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Discussion paper [or working paper, etc.]

Original citation:

Boin, Arjen and Lodge, Martin (2018) Enhancing the EU's transboundary crisis management capacity: recommendations for practice. [TransCrisis](#), London, UK.

Originally available from [London School of Economics](#)

The TransCrisis project is funded under the European Commission's Horizon2020 programme.

This version available at: <http://eprints.lse.ac.uk/id/eprint/91588>

Available in LSE Research Online: January 2019

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Enhancing the EU's Transboundary Crisis Management Capacity: Recommendations for Practice

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1. Different crises, different arrangements

The Horizon 2020 TransCrisis project has studied the EU's capacities to deal with transboundary crises and how these capacities are related to Member State capacities and their governance arrangements.¹ We found that the European Union (EU) has many capacities of different types (plans, alert systems, regulations, ad hoc systems) that can be employed to organise a response against transboundary crises. But these capacities are scattered across institutions and agencies, their use is not always clearly defined, and their performance is uneven at best.

We argue that these capacities and their governance arrangements should be strengthened, and urgently so. We also offer a set of recommendations to decision-makers at both the EU and the member-state level to enhance these capacities. This document should be read as an addendum to our White Paper, which laid the groundwork for this prescriptive effort.²

Both the White Paper and these recommendations for the world of practice are motivated by one overriding concern: the prospect of more, and more serious, crises that threaten the well-being of European citizens and undermine the legitimacy of its institutions. In light of these developments, we offer practical suggestions for enhancing particular processes, mechanisms and organisations to deal with a variety of transboundary threats. Our suggestions come, by necessity, in the form of a menu: certain courses fit certain appetites. It is for the practitioner to assess what the best match between threat and prescription is.

Our White Paper laid out four 'modes of governance' that are used here as the organising principle for our menu of prescriptions. The first mode is to rely on the present ad hoc tapestry of mechanisms, processes and EU crisis-fighting summits. If this set of arrangements is deemed fitting for the threats at hand, we may simply try to improve upon what is in place. The second mode focuses attention on Member State capacities: the idea is that if the Member States become better crisis managers, Europe as a whole would benefit in terms of effectiveness but perhaps even more in terms of legitimacy. The third mode draws attention

¹ For more information on the project and its findings, visit www.transcrisis.eu.

² The White Paper, entitled *Dealing with Transboundary Crises in the European Union: Options for Enhancing Effective and Legitimate Transboundary Crisis Management Capacities*, can be found at www.transcrisis.eu.

to the importance of multi-level governance: binding the separate elements at different levels into an effective network of capacities. Finally, the fourth mode launches the idea that all other modes should be governed from one centre of authority– the EU.

We present the four modes and respective suggestions in the form of an escalation ladder: expanding threats can be met with expanding strategies. Each step on the ladder signals increased ambition to build a transboundary crisis management framework. There is nothing teleological about our presentation, however. We simply present a menu of choice that can be matched with the prevailing opinions and perceptions with regard to transboundary threats and available capacities. At the same time, not all transboundary crises may require similar institutional arrangements – our argument is to encourage a debate about what particular domains require and how they might be linked to broader cross-domain efforts to enhance transboundary crisis management capacity in the EU and its member states.

Mode 1: Strengthen Political EU leadership by enhanced support structures

There is a long-standing dictum that the EU moves forward through fits and starts, often motivated by some crisis event. In this perspective, the EU adds capacities most often in ‘stealth’ fashion, by adopting very modest initiatives that in times of crisis suddenly become the foothold for rapid expansion. The key prescription – often heard – is to move slowly, not expect too much, but be ready to leap should a crisis generate political consensus that ‘something must be done.’ This approach fits with the current view that there is limited appetite for expansionary projects at the EU level.

Our prescriptions here aim to improve upon the current state of play in the EU, without suggesting anything revolutionary. Based on our research findings, we characterise the current situation in terms of:

- A set of limited yet powerful mechanisms for defined crisis types
- A set of loosely connected agencies and other organisations that can contribute expertise and information
- Intergovernmental fire-fighting through EU summits and political brinkmanship
- Political crisis leadership exercised in ad hoc ways by EU officials and Member State leaders

The performance of this governmental tapestry has been varied, as we concluded in our research. For instance, the Civil Protection Mechanism (CPM) works quite well in the coordination of member state contributions to disaster-stricken countries outside the Union;

but the performance of this Mechanism apparently works less well in case of member states requesting assistance.³

We offer some suggestions to enhance the workings of existing capacities. This should help to improve the effectiveness of the EU during *known* events that are territorially based. They will likely mean less for the enhancement of *transboundary* crisis management capacities. As we will argue further down, effective transboundary crisis management capacities require more far-reaching efforts.

Our first recommendation is to invest in the *support of strategic crisis management tasks*. The basics of strategic crisis management are well established. Capacities are needed to *detect* a crisis before it has escalated out of control, to *make sense* of the crisis event, to identify and make *critical decisions* and *coordinate* the implementation of those decisions, *communicate* with the general public, and *account* for the way the response was organised. These are the tasks that political leaders are called upon to perform (and the tasks that will damage their careers if not performed well).⁴

This strategic task framework helps to sensitise support units to what is being expected from them when political leaders gather in crisis mode. With relatively little effort, support units can be trained and guided to enhance their contribution during crisis. That will facilitate a better performance of the EU's political crisis managers. TransCrisis has developed a survey tool to support the development of capacities to deal with strategic tasks.⁵

Our second recommendation flows from the first: identify two small units, one within the Commission and one within the Council Secretariat that can function as the organisational hubs for strategic crisis operation. The Commission Secretariat used to house such a unit, which has been disbanded in recent years. It should be reinstated and reinvigorated. The Council houses the Integrated Political Crisis Response (IPCR) unit, which has the capacity to support the political crisis management process. This unit is remarkably small for the tasks it is supposed to accomplish. It is, of course, essential that both units work together in close harmony. We therefore recommend simple but frequent exercises to build trust between these units.

³ This conclusion is the Commission's. See its recent Communication *Strengthening EU Disaster Management: rescEU Solidarity with Responsibility* (COM(2017) 773 final). Brussels, 23.11.2017.

⁴ For an extensive discussion of these tasks, see Arjen Boin, Paul 't Hart, Eric Stern and Bengt Sundelius (2016) *The Politics of Crisis Management* (Cambridge University Press). See TransCrisis, *Final Codebook*, <http://www.transcrisis.eu/wp-content/uploads/2016/10/D2.2-Final-codebook.pdf> (last accessed 30 January 2018).

⁵ TransCrisis, *Crisis Capital Management Development: A Survey Tool*, <https://www.transcrisis.eu/wp-content/uploads/2018/01/D7.1-Crisis-capital-management-development.pdf> (last accessed 30 January 2018).

Mode 2: Strengthen Member State capacities

In the conventional thinking about crisis and disaster management, there is a widespread conviction that the response should be organised as closely as possible to the source of the problem. When local authorities are overwhelmed, they can 'scale up' to the next level of authority in the system. In conventional thinking, the quality of the response is thus anchored in the capacities of the local response.

When we translate this insight to the EU, we can argue that strong capacities at the state level provide for the building blocks of an effective transnational response and can strengthen the legitimacy basis for a transnational response.

The crisis management capacities of Member States can be enhanced along two dimensions. The first dimension pertains to the *prevention* of crises and disasters. The second dimension refers to the *preparation* of crisis management units in national response organisations.

With regard to the first dimension, we can note that the EU has already been quite active in recent years to align risk management practices at the national level. Member states are asked to submit their national risk plans, which are then peer reviewed. It is not immediately clear, however, how the mere sharing of risk plans would lead to better prevention. The underlying idea – characteristic of EU thinking – is that sharing leads to learning and thus improvement. While sharing never hurts (it forces especially the 'weaker' member states to put something on paper) and learning may well happen (one country's plan may inspire another country's risk management officers), we advocate a more pro-active approach.

We propose that the EU facilitates a discussion that aims to inform a *shared philosophy on risk management*. This sounds much easier than it really is. The field of risk management is divided by sharply different approaches with regard to what is an acceptable risk and what prevention strategies may cost. We suggest that this discussion should help to identify the risks within member states that may have transboundary effects should they materialise. These are the risks that other Member States should learn about. These are also the risks that invite EU-driven assessments of the effectiveness and legitimacy of member state efforts. Those assessments require a shared framework. Such a framework does not yet exist. In other words, the thinking about shared risks needs to be jump-started.

With regard to the second dimension, the role of the EU has been nearly non-existent. The EU does train disaster experts to participate in EU-coordinated disaster response operations (such as the earthquake in Nepal). But these training programs are not aimed at strengthening national capacities, even if they may in fact contribute, marginally at least, to that outcome. Crisis management is still largely a matter of the member states.

We recommend that the EU becomes actively involved in enhancing the crisis management capacities of Member States. This would entail much more than offering up initiatives that promote local resilience. The contemporary infatuation with the resilience concept is widespread, but it is understood differently everywhere and has not led to meaningful policy proposals anywhere (at least not to proposals that did not already exist under other names). In its current manifestations, resilience is not much more than a fig leaf for superficial thinking about crisis management capacity building.

We recommend fresh thinking, in a way that supports (and not directs) member states through a variety of initiatives:

- Formulate transboundary crisis management capacity requisites. It is not always well understood what institutional and administrative capacities a member state needs to (help) manage a transboundary crisis. This may not always figure prominently on the policy agenda within these states. The EU could help by offering suggestions and perhaps even funding to enhance these capacities. The EU could collaborate with the OECD's High Level Risk Forum, which has begun to formulate shared standards.
- Provide member states with an assessment tool that offers a simple yet fair way to survey the transboundary capacities of their crisis management system (a method that takes into account both the effectiveness and legitimacy of crisis management capacities). We have formulated such a tool, which may serve as the basis for this effort.⁶
- Educate member states about available EU capacities that they can draw on in response to a transboundary crisis. We have observed time and again that many national administrators have no idea what the EU has developed over time in the various sectors. The EU should be much more proactive in disseminating information about these capacities. The Commission Secretariat at one point developed an overview of these capacities, but the resulting document was never actively shared nor regularly updated. An informative website with a database of EU capacities would provide an initial step.⁷
- Create a Rapid Reaction Force. When a transboundary crisis hits, it may be helpful to offer direct advice to national crisis administrators or sector leaders. The EU could form Rapid Reaction Forces: interdisciplinary groups of experts that can be seconded at short notice to a member state (or to a relevant non-member state). One example is the UK's Cabinet Office Briefing Rooms (COBR) structure (as part of the UK civil contingencies arrangements).

⁶ <https://www.transcrisis.eu/wp-content/uploads/2018/01/D7.1-Crisis-capital-management-development.pdf>.

⁷ See the website of the European Societal Security Research Group (www.societalsecurity.eu). This website has a database with information of available EU capacities that utilises TransCrisis research.

The above-mentioned suggestions all fall within the category of advice giving. The encompassing recommendation would be to create a European Crisis Management Academy (ECMA). This Academy could be embedded in a European university or within an EU Crisis Management Agency (see below). Its remit would be to support EU institutions and member states in thinking and strategising about crisis management capacity building. It might also provide training for member states' crisis managers. The ECMA would be a momentous step forward, an institution akin to the defence universities that most countries have.

Mode 3: Improving multi-level governance by facilitating horizontal and vertical coordination

The E.coli outbreak that killed some 50 people in Germany in 2011 (widely known as the 'cucumber crisis') teaches us an important lesson about the coordination of a multilevel response. The crisis occurred in a federal state, involving layers of governance each with their own legal competences. It involved member state governments and EU institutions. The food crisis created tensions between scientists and communications professionals in that the demands of the crisis pitched the need for scientific rigour against public demands for transparency. The lack of cross-European confirmation mechanisms (when can we say something with certainty?) propelled this crisis 'out of control' even though, arguably, this domain was governed by multi-level governance arrangements.

A truly transboundary response network brings together national capacities with EU capacities; it connects public and private capacities, capacities in one sector with capacities in another sector. If these capacities can be connected in a timely, predictable and logical way, an effective network may emerge to deal with transboundary threats.

Such a network will require organisation. Enhanced forms of coordination will be required. Horizontal coordination is required to facilitate the collaboration between member states, between EU institutions, between policy sectors. Vertical coordination is required to align the efforts of member states and EU institutions. In other words, the multilevel governance structures that tie all these capacities together will need some attention if a transboundary response is to emerge in a timely and effective manner.

It would be helpful to specify actions and strategies that political leaders at all levels can employ to help realise the EU's full potential in times of crisis. More specifically, it would be

good to identify the outlines of a 'Multilevel Response Framework' (MRF) for the EU.⁸ This document would answer the following questions:

- What counts as a European emergency?
- Which capacities and legal competences do EU agencies and EU institutions have?
- When can the EU get involved?
- How can Member States ask for mutual support (from other Member States and/or EU institutions)?
- What are the rules of interaction between Member States and EU institutions during different types of crises?
- How are formal responsibilities defined? What are the accountability procedures that should be initiated after a crisis?

A European MRF would require extensive mapping and understanding of capacities at the national and EU level. This is no easy task as many national and policy systems function in different ways across Europe.⁹ But multilevel governance in times of crisis cannot be left to factors such as mutual trust and understanding based on long-standing working relationships. In a crisis (and certainly one with transboundary characteristics), multilevel relations must often be quickly forged and cooperation between policy barriers must be quickly established. Here is where clear rules of engagement can be tremendously helpful. Such rules barely exist at this moment.

It would be essential, for instance, to clarify the capacities and potential involvement of EU agencies. The agencification of the EU is still in its infancy (most of the agencies were created after the 2000s). EU agencies are still going through a period of formation and organisational development. But the TransCrisis project has shown the important contributions that EU agencies have already made in different crises. It has unveiled the capacities that EU agencies harbour, if only because their expertise will be essential to most if not all transboundary threats to the European continent. The EU agencies can become critical information hubs in any transboundary crisis network.

One of the primary types of collaboration in need of clarification is the relation between 'civil' crisis capacities and 'military' crisis capacities. It is instructive to remember that in

⁸ This effort could take inspiration from the U.S. National Response Framework (NRF). The NRF describes vertical and horizontal relations between actors in the public and private sector that might have to get involved in a large-scale crisis or disaster that is transboundary in nature. It can be found at FEMA's website: https://www.fema.gov/media-library-data/1466014682982-9bcf8245ba4c60c120aa915abe74e15d/National_Response_Framework3rd.pdf

⁹ See the results of the FP7 ANVIL project as reported in by Raphael Bossong and Hendrik Hegemann (Eds) (2015) *European Civil Security Governance* (Palgrave).

Brussels the term 'crisis' has been appropriated by the Council units that are tasked with the planning and preparation of EU-sponsored missions to non-EU countries. Since Javier Solana jumpstarted this capacity, the EU has built rapidly growing expertise to run civil-military missions to numerous hotspots in the world. These capacities could conceivably be well used to address crises closer at home. But there is a thick wall separating 'civil' (DG ECHO) and 'military.' We recommend that the formulation of an MRF takes on this potential connection between different bureaucracies that operate on different mindsets, procedures and political accountability structures. We can learn from the response to Hurricane Katrina (2005). A key lesson is that an improvised network bringing both types of actors together is unlikely to produce satisfying results.

Intriguingly, the rules of engagement between the EU and other International Organisations are better defined, at least implicitly. But as crises increasingly have global reach, the EU should try to formalise mechanisms of collaboration with as many relevant International Organisations as possible. In recent years, the relation with such organisations as NATO, the World Bank, the World Health Organisation and the U.S. Centers of Disease Control has intensified. Other International Organisations will likely gain prominence as new types of transboundary threats emerge.

Exercises are a critical element of this clarification effort. Exercising is not just about checking whether plans work (although that is important). Exercising together, across boundaries, also helps to clarify what needs further clarification. It develops and enhances shared understandings among responders. The recent large-scale EDREX exercise is a case in point. Actors from both the Commission and Council sides of the house worked with member state representatives to jointly help some fictitious country in need. The extensive preparation phase, the various rounds of 'play', and the detailed debriefings brought up many issues and suggestions that will help to improve multilevel governance during a crisis. But EDREX is only a small beginning. We need many more exercises, bringing in as many actors as possible. This will cost money, but it is a relatively small investment with real benefits. This is especially true for sector representatives who get to practice with counterparts they may have to work with to tackle some urgent threat.

Mode 4: Strengthen EU capacities to manage transboundary crises

This fourth mode of governance enhancement only needs to be considered if one agrees with the idea that some types of crises can only be resolved at the supranational level. The crisis management structures that have served the nation state well are typically designed to match geographic or policy boundaries. Transboundary crises, by their nature, tend to overpower national public bureaucracies.

If Europe were hit by a crisis of unprecedented proportions, e.g., a massive cyber disturbance or an act of cataclysmic terrorism, the result would be the paralysis of key infrastructures (communications, transport, energy) for extended periods of time. Should such a transboundary crisis occur today, the EU would not be able to play a role of significance, largely because member states and their crisis management capacities would still be at the forefront of immediate responses and overall decision-making.

The United States introduced the concept of an Incident of National Significance (INS). This is an event that requires the top-down involvement of federal government, as individual states are overwhelmed and incapable to govern. The occurrence of an INS unlocks the door to special mechanisms, which allow federal government to override the “normal” principles and mechanisms of disaster management. We recommend an exploration of the possibility and desirability of such a role for the EU. This effort would address the following questions:

- When does a crisis or disaster become an INS for Europe?
- What role could the EU play during such an INS?
- Which EU institutions would be involved?
- What legal competences would the EU need to play that role?
- What organisational capacities would the EU need to play that role?

To complicate matters further, all these questions should be considered in the context of ‘backsliding’ trends and the undermining of public institutions (threats to democratic norms and constitutional commitments resultant from EU membership). Political crisis leadership is critically important to any response effort, but it is also severely constrained by earlier efforts that were not considered legitimate by large parts of the European citizenry. Any debate about the idea of a European INS and special mechanisms of centralisation must be considered in the context of weak and eroding legitimacy of public institutions across Europe. In fact, it must take into account that the EU is often seen as the *source* of transboundary crises and not as the source of solutions.

A first step could be the instalment of a so-called senior advisory group comprised of politicians, business and societal representatives as well as academic experts to further define the critical issues at hand and explore what the debate should be about. That would produce the input for a societal debate about the role of the EU in the face of transboundary threats. The careful preparation of such a debate will take much time, but rushing into quick fixes – as done by the United States in the wake of the 9/11 attacks – would be counterproductive. Meanwhile, a few intermediate steps could be considered.

Creating a central crisis hub. The EU could enhance preparedness for transboundary crises by identifying one or more central hubs that would collect information, drive discussion, and propose improvements. The most prominent unit at this point is DG ECHO. It brings

together disaster management experts, effective mechanisms such as the Civil Protection Mechanism, organisational capacities (a crisis room) and long-term experience. But its traditional focus on natural disasters may not make it the ideal hub for *transboundary* crisis threats. This would open the debate to arguments for a new agency that concerns itself with transboundary crisis management. An intermediate step would be the creation of the aforementioned European Crisis Management Academy, which could fulfil the role of centre of expertise. The ECMA would focus on future threats, vulnerability analysis, mapping available capacities, and learning from other crises.

Strengthening selected EU agencies. In recent transboundary crises, we saw how EU agencies stepped up to the plate and played a vital role in coordinating and facilitating a transboundary response. We also noted that these agencies were held back by institutional constraints inherent to their legal competence. It is clear that these competences could be easily expanded to unlock the crisis management potential of selected EU agencies.

Invest in the EU's Integrated Political Crisis Response Arrangements (IPCR). The EU has long tried to create a political crisis management mechanism (for lack of a better term). The so-called Crisis Management Arrangements (CCA) were replaced by the IPCR a few years ago. The IPCR is a clever arrangement, but it is ill understood and under-used. A concerted investment in the IPCR and the organisational unit that runs it would go a long way to enhance the EU's transboundary crisis management capacities. A first step is creating awareness: member state authorities should become comfortable seeking the use of this fresh and promising arrangement.

The EU has already developed characteristics of a crisis manager. However, there are still voices that suggest that the EU is not *really* a crisis manager nor should it become one. In the context of crises and disasters of the past, this is an understandable argument. But the threat environment is changing. New types of crises are on the horizon. If we know one thing about those past crises and disasters is that they test institutions. When institutions perform, they come out stronger. When they fail, their legitimacy suffers and their capacity for policy delivery is undermined.

If the EU is not ready for these threats, they will wreak havoc. Institutional paralysis will not go unnoticed, in particular by those bearing the negative consequences of such paralysis. Populist politicians will exploit this discontent by promising to punish these institutions and the elites that run them. The easiest target will be to point fingers at those distant institutions ('Brussels') and accuse them of being the problem rather than the solution for transboundary crises. Therefore our most fundamental and urgent recommendation is to take the prospect of transboundary threats seriously.