the support of EUJUST Themis continues to be the foundation of the following revisions. Generally, the achievements concern the areas of EUJUST Themis actions:

“in all directions of EUJUST Themis strategy, we have quite good prosecution even though I think it is too powerful, we have significant improvements of police force, we have good national human rights institutions. In the penitentiary, the situation has improved a lot, so these are all directions of strategy”.

¹⁸¹

Looking specifically at some activities concerning criminal and judiciary procedure envisaged by the 2005 criminal justice reform strategy drafted with the support of Themis, some of them have been accomplished, others were partly achieved, and others took some time to be completed. To name but a few, as regards criminal procedure: the introduction of diversion for certain crimes, the introduction of a witness protection programme, the implementation of the principle of discretionary prosecution and so on have been accomplished. Prioritizing non-custodial pre-trial measures was achieved later in 2012. As regards the judiciary area, a clear delineation between trial, appellate and cassation was defined and a High School of Judges was created. Whereas, restriction of non-consensual movement of judges and the separation of the disciplinary adjudicative body from the High Council of Justice were

¹⁷⁹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁸⁰ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁸¹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

implemented in 2013.¹⁸² So, “*results are sustainable especially because there has been strategic drafting in every area: in justice, in prosecutor office, in police...and every second year is renewed, is monitored, and reported. It is going on because it is monitored every two years*”.¹⁸³ The support of EUJUST Themis represented an important effort towards reforms and improvements in the field of Georgian rule of law.

However, the current situation of the Georgian justice system shows lights and shadows that clearly emerge from field interviews. Thanks also to the assistance of EUJUST Themis, the main accomplishments in the rule of law have been: the reduction of corruption, capacity has been developed, legislation is much more streamlined and based more on European practice.

¹⁸⁴ Moreover, according to an interview with a Georgian rule of law expert:

*“the most significant achievements would be the elimination of bribery in public institutions at low level, it was almost completely eliminated. (...) So, agencies became more transparent and eliminated corruption. Also, reform of law enforcement agencies. But the main problem was that there was corruption elimination from law enforcement agencies, but they are still politicised. (...) We had significant results also in fighting criminals. Judiciary is a different problem. In 2004-2005 we had reforms that tried to remove old judges and introduced new people in the system. They changed the law how the system was managed, they introduced the High Council of Justice which is the main administrative body of judiciary, but the problem arose between 2006-2007 when the government started to take control over the judiciary and the result was that judiciary was dependent on the Ministry of justice”.*¹⁸⁵

As a matter of fact, in 2005 there was a big reorganisation of the judicial system in Georgia, but with mixed consequences.

“The government wanted to fight against corruption they started to dismiss a lot of judges by reorganising the courts and by creating new courts. So, the reorganisation enabled the government to dismiss the judges who they did not want to have, and this was good and bad. It was good because they could get rid of some of the corrupt judges and it was bad because it created a long term negative effect on the system. The effect of instability plus some of the good judges were also dismissed. It was very selective, nobody knew why some of the people were dismissed and some of the people were retained. Since that time, they have made a reorganisation of the High Council of Justice, they have created the new structure and the secretary was now a judge (before it was not a judge) elected by judges themselves. The High Council of Justice was composed of judges (the majority) and members of parliament. So, all

¹⁸² These data have been obtained from one of the Georgian interviewees.

¹⁸³ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁸⁴ Interview with Georgian rule of law researcher, Tbilisi, May 2017.

¹⁸⁵ Interview with Georgian rule of law researcher, Tbilisi, May 2017.

*judicial facilities and buildings were renovated, the judges were trained, the staff was trained. Good things were done in this direction, but the judiciary had big problems of independence from politics”.*¹⁸⁶

Kurowska (2008: 103) stressed that some of these developments hampered the accomplishment of Themis’s mandate from a certain point of view, but also “gave rise to concern among its members about the independence of the judiciary”.

*“The problem is judiciary, because there was no political will. Because at that period of time, government needed weak judiciary to go with the reform, to have influence and now it is too late. Even though there are some improvements...You cannot compare judiciary situation nowadays with the early 1990s. But still I think this is the least advanced area of criminal justice Judges should be independent, technically according to the law the requirements are independent and impartial but they are politicised. Not totally, of course”.*¹⁸⁷

Nowadays, the main shortfalls in the Georgian justice system concern the lack of independence and the degree of political interference. The Association Implementation report on Georgia drafted by the European Commission in November 2017 reported on a survey by the World Economic Forum regarding the perceptions of the business community which stated the level of judicial independence in Georgia is “above average while decreasing”, meaning that the influence of politics persists to some extent.

*“The big issues are the lack of independence in the justice system, especially in courts system and the political will”.*¹⁸⁸“Judges still lack of competence and independence”.¹⁸⁹

*“The huge problem is still independence from the government (...) Shortcomings in the justice system are: the degree of politicisation, there are too many changes in the justice system such as prosecutors, that the government brings people loyal to them, and that causes an extensive politicisation and the lack of impartiality. (...) (me: Which steps do you think the justice system should accomplish? There is a need to have independent courts. It is hard to achieve because there are so many connections with the government and key judges, that it could be hard to break these connections but it is essential for the progress of rule of law”.*¹⁹⁰

The lack of independence and pressure from the political sphere affect high profile cases, in which political interests are at stake.

“Judiciary unfortunately is now in a different situation. Judiciary is not controlled by the Minister of Justice, but what happened? There is a certain particular group of influential judges in the system that had the key administrative positions, they are the chairpersons, they are the secretary of the High

¹⁸⁶ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁸⁷ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁸⁸ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁸⁹ Interview in the Italian Embassy in Tbilisi, May 2017.

¹⁹⁰ Interview with Georgian rule of law researcher, Tbilisi, May 2017.

Council, the Head of the Courts...they are directly connected to the government because we suppose they are negotiating things with the government (...) Now we have a situation where judiciary is an institution separated from the executive branch but individual judges are not independent because they are influenced by this influential group".¹⁹¹

"Now the problem is that the new government is working and declaring that they are not interfering with courts, but in fact they have very good connections with these old mafia guys (with old influential judges) and then they are managing judiciary by these informal channels. From the outside everything seems great, laws are good, the process is democratic, there is self-government in the judiciary, but in substance the government keeps quite a lot of control on judiciary. On high profile case, there is no feeling that the court is independent".¹⁹²

4.4 Conclusions

As regards overall impact, the EUJUST Themis mission has produced mixed results. From the perspective of the European defence policy, EUJUST Themis proved that EU aspirations went beyond the Balkans area, and they could envisage other areas of reforms, namely rule of law. The added value of political connotation that a CSDP engagement has reinforced the technical dimension. From the point of view the achievement of objectives, a reform strategy was drafted by the deadline of the mandate and the mission managed to bring together local stakeholders in the criminal justice system and made them cooperate on the reform design (Kurowska, 2009: 207).

At the same time, the analysis of effectiveness and sustainability shows that EUJUST Themis suffered some difficulties, which influenced its impact on the ground. First of all, the clear but ambitious mandate, as well as the initial logistical and financial delays did not help the start and the implementation of the mission. Moreover, EUJUST Themis raised once again the issue of cooperation within EU family initiatives in the field. This is particularly true in view of a more comprehensive and deep impact, but also for a more credible and sustainable mission follow-up or transition strategy. *"A more decisive and joint way to act should have increased the credibility and the sustainability".¹⁹³* Currently, the EU delegation is still monitoring and assisting the area of rule of law within the EU-Georgia Association Agreement. In the last 2017 Association implementation report, the European Commission

¹⁹¹ Interview with Georgian rule of law researcher, Tbilisi, May 2017.

¹⁹² Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁹³ Interview with former EUJUST Themis official, phone call, June 2017.

highlighted achievements and further improvements to accomplish in this sector, even if it did not directly mention the EUJUST Themis legacy. On the third wave of judiciary reforms, other legislative amendments have been adopted. For example, Judiciary Strategy and its five years action plan were approved last year, even if there is a lack of full transparency and accountability in relation with access to justice. As for prosecutorial strategy, some steps forward have been accomplished and reforms are ongoing, but a constitutional reform should strengthen the independence of the Prosecutor's office from the Ministry of Justice. In short, *“the current situation is that the judiciary is struggling with its bad past. The past is not easy to forget. Legislative framework is fine but the application is a problem”*.¹⁹⁴ For its part, *“The EU should request more compelling improvements in the judicial system. It should not be influenced by political interest”*.¹⁹⁵ In addition, the mechanism of co-location which was considered a masterpiece of the civilian ESDP, allowed mission experts to be embedded in local institutions and to develop relations of trust with their local counterparts, trying to ensure local ownership, even if some problems occurred. The co-location method also served to distinguish the EU mission from other donors, who tended to offer ready-made solutions (Kurowska, 2008: 102).

“Crucially, however, the mission represented an innovative and pragmatic way of responding to needs of countries in transition towards democracy” (Kurowska, 2009: 208). In this way, EUJUST Themis sustainability materialised in the continuity of the Georgian process of reforms in the light of Themis inputs. In other words, EUJUST Themis paved the way for the reform of the Georgian justice system, which continues to be monitored and assisted by the European Commission in the framework of the Eastern Partnership.

Nevertheless, the general impact of EUJUST Themis in the region was moderate, especially from a political point of view. *“EUJUST Themis was seen as a success but after some years what did happen? There was a war”*.¹⁹⁶ This sentence is strong and clearly exaggerated; in fact, the following conflict in Georgia in 2008 was not a direct consequence of the impact of EUJUST Themis. However, the above statement brings to light a more general consideration on CSDP missions as a foreign and security tool of the EU. The lack of a EU comprehensive strategic vision hampers a broader and stronger impact that CSDP missions can contribute to. This emphasises once again a more reactive and hesitant EU behaviour, rather than a

¹⁹⁴ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁹⁵ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

¹⁹⁶ Interview with former EUJUST Themis official, phone call, June 2017.

proactive and strategic outlook (Juncos, 2016). “The overall approach of the EU towards Georgia remains hostage to number of inconsistencies rooted in its institutional structure” (Bosse, 2011: 144), which impedes to the EU a more decisive impact in the whole country. The current involvement in Georgia is the European Union Monitoring Mission (EUMM)¹⁹⁷ to monitor the Six points’ agreement,¹⁹⁸ which ended the Georgian-Russia war in August 2008.

At present, the EU continues to be an important incentive for Georgia, and the two have a close relationship and different programmes of cooperation within the Eastern Partnership.¹⁹⁹

“One incentive is financial assistance, and the EU political support and integration, an important step for example was visa free²⁰⁰.”²⁰¹

“I think the pressure from the West is at the moment... from the EU because it has with Georgia free trade agreements, visa free travel, so it has some leverage. The US has leverage because it provides important contribution to Georgian security so I think there should be more pressure from Georgian friends on the government to improve the independence on the justice system. The Georgian government should cooperate with the EU.”²⁰²

“The influence of the EU, it is a huge incentive for Georgia, the Association Agreements is also an obligation for us to implement certain amendments. But Europe doesn’t really go that deep in assessing the current conditions of for example Georgian prosecution office. The main core problem is the reform of judiciary for rule of law in Georgia. Second problem is the politicisation of the law enforcement agencies, which still serve political parties. (...). Then a particular problem is also the problem with minority rights such as sexual minorities.”²⁰³

However, how relations between Georgia and the EU proceed, will depend on both political and technical assistance and so on the EU capacity to manage its different souls and policies with a coherent vision towards this country.

¹⁹⁷ The European Union Monitoring Mission was deployed in September 2008, in accordance with the Council Joint Action 2008/736, and it is still ongoing. The objectives of the mission are to contribute to long-term stability in Georgia and the surrounding region, and in the short-term the stabilisation of the situation with a reduced risk of a resumption of hostilities. The mandate should be implemented throughout Georgia, but the de facto authorities of Abkhazia and South Ossetia have denied EUMM access to their territories.

¹⁹⁸ The Six Point Agreement put an end to the August war and envisaged the following principles: 1. Not to resort to force, 2. To end hostilities definitively, 3. to provide free access for humanitarian aid, 4. Georgian military forces will have to withdraw to their usual bases, 5. Russian military forces will have to withdraw to the lines held prior to the outbreak of hostilities, 6. Opening of international talks on security and stability arrangements in Abkhazia and South Ossetia.

¹⁹⁹ Interview in the Italian Embassy in Tbilisi, May 2017.

²⁰⁰ Visa free travel to Schengen Area came into force in March 2017.

²⁰¹ Interview with former EUJUST Themis Georgian adviser, Tbilisi, May 2017.

²⁰² Interview with Georgian rule of law researcher, Tbilisi, May 2017.

²⁰³ Interview with Georgian rule of law researcher, Tbilisi, May 2017.

CHAPTER 5

The rule of law mission EULEX in Kosovo

The previous chapter presented the analysis of the effectiveness and sustainability of the EUJUST Themis mission in Georgia, the first rule of law mission deployed in the framework of the European defence policy. This chapter aims at investigating the long-term impact of the biggest CSDP mission ever launched, EULEX in Kosovo (see map Annex 4). Once again, the EU decided to be involved in the Balkans, an important region in its immediate neighbourhood.

However, the EULEX mission, which is still ongoing,²⁰⁴ has two peculiarities: the first is that it is engaged in three sectors of rule of law, namely police, judicial, and customs; the second is that it has not only a strengthening division, but also an executive one. This feature is remarkably significant, because CSDP operations in general have had monitoring, mentoring and advising tasks, without the possibility of assuming direct responsibility in the place of local authorities. This is why, EULEX is one of a kind. As with the other case studies, before going into the details of the mission, I will give a brief outline of the main historical events that led to the deployment of this mission.

After the violent breakup of Yugoslavia in the 90s violence broke out again between 1998 and 1999, when conflict started in Kosovo. This small territory in the Balkans has always been considered an integral part of Serbia²⁰⁵, however the majority of the population is Albanian. During Tito's government, as part of a strategy to control various nationalist pressure groups throughout the region, Kosovo was given a certain degree of autonomy with its own parliament, government, a communist league, a flag and its own Albanian language (Mammarella, 2010: 64).

²⁰⁴ At the time of writing the mission is still ongoing, but it is supposed to move towards a full conclusion in June 2018. Even if it is still in operation, Eulex has been deployed on the ground for ten years and a first outline of its impact can be drafted. In this regard, an ongoing case study is useful to assess whether the EU is learning from its previous field experience or if it is still facing the same challenges in its approach to peace-building.

²⁰⁵ Kosovo is considered by Serbia the cradle of its cultural and historical heritage. In the plateau of Kosovo Polje, near the capital of Kosovo, Pristina, a famous battle took place in 1389. The Turkish-Ottoman army defeated the Serbian one, initiating a long period of Turkish occupation, which ended only in the early twentieth Century.

After Tito's death in 1980, revanchism on the part of entities erupted again throughout the Yugoslav Federation, including Kosovo, especially when the Serb leader Milošević revoked its special status in 1989. The Kosovo independence movement had two main branches: the Democratic League of Kosovo (DLK), headed by Ibrahim Rugova and the Kosovo Liberation Army (KLA) under the leadership of Adem Demaçi. The main difference between the two concerned the means used for the rebellion: the DLK used non-violent and moderate tools, whereas the KLA was a military organisation. In 1991 and 1992 two referenda took place, one declaring the independence of Kosovo, and one electing Rugova as president (Hanhimäki et al., 2012: 143). Inevitably, the Serbs did not recognise these referenda, and passive Kosovar resistance continued.

In the second half of the nineties, violence escalated and both sides, KLA representatives and the Serb government, were responsible for it. In 1998 the situation got worse, with episodes of ethnic cleansing and brutal attacks throughout Kosovo. In the wake of the previous crisis in Bosnia-Herzegovina, different international actors (OSCE, UN, EU) intervened to monitor the situation, to stop violence and to mediate between the conflicting parties. The mediation attempt by the Spanish Prime Minister Felipe Gonzales failed; so the dialogue was promoted by a Contact group²⁰⁶ of countries headed by Richard Holbrooke and it led to a first accord in October 1998, which envisaged the withdrawal of Serb troops from Kosovo and the return of the Albanians. An OSCE observation mission²⁰⁷ was to monitor the return to normality (Mammarella, 2010: 65). Nonetheless, the respite was short-lived. After the tragic massacre of Racak in January 1999, when 45 Albanians were killed by Serb forces, the Kosovo crisis was at the centre of international attention (Hanhimäki et al., 2012: 144). Most importantly, NATO was ready to intervene with armed forces, if the conflicting parties did not immediately comply with the demands of the international community (Allen Dauphinee, 2003: 104).

The Contact group, by setting down a series of non-negotiable principles among which the restoration of Kosovo's autonomy, free elections and external supervision by international organisations, offered a last negotiation endeavour. The conference of Rambouillet started at the beginning of February in 1999 and was composed of the delegations from the Contact

²⁰⁶ There were six countries within the Contact group: the United States, Russia, France, Britain, Italy and Germany.

²⁰⁷ The Kosovo Verification Mission was responsible for monitoring the withdrawal of Yugoslav troops from Kosovo.

group, the Kosovo Albanian delegation²⁰⁸ and the Milošević government. The Rambouillet talks proceeded with difficulty, and the corresponding positions of the various delegations were hardly compatible. Ultimately, the proposal for a three-year transition period envisaged the maintenance of the Federal Republic of Yugoslavia's territorial integrity along with substantial autonomy for Kosovo, the stationing of international forces under NATO command and the disarmament of the KLA (Leurdijk and Zandee, 2001: 34-35). While the Albanian delegation signed the agreement, the Yugoslav delegation did not. Two specific issues hampered ratification from the Serb side. First, occupation by NATO forces included free movement throughout the Yugoslav territory, representing a clear infringement of the country's national sovereignty. Second, the provision of a future referendum at the end of the three-year transition period on Kosovo status, was interpreted by both parts as offering the prospect of independence.²⁰⁹ For this reason, it was impossible for Belgrade to accept the agreement reached at the Rambouillet conference:²¹⁰ "although the Yugoslav delegation agreed to sign the non-negotiable principles, an agreement that provided for the free use of the Yugoslav territory by NATO could not be accepted, nor could the inclusion of the future referendum" (Allen Dauphinee, 2003: 106).

The rejection of the compromise led to NATO intervention, through air strikes on Serb targeted objectives, without explicit authorisation by the UN because of Russian and the Chinese opposition (Lucarelli, 2007: 106; Di Nolfo, 2016: 56). The Operation Allied Force began on the 24 March 1999 and lasted until 10 June, with the conclusion of a Military Technical Agreement on the withdrawal of the Yugoslav army from Kosovo.²¹¹ Nevertheless, the end of the war did not resolve important issues for Kosovo.

The UN Security Council adopted Resolution 1244 on 10 June 1999, which endorsed the Military Technical Agreement, laid the foundations for the future and uncertain Kosovo set-up, recognising the territorial integrity of the Federal Republic of Yugoslavia and Belgrade jurisdiction over Kosovo (Hehir, 2010: 9). The interim administrative tasks to reconstruct institutional apparatus and to guide Kosovo to a final status were assigned to the United

²⁰⁸ The Kosovo delegation represented a very mixed puzzle, which did not reflect the political situation. In the end, Rugova's League of democratic Kosovo was only a minority component of the delegation, that was composed also of the Kosovo Liberation Army and the United Democratic Movement and headed by Hashim Thaçi from the KLA.

²⁰⁹ In fact, with the direct support of US Secretary of State Madeleine Albright, the expression "will of the people" was added to the agreement after pressures from the Albanian delegation.

²¹⁰ Part of public opinion and the literature stated that the Rambouillet proposal was an excuse to start bombing. As a matter of fact, NATO had already proclaimed the Activation order in October 1998.

²¹¹ For further information on the NATO operation, see Leurdijk and Zandee, 2001: 71-97;

Nations Mission in Kosovo (UNMIK) “under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia” (UN Security Council resolution 1999/1244, p. 3). Whereas the security dimension was attributed to the NATO led operation KFOR, in order to “establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees” (UN Security Council resolution 1999/1244, Annex 2.4).

Despite these developments, the issue regarding Kosovo status continued and the UN interim administration had to prelude a definitive choice, while the frustration among the Albanian Community grew (Hehir, 2010: 10). The legislative elections in 2000 and 2004 proclaimed the victory of Rugova, but then he died in 2006. In 2005, the UN Special Envoy for Kosovo Martti Ahtisaari started the political process to determine Kosovo’s future status. Ahtisaari’s proposal²¹² envisaged a sort of “independence without sovereignty”, supervised by international organisations. According to the General principles of the Ahtisaari’s plan, Kosovo had to adopt a Constitution, its own flag and national symbols, it had to preserve its multi-ethnic society and protect human rights. International organisations were to be in charge of monitoring the application of the plan, and the European Union was to have a special position, because the role of International Civil Representative (ICR) was to coincide with the European Union Special Representative (EUSR) (art. 11). The role of this double-hatted ICR/EUSR was to oversee the implementation of the Ahtisaari’s plan and to provide political guidance during this process. The rationale to strengthen the role of the European Union came from the appeal it enjoyed in the Balkans, which could help Kosovo push for internal reforms. The incentive of EU integration could also exercise a key role on both parties and be a stimulus to cooperate: “the EU was thus seen as the best placed actor to have a direct impact on both sides” (Keukeleire and Thiers, 2010: 357). Actually, within Ahtisaari’s plan, there was also a direct reference to the establishment of an integrated CSDP mission in the field of rule of law (art. 12), which would take over UNMIK responsibilities, and be part of a three pillars structure comprising NATO, as a guarantor of security, and the ICR/EUSR. To this end, the European Union sent a preparatory mission, the European Union Planning Team (EUPT) in 2006, in order to explore and plan a possible European Union crisis management mission. Despite many attempts at negotiations, Ahtisaari’s plan did not enjoy the favour of a part of the international community or that of Serbia. New Kosovar elections in November 2007,

²¹² For the complete text of Ahtisaari’s proposal see
<https://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf>

boycotted by the Kosovo Serb minority, were won by the former leader of the KLA Hashim Taçi (Di Nolfo, 2016: 57). Moreover, in the wake of Montenegro's declaration of independence in 2006, and growing inner pressure due to dissatisfaction surrounding its unclear status, Kosovo unilaterally declared independence on 17 February 2008 (Mammarella, 2010: 69).²¹³

Summing up, EU (in)experience in the Western Balkans, and in particular in Kosovo, in the last decade of the 20th century represented a turning point for the EU for many reasons. The literature stresses the following:

- It left a deep impression due to the lack of a political and security dimension and culture within the EU (Lucarelli, 2000: 237);
- It made the lack of EU capacities to answer its immediate neighbourhood crises clearly visible;
- It made the need to strengthen defence cooperation, to be more a decisive player at international level, to adopt adequate instruments and to define a common and broad concept of security evident to EU Member States .

Ultimately, “the tragic experience in Kosovo thus shed a new light on the role and responsibility of the EU in European security” (Ramirez and Szapiro, 2001: 122) In other words, the credibility of the EU foreign and security policy was at stake in its immediate neighbourhood.

5.1 EULEX: context and features of the mission

As with the other case studies, the reconstruction of major historical events in Kosovo, before the deployment of the CSDP mission EULEX, helps us to understand the context in which the mission started to operate and the complexity of the political environment of the mission.

The EUPT started its preparatory engagement with the assumptions that a resolution on the status of Kosovo would be achieved, and that, within this new frame, UNMIK would be replaced by the EU mission (Grevi, 2009: 356). Nevertheless, disagreement about Ahtisaari's plan and the unilateral declaration of Kosovo messed EU considerations up, making the start of EULEX an uphill struggle. In fact, this new state of play had consequences for the

²¹³ For the complete text of the Kosovo Independence Declaration see:

http://www.assembly-kosova.org/common/docs/Dek_Pav_e.pdf In article 5, Kosovo authorities declared their acceptance of a EU-led rule of law mission.

deployment and implementation of EULEX, namely: an undefined legal basis for the mandate of EULEX, an expected handover from UNMIK which did not happen due to lack of approval from the UN Security Council, and difficult relations with the Serb minority in some Kosovo areas, which, in response to the self-declared independence, refused to cooperate with the Kosovar government (Grevi, 2009: 358; Keukeleire and Thiers, 2010: 359). Furthermore, Kosovo's declaration of independence was not recognised by all the EU Member States. For example, Cyprus, Greece, Romania, Slovakia and Spain did not acknowledge Kosovar independence for fear of stirring up separatist movements in their countries.

Notwithstanding these uncertainties, the European Union decided on 4 February 2008 to dispatch a civilian mission in the framework of its security and defence policy, with the adoption of the Council Joint Action 2008/124 on the rule of law mission in Kosovo.²¹⁴ The general frame used to launch EULEX was the UN Security Council Resolution 1999/1244. As stated in article 2 of the Council Joint Action 2008/124, the general mandate of EULEX was as follows:

“it shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi ethnic justice system, and multi ethnic police and customs services, ensuring that these institutions are free from political interference and adhering to internationally recognised standards and European best practices”.

In general, the reform of Kosovo rule of law was far from being stable and completed. UNMIK had created rule of law institutions from scratch.²¹⁵ Nonetheless, many shortcomings affected Kosovo institutions, especially, political pressure, high degree of corruption, widespread organised crime activities and a lack of accountability within the population.

As mentioned above, EULEX represents a peculiar case within the defence policy missions of the European Union to date. In fact, some distinctive features characterised the mandate of EULEX. First of all, EULEX is the largest civilian mission launched by the European Union - the request emerging from the inspection of the preparatory mission was for a large mission with a wide scope, indicating a growth in the level of CSDP ambition. Moreover, it envisaged an integrated rule of law mission including three specific components: police, justice and customs (Merlingen, 2012: 137-138). Third, along with traditional monitoring, mentoring and advising tasks, EULEX also had a delicate executive competency, meaning that “it had the

²¹⁴ The original mandate of EULEX was renewed four times in 2010, 2012, 2014 and 2016.

²¹⁵ Interview within the Italian Embassy in Pristina, March/April 2017.

power to run independent police investigations, to conduct trials, and to annul decisions taken by local authorities” (Merlingen, 2012: 137). In the Council Joint Action these two ways of acting are concealed within the enumeration of the operational tasks of the mission: “monitor, mentor and advise the competent Kosovo institutions on all areas related to the wider rule of law including a customs service, “whilst retaining certain executive responsibilities” (art. 3a, Council Joint Action 2008/124). Last but not least, EULEX assumed a wide range of horizontal tasks i.e. human rights and gender policies, an anti-corruption unit and so on (Grevi, 2009: 360). All these characteristics make EULEX a unique mission (Spernbauer, 2014: 199-201).

Due to the aforementioned cleavages both within Kosovo and the international community, EULEX was not deployed until December 2008 and it became fully operational only in April 2009. In November 2008, the stalemate was overcome thanks to a Six-point plan agreement for Kosovo Serb majority areas in six fields: police, courts, customs, transportation, boundaries and cultural heritage. In addition, a status-neutral of EULEX was agreed under a continued UN umbrella.²¹⁶ This meant that UNMIK would stay in Kosovo as a sort of supervisor for the Serb party, even if gradually leaving its responsibility, capacities and cases to EULEX.

EULEX distinguished itself for a “programmatic approach”, that is, it translated its objectives into operational goals and activities in order to “allow the EU to first draw an elaborate picture of the actual situation, to give a clear direction to the mission’s priorities, to measure progress, and to develop institutional memory which is generally lacking in international peace-building missions” (Keukeleire and Thiers, 2010: 363). On the one hand this seemed to be an important step forward in comparison with previous deployments; on the other hand, according to part of EULEX staff,²¹⁷ this approach tended to bureaucratise a foreign policy activity and to omit the political dimension that such an engagement had. This is directly linked to the connotation of “technical mission”, which the literature criticised pointing out that this orientation neglected key aspects of Kosovo’s statehood and the political dimension of some rule of law issues (Picciano, 2016: 76; Grevi, 2009: 366). However, I will come back to this later in the analysis of the EULEX mandate.

²¹⁶ In this way, the EU refrains from taking any position on whether Kosovo remains a province of Serbia or it becomes a sovereign state.

²¹⁷ Interviews with EULEX officials, Pristina, March/April 2017.

Furthermore, the choice to work on three components i.e. police, justice and customs was made with a view to implementing a more comprehensive and coherent action covering the overall rule of law sector. The police component was the largest one and was divided into three subcomponents: strengthening with monitoring, mentoring and advising tasks, executive in the case of sensitive responsibilities such as war crimes, organised crimes, corruption, and finally, a special police for events involving civil order (Chivvis, 2010: 36-37). The justice component comprised an international staff of judges and prosecutors, as well as penal officers, with strengthening and executive functions. Compared to the other components, that of justice had to face two added challenges: the first was Kosovo's multi-layered legal code; second, as part of an overall EU mission, it reported to the Head of mission but it also had to maintain judicial independence. The last component was customs, which was the smallest one, but of the utmost importance from the Kosovo financial point of view. In fact, this sector was fundamental for tariff revenues and for EULEX actions against organised crime and illicit trafficking. It mainly operated in MMA activities, even if an executive mandate was envisaged. The component regarding customs met with problems in particular in the North of Kosovo at two gates 1 and 31, in a Serb majority area. After this overview of the EULEX mandate and features, I will proceed with the investigation of effectiveness and sustainability which allow us to examine other aspects of this mission in depth.

5.2 The effectiveness of EULEX

5.2.1 Mandate

In this overview of EULEX, I have outlined some peculiar characteristics of the mission. As far as the analysis of the mandate is concerned, two of these are relevant, namely, the division into three components (police, justice and customs) of EULEX work and executive power. It is worth noting, if and how these peculiarities and other aspects of the mandate have had implications for the overall effectiveness of the mission.

The original mandate, which has been renewed four times gradually reducing capabilities and financial resources and changing the action plans, was considered very broad and ambitious. The long planning process carried out by the EUPT produced different options as regards possible mission strength: light, medium and robust (Grevi, 2009: 357). Given that the

mandate was not straightforward (Fakiolas and Tzifakis, 2017: 189), a robust strength was envisaged; however, as I am going to stress later, the mission has never achieved its full dimension capabilities in terms of human resources.

It is right to say that the conditions, under which EULEX started its operational work, were demanding. In fact, the above-mentioned assumptions-reality gap as regards Kosovo status and international disagreement over Ahtisaari's proposal complicated the launch of EULEX. Nevertheless, part of the field interviews highlighted that even if the mandate was quite clear, specific objectives should have been more defined, in order to ensure a clear-cut action within such a far-reaching mandate for the entire lifetime of the mission, so whenever the mandate is renewed.

*“The most difficulty is to have a clear mandate. What are we supposed to do, especially nowadays when we are less and less after multiple restructurations²¹⁸...at the beginning the mandate was clear, but then you have to reduce but you don't reduce based on the subject, on the topics you are supposed to focus on, meaning that we were dealing with this today, we will not deal with this anymore. You restructure the mission based on figures. At the end, there is a question of budget”.*²¹⁹

In 2012, EULEX was subjected to a Special Report of the European Court of Auditors²²⁰ which pointed out that its objectives had not been sufficiently clearly defined and the basic planning documents such as the CONOPS and the OPLAN did not contain clear benchmarks to assess progress. In this way, the lack of clarity concerned the vagueness of the general mandate and the specific definition of the MMA activities.

*“What does it mean MMA? Experts or people tried to define what is our role, especially in MMA. (...)We should stop saying and repeating constantly: Kosovo has to stop organised crime and corruption. This is a fantastic sentence, meaning nothing. What does it mean? (...) You are supposed to, in order to fulfil these criteria, to do this, this, this, and that”.*²²¹

To a certain extent, the “Programmatic approach” helped to pinpoint operational goals and to define in practice what MMA means, but this happened on a very technical level. The general mission aims were translated into a number of definite activities for each component. As stressed by Keukeleire and Thiers (2010: 363), “for each monitoring activity, quantitative and/or qualitative performance measures were designed to guide EULEX monitors in their assessments, which subsequently have to be reported in a structured way to the EULEX

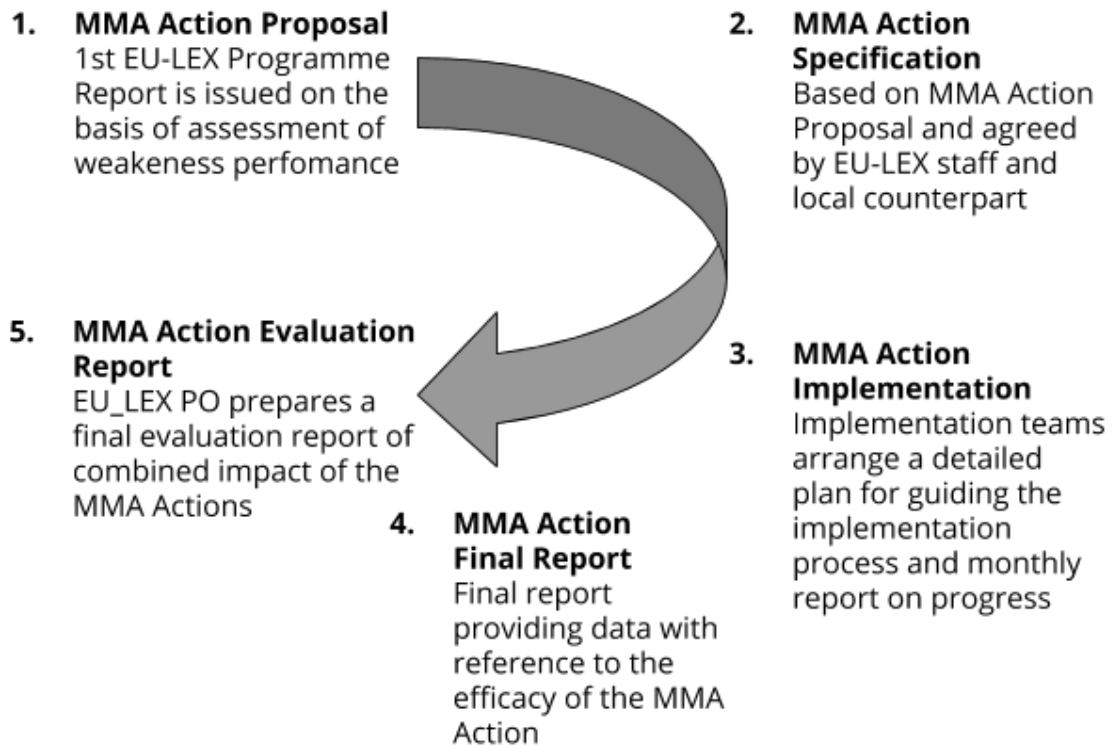
²¹⁸ The term restructuration has been used by the interviewee, meaning “reorganisation”.

²¹⁹ Interview with Eulex official, Pristina, March/April 2017.

²²⁰ The report is available at https://www.eca.europa.eu/Lists/ECADocuments/SR12_18/SR12_18_EN.PDF. The report precisely refers to the whole rule of law assistance of the European Union in Kosovo.

²²¹ Interview with Eulex official, Pristina, April 2017.

Programme office in Pristina”. The purpose of this approach was intended to draw a picture of the situation in the field, to define priorities of action agreed by EULEX staff and local counterpart, to measure progress, and in particular, to develop an institutional memory. An overview of this mechanism is offered by Picciano (2016: 91)



However, the fact that this definition of activities remained on a technical level created a disconnection with the political dimension. Of course, CSDP missions are technical missions from one point of view, but they are political in nature from the other.

“We should be clear...and not by the technician working for EULEX, I am thinking to the top level. I mean...the Political Security Committee (Brussels) should say: ok, for this country we are expecting this, this and that to fulfil that. But they come with this very vague sentence: Kosovo has to prove that it is able to fight organised crime and criminals...”²²²

The definition of the mandate in daily practice and the emphasis put on technical work (Picciano, 2016: 328) has created a change of role between technical staff on the ground and political supervision in Brussels. This is evident talking with EULEX staff with reference to the update of the mandate and the definition of the exit strategy, as I will analyse later.

*“(I: Which factors have influenced the achievements or non-achievements of objectives?)
Clear-guidance...explicit and very clear; defined objectives. Recently, we noticed that we are supposed to*

²²² Interview with Eulex official, March/April 2017.

*define objectives, we...the technicians on the ground. So, actually is the soldier saying to the generals (and the generals are Brussels) what we are supposed to do or we will combat the next battle. Of course, it's a metaphor. I mean tell me what will be the next mandate? Ok, I can tell you my opinion, but I would prefer you tell me: do that, do this".*²²³

Furthermore, the decision to have an integrated mission in the field of rule of law by working in three sectors was agreed on the basis of previous CSDP experiences, which had shown an unsustainable distinction between police and justice issues (Grevi, 2009: 360). From the EU point of view, this would increase the chance of a more effective and sustainable result in the overall area of rule of law, confirming the tendency to move towards a holistic approach when dealing with rule of law reform (Derks and Price, 2010: 11). Nonetheless, this also envisaged a high number of personnel which EULEX struggled to find, as I will illustrate when I consider the issue of resources.

In addition, EULEX's mandate was characterised by executive competence. On previous CSDP experiences, the executive component was envisaged in order to make the action of EULEX more credible. However, these had two arguable implications: one was related to a possible contrast with the local ownership principle; the other was a conflict with the political connotation of a CSDP mission, in particular in the field of justice. To clarify, the first implication had to do with the risk of diminishing or hindering the direct engagement of local counterparts. Whereas the second had a subtler reasoning which is exemplified by the following:

*"A justice component...I mean with an executive mandate, that is, they (EULEX staff) judge...cannot be under a mission of civilian crisis management, of institution building, because...it should be ok if they advise on how to reform the Ministry of Justice, but if they judge, they also participate to investigative and trial phases and they cannot be under a crisis management...the two have different dynamics and different characteristics. The crisis management comprises a project, a political planning of the mission...If I have to talk with Hashim Thaçi who is the Head of government...I have to do this, without thinking that a component of the mission in order to accomplish its tasks, when I politically deal with important aspects for the mission, it accuses the Head of government."*²²⁴

Once again, this created a distance, according to some interviews a true inherent contradiction, between the operational work and the political dimension of the mission. Furthermore, the perception of a lack of political direction contributed even more to depoliticise and to de-emphasise the executive mandate.

²²³ Interview with Eulex official, March/April 2017.

²²⁴ Interview with former EUPM official, July 2017.

From the point of view of the local authorities, EULEX executive responsibilities were not easily accepted:

*“I would not call it a con (of the mandate), but a difficulty is that it had a part of executive mandate, so that means to take part of the institutional sovereignty from the local side and that’s always a difficult point. (...) It’s not a con definitely. It’s a con from local side. Ok, you are taking part of our autonomy, of our sovereign institutions...As EULEX I would see as a pro, but it was difficult from the local side, to accept it. From the mission side, I would call a pro”.*²²⁵

In this regard, the Kosovo government authorities tended to give prominence to the MMA mandate of EULEX rather than to the executive component.

In 2012, the revision of the mandate reconfigured the mission with a new set-up: the three components were assigned to both a strengthening division, in charge of MMA tasks and an executive division. The 2014 extension of the mission mandate envisaged major changes in the field of executive responsibilities. In fact, under the revised system a majority of Kosovars and a minority of internationals were to sit on court panels. Furthermore, the mission would not take on new cases and would hand over competencies to the Kosovo judicial system.

Finally, the last revision of the mandate in 2016, and consequently the new OPLAN, were refocused the strengthening division more on the strategic level, than on the operational level, in particular in the fields of police and customs. As for the executive division, EULEX is gradually leaving this type of responsibility to local authorities. The guiding principle seems to be to leave room for a more definitive transfer of control and capacities to Kosovo authorities, especially in police and customs, but I will deepen this point in the paragraph dedicated to the exit strategy. Moreover, the mission has been additionally tasked to assist in the implementation of the agreements reached within the Belgrade-Pristina dialogue.

5.2.2 Resources

As with the other case studies, EULEX also had to deal with staff, financial and capabilities procurement, and even if “EULEX is a unique mission, the challenges that it has met in deploying and going operational look nonetheless quite familiar to civilian ESDP” (Grevi, 2009: 361).

To begin with financial and staff resources, EULEX is the most expensive mission in terms of economic resources and the biggest one for human resources that the EU has ever launched.

²²⁵ Interview with Kosovar Eulex official, March/April 2017.

As regards financial means, as a civilian mission, EULEX was financed by the European Commission through the common budget. It received substantial amounts from the EU budget for its overall engagement²²⁶ and the contributing Member States have been in charge of the salaries of their seconded staff. As noted by Fakiolas and Tzifakis (2017: 192), the financial coverage could be taken to constitute a proof of the European Union's commitment to improving rule of law in Kosovo. The financial coverage was revised, every time the mandate was renewed. The decreased budget support seems to represent the will of Member States to disengage from Kosovo, leaving room for other types of assistance.

Nevertheless, some delays and difficulties hampered the procurement process, mainly because of the continued presence of UNMIK, which was not able to leave its equipment and vehicles to EULEX, but due to the uncertain political context which made Member States reluctant to speed up the procurement of more substantial means (Grevi, 2009: 362). In addition, specific needs related to executive tasks had not been identified or clarified in the planning phase, so means were not available at once. Picciano (2016: 331) stressed the lack of basic logistical and technical resources to carry on everyday police and justice tasks such as video recording equipment for court hearings, infrastructures, instruments for investigation and so on.

As regards personnel recruitment, the majority of staff on CSDP missions was seconded by the Member States and other possible contributing states. EULEX has brought together police officers, judges, prosecutors and customs officers from EU and non-EU countries. There was expected to be a staff of around 2,000 international and local officials. Given the ambitious and broad mandate, the recruitment of personnel represented an important tile in the overall mosaic. Nonetheless, this posed some problems for the mission, confirming a frequent CSDP challenge.

The main shortcomings, which have influenced the effectiveness of the mission or are considered a general weakness of the EU approach, have been: the inability to cover the needs for the full number of staff, the preparation of personnel, the "sense of belonging", and the high staff turn-over. Firstly, Member States did not reply to calls for a contribution to achieve full mission strength, leaving many positions vacant. They avoided providing the mission with staff which could be useful in their own country. Sometimes, the reasoning of Member States went like this: sending my staff costs and moreover, I need my judges and my policemen here.²²⁷ As a consequence, there has been an unbalanced recruitment of human

²²⁶ The first budget prevision amounted to €265 million.

²²⁷ Interview with Eulex official, Pristina, March/April 2017.

resources, so there have been more policemen than judges and prosecutors. Secondly, the quality of seconded personnel has been quite low, inadequate and inexperienced, also at high management level.²²⁸ From field interviews, this point has arisen many times: “*personnel should be more qualified and prepared*”, “*profiles often are not suitable for the mission*”.²²⁹ So, candidates for positions have not been properly screened or did not have adequate experience. In addition, there was not a uniform level of training among Member States, this should be more standardised, as should the selection procedures.²³⁰ In general, a standard level of training and a common recruitment process would also ensure a “sense of belonging” to CSDP missions. In fact, a feeling of devotion on the part of staff to CSDP missions is still lacking and personnel continues to feel loyal to its own country.²³¹

Another constraint concerning human resources in Kosovo has been the high turn-over of staff. In fact, most of the seconded judges, police and officials stay generally one or two years. This represents a difficulty also in other operations and a crucial factor which undermines mission performance (Picciano, 2016: 334). Two consequences can be stressed in particular: one is that this short time frame made it difficult to become familiar with the local context and to carry on complicated and long tasks (Fakiolas and Tzifakis, 2017: 192). Secondly, the high turn-over has undermined the transfer of knowledge to local counterparts, who always had to interact with different personnel. The lack of qualified personnel and staff deficiencies have also been underlined in the report of the Court of Auditors, specifying how these shortcomings jeopardised the effectiveness of MMA actions.²³² Nonetheless EULEX has distinctive characteristics, the challenges which it faced in the deployment phase were quite familiar to the CSDP, but they echoed on a different scale due to the declared ambition and the size of this mission.

5.2.3 Coordination in the field with EU family and non-EU actors

Kosovo is probably the most evident example of an overcrowded post-conflict scenario. As a matter of fact, in such a small territory many international stakeholders, single donors etc. are engaged:

²²⁸ Interview with member of Interpol, Italian Embassy in Pristina, March/April 2017.

²²⁹ Interviews with Eulex officials, Pristina, March/April 2017.

²³⁰ Interviews with Eulex officials, Pristina, March/April 2017.

²³¹ Interview with Eulex official, Pristina, March/April 2017.

²³² Paragraphs 87-94.

“In Kosovo, you have plenty of international organisations...full! So, you can imagine, not the fight, but the confusion for local authorities...when you have in front of you two, three, four experts dealing with the same things and having different opinion...what to do?”²³³

A good synergy and a good degree of cooperation with all types of missions and projects is one of the conditions that contribute to effectiveness and a holistic approach has more positive effects in the long-term.²³⁴ Coordination in the field among different players is not an easy task: the challenge is to ensure a coherent and credible action, and not to overlap assignments. The main international actors in the field are: the United Nations, NATO, OSCE, and the EU. To be precise, the United Nations mission UNMIK is still deployed and, at the beginning, it was in charge of institutional rebuilding in Kosovo and ensuring peaceful conditions and regional stability, according to resolution 1244. UNMIK is status-neutral with reference to Kosovo independence. Due to the political conundrum of Kosovo, UNMIK has still remained on the ground after the launch of EULEX with a sort of impartial role, even if it transferred its operational responsibility in rule of law to the EU mission.

NATO is in Kosovo through KFOR which addresses security issues. In other words, the mandate is to guarantee a safe and secure environment and freedom of movement in the country for the Kosovo population and the other international organisations operating in the field.²³⁵

OSCE engagement in Kosovo dates back to the war time, when there was a verification mission to supervise the violation of human rights. In the post-conflict period, OSCE aimed at monitoring, observing and training with a view to institution-building, democratisation, human rights, electoral supervision.²³⁶

EULEX has to cooperate with this panoply of international actors. From field interviews, the pros and cons of this situation come to light. On the one hand, there is a working coordination among them, and meetings are taken on a regular basis. At an operational level contacts are also weekly.²³⁷

“On my level,²³⁸ we have monthly coordination meetings with UNMIK, OSCE and Icitap (...). This monthly coordination meeting is of course for coordinating our support to our local counterpart and we also have a lot of issues to discuss about not to overlapping each other because we are in the same

²³³ Interview with Eulex official, Pristina, March/April 2017.

²³⁴ Interview with Kfor soldier, Pristina, March/April 2017.

²³⁵ Interview with Kfor soldier, Pristina, March/April 2017.

²³⁶ Interview with Osce officials, Pristina, March/April 2017.

²³⁷ Interview with Osce officials, Pristina, March/April 2017.

²³⁸ Head of unit.

*thematic area many times, especially EULEX and OSCE. We are very much coordinating our efforts to support Kosovo police but we have monthly coordinating meeting”.*²³⁹

On the other hand, this international presence has not been coordinated, and Kosovars have received too many inputs from all these initiatives. The EUSR would have ensured more coordination.²⁴⁰

Looking more in depth at each cooperation between EULEX and other international players: at the beginning, there was no smooth transition between UNMIK and EULEX, due to the uncertainties surrounding the Kosovo question and the disagreement of the international community, but neither did the UN mission envisage a clear exit strategy in practice.²⁴¹ In particular, cooperation has improved and regular meetings have taken place at different levels.

²⁴² Between EULEX and OSCE collaboration is steady although the two mandates are actually different. The CSDP mission has MMA and executive tasks in rule of law, OSCE engagement addresses monitoring, reporting and the training efforts in a broader range of issues.²⁴³ However the risk of overlapping is real, because there are common thematic areas, and this does not only concern the major international actors but also other donors.²⁴⁴

Furthermore, relations between KFOR and EULEX are characterised by a good synergy. There is no confusion between each mission mandate and the KFOR commander has meetings and updates with all the heads of missions.²⁴⁵ In view of improving coordination also with local authorities, a concept of “responder mechanism” has been defined between KFOR, EULEX and the Kosovo police. This means that, in the case of disorder or public security problems, the first to intervene is the Kosovo police, then if it is not able to control the situation, EULEX and, if there is an escalation of violence, the last to act is KFOR.

Meetings are also at a higher level. In general, there are two mechanisms of coordination: 1) at the level of heads of missions: EU, EULEX, OSCE, UNMIK on behalf of the Special Representative of the Secretary General (SRSG) and the Commander of KFOR; 2) at the level of the Executive Committee: the OSCE head of mission, the SRSG, the political adviser of

²³⁹ Interview with Eulex official, Pristina, March/April 2017.

²⁴⁰ Interview with member of Interpol, Italian Embassy in Pristina, March/April 2017.

²⁴¹ Interview with Eulex official, Pristina, March/April 2017.

²⁴² Interview with Unmik official, Pristina, March/April 2017.

²⁴³ Interview with Osce officials, Pristina, March/April 2017.

²⁴⁴ Interview with Osce officials, Pristina, March/April 2017. They have also specified that overlaps and lack of coordination occurred among donors in general.

²⁴⁵ Interview with Kfor soldier, Pristina, March/April 2017.

EULEX, the Deputy Commander of KFOR. Nonetheless, at the political stage, the cooperation should be better.

“I will report when I will leave this mission. I think we are lacking of political cooperation between the organisations. They should do it on a more high level. As far as I know, head of mission EULEX does not meet counterparts OSCE, UNMIK and Icitap on a regular basis. We have meetings on an operational level, but if the support to Kosovo authorities should be really effective, they should meet already in the planning phase.”²⁴⁶

The question of coordination also concerns EU family actors, in particular the European Union Special Representative²⁴⁷ and the European Commission. The latter has some programmes funded by the Instrument for Pre-Accession Assistance (IPA) in the framework of the Stabilisation and Association Process and the Directorate General of enlargement (Grevi, 2009: 365). The assistance package of the European Commission is targeted at political reform, socio-economic development and Kosovo regional integration. As for the rule of law sector, EU assistance, that is the European Commission through IPA projects and EULEX, has tried to help Kosovo as regards the police, the fight against organised crime, the justice system, customs and the fight against corruption, and part of these measures have been dedicated especially to the North of Kosovo. Generally, cooperation within EU initiatives is of the utmost importance, in view of coherent EU actions and the exit or transition from CSDP missions to other instruments, namely those of the European Commission.

Article 17 of the Council Joint Action 2008/124 states that “necessary coordination arrangements shall be put in place in the EULEX Kosovo area, as appropriate, as well as in Brussels”. The efforts to coordinate all the activities concerning rule of law envisaged the establishment of a Joint Rule of Law Coordination Board (Spernbauer, 2014: 209), co-chaired by the Head of EULEX mission, the EUSR from 2011 and the Kosovo Deputy Prime Minister. In addition, the Kosovo Ministers of Justice, Interior, Finance and Economy attend the meetings (Derks and Price, 2010: 24-25).

Although EULEX and the European Commission assistance have reportedly avoided duplication and overlapping, the intra-EU coordination in project programming and implementation has not been so virtuous. This was already stressed in the report by the Court of Auditors (point 106), and it is still a challenge in Brussels and, consequently, in the field. *“It’s not only with other international stakeholders, it is even among the European family...It’s*

²⁴⁶ Interview with Eulex official, Pristina, March/April 2017.

²⁴⁷ The EUSR is at the Head of the European Union Office in Kosovo.

a lot of institutions DG Home affairs, DG Near, DG...you have a lot of directorates, and now you have EEAS (...)". During the same interview, I added that probably, CSDP missions reflect on the ground the complexity of EU's nature. *"Absolutely! (...) (me: a lot of opinions, local can be confused). Sometimes, I have to admit this, even among European family...EULEX, EU office, EUSR we have three different opinions"*.²⁴⁸

Recently, Smith (2017: 205) also stated that even if EU Member States and EU institutions involved in the rule of law in Kosovo managed to improve their coordination over time: "a truly unified approach to rule of law in Kosovo would have been more efficient". The efforts should have been channelled to bring all rule of law activities under a single authority and to strive for more coordination with Kosovo authorities. Nonetheless, Smith underlined how the role of the EUSR, who has the primary responsibility for coordination, has not been successful in this, because of the informality of this process and high staff turn-over.

5.2.4 Exit strategy

Conversely to the other case studies, EULEX is still ongoing, so the exit strategy has not been definitely implemented and the long-term impact cannot be absolutely determined. However, it is interesting to consider an ongoing mission because we can examine if the EU has already envisaged a mission exit strategy within its overall approach to Kosovo.

Recent literature (Picciano, 2016: 336) stresses the lack of a clear exit or transition strategy, and field interviews confirm this opinion.

The report of the Court of Auditors has already underlined the lack of an exit strategy (point 81) and called the EEAS and the Commission to prepare an exit strategy for EULEX.

At the time of the field interviews carried out for this research (2017), it was not clear when and how the mission would finish its mandate. *"We will leave when we have met the end state objectives"*.²⁴⁹ *"In view of the mission end, probably, an EULEX team with tasks on EULEX areas of intervention will remain within the EU office in Kosovo. So, the Bosnian model will be followed in the case of EULEX, probably."*²⁵⁰ The end of the mission is not defined, also from the Kosovar point of view *"perhaps the mission will be very small and it is going to focus only on monitoring some of the cases and there is going to be more and more taking*

²⁴⁸ Interview with Eulex official, Pristina, March/April 2017.

²⁴⁹ Interview with Eulex official, Pristina, March/April 2017.

²⁵⁰ Interview with Eulex official, Pristina, March/April 2017.

over directly EU funding projects to still monitor the local side on what they are doing and if they are keeping EU standards”.²⁵¹

The perception from the ground is of uncertainty and approximation:

*“I don't know if since the beginning of the mission, EULEX had an exit strategy. But for me, it is obvious that we are inventing strategy right by now. I have already supported Brussels with this kind of documents...here there is an assessment of the police organisation with gaps assessment, recommendations, etc. And when I asked for a template for this...they don't have it. We have invented it and they were very pleased and satisfied in Brussels. So no, they don't really have an exit strategy, I don't think so...of course, in the mandate and in the OPLAN they have some kind of desired end state of the mission but they are very general. For me it is very important to have an exit plan. Desire end state of the mission are: transparent and accountable multi-ethnic justice system that is sustainable of course, the police and customs have clear defined roads, they operate in a legal framework etcetera, etcetera. These are the only bullet points, they actually have for, if we can call an exit strategy. (...) They (bullet points) are too general...but that is the only thing I have seen as some kind of exit strategy. Everyone...they count the mission will be extended, so we don't need an exit strategy. I think now it is for real. The last mission closed is EUPOL Afghanistan, they close the mission last year, and I have talked a lot of people: What is it successful? Or Did you have any planning exit strategy? No...they invented it as well. So, I think in the future the EU, the Member States, and the European Council, they need to have some kind of general strategy, they need to have some kind of framework, they need to have templates you can use...they don't have anything...Some kind of general model how to close the mission, the exit strategy...So for me it is obvious they don't have it now and we are inventing it now. (...) For me it is also very important to be very transparent to our local counterparts, we must be transparent and we must give them information about the transition”.*²⁵²

Although the EU has acquired a lot of experience of civilian deployments to date, the issue of a transition/exit strategy still represents a challenge. It is right to say that the undefined transition strategy, in the specific case of EULEX, seems to reflect the dilemma surrounding the recognition of Kosovo by all the EU Member States. As a consequence, the mission suffers from a lack of clear political guidance from Brussels, which has already been noted with regard to mandate and direction. According to Grilj and Zupančič (2016: 79), the political connotation of CSDP missions makes the decision about mission closure more political than technical. This means that the 28 Member States have to define and agree on the end of the mission and the way it occurs: “an overly ambitious and vague end state is an instrument for non-recognising countries by which they continuously push the EU to retain a substantive international presence in Kosovo” Grilj and Zupančič (2016: 80). In fact, the

²⁵¹ Interview with Kosovar Eulex official, Pristina, March/April 2017.

²⁵² Interview with Eulex official, Pristina, March/April 2017.

withdrawal of the mission would require a political decision on the future of the country. The divergence among the EU Member States about the recognition of Kosovo had influence at EU political level, requiring a balance among different interests and positions on the mandate and its renewals. In this respect, Ginsberg and Penksa (2012: 115) underlined that, since the first two years of the mission: “reluctance to address the political aspects of the mission, and the lack of agreement among Member States, constrained the functional effectiveness of EULEX”.

In conclusion, a missing clear exit-strategy for EULEX is a weakness (Picciano, 2016: 336), which confirms an EU approach more prone to being “reactive” to circumstances, rather than “proactive”.

5.3 The sustainability of EULEX

5.3.1 Local ownership

Despite envisioning executive powers for EULEX staff, the declared guiding principle of EULEX is still local ownership. This means that “by cooperating with Kosovo counterparts and putting responsibility into their hands, EULEX is supposed to contribute to local capacity building” (Keukeleire and Thiers, 2010: 362). I have already underlined the controversy surrounding the inclusion of an executive justice component within a CSDP mission due to the political connotation of crisis management operations. The issue of the executive responsibilities of EULEX is undoubtedly a battleground in the literature between those who consider that this special power was not sufficiently stressed in the mandate: “retaining *certain* (emphasis added by the author) executive responsibilities” (Picciano, 2016: 49), and who highlighted that they represented the *raison d’être* of the mission (Capussela, 2015: 116). On the one hand, the choice of executive functions confirmed the willingness for a more decisive action to tackle organised crime and corruption. In fact, the main deficiencies which affected the Kosovo rule of law system did not only concern a lack of capacities and accountability, but in particular political interference and corruption along with a high degree of organised crime. Although no other EU mission had executive functions, granting them to EULEX was a consequence of EU aims to pursue a more credible and effective action (Capussela, 2015: 108).

On the other hand, notwithstanding this innovative feature of EULEX, Capussela (2015: 115) noticed a misallocation of resources, which revealed a cleavage between those provided for advisory tasks and those for executive tasks. Perhaps, once again, what is unclear is the political direction of the EU, or at least the disparity between EU intentions and their actual realisation in the field. Moreover, the designation of executive responsibilities has been considered a factor which reduces or even denies the value of local ownership.

However, from field interviews the importance of the local ownership principle still stands out. The local ownership approach is considered essential for the sustainability of missions, including EULEX.²⁵³ *“The challenge is the transfer of competences; the sustainability passes through this”*.²⁵⁴ This is especially important in relation to all the activities of monitoring, mentoring and advising and given that the last revised mandate in June 2014, included the transfer of some EULEX executive powers to local counterparts, as well as the transfer of some MMA tasks to the office of the EUSR (Tamminen, 2016: 123).

The relevance of local ownership for MMA activities is stressed in field interviews, even if, according to a EULEX gender adviser, more achievements could have been accomplished in specific working areas such as sexual gender based violence or human trafficking:

“I think that what I have observed is that we have left relatively strong police behind us. In my opinion, I think that we could have, as I said, worked more on supporting and strengthening for example...when it comes to dealing with case of sexual gender based violence, human trafficking, but in general I think that...this (police) is a success of EULEX, we have worked very closely. Of course, we have so many police advisors in the beginning so there we have really worked on operational level and now more on strategic level. So that I would say some successes. When it comes to the justice, what I have observed is that...we have worked quite...with the mandate that to EULEX was given, executive mandate, we had to work quite separated from the local institutions”.²⁵⁵

The last point seems to confirm that the executive competencies have interfered to some extent with the involvement of local authorities, and consequently with the degree of ownership. The previous interview proceeds to highlight:

“With this (executive mandate) I see that unfortunately the sustainability of the work of EULEX is not so easy. If you compare to other countries in the world where there have been similar hybrid models of justice systems...there has been more of...working also together with mentoring, with joint teams with international and local...and this is something, that I see, hampered sustainability and I have from my

²⁵³ Interviews with Eulex officials, Pristina, March/April 2017.

²⁵⁴ Interview with Eulex official, Pristina, March/April 2017.

²⁵⁵ Interview with Eulex official, Pristina, March/April 2017.

*experience been able to observe for example war crime cases related to sexual and gender based violence where we have worked much closer with the Kosovo police the work is much better”.*²⁵⁶

It is right to say that the justice sector represents a more vulnerable and sensitive area of work, because it has to deal with war crimes or ethnic cleansing events, which also require specific expertise in international criminal law. However, a higher degree of sustainability has been noticed when EULEX staff has been able to work closer with its counterpart, at least in the strengthening division.

*“In the police sector, most of areas...they (local authorities) have local ownership. We are giving them of course recommendations and advice. (...) All over the police sector they have the local ownership. For the executive division, I don't know what they will do when EULEX leaves about war crimes, witness protection...they are all areas that they have to discuss...that Brussels has to discuss very carefully what to do about that”.*²⁵⁷

Similar to the other case studies, EULEX has its Headquarters and local offices throughout Kosovo, but its staff is also co-located within Kosovar institutions in view of its MMA tasks. The co-location is considered an added value, in order to enhance working shoulder to shoulder with local counterparts. *“The co-location makes the difference because we work physically together. It is important the personal dimension that it is established”.*²⁵⁸ *“As far as I know, the co-location makes the difference and it offers also more opportunities to sustainable results”.*²⁵⁹ At the same time according to the literature, difficulties emerge on this point. They concern the question of cooperation with different mentalities and approaches in daily work and in the meeting with other cultures (Picciano, 2016: 334-335).

*“I think that it is a good model (work with local counterparts) but I have also experience from some advisors that are placed within the institutions, that they are frustrated that decisions are not taken in a transparent way and it is hard sometimes for them get information about how certain processes work or are carried out. But still I think that presence (international and locals together) still made a change”.*²⁶⁰

Tamminen (2016: 130-131) underlined that, in order to enhance local ownership as regards the goals to achieve, a “Compact on Joint Rule of Law objectives” was signed by the Kosovo government, the EU office in Kosovo and EULEX. Each year a Compact progress report is drafted to illustrate accomplished objectives, challenges ahead and actions to be implemented. Tamminen (2016: 132) stated that even if the Compact progress reports are elaborated by

²⁵⁶ Interview with Eulex official, Pristina, March/April 2017.

²⁵⁷ Interview with Eulex official, Pristina, March/April 2017.

²⁵⁸ Interview with Eulex official, Pristina, March/April 2017.

²⁵⁹ Interview with Eulex official, Pristina, March/April 2017.

²⁶⁰ Interview with Eulex official, Pristina, March/April 2017.

experts, they are commented on and approved by local counterparts, making the assessment more stakeholder focused. This is even more important in view of the transition phase.

*“When we speak about transition, I think it is important to involve local counterparts. I think it is very wrong for us sitting here in our offices and in Brussels to say and decide what they need. We should involve them in the discussion. Because they always tell me that international organisations are sitting in the nice offices in Western Europe and they take decisions on what are our needs...Why? Ask us! Why don't you ask us on our needs? Of course, they (international experts) make assessments...but for me we have reach so far now in the development of this country, that we should communicate with them before to take decisions their needs in most of the areas. Not all of the areas, but in the most of areas, they perfectly know themselves about their future needs”.*²⁶¹

According to the same interviewee, in order to guarantee effectiveness and sustainability, the relational dimension with locals is essential.

*“For me is all about building relations...you have to build relations, partnership. (...) you have to slowly build partnership, otherwise they won't pay attention to you. Partnership with local, especially with senior management team. In this country, but I think in Western Balkans it is very much about personal relations, if you have a very bad personal relation with your counterpart, it will be an obstacle to actually do some improvements. You have a very limited possibility to do some progress in your work. You need to have a stable relation with your local counterparts”.*²⁶²

5.3.2 The durability of reforms

The issue of durability of reforms in the case of EULEX is challenging and even more sensitive. First of all because the mission is still ongoing, so a long-term impact cannot be properly defined, even though some trends can be traced. Another expedient to take into account is that, due to the complex set-up of the mission, the analysis of results should focus on each component, namely police, customs and justice.

In general, the impact of EULEX is visible in the strengthening division and in capacity-building activities: “EULEX has tangibly assisted to the strengthening of Kosovo's rule of law sector institutional capacity” (Fakiolas and Tzifakis, 2017: 193). *“In terms of capacity building, this is all we can assess for the mission has been able to achieve. In this regard, even though it is not perfect, the mission has achieved quite a lot”.*²⁶³ From field interviews, operational achievements arise, but also a general weak impact on the country which is confirmed by the literature (Fakiolas and Tzifakis, 2017: 198; Eckhard, 2016: 110).

²⁶¹ Interview with Eulex official, Pristina, March/April 2017.

²⁶² Interview with Eulex official, Pristina, March/April 2017.

²⁶³ Interview with Eulex official, Pristina, March/April 2017.

To begin with the police sector has obtained good results, it is considered the favourite field of action, according to many interviews.²⁶⁴ The Kosovo Police has been reorganised and operational capabilities have been enhanced, for example in dealing with patrol management, public order etc. In addition, the Kosovo police has also achieved a more ethnic balance in its staff composition, ensuring the involvement of minorities. From an operational perspective regarding ordinary police tasks, a balance between local ownership and the executive mandate was achieved through the “mechanism of responder”.²⁶⁵ This mechanism envisages that:

*“EULEX is still the second responder; if the local authorities have some serious problems mostly related to crowd control, riots, violent protest...The first security provider is Kosovo police, but they can ask (for help) to second responder (EULEX), and also to third responder, which is KFOR. But during my time they have never asked for it”.*²⁶⁶

As I have already observed, the last revision of the mandate and the new OPLAN in 2016 refocused the work of EULEX, as regards the strengthening division on the strategic level, more than on the operational one, particularly in the sectors of police and customs. The new direction envisaged also a decrease in staff and financial resources.

*“We have not MMA and individual cases anymore and we are not focusing on the region and the local levels. Of course, we can look into individual cases but only to deter some kind of structural weaknesses in the system. So, we are looking more or less in structural weaknesses and we cannot go into individual cases and monitor, because we don't have the manpower anymore. The new OPLAN reconfiguration downsized the whole mission...I have only two mobile police advisors at my disposal for the all country, for the all country two mobile police advisors. So, we should be two advisors covered the all country and of course, that will affect our possibility to be effective because we have a lot of good counterparts and we have a very good cooperation with the senior management team of Kosovo Police. I am the adviser to the Director General of police, and my team here...we are advising the director of investigation, director of operations, director of borders...so, for me it's...we can discuss all these fine strategic plans, actions plans, but I think we are still lacking of implementation in the region and local levels. So, that is a big issue for me that we don't have the manpower, actually, to check if all these nice plans mean something in the regions and the local levels. If we are only focus on the strategic level then we don't really have the chance to see if they implement it”.*²⁶⁷

²⁶⁴ Interviews with Eulex officials, Pristina, March/April 2017.

²⁶⁵ Interview with Kfor soldier, Pristina, March/April 2017. This procedure has a three-stage mechanism: following the principle of local ownership the first responder is the Kosovo Police, then the second responder is Eulex and, in case of serious incidents, the third responder is Kfor.

²⁶⁶ Interview with Eulex official, Pristina, March/April 2017.

²⁶⁷ Interview with Eulex official, Pristina, March/April 2017.

As for the police, the latter has acquired the expected capabilities: “*I am not saying that there are no problems, but yes...*”.²⁶⁸ The Kosovo police is the most trusted agency in this country, it has acquired a high level of professionalism and it is relatively well trained and equipped:

“People have a good trust (in Kosovo Police). (...) I think this is a benefit for EULEX that has done a lot of good work but I think the Kosovo police, according to my opinion could stand side by side, shoulder to shoulder with any European police organisation in most of areas. Of course, there are still things and areas to improve, but nevertheless they are a very professional police service, very professional. (...) As far as I know, they have that level of competences, they are skilled, they are well trained, they have a good basic training, good equipment”.²⁶⁹

This is also confirmed in the last Kosovo Progress reports in 2016 and 2018, drafted by the European Commission within the EU enlargement policy (Communication of the EC 2018/156).²⁷⁰ The Kosovo Police is quite well-structured,²⁷¹ the initial and continuous training run by the Kosovo Academy for Public Safety has good standards, and it has specialised units, both at central level, for example an anti-corruption task force, and at regional level drugs and human trafficking units. Moreover, the last Compact progress report,²⁷² agreed jointly by the Kosovo government and the EU on behalf of the EULEX Head of Mission and the EUSR, has recognised progress accomplished by the Kosovo Police, for example in the development of Community policing²⁷³ and the establishment of cooperation agreements with other law enforcement agencies at international level. Other examples of major progress in the police emerge from interviews:

“the most successful part of our work is...if we look at the implementation of the IBM (Integrated Border Management) agreement that is a part of the Pristina-Belgrade ongoing Dialogue. There we have been very successful in the implementation of this agreement with our counterparts both in Pristina, but we have also facilitated a lot of meetings with the Belgrade party. So, that is a successful part of our work and we have almost done there. If we look at operations we have a specific unit in Kosovo called Religious and Cultural Heritage unit, and that is a successful part of the business because they are taking

²⁶⁸ Interview with Eulex official, Pristina, March/April 2017.

²⁶⁹ Interview with Eulex official, Pristina, March/April 2017.

²⁷⁰ The last Progress Report on Kosovo “Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region 2018/156 is available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

²⁷¹ Interview with Osce officials, Pristina, March/April 2017.

²⁷² The last Compact Progress Report is available at <http://www.eulex-kosovo.eu/eul/repository/docs/CPR-2017.pdf>

²⁷³ Community Policing is a strategy aimed at focusing on police relations with their communities and works hard to address public safety issues such as crime prevention, public order and so on.

*care of orthodox religious and cultural heritage. In other areas, I think we have achieved the most of our goals, in the police sector. I think we are quite successful”.*²⁷⁴

Nevertheless, there are still specific areas and tasks to improve, as well as weaknesses to tackle. The most important deficiency, underlined also in the Kosovo progress report, concerns political interference, in particular in the fight against organised crime and corruption. Despite good police capacities, political pressure still hinders their operational work in these sensitive fields. In this way, the Compact progress report has stressed the need to enhance the Intelligence-led policing model to solve crime, which is still weakly implemented. Furthermore, the Kosovo Progress Report has highlighted that more joint efforts should be implemented to tackle money laundering and ensure witness protection. Other structural police weaknesses, that EULEX is now working on, have to do with:²⁷⁵

- risk assessment. The ability related to the deployment of necessary police forces;
- succession planning, namely dealing with the promotion of talented police personnel;
- strategic planning. The Kosovo police carries out strategic planning at central level, but there are problems at regional level. *“In this level plans, there are not much traces of Kosovo strategic plans”;*²⁷⁶
- intelligence-led police coordination.

So, there are more specific areas which still require EULEX support and control, but they are precisely defined. At the beginning the work of EULEX concerned more general mentoring, monitoring and advising in the police. *“Now we are doing in specific areas where we have discovered weaknesses and we have agreed with them, of course, we don’t do anything without discussing with them. If they agree then we make some specific efforts in those small areas”.*²⁷⁷

As for the Kosovo Customs, which was the smallest component of the mission, they have been restructured and a customs code has been adopted, in accordance with European standards. The Customs system is quite good,²⁷⁸ and the integrated management of the country’s borders allows the Customs office to collect a considerable amount of revenues (Fakiolas and Tzifakis, 2017: 194). The last Compact Progress report emphasised the achievements in revenue collection in recent years, attributing these records to the new

²⁷⁴ Interview with Eulex official, Pristina, March/April 2017.

²⁷⁵ Interview with Eulex official, Pristina, March/April 2017.

²⁷⁶ Interview with Eulex official, Pristina, March/April 2017.

²⁷⁷ Interview with Eulex official, Pristina, March/April 2017.

²⁷⁸ Interview with Eulex official, Pristina, March/April 2017.

customs reforms, anti-corruption measures and the anti-smuggling unit. Moreover, joint efforts with the Kosovo Police is a positive indication of inter-agency cooperation, especially relevant in the fight against corruption and cross-border organised crime, which continue to be a real challenge for Kosovo. In its turn, the EC progress report has also stressed the moderate preparation of Kosovo in the area of customs, showing continuous progress, thanks to liaison units between Kosovo customs, the Kosovo Police and Financial Intelligence.

*“In the police sector, I think we are quite successful, and my recommendation for Brussels will be that in the most of the areas in June 2018 we can close the business for EULEX in the police sector. But of course, I will also recommend EEAS and CPCC to prepare for doing IPA projects or other support in specific areas, where they still need support”.*²⁷⁹

To a certain extent, as stated by Keukeleire and Thiers (2010: 365) and considering current obstacles and weaknesses, these two components have represented the easiest part of EULEX’s job. The hardest task concerned the justice sector. In their analysis on EULEX internal goal attainment, Zupančič et al. (2017: 6) have underlined the partial success of the mission: “objective related to the establishment of a professional and competent police and customs service has so far been reached with partial success, and the objective to develop and strengthen an independent and multi-ethnic judiciary has only had limited success”. Obviously, *“if we look at the beginning a huge of work has been done in the judicial reform”.*

²⁸⁰ Nonetheless, *“for me...I don’t work with prosecutors, judges and courts...but I think that they have not reach the same level of professionalism, integrity and I think they have still political interference”.*²⁸¹

The last EC progress report (p. 13) highlighted that Kosovo is “at an early stage in developing a well-functioning judicial system”. In accordance with the practice of co-location, EULEX justice staff have been co-located within the Ministry of Justice, the Kosovo Judicial Council, the Kosovo Prosecutorial Council and other agencies. From the point of view of MMA functions, EULEX has assisted institutions in adopting different pieces of legislation; in developing capacities, competencies and new rules in many justice services such as the Kosovo Correctional service; in monitoring cases dealing with serious crimes; in revising mechanisms to appoint judges and prosecutors; in combating nepotism and political influence and so on. Of course, these are steps forwards for Kosovo’s rule of law system. Nonetheless,

²⁷⁹ Interview with Eulex official, Pristina, March/April 2017.

²⁸⁰ Interview with Eulex official, Pristina, March/April 2017.

²⁸¹ Interview with Eulex official, Pristina, March/April 2017.

from the point of view of executive responsibilities, results have been almost disappointing.²⁸² Within the executive division, EULEX judges and prosecutors handled constitutional and civil justice and sensitive criminal cases both exclusively or jointly with Kosovo counterparts. However, since the revision of the mandate in 2014, EULEX has not taken on new cases and it has gradually handed over competencies and ongoing cases to the Kosovo authorities. Only under extraordinary circumstances, can the EULEX Chief Prosecutor ask for new cases to be assigned to EULEX prosecutors, but the underlying logic is to transfer responsibilities to locals.

The most important deficiencies in the Kosovo justice system still concern the capacity of local counterparts to address serious crimes such as war crimes, organised crime and corruption independently. In the Compact progress report (p. 22-23), EULEX advisors, who continue to monitor some sensitive cases, observe shortcomings and irregularities that affect this sector. In particular, weak management of cases and data, delays in legal proceedings, poorly maintained court registers, lack of facilities and equipment, poor coordination among key rule of law institutions such as the police and prosecution. Other shortfalls are related with specific judiciary institutions such as the Kosovo Judicial Council and the Kosovo Prosecutorial Council (p. 24-25), responsible for independent, impartial and professional judicial and prosecutorial systems, have to enhance their capacities and resources, and they should act independently. The Kosovo Correctional Service (p. 29-30) and the penitentiary system²⁸³ remained troublesome and more efforts are required to move towards EU standards, also in order to avoid preferences in the treatment of high-profile inmates or inadequate categorisation of inmates.

On a more general level, Fakiolas and Tzifakis (2017: 196) raised the problem of the lack of impartiality in the judiciary and the influence of the political sphere. Furthermore, the trust of Kosovo society in the justice system is low.²⁸⁴ For this reason, the Progress report recommends strengthening the capacity of judges and prosecutors and maximising the independence, professionalism, accountability and efficiency of judiciary. The stalemate in the Kosovo rule of law sector is due to the lack of political will in Kosovo authorities at a high level: “*Kosovo judiciary has to fight corruption? No. Kosovo politicians have to do this. You cannot fight criminality with only police and judges*”.²⁸⁵ Nevertheless, EULEX also has its

²⁸² Interviews with Eulex and Kosovo Eulex officials, Pristina, March/April 2017.

²⁸³ Interview with Eulex official, Pristina, March/April 2017.

²⁸⁴ Interview with an Interpol official, Italian Embassy in Pristina, March/April 2017.

²⁸⁵ Interview with Eulex official, Pristina, March/April 2017.

share of the blame, in particular for appointing inexperienced judges and for managing the executive tasks in some cases incompetently (Fakiolas and Tzifakis, 2017: 196; Zupančič et al. 2017: 6).

In addition, within the EU facilitated dialogue between Belgrade and Pristina, EULEX has provided technical support on some issues concerning the North of Kosovo in all three components. The situation in the North, which Picciano defined EULEX's sword of Damocles, remains fragile and still poses challenges, even though some signs of progress are visible. The Kosovo Police is operational in the North, has established a Quick Response team, a Crowd and Riot Control unit, and is composed also of Serb police officers, but there is a lack of trust in the local population (Fakiolas and Tzifakis, 2017: 198). In the justice field, EULEX was still in charge of judicial proceedings because Kosovo judges and prosecutors were not allowed to work in the North. However, in October 2017, Kosovo Serb judges and prosecutors were integrated in the Kosovo judicial system (Kosovo Progress report, p. 48). In this way, EULEX cases will be considered as joint cases, even if the implementation of this reform remains to be seen, at least because the Serb majority areas have not formally recognised Kosovo independence.

As for customs in the North, Kosovo customs have been assisted in introducing full control and collecting levies on the northern borders, and it is worth mentioning that, within the project of Integrated Border Management, the construction of common crossing points between Serbia and Kosovo started in 2017 (Compact progress report, p. 37).

In conclusion, an overview of each component of EULEX engagement offers mixed results, or to use a colour metaphor used in one field interview, the overall achievement of EULEX is grey. It is fairly white in police and customs, but fairly black in justice.²⁸⁶

“EULEX has been effective in some but not all its areas of mandate and expertise; as such it is neither a failure nor a success” (Zupančič et al., 2017: 12). In this way, notwithstanding its attainments, some structural deficiencies, namely political interference, corruption and organised crime, risk undermining the durability of reforms. Therefore, EU support should continue to assist in specific rule of law areas, through, for example, projects with defined tasks and under the political supervision of the EUSR, which should express a European vision.²⁸⁷

²⁸⁶ Interview with Eulex official, Pristina, March/April 2017.

²⁸⁷ Interview with an Interpol official, Italian Embassy in Pristina, March/April 2017.

5.4 Conclusions

The last case-study of this thesis has been the biggest EU rule of law mission in Kosovo. EULEX is going to expire in June 2018, so at the time of this analysis it was still ongoing. However, the examination of an ongoing mission offers a stimulus to investigate if the EU pays attention to the issue of long-term impact when the mission is still deployed, learning from past experiences.

The analysis of effectiveness and sustainability yields mixed results. First of all, the presentation of the historical and political context of Kosovo showed that EULEX did not begin under favourable auspices. The division within the international community over the Ahtisaari's plan, which envisaged a stronger EU commitment in Kosovo also with a CSDP rule of law mission, and the lack of agreement among EU Member States regarding the recognition of Kosovo independence meant that EULEX got off to a rough start.

Moreover, the expectations of the Kosovo population were very high, due to the fact of envisaging executive competencies.²⁸⁸ Nonetheless, both Kosovo Serbs and Kosovo Albanians are not satisfied with the mission (Zupančič et al., 2017: 10), especially because of the reluctance, and as a consequence the weak impact, to prosecute members of political elites who were involved in serious cases of corruption and organised crime. The population expected a stronger EULEX action in this regard:²⁸⁹ “most of civil society in Kosovo is focused on the performance of the executive component of the mission and not on the MMA tasks” (Ginsberg and Penksa, 2012: 115).

In spite of the distinctive characteristics of EULEX, namely the large size, executive responsibilities and comprehensive work on the rule of law sector including police, customs and justice, in the analysis of effectiveness, single indicators show that the mission has suffered from familiar CSDP difficulties. The mandate has been very broad and ambitious; problems occurred in the recruitment of qualified staff, especially for specialised positions and the justice component; the transition from UNMIK was not so smooth due to the Kosovo political conundrum, and an exit strategy has been not clearly defined in Brussels. As in the

²⁸⁸ Interview with Kosovar Eulex official, Pristina, March/April 2017.

²⁸⁹ Interview with Eulex official, Pristina, March/April 2017.

case of the EUPM in Bosnia-Herzegovina, the mandate of EULEX was renewed every two years, limiting a longer-term, strategic approach.

As regards sustainability, the approach of EULEX favoured the principle of local ownership, notwithstanding the controversy surrounding executive tasks. Since the recent revisions of the mandate, local ownership has been strengthened in view of the mission withdrawal, focusing EULEX actions on a more strategic level. As for the durability of reforms, the literature, field interviews and Kosovo reports mark important achievements in the police area, in which the Kosovo Police has obtained positive developments in certain aspects of its work, in its training and the degree of professionalism, as well as in its capacities to act alone. Weaknesses remained in dealing with serious criminal activities. Conversely, the impact on judicial reform is less successful and political interference is still a problem (Zupančič et al., 2017: 9-10). *“They (local counterparts) have weaknesses but that is more the executive division. I don’t know what they will do, when you EULEX leaves, about war crimes, witness protection. They are all areas that we have to discuss, that Brussels has to discuss very very carefully what to do about that.”*²⁹⁰

Finally, Kosovo rule of law is relatively far from fully functioning. The effectiveness and sustainability of EULEX reforms, even though they present shortcomings and disappointments, will depend on two major critical factors: a true commitment and political will on the part of Kosovo high level authorities and clear guidance from Brussels. The first factor is underlined, in particular, by fields interviews, also thinking of future engagements. *“We should be sure of political pre-conditions before to deploy a mission”*.²⁹¹ A rooted commitment could also reinforce the trust of the population in its institutions, which, for example, in Kosovo is not so strong. The second factor is related to the European Union perspective offered to Kosovo. EULEX has not shown a “unified political-functional-strategic vision in its whole engagement. In its turn, CSDP structures in Brussels should provide more explicit political guidance in the field: *“I think sometimes these missions and also Brussels they are trying to solve political issue on an operational level. (...) I think that EU in the future should focus more on the political level to reach sustainability...we cannot solve political issues on operational level”*.²⁹²

²⁹⁰ Interview with Eulex official, Pristina, March/April 2017.

²⁹¹ Interview with Eulex official, Pristina, March/April 2017.

²⁹² Interview with Eulex official, Pristina, March/April 2017.

Nonetheless, CSDP missions are one of the EU foreign and security instruments. For this reason, the need is also for an overall, realistic, EU perspective towards the Balkans.²⁹³ This seems to be, but is still to be verified, the recent orientation (February 2018) of the European Commission in its strategy towards the region “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans.”²⁹⁴

²⁹³ Interview with Nathalie Tocci, IAI Director, Rome, July 2017.

²⁹⁴ The recent orientation towards Balkans of the European Commission is available https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

CONCLUSIONS

The European Union has come a long way since the first forms of cooperation in foreign and defence matters and, more recently, since the first deployments of civilian missions in 2003. At the start of this thesis, the increased attention awarded to this policy field in the academic debate was underlined. The recent and rapid evolution of the CSDP institutional set-up and the growing number of military and civilian missions have encouraged scholars to analyse this domain from different perspectives.

In this regard, a review of the academic literature has revealed interest in studying the type of international actor the EU is, and also the CSDP institutional layout, its internal and external dynamics and operations launched under its aegis. In the literature, the main gaps that can be underlined deal with: a lack of focus on long-term results and the insufficiently explored concept of sustainability. Furthermore, the need emerges to link theory and operational research in order to develop a more comprehensive analysis.

The main theme of this research deals with the evaluation of impact in CSDP civilian missions, through the analysis of three case studies, namely EUPM in Bosnia-Herzegovina, EUJUST Themis in Georgia and EULEX in Kosovo. The relevance of the evaluation theme for EU missions is based on the necessity to generate a more result-oriented approach. These case studies have been chosen because of their common and different features. The missions are all civilian, but EUPM and EUJUST Themis are completed. The EUPM was a police mission which lasted ten years in the field whereas EUJUST Themis was a rule of law mission which was deployed for just one year. On the other hand, EULEX is an ongoing, rule of law mission. It is the biggest EU civilian mission in terms of scope, as well as budget and human resources, and it has been active since 2008. The decision to include an ongoing operation was due to the fact that it would provide the opportunity to examine how the EU works to increase the effectiveness and sustainability of reforms implemented, when the mission is still present on the ground.

In order to converge theory and practice, the evaluation approach at institutional level has also been scrutinised. The actual performance of the CSDP in reference is far from being oriented to the impact on the ground. In fact, many shortcomings still affect this issue at both institutional and operational levels. Mainly, they are: 1) a too EU-internal and restricted approach 2) a lack of interest in developing a more systematic procedure aimed at focusing on

impact 3) a weak focus on long-term vision and 4) a lack of consideration for the local counterparts.

For this reason, the aims of this thesis focus on two stages: conceptual and empirical. The first intends to elaborate a framework for evaluation through the definition of the key concepts and indicators, drawing on the academic literature on peace-building and CSDP missions. The second aims to apply the study of impact to three missions chosen as case studies with a view to reaching a fuller understanding of the practical aspects of CSDP missions.

Against this backdrop, the first part of the thesis focused on the conceptualisation of EU civilian crisis management and the definition of key concepts. In order to develop a conceptual framework for the evaluation of impact, a combination of theoretical insights has been taken into account. The complexity of the European foreign and defence policy and EU international actorness defy easy categorisation (Ginsberg, 2001: 179). At a general level, three multiple dynamics have been identified: multi-level (supranational-intergovernmental), multi-players (EU institutions-Member States), and multi-dimensional (internal-external). These dynamics characterise the configuration of the EU external and security dimension and the missions in practice.

Moreover, a deconstruction of the meaning of impact has been carried out in order to deepen its analysis and to apply it to case studies. In particular, two concepts emerged: effectiveness and sustainability. The first was defined as the attainment of the goals envisaged in the mandate. While, the second was conceived as involvement of local counterparts in the process of transformation and the durability of reforms. For each concept, specific indicators were determined. As regards effectiveness, mandate, resources, coordination with other EU and non-EU actors and exit strategy were considered suitable indicators. Whereas for sustainability, local ownership and the degree of durability of reforms were identified.

In the second part of the thesis, the conceptual framework for the examination of impact was tested on each case study relying on peace-building and CSDP literature and valuable field interviews. Whereas the conclusions in the case study chapters summed up the main findings regarding the impact of each CSDP mission; in the general concluding remarks, the aim is to pinpoint common and different considerations about CSDP mission impact, which have arisen from the empirical analysis. It is important to remember that EU foreign policy and the CSDP are constantly developing both in theory and practice. Moreover, the implementation of the recent EU Global Strategy is going to offer new food for thought and perspectives on this topic. It is also right to remember that the Treaty of Lisbon introduced important innovations

in the field of EU crisis management and, since 2009, the operational deployments have been wider in their tasks and in geographical areas. Nonetheless, it is interesting to look at completed missions, or in case the case of EULEX to ongoing but long-term deployments. This can provide a valuable cause for reflection on current trends and still highlight the existing shortfalls in operational activities, in view of future engagements.

First of all, the issue of impact should not be interpreted merely in terms of results, but also as a powering up process. Consequently, impact evaluation is not only functional to performance assessment, but to understand the sources of failure or success, and to set in motion a process of reform.

Going back to the study of effectiveness and sustainability indicators, the following remarks arise from the examination of civilian missions. It is important to highlight that the division into indicators meets the need to simplify and systematise the study, but it does not mean that each one of them is independent or isolated. In fact, they all represent important and interlinked elements of missions.

To begin with effectiveness, summing up each indicator of this concept, case studies show that a defined and clear-cut mandate is an essential prerequisite to get off to a good start.²⁹⁵

Often mandates have been vague, as in the case of EUPM that needed to be specified once the mission started or too ambitious, as in the case of EUJUST Themis, when the mandate was narrower, aimed at the reform of the Georgian criminal justice system and strategy, but challenging as a goal to be achieved in one year. Clearly, a vague and ambitious mandate needs a longer-term engagement. However, a long commitment without a clear perspective has a high risk of creating dependence on external intervention. In this regard, the reasoning of one of the interviewees on short-term planning is particularly interesting. This means that to envisage a deployment for one or two years without a clear statement on its potential renewal proves to be an inefficient and unclear strategy. Nonetheless, the political connotation of CSDP and so the political will of Member States would hardly allow a long-term engagement right away. In its turn, EULEX represents a very peculiar case. In the examination of the mission, some unique characteristics have been pinpointed and discussed in depth. The most particular feature, namely the executive component, remains a prerogative of EULEX and new deployments have ruled out the possibility of executive responsibility.

Moreover, the issue of mandate is connected to the still uncertain conceptualisation of EU crisis management. As short-term tools, CSDP civilian missions should contain narrower and

²⁹⁵Interview with France Permanent Representation official, Brussels, June 2017.

realistic mandates. As long-term instruments provided with state-building tasks, they need more time to achieve the expected goals.

As for resources, the case studies have brought to light some difficulties in financial and equipment procurements. In the cases of EUPM and EUJUST Themis, this was also due to the fact that they were the first CSDP engagements. The main deficiencies stemmed from bureaucratic procedures within the European Commission. Nevertheless, mechanisms for financial arrangements changed over time to ensure a timely and effective deployment. One of the innovations of the Lisbon Treaty was “the creation of a Foreign Policy Instrument Service responsible for the management of the CFSP budget, co-located with the EEAS and managed by the European Commission” (Pirozzi, 2015: 34). Furthermore, EUPM and EULEX experienced problems in taking on tasks, equipment and staff from UN missions. As far as human resources are concerned, all the case studies suffered from a general difficulty in the recruitment of seconded personnel by Member States and in the participation of adequately prepared and skillful staff. As a matter of fact, the training and recruitment of staff for the CSDP is still a shortcoming. In particular, a standard and common training programme and a stronger link with recruitment procedures at a European level have to be achieved. “Having well-trained personnel is crucial to enhancing the full effectiveness of EU civilian capabilities and to fulfilling the objective of intervening in specific areas” (De Zan et al., 2016: 21).

An important indicator that influences effectiveness is the coordination on the ground with other international organisations and other EU family actors. The analysis of case studies has shown that CSDP missions have to interact with other players which are engaged in the country at the same time with the risk of overlapping mission activities. Generally, the main organisations are the United Nations, NATO and OSCE. All the missions under scrutiny are examples of over-crowded scenarios, particularly Western Balkans countries.

The relationship with the UN is determining as CSDP missions can take over tasks from previous UN missions such as EUPM from IPTF and EULEX from UNMIK. Field experience presents lights and shadows. On the one hand, daily cooperation is regular and quite effective, on the other hand the issue of transition between the two missions did not happen smoothly. Cooperation with NATO is mainly relevant in the case of Kosovo, where KFOR is an important security provider. The mechanism of “responder”, illustrated in the chapter on EULEX, envisaged a virtuous procedure to enhance an effective work.

Along with other international donors, CSDP has to interplay with other EU initiatives. They could be other CSDP military missions, e.g. EUPM and EUFOR Althea in Bosnia, or other

financial assistance programmes managed by the European Commission in the framework of the Enlargement and Neighbourhood Policy or other EC instruments. Moreover, in the field, there are also EU delegations which represent the EU politically and should facilitate coordination and support a common approach among EU players. Regarding the missions under examination in the thesis, the cooperation and coordination among all EU tools has not always been virtuous and a certain degree of institutional rivalry has been evident. The disagreement of the European Commission regarding the deployment of EUJUST Themis and the above-mentioned delays in the procurement of financial resources for the deployment of the missions demonstrate such institutional competition. Once again, in particular EUPM and EUJUST Themis suffered for being the first operations. Nonetheless other recent missions such as EUAVSEC South Sudan experienced the same difficulty in inter-institutional cooperation mechanisms (Pirozzi, 2015: 132). This calls for better coordination between the European External Action Service and the EC. On the ground, this should be improved by the EU delegation, along with a stronger EU political responsibility.

The question of inter-institutional coordination is closely related to the last indicator called exit strategy, or more appropriately *transition* strategy. The literature and practice have recognised the need that in addition to entering the mission in the right way, it is also necessary to exit in a proper way: “the lack of a clear end-state or exit strategy does not help in preventing the CSDP engagements from being seen as eternal and without feasible goals by the local communities that should benefit from the CSDP” (Grilj and Zupančič, 2016: 79). The concept of a transition strategy would be strengthened by two specific factors: a good planning process and cooperation with other EU actors. Field interviews highlight the lack of attention paid to exit strategy,²⁹⁶ and they stress that the first factor concerns the idea of planning the transition strategy from the beginning of the mission. Whereas, the second one is in view of continuing the support or monitoring results by using other means. Case studies in this research have confirmed the lack of attention paid to this issue. On the one hand, exit strategies are not always conceived at strategic level but they are defined at operational level as in the case of EULEX. On the other hand, a suitable and sustainable end state of the mission was not found, for example in EUJUST Themis. The EUPM mission exit strategy was achieved by attributing responsibilities to the EUSR and assigning residual tasks to the EC through its IPA projects.

²⁹⁶Interview with France Permanent Representation official, Brussels, June 2017.

Moving to the issue of sustainability, indicators are local ownership and the durability of reforms. Case studies have underlined that local ownership is the guiding principle of the CSDP approach to crisis management. Relations with and embroilment of local counterparts are a debate topic in the literature. Part of the latter sees this approach as a “revised colonialism”, another part an essential way to ensure sustainable results: “it is indisputable that sustainable reforms require support by domestic political leaders, who must buy in to the reform package” (Ginsberg and Penksa, 2012: 113). Nonetheless, two levels should be identified: the political level, represented by the local authorities of the country, and the counterparts level which refers to the daily working local staff.

With reference to all three missions, it emerged from field interviews that the involvement of locals is a basic foundation and it is the added value of the EU approach in dealing with crisis management. Local ownership does not mean merely accepting and implementing a ready-made package of reforms, but considering host input and needs in the reorganisation of the reform agenda. In this way, the main aspect to emphasise is the need to take care of the relational dimension between the external donors and locals and to engage in a sort of mutual “exchange of experiences”. This is particularly important for missions with state-building goals. In other words, the issue is to achieve a balance between monitoring, mentoring and advising activities and the full involvement of locals. The effort is to bring together the transfer of knowledge and the participation of local counterparts. Undoubtedly, this behaviour depends to a large extent on individuals on both sides.

The durability of reforms, namely acquired capabilities and accomplished changes which continue over time, is another important indicator to consider when analysing sustainability. A useful tool for the examination of reform durability are the country reports of the European Commission, of course in reference to the sections related to CSDP mission areas of engagement. The analysis yields mixed results for all the case studies under scrutiny and they have been analysed in depth in each chapter dedicated to missions. Briefly, Georgia and the EU have intensified their relations in recent years and the maintaining of relations with the EU is a big incentive for the country to accomplish many different reforms. As regards rule of law, Georgia is undergoing judiciary reforms, even if some weaknesses still affect this policy field such lack of transparency, independence and accountability. EUJUST Themis reform strategies have continued to be a sort of basis to proceed with justice reforms.

Western Balkan countries are included in a different perspective towards the EU because, even though with differences from country to country, they are within the process of EU

enlargement. As for Bosnia-Herzegovina²⁹⁷, the Stabilisation and Association Agreement came into force in 2015 and the police sector has achieved a good level of preparation, but there are still some deficiencies, for example the coordination between law enforcement agencies at all the entities levels and the fight against corruption and organised crime. It is right to say that these difficulties are intrinsic in Dayton's unresolved institutional set-up.

As regards Kosovo, the Stabilisation and Association Agreement came into force in 2016. EULEX is still ongoing, but some preliminary considerations on its achievements can be outlined. Looking at the three components, police and customs have achieved satisfactory results, whereas the justice system is at an early stage, especially as far as political interference, impartiality, accountability and the fight against corruption are concerned.

The study of the durability of reforms has been valuable to bring out two specific points: the issue of political will and the need for a comprehensive strategy for EU external action. As far as the first point is concerned, local political will is unquestionably a precondition for the effectiveness and sustainability of the mission. This clearly emerges also from field interviews to local counterparts in reference to high-level political commitment. A true engagement of local authorities is necessary to continue the process of reform over time.

Moreover, the second point is related to considering CSDP missions as one tool in the EU foreign policy toolkit²⁹⁸ and within a wider EU strategy, also with a view to continuing support in the field, monitoring results or transiting towards other types of engagement. "The practice of including CSDP actions in the broader framework of regional strategies and comprehensive concepts will strongly benefit the effectiveness of actions on the ground" (Pirozzi, 2015: 151).

Finally, the analysis of the overall impact of CSDP civilian missions has highlighted two cross-cutting dynamics, which are interlinked: political vs technical and Brussels level vs field level. As for the first dynamic, it has already been stressed that CSDP missions are technical instruments but political in their nature:²⁹⁹ "conflicts and crises have roots that must be addressed politically, and missions function within political contexts" (Ginsberg and Penksa, 2012: 117). Consequently, it is not only a matter of functional goals. Political leverage is a

²⁹⁷ At the time of writing the EUPM case study, the new report on Bosnia-Herzegovina had not yet been published. It was drafted by the European Commission and published in April 2018 and it is available <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf>

²⁹⁸ Interview with CMPD official, Brussels, June 2017.

²⁹⁹ Interview with European Parliament Research service official, Brussels, June 2017.

useful characteristic³⁰⁰, but the two dimensions should go hand in hand. There cannot be a political impact without effective technical functioning in the field, but there cannot be technical effectiveness without clear political support and direction from Brussels. In addition, a disconnection between Brussels and reality on the ground is evident and must be addressed.³⁰¹ This disconnection is visible in many issues, such as a lack of a clear sense of direction in field staff, the definition of the mandate's operational objectives, the definition of an exit/transition strategy and so on. "Without political direction (and consensus) among Member States and EU personnel, CSDP missions might not produce the intended results" (Ginsberg and Penksa, 2012: 117). Ultimately, these themes underline how, notwithstanding the increased process of socialisation, the CSDP is still an intergovernmental policy. It is therefore clear that Member States' interests and positions have an influence at both strategic and operational levels.

Key findings and recommendations

The previous overview of the analysis of CSDP civilian mission impact, through the lens of three case studies, yields mixed results as regards their effectiveness and sustainability, showing pros and cons. CSDP civilian missions have an added value, which other international organisations and security providers are not able to offer.³⁰² The new EUGS is clear "we must further develop our civilian missions" - a trademark of CSDP - (EUGS, 2016: 47). So, EU civilian missions are valuable instruments³⁰³ but shortcomings have to be addressed, in order to reinforce their validity. For this reason, final remarks aim at providing some recommendations.

In general terms:

1. First of all, the conceptualisation and the position of civilian missions in the panoply of EU external tools should be clearly defined. This would be useful to identify if they are the most appropriate instrument to use: "while the presence of CSDP missions is essential in some theatres in order to lending political control and visibility of the Union, in other situations it is highly contested" (Pirozzi, 2015: 151);

³⁰⁰Interview with CMPD official, Brussels, June 2017.

³⁰¹Interview with former Eujust Themis and Eulex official, phone call, June 2017.

³⁰²Interview with France Permanent Representation official, Brussels, June 2017.

³⁰³Interview with EEAS official, Brussels, June 2017.

2. The need is to develop a more result-oriented approach in this policy field and in all phases of the mission cycle (from planning, to implementation and conclusion). This proves to be essential to the credibility and visibility of the EU as security provider and to be able to answer challenges adequately;³⁰⁴

In more specific terms:

1. More attention should be paid to the evaluation of impact and to the implementation of a methodology of impact assessment. This would allow benefits in many aspects: an in-depth knowledge of results obtained in the field, more awareness about the contribution of missions, a deeper comprehension of shortcomings and added values, and finally a more adequate and effective strategy address of future commitments;
2. Impact analysis should be developed from field inputs and it should adopt: a systematic approach, a long-term perspective in view of other types of engagement, and the local counterparts' perspective (and involvement) collected from evaluation on the ground;
3. Impact evaluation should look at EU inner effectiveness with an aim to overcome weaknesses in the planning and implementation of the missions such as mandate tasks, coordination with other EU and non-EU actors, exit or transition strategy and so on;
4. In addition, it should consider sustainability more appropriately in order to envisage durable results. The evaluation of sustainability would help to reinforce the practice of local ownership and address the continuation of the achievements of the mission through other EU programmes, in view of the exit strategy. Since the beginning of the mission there should be a sustainability unit in the field, the Eucap Sahel Niger case is a clear example.

The systematisation of an impact evaluation oriented approach would be valuable: a) to collect and bring together a series of lessons learned aimed at creating an *institutional memory*; b) to create an *epistemic community* on the issue of CSDP missions evaluation which could develop and refine the general approach and procedures concerning this topic; c) to move from a learning by doing to a *learning for doing*, and finally, d) to improve the *efficacy* and *credibility* of CSDP civilian missions in their own small way, but also in their specific contribution to a broader EU external projection and action.

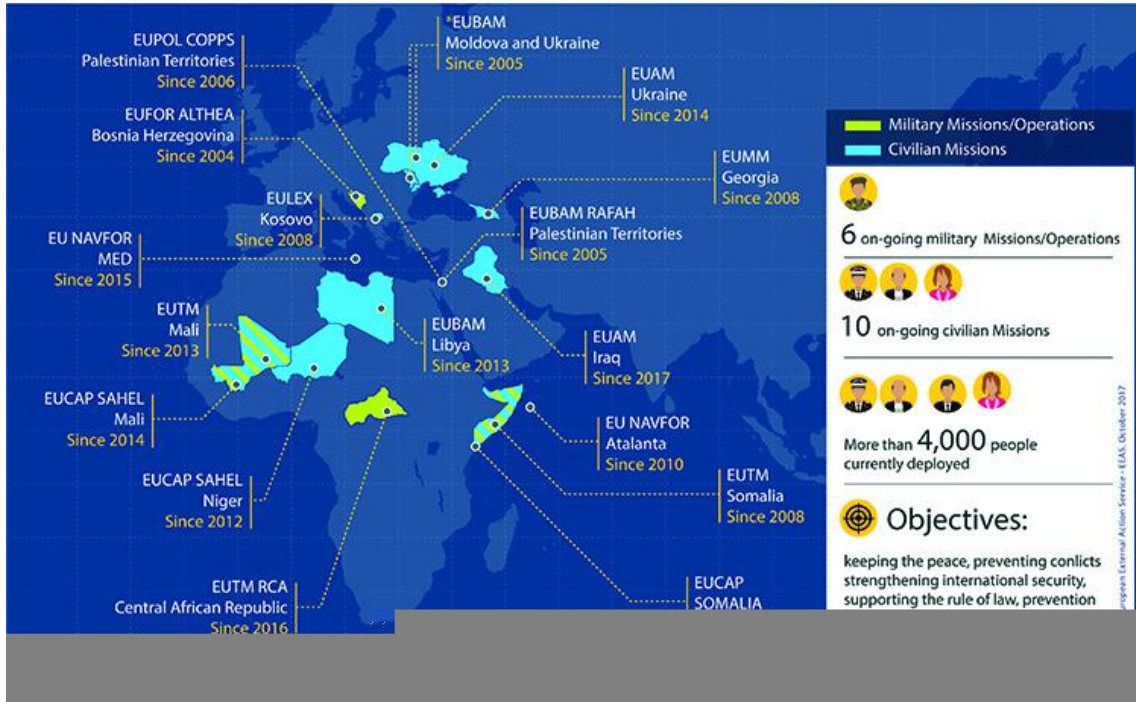
Summing up, the goal of this research has been to shift attention towards a more systematic attitude in evaluating EU foreign and security outputs, in particular CSDP civilian missions,

³⁰⁴Interview with CMPD official, Brussels, June 2017.

which would be of benefit to institutional efficiency, field effectiveness and sustainability, and political visibility. In conclusion, evaluating the impact of CSDP civilian missions would not simply mean looking back to criticise, but rather “looking back to move ahead”.

ANNEXES

Annex 1. Ongoing CSDP missions



Annex 2. Outline of interviews

General Outline of interview (EU officials)

First of all, let's look at the mandate of the mission and the achievements in the field.

- Which were pros and cons of the mandate features?
- To what degree were the objectives achieved?
- In your view, which factors influenced the achievements or non-achievements of goals? (appropriateness of resources, coordination among other EU and non-EU initiatives and missions, adequate exit strategy)
- Looking at the achievements in the field. How can the mission be assessed in its long-term effectiveness?

Let's pass to the sustainability.

- To what degree are the results sustainable and durable?
- To what extent did locals acquire the expected capabilities in order to act independently?
- Which factors could have strengthened the degree of sustainability?
- According to you, was it worth local ownership? Was it difficult to fully involve local authorities in the process of reforms? Why?
- How could the interaction with locals be improved?

General Outline of interview (local counterparts)

First of all, let's look at the mandate of the mission.

- Which were pros and cons of the mandate features?
- To what degree were the objectives achieved?
- In your view, which factors influenced the achievements or non-achievements of goals? (appropriateness of resources, presence of other EU and non-EU initiatives and missions, adequate exit strategy)
- Looking at the achievements in the field. How can the mission be assessed in its long-term effectiveness?

Let's pass to the sustainability.

- To what degree are the results sustainable and durable?
- To what extent did you acquire the expected capabilities in order to act independently?
- Which factors could have strengthened the degree of sustainability?
- To what extent were you involved in the mission?
- How was the interaction with EU officials?
- According to you, which were the main shortcomings of the EU's approach in the mission?

01_09_2016
(internal use only)

CRISIS MANAGEMENT AND PLANNING DIRECTORATE (CMPD) – European External Action Service

Civilian Planning and Conduct Capability (CPCC) – European External Action Service

SECRETARIAT
Ms Klaudija LAINSEK # 2-41 4195

SECRETARIAT
Ms Tina LAURSEN # 2-41 2979

Mr Kenneth DEANE # 2-43 3060

SENIOR POLITICAL EXPERT
Ms Mariana OSILIN (maternity leave)

SENIOR POLICY EXPERT
Ms Catherine FEARON # 2-05 3411

SENIOR POLICE EXPERT
Mr Ron LANGGREEN # 2-14 3235

SENIOR POLICE EXPERT
Mr Paolo PELOSI # 2-14 3397

Annex 4. Maps of BiH, Kosovo and Georgia



BIBLIOGRAPHY

- ALLEN DAUPHINEE L., (2002), *Rambouillet: a Critical (Re)Assessment*, in DASKALOVSKI Z., BIEBER F., *Understanding the war in Kosovo*, London, Frank Cass, pp. 101-123.
- ASSEBURG M., KEMPIN R., (2009), *The EU as a strategic actor in the realm of security and defence? A systematic assessment of ESDP Missions and Operations*, Berlin, Stiftung Wissenschaft und Politik German Institute for international and security affairs.
- AZZONI A., PIROZZI N., (2016), *Civili in missione: l'esperienza Italiane nelle missioni dell'Unione Europea*, Roma, Edizioni Nuova Cultura.
- BAIN J., HOLLAND M., (2007), *European Union Identity: perceptions from Asia and Europe*, Baden-Baden, Nomos.
- BAJRAKTARI Y. et al., (2006), *The PRIME system: Measuring the Success of Post-Conflict Police Reform*, Princeton University.
- BELL S., MORSE S., (1999), *Sustainability indicators. Measuring the immeasurable?*, London, Earthscan.
- BERCOVITCH J., JACKSON R., (2009), *Conflict Resolution in the Twenty-first Century. Principles, Methods, and Approaches*, Ann Arbor, University of Michigan press.
- BERTIN T., (2008), *The EU military operation in Bosnia*, in MERLINGEN M., OSTRAUSKAITE R., *European Security and Defence Policy. An Implementation Perspective*, London, Routledge, pp. 61-77.
- BIANCHINI S. et al., (2007), *Regional cooperation, peace enforcement, and the role of the treaties in the Balkans*, Ravenna, Longo.
- BINDI F., ANGELESCU I., (2012), *The Foreign Policy of the European Union. Assessing Europe's role in the world*, Washington, Brookings Institution press.
- BISCOP S., COELMONT J., (2013), *Military CSDP: the quest for capability*, in BISCOP S., WHITMAN R.G., *The Routledge Handbook of European Security*, London, New York, Routledge, pp.78-90.
- BISCOP S., WHITMAN R., (2013), *The Routledge handbook of European Security*, New York, Routledge.
- BLOCKMANS S. et al., (2010), *The European Union and Peacebuilding: policy and legal aspects*, The Hague, TMC Asser Press.
- BLOCKMANS S., (2007), *Tough love. The European Union Relations with the Western Balkans*, Cambridge; New York, Cambridge University Press.
- BLOCKMANS S., (2008), *European Union and crisis management: policy and legal aspects*, The Hague, TMC Asser Press.
- BONVICINI G. (a cura di), (2010), *L'Unione europea attore di sicurezza regionale e globale*, Milano, FrancoAngeli.
- BOSSE G., (2011), *The EU in Georgia: towards a coherent crisis management strategy?*, in GROSS E., JUNCOS A. E., *EU conflict prevention and crisis management: roles, institutions and policies*, London, Routledge., pp. 131-145.

- BRANIFF M., (2011), *Integrating the Balkans: conflict resolution and the impact of EU expansion*, London, I. B. Tauris.
- BRETHERTON C., VOGLER J., (1999), *The European Union as a global actor*, New York, Routledge.
- BROOKS R. A., STANLEY E. A., (2007), *Creating military power: the sources of military effectiveness*, Stanford, Stanford University Press.
- CAPUSSELA L. A., (2015), *State-building in Kosovo: democracy, corruption and the EU in the Balkans*, London, I.B. Tauris.
- CHANDLER D., (2009), *State building and intervention: policies, practices and paradigms*, London, New York, Routledge.
- CHANDLER D., (2010), *International Statebuilding: the rise of post liberal governance*, London, Routledge.
- CHANDLER D., SISK D.T., (2013), *Routledge handbook of international peacebuilding*, Milton Park, Abingdon, Oxon, Routledge.
- CHETAIL V., (2009), *Post-conflict peacebuilding: a lexicon*, Oxford, Oxford University press.
- CHIVVIS C., (2010), *EU civilian crisis management: the record so far*, Santa Monica, Rand.
- COMELLI M., (2010), *Le relazioni di sicurezza dell'Unione Europea con le aree limitrofe: allargamento, partenariato e vicinato*, BONVICINI G., *L'Unione Europea attore di sicurezza regionale e globale*, Milano, Francoangeli, pp. 65-90.
- CREMONINI G., (2015), *Lessons learnt and practices*, in REHRI J., GLUME G., *Handbook on CSDP missions and operations. The common security and defence policy of the European Union*, Armed force printing centre, Vienna, pp. 188-189.
- DEBIEL T., HELD T., SCHNECKENER U., (2016), *Peacebuilding in crisis: Rethinking Paradigms and Practices of Transnational Cooperation*, London, Routledge.
- DERKS M., PRICE M., (2010), *The EU and rule of law reform in Kosovo*, The Hague, Clingendael.
- DIEHL P. F., (1993), *International Peacekeeping*, Baltimore, The John Hopkins University Press.
- DIEHL P. F., (2008) (b), *Peacekeeping and Beyond*, in BERCOVITCH J. et al., *The sage handbook of conflict resolution*, Thousand Oak, SAGE Publications, pp. 525-542.
- DIEHL P. F., (2008), *Peace operations*, Cambridge, Polity press.
- DIEHL P. F., DRUCKMAN D., (2015), *Evaluating Peace operations*, in KOOPS J. A. et al., *The Oxford Handbook of United Nations Peacekeeping Operations*, Oxford, Oxford University Press, pp. 93-109.
- DIEHL P.F., DRUCKMAN D., (2010) *Evaluating Peace operations*, Boulder CO, Lynne Rienner publishers.
- DI NOLFO E., (2016), *Storia delle relazioni internazionali. Dalla fine della guerra fredda ad oggi*. vol. 3, Roma, Laterza.
- DONAIS T., (2015), *Ownership: from policy to practice*, in JACKSON P. (edited by), *Handbook of International Security and Development*, Cheltenham, UK, Northampton, USA, Edward Elgar Publishing, pp. 227-247.

- DONAIS T., (edited by) (2008), *Local Ownership and Security Sector Reform*, Geneva, DCAF.
- DOYLE M. W., SAMBANIS N., (2006), *Making war and building peace: United Nations peace operations*, Princeton, Princeton University Press.
- DURCH W. J., (1996), *UN Peacekeeping, American politics and the Uncivil Wars of 1990s*, New York, Saint Martins' Press.
- ECKHARD S., (2016), *International Assistance to police reform. Managing Peacebuilding*, London, Palgrave Macmillan.
- ELBASANI A., (2013), *European integration and transformation in the Western Balkans: Europeanization or business as usual?*, Abingdon Oxon, Routledge.
- EMERSON M., GROSS E., (2007), *Evaluating the EU's crisis missions in the Balkans*, Brussels, Centre for European Policy Studies.
- FAGAN A., (2010), *Europe's Balkan dilemma: paths to civil society or state-building?*, London, I. B. Tauris.
- FAKIOLAS E. T., TZIFAKIS N., (2017), *Establishing the rule of law in Kosovo and Bosnia-Herzegovina: the contribution of EU civilian missions*, in FISH M. S. et al., *A Quarter Century of Post-Communism Assessed*, London, Palgrave Macmillan.
- FEARON K., PICAUVET S., (2017), *Challenges for Civilian CSDP missions*, in REHRL J., *Handbook on CSDP. The Common Security and Defence Policy of the European Union*, Vienna, Armed Forces Printing Centre.
- FIHL M., (2015), *Local Ownership and cooperation with civil society*, in REHRI J., GLUME G., *Handbook on CSDP Missions and Operations*, Vienna, Armed forces printing centre, pp. 205-207.
- FINIZIO G., MORELLI U., (2015), *L'Unione Europea nelle relazioni internazionali*, Roma, Carocci.
- FLESSENKEMPER T., HELLY D., (2013), *Ten years after: lessons from the EUPM in Bosnia-Erzegovina (2002-2012)*, Joint Report, Paris, European Union Institute for Security Studies, pp. 1-92.
- FORADORI P., ROSA P., SCARTEZZINI R., (2007), *Managing a Multilevel Foreign Policy. The EU in international affairs*, Lanham, Lexington Books.
- FRASER C., (2012), *An introduction to European foreign policy*, Abingdon, New York, Routledge.
- FURSDON E., (1980), *The European Defence Community: a history*, London, Macmillan.
- GALANTINO M. G., FREIRE M.R., (2015), *Managing crises, making peace: towards a strategic EU vision for security and defence*, Basingstoke, Palgrave Macmillan.
- GALTUNG J., (1973), *The European Community: a superpower in the making*, London, Allen and Unwin.
- GARCIA M., GLUME G., (2015), *Civilian CSDP missions*, in REHRI J., GLUME G., *Handbook on CSDP missions and operations. The common security and defence policy of the European Union*, Armed force printing centre, Vienna, pp. 162-169.
- GIEGERICH B., (2010), *Europe and global security*, London, International Institute for Strategic Studies.

- GINSBERG R., (1989), *Foreign policy actions of the European Community. The politics of scale*, Boulder London, Lynne Rienner publishers.
- GINSBERG R., (2001), *The European Union in International Politics. Baptism by fire*, Lanham MD, Rowman and Littlefield publisher.
- GINSBERG R., PENKSA S.E., (2012), *The European Union in global security: the politics of impact*, Basingstoke, New York, Palgrave Macmillan.
- GODA S. et al., (2016), *International crisis management: NATO, UE, OSCE and civil society: collected essays on best practices and lessons learned*, Amsterdam, Berlin, Washington DC, IOS press,
- GODA S., TYTARCHUK O., KHYLKO M., (2016), *International Crisis Management: NATO, EU, OSCE and Civil society*, Amsterdam, IOS Press.
- GOURLAY C., (2013), *Civilian CSDP: a tool for state-building?*, in BISCOP S., WHITMAN R.G., *The Routledge Handbook of European Security*, London, New York, Routledge, pp. 91-104.
- GRABBE H., (2006), *The EU's transformative power: Europeanisation through conditionality in Central and Eastern Europe*, Basingstoke, Palgrave Macmillan.
- GREVI G. et al., (2009), *European Defence and Security Policy. The first ten years (1999-2009)*, Paris, EUISS.
- GREVI G., (2009), *EULEX Kosovo*, in GREVI G. et al., *European Security and Defence Policy. The first 10 years (1999-2009)*, Paris, EUISS, pp.353-368.
- GROSS E. et al., (2011), *Preventing conflict, managing crisis: European and American perspectives*, Washington DC, Center for transatlantic relations.
- GROSS E., JUNCOS A. E., (2011), *EU conflict prevention and crisis management: roles, institutions and policies*, London, Routledge.
- HALPERIN S., HEATH O., (2012), *Political Research. Methods and Practical Skills*, Oxford, Oxford University press.
- HAMEIRI S., HUGHES C., SCARPELLO F., (2017), *International intervention and local politics*, Cambridge, Cambridge University Press.
- HANHIMÄKI J. M., SCHOENBORN B., ZANCHETTA B., (2012), *Transatlantic relations since 1945. An introduction*, Routledge.
- HAUKKALA H., (2013), *The three paradigms of European security in Eastern Europe: co-operation, competition and conflict*, in BISCOP S., WHITMAN R., *The Routledge handbook of European Security*, New York, Routledge, pp. 159-169.
- HAYDEN R. M., (2013), *From Yugoslavia to the Western Balkans: studies of a European disunion, 1991-2011*, Leiden, Brill.
- HEHIR A., (2010), *Kosovo, intervention and statebuilding: the international community and the transition to independence*, London; New York, Routledge.
- HELLY D., PETITEVILLE F., (2005), *L'Unione européenne, acteur internationale*, Paris, Harmattan.
- HILL C., (1983), *National foreign policies and European Political Cooperation*, London, George Allen and Unwin.

- HILL C., SMITH M., VANHOONACKER S., (2017), *International relations and the European Union*, Oxford, Oxford University Press.
- HOPMAN T., (2016), *Principles of Conflict Management for Conflict Management Institutions: Best Practices and Lessons Learned*, in GODA S. et al, *International Crisis Management: NATO, EU, OSCE and Civil society*, Amsterdam, IOS Press, pp. 1-13.
- HOWARD L. M., (2007), *UN Peacekeeping in Civil Wars*, Cambridge, Cambridge University Press.
- HOWORTH J., (2013), *European security institutions 1945-2010: the weaknesses and strengths of "Brusselsisation"*, in BISCOP S., WHITMAN R.G., *The Routledge Handbook of European Security*, London, New York, Routledge, pp. 5-17.
- HUGHES J., (2010), *EU conflict management*, London, Routledge.
- HUNT C., (2015), *UN peace operations and international policing. Negotiating complexity, assessing impact and learning to learn*, London, New York, Routledge.
- IRRERA D., (2008), *La politica europea di vicinato nel Caucaso meridionale*, in LONGO F., *L'Unione europea e il "cerchio di amici": sicurezza europea e politica di vicinato*, Milano, Giuffrè, pp. 85-110.
- JOHNSON J. B., REYNOLDS H. T., MYCOFF J. D., (2016), *Political Science Research Methods*, Thousand Oaks, CQ press.
- JUNCOS A. E., (2007) *Police Mission in Bosnia and Herzegovina*, in EMERSON M., GROSS E., *Evaluating the EU's crisis missions in the Balkans*, Centre for European Policy studies, pp. 46-77.
- JUNCOS A. E., (2013), *EU foreign and security policy in Bosnia. The politics of coherence and effectiveness*, Manchester, Manchester University press.
- JUNCOS A. E., (2016), *CSDP in the Balkans and the Eastern neighbourhood*, in CHAPPEL L., et al., *The EU, strategy and security policy: regional and strategic challenges*, Abingdon, New York, Routledge, pp. 19-34.
- KAPISZEWSKI D., MACLEAN L. M., READ B. L., (2015), *Field Research in Political Science. Practices and Principles*,
- KEISALA K., (2004), *The European Union as an international actor: strengths of the European civilian power*, Tampere, Tampere University Press.
- KEUKELEIRE S., MACNAUGHTAN, (2008), *The foreign policy of the European Union*, Basingstoke, Palgrave Macmillan.
- KEUKELEIRE S., THIERS R., (2010), *EULEX Kosovo: walking a thin line, aiming for the rule of law*, in BLOCKMANS S. et al., *The European Union and peacebuilding: policy and legal aspects*, The Hague, TMC Asser press, pp. 353-374.
- KEULELEIRE S., (2010), *European Security and Defence Policy: from taboo to a spearhead of EU Foreign Policy?*, in BINDI F., *The Foreign policy of the European Union: assessing Europe's role in the world*, Leuven, Brookings Institution Press, pp. 51-72.
- KIRCHNER E. J., SPERLING J., (2007), *EU security governance*, Manchester, New York, Manchester University press.
- KLEIN (2010), *European agents out of control?: delegation and agency in the civil-military crisis management of the European Union 1999-2008*, Baden-Baden, Nomos Verlagsgesellschaft.

- KOOPS J. A., (2011), *The European Union as an integrative power: assessing the EU's effective multilateralism with NATO and the United Nations*, Brussels, VUB Press.
- KOUTRAKOS P., (2013), *The EU Common Security and Defence Policy*, Oxford, Oxford University Press.
- KRAHMANN E., (2003), *Multilevel networks in European foreign policy*, Aldershot, Ashgate.
- KUHN M., (2007), *Who is the European? A new global player?*, New York, Peter Lang.
- KUROWSKA X., (2008), *More than a Balkan Crisis manager: The EUJUST Themis in Georgia*, in MERLINGEN M., OSTRAUSKAITÉ R., *European Security and Defence Policy. An Implementation Perspective*, London, Routledge, pp. 97-110.
- KUROWSKA X., (2009), *EUJUST THEMIS (Georgia)*, in GREVI G. et al., *European Security and Defence Policy. The first 10 years (1999-2009)*, Paris, EUISS, pp. 201-210.
- KUROWSKA X., BREUER F., (2012), *Explaining the EU's common security and defence policy: theory in action*, Basingstoke, Palgrave Macmillan.
- LARIVÉ M.H.A., (2014), *Debating European security and defence policy: understanding the complexity*, Farnham, Burlington, Ashgate.
- LASCHI G., TELÒ M., (2009), *L'Europa nel sistema internazionale. Sfide, ostacoli e dilemmi nello sviluppo di una potenza civile*, Bologna, Il Mulino.
- LAURSEN F., (2009), *The EU as a foreign and security policy actor*, Dordrecht, Republic of Letters.
- LEDERACH J. P., (1997), *Building peace: sustainable reconciliation in divided societies*, Washington, United States Institute of Peace Press.
- LEURDDIJK D., ZANDEED., (2001), *Kosovo from crisis to crisis*, Ashgate.
- LINTERN S., (2015), *Transition Strategies*, in REHRL J., GLUME G., *Handbook on CSDP missions and operations. The common security and defence policy of the European Union*, Armed force printing centre, Vienna, pp. 68-72.
- LIPPI A., (2007), *La valutazione delle politiche pubbliche*, Bologna, Il Mulino.
- LOESER B., (2015), *Benchmarking and impact assessment for civilian CSDP missions*, in REHRL J., GLUME G., *Handbook on CSDP missions and operations. The common security and defence policy of the European Union*, Armed force printing centre, Vienna, pp. 186-187.
- LUCARELLI S., (2000), *Europe and the breakup of Yugoslavia: a political failure in search of a scholarly explanations*, The Hague, Kluwer Law international.
- LUCARELLI S., (2007), *Gli anni novanta: le guerre nella ex Jugoslavia*, in DEL PERO M., ROMERO F., *Le crisi transatlantiche. Continuità e trasformazioni*, Roma, Edizioni di Storia e letteratura, pp. 85-110.
- LUCARELLI S., FIORAMONTI L., (2010), *External Perceptions of the European Union as a global actor*, London, Routledge.
- MAC GINTY R., (2011), *International Peacebuilding and Local Resistance. Hybrid forms of Peace*, Basingstoke, Palgrave Macmillan.
- MAC GINTY R., (2013), *Routledge handbook of peacebuilding*, New York, Routledge.

- MAHNCKE D., et al., (2004), *European foreign policy: from rhetoric to reality?*, Brussels, P. I. E. Peter Lang.
- MAJOR C., BAIL M., (2011), *Waiting for Soft Power: Why the EU struggles with Civilian Crisis Management*, in GROSS E., et al., *Preventing conflict, managing crisis: European and American perspectives*, Washington, Center for transatlantic relations, pp. 15-36.
- MAMMARELLA G., (2010), *Europa e Stati Uniti dopo la Guerra fredda*, Bologna, Il Mulino.
- MANNERS I., LUCARELLI S., (2006), *Values and Principles in European Union foreign policy*, London, Routledge.
- MARIER P., (2013), *Policy feedback and learning*, in ARARAL E. JR. et al., *Routledge Handbook of Public Policy*, New York, Routledge, pp. 401-414.
- MARTIN M., KALDOR M., (2010), *The European Union and human security: external interventions and missions*, London, Routledge.
- MCCONNELL A., (2010), *Understanding Policy Success. Rethinking Public Policy*, London, Palgrave Macmillan.
- MCCORMICK J., (2007), *The European Superpower*, Basingstoke, Palgrave Macmillan.
- MERLINGEN M., (2009), *EUPM (Bosnia-Herzegovina)*, in GREVI G. et al., *European Security and Defence Policy. The first 10 years (1999-2009)*, Paris, EUISS, pp. 161-172.
- MERLINGEN M., (2012), *EU security policy. What it is, how it works, why it matters*, Boulder, Lynne Rienner Publishers.
- MERLINGEN M., (2013 b), *The CSDP in the Western Balkans from experimental pilot to security governance*, in BISCOP S., WHITMAN R., *The Routledge handbook of European Security*, New York, Routledge, pp. 145-158.
- MERLINGEN M., OSTRAUSKAITÉ R., (2006), *European Union peacebuilding and policing: governance and the European Security and Defence Policy*, London, Routledge.
- MERLINGEN M., OSTRAUSKAITÉ R., (2008), *European Security and Defence Policy. An Implementation Perspective*, London, Routledge.
- MISSIROLI M., edited by, (2015), *Towards an EU Global Strategy. Background, process, references*, EUISS.
- MOORE A., (2014), *CSDP Police Missions: Comparing Bottom-up and Top-down Approaches*, *European Foreign Affairs Review*, 19, n.2, pp. 283-306.
- MORELLI U., (2015),
- MÜHLMANN T., (2008), *The Police Mission EUPM in Bosnia, 2003-05*, in MERLINGEN M., OSTRAUSKAITÉ R., *European Security and Defence Policy. An Implementation Perspective*, London, Routledge, pp. 43-60.
- NEWMAN E., PARIS R., RICHMOND O. P., (2009), *New Perspectives on Liberal Peacebuilding*, New York, United Nations University press.
- NORHEIM-MARTINSEN M., (2013), *The European Union and military force: governance and strategy*, Cambridge, Cambridge University Press.
- NUTTAL S. J., (1992), *European Political Co-operation*, Oxford, Oxford University Press.
- NUTTAL S. J., (2000), *European Foreign Policy*, Oxford, Oxford University Press.

- NYE J., (2004), *Soft power: the means to success in world politics*, New York, Public affairs.
- OLSON K., (2011), *Essentials of qualitative interviewing*, Walnut Creek, Left Coast Press.
- ORBIE J., (2008), *Europe's global role: external policies of the European Union*, Aldershot-Burlington, Ashgate.
- OVERHAUS M., (2009), *Operation Althea and the EU Police Mission in Bosnia and Herzegovina: implementing the comprehensive approach*, in ASSEBURG M., KEMPIN R., *The EU as a Strategic Actor in the realm of Security and Defence? A systematic Assessment of ESDP Missions and Operations*, Berlin SWP Research Paper, pp. 9-15.
- PADOA-SCHIOPPA T., (2001), *Europa, forza gentile: cosa ci ha insegnato l'avventura europea*, Bologna, il Mulino.
- PAFFENHOLZ T., (2013), *Civil Society*, in MAC GINTY R., *Routledge handbook of peacebuilding*, New York, Routledge, pp. 347-359.
- PANAYIOTIS I., (1987), *European Political Cooperation: towards a framework of supranational diplomacy?*, Aldershot, England, Avebury.
- PARIS R., (2004), *At war's end: building peace after civil conflict*, Cambridge, Cambridge University Press.
- PEEN RODT A., (2014), *The European Union and military conflict management. Defining, evaluating and achieving success*, London, New York, Routledge.
- PETERS B. G., (2015), *Advanced introduction to public policy*, Cheltenham, Edward Elgar.
- PICCIANO N., (2016), *The European union state-building in Kosovo: challenges and lessons learned. An assessment of EULEX*, Hamburg, Verlag Dr. Kovac.
- PICKERING P. M., (2008), *Peacebuilding in the Balkans: the view from the ground floor*, Ithaca N. Y., Cornell University Press.
- PIJPERS A., (1990), *The vicissitudes of European political cooperation: towards a realist interpretation of the EC's collective diplomacy*, Leiden.
- PIJPERS A., REGELSBERGER E., WESSELS W., (1988), *European Political Cooperation in the 1980s. A common foreign policy for Western Europe?*, The Netherlands, Martinus Nijhoff Publishers.
- PIROZZI N., (2012), *EU performance in civilian crisis management*, in WHITMAN R., WOLFF S., *The European Union as a global conflict manager*, London, Routledge, pp. 189-208.
- PIROZZI N., (2015), *EU Crisis Management After Lisbon. A New Model to Address Security Challenges in the 21st Century?*, Cambridge, Intersetia.
- POHL B., (2014), *EU foreign policy and crisis management operations: power, purposes and domestic politics*,
- POULIGNY B., (2006), *Peace Operations seen from Below. UN missions and Local People*, London, Hurst and Company.
- POULIGNY B., (2009), *Local Ownership*, in CHETAİL V. (edited by), *Post-Conflict Peacebuilding. A Lexicon*, Oxford, Oxford University press, pp. 174-186.
- RAFRAFI S., (2015), *Sustainability: a key factor in ensuring successful results, lasting changes and CSDP credibility*, in REHRL J., GLUME G., *Handbook on CSDP Missions and Operations*, Vienna, Armed forces printing centre, pp. 231-235.

- RAMIREZ J. D., SZAPIRO M., (2001), *The EU: old wine from new bottles*, in WEYMOUTH T., HENIG S., *The Kosovo Crisis. The last American was in Europe?*, London, Reuters, p. 122-142.
- RAMSBOTHAM O. et al., (2016), *Contemporary conflict resolution: the prevention, management and transformation of deadly conflicts*, Cambridge, Polity press.
- ROSSI P., FREEMAN H., LIPSEY M. W., (2004), *Evaluation: A systematic Approach*, Thousand Oaks, Sage.
- RUFFA C., (2010), *Imagining war and keeping peace?: military culture and peace operation effectiveness*, EUI Thesis.
- SANDOLE D., (2010), *Peacebuilding*, Cambridge, Polity press.
- SCHROEDER U., (2007 b), *Between conflict and cooperation. International police reform efforts in South Eastern Europe*, in D.M. Law (ed.), *Intergovernmental organisations and Security Sector Reform*, Berlin, LIT Verlag, pp. 197-217.
- SCHROEDER U., (2007), *Governance of EU crisis management*, in EMERSON M., GROSS E., pp. 17-45.
- SCHWANDT T. A., GATES E. F., (2018), *Case study methodology*, in DENZIN N. K., LINCOLN Y. S., *The sage handbook of qualitative research*, Los Angeles, Sage, pp. 341-358.
- SHEPHERD A. J., (2012), *Transforming CSDP for global conflict management*, in WHITMAN R., WOLFF S., *The European Union as a global conflict manager*, London, Routledge, pp. 33-50.
- SILVERMAN D., (2017), *Doing qualitative research*, Los Angeles, Sage.
- SJURSEN H., (2007), *Civilian or military power?: European Foreign Policy in perspective*, London, Routledge.
- SMITH M. E., (2017), *Europe's Common Security and Defence Policy. Capacity-Building, Experiential Learning and Institutional Change*, Cambridge, Cambridge University Press.
- SPERNBAUER M., (2015), *EU Peacebuilding in Kosovo and Afghanistan. Legality and Accountability*, The Netherlands, Martinus Nijhoff Publishers.
- STAME N. (a cura di), (2007), *I classici della valutazione*, Milano, Francoangeli.
- TAMMINEN T., (2016), *Challenges: EU civilian crisis management and the objective of impact assessment-Kosovo as an example of complexity*, in BRUSSET E. et., *Complexity thinking for peacebuilding. Practice and evaluation*, London, Palgrave Macmillan, p. 111-140.
- TELÒ M., (2006), *Europe: a civilian power? European Union, global governance, world order*, New York, Palgrave Macmillan.
- TELÒ M., (2009), *The European Union and global governance*, London, Routledge.
- TOCCI N., (2007), *The EU and conflict resolution: promoting peace in the backyard*, London, Routledge.
- TOCCI N., (2017), *Framing the EU Global Strategy. A Stronger Europe in a Fragile World*, Palgrave studies in European Union Politics.
- TORIA M., (2014), *The Soviet occupation of Georgia in 1921 and the Russian-Georgian war of August 2008: a historical analogy as a memory project*, in JONES S. F. (edited by), *The*

- making of modern Georgia, 1918-2012. The first Georgian republic and its successors*, London, New York, Routledge, pp. 316-335.
- VAI L., (2015), *Aspettando il SEAE: limiti e potenzialità del Servizio europeo per l'azione esterna*, in FINIZIO G., MORELLI U., (2015), *L'Unione Europea nelle relazioni internazionali*, Roma, Carocci, pp. 57-74.
- VEDUNG E., (1997), *Public Policy and program evaluation*, New Brunswick, Transaction Publishers.
- VEDUNG E., (2006), *Evaluation Research*, in PETERS B. G., PIERRE J., *Handbook of Public Policy*, London, Sage, pp. 397-416.
- VEDUNG E., (2013), *Six models of evaluation*, in ARARAL E. JR. et al., *Routledge Handbook of Public Policy*, New York, Routledge, pp. 387-400.
- VENNESSON P., (2008), *Case study and process tracing: theories and practices*, in DELLA PORTA D., KEATING M., *Approaches and Methodologies in the social sciences. A pluralist perspective*, Cambridge, Cambridge University Press, pp. 223-239.
- VON BILLERBECKS. B. K., (2017), *Whose peace?: local ownership and United Nations peacekeeping*, Oxford, Oxford University Press.
- VOORHOEVE J.C., (2007), *From war to the rule of law: peacebuilding after violent conflicts*, Amsterdam, Amsterdam University.
- WALTZ K., (1979), *Theory of International Politics*, Reading, Massachusetts, Addison Wesley Publishing Company.
- WENDT A., (1999), *Social theory of international politics*, New York, Cambridge University Press.
- WHITMAN R. G., WOLFF S., (2012), *The European Union as a global conflict manager*, London, Routledge.
- WHITMAN R., (1998), *From civilian power to superpower?: the international identity of the European Union*, Basingstoke, Macmillan.
- WHITMAN R.G., (2011), *Normative power Europe: empirical and theoretical perspectives*, Basingstoke-New York, Palgrave Macmillan.
- YOUNGS R., (2010), *The EU's role in world politics: a retreat from liberal internationalism*, Abingdon.

Articles

- AGGESTAM L., (2008), *Introduction: Ethical Power Europe?*, *International Affairs*, vol. 84, n. 1, pp. 1-11.
- ALLEN D., SMITH M. E., (1990), *Western Europe's Presence in the Contemporary International Arena*, *Review of International Studies*, vol. 16, n.1, pp. 19-37.
- BALDWIN D. A., (2000), *Success and failure in foreign policy*, *Annual Review Political Science*, n. 3, 167-182.
- BISCOP S., (2015), *Global and Operational: a New Strategy for EU Foreign and Security Policy*, IAI Working Papers n.15, pp. 1-14.

- BISCOP S., (2016), *The EU Global Strategy: Realpolitik with European Characteristics*, Security Policy Brief n.75, pp. 1-5.
- BOSSONG R., (2012), *EU civilian crisis management and organisational learning*, Economics of Security Working Paper 62, Berlin, Economics of Security.
- BOUTROS-GHALI B., (1992), *An Agenda for peace. Preventive diplomacy, peacemaking and peace-keeping*.
- BRATT D., (1996), *Assessing the Success of UN Peacekeeping Operations*, Journal of International Peacekeeping, n. 64, pp. 64-81.
- BROWN M. A., (1993), *United Nations Peacekeeping: historical overview and current issues*, Washington, Report for Congress.
- BUSH K., (1998), *A Measure of Peace: Peace and Conflict Impact assessment (PCIA) of Development Projects in Conflict zones*, The Peacebuilding and reconstruction program initiative, Working Paper, n.1, pp. 1-37.
- COMELLI M., PIROZZI N., (2013), *La politica estera dell'Unione europea dopo Lisbona*, Osservatorio di Politica Internazionale n. 72, pp. 1-22.
- D'URSO D., (2008), *Oltre il learning by doing? La questione della valutazione delle missioni PESD*, Roma, Centro Studi per la politica internazionale, pp. 3-16.
- DE ZAN T., TESSARI P., VENTURI B., (2016), *Procedures, Personnel and Technologies for Conflict Prevention and Peacebuilding: An assessment of EU Member States' Capabilities*, EUCIVCAP Report DL2.1, pp. 3-71.
- DIEHL P. F., DRUCKMANN D., (2012), *Peace Operations Success: the Evaluation Framework*, Journal of International Peacekeeping, vol. 16, pp. 209-225.
- DONAIS T., (2009), *Empowerment or Imposition? Dilemmas of Local Ownership in post-conflict peacebuilding processes*, Peace and Change, vol. 34, n. 1, pp. 3-26.
- DONAIS T., (2009), *Empowerment or Imposition? Dilemmas of Local Ownership in post-conflict peace-building processes*, Peace and change, vol. 34, n. 1, pp. 3-26.
- DRUCKMAN D., STERN P., (1999), *Perspectives on Evaluating Peacekeeping missions*, International Journal of Peace Studies, vol. 4, n. 1, pp. 79-86.
- DÛCHENE F., (1972), *Europe's role in world peace*, in Mayne R., *Europe tomorrow: sixteen europeans look ahead*, London, Fontana.
- DÛCHENE F., (1973), *The European Community and the uncertainties of Interdependence*, in Kohnstamm M., Hager W., *A nation writ large? Foreign policy problems before the European Community*, London, Macmillan, p. 1-21
- EHRHART H. G., (2002), *What model for CFSP?*, Chaillot Paper n.55, Paris, EUISS, pp. 7-75.
- EJDUS F., (2017), *"Here is your mission, now own it!" The rhetoric and practice of local ownership in EU interventions*, European Security, pp. 1-21.
- EJDUS F., JUNCOS A. E., (2017), *Reclaiming the local in EU peacebuilding: effectiveness, ownership and resistance*, Contemporary Security Policy, pp. 1-24.
- FAST L. A., NEUFELDT R. C., (2005), *Envisioning Success. Building Blocks for Strategic and Comprehensive Peacebuilding Impact Evaluation*, Journal of Peacebuilding and Development, vol. 2, n. 2, pp. 24-41.

- FLESSENKEMPER T., (2013), *Lessons from staffing and equipping EUPM. Learning by doing?*, in FLESSENKEMPER T., HELLY D., *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report, pp. 58-65.
- FLESSENKEMPER T., (2013), *Support to the fight against organised crime and corruption: between standards, structural reform and pragmatism*, in FLESSENKEMPER T., HELLY D., *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report, pp. 27-33.
- FLESSENKEMPER T., HELLY D., (2013), *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report.
- FRASER C., (2005), *The EU and international organisations: partners in crisis management*, European Policy Centre, Issue Paper, n. 41, pp. 1-32.
- FRÉJABUE E., (2013), *Lessons from EUPM: a legal approach*, in FLESSENKEMPER T., HELLY D., (2013), *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report, pp. 34-43.
- GARB M., (2014), *Evaluating the Success of Peace operations*, Journal of Military Studies, vol. 42, n.1, pp. 44-63.
- GHECIU A., PARIS R., (2011), *NATO and the challenge of sustainable peacebuilding*, Global Governance, n. 17, pp. 75-79.
- GRECO E., PIROZZI N., SILVESTRI S., (2010), *EU crisis management: institutions and capabilities in the making*, Quaderno IAI n. 19, pp. 1-115.
- GREVI G., (2009), *The EU rule of law mission in Kosovo*, in GREVI G. et al, *European Security and Defence policy. The first ten years (1999-2009)*, Paris, European Union Institute for security studies, 353-368.
- GRILJ B., ZUPANČIČ R., (2016), *Assessing the planning and implementation of the EU rule of law missions: case study of EULEX Kosovo*, Journal on European Perspectives of the Western Balkans, vol. 8, n. 2, pp. 63-86.
- GROSS E., (2012), *The end of the EU Police Mission in Bosnia and Herzegovina: what lessons for the Common Security and Defence Policy?*, European Policy Centre, Policy Brief, pp. 1-3.
- GROSS E., (2014), *Exit strategies: what's in a name?*, EUISS Brief, pp. 1-4.
- HAESEBROUCK T., (2015), *Explaining the pattern of CSDP-Operations: towards a theoretical synthesis*, Romanian Journal of European Affairs, vol. 15, n. 2, pp. 1-17.
- HALL P. A., TAYLOR R. C. R., (1996), *Political Science and the three new institutionalisms*, Political Studies, XLIV, pp. 936-957.
- HELLY D., (2006), *EUJUST Themis in Georgia. An ambitious bet on rule of law*, in NOWAK A. (edited by), (2006), *Civilian crisis management: the EU way*, Chaillot Paper n. 90, Paris, European Union Institute for Security Studies, pp. 87-102.
- HILL C., (2011), *The EU's capacity for conflict prevention*, European Foreign Affairs Review n. 6, pp. 315-333.
- HOFFMAN M., (2003), *PCIA Methodology: Evolving Art Form or Practical Dead End?*, in AUSTIN A. et al, *Peace and conflict impact assessment: critical views on theory and practice*, Berghoff Research center.

- HOWORTH J., (2010), *The Political and Security Committee: a case study in Supranational Intergovernmentalism*, Centre d'études européennes, n. 1, pp. 3-24.
- IOANNIDES I., (2013), *EU peace support operations in the Western Balkans since 2003*, in PRIFTI E., *The European future of the Western Balkans: Thessaloniki@10 (2003-2013)*, Paris, EUISS, pp. 55-64.
- JOHANSEN R.C., (1994), *UN Peacekeeping: How should we measure success?*, *Mershon International Studies Review*, n. 38, pp. 307-310.
- KIRCHNER E., (2013), *Common and security defence policy peace operations in the Western Balkans: impact and lessons learned*, *European security*, Vol. 22, n.1, pp. 36-54.
- KROTZ U., MAHER R., (2011), *International Relations Theory and the Rise of European Foreign and Security Policy*, in *World Politics*, vol. 63, n.3, Cambridge University Press, pp. 548-579.
- LATAL S., (2013), *Has policing changed? And if not, why not?-Local community perception*, in FLESSENKEMPER T., HELLY D., *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report, pp. 51-57.
- LEONARDSSON H., RUDD H., (2015), *The local turn in peacebuilding: a literature review of effective and emancipatory local peacebuilding*, *Third World Quarterly*, vol. 36, n. 5, pp. 825-839.
- MAJOR C., MÖLLING C., (2013), *Towards an EU Peacebuilding strategy: the effects of the Lisbon Treaty on the comprehensive approach of the EU in the area of civilian crisis management*, *European Foreign Affairs Review*, Special Issue, pp. 45-62.
- MALEŠIČ M., (2011), *Civilian Crisis Management in the EU-Structural and Functional Aspects*, *Journal of International Peacekeeping*, n.15, pp. 152-177.
- MALEY W., (2012), *Introduction. Peace Operations and their Evaluation*, *Journal of International Peacekeeping*, vol. 16, pp. 199-207.
- MANNERS I., (2002), *Normative power Europe: a contradiction in terms?*, in *Journal of Common Market Studies*, vol. 40 nr. 2, pp. 235-258.
- MATEJA P., (2016), *Measuring the Success of Peace Operations: directions in Academic Literature*, Norwegian Institute of International Affairs, Working Paper 862, pp. 3-12.
- MAULL H. W., (1990), *Germany and Japan: The New Civilian Powers*, *Foreign Affairs*, vol. 69, n.5, pp. 91-106.
- MENKHAUS K., (2004), *Impact Assessment in Post-Conflict Peacebuilding. Challenges and Future Directions*, *Interpeace*, pp. 1-16.
- MENON A., (2009), *Empowering Paradise? The ESDP at Ten*, *Royal Institute of International Affairs*, vol. 85, n. 2, pp. 227-246.
- MERLINGEN M., (2013), *A toolkit for evaluating the design and implementation of European security and defence policy mandates*, *Review of European studies*, Vol. 5, n.3, pp. 41-56.
- MERLINGEN M., OSTRAUSKAITĖ R., (2005), *ESDP Police Missions: Meaning, Context and Operational Challenges*, *European Foreign Affairs Review* n. 10, pp. 215-235.
- MORAVCSIK A., (1992), *Negotiating the Single European Act: national interests and conventional statecraft in the European Community*, in *International Organisations*, vol. 45, n. 1, pp. 651-688.

- MÜHLMANN T., (2008 b), *Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-led Security Sector Reform*, Journal of Intervention and Statebuilding, vol. 2, n. 1, pp. 1-22.
- NOWAK A. (edited by), (2006), *Civilian crisis management: the EU way*, Paris, EUISS Chaillot Paper n. 90, pp. 1-150.
- PAVLOV N., (2015), *Conceptualising EU crisis management*, European Foreign Affairs Review vol. 20, n. 1, pp. 23-42.
- PENKSA S. E., (2006), *Policing Bosnia and Herzegovina 2003-05. Issues of mandates and management in ESDP missions*, Centre for European Policy Studies, n. 255, pp. 11-30.
- PENKSA S. E., (2013), *Measuring impact: specific achievements and outcomes*, in FLESSENKEMPER T., HELLY D., *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report, pp. 66-72.
- PIROZZI N., (2013), *The European Union's Crisis Management after Lisbon: addressing new security challenges in the 21st Century*, Roma, IAI Working papers n. 1326, pp. 2-15.
- PIROZZI N., SANDAWI S., (2009), *Military and civilian mission: ever growing and effective?*, Rome, IAI, Document n. 09, pp. 2-23.
- POHL B., (2013), *The logic underpinning EU crisis management operations*, Routledge, European Security, vol. 22 n. 3, pp. 307-322.
- RICHMOND O. P., (2012), *Beyond Local Ownership in the architecture of international peacebuilding*, Ethnopolitics, vol. 11, n. 4, pp. 354-375.
- RINNERT D., (2011), *The Eastern Partnership in Georgia. Increasing Efficiency of EU Neighborhood Policies in the South Caucasus?*, Working Paper SWP Berlin, n. 5, pp. 4-20.
- SAMUELS K., (2005), *Sustainability and peacebuilding: a key challenge*, Development in Practice, vol. 15, n. 6, pp. 728-736.
- SCHERRER V., (2012), *Measuring the Impact of Peacebuilding Interventions on rule of law and Security Institutions*, Geneva DCAF, SSR paper, n.6, pp. 5-96.
- SHEPHERD A. J. K., (2009), *A milestone in the history of the EU: Kosovo and the EU's international role*, International Affairs, n. 85, pp. 513-530.
- STAVRIDIS S., (2001), *Why the militarising of the European Union is strengthening the concept of a civilian power Europe*, EU Working Paper n. 17, pp. 3-21.
- STERN E., (2015), *Impact Evaluation. A guide for Commissioners and Managers*, Bond.
- SUHRKE A., (2007), *Reconstruction as Modernisation: the Post-Conflict project in Afghanistan*, Third World Quarterly, vol. 28, n. 7, pp. 1291-1308.
- TAMMINEN T., (2017), *Civilian CSDP: responding to challenges and meeting expectations*, in TARDY T. (edited by), (2017), *Recasting EU civilian crisis management*, Paris, EUISS Report, pp. 23-30.
- TARDY T. (edited by), (2017), *Recasting EU civilian crisis management*, Paris, EUISS Report, pp. 5-86.
- TARDY T., (2015), *CSDP in action. What contribution to international security?*, Paris, EUISS Chaillot paper, pp. 7-49.
- TARDY T., (2016), *Civilian Crisis Management: towards a new paradigm*, EUISS Brief, pp. 1-4.

- TERPAN F., (2015), *Financing Common Security and defence policy operations: explain changing and inertia in fragmented and flexible structure*, European Security, vol. 24, n. 2, pp. 221-263.
- THOMAS D. C., (2012), *Still Punching below its weight? Coherence and Effectiveness in European Foreign Policy*, Journal of Common Market Studies, vol. 50, n. 3, pp. 457-474.
- TOCCI N., (2004), *Conflict Resolution in the European Neighbourhood: the role of the EU as a framework and as an actor*, EUI Working Papers RSCAS nr. 29, pp. 1-24.
- TOLKSDORF D., (2013), *Police reform and conditionality*, in FLESSENKEMPER T., HELLY D., *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris, EUISS Joint report, pp. 20-26.
- VAN DER LIJN J., (2010), *Success and failure of UN peacekeeping operations: UNMIS in Sudan*, Journal of International Peacekeeping, vol. 14, n. 1-2, pp. 27-59.
- WOODROW P., CHIGAS D., (2011), *Connecting the Dots: Evaluating Whether and How Programmes Address Conflict Systems*, in ROPERS N. et al, *The non-linearity of Peace-Processes: theory and practice of systemic conflict transformation*, PBE, pp. 205-228.
- ZAREMBO K., (2017), *Perceptions of CSDP effectiveness in Ukraine: a host state perspective*, European Security, vol. 26, n. 2, pp. 190-206.
- ZUPANČIČ R., PEJIČ N., GRIJ B., PEEN RODT A., (2017), *The European Union rule of law mission in Kosovo: An Effective Conflict Prevention and Peace-Building Mission?*, Journal of Balkan and Near Eastern Studies, pp. 1-19.

Documents

- A Global Strategy for the European Union's Foreign and Security Policy, 2016, "Shared vision, Common Action: A Stronger Europe"
http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf
- Communication 156/2018 of the European Commission on EU enlargement policy-Kosovo 2018 Report.
- Communication of the European Commission 155/2018 on EU enlargement policy-Bosnia Herzegovina 2018 Report.
- Communication of the European Commission 365/2016 on EU enlargement policy-Bosnia Herzegovina 2016 Report.
- Compact Progress Report Kosovo 2017.
- Comprehensive Proposal for the Kosovo Status Settlement (The Ahtisaari's proposal) February 2nd 2007,
<https://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf>

- Council Joint Action 124/2008 on the European Union Rule of Law Mission in Kosovo, EULEX.
- Council Joint action 210/2002 on the European Union Police Mission in Bosnia-Herzegovina.
- Council Joint Action 523/2004 on the European Union Rule of Law Mission in Georgia, EUJUST Themis.
- Council of the European Union 13258/2017 on EEAS document 1281/2017 on Priorities for Civilian Crisis Management.
- Council of the European Union 14392/2016, Implementation Plan on security and defence.
- Council of the European Union 14823/2007 on New Civilian Headline Goal 2010.
- Council of the European Union 15272/2014 on operational guidelines for MMA in civilian CSDP missions.
- Council of the European Union 15863/2004 on Civilian Headline Goal 2008.
- Council of the European Union 2008, Oplan for the extended EU police mission EUPM in Bosnia-Herzegovina.
- Council of the European Union Conclusions 8971/2015 on CSDP.
- Council of the European Union Decision 427/2010 on the organisation and functioning of the European External Action Service.
- European Commission Association Implementation Report 371/2017 on Georgia.
- European Commission Communication 65/2018, “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”.
- European Court of Auditors, Special Report n. 18/2012 on European Union Assistance to Kosovo related to the Rule of Law.
- European Security Strategy, 2003, “A secure Europe in a better world”
https://www.learneurope.eu/files/4413/7509/0813/A_secure_Europe_in_a_better_world_en.pdf .
- Joint Communication 21/2017, “A strategic Approach to Resilience in the EU’s external action.
- Kosovo Declaration of Independence, February 17th 2008:
http://www.assembly-kosova.org/common/docs/Dek_Pav_e.pdf
- Official Journal of the European Union c306/01/2007, The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at

Lisbon, 13 December 2007:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:EN:PDF>

- Six Point Plan Agreement between Russia and Georgia 2008
<http://smr.gov.ge/Uploads/9bbbc7.pdf>
- United Nations General Assembly and Security Council, General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton Agreement in November 1995,
https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf
- United Nations Security Council Report 901/2016 of the Secretary General on the United Nations Interim Administration Mission in Kosovo.
- United Nations Security Council Resolution 1244/1999 on the situation relating Kosovo
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf>