

EU CRISIS RESPONSE CAPABILITY

Institutions and Processes for Conflict Prevention and Management

26 June 2001



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EU CRISIS RESPONSE CAPABILITY

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EXECUTIVE SUMMARY

It is less than a decade since the European Union (EU) was formally established and set itself the ambitious project of developing a common foreign and security policy. Less than four years have passed since the signing of the Amsterdam Treaty which provided key institutional foundations of that policy. And it is less than eighteen months since many of the bodies responsible for implementing the most difficult aspects – those related directly to crisis response – have been created. This process may be well appreciated by those closely involved in it, but it is opaque and puzzling to many others. This report aims to clarify the process for those outside it. It describes the roles of the new bodies, their relationship to previously existing ones, and the basic fit between their functions and the goals of conflict prevention and management. This report is largely descriptive, but its analysis of the institutions and processes does provide a foundation for some recommendations for improvement as the EU carries its work forward.

The EU has declared conflict prevention to be one of the main aims of its external policy and has set about creating mechanisms and reserve contingents, both civilian and military, for crisis response. The new institutions and processes do not yet satisfy the requirements for success in coping independently with international security crises. Nor is it reasonable to expect them to, after such a short time of institutional development. Moreover, the EU does not intend in most cases to use its crisis response assets independently, choosing instead to recognise the ‘lead role’ of the United Nations (UN) in orchestrating international community response to security crises in which the

EU is most likely to be a player. But as the EU proceeds with the significant reforms it has itself identified, it can do more to ensure that ambitions and expectations are in step with its own potential and performance.

It was possible within the scope of this report to touch only very briefly on many of the important questions that will shape future developments. How will the EU, which until now has been a ‘civilian power’, make a comfortable transition to one that can use military force? How will the EU use force in a way that is acceptable to all member countries, whose security traditions are not compatible in important respects? Will there be an uneasy and counterproductive competition within EU institutions between civilian and military response mechanisms? Will Member States devolve to EU institutions significant responsibilities that have so far remained national prerogatives?

These large questions aside, there are some other lower level issues perhaps more responsive to immediate resolution. One is the apparent mismatch between EU resources and ambition. There is a heavy imbalance between staff resources for international relations directly available to the Commission and the Council Secretariat: some 4,000 to 5,000 for the former depending on who is counted, and some 200 to 300 in prospect for the Council and its Secretariat. Some foreign policy structures within the Commission appear anachronistic and inadequate for the EU’s more ambitious agenda. And some practices in the joint exploitation of resources by the Commission and the Council Secretariat need to be reformed.

Efforts to reform recruitment and staffing, especially in respect of the representation of the EU in its overseas delegations, need to be continued.

This report is a snapshot of the institutions and processes in mid-2001. Two highly qualified and committed individuals - Javier Solana and Chris Patten respectively - occupy the key positions of High Representative for the Common Foreign and Security Policy, and Commissioner for External Relations. They have forged a strong personal working relationship. But in the medium to longer term, the bifurcated leadership structure, and related institutional arrangements for it, will almost certainly need to be made more inherently functional.

Both at a conceptual level, and consistently with the heavy imbalance of resources in favour of the Commission, the EU is staking much on the contributions of development cooperation and democratisation to conflict prevention (through peace building). Although the balance is slowly shifting, this has tended to give EU conflict prevention thinking a disproportionately heavy focus on economics, human rights and democratisation, to the neglect of diplomatic conflict prevention measures that seek to significantly alter the political dynamics of an emerging conflict.

RECOMMENDATIONS TO THE EUROPEAN UNION

1. Develop clearer benchmarks for success in its conflict prevention and conflict management policies and actions.
2. Respond faster to the High Representative's call for new approaches to the formal process of developing Common Strategies.
3. Review the imbalance of resources devoted to foreign policy between the Commission and the Council Secretariat, and significantly upgrade the analytical capacities for conflict prevention in both organisations.
4. Establish joint task forces of Commission and Council Secretariat staff, working with specially seconded representatives from Member States

where appropriate, to provide regular and high-level support to all EU Special Representatives.

5. Contract an independent evaluation of the EU's conflict prevention performance in Macedonia to inform continuing policy development on that crisis and develop lessons learned for future crises.

6. To guard against unintended consequences, integrate impact-assessment procedures more extensively and rigorously into the planning and implementation of all development assistance and democratisation programs designed to advance conflict prevention.

Brussels, 26 June 2001

EU CRISIS RESPONSE CAPABILITY

Institutions and Processes for Conflict Prevention and Management

I. INTRODUCTION

A. SCOPE OF REPORT

This report offers a descriptive snapshot of the rapidly evolving capacity of the European Union (EU) to respond to security crises, as EU structures and processes stand in mid-2001. The report does not purport to be a comprehensive evaluation of the EU's conflict prevention and conflict management capability, but it does address the degree to which there is a basic fit between functional need and operational reality.¹

Unlike the United Nations (UN), the North Atlantic Treaty Organisation (NATO) and a number of regional intergovernmental organisations, the EU – and the institutions from which it grew – was not born with an explicit security focus. It was not until the Treaty of Maastricht in 1992 that the commitment to a Common Foreign and Security Policy (CFSP) crystallised, and strong tensions persist between the desire of Member States to have a common approach and their reluctance to surrender national prerogatives in this highly sensitive area. Further complications arise as the EU seeks to find a security role for itself alongside the more well established roles of the UN, NATO and the Organisation for Security and Cooperation in Europe (OSCE), given the varying degrees of commitment and enthusiasm of its Member States for those other intergovernmental organisations.

It is not surprising, given both this political context and the recency of the EU's security focus, that its

¹ The report is intended primarily as a reference tool for readers not intimately familiar with EU lore: for this reason information is occasionally repeated for purposes of clarity.

institutions and processes do not yet – on even the most charitable assessment – meet the requirements of 'clear identification of objects, sufficient resources to meet those objectives and very sound management structures'² that are necessary for successful cooperative responses to international security crises. But major efforts are underway to assess and improve capability, as evidenced for example by the joint report on conflict prevention presented to the Nice European Council in November 2000 by the Secretary-General/High Representative and Commission,³ and the endorsement at the Göteborg European Council in June 2001 of an EU program for the prevention of violent conflicts.⁴

In the remainder of Part I, this report seeks to clarify terminology, which is notoriously confusing and inconsistent in this area, and to further describe the legal and political context in which the EU's crisis response institutions have to operate. Parts II, III and IV describe the institutional structure for crisis response as it has evolved so far – the overall relationship of the main institutions, and then in more detail the particular structures

² Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond*, Allen and Unwin, Sydney, 1993, p. 187.

³ 'Improving the Coherence and Effectiveness of European Union Action in the Field of Conflict Prevention.' Report Presented to the Nice European Council by the Secretary-General/High Representative and the Commission (14088/00) December 2000. See also the Communication from the Commission on Conflict Prevention, 11 April 2001, COM(2001)211 final, and the Communication from the Commission on Building an Effective Partnership with the United Nations in the Fields of Development and Humanitarian Affairs, 2 May 2001, COM (2001) 231 final. These documents, and similar, can be accessed at www.europa.eu.int.

⁴ European Union Programme for the Prevention of Violent Conflicts, June 2001, www.europa.eu.int.

under the European Commission and the Council respectively. Part V describes EU processes and policies that relate to conflict prevention and management. Part VI offers, to the extent that the analysis in the report allows, some general assessment.

B. CLARIFYING TERMINOLOGY

The terminology employed in both official and public discussions of the security issues addressed in this report is notoriously confusing. 'Crisis' and 'conflict' tend to be used almost interchangeably, as do 'prevention', 'management' and 'response'. Is a unit dealing with 'crisis management', for example, dealing with pre-conflict preventive diplomacy, or military and civilian responses to an outbreak of violence that has already occurred, or both, or something else again? Are 'conflict prevention' and 'crisis prevention' the same thing? What does 'preventive deployment' mean? The confusion is compounded in the case of the EU since for some purposes its emerging usage varies from that which has only just begun to be consolidated in the UN organisations: 'peacemaking', for example, in current UN practice describes diplomatic and other non-military measures to resolve conflict, but in EU parlance it still primarily refers to military action for this purpose (what is now generally described in the UN and elsewhere as 'peace enforcement'). While there is a set of published EU definitions broadly compatible with those of the UN,⁵ these are incomplete and not in any event used consistently in EU documents.

It is important to resolve this confusion to the extent practicable, for two main reasons. First, because it helps policy makers to focus clearly and quickly on what needs to be done and on available response option, when they are employing essentially the same concepts and vocabulary – and not constantly having to explain what they mean or, worse, talking past each other. Secondly, because it is a necessary prelude to the rational organisation of human and other resources (and

any assessment of the effectiveness of that organisation) to have a clear sense of what the different functions are that need to be performed. In this respect it is not necessarily a matter of needing different institutional structures for different functional tasks, but rather of understanding clearly what those tasks are, understanding the synergies which may or may not exist between them, and allocating resources in a way that all bases are covered.

At first sight, there is a good case conceptually for limiting the use of the word 'crisis' to pre-conflict situations – where the environment is volatile, peace very fragile, and the task for policy makers is not so much to prevent crises as to respond to them, be they chronic or acute, in a way that ensures that large-scale deadly conflict does not erupt. The issue is complicated, however, by the reality that it is natural to talk about conflict prevention not only in the context of preventing the initial *outbreak* of violence, but also its *escalation* and its later *recurrence*. It is also complicated by the reality that both common and official usage of the word 'crisis' – particularly in the phrase 'crisis management' – tends to straddle both pre-conflict and conflict situations, and sometimes post-conflict follow up as well.

Rather than throwing up one's hands at this point, and continuing to use all the terms in issue more or less interchangeably, there is a way of introducing a little more order and coherence into the terminological jungle without at the same time doing violence to established usage, and we take that course in this report.⁶ We describe the overall enterprise as '*crisis response*', and draw a distinction within that between strategies directed toward (a) *conflict prevention* – what can and should you do to prevent conflict breaking out, or (if it has ceased) to prevent it recurring⁷, and (b)

⁵ "Definitions and Categorisation used by the European Commission" can be found on the website of the Development Directorate-General, www.europa.eu.int/comm/development/prevention/definition.htm. Definitions are offered for 'peace building', 'conflict prevention', 'conflict management' and 'conflict resolution': see further footnotes 7 and 8 below.

⁶ The International Crisis Group steers its way through these various complications by saying that the *occasion* for our becoming involved in a particular area is the existence of a crisis situation, and that our *mission* is the prevention and containment of deadly conflict.

⁷ The EU definition of 'conflict prevention' is narrower, limited to 'actions undertaken over the *short term* to reduce manifest tensions and/or to prevent the outbreak or recurrence of violent conflict': www.europa.eu.int/comm/development/prevention/definition.htm. There seems no good reason for excluding long term or structural measures from the definition,

conflict management – what can and should you do to respond to a crisis that has crossed the threshold into armed conflict, to prevent it escalating and to bring it to a conclusion.⁸

The particular strategies or measures available to policy makers do group themselves fairly naturally into these categories, as shown in the accompanying Figure 1.⁹ Crisis response is best understood as a cycle of responses, corresponding to the different chronological stages through which crises and conflicts tend to move. What can and should be done to redress the situation at each stage in the cycle is partly a function of the chronological stage reached, and partly a function of the measure of cooperation and agreement, if any, it is possible to get from the contending parties. These realities are reflected in the way the different response strategies are grouped in the accompanying chart.

It will be noticed that the most critical position in the cycle is the stage labelled 'Peace Building'.¹⁰ If

particularly when it extends to preventing *recurrence* of conflict.

⁸ The EU definition of 'conflict management' is again a little narrower: "actions undertaken to prevent the vertical (intensification of violence) or horizontal (territorial spread) escalation of existing violent conflicts" - www.europa.eu.int/comm/development/prevention/definition.htm. 'Conflict resolution' is defined as "actions undertaken over the *short term* to end violent conflict". While it is conceptually perfectly defensible to distinguish 'conflict management' from 'conflict resolution' in this way, it is not obvious why the 'short term' limitation has been incorporated. We have preferred here to maintain a simple prevention/management distinction, with the dividing line being the actual outbreak of violent conflict.

⁹ This chart is a further development of the scheme suggested in Evans, op.cit, Chapter 1. The more detailed descriptions below of the different measures identified in the chart are drawn directly from that source.

¹⁰ The EU definition of 'peace building' is compatible with that offered below and used in this report. See www.europa.eu.int/comm/development/prevention/definition.htm: "Peace-building (including post-conflict peace-building) is defined as actions undertaken over the medium and longer-term to address root-causes of violent conflicts *in a targeted manner*. The following are considered as root-causes:

- Imbalance of political, socio-economic or cultural opportunities among different identity groups (ethnic, religious, regional, social etc.);
- Lack of democratic legitimacy and effectiveness of governance;

peace building can be carried out successfully *before* any conflict has erupted, the whole subsequent cycle of responses can be avoided; equally, *after* a conflict has been resolved, effective peace building measures can ensure that the whole cycle does not start again. The measures available to policy makers in each case – i.e. in both pre-conflict and post-conflict peace building – are essentially the same, and that reality is again reflected in the way the accompanying chart is constructed.

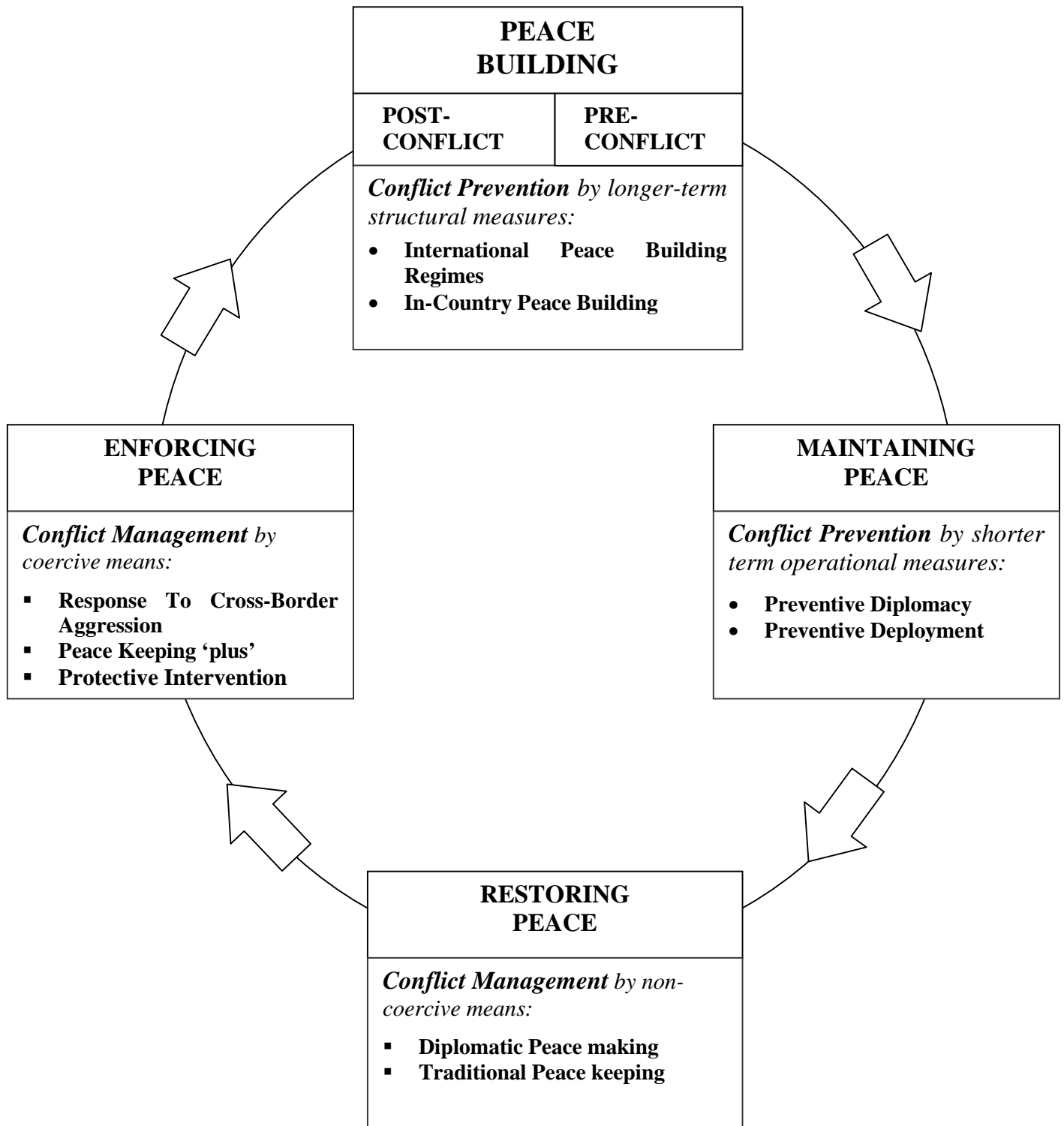
For further clarity, it may be helpful to spell out in a little more detail what is involved in each of the kinds of strategy or measure identified in the chart.

International peace building regimes. These are international laws, norms, agreements and arrangements — global, regional or bilateral in scope — designed to minimise threats to security, promote confidence and trust, and create frameworks for dialogue and cooperation. Examples are arms control and disarmament treaties; international legal regimes governing issues like the status of refugees; international dispute resolution mechanisms; and multilateral dialogue and cooperation forums.

In-country peace building. This refers to national and international efforts aimed at economic development, institution building and, more generally, the creation or restoration within countries of the conditions necessary to make them stable and viable states. Peace building has two dimensions. 'Pre-conflict peace building' refers to longer term non-military, economic, social and political measures which can help states deal with emerging threats and disputes (for example, measures to tackle problems associated with ethnic or religious grievances, poor governance, and resource scarcity or maldistribution). 'Post-conflict peace building' is about action taken after a conflict or crisis in order to help ensure there is no recurrence of the problem: it may involve rehabilitation and reconstruction assistance generally, support for various kinds of institution-building, and specific practical programs like demining.

-
- Absence of effective mechanisms for the peaceful conciliation of group interests (including democratic structures), and for bridging dividing lines between different interest groups;
 - Lack of a vibrant civil society."

Figure 1: The Crisis Response Cycle: Conflict Prevention and Management



Preventive diplomacy. This refers to the full range of methods described in Article 33 of the United Nations Charter — viz. ‘negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means’ — when applied before a dispute has crossed the threshold into armed conflict. ‘Early preventive diplomacy’ involves the provision of skilled assistance through good offices, mediation and the like in order to resolve disputes well before eruption into armed conflict appears likely; ‘late preventive diplomacy’ — more familiar internationally — refers to attempts to persuade parties to desist when such eruptions seem imminent.

Preventive deployment. This is the deployment of military or police, and possibly civilian, personnel with the intention of preventing a dispute (or, in some cases, emerging threat) escalating into armed conflict. Such deployment could occur on one side of a border only, at the request of the state feeling threatened (as with the deployment of 1000 troops, military observers and civilian police into the Former Yugoslav Republic of Macedonia in 1993); or on both sides of the border at the request of both parties.

Peace making. This is best understood as a close relative of preventive diplomacy, involving the same range of methods described in Article 33 of the UN Charter — i.e. ‘negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or agreements, or other peaceful means’ — but applied after a dispute has crossed the threshold into armed conflict. As with preventive diplomacy, ‘peace making’ has at least two distinct chronological dimensions. Initial peace making efforts will usually be aimed at the immediate goals of cessation of hostilities, and stabilisation of the situation on the ground; subsequent efforts — which might continue in parallel with the deployment of a peace keeping mission — might be aimed rather at securing a durable political settlement.

Peace keeping. This involves the deployment of military or police, and frequently civilian, personnel to assist in the implementation of agreements reached between governments or parties who have been engaged in conflict. Peace keeping presumes cooperation, and its methods are

inherently peaceful: the use of military force, other than in self-defence, is incompatible with the concept. Although neither described nor defined in the UN Charter itself, peace keeping operations have been—both in the pre-Cold War years and subsequently—the most numerous and visible manifestations of the UN’s co-operative security efforts. Traditional peace keeping operations involved not much more than unarmed or lightly armed military contingents being engaged in the monitoring, supervision and verification of cease-fire, withdrawal, buffer zone and related agreements. More recently it has become normal to supplement these roles with activities such as election monitoring or organisation, human rights protection, and assisting or exercising civil administration functions during transition to independence or democracy. It is still important to distinguish, however, between these kinds of (UN Charter Chapter VI) operations, and those that are mandated (under UN Charter Chapter VII) to use significant force for other than purely self-defence purposes.

Sanctions. These are measures, not involving the use or threat of military force, designed to compel or bring to an end a course of action by a state or party: they function primarily by denying access to goods, services or other externally provided requirements necessary or important to maintenance of their economic, social or political infrastructure or well-being. The most sustained, and ultimately successful, modern example of sanctions has been in relation to South Africa. It has to be acknowledged that the mandatory UN Security Council-imposed arms embargo, and the voluntary General Assembly-recommended oil embargo, only went part of the way: they ended up being much less significant than, in particular, the financial sanctions that were imposed by the Commonwealth, EC and many individual countries, reinforced as these were with informal restrictions imposed by the international financial community. More recently, the focus has been on ‘targeted’ sanctions — travel restrictions, bank account freezing and the like, directed at particular individuals in a leadership echelon.

Peace enforcement. This is the threat or use of military force, in pursuit of peaceful objectives, in response to conflicts or other major security crises. The classic case is a UN-authorized military response to cross-border aggression by one state

against another, as with the Gulf War in 1991. A more delicate and difficult application of peace enforcement activity is in support of peace keeping operations, for example, in situations where one or more parties to an agreement have subsequently withdrawn from it, and action is required to enforce a cease-fire or re-establish a buffer zone ('peace keeping plus'). The most difficult of all peace enforcement applications, both in principle and practice, is where military force is used in internal security breakdown situations in support of specifically humanitarian or protection objectives, as for example in Somalia, or – most controversially of all (not least because not mandated by the UN Security Council) – with NATO in Kosovo in 1999.

C. THE LEGAL AND POLITICAL CONTEXT

The primary source of information on the purposes, governing bodies and implementing agencies of the external policies of the EU is a series of treaties and subsequent official statements interpreting and implementing the relevant provisions. Over time, the documentary sources of authority – many of which are quite recent – will be elaborated by practice, which may acquire the force of convention or rules. In the meantime, there is considerable scope for ambiguity and contest about the interpretation of many provisions of the legislative and administrative instruments. As each new organisational element is formed, it almost inevitably takes over responsibilities once exercised elsewhere or at least raises new questions of authority and subordination.

The main treaties relating to EU external policy do not specifically address crisis response, conflict prevention and conflict management under those names. The extension of the EU's activities to this field has been a fairly recent manifestation of a decades-long evolution. The most important documents for conflict prevention and management only emerged in the 1990s.

The treaties are the founding¹¹ treaty of the European Economic Community (EEC), the Treaty of Rome, 1957; the Single European Act of 1987,

¹¹ 'Founding' is used here in a legalistic sense, and is not meant to ignore the existence of decades of political cooperation, several formal treaties and an evolutionary process of cooperation on the basis of which the EU was formally established in that name by the Maastricht Treaty.

which provided for cooperation in the sphere of foreign policy;¹² the treaty establishing the European Union (TEU), better known as the Treaty of Maastricht, of 1992,¹³ which provided for a Common Foreign and Security Policy (CFSP); and the Treaty of Amsterdam, October 1997,¹⁴ which amended the TEU and gave much more concrete form to the CFSP (as discussed in Section V of this report). There are now consolidated versions of the treaty establishing the European Communities, as the EEC came to be known, and the TEU. Subsequent official statements which have interpreted the treaties and laid out elaborate practical measures for their implementation include the Conclusions of the European Councils in Cologne, June 1999, in Helsinki, December 1999, in Feira June 2000, and in Göteborg June 2001, and the as yet unratified Treaty of Nice (December 2000).

EU activities and organisations that specifically address conflict prevention and management have additionally evolved from a series of other activities and statements beginning in about 1995. These include work of the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee on conflict prevention, in which the EU played a principal role, and a Common Position passed by the European Council in June 1997 on Conflict Prevention and Resolution in Africa. Further related events have occurred after the Treaty of Amsterdam was signed in 1997 as the EU was developing its formal policies and structures for conflict prevention. These include the Council's reaffirmation in November 1998 of existing policy in a resolution entitled 'The Role of Development Cooperation in Strengthening Peace-Building, Conflict Prevention and Resolution'; the report in December 2000 to the European Council meeting in Nice on 'Improving the Coherence and Effectiveness of the European Union Action in the Field of Conflict Prevention'; and, in April 2001, the 'Communication from the Commission on

¹² It was based on a statement approved by the European Council in December 1985, signed in treaty form in 1986, and entering into force on 1 July 1987. Apart from providing at treaty level for cooperation in foreign policy, it provided for the establishment of a single European market from 1 January 1993, and gave greater powers to the European Parliament.

¹³ Entered into force 1993.

¹⁴ Entered into force 1 May 1999.

Conflict Prevention'.¹⁵

The TEU, or Treaty of Maastricht, outlines five fundamental objectives for external policy action by the EU:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- to promote international cooperation; and
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

Prior to the TEU, a range of common foreign policy activities had been conducted by the European Commission or other bodies of the European Communities.¹⁶ An important part of the task of institutional development under the TEU is to rationalise pre-existing structures and purposes with the newly emerging ones and to 'institutionalise' CFSP within a single organisational framework.

According to one study, the CFSP significantly broadened the scope for conflict prevention by the EU in five ways:

- it formally acknowledged the EU as a single political actor in the international arena, and recognised the need for appropriate political tools to engage in international affairs;

- it clearly specified foreign and security policy as an area in which the European Union can act;
- it laid out the rules, means and mechanisms by which EU foreign policy might be made and implemented;
- it formally integrated a military component into the EU structure, thus paving the way for such options as peacekeeping and preventive deployment; and
- it attributed a shared right to initiate policy formulation to the Commission, thereby drawing on the considerable resources and expertise of Pillar One.¹⁷

The EU has shown considerable commitment to the principles and purposes of conflict prevention – arguably more than many traditional great powers – due in no small part to its origins as an economic community that disposed of exclusively 'civilian' power. It has supported a number of important conflict prevention initiatives in trouble spots around the world, using as its tools most consistently economic development cooperation or humanitarian assistance. For example, the recipient of the largest amount of EU external assistance in the 1990s was Egypt,¹⁸ a priority deriving in large part from the EU's desire to underpin the Camp David peace agreement between that country and Israel.

The TEU sought to extend EU capabilities beyond its traditionally civilian ambit. It provided for the possible creation of common military assets for the

¹⁵ Communication from the Commission on Conflict Prevention, 11 April 2001, COM(2001)211 final, p. 1.

¹⁶ The CFSP has developed out of and replaced the system known as European Political Cooperation which was established at a summit meeting in The Hague in December 1969. For a convenient summary, see *The Penguin Companion to the European Union*. Penguin Books, 1998, p.62.

¹⁷ See Alexander Costy and Stefan Gilbert, 'Conflict Prevention and the EU', International Alert, September 1998. The EU term of art 'pillars' refers to the three main domains of activity for the new Union created by the Maastricht Treaty in 1992. The three pillars are (1) the European Communities (EC), which largely covers the essentially economic responsibilities of the EC before the Maastricht Treaty was concluded; (2) the Common Foreign and Security Policy; and (3) Judicial and Home Affairs. The terminology is fairly loose and should not be interpreted to mean that the three areas of activity are functionally separate or administered by organisationally discrete groups. For example, organisational elements in the EC framework of Pillar One participate in Pillars Two and Three.

¹⁸ See Aidan Cox and Jenny Chapman, *The European Community External Aid Programmes: Policies, Management and Distribution*, Overseas Development Institute, London, 1999, Appendix 1.

EU as part of a common defence policy. It envisaged as a potential vehicle the Western European Union (WEU), the hitherto almost dormant military grouping.¹⁹ The TEU noted that the development of a common defence policy 'might lead to a common defence, should the European Council so decide'. The TEU specifically provided in Article J.4 as follows:

The [European] Union requests the Western European Union, which is an integral part of the development of the European Union, to elaborate and implement decisions and actions of the [European] Union which have defence implications.

The TEU picks up on some language drawn from the 1992 Petersberg Declaration of the Council of Ministers of the WEU which declared, *inter alia*, the following:

- 'they [the Member States] are prepared to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU';
- 'decisions to use military units answerable to WEU will be taken by the WEU Council in

¹⁹ The WEU was set up in 1948 for cooperation on defence and security but was soon superseded for practical purposes by the North Atlantic Treaty Organisation (NATO). In the decade prior to August 1990, the WEU (with only seven members) was meeting at ministerial level less frequently than once per year. Beginning in 1987, in reaction to the 'war on shipping' in the Persian Gulf, the WEU was undertaking closer operational cooperation for military contingencies there. In August 1990, in reaction to the Iraqi invasion of Kuwait, NATO member countries in Europe sought more vigorously to revive the framework of the WEU as a legal vehicle for joint action outside the NATO area of operations. But even before the Iraqi invasion of Kuwait, Portugal and Spain had become members of the WEU in April 1990 in reaction to the fall of the Berlin Wall, the imminent reunification of Germany, and the collapse of the Warsaw Pact. In 1991, the WEU began to allow states to associate with it as observers. The WEU now consists of 28 countries with four different types of status: Member States, associate members (for other European members of NATO), associate partners (for the countries of Central and Eastern Europe), and observers. Ten of the current EU countries have the status of Member States, with the five others (Austria, Denmark, Finland, Ireland and Sweden) as observers.

accordance with the provisions of the UN Charter';

- 'participation in specific operations will remain a sovereign decision of Member States in accordance with national constitutions'; and
- 'apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU Member States, acting under the authority of WEU, could be employed for: *humanitarian and rescue tasks; peacekeeping tasks; tasks of combat forces in crisis management, including peacemaking*'.²⁰

The purposes rendered in italics have become known as the Petersberg Tasks, which now represent the principle goals for use of military forces by the EU.²¹ Put another way, the development of EU military capacity has, 'since the outset', been intended to strengthen the EU's capacity for conflict prevention.²²

The EU's capacities for conflict prevention benefit from the evolution of CFSP and the institutions it has fostered, notably the emerging European Security and Defence Policy (ESDP)²³. Its repertoire of conflict prevention tools, once limited by the exclusively 'civilian' nature of a community of states operating largely in the economic sphere, is expanding as the EU acquires a greater capacity to use traditional levers of state power such as diplomatic pressure and even a degree of military force. For example, the 'Rapid Reaction Force',

²⁰ WEU Council of Ministers, Petersberg Declaration, Bon, 19 June 1992. See www.weu.int/eng/comm/92-petersberg.htm.

²¹ This was asserted in the Gotëborg European (15-16 June) Council Presidency Conclusions, available at www.europa.int

²² 'EU Programme for the Prevention of Violent Conflicts', Gotëborg European Council Presidency Conclusions, Annex 3.

²³ ESDP emerged from the concept of the European Security and Defence Identity (ESDI), that was first used at the NATO summit in Washington in April 1999 to refer to a future European pillar within the Alliance. It was then taken out of NATO, turned into an EU exercise with NATO support and rechristened ESDP at the Helsinki summit of December 1999.

which is being developed within ESDP and targeted to reach maturity in 2003 (see below), will put military options, such as the possibility of preventive deployment of troops, into the EU's toolbox of preventive measures for the first time.

Benefits aside, the conflict prevention and management aspirations of the EU and the associated institutions and processes are still the subject of political debate. This is the result of several factors, the interaction of which is complex. The most important obstacle to consistent implementation of a comprehensive CFSP will continue to be the tension between the desire of the Member States that the EU have a common foreign policy and their reluctance at the same time to surrender national prerogatives in this very sensitive area.

The evolution of EU crisis response mechanisms is also subject to significant influence from other organisations, especially NATO. At least for EU members who are also members of NATO, that organisation will likely remain the primary vehicle not only for ensuring national military security but also for many political-military aspects of crisis response. Washington continues to remain deeply sceptical about the EU's emerging common defence policy, fearing that it will undermine NATO's cohesion and effectiveness. The U.S., rightly or wrongly, feels that most EU members already have difficulty maintaining adequate defence spending to keep pace with the U.S. in terms of military capability. The gap in capabilities and interoperability with the U.S. was certainly evident during Kosovo when even some of the larger European NATO members struggled with secure communications, night operations and other demands of precision air operations.

The creation of an EU Rapid Reaction Force, whose exact relation to NATO in terms of both assets and command and control structures remains ill-defined, has further stoked fears that the EU defence effort might sacrifice capabilities for symbolism. Capabilities and command structure will remain two key factors in EU-NATO dialogue on ESDP. The vast superiority of NATO resources will mean that the EU's ambitions will continue to be closely tied to the Alliance. This may pose

problems for the four neutral EU Member States, who are not in NATO²⁴

There are also lingering fears among European NATO members who are not in the EU, especially Turkey, that an EU bloc will be created within NATO that will marginalise their voices.²⁵ But some NATO members who are not members of the EU, such as Norway, have participated in or expressly support EU actions.

Although a number of European officials have shrugged off U.S. concerns about these questions (largely by indicating privately that the Rapid Reaction Force is designed mostly for show),²⁶ they go to the core of both NATO and EU operations. It will be a high cost indeed if EU defence policy is defined at the expense of NATO solidarity or operational effectiveness. NATO and the EU probably will work things out over time, but the scope of questions that remain unanswered at this point is wide indeed.

The official EU line, as expressed in a speech by External Relations Commissioner Chris Patten in February 2000, is as follows: "We do not seek to duplicate NATO's role. The core of NATO's functions is collective defence. And nobody, I repeat NOBODY, is suggesting that this should become part of the EU mandate. We want to strengthen our contribution to NATO and to European security. As George Robertson put it the other week, 'ESD[P] is not about Europe going it alone, but about Europe doing more.'²⁷

²⁴ Austria, Finland, Ireland and Sweden,

²⁵ In early June 2001, there were reports that Turkey had agreed to a set of proposals which would allow it to give the green light to EU plans. *International Herald Tribune*, 5 June 2001.

²⁶ The decisions taken by the EU in June 2001 to begin a program of rapid reaction exercises will, if implemented, give the EU much greater 'bite' in military crisis response than this view gives credit. But since one of the main goals of EU military action will remain peacekeeping or peace enforcement under UN auspices and in circumstances which will need *de facto* approval of key European members of NATO, the view that the creation on paper of the joint forces is in some respects for 'show' is understandable, if somewhat misleading and superficial.

²⁷ 'The EU's Evolving Foreign Policy dimension – the CESDP after Helsinki', Speech by EU External Relations Commissioner Chris Patten at the Joint Meeting of European Parliament Foreign Affairs Committee with Members of the NATO Parliamentary Assembly, Brussels,

Secondly, the EU has made its involvement in the military security sphere contingent on the conformity of its actions with the principles of the United Nations Charter and the principles of the Organisation for Security and Cooperation in Europe (OSCE), including the Helsinki Final Act.²⁸ These constraints have raised a question about whether the EU will act when the UN or OSCE does not want it to do so, or at least is not able to agree on a response to some international emergency. Is the EU willing to allow China and Russia (or the U.S for that matter) a veto over its possible humanitarian and military actions through their seats on the UN Security Council? Some of the areas where the EU might see the keenest test of its crisis response abilities fall within what Russia views as its sphere of influence. The EU will probably not be willing to let Russia set hard and fast limits – through a Security Council veto – on its potential activities in places like Ukraine, Georgia, and Armenia.

A number of other background factors complicating development of CFSP and approaches to crisis response are worth mentioning briefly:

- tensions between quite different traditions in foreign and security policy: the ‘Nordic’ or common security approach on the one hand, and on the other, the NATO or collective security approach;
- the potential gap between the generally Eurocentric, defensive preoccupation of existing security structures in Europe (including NATO) and the globalist aspirations of CFSP;
- the relative lack of public or parliamentary oversight of how common foreign and security policy is evolving;
- the unusual nature of the EU’s institutions: while there is in principle at least a common foreign and security policy, there is no full scale functional equivalent to a national Foreign Ministry, and no common Defence Ministry is projected;

- bureaucratic tensions between the institutions that were engaged in preventive initiatives before the creation of CFSP and those created since;
- debates about spending priorities, both in terms of geographic areas for preventive action and the tools to be used; and
- natural tension between mission statements of particular institutions and the way in which those institutions evolve over time under the influence of their leader’s personality and the resources available.

Of the above sets of political and institutional issues shaping the debate about existing agreements and possible future arrangements, two are worth special attention: the balance between civilian and military crisis response roles; and the relationship between the scope of the evolving EU capacities and those already available from international organisations, especially NATO.

An obstacle much talked about in the corridors of Brussels but which may be less influential than the factors listed above is the struggle between the pillars of the EU. Many observers point to the professional, mutually respectful relations between Patten and Solana and see these as having pre-empted significant bureaucratic friction in their partly overlapping institutional functions.²⁹ Improved coordination between Member States reduced the potential for inter-pillar friction. The original idea of those who drafted the Treaty of Maastricht was that coherence between the three pillars, and between the Commission and Council, would be ensured substantially through the Brussels-based Committee of Permanent Representatives of Member States (COREPER).³⁰ While this has worked in many areas, the concept

22 February 2000. The full text can be accessed at www.europa.eu.int.

²⁸ This is established in Article J.1 of the Treaty of Amsterdam and in Annex IV of the Conclusions of the Helsinki European Council.

²⁹ The increasing ability of the senior political personalities heading EU foreign policy institutions to work together in support of a coherent position is being demonstrated during the current crisis in Macedonia. For example, when ICG met with NATO Secretary-General Lord Robertson in May 2001, he had just returned from a joint trip to Skopje with EU High-Representative Solana where. On the day ICG discussed the subject of this report with Solana, Commissioner Patten and the Swedish Presidency’s Foreign Minister, Anna Lindh were in Skopje delivering similar messages.

³⁰ It should be noted that the TEU does not formally assign a coordinating role for COREPER in respect of seeking coherence between the two pillars.

encountered early difficulty in CFSP. COREPER's efforts to co-ordinate CFSP were regularly complicated by the competing activities of the Political Committee, made up of senior officials (usually the Political Director in the foreign ministry) based in the Member State capitals. This bureaucratic turf fight has been greatly eased since 2000, when the Political Committee was augmented (and then effectively superseded in this area) by the Political and Security Committee (PSC). That reform brought the Political Directors (or diplomats of similar seniority) into the collective decision-making process in Brussels itself where PSC participants are permanently based. The PSC now effectively provides the previously contested strategic direction for CFSP, including all crisis response activities.

II. KEY INSTITUTIONS: OVERVIEW

The European Union is a unique form of political association in which the depth of union (transfer of national sovereignty prerogatives) varies significantly according to subject matter. As already indicated, the depth of the union in economic affairs is substantial, has evolved over decades, and finds elaborate legal form in the operations of the European Commission. While the Commission is responsive in political terms to the decisions of the European Council and Council of Ministers (see below), it has a legal responsibility set down in treaty form to act independently of any single party. By contrast, in CFSP, the depth of union is shallow though developing rapidly, and cooperation does not involve in general terms the bestowal of independent legal authority on any central body, such as the Commission. There are, however, some grey areas or exceptions to this general statement, and these are discussed further below.

A. THE COUNCILS

1. European Council

The European Council brings together the Heads of State or Government of the fifteen member countries and the President of the European Commission. It meets at least twice a year, often more frequently, and occupies the position of highest authority, setting out the EU's strategic guidelines and laying out its objectives. It is this

body which determines the principles and general guidelines for CFSP, including those with defence implications. Even when the prime ministers, chancellors and presidents do not personally discuss a policy point or proposal, if it is included in the Conclusions or in an annex, EU institutions have a mandate to carry out the necessary actions. The then President of the Commission, Jacques Delors, in an answer to the European Parliament in February 1989, equated the Conclusions of the European Council with an amendment of the Treaty as a basis for his ability to provide leadership.³¹

2. Council of Ministers: General Affairs Council

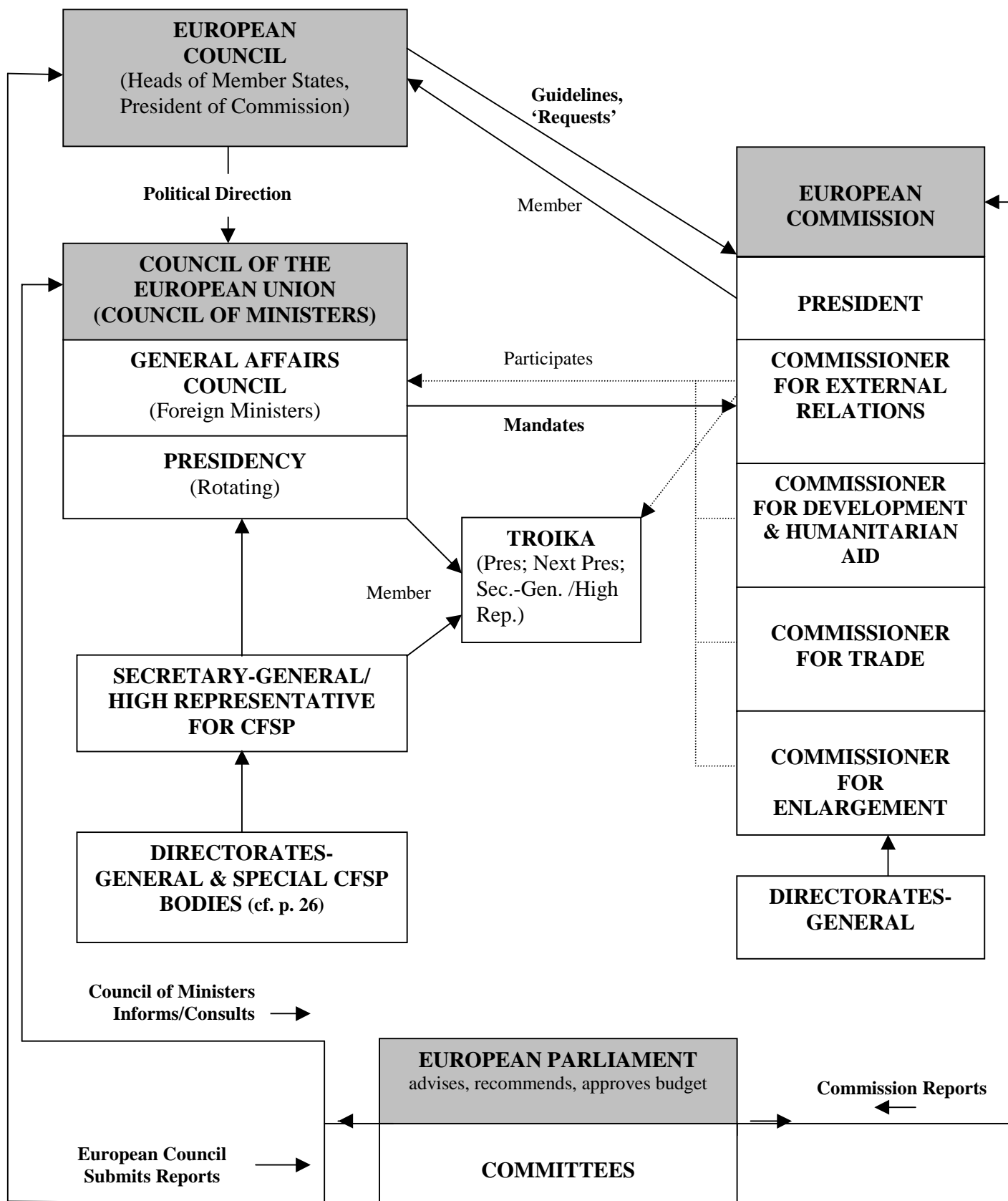
The Council of Ministers - known formally since the entry into force of the Maastricht Treaty as the 'Council of the European Union' - is legally one body but meets in different 'formations' according to the policy areas with which it is dealing. It includes one minister from each Member State (and the equivalent Commissioner).

The Foreign Ministers of the Member States form the General Affairs Council (GAC), which formally has two functions: the general co-ordination of all EU policies³² and the formulation and implementation of the CFSP. The former function derives from the position of the GAC as the most important formation of the Council of Ministers.

³¹ European Parliament, 16 February 1989: *EC Bulletin* supplement 2/89 p.60.

³² According to some observers, this is a function which the General Affairs Council no longer performs very adequately and which is increasingly being taken over by COREPER and the European Council.

Figure 2: Key Structures for CFSP



Each representative in the Council³³ is authorised by the sending Member State to take decisions, either unanimously or by qualified majority voting (QMV). These decisions are in most instances then binding on all Member States. The voting conventions for foreign policy issues are somewhat different³⁴. (See further Part V of this report.)

A representative sample of the hundreds of decisions with some relevance to conflict prevention and management taken over the last decade by the General Affairs Council includes:

- 1994 arms embargo on Sudan;
- 1995 joint action plan on the Great Lakes Region of Central Africa;
- 1997 co-financing mine clearance in response to Southern African Development Community (SADC) and International Committee of the Red Cross (ICRC) appeal;
- 1996 feasibility study for police assistance to Albania;
- 1997 agreement of code of conduct on arms exports;
- 1998 sanctions on UNITA in Angola to force it to fulfill peace treaty obligations;
- 1998 joint action on small arms;
- 1999 funding weapons collection and destruction in Albania;
- 1999 contributing to efforts to halt small-arms proliferation in South Ossetia; and
- 2001 policy on EU exercises for 'civilian and military crisis management capabilities'.

The Council has taken scores of decisions utilising a wide range of conflict prevention tools in respect of the former Yugoslavia, including the establishment of the Stability Pact for South Eastern Europe framework for post-conflict reconstruction and the offer to Balkan states of a new form of association with the EU. In May

³³The term 'Council' used by itself in the EU context means the Council of Ministers regardless of the formation in which it meets. By contrast, the European Council is not normally referred to in short form, but rather by its full title or by reference to the location of the relevant meeting, for example, Helsinki Council, Feira Council or Nice Council.

³⁴ The Commission representative in the Council does not have a vote.

2001, the Council adopted a new Common Position on conflict prevention, management and resolution in Africa. The main features of the Common Position are:

- strengthening African capacities for conflict prevention;
- elaborating regular surveys to identify potential violent conflict in Africa and presenting policy options to enhance EU capacity for early action;
- improving support for African capabilities in the field of peacekeeping; and
- emphasising the strategic role of development cooperation in conflict as well as the importance of following up on post conflict situations.³⁵

The actions of the Council can cut across efforts by other actors, such as NATO, OSCE or the UN, or even single Member States of the EU, in a given crisis situation. Frequently, the EU actions reinforce the positions of other actors, as in respect of the former Yugoslavia, where EU policy has not often been out of step with U.S. policy. On other occasions, actions of the Council can reply to perceived errors of judgement or lack of attention by other parties, as with the decision to send a delegation to North Korea in May 2001 in response to an apparent cooling of U.S. support for the inter-Korean dialogue.

3. The Presidency and the Troika

The Presidency of the Council rotates every six months among EU Member States.³⁶ The Member State holding the Presidency presides over virtually every Council or sub-Council meeting. Under Article 18 of the TEU (consolidated version), the Presidency is also responsible for ensuring that all agreed measures in external policy are implemented, and it represents the EU in all matters of external policy. Article 18 provides for support of the Presidency in external policy by the Secretary-General of the Council, who simultaneously holds the post of High

³⁵ 'Council Common Position concerning conflict prevention, management and resolution in Africa', 14 May 2001, 2001/374/CFSP, Official Journal, L132/3. See also *Agence Europe*, 16 May 2001.

³⁶ The order of rotation is determined by the TEU.

Representative for CFSP. Since the Commission is also 'fully associated' with the CFSP, the Presidency is required to consult with it in the field of external policy.

The six-month rotating Presidency system does have some weaknesses, particularly when dealing with foreign policy and military affairs. As many have complained, the term is so short as to ensure that much time and energy is committed to a seemingly never-ending transition process. A longer term might ensure some stability and regularity in operations. Also, it could be problematic to have a major crisis crop up at a time when one of the smaller EU members – that lacks political or military muscle – is in the Presidency.

Although the Presidency does not provide the country holding it significant room for independent action in external policy, the post gives each member government a good opportunity to add a distinctive flavour to external policy. This has been particularly evident in conflict prevention and crisis management. For example, the Swedish Presidency (January to June 2001) has given considerable impetus to the conflict prevention functions of the EU. It initiated a public debate on conflict prevention during the first meeting of the General Affairs Council, on 22 January 2001, where it announced its intentions to work with the Commission to agree an EU Program for Conflict Prevention at the Göteborg European Council in June 2001³⁷. The Swedish government also heightened the profile of conflict prevention by supporting a number of public seminars and conferences before and during its Presidency. These included a conference on enhancing the EU's response to violent conflict, which took place in the European Parliament in December 2000, and a conference on conflict prevention, which took place in Gripsholm in May 2001.

The term 'troika' refers to the committee comprising the incumbent Presidency, the next Presidency and the High Representative for CFSP. The format is used at both political and official level in order to give some degree of continuity and consistency to relationships with other

countries. The Commission is always represented as well, usually by the appropriate Commissioner, making the troika in effect a 'quadriga'. The participation of the High Representative is intended to provide the troika further continuity and foreign affairs professionalism. Before the creation of that office by the Amsterdam Treaty, the third (or fourth) participant was the Member State that had held the previous Presidency.

4. High Representative for CFSP

The Amsterdam Treaty established the office of High Representative (HR) for CFSP - to be held simultaneously with the office of Secretary-General of the Council of Ministers - to 'assist the Presidency' in the external representation of the EU. The HR is responsible to the European Council for the management of the CFSP and so can be regarded as virtually the EU's minister for foreign affairs and defence.³⁸ He is tasked to formulate, prepare and implement policy decisions and, on behalf of the European Council at the request of the Presidency, conduct political dialogue with third countries (Art.26).

The current High Representative, Javier Solana, was appointed by the European Council in 1999. He simultaneously is Secretary-General of the WEU. In early 2000, the High Representative reported that he had spent most of his time on crisis response and had had little time to devote to strategic planning for conflict prevention. It should be noted, however, that many of the specific areas of crisis management he was referring to (such as the former Yugoslavia) involved a considerable element of preventing further violent conflict.

In the event of an EU military response to a crisis, the role of the High Representative remains unclear. According to the Council Decision establishing the Political and Security Committee (PSC – see below), the exact role of the High Representative relative to the PSC will be determined by specific reference in the Joint Action (see below) to be approved by the Council at the time.³⁹

³⁷ See 'European Union Program for the Prevention of Violent Conflict', Annex III, Göteborg European Council Presidency Conclusions, 15-16 June 2001, accessed at <http://ue.eu.int>

³⁸ This is a loose characterisation, since the HR does not possess an independent political authority or power base unlike most national ministers.

³⁹ See the Council Decision setting up the PSC, Annex, Para 2.

B. EUROPEAN COMMISSION

The Commission, as empowered in Article 211 of the EC Treaty, is responsible for the 'proper functioning and development of the common market'. The Treaty gives it four functions to this end:

- ensuring implementation of the Treaty;
- formulating recommendations or opinions on matters dealt with in the Treaty;
- having the power of decision described in the Treaty; and
- exercising powers conferred on it by the Council for the implementation of rules laid down by the Council.

The role of the European Commission has no direct parallel in the governments of single states. While it is responsible for monitoring the economic performance of the EU and Member States, monitoring their compliance with EU legislation and initiating (though not deciding) policy and legislation for domestic and international economic relations, it has a clear mandate to remain independent from the political interests of single members. The President of the Commission is a member of the European Council.

The Commission's brief in the area of international affairs that flows from the Treaty is 'mainly, but not exclusively economic'.⁴⁰ The brief includes trade policy, associate countries and overseas territories, relations with international organisations, environment policy, and development cooperation.

There are four Commissioners with significant responsibilities for different areas of external relations: the Commissioner for External Relations (currently Chris Patten), the Commissioner for Development and Humanitarian Aid (Poul Nielson), the Commissioner for Trade (Pascal Lamy) and the Commissioner for Enlargement (Günther Verheugen). Their respective roles, and

how they work together in the 'Committee of Four', is the subject of further discussion in Part III below. It should be noted here though that the remit of the Commissioner for External Relations is largely economic in nature, though this does involve a number of broader political issues. For example, there are human rights clauses in EU trade agreements, and there are a number of political conditions in development cooperation and EU association agreements. And since economic matters impinge so directly on many matters of high politics, the Commissioner has an obvious interest in the latter.

The Commission, which has exclusive right of initiative of EU business in Pillar One, only shares this right with Member States in CFSP activities (Pillar Two). Like any Member State, it may submit proposals on CFSP to the Council, request the Presidency to convene an extraordinary Council meeting and make suggestions to the newly created Policy Planning and Early Warning Unit (see section on the Council below) for work to be undertaken by the Secretariat of the Council.⁴¹ Like the Presidency, the Commission informs the European Parliament of CFSP developments.

The Commission in general terms is strongly placed to help determine big foreign policy decisions of the EU where there is economic content because it can bring into play its substantial material resources. Where development cooperation and humanitarian assistance are involved, it has a relatively unchallenged role and influence. The fact that the Commission manages the CFSP budget as part of the EC budget is another avenue of influence over CFSP activities.⁴²

The EU's 2001 budget for external actions is more than 8 billion Euro, a figure that demonstrates the potential for the EU to make a considerable impact in conflict prevention and management.

⁴⁰ See European Parliament, 'Report on a Common Community Diplomacy', Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, 24 July 2000, A5-0210/2000.

⁴¹ See TEU Articles J.12, former J.8(3) and (4), and Declaration on the Establishment of a Policy Planning and Early Warning Unit (Treaty of Amsterdam).

⁴² According to the TEU: 'The administrative costs arising from the CFSP are borne by the European Communities' budget. Operational expenditure is met either from the Community budget or from Member States' contributions at the Council's discretion. In practice it is also being increasingly financed by the Community budget.' See: http://europa.eu.int/comm/dg10/publications/brochures/move/relex/pesc/txt_en.html#inst.

However, almost 40 per cent of that sum is dedicated to pre-accession aid for the applicant countries to the EU⁴³, funding that is difficult to think of as conflict prevention and management except in a very indirect peace building sense. Table 1 shows how this projected expenditure is broken up. This budget for external actions, most of which is for EU expansion, development cooperation, and administration of trade, clearly demonstrates the overwhelmingly economic character (broadly defined) of the Commission's external relations brief.

As in any political/bureaucratic situation, personal relationships can be at least as meaningful as formal lines on an organisation chart. The current focus on conflict prevention and management stems in part from the priorities of the Swedish Presidency, with which External Relations Commissioner Chris Patten enjoyed an excellent working relationship. After a meeting between Patten and Swedish Foreign Minister Anna Lindh in September 2000, the Commission started working on its 11 April 2001 *Communication on Conflict Prevention*. This document attempts to 'mainstream' a conflict prevention perspective into overall EU external actions in both the intergovernmental and Community spheres and to carve out a distinct niche for the Commission.

As with CFSP in general, the Commission's clear comparative advantage in conflict prevention and crisis response is in areas linked to economic instruments. This means for the most part, though not exclusively, addressing long-term structural factors or immediate humanitarian needs. This contrasts with the Council and the High Representative, who dispose of a wider range of diplomatic instruments more capable of short-term impact. In a speech in November 2000, Commissioner Patten said that conflict prevention is an area where he and the High Representative work closely together, but where much lies in the High Representative's area of responsibility 'rather than mine'.⁴⁴

In external policy, the Commission's functions have developed piecemeal along with the evolution of the European Communities and the European Union over five decades. They have not for most of that time been seen as manifesting either the intention or capacity for a comprehensive foreign policy. The traditional role of the Commission in external relations (acting on a mandate from the Council and the Member States) has been that of chief implementation agency for Community trade policy and aid and humanitarian assistance programs. The Commission also concludes international treaties on behalf of the EU.

This piecemeal evolution can still be seen in the structures of the Commission, where several Commissioners are responsible for aspects of EU external relations: the Commissioner for Development for relations with ACP⁴⁵ countries; the Commissioner for Enlargement for relations with the Central European and other countries nominated as candidates for EU membership; and the Commissioner for External Relations for relations with all other countries. A fourth Commissioner deals exclusively with trade questions. The Commissioner for Development is also the Chief Executive of EuropeAid (the aid implementation service, see below) and in his role as Commissioner for Humanitarian Aid is responsible for humanitarian assistance programs. To give coherence to this separation of functions, the Commissioner for External Relations has a co-ordinating role. (See the section on the Commissioners below.) Other Commissioners, such as those responsible for the environment and energy, are also involved in external relations from time to time in their spheres of competence.

⁴³ These include Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia; the second wave include Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia and, in a somewhat distinct status because it is not yet in negotiation, Turkey.

⁴⁴ Speech by Commissioner Chris Patten, OSCE Permanent Council, 23 November 2000.

⁴⁵ 71 African, Caribbean and Pacific countries that have signed a series of agreements on development assistance with the EC over many years.

Table 1: EU Budget 2001 External Action⁴⁶

		EUR million	% share
Pre-accession Aid		3,259.000	39.90
Cooperation	Mediterranean and Middle East	896.320	10.97
Cooperation	NIS & Mongolia	469.280	5.74
Cooperation	Asia	446.000	5.46
Cooperation	Latin America	336.250	4.12
Cooperation	Southern Africa	122.000	1.49
Cooperation	Balkans	839.000	10.27
Food aid and support ops		455.000	5.57
Humanitarian Aid		473.000	5.79
General Cooperation Measures			
Fisheries		273.440	3.35
Certain Community Policies		71.842	0.88
Eur. Initiative for Democracy and Human Rights		102.000	1.25
CFSP		36.000	0.44
Other		389.540	4.77
	TOTAL	8,168.672	100

C. EUROPEAN PARLIAMENT

The European Parliament is referred to in the 1997 Treaty of Amsterdam in the following terms:

[it] shall participate in the process leading up to the adoption of Community acts by exercising its powers under the procedures laid down in Articles 251 and 252 and by giving its assent or delivering advisory opinions.

Article 251 allows the European Parliament to reject or amend Commission proposals for legislation by a series of special steps, which amount to a power of 'co-decision'. Article 252 allows the parliament to amend or advise on Council proposals. The special steps involved in these two cases are quite complex, and involve arrangements for reconciling the opposing views.

In practice, the European Parliament has only a consultative role in CFSP. The Presidency of the Council is required by the TEU to consult the Parliament on the main aspects of the CFSP and to ensure that the views of the Parliament are taken into account. However, committees have begun to achieve a high profile. The High Representative, the Foreign Minister of the Presidency and the Commissioner for External Relations all report frequently to the Committee on Foreign Affairs, Human Rights, Common Security and Defence policy, which also holds joint hearings with the Committee on Budgets. The Committee on Development and Cooperation is also increasingly influential.

⁴⁶ General Budget of the European Union for the Financial Year 2001, January 2001.

The committees regularly publish substantial reports on their own initiative on important CFSP topics;⁴⁷ they give opinions and suggest amendments on some CFSP matters within the Community jurisdiction under the process of co-decision; and the opinion of the Parliament on CFSP matters is often cited in Council decisions.⁴⁸

On 15 March 2001, the Parliament passed a resolution on developing the EU's capabilities in conflict prevention and crisis management.⁴⁹ It called for an itemising of all the instruments at the disposal of the EU 'with a view to highlighting possible deficiencies' and 'making the necessary modifications'. The resolution called on the Commission to take the lead role in 'crisis prevention', since 'most of the instruments to be used fall within the scope of the first pillar'. (This statement about the location of the potential instruments is, in the view of this report, misleading.) It further called on the Commission and the Council to make an annual report on progress in 'conflict prevention and crisis management by civilian means'.

All aspects of crisis prevention, crisis management and post crisis reconstruction have budgetary implications and thus offer an opportunity for the European Parliament to demand to be taken as a serious player, especially with a 2001 budget for EU external actions of more than eight billion Euro (see above). In practice however, the power of co-decision on budgets is one that has not yet given the Parliament that much influence on CFSP.

The committees try to exercise influence primarily by providing a political forum claiming the authority of democratic representation. They put issues of international import on the agenda for debate in a variety of formats with the

⁴⁷ See for example, European Parliament, 'Report on a Common Community Diplomacy', 2000/2006(INI), Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, 24 July 2000, and the same committee's 'Report on the establishment of a common European security and defence policy after Cologne and Helsinki', 2000/2005 (INI), 21 November 2000.

⁴⁸ See for example, the Council decision on establishing the Rapid Reaction Mechanism. Council Regulation (EC) No. 381/2001, 26 February 2001, Official Journal L 057, 27/02/2001, p. 0005-0009.

⁴⁹ European Parliament, B5-0172/2001, Minutes of 15/03/2001, Provisional Edition.

representatives of the Presidency, Council, Commission and other institutions (such as NATO, OSCE, UN, World Bank). The committees have been particularly active on the crises in the Balkans and in the Middle East. European leaders (prime ministers, ministers of foreign affairs, the High Representative for CFSP, Commissioners) can be seen in the Parliament (both committee and plenary) almost every day. Parliamentary committees and individual deputies travel regularly in support of conflict prevention activities, especially promotion of human rights and democratisation.

III. THE ROLE OF THE COMMISSION

A. COMMISSIONERS RESPONSIBLE FOR EXTERNAL RELATIONS

The Commission's external relations portfolio is managed by the Committee of Four, which is chaired by the External Relations Commissioner and includes:

- the External Relations Commissioner, who is responsible for the Commission's role in CFSP, the co-ordination of all the Commission's external relations activities and Commission delegations in non-Member countries, and chairs the Board of EuropeAid; he is the Commission's interface with the General Affairs Council (comprising EU Foreign Ministers) and its interlocutor with the High Representative for CFSP, Javier Solana; together with the President of the Commission, he attends European Council meetings;
- the Commissioner for Development and Humanitarian Aid, who is responsible for relations with the African, Caribbean and Pacific states (ACP) countries and for humanitarian aid (ECHO), and is Chief Executive for EuropeAid;
- the Commissioner for Trade, who within a mandate given by the Council and the Member States, has wide ranging powers to negotiate and conclude international agreements with the EU's trading partners; and,

- the Commissioner for Enlargement, who is responsible for relations with the countries (currently thirteen) accepted as prospective members of the EU and for ensuring that the negotiations and preparations are carried out successfully.

Each of the four Commissioners has a personal Cabinet (staff of advisers) and heads the Directorate General (DG) which bears the name of his portfolio. There is, however, a major organisational disjunction between the role of the Commissioner for External Relations, who is responsible for coordination of external relations of the Commission, and the work of the DG for External Relations (RELEX), which he controls but which, in terms of specific geographic coverage, is only responsible for that group of countries not handled by other Commissioners and DGs. As already indicated, the ACP countries are the responsibility of the Commissioner for

Development and DG Development while candidate countries are the responsibility of the Commissioner for Enlargement and DG Enlargement. DG RELEX does, however, handle multilateral and thematic issues of foreign (economic) policy, which can have global coverage.

All of these commissioners have significant potential to contribute to conflict prevention and conflict management through both their functional responsibilities and the funds and staff at their disposal. The budget lines and staff resources for 2001 for these functions are shown in Table 2. It will be apparent that, by comparison with Commission expenditure, the cost of Council operations in total across both external and internal activities is minuscule.

Table 2: Budget Lines and Staff Person Years for 2001⁵⁰

	EUR Million	Person Years
TOTAL Commission	94,551.70	26,590
External Relations	3,332.80	2,277 ⁵¹
Development	1,080.00	1,749 ⁵²
Trade	61.6	462
Enlargement	1,749.4	632
Humanitarian Aid	696.3 ⁵³	151
Sub-total	6,920.1	5,271
Commission Administrative Costs	3,217.2	
Council Administrative Costs	367.2	

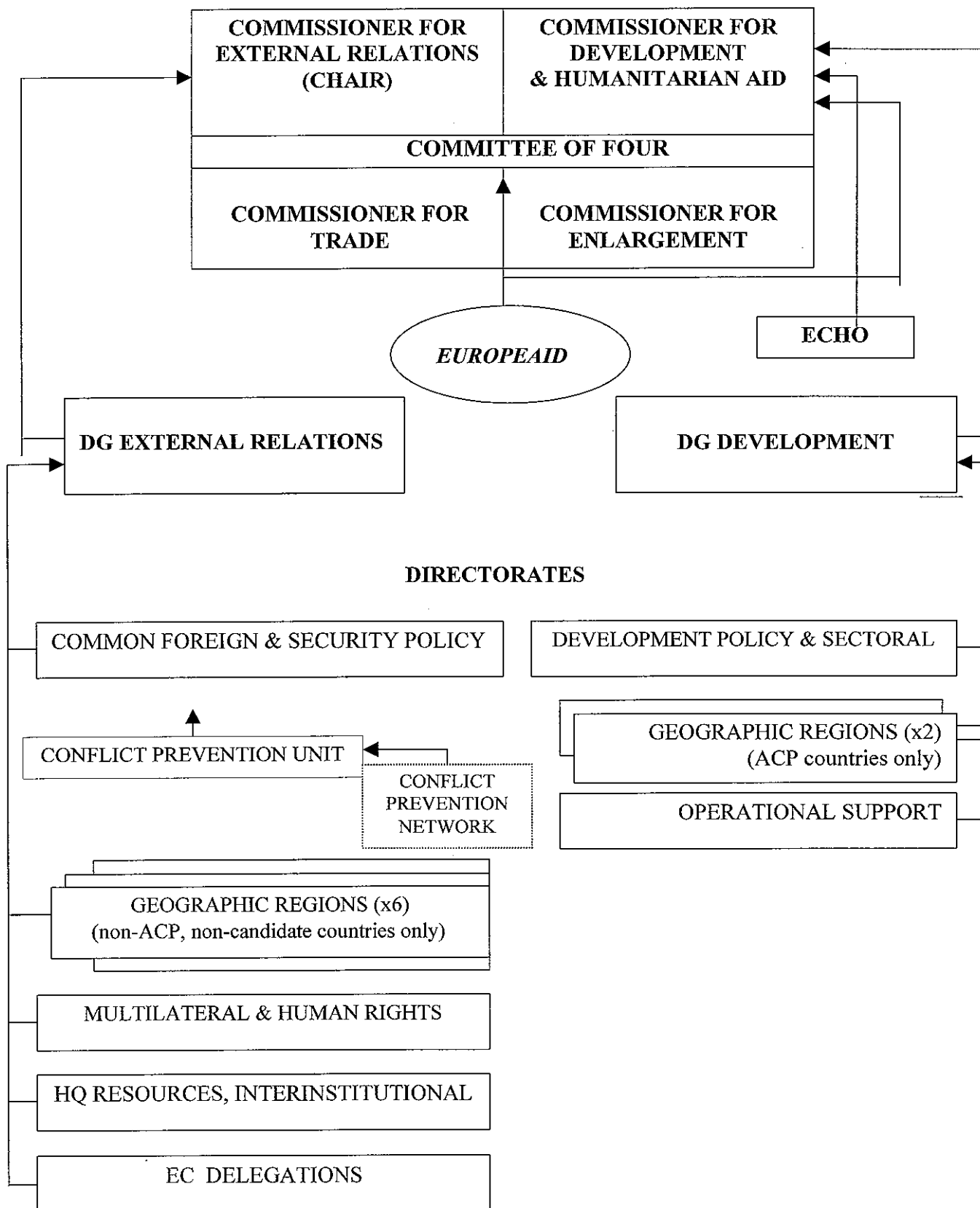
⁵⁰ General Budget of the European Union for the Financial Year 2001, January 2001.

⁵¹ Roughly half are in Commission delegations worldwide.

⁵² Includes staff with the European Development Fund.

⁵³ This is the figure given in the General Budget Chart for 'Budget by Policy Area' under the heading 'Humanitarian aid'. It is not the budget for total humanitarian and food aid for 2001, which is 928 million Euro, made up of 455 million Euro for food aid and 473 million for humanitarian aid.

Figure 3: Commission Structures for CFSP



B. THE DIRECTORATES GENERAL

The current structures of the Commission involved in external policy, which seek to 'reflect the Commission's growing role in external relations and to make it more effective', flow mainly from the Commission-wide administrative review conducted under Commission President Romano Prodi, who took office in 1999.

The DG External Relations (RELEX) is subdivided into ten directorates (A-K,⁵⁴ see Figure 3). Directorate A is responsible for thematic and institutional aspects of CFSP; Directorate B is responsible for multilateral relations and human rights; six directorates each deal with a geographical region (excluding the ACP countries, which are treated by DG Development, and the thirteen applicant countries, which are worked on by DG Enlargement). Two directorates are administrative.

The Directorate for Development (DG Development) contributes to the formulation of the EU's development co-operation policy and directly manages relations with the 71 ACP countries with which the EC had special development ties.⁵⁵ Before the restructuring of the Commission's external relations portfolio in 1998-2000, there was, in the predecessor to DG Development (formerly known as DG VIII), a small unit which focused on conflict prevention in ACP countries. This has now been disbanded and the responsibility assigned to country desks within DG Development, leaving the Conflict Prevention and Crisis Management Unit in DG RELEX (see below) as the only unit dedicated to this concept in the Commission. Links between RELEX and Development have been quite weak, and RELEX's ability to promote conflict prevention and peace building within development cooperation is limited since it has very few Africa specialists. That absence of ACP area specialists in RELEX, the main source of conflict prevention advice in the

Commission, is a deficiency that needs to be corrected, a fact recognised to some degree in plans for a new ACP policy team of three people in the Conflict Prevention unit.

DG Trade is charged with conducting the EU's international commercial policy. It covers all the main aspects of trade in goods and services – tariff and non-tariff barriers, trade defence, particularly in cases of dumping and subsidies, and export loans – as well as key aspects of intellectual property, investment and competition. DG Trade has so far had little direct involvement in EU conflict prevention and crisis management policies: the small unit which on the Commission side is responsible for the enforcement tool of trade sanctions resides in DG RELEX (Directorate A).

DG Enlargement deals exclusively with the ten Central and Eastern European countries and Turkey, Cyprus and Malta that have concluded some type of 'Europe' or 'Association' Agreement with the EU and are applicants for EU membership. The EU's pre-accession aid programmes (called 'Phare', 'Ispra' and 'Sapard') with the ten Central and Eastern European countries are managed by DG Enlargement itself rather than by the EuropeAid office.

C. EUROPEAN COMMISSION DELEGATIONS

The Commission has 126 diplomatic missions world-wide that perform many of the tasks associated with embassies of national governments, such as representing the interests of the EU to the host country, monitoring relations between the host country and the EU, and monitoring developments within the host country that might affect EU interests. Article 20 of the TEU requires delegations to cooperate with the embassies of Member States. Delegations are also being given more authority to administer EU development cooperation programs.⁵⁶ The

⁵⁴ There is no Directorate J.

⁵⁵ EC development cooperation with the ACP Countries started in 1958 with a five year program followed in 1964 by the first Yaounde Convention. A second Yaounde convention was signed in 1970, followed in 1975 by the first Lomé convention. There followed four Lomé Conventions, until the signing of the Cotonu Agreement in 2000.

⁵⁶ The policy of "deconcentration" relates specifically to increased authority being given to EC Delegations, and is distinct from "decentralisation" which refers to the same process but in reference to foreign ministries of Candidate Countries in EU accession. Deconcentration is to be implemented in different phases, with the launching of the first phase involving 23 delegations by the end of 2001. This will be extended to the remaining Delegations in 2002 and 2003 and will be accompanied by the transfer of personnel from EuropeAid into the delegations.

Commission is currently conducting new recruitment and training programs to bring more diplomatic professionals into the delegations. Since the delegations developed out of the Commission and Pillar One, they have played a much greater role in advancing Community interests (such as trade agreements) than in wider EU interests (including conflict prevention) encapsulated under CFSP.⁵⁷ The Heads of Mission are now expected to take a more active role than previously in conflict prevention and management. The missions of the EU have a potentially significant role to play in monitoring local conditions in their host country from the point of view of conflict prevention and management. While their field reporting may not be able to compete with highly polished intelligence assessments of member governments based on significant alternative sources available to larger teams of researchers in the home Ministries, the EU missions are often better placed to report on fast moving aspects of conflict or crisis in-country and on the effects of specific EU measures.

D. SPECIALISED ELEMENTS

1. Conflict Prevention and Crisis Management Unit

The Unit for Conflict Prevention and Crisis Management, which sits within Directorate A (CFSP Directorate) of DG RELEX, is responsible for the co-ordination of the Commission's work with CFSP. It is the lead unit within the Commission on conflict prevention. It was responsible for drafting the Communication from the Commission on Conflict Prevention published on 11 April 2001,⁵⁸ which not only summarised efforts to date but also critiqued the way ahead. This unit has a central role to play in promoting conflict prevention goals within the work of the Commission, especially through its Country Strategy Papers (CSPs).

In April 2001, the unit, which was created only late in the previous year, comprised four staff, but it is expected to expand to twelve by the summer of 2001. Its current brief of crisis management and

conflict prevention will be widened to include some ACP issues.⁵⁹ This move by DG-Relex to undertake substantial work on these countries, which have traditionally been the preserve of DG Development, marks an important innovation which will start the process of overcoming the somewhat irrational split of geographic responsibilities between the two DGs (and the corresponding Commissioners). Under the new arrangements, according to one source, three staff will deal specifically with the management of the Rapid Reaction Mechanism (see below), while four will focus on conflict prevention. A further section of four will provide the main liaison point to CFSP sub-structures in Pillar Two.

2. EUROPEAID

EuropeAid acts as an implementing agency for both DG Development and DG RELEX projects. Development projects are funded from the EC budget and the European Development Fund.⁶⁰ The idea of combining various Commission services responsible for implementing aid programmes – previously in a number of separate DGs – was put into practice in 1998 with the creation of the Common Service for External Relations (SCR). After several permutations in structure, and a push by the Commission to extensively reform its external aid management, the new department was re-christened EuropeAid (or more formally 'EuropeAid Cooperation Office') on 1 January 2001. The underlying concept was to improve the quality of Commission projects and the speed of their implementation and end payment delays, clear backlogs and simplify contract and grant award procedures. The Commission is one of the main providers of official development assistance, accounting for roughly ten per cent world-wide,⁶¹ and it is eager to

⁵⁹ ICG Interview, May 2001.

⁶⁰ The European Development Fund (EDF) is the main vehicle for providing development assistance from the EU to the Africa, Caribbean and Pacific (ACP) countries under the Lomé Convention. That treaty has been replaced by the Cotonou Agreement, signed in June 2000. Funding under the EDF is conducted on the basis of bilateral agreements between an EU member and an ACP state. Consequently, EDF funding does not appear in the budget of the European Commission. A small proportion of EDF funding is however administered by the Commission.

⁶¹ The EU together with its member countries accounts for 55 per cent of all ODA and about 66 per cent of all grant aid. See speech by Chris Patten, EU External Relations

⁵⁷ See European Parliament, 'Report on a Common Community Diplomacy', Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, 24 July 2000, A5-0210/2000.

⁵⁸ COM (2001) 211.

bring its hitherto poor reputation as an unfocused or poorly directed donor in line with the considerable level of its spending.

While EuropeAid implements all external aid instruments of the Commission funded by the EC budget and the European Development Fund, it does not deal with pre-accession aid programs (DG Enlargement), humanitarian assistance (ECHO), macro-financial assistance, CFSP or the Rapid Reaction Mechanism (see below). EuropeAid is supervised by a Board comprising the Commissioner for External Relations (Chairman), Commissioner for Development and Humanitarian Aid (Chief Executive), and the Commissioners for Trade, Enlargement, and Economic and Monetary Affairs. The political responsibility lies with the Chairman and the Chief Executive.

The cabinet of External Relations Commissioner Chris Patten plays an increasingly important role in giving a 'political steer' to EuropeAid (and the EU's Agency for Reconstruction, operating in Serbia, Montenegro and Kosovo) in order to disburse aid packages more quickly and creatively if there is an urgent need for conflict prevention/crisis management responses. Examples of this are the 'Energy for Democracy' project in Serbia in the autumn/winter of 2000 (outside the regular annual program), and an emergency project in spring 2001 to rebuild houses in ethnic Albanian villages (destroyed in the early stage of the Macedonia conflict) to prevent the further escalation of local grievances⁶².

In early 2000, EuropeAid had 750 personnel. A planned increase to 1,200 is due to be completed by the end of 2001. The organisation is structured along geographical lines.

3. ECHO

The European Humanitarian Aid Office (ECHO) coordinates the European Commission's humanitarian aid program, its funding of emergency and disaster relief, and its support for disaster preparedness actions. In 1999, the Office

was placed under the remit of the Commissioner for Development in an attempt to address the linkages between its brief and those of development cooperation. The stated goal was to establish greater coherence between internal EU structures tasked with the different activities of development and humanitarian response.

The budget line for humanitarian aid for 2001 is 696.3 million Euro, accounting for just under ten per cent of total EU external relations spending. In the event of unexpected major crises, this budget line allows for an emergency reserve of 208 million Euro. The Office currently employs just under 180 staffers based in Brussels, and has 60 field offices across the globe. In 2001, the office expects to be present in humanitarian crises in over 60 countries and territories.

Established in 1991, ECHO's mandate is to offer assistance to communities in any non-European Union country seriously affected by natural disaster, or man-made crises, such as war and natural disasters. The aid is intended to go directly and quickly to those in distress on a non-discriminatory basis. ECHO also carries out feasibility studies for humanitarian operations; monitors humanitarian projects, and sets up coordination arrangements. It trains specialists in disaster relief and provides other technical assistance.

ECHO implements its mandate through Framework Partnership Agreements (FPA) with international organisations, such as the United Nations and the International Committee for the Red Cross (ICRC), and Non-Governmental Organisations (NGOs). In 2001, ECHO published the first in a series of annual aid strategy papers, which are to establish the general guidelines for the humanitarian interventions it finances, define general programming principles, and outline geographic priorities. In 2001, the priority regions include the Balkans, the Great Lakes region, the Horn of Africa, and countries/regions with protracted humanitarian crises such as the Northern Caucasus, Afghanistan and Colombia. Six horizontal priorities were defined, including disaster preparedness measures and security of relief workers. The latter brings ECHO, somewhat unwillingly, into questions associated with EU planning for deployment of military forces.

Commissioner, Institut Français des Relations Internationales, Paris, 15 June 2000.

⁶² For difficulties experienced in the implementation of the Macedonia project, however, see the ICG briefing paper *The European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane*, 26 June 2001.

The current institutional reform process within the EU institutions will inevitably affect ECHO. It remains to be seen, however, whether ECHO will be integrated further into the conflict prevention and management machinery, potentially at the expense of its ability to execute its strictly humanitarian mandate.⁶³ Whatever the institutional outcome, ECHO will certainly continue to contribute to overall EU activities in external relations in many contexts. This includes disaster preparedness, both in the context of the ACP-EU Partnership Agreement and in civil protection. In the latter instance, there will be need for it to co-ordinate with EU civil protection as practised by Member States and other elements of the Commission.⁶⁴

E. CONFLICT PREVENTION NETWORK

The Conflict Prevention Network (CPN) is an "outside" organisation established on the initiative of the European Parliament, funded by the Commission and dedicated to support it in conflict assessment and analysis. CPN's work is coordinated by a leading European think-tank, Stiftung für Wissenschaft und Politik. It is based in Berlin, with a liaison office in Brussels. CPN provides a link between the Commission and European Parliament and external research institutions. Specific functions include commissioning policy studies of impending or open crises in specific locations and more thematic or crosscutting research with a longer-term perspective, such as complementarities between the World Bank and the EU in conflict prevention. CPN produces briefing papers and in-depth studies, and organises workshops, seminars, and an Annual Conference. It has also been tasked with developing conflict indicators to be used in the assessment of conflict situations in the context of the Commission's country strategy papers. Similarly, it has compiled a handbook of conflict prevention instruments for Commission officials involved in project management.

During the initial phase of the CPN project, there was criticism of the mandate and methods of CPN. Writing in 1998, two specialists remarked that:

- CPN was formally tasked to focus analysis only on existing instruments within the First Pillar;
- CPN lacked the institutional ability to reflect a genuine 'union interest';
- CPN had a very limited scope for initiating research itself; and
- restrictions on dissemination of CPN's work limited broader public consultation and scrutiny.⁶⁵

Since the launch of the new CPN project in autumn 2000, the mandate and methods have changed somewhat, countering some of these criticisms. CPN research has been and continues to be commissioned largely by DG Relex, but also to a lesser extent by other Commission services such as DG Development and ECHO. Its main counterpart is now the 'Crisis Management and Conflict Prevention Unit' – which is itself relatively new. CPN has also developed a working relationship with institutions other than the Commission. In fact, the CPN Advisory Committee brings together officials from Council, Commission and Parliament, something which few other groups, units or fora can claim. This, in a way, refutes the criticism that CPN cannot reflect a genuine 'union interest'.

Most of CPN's work remains confidential, which continues to be bothersome to others (particularly the Parliament and NGOs). CPN feels that this has helped foster a closer relationship to the Commission. It means that products are end-user oriented, which maximises the effect and usefulness of the policy advice. Some products are eventually cleared for public dissemination, and the CPN annual yearbook does contain some of its reports, albeit not enough to satisfy the demands by some parliamentarians for more open discussion.

Also, while in the past CPN's workplan was generally determined by the Commission, it is increasingly able to undertake self-generated projects. Nevertheless, CPN prefers the Commission to make requests so that it is best able

⁶³ Ibid.

⁶⁴ See the Commission's Proposals for a Community Mechanism for Civil Protection Coordination, COM (2000) 593 final.

⁶⁵ See Alexander Costy and Stefan Gilbert, 'Conflict Prevention and the EU', International Alert, September 1998.

to target actual needs. Another positive corollary to working according to specific requests, CPN argues, is that it does not pursue an 'agenda' or have any ideological predilections of its own (apart, of course, from promoting the concept of conflict prevention).

But CPN's institutional distance from the Commission means that it is not part of the day-to-day work which is especially important in actually dealing with fast breaking political developments of the sort that characterise many pre-conflict, not to mention conflict management situations. Its product, therefore, cannot easily be shaped to respond to the needs of an actual, as opposed to a possible crisis.

IV. THE COUNCIL AND THE MEMBER STATES

Relations between the different elements of the Council, its new Military Committee, and the Secretariat are not easily represented for all purposes in a straightforward hierarchy. Since the Council is a consultative, inter-governmental body, some of the groups supporting it are constituted in the same mode and are, therefore, in some sense not strictly subordinate to the Council. Figure 4 gives a schematic representation of effective working relationships between these groups rather than a strictly legal description.

A. THE HIGH REPRESENTATIVE AND THE COUNCIL SECRETARIAT

The Council of Ministers – in this context the General Affairs Council – is supported by a General Secretariat (hereafter called Secretariat) headed by the Secretary-General, who is simultaneously High Representative for the Common Foreign and Security Policy. He is appointed by unanimous decision of the European Council. The Secretariat of the Council comprises the Private Offices of the Secretary-General and the Deputy Secretary-General, a Legal Service, a Press Office and Directorates-General for different policy areas.

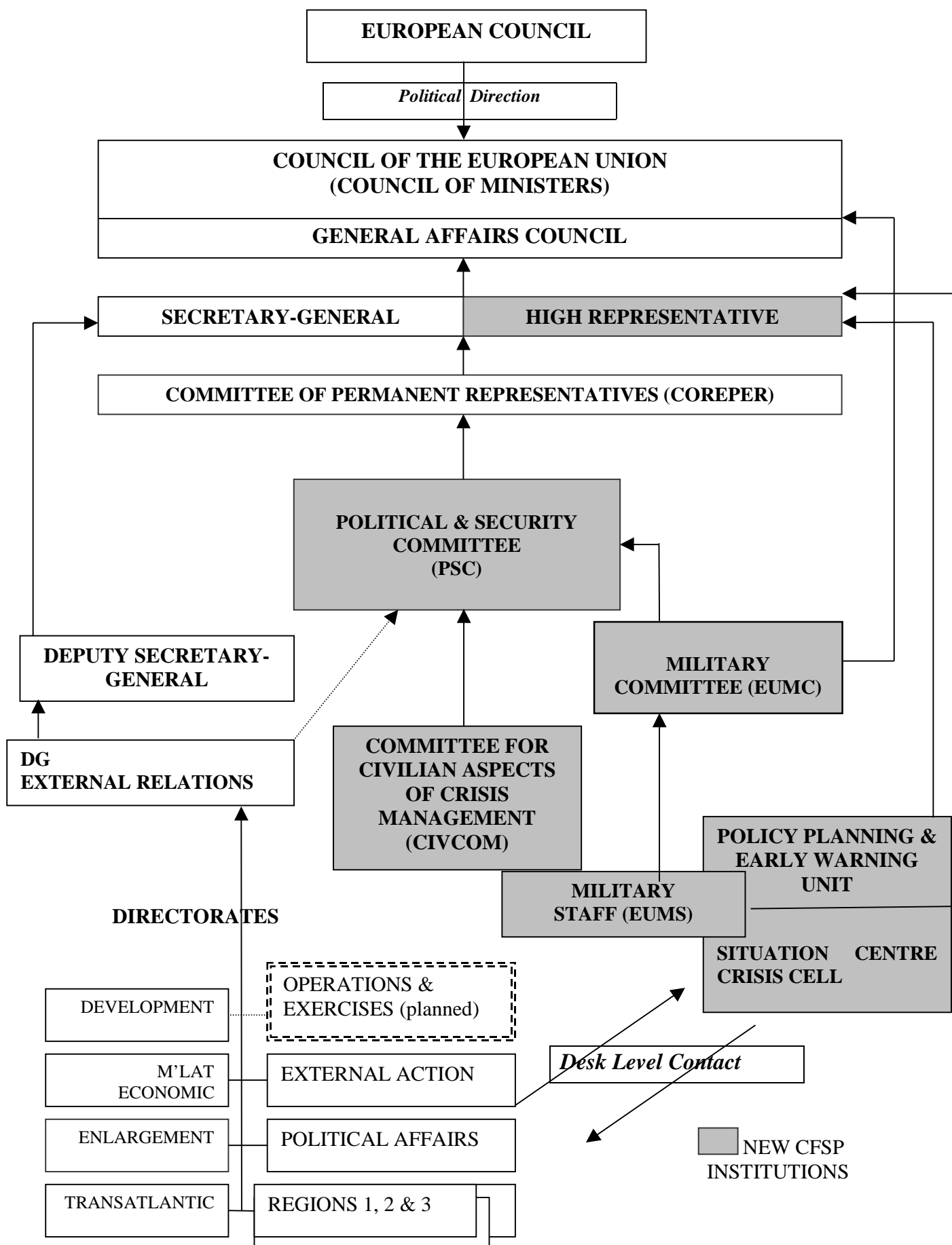
The Secretariat's main responsibility is to prepare the meetings of the European Council, and of the Council and its preparatory bodies, such as the COREPER, the Political and Security Committee

(PSC) and Working Groups established on an ad hoc basis for various issues. It advises the Presidency and the Secretary-General on coordination issues. Secretariat officials have considerable influence because they try to find formulas, which will enable negotiators to reach compromises at all levels in the Council. They know the problems that different Member States have with a proposal, and they help the Presidency to find a solution that will address these problems and enable the dossier to advance. They are the 'lubricating oil' in the Council machinery.

The Secretariat organises interpretation for meetings, translation of documents into the official languages and, through its legal linguist department, ensures that all EU legislation decided by the Council has the same meaning in all languages. The Legal Service provides legal advice for the Council and the Committees and represents the Council in any cases before the European Court of Justice. The Secretariat administers the Council budget. Approximately 2,500 officials, all nationals of the fifteen Member States, work in it.

The Amsterdam Treaty reinforced the functions of the Secretariat so that it could better assist the Presidency. The Deputy Secretary-General is now responsible for executive support to the Council, leaving the Secretary-General (as High Representative for CFSP) free for the conduct of foreign and security policy.

Figure 4: Council Structures For CFSP



The Secretariat has nine Directorates General,⁶⁶ of which one deals with External Relations (DG-E). The Director General of DG-E is supported by two Deputies, one responsible for economic policy and one responsible for CFSP. DG-E presently has nine directorates:

- I. Enlargement
- II. Development
- III. Multilateral Economic Affairs
- IV. Transatlantic Relations, UN and Human Rights
- V. World Regions I (Southeastern Europe, Gulf, Iran, Iraq, Yemen, Mediterranean, Middle East, Maghreb)
- VI. World Regions II (Asia, Oceania, Latin America, Africa)
- VII. World Regions III (Western Balkans, Former USSR, Central and Eastern Europe)
- VIII. Security (Relations with WEU, non-proliferation, disarmament, OSCE)
- IX. General Affairs and Co-ordination (Political Committee, European Correspondents, CFSP advisors, RELEX, CFSP administrative matters, UN liaison).

DG-E is being restructured in 2001, however, to take on functions in support of the European Security and Defence Policy (ESDP)⁶⁷. (The reorganisation will involve the revamping and renaming of directorate VIII – Security – to the directorate of Political Affairs. It will be responsible for all political aspects of ESDP. Directorate IX – General Affairs and Co-ordination – will become the Directorate for External Action and will be responsible for CFSP (joint actions, sanctions) and all aspects of civilian actions. It will include a unit to handle the planning and conduct of police operations. An additional directorate – Operations and Exercises – will be created and made responsible for strategic level military and civilian planning and exercises. Approximately 40 new positions will be created with these changes. This will take DG-E total personnel to just over 130.

⁶⁶ Short titles of the Directorates General are as follows. A: Administration and Protocol; B: Agriculture and Fisheries; C: Internal Market; D: Research, Energy and Transport; E: External Relations; F: Relations with European Parliament; G: Economic and Financial Affairs; H: Justice & Home Affairs; I: Environment and Consumer Affairs; J: Social Policy and Employment.

⁶⁷ See footnote 23 for a summary of ESDP evolution.

In June 2001, half of DG-E was moved and co-located with other Council bodies involved in crisis management (the Military Staff, the Situation Centre, the Policy Unit) in a new 'secure' building (the Kortenberg Building) 700 meters from the Justus Lipsius building of the Council of the European Union.

Two important units within the Secretariat with crisis response functions, reporting directly to the Secretary-General, are the Policy Planning and Early Warning Unit, and the Situation Centre.

1. Policy Planning and Early Warning Unit

As provided for in the Amsterdam Treaty, a Policy Planning and Early Warning Unit (now called the Policy Unit) has been established within the Council Secretariat. It reports to the Secretary-General (High Representative) and also works with the Commission to ensure coherence with EU trade and development policies.⁶⁸ Its mandate includes monitoring, analysis and assessment of international developments and events, including early warning on potential crises. It also drafts, upon Council request or on its own initiative, policy options, which may contain recommendations and strategies for presentation to the Council under the responsibility of the Presidency. The Policy Unit's staff of 24 is drawn from the Council Secretariat, Member States, the Commission (one representative) and WEU, a composition one source described as an 'interesting social experiment'. The unit is divided into task forces as follows:

- European Security and Defence Policy (ESDP);
- Western Balkans/Central Europe;
- Horizontal Questions/Latin America;
- Russia/Ukraine/Caucasus–Transatlantic, Baltics, Asia;
- Mediterranean/Middle East/Africa;

⁶⁸ The Policy Unit has declared its intention to work closely with the Commission, especially DG RELEX. Safer World and International Alert, 'EU Reforms: Militarisation or Peace Building?', *Outlook on Brussels*, 15 March 2000, p. 2.

- Administration/Security; and
- Situation Centre/Crisis Cell

Though the Policy Unit will be co-located with DG-E and mirrors some responsibilities of its directorate responsible for CFSP and security, it is a separate structure in the Council that reports directly to the High Representative/Secretary-General. Member States are obliged to 'assist the policy planning process by providing, to the fullest extent possible, relevant information, including confidential information' to the Policy Unit.⁶⁹ The workload of the unit since its inception has been heavy, with several of its staff assigned on an emergency basis to work on the Balkans, rather than on their nominal geographic responsibilities. According to some observers, the unit is developing into an extended personal Cabinet of Solana, rather than having the early warning function⁷⁰ it was assigned in the official documents. This was probably an inevitable and necessary development, given the few resources assigned to Solana and the Council relative to the tasks, but it is one reason why more attention may need to be paid to the rationalisation of EU CFSP staff resources (especially between the Council and the Commission).

2. Situation Centre

To assist it in its tasks of monitoring developments, and providing early warning assessments, the Policy Unit established a Situation Centre (SITCEN), part of a joint civilian-military Crisis Management Centre to be located in the new Kortenbergh building. The Situation Centre is formed by juxtaposition, without dividing walls, of the (civilian) Policy Unit and the military situation centre. It has a small staff and operates on a 24-hour basis, using a system of duty officers. In 'conditions appropriate to crisis management', the Situation Centre directly supports the Political and Security Committee (see below) and the Military Committee (see below). The Situation Centre will receive information from the Satellite Imaging Centre at Torrejon, Spain, which used to provide information to the WEU.

⁶⁹ Declaration No. 6 to the Amsterdam Treaty.

⁷⁰ Early warning does not consist simply of alerting policy makers to a potential problem, but having the time and resources to devise appropriate policy responses to it.

3. Monitoring Missions

The EU Monitoring Mission (EUMM) is the current form of a predecessor established by the EC (ECMM) in 1991 to report on political, economic and humanitarian developments in the former Yugoslavia (including Croatia, Bosnia, and the Former Yugoslav Republic of Macedonia) and Albania. In December, the Council approved a change of name to EUMM and clarified its reporting and funding arrangements. The mission, led by an Ambassador from a Member State and appointed by the Council, has over 100 monitors who work in the Balkans countries and who are organised into mobile teams for easy deployment. In March 2001, the High Representative ordered the strengthening of the EUMM in southeastern Serbia (in the Presevo Valley), where according to the EU, it was the only international civilian presence carrying out regular monitoring. The EUMM's brief is to give special attention to border monitoring, inter-ethnic issues and refugee return. Norway and Slovakia, who are not EU members, also participate in the EUMM. The EUMM has its headquarters in Sarajevo.

On 25 April 2001, the EU agreed with the Yugoslav government on the opening of mission offices in Belgrade and elsewhere for deployment of a team of monitors from EUMM.⁷¹ The monitors will be unarmed, as they are elsewhere, and they will have full diplomatic status. The Head of Mission reports directly to the Council through the Secretary-General. The EUMM offices in Yugoslavia will have a confidence-building role as well as a reporting role. In Kosovo in 1999, the then ECMM worked with the OSCE's Kosovo Verification Mission.

B. COMMITTEE OF PERMANENT REPRESENTATIVES (COREPER)

COREPER meets in two formations. COREPER II is made up of the Ambassadors or Permanent Representatives who head each Member State's permanent representation in Brussels. COREPER I is manned by the Deputy Permanent

⁷¹ Agreement between the European Union and the Federal Republic of Yugoslavia on the Activities of the European Union Monitoring Mission (EUMM), 25 April 2001, *Official Journal*, L 125/2, 5 May 2001. (The agreement replaced a memorandum of understanding signed on 13 July 1991.)

Representatives, who may come from one of the economic ministries in their own country rather than from the Foreign Service. COREPER I and II prepare the dossiers for all Council meetings. Both COREPERs meet every week, often more than once, and their senior officials always accompany ministers to Council meetings. Because they meet so frequently and cover the full spectrum of EU business, they are in the best position to ensure consistency and coherency between many policy areas.

Permanent Representatives have to have a Janus like quality. They act on instructions from their government and try to negotiate a deal in the best interests of their country but they also have the task of telling their government when their position is untenable and they risk being isolated or outvoted. Because they are very senior officials who have the confidence of their government, they are usually given considerable leeway to negotiate. As they also know each other very well and come to understand the special problems of individual governments, they try to find compromises that will resolve these problems for their colleague and his government. If agreement can be reached at COREPER level, as happens in the great majority of instances, the dossier goes up to the Council meeting as an 'A' point for formal decision without further discussion.

C. POLITICAL AND SECURITY COMMITTEE

The PSC was established as a Brussels based permanent committee on 22 January 2001 by a decision of the Council.⁷² It replaced an interim body of similar composition and purpose established a year earlier, which had been better known by the acronym COPSI (from the French for Interim Political and Security Committee). The PSC has quickly become the 'linchpin' of CFSP and ESDP and has a 'central role' in the definition and follow-up of EU response to a crisis. It supervises the implementation of EU decisions in response to crisis conditions and is charged in the Treaty of Nice with responsibility for crisis management under the direction of the Council. The PSC is to exercise full political and strategic direction of a crisis management operation, either

civilian or military – though this can only occur where the Council has agreed a comprehensive framework for response. It sends guidelines to and receives advice from the Military Committee and the Committee for Civilian Aspects of Crisis Management (see below). It is the PSC, which proposes to the Council the overall EU strategy in a given crisis, though the Commission retains its authority to take measures falling within its competence.⁷³ COREPER still processes all preparatory work for the Council, but the Chairman of the PSC can participate where necessary in a crisis situation in the work of COREPER.⁷⁴

The PSC is made up of officials of ambassadorial rank from each Member State, often former deputy Political Directors, who it is hoped will develop the same club-like ethos as COREPER in order to facilitate decision-taking and coherence of actions. The Commission is also represented at PSC meetings. These are chaired by the Presidency but the High Representative may, after consulting the Presidency, also perform this function.

The PSC is supported by European Correspondents⁷⁵ of EU Member States and the Commission, who coordinate daily CFSP business and prepare PSC meetings. CFSP Working Groups composed of experts from EU Member States and the Commission meet along geographical and horizontal lines to elaborate policy documents and options for the consideration of the PSC. CFSP Counsellors from EU Member States (based in the Permanent Representations) and the Commission examine horizontal problems concerning CFSP, in particular legal, institutional and financial aspects.

Although the Ambassadors on the PSC are lower in their national hierarchy than their Political Directors back home, it is widely assumed that because they are in Brussels and in permanent charge there, they are, *de facto*, the single most important group in the management of CFSP and

⁷² Council Decision of 22 January 2001 setting up the Political and Security Committee, *Official Journal*, L027, 30/01/2001, P. 0001-0003.

⁷³ See the Council Decision setting up the PSC, Annex, Para 2(b).

⁷⁴ See the Council Decision setting up the PSC, Annex, Para 2(a).

⁷⁵ The European Correspondent in each member state foreign ministry and the Commission (RELEX) is normally a middle-rank diplomat who works under and very closely with the political director.

ESDP after the General Affairs Council itself. The High Representative, Javier Solana, speaking in Nice in December 2000, described them in the following terms 'it is essential that a single body should have access to all the information, proposals and initiatives relating to the crisis in order to make a global assessment'. This role, he said, falls to the PSC.

1. Military Committee

On 22 January 2001, the European Union Military Committee (EUMC), a body of military representatives of Member States' Chiefs of Defence, was established as a Council group to give military advice as required to the PSC and to direct the work of the European Union Military Staff (see below). The EUMC meets at the level of Chiefs of Defence when circumstances warrant. The Chairman of the EUMC attends Council meetings when decisions with defence implications are taken. The EUMC replaced an interim body of similar composition and purpose established a year earlier. In April 2001, the Council appointed General Gustav Hägglund of Finland as Chairman of the Military Committee of the European Union for a period of three years.

The Council decision setting up the EUMC noted that military advice from it to the PSC would be based on 'consensus'.⁷⁶ The EUMC is the 'forum for military consultation and cooperation between EU Member States in the field of conflict prevention and crisis management'. It is not legally subordinate to the PSC but advises it on the Concept of [Military] Operations (CONOPS) developed by the Operation Commander⁷⁷ and the

⁷⁶ See the Council Decision setting up the EUMC, Annex, Para 3.

⁷⁷ Arrangements for this post do not appear to be fully developed yet. A Council decision of 1999, made the following statement: 'Depending on the character of the operation, a headquarters adapted to the contribution and presence of both organisations may be called for, in particular in the case of humanitarian or non-military operations. In other cases, consideration may be given to the integration of an EU representative into the force headquarters, for example for purposes of liaison and/or to fulfil specific tasks. For the success of the operation it is crucial, however, that responsibilities are clearly identified and that the unity of command is preserved. In particular, the need for the operation commander to have a single chain of command leading up to WEU Permanent Council must be respected.' See Council Decision concerning the

associated Operation Plan (OPLAN). Thus, it is the Operation Commander, especially appointed for a new crisis management operation, who supervises the actual military planning. The planning for the actual military operations will be a decision of the 'Committee of Contributors', an ad hoc group to be formed from countries contributing military units to an EU force.

2. Military Staff

The European Union Military Staff (EUMS) is designed to assist the Council structures exercise political control and strategic direction for Petersberg-type operations. It was initially composed of some twenty military experts and eight civilian secretaries. It currently includes approximately 40 staff and will grow towards a target figure of 134 staff by 2003, after moving to its new premises. This military staff will not do the planning for a specific deployment or operation, but rather draw up strategic military options for the Council, which will be evaluated by the Military Committee.⁷⁸ The options paper will 'describe the outline military solution, the required resources and constraints, and recommendations on the choice of the operations commander and OHQ [Operation Headquarters]'.⁷⁹ The operations commander will be responsible for devising the specific operational plan that conforms to the political direction he has received.

The EUMS works under the military direction of the Military Committee, but it is a 'Council Secretariat Department directly attached to the SG/HR'.⁸⁰

The agreed structure of the Military Staff includes five Divisions:

- Policy and Plans;

arrangements for enhanced cooperation between the European Union and the Western European Union, 10 May 1999, *Official Journal*, L153, 19/06/1999, pp. 1-27.

⁷⁸ See the Council Decision setting up the Military Committee of the European Union, 22 January 2001, *Official Journal*, L207, 30/01/2001, pp. 4-6.

⁷⁹ Council Decision on the establishment of the Military Staff of the European Union, 22 January 2001, *Official Journal*, L 027, 30/01/2001, pp. 7-11.

⁸⁰ See Council Decision on the Establishment of the Military Staff of the European Union, 22 January 2001, *Official Journal*, L 027, 30/01/2001. p. 4.

- Intelligence;
- Operations and Exercises;
- Logistics and Resources; and
- Communications and Information Systems.

The EU's transition to full operating capability to undertake Petersberg missions will, however, require the development of the EU's relationship with NATO and the relevant national and multinational⁸¹ headquarters of EU Member States.

3. Civilian Crisis Management Committee

In June 2000, the Feira European Council identified policing, strengthening the rule of law, strengthening civilian administration and civil protection as the four priority areas in which the Union intends to enhance its capabilities for use in operations led by the UN, OSCE or the EU itself. It therefore resolved to set up the Committee for Civilian Aspects of Crisis Management (CIVCOM), which was formally established by a Council decision of 22 May 2000 and met for the first time on 16 June 2000. It reports formally to COREPER but receives guidance from and provides information to the PSC. By virtue of a number of considerations, CIVCOM has begun to report more substantially to the PSC. It has continued the process of developing an inventory of resources required for non-military crisis response and conflict prevention either within EU organisations or within Member States, as described below.

Police. The Feira European Council established the first concrete target for civilian crisis response when Member States committed themselves to provide 5000 police officers, 1000 of them to be deployable within 30 days, for international missions, by 2003. CIVCOM has helped advance this goal, drawing on the expertise of a third pillar working group (Justice and Home Affairs), by identifying capacity requirements, establishing common criteria for the selection of police staff and agreeing common training standards. CIVCOM has also proposed how to structure the

conduct and planning of police operations. On 10 May 2001, Solana confirmed that a unit for police operations would be established in the External Action Division of the External Relations DG of the Council Secretariat. In June 2001, the Göteborg Council approved more specific requirements for the planning and conduct of police operations. These included a planned police ministers summit for resolution of strategic planning issues, development of draft 'status of forces' agreements to provide legal cover for deployment, development of command and control procedures, enhancement of interoperability, and financing arrangements.

Rule of Law. The Civilian Committee has also been tasked with establishing concrete targets to improve the Union's capacity to strengthen and restore local judicial and penal systems. As a first step, the Committee has established a database designed to record Member States' ability to make available specialist judicial and penal staff. It will also identify needs regarding the selection and training of international prosecutors, judges and other experts and co-operate closely with the OSCE and Council of Europe in the training of these officials. The Göteborg Council called on Member States to be ready by 2003 to be able to deploy up to 200 officials (prosecutors, judges, and correctional staff), and for this capability to include a rapid response group of rule of law specialists who can deploy on 30 days notice to provide early planning on rule of law support. The European Commission will during 2001 begin preparations for the development of common training for these officials.

Civil Administration. CIVCOM is engaged in exchanging information on the selection, training and deployment of civilian administration experts. It will define the general functions, which may be required to strengthen civilian administration in crisis situations and plans to elaborate a broadly phrased target for attainment of this functional capability. The Göteborg Council committed the EU to establishing a pool of experts in general administration, social services and infrastructure functions who can perform training, monitoring or executive functions. CIVCOM will draw up a more detailed list of functions and expert categories, identify shortcomings, and develop common training processes.

⁸¹ A number of multinational forces or structures involving only some EU members already exist. Italy and Spain have established a joint amphibious force, and southern European members have set up a joint maritime force.

Civil Protection. CIVCOM has been tasked with developing firm targets for civil protection assistance. At the Göteborg Council, civil protection was defined as the provision of assistance to humanitarian actors in covering the immediate survival and protection needs of affected populations. This would include search and rescue, construction of refugee camps and systems of communications and the provision of other types of logistical support.⁸² It will aim to strengthen the existing civil protection mechanism, which was initially designed for civil protection within the EU. The development of this capability will, therefore, require cross-pillar coordination as well as close cooperation with the military. CIVCOM will coordinate new targets approved at the Göteborg Council: a pool of up to 100 experts who are on 24-hour call, and can be part of assessment teams of ten people each and who can be despatched within three to four hours; a Civil Protection intervention team of up to 2000 people who can deploy at short notice; and supplementary resources from competent services of NGOs, that can be deployed within two weeks.

Other areas. The Feira European Council concluded that its listing of priorities in civilian crisis response was not exhaustive. Subsequently the Swedish Presidency targeted additional areas in which the EU could develop its collective capacities, including small arms, disarmament, demobilisation, reintegration and mediation. CIVCOM has not yet processed these suggestions, however, and they will need to be developed under future Presidencies, if at all. The EU Program on Conflict Prevention approved at the Göteborg Council simply included these as subjects for cooperation with other international organisations, or for further study.

D. MEMBER STATES

Under the TEU, member governments (including obviously their political leaders, diplomatic representatives and their relevant foreign ministries) have the responsibility to project and defend the CFSP, as well as to provide information and analysis in support of it. The TEU did not envisage a replacement of national ministries of

foreign affairs or defence by central EU bodies. Member States should, however, ensure that their national policies conform to the Common Positions (see Part V), which they are expected to defend in international fora. Where some Member States are members also of international bodies such as the Security Council of the United Nations, they are meant to keep their partners in the Union informed of all matters of common interest. It is expected that Member States will consult with or at least inform their EU colleagues before undertaking any major foreign policy initiative. These requirements are sometimes given less than scrupulous observance.

Given the early stage of development of CFSP and the reservations still in place on much of foreign policy, Member States will likely remain for a long time a central element of EU aspirations to effective conflict prevention and conflict management. Article 20 of the TEU requires all Member State diplomatic services abroad to cooperate to ensure compliance with and the implementation of Common Positions and Joint Actions. All the CFSP players are permanently linked by a protected communications system that enables them to exchange messages and hold consultations. But the pressure is mounting on Member States to play a much more vigorous role. The Göteborg Council marked out a new role for them by calling for an exchange between them and the Commission on the latter's Country Strategy Papers and related planning documents. This process offers a potentially substantial impact on Commission planning for conflict prevention.

V. CONFLICT PREVENTION AND MANAGEMENT IN PRACTICE

A. COMMON STRATEGIES, COMMON POSITIONS AND JOINT ACTIONS

The April 2001 Communication from the Commission on Conflict Prevention outlined a long list of measures the EU had implemented in pursuit of conflict prevention in a variety of situations. The list included activities in all four categories of action identified at the beginning of this report: peace building, maintaining peace, restoring peace, and enforcing peace. The

⁸² See Presidency Report to the Göteborg European Council on European Security and Defence Policy, Annex III, Göteborg European Council, (15-16 June) Presidency Conclusions, available at <http://ue.eu.int>.

description of these activities, however, concentrated on peace building, with the Communication being somewhat critical of EU deficiencies in preventive diplomacy (peace maintenance). It also paid comparatively little attention to EU potential in peace restoration or peace enforcement. The EU, often its own toughest critic on conflict prevention, has not published any studies of its record in preventing or managing a particular conflict.

This section takes a more systematic approach than the Commission's Communication and reviews measures available to the EU according to the four categories of action identified at the beginning of this report. In this way, it addresses the degree to which there is a basic fit between, on the one hand, the EU's organisational structure and the processes used by EU decision-makers, and on the other, the basic principles for effective conflict prevention and management. The section is introduced with an overview of the way external policy decisions are made by the EU.

The Treaty on the European Union (TEU) protected the national prerogatives of Member States in the sensitive area of international security policy. Agreement of all fifteen Member States has remained the general rule for EU external policy, though some special exceptions (more in the way of abstentions) are allowed. This contrasts with other areas of policy, such as agriculture, where the Commission has an initiating role, and where voting can generally be by qualified majority (as discussed above). Moreover, the types of legal instruments available to the Commission in areas of domestic jurisdiction, such as regulations, are not available for external policy. Some areas of international relations are subject to qualified majority voting in the Council but these are less extensive than for many other subjects within EU competence.

Writing in 1998, two close observers pointed out that while there was a sensible process in theory for discerning a set of collective foreign policy priorities for the EU, this did not conform to practical requirements. Policy proposals were initiated by the Presidency, Member States or the Commission and then developed by sectoral or

geographical working groups.⁸³ Their reports were then circulated for review to national foreign ministries and forwarded back to Brussels where COREPER prepared a final version for the Council's consideration. The two observers acknowledged that in practice the process was less linear but they pointed to a number of factors that reduced the prospects of an effective outcome. These included the 'ebb and flow of Member States positions in the Council and how these intersected with other policy priorities and with international events'. This 'ebb and flow' is shaped by the wide range of constraints and tensions outlined in the Introduction. The authors correctly concluded that there were, therefore, two potential weaknesses in the evolution of CFSP: the difficulty of defining an 'EU interest' and the absence of a short-fuse process for early warning and preventive action.⁸⁴

The Amsterdam Treaty, which entered into force in 1999, provided some new mechanisms to begin to overcome these difficulties. It created 'Common Strategies' – policy documents adopted at the level of the European Council for the purpose of establishing 'common strategies to be implemented by the Union in areas where the Member States have important interests in common'. Common Strategies are not regarded merely as CFSP instruments but as a means to ensure consistency of EU external policies as a whole. As a consequence, a Common Strategy may cover First and Third Pillar as well as CFSP issues.

At present the formal requirement is that the General Affairs Council proposes Common Strategies to the European Council and is then responsible for implementing them, particularly by adopting consequential 'Joint Actions' and 'Common Positions'. As the Commission is jointly responsible with the Council for ensuring the consistency of EU external relations, it plays an important role in the elaboration and implementation of Common Strategies.

Since Amsterdam, the Council approved several

⁸³ As noted above, these CFSP working groups are commonly composed of desk officers from national foreign ministries, the Commission, and the Council Secretariat.

⁸⁴ See Alexander Costy and Stefan Gilbert, *Conflict Prevention and the EU*, International Alert, September 1998.

Common Strategies. For example, the Vienna European Council endorsed a recommendation of the Council of Ministers to elaborate Common Strategies on Russia, Ukraine, the Mediterranean (with particular reference to the Barcelona Process and the Middle East Peace Process) and the Western Balkans. The first produced was on Russia, and it was adopted by the Cologne Council in June 1999. The Feira Council in June 2000 adopted the Common Strategy on the Mediterranean Region. A formal Common Strategy on the Western Balkans has not emerged, though the Presidency Conclusions of the Berlin Council in March 1999 included two statements on Kosovo, after the NATO action against Yugoslavia had commenced.

The Council of Ministers can adopt Common Positions, for example setting out the Union's policy or views on particular geographical or topical issues or vis-à-vis a third country. The Member States are then to ensure that their national policies are in line with the Common Position. Between 1994 and 1998, 66 common positions were adopted. An example is the Common Position of 25 May 1998 on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa.

The Council of Ministers adopts Joint Actions in certain situations requiring operational action by the EU. Each action specifies its objectives and scope, the resources to be made available to the Union, and the conditions of implementation. Between 1994 and 1998, 81 Joint Actions were adopted. In 1998, half of the twenty joint actions concerned the former Yugoslavia or Albania. Six others addressed non-proliferation issues, mainly nuclear weapons.

Where a CFSP agreement needs to be concluded with one or more states or international organisations, the Council may authorise the Presidency to enter into negotiations. During such negotiations, the Presidency is assisted, where necessary, by the Commission. The agreements are then concluded by the Council, acting unanimously, on a recommendation from the Presidency. The Amsterdam Treaty stipulates that no agreement shall be binding on a Member State whose representative in the Council states that it first has to comply with the requirements of its

own constitutional procedure.⁸⁵ The other members of the Council may agree that the agreement shall apply to them provisionally pending satisfaction of those constitutional requirements. Also, there is a declaration annexed to the Treaty to the effect that such an agreement may not imply any transfer of competence from the Member States to the European Union.

The High Representative for CFSP, Javier Solana, has signaled his interest in radical reform even of some new processes such as Common Strategies.⁸⁶ Solana found, among other problems, that Common Strategies tend to be too broadly defined lacking clear priorities and vague because they are written for public consumption. He has also signaled his hope that some of the new institutions such as the Political and Security Committee will make practical suggestions for refining CFSP processes for conflict prevention.

In response to the High Representative's position, the General Affairs Council agreed on new guidelines for Common Strategies in February 2001.⁸⁷ It agreed that they should bring clear added value, be more focused, and have well-defined and verifiable policy objectives, and that progress in implementation should be measured regularly on the basis of contributions from the High Representative and the Commission.

In addition to providing for new formal strategy documents, the Amsterdam Treaty allowed for a procedure to reduce the impact of the consensus principle, namely constructive abstention by which a Member State would not be obliged to apply a particular decision. It also established a mechanism which, while still demanding unanimity on broad policy (to be set out in the 'Common Strategy'), provided for qualified majority voting on more narrow aspects of implementation. Implementation of a 'Common Strategy' occurs through a variety of processes, some with formal names such as Joint Action and Common Position, though these instruments can be used without a Common

⁸⁵ That is, that ratification, normally by the national parliament is required.

⁸⁶ See Intervention by Javier Solana, Open Debate on Conflict Prevention, 22 January 2001, and his report on the operation of Common Strategies to the General Affairs Council on 26 February 2001.

⁸⁷ See *European Security Review*, Issue 4, March 2001 (www.isis-europe.org)

Strategy having first been adopted. Qualified majority decisions are now permitted when (a) adopting Joint Actions, Common Positions or taking any other decision on the basis of a Common Strategy, and (b) when adopting any decision implementing a Joint Action or a Common Position.

The scope for qualified majority decisions is restricted, however, by the fact that no such vote can be taken if a Member State declares that it opposes the matter under consideration for important and stated reasons of fundamental national policy. In such a situation, the Council, acting by a qualified majority, can only request that the matter be referred to the European Council for decision by unanimity.⁸⁸ However, qualified majority voting does not apply to decisions having military or defence implications, despite the attempt of the French Presidency to change this (vetoed by the UK, Ireland and Sweden) in the Nice Treaty.

It is yet to be seen whether reforms instituted in the Amsterdam Treaty and since address the two basic weaknesses identified by the observers cited above: difficulty of agreeing what the EU interest is (and, by implication, what the EU response should be); and the need for short-fuse reaction capacity. There has been a continuing process of review by the Council and Commission of the effectiveness of the reforms. But most hope lies in the evolution of the still very new Political and Security Committee.

Another, perhaps more useful, view of the issue of 'EU interest' is that it should not be expected to match in character a 'national interest' of a Member State which can be relatively easily identified and articulated, at least on major issues. The EU interest will probably be something less on most issues because with 15 members there will always be contradictions and differences. A better way to appreciate the EU interest is to take the treaty language of 'common values, fundamental interests' to mean simply those that are agreed in common and not as the sum, or anything even approaching the sum, of national interests of the

Member States.⁸⁹ Instead, in this view, the EU interest lies somewhere midway between national interest and broader interests of global order.

At a working level, one of the main vehicles for identifying specific conflict prevention goals prior to the emergence of a conflict will be the country development strategy, a document prepared by the country desk in DG RELEX or DG Development. But the current process for inserting a strong conflict prevention objective into these documents depends to a large extent on officers of the Commission's Conflict Prevention Unit and the Council's Early Warning Unit convincing the country desk to do so. It is to overcome this need for 'external' input that the recent Commission Communication on Conflict Prevention talked of the need to 'mainstream' conflict prevention thinking into EU processes.⁹⁰

B. CONFLICT PREVENTION

1. International Peace Building Regimes

The EU has shown considerable capacity to use some international regimes in the service of 'peace-building strategies',⁹¹ or long-term structural conflict prevention – though these have for understandable reasons been primarily in the economic sphere and in regions closest to the EU. This is particularly evident in the decision by the EU to respond to the possibility of instability on its eastern borders in the wake of the collapse of the Warsaw Pact, COMECON and then the USSR by offering membership to selected former Communist countries of Central Europe. The offer of membership not only underwrites peace by bringing in these countries, but also entails significant domestic structural and social adjustment in areas long identified by the EU as important to conflict prevention. The ten Central and Eastern European countries (Czech Republic, Slovakia, Hungary, Poland, Slovenia, Bulgaria, Romania, Latvia, Lithuania, and Estonia) that have Europe Agreements with the EU and are applicants for EU membership have to fulfil the so-called Copenhagen criteria of 1993. These include compliance with democratic principles, human rights, and the rule of law, respect for and

⁸⁸ Simplified procedures which could avoid recourse to the European Council were introduced by the Treaty of Nice.

⁸⁹ Martin Ortega, 'Military Intervention and the European Union', p. 103.

⁹⁰ Communication on Conflict Prevention, p. 9.

⁹¹ See the typology in the Introduction.

protection of minorities, as well the existence of a functioning market economy.

The entire enlargement enterprise could, therefore, be considered as a major long-term structural conflict prevention project, much in keeping with the spirit behind the founding treaties of the European Union itself. Assimilation of third countries is undoubtedly the most powerful conflict prevention tool at the EU's disposal – though membership of the EU has been no guarantee of freedom from violent conflict, as events in Northern Ireland and Spain have demonstrated.

The EU has taken a similarly strategic approach to conflict prevention in the Western Balkans since 1999 when it helped put in place the Stability Pact proposal⁹² in cooperation with the World Bank and others and offered each country the prospect of EU membership through eventual negotiation of a Stabilisation and Association Agreement (SAA). The SAAs represent a new kind of contractual relationship and set demanding political and economic conditions with a strong emphasis on cooperation with neighbouring countries. The conditions required for opening negotiations on the SAAs are in essence the same as the Copenhagen criteria for the Central and Eastern European countries outlined above.⁹³

The Cotonou Agreement that governs relations between the EU and the 71 ACP states includes for the first time in such EU treaties an explicitly 'political dimension', structured around political dialogue, good governance, democracy and respect for human rights. This agreement replaced the Lomé Convention, which, in various incarnations, had regulated the EC-ACP relationship since 1975. This 'political dimension' (Chapter IV) entered the Cotonou text largely in response to evaluations of the Lomé Convention in 1999 and 2000 that concluded EU development assistance strategies had taken 'insufficient account ... of the institutional and policy context in the partner country'.⁹⁴ The 'political dimension' introduces a

new framework of dialogue for addressing issues of mutual concern that were hitherto considered outside the traditional development agenda. These include topics such as arms and drugs trafficking, excessive military expenditure, organised crime, and religious or ethnic discrimination. The chapter also outlines a new 'peace-building' approach to development, which essentially means neutralising potential sources of conflict and shoring up stability in the ACP partner country through the design and programming of assistance projects.

The 'political chapter' in the Cotonou Agreement can be considered a refinement of the EU's conflict prevention and crisis management tools in respect to the ACP countries. Under the preceding Lomé Convention, these instruments were rather blunt, as there was no real scope (or desire) for any EU involvement in the political affairs of its ACP aid recipients beyond the traditional development cooperation agenda. The only real option the EU had under Lomé when faced with a crisis in an ACP state was the rather 'nuclear' one of stopping its assistance program altogether. The successor Cotonou Agreement at least allows for a more upstream and nuanced approach to conflict prevention.

2. In-Country Peace Building

The Commission Communication on Conflict Prevention identified development cooperation as one of the most powerful instruments at the EU's disposal for 'treating the root causes of conflict'.⁹⁵ The EU has, for example, either through the Commission or bilateral programs of member countries, been the major contributor of official development assistance (ODA) to post-conflict reconstruction in Bosnia; it is also a principal aid donor to Egypt, in part at least as a contribution to preventing further conflict in the Middle East. Likewise, the EU has become increasingly active in other areas of in-country peace building (either pre-conflict or post-conflict), including security sector reform, support for democratisation and an open press, and direct financial support to selected governments. Nevertheless, a number of internal reform processes need to be carried forward before

⁹² Formally established on 10 June 1999.

⁹³ See International Crisis Group, *After Milosevic: A Practical Agenda for Lasting Balkans Peace* (Chapter 12, 'Europe'), April 2001.

⁹⁴ The Cotonou Agreement, which was signed in June 2000, is based on five inter-dependent pillars, combining politics, trade and development: a comprehensive political

dimension; participatory approaches; a strengthened focus on poverty reduction; a new framework for economic and trade cooperation; and a reform of financial cooperation.

⁹⁵ See Communication from the Commission on Conflict Prevention, COM (2000) 211, 11 April 2001, p.9.

the EU's development cooperation programs can achieve their full conflict prevention potential.

Studies undertaken by the OECD's Development Assistance Committee (DAC) suggest that the link between development cooperation and conflict prevention is rather more complex than the Commission Communication suggests.⁹⁶ There is need, in the first instance, to examine programs carefully to guard against unintended effects. To be effective as peace-building, aid must make a 'demonstrable difference' in the lives of the affected people.⁹⁷ The main aims of EU development cooperation, however, have traditionally been poverty reduction and macroeconomic development in the recipient country rather than conflict prevention as such.⁹⁸ Current research indicates that development cooperation activities need to be carefully structured and monitored lest they as easily provide incentives for conflict as disincentives.⁹⁹ For example, because the transition period involves destruction of power relationships within a society, even democratisation can – in the short run – create sources for conflict.¹⁰⁰

⁹⁶ The work of the informal task force of the DAC is available on the website, www.oecd.org/dac.

⁹⁷ United Nations, 'Report of the Panel on United Nations Peace Operations' (Brahimi Report), 21 August 2000, A/55/305-S/2000/809, p. 7.

⁹⁸ The aims are laid down in the TEU (Article 130) as sustainable economic development of the recipient, smooth and gradual integration of the recipient country into the world economy, the fight against poverty, and the observance of human rights. In some recent EU statements, such as the record of the Council meeting on Development of 31 May 2001, poverty eradication is said to be the principal aim of EU development cooperation. See 2352nd Council Meeting, Development, 8855/01 (Presse 191), Provisional Version, C/01/191.

⁹⁹ ICG interviews in UNDP, November 2000. See also Peter Uvin, 'L'influence de l'aide dans des situations de conflit violent', OECD DAC, Paris, September 1999, p. 4.

¹⁰⁰ This is the experience of the transition periods in which Indonesia and Russia find themselves, though violent conflict in those two countries has been centered in certain localities rather than generalised across the society. As China democratises, it is experiencing higher levels of violence than it did during much of the earlier more repressive regime. Some scholars of international relations have identified democratisation – that is, the transition period leading to genuine democracy – as a potential source of violent conflict. See Mansfield and Snyder, 'Democratization and the Dange of War', *International Security*, Summer 1995.

Secondly, EU development assistance, like that of OECD members generally, normally is provided with the consent of the recipient government. The lion's share of EU development cooperation or other financial support is directed largely through the recipient government's own agencies. This necessarily involves some risk that the assistance can inadvertently entrench rather than reduce social inequities or power imbalances and so have a negative effect on conflict prevention goals. Related to this is the broader issue of conditionality, a concept that recipient governments normally resist to the extent of their capabilities.¹⁰¹ The international actors with most success in applying economic conditionality in ways that affect the structural underpinnings of conflict may be the World Bank and the IMF, working together through the formal framework of a Consultative Group.¹⁰² But even IMF conditionality may promote at least localised violence since the reductions of government spending on welfare programs or food subsidies that it often involves can provoke street demonstrations or contribute to outbreaks of violence. Conditionality in political affairs – though it is sometimes the only form of leverage the international community has – also has a mixed record. It may work best when it is applied in terms of rewards rather than as an effort to buy good behaviour.¹⁰³

None of this means, of course, that the EU should provide less development assistance or divorce that assistance from the broad political goal of conflict prevention. Rather, it suggests that it is essential to integrate serious, sophisticated conflict impact assessments into individual development cooperation programs and to continue to break down the barriers that have hitherto hampered much genuine cooperation between the Commission's explicitly politically oriented elements (e.g., DG RELEX) and its development

¹⁰¹ See the 1995 DAC policy statement, 'Development Partnerships in the New Global Context', and the 1996 report, 'Shaping the 21st Century: The Contribution of Development Cooperation'. These reports are available on the DAC website, www.oecd.org/dac.

¹⁰² See Geske Dijkstra, 'Programme Aid Policies and Politics: Programme Aid and Conditionality', Swedish International Development Agency, Stockholm, 1999, pp. 3-4.

¹⁰³ *Ibid.* pp. 38-39. This is also the conclusion of work conducted by the OECD and UNDP.

specialists. The effort underway to incorporate conflict prevention goals explicitly into the normal programming for assistance to ACP countries under the Cotonou Agreement is an example of what needs to be done.

A more general obstacle that must be overcome if the contribution to conflict prevention is to be maximised involves the overall efficiency with which the Commission delivers its development assistance. That aid has long had a reputation for inefficiency and waste. Romano Prodi, President of the European Commission, noted that the 'EU is the most generous donor of development assistance in the world, but we have an appalling record when it comes to timely and effective delivery'.¹⁰⁴ The European Court of Auditors in a report in 2000 was critical of the EU's strategic planning and administration of its development cooperation programs in the area of human rights and democratisation.¹⁰⁵ Sample criticisms included:

- projects were too thinly spread over too many intervention areas;
- there were no pre-existing indicators to evaluate impact or effectiveness; and
- insufficient attention was paid to continuity of activities.

The Commission did not accept the thrust of several key recommendations, but did highlight the experimental nature of some of the programs and its very serious efforts to develop reliable indicators.

In crisis response situations, the EU needs to develop faster, more flexible and field driven ways to disburse funds. In community settings, small grants of \$10,000-\$50,000 disbursed by field staff with minimal paperwork can have a positive impact in generating employment, easing tensions and creating momentum for peace. Even modest assistance offered on an immediate basis can be invaluable. The EU will have to get past its

¹⁰⁴ Romano Prodi, President of the European Commission, '2000-2005: Shaping the New Europe', a speech delivered to the European Parliament on 15th February 2000.

¹⁰⁵ Court of Auditors, 'Special Report, No. 12/2000, on the Management by the Commission of European Union support for the development of human rights and democracy in third countries, together with the Commission's replies'. 10 August 2000, 2000/C 230/01.

standard approach of large programs with long lead times and excessive design components if it hopes to be an effective player in crisis management.

The EU's external assistance programs are currently undergoing a massive reorganisation and refocusing in order to improve their quality, efficiency and speed of delivery.¹⁰⁶ A Commission review of the aid program published in May 2000 talked of the need for radical reform of the appropriate Commission processes. The report noted that the quality of management had deteriorated to such a point that the credibility of the EU's external assistance and the international image of the EU were being undermined.¹⁰⁷

Subsequent reforms have been substantial. For example, EuropeAid has replaced the Common Service for External Relations (SCR), taking charge of implementing the external aid instruments of the European Commission. Project management, in EU parlance, is in the process of being 'deconcentrated' to EC delegations in the field¹⁰⁸. All these reforms are too new to have had much operational effect on the application of specific development cooperation projects to identified conflict prevention purposes. However, the eventual evolution of the Rapid Reaction Mechanism (see below) could have important positive effects.

The sum of results in implementing this range of reform in both general and specific approaches will ultimately determine how much reinforcement EU development assistance programs can provide to EU conflict prevention objectives.

3. Preventive Diplomacy

Preventive diplomacy encompasses a wide range of methods, including negotiation, enquiry,

¹⁰⁶ 'The Reform of the Management of the European Community's External Assistance: An Overview', November 2000, (www.europa.eu.int/comm/external_relations/reform/document/presentation.pdf).

¹⁰⁷ Communication to the Commission on the Reform of the Management for External Assistance, 16 May 2000, Rev 8, p.5.

¹⁰⁸ See footnote 56 for a summary of the EU's use and definition of the terms 'deconcentration' and 'decentralisation'.

mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means applied before a dispute has crossed the threshold into armed conflict. Negotiation can include the laying out of incentives and disincentives, especially in the latter case threats of coercive action (such as a threat to apply sanctions or to use force). In principle, the EU has most of these tools at its disposal, though the record of using them has been mixed.

The Amsterdam Treaty standardised a practice allowing the Council to appoint Special Representatives with a mandate in relation to particular policy issues. Several have been appointed since the CFSP was established by the Maastricht Treaty: Messrs Moratinos (Middle East), Ajello (African Great Lakes) and, more recently, Hombach and Roumeliotis for South Eastern Europe.

On a daily basis, the EU undertakes international contacts through formal dialogues, *démarches* or other diplomatic communications. The EU holds dialogues with a large number of countries or groups of countries on questions of international policy. Such meetings are convened at a variety of levels (Heads of State, Ministers, Political Directors, senior officials or experts).

The EU has established formal, somewhat bureaucratic rubrics for certain activities (Common Strategies, Common Positions and Joint Actions). The EU treaties also reference specific diplomatic instruments (Declarations and International Agreements). These formal instruments are important devices for forging coherence and broad levels of consensus. They also serve to emphasise the collective nature of CFSP decisions.

Declarations give public expression to a position, request or expectation of the European Union vis-à-vis a third country or an international issue. This instrument makes it possible to react very quickly to incidents and to state the Union's point of view. There are two types: 'Declaration by the European Union', where the Council meets and adopts a position, and 'Declaration by the Presidency on

behalf of the European Union', where the Council does not meet.¹⁰⁹

The prominence given in public sources to these formal instruments should not obscure the regular conduct by EU officials of informal diplomacy. The requirements for preventive diplomacy in some circumstances are greater than simply issuing statements or holding one-off meetings on a six-month basis. There can frequently be a need for quiet diplomacy, often over a long period, in which the principal interlocutors have the authority to react to new developments or positions in a very short time frame. This must not only be done away from the glare of public scrutiny, but occasionally without day-to-day review by all the political constituencies, including all of the member governments. These considerations explain the intention of the EU to review use of diplomatic instruments for conflict prevention.¹¹⁰ A new emphasis will be placed on the activities of Special Representatives and heads of EU diplomatic missions. As the Commission has itself acknowledged, the Special Representatives need a more powerful and much clearer mandate, and as the Commission implied, it would be useful if they were appointed before the start of violence, and not after, as has been the case.¹¹¹

The creation of ad hoc Working Groups and task forces within the Council and staffed by appropriate specialists should have an important bearing on the EU's ability to act more effectively in preventive diplomacy for the simple reason that standing EU resources for many geographic areas are simply too few.

Another determining factor will be the ability of the various elements to produce coherent frameworks for preventive diplomacy. The Political and Security Committee will be the most important directing force here, though there an

¹⁰⁹ While the Declaration by the Presidency very usefully permits a real time EU response without need to convene a meeting, the Presidency is expected to conduct expeditious consultations before utilising this instrument, at least in any potentially controversial case.

¹¹⁰ See 'Improving the Coherence and Effectiveness of European Union Action in the Field of Conflict Prevention', report presented to the Nice European Council by the Secretary General/High Representative and the Commission. Nice European Council (7-9 December 2000) Presidency Conclusions.

¹¹¹ Communication on Conflict Prevention, p. 23.

enhanced role is planned for the General Affairs Council as well.

4. Preventive Deployment

Preventive deployment¹¹² is a new activity for the EU, and it has no agreed procedures for use of this instrument in most circumstances usually identified with the term. The Cologne and Feira Councils established that EU military capabilities should cover the 'full range of conflict prevention and crisis management tasks defined in the EU treaty'. According to a number of commentators, this includes a preventive deployment to position forces along the borders of two states between which tension is rising.¹¹³

The EU is only now assembling the physical capabilities for preventive deployment, as discussed below under the heading 'Traditional Peace Keeping'. The failure of the EU in 1997 to reach agreement on the deployment of police assets to Albania as part of a stabilisation package requested by the OSCE Representative, even after the EU had informally agreed to send a high-level inspection mission which recommended the despatch of a multinational protection force, is a good example of how difficult it can be to forge agreement preventive deployment where there are complex political circumstances in a country at risk.¹¹⁴ In the event, Italy obtained a UN Security Council mandate¹¹⁵ and implemented a stabilisation program, Operation Alba, though this was supported by a joint force of some 7,000 soldiers drawn from Austria, Denmark, France, Greece, Italy, Romania, Spain and Turkey. This was the first 'crisis management' conducted in

Europe by a multinational military force comprising units from exclusively European countries.¹¹⁶

For 'high-end' operations of this sort involving combat forces, EU preventive deployment of military forces is not likely to have its desired political impact without a clear determination by the EU and the participating Member States that they are prepared to respond with appropriate force if circumstances so require.

C. CONFLICT MANAGEMENT

1. Diplomatic Peace Making

This involves essentially the same range of methods as for preventive diplomacy (including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means) except that these are applied *after* a dispute has crossed the threshold into armed conflict.

There are some clear examples of this activity by the EU in the Balkans, notably the role of then Finnish President Martti Ahtisaari as EU intermediary in the resolution of the Kosovo conflict in 1999, and the recent efforts of High Representative Solana and Commissioner Patten (along with NATO Secretary-General Lord Robertson) to stem the outbreak of violence in Macedonia. A specialist who visited Macedonia in May 2001 reported that the involvement of the High Representative in that conflict in recent months, and his frequent visits to Skopje, were the first real signs of genuine EU political commitment of the type needed for conflict prevention in the peace making stage.¹¹⁷ The EU's appointment of the British Ambassador in Skopje as the special representative of the High Representative, though an ad hoc arrangement, is also regarded as an important innovation. It effectively brings in behind the work of the High Representative all of the analytical resources and the broad assessments of the UK government.

In response to the renewed violence in the Middle East and Great Lakes region, the EU has also

¹¹² Defined in the Introduction to this paper as 'the deployment of military or police, and possibly civilian, personnel with the intention of preventing a dispute (or, in some cases, emerging threat) escalating into armed conflict'. The clearest, and probably only real example to date of a preventive deployment mission, is UNPREDEP in Macedonia.

¹¹³ See for example, Ortgea, *op. cit.*, p. 107, citing two different sources.

¹¹⁴ See Tanner, *op. cit.*

¹¹⁵ UNSC Resolution 1101 (1997), 28 March 1997, 'to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance, and to help create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance'.

¹¹⁶ See Tanner, *op. cit.*

¹¹⁷ ICG interview with an independent researcher, Brussels.

appointed Special Representatives. This will remain an entirely appropriate response for the EU as long as the appointees are adequately supported, perhaps even with some delegated political authority. It is of note, though, that in the areas where the EU has appointed Special Representatives, the range of instruments the EU has deployed in support of peace restoration has tended to remain quite narrow, limited largely to a 'good offices' role or the offer of development cooperation.

2. Traditional Peacekeeping

The EU as such, as distinct from its Member States, has not undertaken traditional peacekeeping. Its growing military and civilian response capacities will, however, enable it to undertake this in the future, though important issues such as logistic and intelligence support for EU forces will need to be addressed.

The TEU included a set of activities for military forces associated with crisis response – the so-called 'Petersberg Tasks': 'humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking.'¹¹⁸ The Amsterdam Treaty of 1997 amended the TEU on the issue of common defence by declaring that the EU developments would not prejudice the specific character of the defence policy of certain Member States (the neutrals¹¹⁹) or the obligations of certain members (who see their common defence as being realised under NATO). As a result, the sphere of operation of common EU security policies and assets has effectively, for some time at least, been defined by the Petersberg Tasks.¹²⁰

The European Councils in Cologne (June 1999) and Helsinki (December 1999) set specific targets for development of military assets for use by the EU. The principal target ('headline goal') was that Member States acting together should by 2003 be

able to deploy within 60 days a military force of 50,000-60,000 capable of the humanitarian and peace keeping tasks mentioned above (Petersberg Tasks). This force should be sustainable in the field for one year.

On 20 November 2000, the Member States took part in a Capabilities Commitment Conference in Brussels in order to collect specific national commitments corresponding to the military capability goals set by the Helsinki European Council. In accordance with the guidelines of the Helsinki and Feira European Councils on collective capability goals, the Member States also committed themselves to medium and long-term efforts to improve both their operational and strategic capabilities still further. The Member States committed themselves, in the framework of their national reforms, to continue to strengthen their capabilities to implement multinational solutions, including better ways to pool resources.

In December 2001, within the framework of a general review of EU institutions, the European Council in Laeken will discuss the final terms of reference for association of the WEU. Whether the EU should formally absorb the WEU was a contentious issue in the run-up to the Amsterdam Treaty. But developments since then, notably the decision of the WEU Council to formally disband all of its organisational structures and hand them to the EU as of 30 June 2001,¹²¹ a decision endorsed by the Nice Council of the EU,¹²² have effectively ended these debates. One residual WEU issue is that some Member States still consider Article 5 of the WEU Treaty important, because it refers to the defence of 'territorial integrity', which does not figure under that precise term¹²³ in the existing EU treaties. Discussion in advance of Laeken will pay some attention to this issue.

Greater attention is likely to be directed at Laeken,

¹¹⁸ See Article 17.2, Treaty of the European Union (consolidated version).

¹¹⁹ Austria, Finland, Ireland and Sweden.

¹²⁰ While the Petersberg Tasks are potentially quite extensive in scope - "peacemaking" for example could envisage action under Chapter VII of the UN Charter in some circumstances - they clearly do not extend to the defence of national territory, which is the primary focus of the NATO treaty.

¹²¹ WEU Ministerial Council, Marseille Declaration, Marseille, 13 November 2000. Available at www.weu.int

¹²² Presidency Conclusions Nice European Council, Annex VI. 'Presidency Report on the European Security and Defence Policy.'

¹²³ The TEU does however refer specifically to 'integrity', which is a watered down version of a drafting attempt by some parties to include a reference to territorial integrity. See Martin Ortega, 'Military Intervention and the European Union', *Institute for Security Studies*, Western European Union, Chaillot Paper No. 45, Paris, March 2001, p. 103.

however, to practical issues more related to the development of an EU military capability, especially the need to meet the 'headline goal' by 2003. At the Nice Council in December 2000, the Presidency insisted on the insertion of a Declaration which stressed that the EU wants to make the European Security and Defence Policy (ESDP) operational 'quickly' and that ratification of the treaty should not hold up decisions. These decisions, it stipulated, should be taken no later than the European Council meeting under the Belgian Presidency in Laeken in December 2001.¹²⁴

But there may also be a need ultimately for further clarification of the scope of the military tasks the EU is prepared to perform. One commentator has advocated a more direct statement that the military tasks do include crisis management that might involve the use of combat troops.¹²⁵ He has also advocated recognition that the EU accept that it may need to use force in 'cases of extreme necessity, that is, humanitarian catastrophes' that threaten international peace – 'even in the absence of a mandate from the Security Council'.

To complement developments in the military sphere and in part in reaction against what some Member States see as an over-emphasis on military aspects,¹²⁶ the European Council in Feira (June 2000) established the four priority areas for EU activities in civilian crisis management capabilities discussed above. This re-balancing between

developments in the military and civilian sphere has continued in other ways.

On 26 February 2001, the General Affairs Council adopted a Commission proposal for the establishment of a Rapid Reaction Mechanism (RRM), designed to enhance the EU's civilian capacity to intervene in crisis situations outside EU borders. The RRM draws on existing Community instruments, including election monitoring, human rights initiatives, media support, institutions building, border management, police training and the provision of police equipment. The main purpose of the RRM is to deliver these and other instruments – under the umbrella of a single intervention – as short-term stabilisers. Since the authorisation of an operation under RRM will last for six months, it provides for delivery of interim services while the bureaucratic steps normally associated with regular Community programs are being undertaken. The RRM will be financed through a separate budget line of 40 million Euro per year. Work is currently being carried out to make the new mechanism operational.

It is worth noting that the official Commission communiqué on the adoption of its RRM proposal distinguishes between its purposes and humanitarian assistance, the main point being that the RRM will not be employed for purposes normally undertaken by ECHO. The regulation establishing the RRM will not be invoked if the regulation permitting application of ECHO funds has already been applied to the same situation. The communiqué notes: 'A dividing line has been drawn between the scope of [the RRM] facility and the regulation concerning humanitarian aid. Humanitarian action is focused on the individual. Interventions under the RRM are rather aimed at the preservation or reestablishment of the civic structures necessary for political, social and economic stability. While ECHO is politically neutral, the RRM is intended to operate in the context of crisis management.'

Nevertheless, the regulation adopted by the Council establishing the RRM provides in Article 2, that the new mechanism may be 'combined with ECHO action if appropriate'.¹²⁷

¹²⁴ The text reads: 'The European Council calls on the next Presidency, together with the Secretary-General/High Representative, to take forward work within the General Affairs Council, in accordance with the tasks assigned in the Presidency Conclusions. The objective is that the European Union should quickly be made operational in this area. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than at its meeting in Laeken. The incoming Swedish Presidency is requested to report to the European Council in Göteborg on all of these matters.' See Nice European Council Presidency Conclusions, 1, 7-9 December 2000.

¹²⁵ See Ortega, *op. cit.*

¹²⁶ Many members of the European Parliament and some governments still think the EU bureaucracy is treating the civilian aspects of crisis management as an appendage to military crisis management. They cite the low profile of the civilian elements in EU official work as evidence of this. The European Parliament's moves to launch a European Civil Peace Corps (OJ C 150, 28.5.1999, p.164) can be seen as an attempt to push the civilian aspects of crisis management higher up onto the policy agenda.

¹²⁷ Council Regulation (EC) No. 381/2001, 26 February 2001, Official Journal L 057, 27/02/2001, p. 0005-0009. For more discussion of this point, see ICG briefing paper.

Moves by the EU to establish 'civil' response capacity in addition to a military response capacity have coincided with similar efforts in the UN and OSCE. They are based on recognition that civilian responses – including re-establishing law and order and the rule of law – are integral parts of any peacekeeping mission.¹²⁸ In developing its civilian crisis response, the EU has been conscious of two advantages it possesses that distinguish it from intergovernmental organisations. It has direct authority over high quality civil administrative capacities of the sort that are essential to support a military peace keeping or peace enforcement presence. It also has direct authority over a wide range of economic levers, such as trade incentives, trade sanctions, and development support.

On some occasions, EU humanitarian assistance has had a short-term restraining effect on conflict escalation.¹²⁹ The best example of this is EU support for return of refugees or rehabilitation of refugee communities in various parts of the former Yugoslavia after a number of international observers had called for such measures as an important step to prevent further conflict. ECHO does not normally provide assistance for refugee return or rehabilitation, but was asked to do so since it was well-placed on the ground through existing support of refugees in the area they had fled to. This sort of measure has created in some circles the impression and even the expectation that ECHO should have a bigger or more explicit role in conflict prevention. By contrast, the stated preference of leading officials in ECHO is not to use humanitarian assistance as a mechanism for

conflict prevention. They suggest that turning humanitarian aid to the purposes of political intervention (even in the good cause of conflict prevention) will politicise such aid and tempt one side or another in a violent conflict to interfere with or prevent its delivery.¹³⁰

3. Implementation of Sanctions

The EU use of sanctions¹³¹ as part of an integrated conflict prevention toolbox has been limited. The series of sanctions initiated against the Federal Republic of Yugoslavia (FRY) from 1998-2000 was a concerted effort to support external relations policy with the range of economic levers at the EU's disposal. The measures adopted included an embargo on the sale and supply to the FRY of petroleum and certain petroleum products; a ban on trade and investments; a freezing of assets of close Milosevic associates in addition to visa restrictions; and a ban on international flights to and from Yugoslavia.¹³²

The impact of these sanctions was limited, due in part to poor design and poor implementation. For example, the 'white list' of Serbian firms believed capable of withholding capital and revenues from the Milosevic regime was not consistently monitored or enforced due to the lack of enforcement capacity within the EU.

4. Peace Enforcement

As discussed in the Introduction, peace enforcement¹³³ covers a range of activities, from that used by the UN-approved multinational force to evict Iraq from Kuwait in 1991, to activity in support of peace keeping operations ('peace

European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane, 26 June 2001.

¹²⁸ See in particular the Report of the Panel on United Nations Peacekeeping Operations (Brahimi Report) 21 August 2000, A/55/305-S/2000/809.

¹²⁹ ECHO's core mandate – to save and preserve life during emergencies and their immediate aftermath – distinguishes it from the newly established Rapid Reaction Mechanism (RRM), which is aimed at the preservation of or reestablishment of civic structures necessary for wide-ranging reform in a post-conflict situation. EU decision-making for humanitarian assistance has much in common with that for development cooperation. Once a humanitarian crisis is recognised and the EU wants to act, it decides what resources to commit. It might identify broad areas of expenditure, such as food aid or refugee support. On other occasions, the EU responds to appeals for contributions by international organisations or NGOs.

¹³⁰ This is examined in the ICG briefing paper *European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane*, 26 June 2001.

¹³¹ Sanctions are implemented to deny a country or political entity the means to prolong or escalate violence within a conflict through the restriction of access to markets for goods, capital, services or other externally provided elements.

¹³² For a more detailed discussion of EU and US sanctions policy against the FRY, see ICG Balkans Briefing, *Current Sanctions Against the FRY*, 10 October, 2000.

¹³³ Defined here as 'threat or use of military force, in pursuit of peaceful objectives, in response to conflicts or other major security crises'.

keeping plus'),¹³⁴ to - most controversially - humanitarian or protection-motivated action in response to internal security breakdown or gross human rights violations, as in Somalia and Kosovo.

Despite its increasing military capability, the EU has no plans at present to undertake peace enforcement activities of the first type in Europe: in the event of major conflict, military enforcement measures would be left to NATO. Nor is the EU developing the capacity for military power projection for peace enforcement operations of the first type outside Europe.¹³⁵ There is room for ambiguity about other types of peace enforcement. As one observer notes, the language by which the EU has advanced toward CFSP and EDSP has been deliberately ambiguous, allowing for various interpretations.¹³⁶

From NATO's perspective¹³⁷, however, one thing is clear: What the EU is currently trying to create in the context of its emerging security and defence policy – the 60,000-strong Rapid Reaction Force – is a low-tech, small-size peacekeeping force which would only be capable of handling low-level peacekeeping operations in a crisis with no prospect of escalation. The advantage of NATO is that it can deal with more escalation than anyone else, and therefore represents a deterrent force that the EU is unlikely ever to come close to rivalling, even in its own backyard or to desire to do so. To further put EU plans into perspective: the

envisaged Rapid Reaction Force will consist of 60,000 troops, deployable within 60 days and sustainable for one year. What will take fifteen EU Member States another two years to develop, NATO member Turkey is substantially able to muster single-handedly today.

VI. CONCLUSION

This report has not sought to provide a comprehensive evaluation of EU conflict prevention and management capabilities, but its analysis of the institutions and processes suggests some areas for closer attention as the EU carries it work forward. The EU is clearly struggling to match resources to its ambitions, and more stringent prioritisation is required. There should be a narrowing of focus and a more visible sequencing in the development of instruments.

One of the first considerations is the balance between resources devoted to developing generic frameworks for conflict prevention and resources devoted to preventing the outbreak of actual conflicts in specific countries and localities. The present concentration of effort on the generic problems of conflict prevention and management is understandable for a number of reasons, but it should not be at a cost to the EU's capacity to deliver optimal policy analysis and response to help reduce conflict in areas of considerable importance to it, such as Macedonia. If the EU can register a visible success in conflict prevention in Macedonia, it can use that as a foundation for further work. If it fails in Macedonia, it would need to re-examine seriously its ambitions.

Second, EU efforts to prevent or manage conflict in a particular locality cannot take place independently of a systematic approach which matches resources to objectives, and which shapes political action by the EU in a manner that is responsive to the pace and scope of change on the ground. While many EU actions can be said to contribute to conflict prevention or management, the most common complaint from EU officials is that it has rarely taken a systematic approach to a particular crisis or emerging conflict.

It would appear from the analysis in this report that it will be up to new bodies established by the Council, particularly the Political and Security

¹³⁴ For example, in situations where one or more parties to an agreement have subsequently withdrawn from it, and action is required to enforce a ceasefire or re-establish a buffer zone.

¹³⁵ According to a WEU study, 'European-only assets without American troops and logistical support would be able to project no more than 10,000 troops beyond the alliance boundaries. This shortcoming of power projection is a reason why some European states have insisted on developing within NATO a European Security and Defence Identity that would facilitate the use of collective NATO defence assets for a WEU-led operation'. See Assembly of the WEU, "Europe's Role in the Prevention and Management of Crises in the Balkans", 5 November 1997, Document 1589, p. 2, cited in Fred Tanner, 'Conflict Management and European Security: The Problem of Collective Solidarity', Paper prepared for the First GCSP-Yale Seminar, Leukerbad, Switzerland, 21-22 August, 1998. See www.isn.ethz.ch/securityforum/Online_Publications/WS4/Tanner.htm.

¹³⁶ Ortega, op. cit., p. 105.

¹³⁷ ICG interview with NATO official.

Committee (PSC) working with the High Representative, to give the lead by developing Common Strategies that comprehensively address conflict prevention goals. Some years of institutional development will be needed to begin to establish a pattern of reconciling national differences among EU members on key aspects of policy areas like the Balkans. In the meantime, however, a rationalisation of process and lower level structures dealing with foreign policy would appear to be necessary, especially a new balance between the resources available to the Commission and the Council Secretariat.

The current structure in the Commission, which divides the world into three distinct types of foreign relations (development relations with ACP countries; enlargement relations with candidate countries; and all of the rest), with separate Commissioners, Directorates General and policy orientations to match, has an understandable historical provenance, but it is probably not appropriate to the current aspirations of the EU in conflict prevention and management.

Recognising that institutional reform takes many years, effective EU conflict prevention efforts in the short-term may be advanced by mobilising more resources behind ad hoc arrangements and by drawing together task forces comprising all existing sources of specialised knowledge within, and even outside, central EU institutions. There will need to be more substantial linkage between each Special Representative and a task force for the particular problem. The current practice of separate Balkans task forces in the Commission and the Council Secretariat would appear to be counter-productive (even though each has certain unique responsibilities to address).

Notwithstanding a strong record in conflict prevention measures of the peace building variety that address the long-term or structural sources of violent conflict, the EU has not developed detailed approaches across the whole range of conflict prevention and management strategies. A good example of this is the lack of attention in EU policies to the role of a culture of violence as a source of conflict. Thus, at the same time as the EU gives money to build schools in Kosovo, it appears to take no effective action about the school curriculum that is oriented toward promoting ethnic privilege and glorification of violence. This

highlights a common criticism that the EU does not evaluate appropriately the impact of its conflict prevention policies against their purposes. In fact, the EU seems to rely on the assumption that development cooperation and support for democratisation and conduct of elections *ipso facto* support long-term or structural conflict prevention. They often do, of course, but the experience of recent years is not uniform. While the EU has committed itself at Göteborg to better evaluation of its conflict prevention policies, the presumption that development cooperation and democratisation policies automatically contribute positively to conflict prevention needs to be examined in each case through careful impact assessments.

The EU will soon need to visit at a high policy level an issue it has been avoiding as it has developed its field-deployable civilian and military assets. That is the question of how and in what circumstances the assets will be used. In this process it may be better advised to take as first priority the civilian aspects of peacekeeping. These will be less controversial either than other possible uses of the civilian assets (like preventive deployment or civil protection) or use of the military assets. According to seasoned observers, the civilian assets are significantly less ready (less trained) to deploy than the military assets that are likely to be made available, and there are other mechanisms for providing military forces. The fundamental differences in security orientation of EU Members (NATO or non-NATO) will eventually also have to be addressed more explicitly so that the limits of the circumstances in which deployment of an EU military force will be approved are clearly understood.

The EU has itself identified its weaknesses in conflict prevention and management and is engaged, as it should be, in an extensive self-examination and reform process. The reforms in train will make a wider array of instruments available, and will make the use of existing and projected instruments more effective. But at the end of it all, it is likely that the character of EU decision-making and institutions, combined with the largely non-combat aspect of its still embryonic military assets, will inevitably limit the political impact of any EU actions – certainly in those situations of violent conflict, or imminent conflict, where important parties are inclined to recognise only one persuasive norm: that might is right. The

current disposition of the EU to work closely with the UN, OSCE, NATO and the USA may remain as distinguishing a feature of its conflict prevention and management capability as any of the institutions or processes described in this report. Ultimately, the evolution of EU conflict prevention mechanisms and their effectiveness will depend on how much farther EU Member States are prepared to devolve their reserved powers in foreign and security policy to EU institutions.

APPENDIX A: GLOSSARY OF ABBREVIATIONS

ACP	African, Caribbean and Pacific countries
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for the Civilian Aspects of Crisis Management
COREPER	Comité des représentants permanents (Committee of Permanent Representatives)
CSPs	Country Strategy Papers
DG	Directorate-General
ECHO	European Humanitarian Aid Office
ESDP	European Security and Defence Policy
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission
EUMS	European Military Staff
HR	High Representative
ICRC	International Committee of the Red Cross
ODA	Overseas Development Assistance
OECD	Organisation for Economic Development and Cooperation
OSCE	Organisation for Security and Cooperation in Europe
PPEWU	Policy Planning and Early Warning Unit
PSC	Political and Security Committee
QMV	Qualified Majority Voting
RELEX	Rélations Extérieures (External Relations)
RRF	Rapid Reaction Force
RRM	Rapid Reaction Mechanism
SAA	Stabilisation and Association Agreement
SADC	Southern African Development Community
SCR	Service Commun Relex (Service for External Relations)
TEU	Treaty on European Union (Maastricht Treaty of 1992)
UN	United Nations
UNSC	United Nations Security Council
WEU	Western European Union

APPENDIX B: ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates or is planning field projects in nineteen crisis-affected countries and regions across three continents: Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Burma/Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Sasakawa Foundation, the Smith Richardson Foundation, the Ford Foundation and the U.S. Institute of Peace.

June 2001

APPENDIX C: ICG REPORTS AND BRIEFING PAPERS Released since January 1999

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Kinshasa sous Kabila, à la veille du dialogue national, Africa Report N°19, 21 September 1999

Scramble for the Congo: Anatomy of an Ugly War, Africa Report N° 26, 20 December 2000

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

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Five Years after the Genocide: Justice in Question, Africa Report N°11, 7 April 1999

Cinq Ans Après le Génocide au Rwanda: La Justice en Question, Africa Report N°11, 7 April 1999

Uganda and Rwanda: Friends or Enemies? Africa Report N°15, 4 May 2000

Tribunal pénal international pour le Rwanda: l'urgence de juger, Africa Report N°30, 7 June 2001

SIERRA LEONE

Sierra Leone: Time for a New Military and Political Strategy, Africa Report N° 28, 11 April 2001

ZIMBABWE

Zimbabwe: At the Crossroads, Africa Report N°22, 10 July 2000

Zimbabwe: Three Months after the Elections, Africa Briefing, 25 September 2000

ASIA

BURMA/MYANMAR

Burma/Myanmar: How Strong is the Military Regime?, Asia Report N° 11, 21 December 2000

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Indonesia: National Police Reform, Asia Report N°13, 20 February 2001

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