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# **Panel 7F External Legitimacy of EU Foreign Policy: Issues, Options and Implications I**

# ***The EU as a Learning Organization: Local Ownership, Resilience and External Legitimacy in CSDP Missions and Operations in the Horn of Africa and the Mediterranean[[1]](#footnote-1)***

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**Abstract**

Besides the occasional accountability by the public and constant scrutiny by academics, which are the least of its worries, the EU’s foreign policy is under constant pressure from limited resources and the unremitting capability-expectation gap. As a result, EU policymakers have relied on institutional changes, whether planned and strategic or ad-hoc and accidental, to reduce the effect of the challenges plaguing the EU’s foreign policy. This paper’s underlining argument is that the lessons learned practice within CSDP policymaking and the agency of strategic planners led to the increased emphasis on ‘local ownership’ in EU crisis management initiatives abroad (and more recently to the EU’s emphasis on resilience in its Global Strategy). Based on this argument, an empirical analysis of the EU’s engagement in the Horn of Africa and the Mediterranean in the form of four CSDP missions reveals that concern over external legitimacy within the EU’s CSDP structures takes the form of concern over cost-effectiveness, practicality and political buy-in of third countries, rather than a normative concern.

**Introduction**

The European Union has set a high standard and even higher expectations for itself as an international actor and for its Common Security and Defense Policy (CSDP). On the one hand, the EU wishes to develop its own identity in international politics as an ‘exceptional’ actor (Tonra, 2011), a civilian and normative power (Manners, 2002). On the other hand, the EU, and in particular its military structures, endeavor to develop stronger military capabilities as in line with those normative aspirations as possible. Growth of military capacity and the use of force is traditionally reserved for states, and since the EU is not a state, a ‘strong power’ Europe raises several legitimacy concerns. Having to address these legitimacy concerns, while at the same time tackling procedural and institutional complexity of the EU, its undefined role and identity in international politics, and lastly addressing the complex ‘crises’ of a changing international system certainly makes the EU’s foreign policy and crisis management/defense component (CSDP) a challenging working environment for practitioners. This paper will argue that as an organization, the EU possesses sufficient resources for organizational learning to overcome these challenges. Conceptualizing and studying the EU as a learning organization, especially in the field of EU foreign policy is increasingly gaining traction (Adebahr, 2009; Bossong, 2013; Giovanni, 2017; Smith, M.E., 2017) due to the pace of both internal and external change within the EU and the world around it and the increased necessity for the EU to adapt to these changes.

The argument of the EU as a learning organization is in this paper substantiated by documentary and interview data collected as part of a doctoral dissertation on the institutional ‘origins’ of CSDP missions and operations from their political idea to their formal decision on deployment. The next section of the paper will present some of this data and focus on three specific aspects of institutional learning in the crisis management process, namely the importance of the written word (official documents), the institutionalization of a lessons learned process, and the importance of agency by strategic planners. The paper then follows with a brief review of the literature on such concepts as legitimacy, local ownership and resilience, after which the paper presents the findings of an empirical analysis of four case studies, constituting the EU’s CSDP engagement in the Horn of Africa and the Mediterranean (EUNAVFOR Atalanta, EUTM Somalia, EUCAP NESTOR, EUNAVFOR Sophia). The case study analysis focuses on official EU documents and a small number of semi-structured interviews with EU officials, and outlines the EU’s understanding of and reasoning behind the decisions on and format of the missions. The initial findings reveal that the emphasis on local ownership and resilience in EU crisis management initiatives abroad originate more from a calculated attempt to overcome implementation challenges on the ground and allowing for ‘exit strategies’ rather than from normative concerns over external legitimacy and the EU’s projected image abroad (although both factors play a role in the evolution of the concepts). The paper finally questions the EU approach to local ownership and external legitimacy, and proposes further institutional and normative rethinking for the EU’s foreign policy and its crisis management component.

**Understanding key institutional mechanisms of the crisis management policy process**

Taking as the starting the point the conceptualization of the EU as a learning organization requires one to specify in more detail what is learned, who learns it and how learning is institutionalized to become an important part of an organization’s key characteristic. A more in-depth empirical exploration of the EU’s crisis management process reveals the key mechanisms that reflect the three clarifications of the learning process. How learning is institutionalized and what is being learned is better understood by examining the importance of official documents (written text) and the evolution of the EU’s Lessons Learned (LL) procedure. Who does the learning in EU foreign policy can be construed as carrying inappropriate irony, but, if taken seriously, a review of the policy process reveals that the starting point for any CSDP mission and crisis management action formally starts with the Crisis Management Concept (CMC) (see below for the importance of documents), which are drafted by strategic planners within the European External Action Service (EEAS), specifically within the Crisis Management and Planning Directorate (CMPD). The first two aspects of the crisis management process (importance of documents and the lessons learned procedure) represent structural constraints on the strategic planners’ cognition. Strategic planners are tasked with drafting conceptual documents that act as a textual basis for further debates at both the political and operational level. The amount of learning in the organization thus does not just depend on the structures (existing documents and procedures) but also the agency of strategic planners.

*The importance of the written word/official documents*

The degree to which individuals recognize the importance of documents varies, but there is a collective sense of the importance of the institutionalized concepts and procedures that these documents carry. Time and use is key to the institutionalization of procedures and increasing the role of documents as carriers of institutionalized knowledge. The more frequently and more widely a document is referenced, the greater the role it plays in subsequent cognitive processes of the different actors within Brussels. In the case of the CMC, one practitioner reflects on the importance of this document:

*A Crisis Management Concept, I would say, is not really widely known outside of CSDP circles. It doesn’t have the resonance in a way that other documents, like kind of major EU or major UN and NATO documents might. Once you get into this sort of niche area it doesn’t have a very wide understanding outside of those who work quite closely with it. But that said, it does now have a currency within […] CSDP circles. Certainly the CMC has quite quickly become a document, which is being recognized as being important for what it is.* (EEAS official, 2014)

According to another practitioner, the CMC has two main roles – to translate the political will of member states into directions for a CSDP mission, and to “have enough flesh on the bones to allow for further planning, just enough detail. It also has to be realistic” (EEAS official, 2013).

 Another set of important policy documents are option papers. “Option papers are estimations. They constrain operational cooperation. [They are] copied into the CMC, so the CMC should make sure not to limit too much” (Ibid.). The option papers are technical in nature and written using established methodologies, and “often do not take into account the political. Sometimes they do, when it's an obvious issue. Sometimes the EEAS tries to go ahead with their own vision of [the issue], which sometimes causes problems” (EEAS official, 2012) at the political debates. All official documents must undergo the approval of the PSC to be accepted for further consideration in the different stages of the policy process or to be amended. However, the political debates can be ‘mainstreamed’ by a well-drafted CMC, for example (see below on the role of strategic planners).

*The role of lessons and transparency*

As early as 2003, based on a report by Javier Solana, the Secretary General of the Council and High Representative for the CFSP (SG/HR) at the time, lessons learned and best practices were “identified as a top priority”. According to an internal Council document, “such capacity is needed in order to start co-operation and exchange of experiences which could improve ongoing planning efforts” (European Union, 2003, p. 4). Lessons learned from previous experience were at first referred to only informally, but the emphasis on co-operation and coordination, led to an institutionalization of learning lessons and the establishment of the lessons learned (LL) process. The civilian structures and military structures initially developed their own lessons-learned methodologies. The European Union Military Staff (EUMS) drew inspiration from NATO’s lessons learned methodology, which focused on learning their lessons from EU Battlegroups. The 2005 document, “BG Lessons Learned Methodology” (European Union, 2012) defined lessons learned in the form of ‘best practices’. According to the documents, “Best Practice is an activity which conventional wisdom regards as more effective at delivering a particular outcome than any other technique” (European Union, 2012, p. 6).

The most ambitious attempt to institutionalize lessons learning was the adoption of the Guidelines for identification and implementation of lessons learned and best practices in civilian ESDP missions on the 24th of October 2008. The main goal of the document was “to ensure that lessons identified will be learned and implemented, as much as it is feasible, and thus, that they will be of use for future missions. To ensure that the learning cycle is complete, a further step is to transform the lessons learned into new or revised policies, working methods and best practices and to implement and disseminate them” (European Union, 2008, p. 3). Furthermore, according to a military methodology, Lessons Learned “Questionnaires should follow standard template to facilitate comparison between missions” (European Union, 2008, p. 5).

The lessons identified and potentially learned and implemented are predominantly either related to lessons from the field and issues concerning the mandate and theme of the respective mission or lessons learned about the respective geographical area. However, “while lessons are identified and learned in various (thematic) areas, the political and strategic level that involves decision-making processes, concept development, and the writing of mission mandates is still under-represented in explicit lesson learned documentation” (European Parliament, 2012, p. 32).

One of the main reasons for the slow implementation of the lessons learned process is the secretive and protectionist nature of the crisis management process. While from a strategic, military perspective, such a limitation is warranted and desired, “this restriction means lessons learned documents are available only to staff within a limited number of EU bodies, mainly EEAS structures. This protectionist approach can get in the way of institutional and horizontal learning, as documents cannot reach relevant people, including EU staff outside of the crisis management structures” (European Parliament, 2012, p. 22).

 The need for transparency is justified by the fact that lessons learned “are created to reduce the waste of resources by eliminating duplication of effort; to benefit from collective wisdom and to create new knowledge as a benefit of the sharing process” and that “the nature of some lessons is frequently linked to difficult (political), sensitive and often re-occurring issues, which may require cross-agency solutions” (European Union, 2012a, p. 10).

*The role of the strategic planner*

With the different methodologies of learning lessons, concerns from different stakeholders within Brussels and crisis specific (thematic or geographic) uniqueness, balancing between established procedures, applying lessons learned from previous experiences and adapting to new challenges becomes a difficult task for the agents of learning, which warrants further exploration of their role in the policy process. The EEAS during HR/VP Ashton, as part of its lessons learning process, has allowed its staff to write reflective papers regarding their understanding of self as either an individual, performing their respective job, or as an organisation as a whole. These papers were available on a webpage of the EEAS under the name ‘Reflection corner’. Among the few reflective papers on the webpage were two papers by Marcus Houben from the CMPD. These two papers, titled ‘The Strategic Imagination: Reflections on an ISPD approach to strategic planning’ and ‘The Sense of Reality: On general planning rules and the specifics of a crisis’, represent a valuable source for understanding the role and the expected mind-set of strategic planners. In the context of the model presented in the previous chapter, these reflective papers provide the analyst with closer insight into subjective and possible intersubjective context models of strategic planners.

In his first paper, Houben discusses two notions, namely the notion of ‘strategic imagination’ of strategic planners and the ‘logic of the architect’. Similarly, Houben reflects on the Integrated Strategic Planning Division (ISPD) within the CMPD and refers to it as the ‘design department’ of CMPD. He explains the expectations of what a strategist ought to do. First of all,

*“strategic planning needs to consider the whole picture, not just a segment. Secondly, strategic planning needs to take the long view, i.e. the entire mission and the long(er) term consequences of engagement through a CSDP action. And thirdly, strategic planning needs to be contextual, the individual, specific CSDP action must be placed against the background of the effect on the overall society, or within the framework of international action or within an EU-wide comprehensive approach* (Houben, n.d.b, p. 2).

Houben explains that these tasks are more aligned with a strategic planner’s ‘logic of the architect’, which stands in contrast with the ‘logic of the builder’, which he attributes to operational planners. This position reveals an implied self-perception as being both more responsible but also more important than the ‘builders’, namely the operational planners. To summarize his point, Houben stated that “planning at the strategic level is mainly concerned with the ‘why’ and the ‘what’ of a mission” and that “planning at the operational level [deals] mainly with the ‘how’ (Ibid., p. 3).

In this paper, Houben further explains that at the heart of the ISPD is the notion of ‘strategic imagination’. He draws inspiration from the notion of ‘sociological imagination’ by Charles Wright Mills, which is defined as the ability to link individual experiences to larger social structures or patterns during sociological research. Analogous to this notion, the ‘strategic imagination’ is defined as “the ability to imagine the (strategic) ‘fit’ of a design of a CSDP mission within a given context” and the “imagined view that allows you to connect individual experiences with social structures and context” (Ibid., p. 3).

 Houben’s second paper directly follows the first one and discusses another ability strategic planners ought to possess. In his second paper, Houben reflects on knowledge and expertise as a prerequisite for using the abilities of strategic imagination and following the logic of the architect. Houben asks whether strategic planners ‘know all that needs to be known’. (Houben, n.d.c, p. 1) He argues that “an acute (and realistic) sense of reality is key for strategic planning” (Ibid.). The sense of reality is closely linked to the ability of linking previous experience to social structures and context, namely understanding the uniqueness of certain crisis by comparing it to other cases from the past and asking “what makes this crisis or situation different?” As Houben argues, “it is the job of the strategic planner to see or recognize these differences” (Ibid., p. 3).

 As Houben further elaborates, the ‘sense of reality’ means “understanding the particulars or specifics of a specific crisis and conversely the capacity to correctly assess to what extent general planning rules can be applied, and to assess correctly what can work and what not in that particular situation” (Ibid., p. 4). In this sense, while acknowledging the value of general rules, Houben argues that “it is the expertise or skill of the strategic planner to (be able to) decide to what extent what rule can be applied to a specific case” (Ibid., p. 5)

 These two papers indicate that the self-perception of strategic planners is one of an important, thinking, strategic and creative (‘imaginative’) actor in the crisis management process. The notion that strategic planners should recognize when to use general rules and when to ignore them portrays a growing degree of freedom of action at the strategic level of crisis management. The combination of established procedures of institutionalizing procedures through official documents, the conscious and proactive attempt to institutionalize learning from past experiences and transparency of such learning and the proactive and creative maneuverability of agents through existing structures creates a promising formula for organizational learning and adaptation to global challenges.

**Addressing external legitimacy in EU foreign policy - local ownership and resilience**

The foreign policy process, as any policy process has multiple dimensions of legitimacy, which are often in the literature separated into input legitimacy, output legitimacy and normative legitimacy. Scharpf’s description of input legitimacy and output legitimacy provides for a solid point of departure in any discussion of legitimacy of a political process. Input legitimacy is defined as ‘government *by the people*’ and output legitimacy as ‘government *for the people*’ (Scharpf, 1999, p.6, original emphasis). Input legitimacy requires political choices to reflect the will of the public and to be “derived from the authentic preferences of the members of the community” (Ibid.). Output legitimacy on the other hand requires political choices to be effective in promoting and preserving the common welfare of the aforementioned community. Besides being effective, outputs should also be consistent in order to be seen as legitimate (Duke, 2006).

Both logics of legitimacy rely on the rhetoric of consensus. For a political decision to be legitimate the input must reflect not the mere sum of individual self-interests of a population, but a consensus on the collective good. Similarly, the output of a policy decision must preserve and promote that consensus-based collective good. Besides the rhetoric of consensus, input legitimacy simultaneously relies on the rhetoric of participation. However, as Scharpf points out “the plausibility of the participatory rhetoric suffers […] as the distance between the persons directly affected and their representatives increases” (1999, p.7). In the case of foreign policy and especially in the realm of security and defense that distance is high enough for any participatory rhetoric to be rendered negligible. The common understanding of foreign policy as high politics and an area of which the general population does not have enough knowledge and expertise is perpetuated by the lack of transparency and accountability in the policy field. The normative arguments of participation are overshadowed by the pragmatic necessity of effective results.

The focus of foreign policy makers on effectiveness and outputs and apparent disregard of public input is perceived as less problematic if the outputs of foreign policy are publically and normatively acceptable. Output legitimacy therefore depends on the ability to satisfy the public interest after the decision has already been made, but also to fulfill normative expectations. Norms in this case are not necessarily universal constants but contested constructs and are subjective from one group to another. Normative legitimacy is accordingly also a contested concept. There are however instances where the normative constructs are less contested, like in the example of the use of force. The EU, and its underlying normative appeal is one based on peace, which makes any EU action associated with the use of force problematic, raising normative legitimacy concerns. The case of the migration ‘crisis’ and the use of force for securing the EU’s borders is a case in point. The EU’s coast guard under the flag of FRONTEX has been criticized for the use of force, in spite of its very limited mandate to use force under its Code of Conduct (Pandit, 2012; Perkowski, 2012).

On the other hand, if FRONTEX’s use of force produces legitimate results, its output legitimacy rises. Such an empirical view of legitimacy opens the question of whose interests and values are being met and the possibility for *multiple legitimacies* (Stoddard, 2015). From the perspective of European citizens or the European institutions, the use of force is legitimate, as it secures European borders. From the perspective of the migrants, their states of origin and the wider international community, the use of force may be seen as illegitimate. The distinction between internal legitimacy and external legitimacy thus helps in refining the debate on legitimacy in EU foreign policy. In the particular case of irregular migration in the Mediterranean, the EU’s foreign policy has both internal security and external security in mind. It aims to both secure the EU’s borders and disrupt the security threats abroad (international trafficking and smuggling, conflict, political instability). To achieve that, the EU needs not just to appear legitimate at home, but abroad as well. Internal legitimacy is not sufficient to produce effective outputs, as the EU is not a coercive actor and often relies on external legitimacy, in the form of political buy-ins, co-opting of other international partners, etc. Without external legitimacy, the EU can face difficulty achieving its internally legitimate goals. As Bickerton explains, “governments or regimes lacking in legitimacy find themselves with comparatively greater problems in the realm of implementing decisions” (2015, p. 108). This requirement in the unique nature of foreign policy, further the EU’s challenge to an effective foreign policy. The EU needs to be effective in its foreign policy to be legitimate (in an output sense, as input legitimacy in foreign policy does not play a significant role), but needs to be externally legitimate in order to be effective. In this sense external legitimacy becomes *instrumental* to achieve internal legitimacy.

As argued in the previous section, the EU’s learning capacity as an organization enabled it to explore solutions to these challenges. It approaches external legitimacy in an instrumental way. Through institutional mechanisms described above (institutionalization through official documents, employing lessons-learned methodologies and the agency of strategic planners) the EU developed guiding principles of EU foreign policy and crisis management that address the challenge of external legitimacy. One of the first principles was effective multilateralism, which was most notably institutionalized through the European Security Strategy of 2003. The principle encouraged among other things that the EU collaborates more closely with the United Nations (UN; see Biscop and Drieskens, 2006; Drieskens and van Schaik, 2014), and it has become an institutional principle to base CSDP missions in the legal framework of an existing UN Security Council (UNSC) Resolution. By having a UNSC resolution as part of the legal basis for CSDP missions, the EU ensured a higher degree of its external legitimacy by aligning itself with a more widely legitimate international actor.

 While UNSC resolutions provide for *proxy-recognition* from affected countries by the EU’s foreign policy, direct, bilateral recognition and political buy-in is preferred and ultimately instrumental to effective EU foreign policy. While the EU can wield influence on third states through different forms of ‘Europeanization’ beyond the EU (Schimmelfennig, 2012) or conditionality (Schimmelfennig and Sedelmeier, 2004), often external legitimacy requires tangible and practical solutions. As part of its learning process and strategic planning, the EU increasingly emphasized the principle of ‘local ownership’ in its relations with third countries. Local ownership is in the EU discourse conceived as a “government-centric gradual transfer of responsibility for liberal security governance” to third states (Ejdus, 2016).

Implicitly, this principle poses several problems; for the principle to work, the third party needs to have a stable government able to accept ownership of the crisis management effort, the accepting government may not necessarily be legitimate or may use the EU as a legitimating force for its own political gain. For this reason, in practice, the EU retains a high degree of ownership of the crisis management effort, which is one of the reasons local ownership does not fully function in practice (Ibid.). A way to avoid the criticism of not being through to its principle of local ownership, the EU expanded the discourse with a new term – resilience – to encompass its different principles of foreign policy, including among others effective multilateralism and local ownership. The new concept “constitutes a way to adapt to the failure of previous international interventions” (Juncos, 2017, p. 8). As a concept, resilience is much more oriented towards pragmatism alongside projecting European values and principles and is referred to as ‘principled pragmatism’ in the 2016 Global Strategy of the EU.

 One can conclude that in order for the EU to possess an effective foreign policy, it needs to ensure output legitimacy both internally and externally. For the EU’s foreign policy to be legitimate, it requires effectiveness and consistency, as well as external recognition and acceptance, either multilaterally or bilaterally, but preferably both. In practice, examples of successful foreign policy, and, particularly, crisis management efforts that incorporate all these requirements are few, but arguably the EU’s engagement in the Horn of Africa acts as a solid example of the EU’s strategic effort to ensure aforementioned legitimacy requirements. Presently the EU’s engagement with Libya in the Mediterranean represents the next test of the EU’s ability to ensure legitimate international action. Whether the EU has relied on lessons learned from its engagement in the Horn of Africa when managing the crisis in the Mediterranean will be addressed in the next section.

**From the Indian Ocean to the Mediterranean Sea**

This section will present the findings of a more detailed analysis of the EU’s engagement in the Horn of Africa[[2]](#footnote-2) and compare it to the ongoing CSDP mission in the Mediterranean (EUNAVFOR Sophia). All four missions covered in this section were deployed to manage ‘crises’, piracy and its underlying causes one the one hand and migration and its underlying causes on the other. The anthropology of knowledge and discourse between EU practitioners, Western academics and the media pertaining to the Somali piracy ‘crisis’ as well as the ‘migration crisis’ in the Mediterranean remain outside the scope of this paper. However, in both cases, the discourse produced two dominant types of (not necessarily competing) narratives – the ‘crisis’ is a security threat and requires a security and defense solution, and the ‘crisis’ is a complex issue, which requires a comprehensive solution. In the first case, Somalia was labeled a failed state, and Somalia’s state failure was either understood as a security threat, or as a layered crisis, which required no less than three CSDP operations to manage. In the case of Libya, the emphasis on state failure is comparably less apparent, but the lack of a stable Libyan government echoes the concerns of the EU policymakers regarding Somalia’s lack of a stable government until 2012.

To address the piracy crisis, the EU deployed its first naval military mission, EUNAVFOR Atalanta to deter piracy in the Indian Ocean and to protect World Health Organisation (WHO) ships carrying aid. The subsequent missions were deployed to train Somali security forces to deal with the issue of piracy themselves, and to develop capacities for policing the states’ coasts and prosecuting pirates once detained. The reasoning behind the two subsequent missions was presented as part of the EU’s comprehensive approach to crisis management. The migration crisis in the Mediterranean displayed similar traits as the piracy crisis off the coast of Somalia. Both crises were caused by illegal activities on sea, in both cases the nearest state (Somalia and Libya respectively) was not capable to deal with the issue and in both cases the EU had strong security concerns affecting EU citizens.

*EUNAVFOR ATALANTA*

As piracy increased in the Horn of Africa, the UN sent a call for help, which had a significant influence on the EU’s decision to deploy EUNAVFOR Atalanta, insofar as it framed the discussions at the political level in Brussels, but also provided for the legitimization of EU’s use of force. The UNSC Resolutions particularly stressed that piracy should be addressed by all necessary means and mandated the use of force. The hijacking of French vessels (including a luxury yacht) in 2007 spurred France to use its EU presidency to push for a CSDP option to combating piracy.

At the organizational level there was an interest of the majority of member states to act against piracy, ranging from commercial interest in terms of securing free shipping in the Indian Ocean to increasing EU visibility as a global maritime actor. The consensus that ‘something should be done’ was strengthened by the support from the military and strategic structures from the EUMS and the Council Secretariat in Brussels. At the strategic and operational level, the groups contributed to the decision to deploy Atalanta by ensuring the mission is drafted in a feasible and efficient way by avoiding duplication with other international anti-piracy efforts, especially those of NATO. This relieved the member states’ initial concerns and aided the decision to deploy EUNAVFOR Atalanta.

On an individual level, the drafter of one of the option papers leading to the CMC for EUNAVFOR Atalanta appeared to be guided the general understanding of Somalia as a failed state. However, the analysis revealed that the drafter in the case of EUNAVFOR Atalanta has introduced elements of a more comprehensive solution to the issue of piracy on a personal initiative, mainly due to the drafter’s previous experiences and lessons learned in Afghanistan and the realization that the EU should not fight the symptoms but the causes of piracy.

*EUTM SOMALIA*

The analysis of the decision to deploy EUTM Somalia attribute a greater role played by the strategic planners within the EEAS, and a lesser degree impact by the member states and the UNSC. The analysis concludes that the narrative of the comprehensive approach developed within Brussels institutions in conjunction with the partnership with the US were the dominant factors that led to the deployment of EUTM Somalia.

At the political level of member states, there was a general consensus that ‘something should be done’, but no clear consensus on deploying a military training mission. The analysis again reveals a French impetus, in concert with a few other member states, which advanced their own interests, like for example Sweden, who pushed for the integration of a human rights and gender equality element into the training objectives of the mission. There was however a number of concerns of the other member states, who set some preconditions if the mission was to be deployed (or extended). These preconditions included assuring that the trained recruits do not ‘switch sides’, that the EU troops are deployed to a safe environment and that the financial costs are reduced as much as possible. These preconditions outlined the framework of the operational planning at a later stage.

The differences within the PSC and the lack of consensus resulted with unclear instructions to the strategic planners. The strategic planners perceived that as an opportunity to advance the concept of the comprehensive approach to crisis management, which has its roots in the institutionalised lessons learned process and the reflections within the EEAS on how the EU can and should manage crises in the world. The comprehensive approach involves synergizing all available instruments of the EU when planning for a an EU engagement. The comprehensive approach appealed to the member states, as it was presented by the strategic planners to be cost-effective. An older document of the Council Secretariat from 2005 outlines the concepts of CSDP support to security sector reform. This document argues that “the early stages of EU support should pave the way for long-term country-owned SSR reforms based on a participatory and democratic process” (European Union, 2005, p. 4). Local ownership is one of the main principles outlined in this document. Local ownership is defined as “the appropriation by the local authorities of commonly agreed objectives and principles.” In practice, local ownership implies a commitment of the local authorities to actions on the ground, implementation and sustainability of the SSR and active support of the mission mandate (Ibid., p. 11).

The analysis of the individual cognitive process of the drafters of EUTM Somalia’s key documents revealed that the drafters exercised a great deal of initiative when drafting the documents and managing the unclear political instructions. The drafter analysed in the case of EUTM Somalia perceived the drafting process as building a mission ‘from scratch’ and developing a comprehensive approach from the bottom up, which according to the drafter is not ideal. The drafter’s individual understanding of the institutional opportunities regarding the advancement of the comprehensive approach, and the operational opportunities in the partnership with the US framed the preferences of the drafter and consequently the mandate of the mission. In the case of the extension of the mission, these preferences were also affected by existing notions of local ownership, which are part of the idea of the comprehensive approach. A lessons learned document referenced in the process states that “in order to achieve maximum impact it has proved useful to concentrate on activities with multiplier effects such as training of local trainers instead of/in addition to local officials” (European Union, 2010, p.20). This lesson is directly compatible with the refocusing of EUTM’s second mandate and the objective of ‘training the trainers’.

The decision to deploy and later extend the mission was thus primarily affected by the collective and individual cognition at the strategic level that the comprehensive approach is both effective and desirable in addressing the security situation in Somalia. It was the careful planning and introduction of accompanying measures to meet the mission’s preconditions at the strategic level that alleviated the disagreements and the concerns at the PSC. A concern was the EU’s external legitimacy, but was partly alleviated since the EU joined Uganda and the US in a “real partnership in a pragmatic sense”. As an interlocutor in the interviewee explains, “nothing would have happened if either of these actors stopped cooperating” (EEAS official). The interviewee also reflected on the concerns regarding cost-effectiveness. As the interviewee pointed out, “the EU delivers a lot of money to AMISOM, so the EUTM was a sort of exit strategy for AMISOM, which is hard to sustain” (Ibid.). Helping AMISOM was another external legitimacy concern and imperative, as illustrated in an internal EEAS document, which states:

*The effects of EUTM Somalia go beyond the purely military training of TFG troops, it constitutes the only EU mission conducted side by side with an African country, Uganda, who constitutes the main contributor to AMISOM and the most relevant regional actor; it also materialises the only direct cooperation with the United States in the military field and represents the EU contribution to solving security problems as part of the EU comprehensive approach in the region.* (European Union, 2011, p. 10).

*EUCAP NESTOR*

The UNSC played the key role in developing and shaping the narrative on capacity problems to deal with piracy on land. The numerous reports and UNSC Resolutions identified the problem that pirates captured by international maritime security efforts were released due to the lack of capabilities in the region to prosecute them. This spurred the UNSC to call for help from the international community to assist with capacity-building initiatives in the region. From the first call for help to the first UN-led initiative two years have passed. The slow process was an indicator of the problems that also plagued the EU’s decision to deploy EUCAP Nestor as well.

An analysis of the organizational dimension, similarly to EUTM Somalia, reveals a lack of political consensus and general sense of confusion. At the political level, policy-makers were overwhelmed by the breadth of the proposed EUCAP Nestor mandate, which led to slow and very technical debates about concerns and assurances. The main points of the debates were the format of the mission, i.e. whether it should be a civilian or a military mission, the financial and logistical aspects of the mission and the political implications for the region. At the strategic and operational level, the issue of confusion was also identified, as well as the problems created by the different organizational cultures of the European Commission, the military and the civilian crisis management structures. These institutional tensions negatively affected the planning process of the mission, which prolonged its decision.

The analysis also reveals a strong institutionalization of the comprehensive approach, resulting in the Strategic Framework for the Horn of Africa, which was overwhelmingly accepted by both the political and strategic actors. The document was perceived as useful and references to it were also made in the documents of EUCAP Nestor. At the individual cognitive level, the drafter demonstrated a great level of personal involvement by engaging with all relevant stakeholders from the member states, the European Commission, other bodies within the EEAS and external partners.

Overall, one can conclude that the decision to deploy EUCAP Nestor was primarily influenced by the collective acceptance of the comprehensive approach to crisis management in general, but more particularly the acceptance of the Strategic Framework for the Horn of Africa, which embodies this comprehensive approach. Further impetus for the mission originates from the realization of the international community, expressed in UNSC Resolutions, that the pirates captured by international anti-piracy efforts were released due to the lack of proper prosecution capabilities, and the further realization that the EU cannot stay in the region forever, a realization shared by the decision-makers of EUTM Somalia and the ‘training of trainers’ strategy. Finally, the decision to deploy EUCAP Nestor was aided by the personal involvement and professionalism of the individual drafters of key mission documents, for which significant efforts of research and preparation for such an ambitious mission were needed.

*EUNAVFOR SOPHIA*

As explained above, EUNAVFOR shares several characteristics with EUNAVFOR Atalanta, in that they are both naval military operations, both were initially conceived as adequate reactions to an urgent threat, a ‘crisis’. Both adhered to the failed state narrative describing pirates and migrants respectively as a potential security threat to EU citizens, in particular linking terrorism and trafficking in the case of migration (CMC for EUNAVFOR Sophia, p. 3). Both were championed by a lead member state that was directly affected by the developments. In the case of Somali piracy, the hijacking of a French yacht was considered as a trigger for piracy to be pushed towards the top of the French presidency’s agenda. In the case of increased migration through the Mediterranean, Italy became the prime destination for ships carrying migrants. Both Italian politicians and military staff favored a more direct approach to combating the smuggling and trafficking of migrants, which allowed for a more immediate reaching of consensus at the PSC. The fact that HR/VP Mogherini is Italian and her vocal support of a military operation form a strong correlation, but a causal relationship cannot be established at this point.

Following the assumption of this paper that the EU, and in particular its CSDP structures, are learning organizations, one could have predicted that EUNAVFOR Sophia would be strongly influenced by the shortfall and successes of EUNAVFOR Atalanta and its follow-up missions, EUTM Somalia and EUCAP Nestor. Accordingly, after EUNAVFOR Sophia was deployed on the 22nd of June 2015 and reached its second phase, one would have expected two follow-up missions – a military training mission and a capacity development mission.

However, instead of designing two more separate missions, which would entail drafting two additional CMCs and subsequent operational documents, having two additional political discussions at the PSC, the EU CSDP structures have integrated the military training and capacity development elements of the comprehensive approach into an existing CSDP operation by adding two supporting tasks to its mandate – training of the Libyan coastguards and navy, and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya. By doing so, the EU circumvented the potential political deadlocks at the PSC in the situation where three missions are discussed separately (which happened in the case of the Horn of Africa). Furthermore, by speeding up political consensus on a comprehensive approach, the EU avoided delays in negotiating with the Libyan government regarding transitioning EUNAVFOR Sophia to phase 2b, namely operating in Libyan territorial waters, and eventually proceeding to phase 3 – operating on the Libyan coast.

The CMC for EUNAVFOR Sophia explains that phase 3 requires a UNSC mandate or a Libyan invitation. A review of the CMC, the accompanying opinions on the CMC and the six-monthly report of the Operation Commander[[3]](#footnote-3) demonstrates a clear instance of what Markus Heuben refers to as ‘strategic creativity’. The six-monthly report by the Operation Commander indicated that a trained Libyan Coastguard would be “critical to [the EU’s] exit strategy” (Six-montly report, 2016, p. 3). Furthermore, the report explains that “training together during phase 2 could also be a key enabler to build confidence and facilitate the conduct of Phase 3 operations jointly with the Libyan authorities” (Ibid.). It is clear from this official document that external legitimacy is strategically and gradually built through phases of interaction between the EU and Libya, which is a strategic innovation compared to the approach of the EU taken before EUTM Somalia, which relied on assistance (and legitimacy) of the USA and Uganda.

To date, no UNSC Resolution constitutes the legal basis for the EUNAVFOR Sophia, due to Russia’s opposition to the EU’s more proactive approach to use of coercive action and deployment of ‘all necessary means’. The lack of an UNSC Resolution weakens the EU’s external legitimacy considerably, but arguably the only ‘acceptance’ necessary for actionably EU foreign policy in the region is that of the Libyan Government of National Accord. This government led by the Presidency Council is itself contested nationally but has the support of the UN. Its support of EUNAVFOR Sophia acts as proxy legitimization of the mission. Another indirect source of external legitimacy comes from the second addendum to the mandate of the mission, namely to aid the implementation of the UN arms embargo on the high seas off the coast of Libya. This part of the mandate falls under UNSC Resolution 2292 (2016), which authorizes UN members to individually or through regional organizations inspect vessels suspected of violating the UN embargo on weapons supply to Libya from 2011 (UNSC Resolution 1970 (2011)).

Another observation by the Operation Commander is worth noting, which stated that “it is highly desirable that one single mission should be assigned the training task of the Libyan Navy and Coast Guard” (Six-monthly report, 2016, p. 3). By implementing the training and capacity building elements on the actual ships already deployed, the EU avoids pressuring Libya into allowing the EU to operate on Libyan territory. This allows the EU to project an image of respecting Libyan sovereignty and supporting its government, increasing its external legitimacy in Libya, and building towards advancing EUNAVFOR Sophia through its phases, in particular to prepare for the final phase and handing over the tasks of disrupting the business model of the smugglers to Libya. Such an exit strategy, presented under the banner of local ownership or building resilience is noticeably similar to the logic behind EUTM Somalia and EUCAP Nestor.

**Concluding remarks**

This paper represents a thought exercise for a broader research agenda on understanding and analyzing the development of EU international crisis management. It focuses on the aspect of external legitimacy, which is both a pragmatic requirement and a normative principle for EU’s foreign policy and crisis management abroad. The paper explores the EU’s concrete institutional and organizational dynamic and its concrete actions in the form of CSDP missions in the Horn of Africa and the Mediterranean. By design, the paper is heavily informed by empirics, and as such, could further benefit from conceptual exploration of the literature on legitimacy in foreign policy, as well as broader work on the role of local ownership. It does however also invite further empirical research and triangulation of existing data with expert interviews to be conducted with officials directly working on the CMC for EUNAVFOR Sophia and its strategic review.

The initial analysis outlines observable parallels between the three missions in the Horn of Africa and EUNAVFOR Sophia, and indicates that the EU’s CSDP structures follow a logic of path dependency and following existing patterns. However, the differences between the three separate missions in the Horn of Africa vis-à-vis EUNAVFOR Sophia indicate a learning process within the EU’s CSDP structures and high degree of agency by strategic and operational planning structures in particular. Such learning and agency is noticeable in the evolution of the EU’s engagement in the Horn of Africa alone, but is further illustrated by the decision to proceed with putting the EU’s comprehensive approach into practice much more promptly by extending the mandate of EUNAVFOR Sophia.

Such a decision demonstrates the lessons learned from EUTM Somalia and EUCAP Nestor with regard to procedural and political difficulty of deploying CSDP missions. On the one hand, extending the mandate of EUNAVFOR Sophia to military training and capacity building circumvents the procedural cumbersomeness of approving and debating all the necessary documents that would be required for setting up two additional separate missions. On the other hand, and more closely related to external legitimacy, this decision capitalizes on existing consensus over and international approval, but more importantly, Libyan approval of the EU’s presence in the Mediterranean.

Overall, while external legitimacy may conceptually and normatively play a role, in day-to-day practice, the notion of legitimacy is much more pragmatic and takes the form of political buy-in, invitation to cooperate, trust-building, etc. The pragmatic and strategic turn, as this paper argues stems from the EU’s organizational learning capacity. The lead-up to the abolition of the pillar structure in the Lisbon Treaty, and the establishment of the EEAS created the opportunity for new institutional developments and materialization of existing narratives. Examples include the development of the CMPD, which integrates both civilian and military crisis management elements into an organization that produces comprehensive strategies to address global issues, including issues of external legitimacy. The effectiveness of the CMPD and the historical context of the 2010s with its focus on austerity and cost-effectiveness define EU’s foreign policy today.

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1. This is a (very!) preliminary draft; do not cite, circulate or publish without the prior consent of the author. Feedback is more than welcome. [↑](#footnote-ref-1)
2. The analysis of the EU’s three mission in the Horn of Africa (EUNAVFOR Atalanta, EUTM Somalia and EUCAP Nestor) was carried out as part of the author’s doctoral dissertation (Tomic, 2015), and is based on substantial process tracing, elite interviews with the authors of the relevant CMCs for the three missions, as well as other practitioners able and available to comment on the policy processes, as well as relevant official documents. Due to the spatial limitations of the paper, this section will only present the main findings. [↑](#footnote-ref-2)
3. The CMC for any CSDP mission is a classified document, but the CMC for EUNAVFOR Med/Sophia was leaked by Satewatch, while the military advice, the Politico-Military Group (PMG) Recommendations and the six month report by the Italian Operation Commander (Rear Admiral Enrico Credendino), also EU RESTRICTED documents, have been leaked by WikiLeaks. [↑](#footnote-ref-3)