

Chaillot Paper

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Civilian crisis management: the EU way

*Catriona Gurlay, Damien Helly, Isabelle Ioannides,
Radek Khol, Agnieszka Nowak and Pedro Serrano*

Edited by Agnieszka Nowak



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Institute for Security Studies

European Union

Paris

Institute for Security Studies

European Union

43 avenue du Président Wilson

75775 Paris cedex 16

tel.: +33 (0)1 56 89 19 30

fax: +33 (0)1 56 89 19 31

e-mail: institute@iss-eu.org

www.iss-eu.org

Director: Nicole Gnesotto

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Depuis 1999, l'invention et la mise en œuvre de la PESD ont permis à l'Union européenne de se positionner comme un acteur stratégique majeur sur la scène internationale : avec plus de 7 000 hommes aujourd'hui déployés en Bosnie-Herzégovine, l'opération Althea représente l'effort le plus abouti des Etats membres en matière de coopération militaire et de gestion collective des crises au nom de l'Union. Simultanément, la dimension civile de la PESD n'a cessé de se développer, qu'il s'agisse d'opérations de police, d'aide à la restauration d'un Etat de droit, de réforme du secteur de sécurité, de contrôle des frontières, de démobilisation des combattants : pas moins de 9 opérations civiles ont été lancées depuis 2003 dans le cadre de la PESD, nourrissant dès lors de nouvelles interrogations sur la nature même de la PESD, sur la cohérence des aspects civils et militaires au sein d'une opération de gestion de crise, sur la valeur ajoutée de la PESD par rapport aux instruments communautaires, voire sur le partage des tâches entre l'OTAN et l'Union.

Clarifier ces débats nous a paru désormais nécessaire. Conçu et édité par Agnieszka Nowak, chercheur associée à l'Institut depuis mai 2005, ce Cahier de Chaillot se veut une première tentative d'explication et d'analyse des instruments, des enjeux et des problèmes rencontrés ou soulevés par l'Union lorsqu'il s'agit d'assumer les différentes dimensions de la gestion civile des crises. La multitude d'acteurs, de mécanismes et de procédures impliqués dans ces politiques, tant du côté de la Commission que du Conseil, fait une fois de plus de la question de la cohérence l'une des difficultés majeures rencontrées par l'Union pour accroître l'efficacité de ses interventions internationales.

Ce défi est certes rendu plus abrupt par le gel ou la disparition des solutions prévues pourtant par le Traité constitutionnel. Mais il est surtout inhérent à la nature même de la gestion des crises et à la fluidité croissante de l'environnement international. Plus de dix ans d'efforts pour stabiliser l'ex-Yougoslavie témoignent s'il en était besoin à quel point les interventions strictement militaires ne représentent qu'une toute petite fraction des politiques de gestion des crises ; elles risquent même d'être condamnées à l'échec sans l'intervention massive, et souvent simultanée, de tous les

instruments civils d'aide à la reconstruction de structures étatiques légitimes et efficaces. L'Irak, l'Afghanistan sont à ce titre exemplaires. Au regard de la prévention des conflits, les instruments civils de gestion des crises jouent également un rôle majeur. Autrement dit, la séquence militaire d'une gestion de crise n'est jamais aussi décisive qu'on ne le croit. La séquence de stabilisation et de reconstruction après un conflit n'est jamais aussi civile qu'on ne le souhaite.

Y a-t-il, en matière de gestion civile des crises, une valeur ajoutée propre à la PESD, par rapport à l'ampleur des moyens et des compétences des structures communautaires ? Existe-t-il des critères objectifs pour délimiter les responsabilités propres du Conseil et de la Commission dans la gestion civile des crises ? Peut-on chiffrer le coût de l'incohérence actuelle ? Quelles sont, en l'état actuel de déroute institutionnelle, les chances d'une politique globale, cohérente, intégrée, de prévention et de gestion des conflits dans laquelle la synergie entre les moyens civils et militaires de l'Union démultiplierait l'efficacité des interventions européennes ? Telles sont quelques-unes des questions, difficiles, souvent conflictuelles, abordées dans ce Cahier de Chaillot. A trop tarder à les résoudre, c'est la crédibilité même de l'Union comme acteur international qui serait en jeu.

Paris, mai 2006

The distinctive nature of EU involvement in crisis management

European integration is a project born from the desire to secure a lasting peace between European nations. From the beginning, the European Community underpinned the reconciliation and harmonious development of Western Europe, helped to increase its stability, raised standards of living and promoted closer relations between its Member States. Subsequently, through development co-operation, external assistance programmes, through the process of enlargement and through the Common Foreign and Security Policy (CFSP), the European Union has been seeking to project stability and lasting peace not only within but also beyond its borders.

Despite its own experience of a whole array of policies and programmes oriented at stability projection, and the expertise it has acquired in this domain, the EU assignment of peace building abroad remains one of the most challenging tasks of EU external action. The main reason for this is a change in the nature and scale of conflicts characterising the post Cold-War period. The EU has experienced this change most directly while facing the conflicts in the Western Balkans but also during the last 10 years of the post-conflict stabilisation process. This experience influenced the EU Member States' decision to develop an EU crisis response capacity under the European Security and Defence Policy (ESDP) as well as to undertake a political commitment to prevent violent conflicts.¹ It has also shown that the projection of 'lasting peace' and stability abroad requires that the EU uses a variety of instruments in a coherent manner, and deploys an appropriate mix of instruments in order to address pre-crisis, active crisis and post-crisis situations. This *Chaillot Paper* focuses on the functioning of EU civilian crisis management (CCM) as one of the elements of the EU's 'external action'. In particular, it examines the consistency and

1. For a detailed overview of the developments related to EU crisis response capability, see: International Crisis Group, *Issues Report* no. 2, 'EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management', 26 June 2001; Simon Duke, 'The EU and Crisis Management. Development and Prospects', European Institute of Public Administration, 2002; International Crisis Group, *Europe Report* no. 160, 'EU Crisis Response Capability Revised', 17 January 2005.

coordination (at the institutional and operational level) between the different EU civilian instruments. Since the study focuses on internal coherence (within the EU), the issue of cooperation with other actors such as international organisations and NGOs is beyond the scope of this paper and it is therefore discussed only briefly.

The European Union's involvement in crisis management is different from that of other international organisations active in the field (the UN, the OSCE and other non-European regional organisations). On the one hand, the objectives of the Union's foreign and security policy as set out in the TEU such as the *preservation and strengthening of international security, in accordance with the principles of the United Nations Charter, promotion of international cooperation, development and consolidation of democracy and the rule of law, and respect for human rights and fundamental freedoms*, are the common objectives underpinning the activities of all the actors mentioned above; on the other hand, the EU's involvement in crisis management takes place in the framework of the Union's 'external action'. Therefore the EU, unlike other international organisations, conducts its own common foreign policy and maintains its external relations, and this potentially influences its involvement in crisis management since the Union has to take into account not only its political objectives but also the other interests and priorities of the EU and its component Member States.

Analysing the EU's involvement in crisis management in the framework of the Union's external action is not straightforward since there is no agreement at the theoretical level about how to describe the role of the EU on the international scene.² The EU contribution to crisis management is primarily associated with the European Security and Defence Policy (ESDP) as enshrined in Article 17.2 of the Treaty on European Union (TEU): '*Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking*'. The so-called Petersberg tasks (the areas covered by the EU contribution to crisis management) that the TEU inherited from the WEU Petersberg Declaration are not limited to the military dimension but also include civilian tasks. The military dimension of EU crisis management has been developed since 1999 within ESDP and has clearly an intergovernmental character. However, civilian aspects of EU crisis management are less well defined since they potentially encompass a broader range of

2. Special Issues on 'The EU, Crisis Management and Peace Support Operations', Giovanna Bono and Stale Ulriksen (eds.), *International Peacekeeping*, vol. 11, no. 3, Autumn 2004 (see Introduction to the volume by Giovanna Bono).

policies and instruments implemented under the Intergovernmental and Community pillars.

Consolidating EU civilian crisis management

The EU Member States have confirmed on many occasions that a more coherent and integrated approach to crisis management is needed. For instance, the European Security Strategy (ESS) adopted by the European Council in December 2003, explicitly indicates that more coherence is needed to improve EU effectiveness in crisis management. The main challenge in this respect is to bring together the different instruments and capacities that have been created in different periods of time, within different institutional structures and with different rationales. Greater coherence requires complementarity in the use of EU instruments (civilian and military) and a better co-ordination between EU institutions.³

Another example is the Civilian Headline Goal 2008 which was adopted a year after ESS and also recognises that: *'A coherent use of Community and ESDP instruments is of key importance for a qualitative improvement of the EU's capacity to act.'* It clarifies the scope of EU activities by stating that *'Developing the civilian dimension is part of the EU's overall approach in using civilian and military means to respond coherently to the whole spectrum of crisis management tasks such as conflict prevention, peacekeeping and tasks of combat forces in crisis management including peacemaking and post-conflict stabilization.'*⁴

The existing pillar structure of the European Union is not the optimal architecture for a coherent and integrated approach to conflict prevention and crisis management simply because when it comes to tackling a crisis, many policy areas – entailing trade, aid, assistance, financial, political and military measures – may be involved that fall under the separate pillars. The Constitutional Treaty intended to provide an institutional remedy for such 'structural incoherence' by bringing all policies related to crisis management (such as CFSP, Common Commercial Policy, Cooperation with Third Countries and Humanitarian Aid, International Agreements, Relations with International Organisations) under the common umbrella of the Union's External Action.⁵ In this new framework, the Union's Minister of Foreign Affairs would ensure the co-ordination of different aspects of crisis management and the unity of command.

3. European Security Strategy, adopted by the European Council, 12 December 2003.

4. EU Doc. 15863/04, 7 December 2004, 'Civilian Headline Goal 2008, Part I – Ambitions and Tasks'.

5. Title V ('The Union's External Action'), Part III ('The Policies and Functioning of the Union'), Constitutional Treaty.

However, the ratification process is on hold and the prospects of formal consolidation of the tools divorced under the first and second pillars have been stalled for an indeterminate period of time. After the rejection of the Constitution by France and the Netherlands, there has been some speculation that if the ratification and entry into force of the Constitutional Treaty fails, some rearrangements concerning external relations could perhaps be introduced by the decisions of the European Council within the framework of existing treaties.⁶ The confirmation in September 2005 that one of the most advanced projects – the Union’s External Action Service – will not come into force as long as there is no European constitution, however, indicated that it is rather unlikely that any institutional changes in the functioning of the EU external action will take place without a new Treaty.⁷

Since the future of the Constitutional Treaty is uncertain, our study on *Consolidating EU civilian crisis management* has to be placed in the framework of existing treaties while examining if and how a more coherent and integrated approach to EU CCM could be achieved. The legal/institutional, financial and administrative impediments cannot be overcome without the amendments of the TEU, or in the case of some matters which are not directly regulated in the treaty, without inter-institutional agreements.

However, under the current treaty the Council and the Commission share responsibility for ensuring the consistency of the Union’s external activities as a whole in the context of its external relations, security, economic and development policies and they have to cooperate to this end.⁸ This gives a legal basis for improving the coherence between the various instruments in the interest of more effective EU action and realisation of the EU’s strategic objectives. Secondly, EU political commitments such as the EU Programme for the Prevention of Violent Conflicts and the Civilian Headline Goal 2008 is a solid underpinning for improving cooperation between the two institutions at the working level and for achieving a more integrated approach to lasting peace building.

Although both institutional actors consider a better coordination between ESDP and Community tools as an important factor that increases the effectiveness of EU’s interventions in crisis situations, the definition of the relationship between the different instruments remains problematic. Certain issues thus need to be clarified, e.g. which instrument or set of instruments is to be used

6. Rory Keane, ‘Does internal EU paralysis threaten external action?’, *European Security Review*, no. 26, June 2005.

7. Honor Mahoney, ‘EU diplomatic service on hold’, *EUObserver*, 13 September 2005.

8. Article 3(2) of Treaty on European Union.

in a given crisis situation and on what basis such a decision should be taken? How can the potential added value of using one instrument in a specific crisis scenario be measured against the potential advantages of using another? How can the need for a more comprehensive approach to civilian crisis management be balanced with the need of attaining the EU's strategic objectives? This *Chaillot Paper* attempts to respond to some of the above-mentioned issues and explores ways of improving the synergy between the different EU instruments.

Overview of the *Chaillot Paper*

The first part of this *Chaillot Paper* consists of a comprehensive overview of the spectrum of EU instruments related to civilian aspects of crisis management. For the sake of clarity, we make a distinction between Intergovernmental and Community Instruments and present them separately.

The first two chapters are devoted to the civilian crisis management instruments within ESDP. Chapter One explains the reasons behind the introduction of the civilian aspects of crisis management into ESDP activities and the impact that the initial perception of CCM had on the process of the EU's civilian capacity building. The chapter focuses mainly on the conceptual and methodological developments under ESDP and on the progress made since the deployment of the first ESDP operation towards a more coherent and integrated approach to CCM.

Chapter Two reflects on the nature (characteristics) of ESDP operations and on the comparative advantages of an intervention in the framework of the second pillar. Taking into account the added value of the ESDP interventions in some crisis situations, the author emphasises the need for a strategic approach in the way the EU's operations are deployed. The chapter provides some key elements that could guide the ESDP decision process.

Chapter Three explores the current state of play of the Community instruments (in particular geographic and specialised sectoral assistance) and provides illustrative examples of the activities financed through these instruments. This overview allows the author to assess the principal strengths and weaknesses of the Community instruments.

The second part focuses on the implementation of EU civilian instruments on the ground. Two civilian operations terminated in 2005 provide ample material for examining the implementation of EU civilian missions at the operational level and allow the authors to assess their role in the broader framework of Community instruments deployed in the respective countries. Chapter Four analyses the EU Police Mission EUPOL *Proxima* in the FYROM in the context of EU pre-accession policy towards the Western Balkans. Chapter Five assesses the role of the first EU Rule of Law Mission – EUJUST *Themis* – to Georgia in relation to the Community Instruments deployed in the framework of European Neighbourhood Policy (ENP).

The third part of the study is devoted to the challenge of internal coherence at the institutional level, with focus on both civil-civil co-ordination as well as civil-military co-ordination of EU instruments. Chapter Six examines the issues of intra-pillar co-ordination between the Community and ESDP civilian instruments. It provides a comparative analysis of the decision-making process, funding, planning, administration and implementation of the instruments within the first and second pillars. Through an examination of these issues, the author questions the sustainability of the current institutional arrangements. Chapter Seven addresses the challenge of civil-military coordination in crisis management. Although the EU has not as yet deployed any truly mixed operation, the importance of civil-military cooperation is underlined in the ESS and subsequent documents related to European capacity building. Chapter Seven also presents the foundations for improvement of civil-military interaction in crisis management that have been built at the strategic and planning level and discusses the prospects for further strengthening of Civil-Military Coordination.

Civilian crisis management within ESDP

Agnieszka Nowak

Civilian crisis
management: the EU way

1

Introduction

Since January 2003 when the first ever ESDP operation – the Police Mission in Bosnia and Herzegovina – was launched, the EU has deployed another fifteen civilian and military operations.¹ Ten of these are of a civilian nature and they have been deployed not only in the Western Balkans but also in the Southern Caucasus, Sub-Saharan Africa, the Middle East and South-East Asia. The growing number of civilian operations, their larger geographical scope and the various types of engagement they require, shows that the EU has made faster operational progress in the ‘soft’ dimension of crisis management, than in the military one which initially was seen as a priority in the development of an EU crisis response. Further requests for EU civilian involvement validate the importance of this dimension of crisis management now and in the future, but also represent a new challenge for the EU.

While this operational progress confirms the EU’s ability to act and its potential as a security actor, the first ESDP mission in Bosnia and Herzegovina was heavily criticised, just a few months before its termination,² for an inappropriate and weak mandate, a lack of inspiration and experience, and on the grounds that the personnel has not been up to the task as well as being ineffective in the fight against organised crime.³ However, since EUPM as a first ESDP operation was conceived as a ‘learning-by-doing’ exercise, some of this criticism might have been expected, and even if the mission has not yet attained its objectives, it has provided important lessons for future operations.

In this context, this chapter examines the EU approach to civilian crisis management (EU CCM) as it has been agreed and developed within ESDP. The chapter starts by clarifying the various meanings of CCM at the EU level, but then focuses on EU civilian operational capabilities within ESDP and analyses them as one of the EU instruments for crisis management.

1. See Annex 1, pp.141-2.

2. On 31 December 2005 in accordance with the provisions of Council Joint Action 2002/210/CFSP of 11 March 2002, the EU Police Mission in Bosnia and Herzegovina (EUPM) came to the end of its first three year mandate. EUPM’s mandate was adjusted and extended for another 2 years as from 1 January 2006 by Council Joint Action 2005/824/CFSP of 24 November 2005.

3. ‘Bosnia’s Stalled Police Reform: No progress, No EU’, International Crisis Group, *Report* no. 164, 6 September 2005, pp. 12-14; see also James Lyon, ‘EU’s Bosnia police mission is “laughing stock”’, *European Voice*, 15-21 September 2005.

The chapter discusses the effectiveness of this tool not only in the operational sense, but in the broader context of EU commitment to projecting stability and to building lasting peace outside its borders while taking into account the fact that European capacity building is not yet fully accomplished. EU civilian crisis management within ESDP is a process that started in 1999 and continues to be developed today in line with the Civilian Headline Goal (CHG) 2008 and therefore the evaluation of its development at this stage would hopefully help to better integrate this instrument into the overall EU crisis management machinery.

The meaning(s) of EU civilian crisis management

Although the expression ‘civilian crisis management’ (CCM) has been commonly used since 1999 in many EU official documents, its meaning has not been clearly defined at the EU level and it seems that CCM still means different things to different people. The lack of a clear definition of EU CCM is to some extent a product of the unclear scope of civilian peacekeeping and peace-building activities at the international level. More directly, the ambiguity of this expression is also related to the institutional split between the civilian instruments created under the first and second pillars and the more complicated issue of competence-sharing in the civilian area of crisis management between the Council and the Commission.

‘Civilian crisis management’ was defined in one of the first reports devoted to the issue as *‘the intervention by non-military personnel in a crisis that may be violent or non-violent, with the intention of preventing a further escalation of the crisis and facilitating its resolution’*.⁴ The same report underlined the fact that experts in this field usually draw a distinction between *‘conflict prevention’* and *‘crisis management’*, with the former generally being used to refer only to *‘activities that take place before any hostilities have occurred’*, whereas the latter usually refers to *‘intervention only after violence has erupted’*. In addition, the report recognised that *‘post-conflict peace building is seen as another means of preventing subsequent crises, and therefore frequently becomes part of CCM discussions as well’*.⁵ The fact that CCM potentially comprises multiple stages and multiple actors and that there is no agreement on its definition has resulted in some confusion over the definition of CCM at the EU level.⁶

4. Chris Lindborg (reported by), ‘European Approaches to Civilian Crisis Management’, *BASIC Special Report*, March 2002, p. 4.

5. *Ibid.*

6. ‘EU Crisis response Capability: Institutions and Processes for Conflict prevention and Management’, International Crisis Group, *Issues Report* no. 226, June 2001 (see Part I).

Apart from the undefined scope of CCM, the vagueness of the expression is a problem of language, as pointed out by other experts: “Civilian crisis management”, as a term, is broad and difficult to define. Potentially, it denotes any policy or instrument directed at the management of crisis that is not military policy or a military instrument (...) As a subject, civilian crisis management is particular to the EU and has no equivalent parallel in the lexicons of UN, OSCE or non-European regional organisations.⁷

For the purposes of clarity, the narrow meaning of EU CCM will in this *Chaillot Paper* correspond to the civilian-operational capacities of the EU Member States that have been developed since 1999 in parallel with the military aspects of crisis management under ESDP. These developments have been institutionally separated from the developments that have taken place under Community external policies and which are discussed in Chapter Three of this volume. EU civilian-operational capabilities and their coordination mechanism established under ESDP is indeed particular to the EU and has no equivalent in the other organisations.

EU CCM in the broad sense usually refers to all non-military instruments or policies of the EU dedicated to crisis management. In fact, before CCM was formulated under ESDP in 1999, EU policy-makers used the expression ‘non-military crisis management’ to describe any EU civilian involvement in crisis management. For example, following the introduction of the ‘Petersberg tasks’ into the Treaty of Amsterdam, the European Council of Cologne (June 1999) invited the Council to carry out an in-depth discussion on all aspects of security, with the aim of enhancing and improving the coordination of the Union’s and Member States’ non-military crisis response tools. A Security Working Group (SWG) was tasked at the time to deal with this question and to draw up the list of all already existing instruments at the Union level in cooperation with the Council Secretariat and the Commission.⁸ The SWG presented a list of non-military crisis management tools which had been divided into three sections containing items that fall either under Community competence (under TEC) or under the CFSP (under TEU) and often under both.⁹ The first section listed ‘The general frameworks and processes through which the Union may influence third countries for the purpose of crisis prevention/management’,¹⁰ the second ‘The activities and measures which the Union had carried in the field of crisis prevention/management’¹¹ and the third section

7. Renata Dwan, ‘Civilian tasks and capabilities in EU operations’, paper presented in Berlin, May 2004, p.1.

8. EU Doc., 11044/1/99 REV1, 3 December 1999.

9. EU Doc., 11044/1/99 REV1, 3 December 1999, Annex – Non-military instruments of crisis management.

10. For example, EU membership prospects, EU contractual relationships, Regional cooperation and stability, EU market access, Financial assistance.

11. For example, EU diplomacy and EU/Member States participation and coordination in international organisations, Early Warning Mechanisms, fact-finding missions, contribution to or participation in organisations, dealing with non-proliferation and arms destructions, Humanitarian assistance, support (financial and other) to electoral process, restoring government, peace process, multiracial process etc., promotion of human rights, Security institutions building, the fight against terrorism, monitoring, sanctions, participation in structures implementing peace agreements, anti-mine action, action against proliferation of small arms and light weapons, police training and monitoring, border control.

12. For example, the Presidency, Secretary General/High Representative, Commission, Special Representatives and Heads of Missions.

13. A similar understanding of EU civilian crisis management was adopted and presented by the Commission in a document prepared in 2003 by the Conflict Prevention and Crisis Management Unit and entitled 'EU instruments for civilian aspects of crisis management' (http://europa.eu.int/comm/external_relations/cpcm/cm.htm).

14. Cologne European Council, Annexes to the Presidency Conclusions, Annex III - European Council Declaration on Strengthening the Common European Policy on Security and Defence.

15. Initially 3,110 police officers have been approved for UNMIK. UN Secretary-General, Kofi Annan, on 26 October 1999 recommended that the Security Council increase the strength of the UNMIK police force by more than 1,600 officers, after receiving a recommendation from Bernard Kouchner that the force should be significantly increased. Kofi Annan urged the Council to increase the force strength to 4,718 (including 1,100 special police) to ensure that UNMIK had a police service that could enforce and maintain civil order. By early 2000 less than 2,000 police officers had been deployed and full strength was achieved only by the end of the year (See <http://www.civpol.org/unmik/>).

16. Helsinki European Council, 10 and 11 December 1999, Presidency Conclusions, Annex 2 to Annex 4 - Report on Non-Military Crisis Management of the European Union.

17. EU Doc., 11044/99 REV 1 of 3 December 1999, Annex - Non-military instruments of crisis management.

18. EU Doc., 12323/99 of 24 November 1999, Non-military crisis response instruments available in EU Member States.

enclosed '*The Instruments and Institutions which the Union can use for crisis management*'.¹² All the instruments enumerated in the document as non-military crisis management tools fit in the broader meaning of civilian crisis management. They comprise the whole spectrum of instruments, policies and programmes at the EU's disposal that allow it to act in the pre-conflict, active conflict, and post-conflict situations.¹³

CCM as a process of EU civilian capacity building

Rationale

The entry into force of the Amsterdam Treaty in 1999 endorsed the EU to start a process aimed at building the means and capabilities that would allow it to take decisions on and carry out a full range of crisis management and conflict prevention tasks defined in the Treaty (Article 17.2) and known as the 'Petersberg tasks'.

The process was initiated at the Cologne Council when guidelines for all aspects of security were set.¹⁴ The decisions taken by the EU at that time were strongly influenced by the developments in Kosovo. The EU Member States realized that they were militarily unable to stop the violence there, which led them give a high priority to military capacity building. Secondly, the difficulty in the aftermath of NATO-led intervention in deploying a sufficient number of police personnel within UNMIK¹⁵ led the European states to also include the enhancement and better coordination of the Union's and the Member States' non-military crisis response tools into the guidelines set at Cologne. At this initial stage, the main motivation of non-military crisis management within ESDP was therefore to co-ordinate the resources of EU Member States in order to be able to respond more rapidly and more effectively to emerging crisis situations.¹⁶ The work started with making inventories of the civilian tools available to the Union¹⁷ and to Member States.¹⁸ The inventories showed that both the EU and its Member States have accumulated considerable experience or have considerable resources in a number of areas such as civilian police, humanitarian assistance, administrative and legal rehabilitation, search and rescue and electoral and human rights monitoring. Building on the guidelines set out by the Cologne Council, the

Helsinki Council adopted an *Action Plan for non-military crisis management of the EU* and established a mechanism at the Council Secretariat to coordinate a regular update of the inventories, to run a database project and identify the weaknesses and strong points of the various civilian means and resources. The Helsinki Action Plan underlined three aims of CCM:

- (1) strengthening of the synergy and responsiveness of national, collective and NGO resources in order to avoid duplication and improve performance, while maintaining the flexibility of each contributor to decide on the deployment of assets and capabilities in a particular crisis;
- (2) enhancing and facilitating the EU's contributions to, and activities within other organisations such as the UN and the OSCE whenever one of them is the lead organisation in a particular crisis, as well as EU autonomous actions;
- (3) ensuring inter-pillar coherence.

Four priority areas

According to the Action Plan, a study on the previous experiences of EU Member States was carried out during the Portuguese Presidency. This study identified for the first time the four priority areas (police, rule of law, Civilian Administration and Civil Protection) which were later approved by the Feira European Council in June 2000.¹⁹ Since then the EU has focused on developing advisory, training and monitoring capacities within the four areas, as well as executive tasks, however without excluding the use of other tools available to the Union and to its Member States.

The development of civilian and military capabilities within ESDP both followed a similar method with priority given to rapid reaction response. The capability-building started by setting quantitative targets and holding pledging conferences where Member States committed a specific number of relevant national experts. It was only after this process was started that the EU defined the purpose of the capabilities. As mentioned above, the beginning of the process to build a 'reactive' approach was mainly influenced by the Kosovo experience. In particular, the difficulties of the European states in providing a rapidly deployable civil police to serve under UN mandate impacted directly on the way in which the EU approached the development of its civilian capabilities.

19. Feira European Council, 19-20 June 2000, Presidency Conclusions.

Civilian Police

The Civilian Police has assumed a leading role in improving EU crisis response capabilities. The European Council in Feira identified concrete targets for the police: 5,000 police officers available for international police missions, with a 1,000 of them deployable within 30 days.²⁰ One year later a Police Action Plan was adopted at the Gothenburg Council with priority on developing and planning of the conduct of police operations at the politico-strategic level, including development of the ability to rapidly set up operational headquarters and possible assembly of Integrated Police Units (IPUs). These specialised units were first defined at the European Councils of Feira as '*robust, rapidly deployable, flexible and interoperable forces, capable of performing executive tasks in order to re-establish law and order in non-stabilised situations*'. The use of IPUs is envisaged in particular for targeted interventions in the countries where public security problems and weak institutions could make a purely civilian (non-executive) intervention too risky. The first Police Capabilities Conference took place at the ministerial level on 19 November 2001 at which national commitments to meet the police capability goals were consolidated. A number of concept documents were elaborated within the Council Secretariat on potential operations scenarios (strengthening or substitution of local police), command and control in police operations, interoperability of IPUs and operational headquarters as well as on training and equipment requirements.²¹

In addition to the developments of IPUs within ESDP, five EU Member States that at the national level already disposed of some specialised police forces (police with military status) also known as *Gendarmerie*-type corps,²² decided in 2004 to make their specialised units available to the EU by creating a new *European Gendarmerie Force* (EGF or Eurogendfor).²³ Eurogendfor is conceived as a complementary tool within the civilian crisis management capacities of the EU or more precisely as a multinational unit available for ESDP operations. EGF has a permanent HQ situated in Vincenza, Italy, and an initial rapid reaction force of 800 men deployable within a maximum of 30 days. Eurogendfor is supposed to be deployed during or immediately after a military operation proper, with the task of maintaining order in unstable situations, liaising between military and police forces, and intervening promptly in complex contingencies. The tasks of EGF could also

20. Ibid., Appendix 4 to Annex I of the Presidency Conclusions.

21. EU Doc., 133307/01, 26 October 2001 — Standardisation and Interoperability, 13308/01, 26 October 2001, Guidelines for Training and Selection Criteria for Personnel in EU Police Missions, 8655/1/02 REV1 (Restraint), 8 May 2002, Comprehensive Concept for Police Substitution Missions, 11839/1/02 REV1, 8 November 2002, Discussion paper on Arrangements for Common Equipment for EU Police Operations, 8009/03, 2 April 2003, Interoperability of Integrated Police Units and Police Headquarters.

22. France — *Gendarmerie Nationale*, Italy — *Arma dei Carabinieri*, Spain — *Guardia Civil*, The Netherlands — *Marechaussee* and Portugal *Guarda Nacional Republicana*.

23. Declaration of Intent, Noordwijk, The Netherlands, September 2004. This initiative was welcomed by the EU Member States in the Declaration of EU Chiefs of Police following the meeting on police aspects in the ESDP framework, Warnsveld, the Netherlands, 25 October 2004.

include support to civilian police in the fight against organised crime and protection of civilian missions officials.²⁴ EGF has been operational since 2005 but has until today not been deployed under the EU flag.

Rule of law

In addition to adopting the Police Action Plan, the Gothenburg European Council also identified concrete targets in the areas of rule of law, civilian administration and civilian protection. The strengthening of rule of law was the next priority area where a target of 200 experts was set. A substitution and support role for rule-of-law missions were recognised as potentially being an area where the EU could provide added value to the international community's contribution in crisis management. The experience of the Balkans and Kosovo showed that the substitution measures are initially needed to replace failing or non-existing state structures, focusing primarily on law and order and the penal system. Substitution measures mean deploying international personnel such as lawyers, policemen and prison staff to ensure that fundamental principles of the rule of law are implemented. In the longer term, training activities are required since a local legal system sooner or later has to be restored.²⁵ In this context, continuity between emergency intervention and longer-term actions should also be ensured.

A Rule of Law Commitment Conference was held in Brussels in May 2002 in order to put together the voluntary national commitments. The EU Member States committed up to 282 officials, 60 of whom are committed to rapid deployment within 30 days.²⁶ A generic concept for missions in the field of rule of law was elaborated within the Council Secretariat.²⁷ The concept makes a distinction between strengthening the rule of law, i.e. to educate, train, monitor and to give advice with the aim of bringing the local legal system up to international standards, and substitution for the local judiciary/legal system, i.e. carrying out executive functions, notably where local structures are failing or inexistent in order to consolidate the rule of law in a crisis situation and thereby restoring public order and security.

24. www.eurogendfor.org

25. EU Doc., 13141/00, 9 November 2000, Record of the seminar held on 25 October 2000 on strengthening the rule of law in the context of crisis management.

26. EU Doc., 8978/02, 17 May 2002, Rule of Law Commitment Conference Declaration.

27. EU Doc., 9792/03, 26 May 2003, Comprehensive EU Concept for missions in the field of rule of law in crisis management, including annexes.

Civilian administration

The social, ethnic, cultural, economic and political complexity of interventions such as that in Kosovo requires coordinated action not only by supporting the police and the justice system but also the local administration. The targets set in Gothenburg in the area of civilian administration were not as precise as those set for police and the rule of law. The EU Member States committed to voluntarily provide a pool of experts for quick deployment in a crisis situation, capable of covering a broad spectrum of tasks such as registration of property, elections and taxation, social and medical services and infrastructure functions. Some guidelines for civilian administration missions have been developed with the emphasis on setting up or ensuring the existence of a functional administrative framework while promoting transition to local ownership as early as possible.²⁸ Transitory administration that could be provided by the EU was defined in the guidelines as a set of bodies, back-up units, agents or functional authorities established within the framework of a crisis management operation in order to assume on a temporary basis the management and performance of the usual administrative tasks. This kind of mission can be set up following a mandate from the UN Security Council or at the request of the local authorities.

Civil protection

Some Member States have questioned whether civil protection should become a separate area of civilian crisis management, arguing that it could be included into civil administration capabilities. The Commission also opposed the development of this area under ESDP, arguing that civil protection is in some cases closely linked to humanitarian assistance and therefore should not depend on political decisions but be provided neutrally and on a needs basis.

Despite this resistance, the targets in this priority area were set in 2001²⁹ and met by 2002.³⁰ The Member States declared two to three assessment and/or coordination teams of ten experts capable of dispatching within 3-7 hours, as well as intervention teams of 2,000 personnel and some specialised services to be dispatched within a week. Within this priority area it was also envisaged that the civil protection mechanisms developed for protection and rescue tasks at the national level could be adapted to provide assistance during and after a crisis to humanitarian aid actors, for

28. EU Doc., 9282/02, 28 May 2002, Basic Guidelines for Crisis Management Missions in the field of Civil Administration.

29. EU Doc., 7173/01, 15 March 2001, Concrete targets for Civil Protection in Crisis Management.

30. EU Doc., 10882/1/02, 16 September 2002, Civil Protection in the Framework of crisis management – draft concept.

instance by covering the immediate survival and protection needs of the affected populations.

In January 2002, a few months after the Council set ESDP targets in this area, a Community Civilian Protection Mechanism was established based on a Council decision.³¹ This mechanism can be used as a civilian protection tool within the Union, as well as for external missions of EC humanitarian aid and is financed from the EC humanitarian budget (for more details see Chapter Three). The solution that was adopted within the context of crisis management is that the Council can choose between two types of civilian protection assets. It can decide an intervention exclusively under the second pillar using Member States' assets indicated to the Council's Co-ordination Mechanism for Civilian Aspects of Crisis Management or activate the Community mechanism to facilitate the reinforced co-operation in Civil Protection assistance interventions.³²

Creation of the civilian structures for CCM within the Council Secretariat

Apart from the Co-ordination Mechanism set up at the Helsinki European Council with the purpose of synchronising EU Member States' resources and management of civilian capabilities database, the Council also decided to create a Committee for Civilian Aspects of Crisis Management (CIVCOM).³³ Since its establishment in May 2000 CIVCOM has been responsible for developing strategies for civilian priority areas as well as overseeing the management of civilian operations. The Committee is composed of national representatives plus officials from the Commission and Council Secretariat and helps to ensure a higher degree of inter-pillar coherence in the civilian aspects of EU crisis management and promotes improvements in the crisis response capabilities of the EU. CIVCOM is part of the mechanism for the exchange of information and co-ordination between the Union and the Member States to facilitate rapid reaction. CIVCOM helps the Political and Security Committee (PSC) and other appropriate Council bodies to acquire a comprehensive view of the means available to the EU and to Member States, but its role is mainly of an advisory character. CIVCOM formulates recommendations to the PSC that according to Article 25 of TEU has a central role to play in the definition of and follow-up of the EU's response to a crisis (for the ESDP decision-making process see Chapter Six).³⁴

31. EU Doc., 10976/01, 26 September 2001, Council Decision establishing a Community mechanism to facilitate reinforced co-operation in Civil Protection assistance interventions.

32. EU Doc., 10160/2/02, Annex III of the Presidency ESDP Report to the Seville European Council.

33. EU Doc., 2000/354/CFSP, Council Decision of 22 May 2000 setting up CIVCOM and Doc. 8598/00 guidelines for the work of the Committee.

34. EU Doc., 2001/78/CFSP, Council Decision of 22 January 2001 setting up the Political and Security Council.

From concepts to action

Simultaneously to the conceptual work on the four priority areas, the EU has been developing the operational aspects of crisis management. At Nice and Gothenburg, the European Council undertook to make the Union quickly operational under ESDP and to take a decision to that end no later than at the European Council in Laeken (December 2001). In accordance with this commitment, the European Council agreed by the end of 2001 that: *'through the continuing development of ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate structures, the EU is now able to conduct some crisis-management operations. The Union will be able to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop'*.³⁵

A year later, a Civilian Crisis Management Capability Conference at the Ministerial Level met (during the Danish Presidency) in Brussels in November 2002 and confirmed that the targets set at Feira and Gothenburg had been exceeded through Member States' voluntary commitments. Following the Laeken declaration on the ESDP's operational capability, during the Spanish Presidency the Union took the decision to establish the first ESDP crisis management operation – the EU Police Mission in Bosnia and Herzegovina (EUPM).³⁶ Planning for the EUPM started in early 2002 and drew to some extent from the police concept documents mentioned previously, although the generic EU crisis management concept (a document drawn up principally by the EU Military Staff) provided the main guide.³⁷

These developments and the launch of the first EU civilian operation suggested that the progress made between 1999 and 2003 was swift. Moreover, the deployment of EUPM was crucial for gaining some EU know-how in mission planning, deployment and organisation. EUPM seemed also to be the first operation which was not an *ad hoc* construction, but rather a planned *learning-by-doing* experience.

The first lessons learned

The first review of the mission in B-H was put together by the General Secretariat of the Council in 2003. The assessment of the planning and launch of the EUPM showed several shortcomings in the way the EU was approaching civilian crisis management.³⁸ These 'in-house' assessments were primarily focused on the operational

35. European Council in Laeken, 14 and 15 December 2001, Annexes to the Presidency Conclusions, Annex II, Declaration on the Operational Capability of the Common European Security and Defence Policy.

36. EU Doc., Council Joint Action 2002/2107/CFSP, 11 March 2002

37. EU Doc. 1562501/03, 2 December 2003, Progress Report on Civilian Aspects of Crisis Management.

38. EU Doc. 11206/03, 29 April 2003, Joint Paper: 'Lessons from the planning of the EUPM Mission in Bosnia and Herzegovina (EUPM)', Autumn 2001-December 2002, EU Doc. 12269/03, 5 September 2003, 'A Review of the first 100 days of the EU Police Mission in Bosnia and Herzegovina (EUPM)'.

aspects of the mission's planning and deployment and aimed in the first place at improving the functioning of the missions. Considering the particular character of EUPM – taking over from the International Police Task Force/UNMIBH – not all the lessons are relevant to future civilian operations, though many of them may be.

The reviews pointed out that the EUPM experience demonstrated the importance of flexibility with regard to crisis management procedures and concepts. EUPM planning did not follow all aspects of crisis management procedures elaborated in various EU concept papers. One of the recommendations was that generic planning and concept papers should aim to provide guidance, rather than impediments to planning.

Another lesson was that the fact-finding missions (FFM) are crucial to planning. In the case that FFM have to be carried out under restricted time frames, flexible mechanisms for reviewing planning estimates and regular updates of planning figures should be explored. The possibility of two Joint Actions was also suggested, one to enable mission planning to start and it was suggested that a second to formally establish the mission on the basis of detailed figures be explored in the future.

The reports suggested that consideration could be given, within the civilian personnel databases established separately for different priority areas, to creating pools of experts that could be used to form mission planning teams. Training for the EU mission planning teams was also suggested. Since the mission force generation is predicated on pre-selection by contributing States, the review suggested that the sending States should ensure that their candidates have the skills and experience required by the mission in question.

The experience from the first mission deployment also showed that the administrative aspects of an operation were of equal importance as the more visible operational aspects. The crucial need to establish an administrative structure to perform procurement procedures within a strict time-line was considered a key element prior to any launch of an operation.³⁹

The internal reviews represent a useful exercise in the process of gradually improving operational aspects of ESDP civilian missions. However, since they are mainly oriented towards operational effectiveness, they need to be complemented by the external evaluations which should help the EU to put its civilian opera-

39. Ibid.

tions in the context of long-term peace-building processes and analyse the structural challenges faced by EU operations on the ground.

The external assessments of the EUPM highlighted some serious limitations in the running of the operation during the last three years.⁴⁰ EUPM was tasked to oversee police reform in Bosnia and this reform represented one of the preconditions to be met by Bosnia in order to begin negotiations with the EU on the Stabilisation and Association Agreement (SAA). The International Crisis Group (ICG) devoted a report to this issues in September 2005 in which it argued that the EU, being keen to score an early success for its nascent ESDP, underestimated both the size and complexity of the task in Bosnia.⁴¹ The country needed substantive police reform since during the 1992-1995 war the police were a key instrument for ethnic cleansing, particularly in Republika Srpska (RS). After the Dayton Agreement the police were divided into three highly politicised Bosniak, Croat and Serb forces with separate jurisdictions. The first two have since then been consolidated, but RS was refusing to reform its structures and to be integrated with the other forces.⁴² Only recently, and after the progress towards EU membership made by Serbia and Croatia, the parliament of RS (the Bosnian Serb parliament) adopted the EU-proposed police law necessary for Bosnia to start official preliminary SAA talks with Brussels.⁴³ Considering the previous situation, the EUPM mandate – monitoring, mentoring and inspecting the management and operational capacities of Bosnia’s Police – aimed at ensuring that the Bosnian police would by the end of 2005 have become a professional, politically neutral and ethnically balanced law-enforcement system, was judged by the ICG as weak and premature. Some EUPM officials agreed with the ICG that the first mandate was not working and would only have been suitable in perhaps five years time.⁴⁴ According to the ICG, a related problem was the EUPM personnel. Reform of police through co-location at medium and senior level positions was a demanding task for which EUPM police officers lacked experience, and the EU did not include a sufficient number of civilian experts for public administration tasks.

In the same year, drawing on the experience derived from the setting up and first months of EUPM, the second EU police operation *Proxima* was deployed in the FYROM in mid-December. While the overall commitment of the EU towards the Western

40. International Crisis Group addressed EUPM shortcomings in *Report* no. 160, ‘EU Crisis Response Capability Revised’, 17 January 2005, pp. 50-51.

41. ‘Bosnia’s Stalled Police Reform: No progress, No EU’, International Crisis Group, *Report* no. 164, 6 September 2005, pp. 12-14.

42. *Ibid.*, Executive summary.

43. Mark Beunderman, ‘Bosnia set to follow Croats and Serbs on EU track’, *EUobserver*, 6 October 2005.

44. James Lyon, ‘EU’s Bosnia police mission is “laughing stock”’, *European Voice*, 15-21 September 2005.

Balkans countries remained the same – to contribute to the post-hostility stabilisation process of the region – the aim of the EU presence in the FYROM was quite different from that of EUPM in B-H. The mission was expected to support the Government’s police reform and therefore presented a new challenge for the EU capacities within ESDP. (Chapter Four of this volume evaluates Eupol *Proxima*.)

In another article devoted to the structural challenges confronting EU policing in the field, Merlingen and Ostrauskaite argue that, based on the analyses of EUPM in B-H and Eupol *Proxima* in the FYROM, EU policing suffers from a series of conceptual shortcomings.⁴⁵ The authors query the ‘co-location’ technique through which EU missions seek to effect the police reforms as well as the formula of ‘best European practice’ used as the underpinning of the missions’ mandates. For instance, the article raises doubts about the extent to which the EU’s focus on ‘improving’ police managers improves the relationship between street-level officers and citizens. It also raises the questions about what standards and norms should guide transitional policing and who has the power to define them. The authors believe that the formula of ‘best European practice’ that was used in both the EUPM and *Proxima* is insufficient to deal with the challenge of ‘how to articulate Europeanizing reforms to particularizing circumstances’.

The first experience has shown some shortcomings in the methodology of increasing civilian capabilities. The four priority areas that have been conceived of and negotiated separately represented limited thinking about what was actually required. The EU needed to build civilian capabilities as part of a continuum of interdependent tasks. For example, it was difficult for a police mission to function without a functioning law and police reform. As is argued below, it was acknowledged gradually that what was required was a much more integrated approach that establishes the rule of law as the framework within which the police, judicial and penal experts could operate, alongside civil administrators and human rights experts.⁴⁶

A new approach was soon adopted allowing the EU to bring together different components depending on the tasks as identified on a case-by-case basis by a mixed assessment team. The scope of the mandate depends considerably on fact-finding missions and their evaluation reports, therefore more attention was given to the preliminary stage of the operations. The lack of appropriate

45. Michael Merlingen and Rasa Ostrauskaite, ‘ESDP Police Missions, Meaning, Context and Operational Challenges’, *European Foreign Affairs Review*, 10: 215-235, 2005.

46. Renata Dwan, ‘Capabilities in the Civilian Field, The European Union Security Strategy: Coherence and Capabilities’, Presentation at the Seminar, Swedish Institute of International Affairs, Stockholm, 20 October 2003.

experienced civilian personnel was recognised as a serious problem. Although the civilian capability targets were achieved or even exceeded by the end of 2002, the quality of civilian personnel needed to be improved by more demanding selection criteria and training.

A second problem was of a conceptual nature and linked to the way in which civilian capabilities were conceived: to back up military capabilities and help to ‘restore civil governments after crisis’. This was a limited perception of the civilian capabilities role. In the broader meaning of CCM, civilian capabilities of the EU are far more than post-crisis tools and they potentially need to be used in all phases of crisis management and in a more pro-active way. There was a clear need to link short-term civilian intervention with long-term reform processes. The structural challenges on the ground have shown the EU needs to better adapt its mission mandates to particular circumstances which may vary considerably while going far beyond EU borders.

Four priority areas plus

The Council Secretariat continued to conceptually develop the four priority areas⁴⁷ (separately) during 2003, and at the request of PSC worked on the concept and wider use of monitoring missions. The work was partly based on the lessons learned from the EC/EU Monitoring Mission while also taking into account that the mission was time and location specific to the crisis in the Western Balkans.⁴⁸ The purpose was to develop a broader monitoring capacity and include also experience from the setting-up of EUPM. The EU concept for monitoring missions was endorsed by the PSC on 27 May 2003.⁴⁹ This document referred to ‘monitoring missions’ as a generic tool which could be used in all different phases of crisis management and ‘*consists of a mission whose primary activity is to observe, monitor and report to the sending organisation on the general and security situation in the host country or in relation to specific agreement*’. Other potential activities include: contribution in confidence building, low-level conflict resolution and de-escalation assistance, border monitoring, monitoring of refugee returns, human rights monitoring and monitoring of disarmament and demobilisation or rule-of-law issues. The document distinguishes between ‘monitoring missions’ and ‘monitoring’ which refers to the working methodology and may be applied in a wide range of

47. EU Doc. 9792/03, 26 May 2003, Comprehensive EU concept for missions in the field of rule of law in crisis management, EU doc. 15311/03, 25 November 2003, EU Concept for Crisis Management Missions in the field of Civilian Administration, EU Doc., 9218/03, 22 May 2003, Draft Concept for EU Monitoring missions.

48. European Community Monitoring Mission (ECMM) in the Western Balkans was established in 1991, after the adoption by the Council of the European Union on the 22 December 2000 of Joint Action 2000/811/CFSP. ECMM was transformed into European Union Monitoring Mission (EUMM).

49. EU Doc., 14536/03, 28 October 2003, Concept for EU Monitoring Missions.

different ESDP missions. For instance, monitoring of local police was one of the tasks of the EUPM in Bosnia, but the EUPM itself was not a monitoring mission. While the monitoring missions can vary depending on their activities, they are distinct from other operations because they lack coercive capacity, do not have inspection authority and are not involved in implementing programmes. They are also characterised by their objective (impartial) stance and are reactive rather than pro-active.⁵⁰

Towards a more integrated and coherent approach

The lessons learned from the planning and deployment of EUPM influenced considerably the future developments of civilian crisis management under ESDP. This has been demonstrated in the commitments that the EU has undertaken during 2004.

Action Plan for Civilian Aspects of Crisis Management

A new Action Plan elaborated in line with the European Security Strategy was approved by the Council in June 2004.⁵¹ In the section: ‘Ambition for the future – Horizontal and Integrated Approach’ the plan highlighted that: *‘the EU should become more ambitious in the goals which it sets in civilian crisis management and more capable in delivering upon them. To do so it must draw on the full range of its potential responses (Community, CFSP/ESDP, Member States), selecting amongst them so as to best achieve the objective of peace, stability and development in regions and countries in conflict.’*

The Council underlined that future EU operations should be more comprehensive, flexible and adaptable to the needs of specific situations. It was decided that in addition to its existing capabilities the EU also needs to develop its capacity to deploy the pools of experts that are presented in the action plan as *‘multifunctional civilian crisis management resources in an integrated format’*. Deployment of these so-called ‘packages’ means that the size, composition and precise functions of each of them will vary according to the specific needs. Beyond being categorised according to pre-existing areas, each civilian mission should be able to respond with the expertise required to meet the challenge of each unique crisis situation.

50. Ibid.

51. EU Doc., Action Plan for Civilian Aspects of ESDP, adopted by European Council, 17-18 June 2004.

In order to better reflect the multifaceted challenges, the Council recognised that it is necessary to broaden the range of expertise to fields such as human rights, political affairs, security sector reform (SSR), mediation, border control; disarmament, demobilisation and reintegration (DDR) and media policy. The action plan indicated that the EU should identify experts in these fields to be incorporated into future civilian crisis management missions and in the meantime the EU further developed its capacity to conduct monitoring missions.

The Council also addressed coherence and complementarity issues between all EU instruments. The Action Plan emphasized that it is essential that the EU's political objectives are clearly identified in any given crisis management situation. This will help the EU to maximise the effectiveness of its combined capacities. Although the Action Plan was devoted to civilian aspects of crisis management the EU also committed to strengthen the synergies between its civilian and military crisis management instruments both with regard to the development of generic concepts and tools as well as the planning and conduct of operations.

Civilian Personnel: quantity versus quality

Secondly, the Ministerial Declaration issued in November 2004 on the occasion of the Civilian Capabilities Commitment Conference confirmed that a comprehensive review of the civilian capabilities had taken place in line with what was proposed by the Action Plan. The Conference confirmed that Member States voluntarily committed 5,761 personnel in the area of police, 631 for rule of law, 562 for civilian administration and 4,988 for civil protection. Despite the fact that these commitments exceeded the previously set targets, the ministers stressed the importance of real availability and deployability of the committed personnel and the right level of skills and experience. The monitoring and generic support capabilities were further identified, with 505 monitors and 391 experts committed in such areas as human rights, political affairs, gender and SSR. The declaration reaffirmed that the EU should develop its capacity to deploy 'multifunctional civilian crisis management resources in an integrated format' and specified a range of modalities for setting up and deploying such capacities, including rapidly deployable Civilian Crisis Response teams.

In order to improve the skills of civilian personnel, training on civilian aspects of crisis management was included into EU Training Policy in ESDP approved by the Council in November 2003. During 2004 the Concept and the Programme for EU Training in ESDP were elaborated.⁵² However the implementation of the civilian training will probably start only in 2006. In 2005 the EU has been seeking to prepare a list of civilian capability requirements in quantitative and qualitative terms. The actual training courses should be incorporated into the Training Programme for ESDP in 2006.⁵³

Civilian Headline Goal 2008

In addition to the adoption of the Action Plan, the European Council decided in June 2004 to set a Headline Goal for civilian crisis management. In December, the Civilian Headline Goal (CHG) was endorsed by the following Council with the objectives that should be met by 2008. The CHG reaffirms the important shift towards a more integrated and coherent approach by underlining that: a coherent use of Community and civilian ESDP instruments is of key importance for qualitative improvement of the EU's capacity to act.⁵⁴ However, the concrete objectives of CHG are mostly oriented at improving intra-pillar coherence and operational capabilities within ESDP: e.g. in addition to the four priority areas agreed at Feira the CHG includes the ability to conduct various types of monitoring missions, providing support to Special Representatives of the EU and contribution to activities such as SSR and support DDR processes. The CHG also states that the EU should be able to act before a crisis occurs through preventive activities. It reaffirms that the EU will seek to deploy integrated CCM packages that respond to the specific needs on the ground. Considering the increasing demand for EU civilian operations another objective fixed by the CHG is to achieve the ability to conduct concurrent civilian missions at different levels of engagement. The core of EU Member States' effort should thus be to improve the sustainability and quality of the personnel. Similarly, the improvement of rapid reaction response, coordination with the military capabilities and coherence between the Council and the Commission were highlighted.

52. EU Doc., 11970/04, 30 August 2004, Draft EU Training Concept and EU Doc. 15959/04, December 2004, Draft EU Training Programme in ESDP.

53. EU Doc., 7774/2/05 REV2, 14 April 2005, 'Implementation of the EU Training Concept in ESDP – Draft Analysis of Training', pp. 8-11.

54. EU Doc. 15863/04, 7 December 2004, 'Civilian Headline Goal 2008'.

During 2005, in the implementation process of the CHG, the priority was given to the development of rapidly-deployable capabilities of so-called Civilian Response Teams (CRTs).⁵⁵ The General Secretariat of the Council was tasked to develop a range of modalities for setting up and deploying the ‘packages’ of experts. In June 2005 a document presenting the objectives of CRTs was set up and the tasks of CRTs were envisaged in three areas:

- (a) assessment and fact-finding missions in a crisis or impending crisis situation;
- (b) rapid initial operational presence in the field after a Joint Action is adopted by the Council and support to the entry into operation of a CCM mission;
- (c) reinforcement of existing EU mechanisms for crisis management at the country and regional level in response to urgent and distinct needs, notably under the auspices of an EUSR function.⁵⁶

CRTs concept papers concerning the implementation of CRTs, generic terms of reference and training were further developed in the second half of the year.⁵⁷

In 2005 an important first step was taken on the way to develop a comprehensive EU concept for Security Sector Reform (SSR). The European Security Strategy recognised that SSR plays an important role in serving the EU’s strategic objectives as well as contributing to the prevention of violent conflicts. Since the SSR represents one of the cross-pillar areas where both the Council and the Commission have some competencies, the preparation of an overall SSR concept requires the involvement and co-operation of both institutions. During 2005 both institutions were developing separate SSR concepts covering their respective competencies that only at a later stage will be brought together in order to elaborate an overall EU strategy in support of SSR. While the concepts were developed in close consultation between the two institutions, this procedure is a sign of persisting difficulties in inter-pillar co-operation.⁵⁸

On the side of the Council, in July 2005 the General Secretariat presented a document to the Political and Security Committee (PSC) on ‘Initial Elements for an EU SSR concept’.⁵⁹ Subsequently, the Secretariat was tasked by the PSC to develop a draft concept for ESDP support to SSR. At the same time, the Commission was working on an SSR concept covering first pillar activities.

55. EU Doc. 5462/05, 18 January 2005, ‘Civilian Headline Goal 2008 – Proposals by the Council Secretariat on the management of the process during 2005’.

56. EU Doc., 10462/05, 23 June 2005, Multifunctional Civilian Crisis Management Resources in Integrated Format – Civilian Response Teams.

57. EU Doc. 12825/05 of 3 October 2005, Towards CRT implementation, 15406/05 of 5 December 2005 CRT Generic Terms of Reference, 15740/05 of 13 November 2005, CRT Training Concept.

58. Saferworld, ‘Developing a common security sector reform strategy for the EU’, 28 November 2005, seminar organised by the UK Presidency of the EU in conjunction with the European Commission, Saferworld and International Alert. Post-Seminar paper, January 2006.

59. EU Doc. 11241/05 of 15 July 2005, Initial elements for an EU Security Sector Reform (SSR) concept.

The ESDP concept paper presented in December intends to complement existing concepts in the areas of rule of law and Civilian Administration and provide a definition of Security Sector and an overview of potential ESDP contribution in support of SSR.⁶⁰

The Action Plan 2004, the elaboration of new objectives in CHG 2008 and the process of their implementation initiated in 2005 clearly indicate that the EU has learned a lesson from its operational experience. The extension of EU civilian expertise beyond the four priority areas, new assessments of the quantitative and qualitative requirements for civilian personnel, the creation of modular and multifunctional packages of experts that could be adapted to specific operational needs, the enhancement of the quality of assessment and fact-finding missions and the rapid deployment through CRTs demonstrates that the EU has undertaken an important methodological step in the way it approaches its missions' preparation and deployment. However, the implementation process of CHG 2008 only started in 2005 and the new integrated and more flexible EU response concepts need to be institutionalised and tested on the ground.⁶¹

A more active and more capable EU

In 2004, in parallel to the elaboration of the new methods in civilian capacity building, the EU launched a number of civilian operations, implementing the new concepts on the ground. When the EU Police Missions in B-H and in the FYROM were still on the ground, a further extension of EU expertise in the new areas such as rule of law and some aspects of SSR and DDR were already being practised.

Between July 2004 and July 2005 the first rule-of-law mission – EUJUST THEMIS – was deployed in Georgia.⁶² The mission's objective was to reform the criminal justice system and improve legislative procedures. In October 2004, the EU decided to launch a Police Mission in Kinshasa in the Democratic Republic of Congo (DRC) with the main objective of setting up an Integrated Police Unit (IPU) as part of a country-wide policing force. The police-training project was agreed in December 2004⁶³ and it provided a continuation of the mission previously conducted under the European Development Fund (EDF). The main EU commitment in the DRC is to support the process of consolidation of internal

60. EU Doc. 13565/05 of 7 November 2005, EU Concept for ESDP Support to Security Sector reform (SSR).

61. Catriona Gourlay, 'EU Civilian Crisis Management: Preparing for Flexible and Rapid Response', *European Security Review*, no. 25, March 2005.

62. Joint Action 2004/523/CFSP, 16 July 2004.

63. Joint Action 2004/857/CFSP, 9 December 2004.

security by contributing funds and by providing the government with the necessary law enforcement equipment and arms to implement the IPU.⁶⁴ Apart from testing whether the EU is capable of providing a larger scope of expertise, both of these cases should help to assess the coherence between ESDP instruments and Commission long-term assistance programmes.

The first EU 'packages' of experts were deployed in Iraq and Indonesia for assessment missions preceding the decisions to launch the EU Integrated rule-of-law mission for Iraq – EUJUST LEX and the EU Monitoring Mission in Aceh. Based on the assessments, EUJUST LEX was given the go ahead in March 2005 and became operational in July. The mission is designed to 'promote closer collaboration between the different actors across the criminal justice system' and consists of integrated training in management and criminal investigation provided to a representative group of Iraqi senior officials and executive staff (770 persons). These are mainly drawn from the Iraqi judiciary, the police and penitentiary personnel. Most of the training activities take place in the EU, but some will be conducted in the region.⁶⁵ Similarly, after considering the assessment mission report and following the signing of the agreement between the government of Indonesia and the Free Aceh Movement on the 15th of August 2005, the EU decided to launch a Monitoring Mission in Aceh together with five ASEAN countries.⁶⁶ This operation is also a first test case for EU expertise in area of monitoring. The mission helps implement the agreement by monitoring the parties' commitments, including the monitoring of the decommissioning of the Free Aceh Movement's surrendered weapons and ammunition, relocation of non-organic military forces and police troops, and the re-integration of active Free Aceh Movement members into civil society.⁶⁷

Another three civilian operations were decided and deployed in a short period of time before the end of 2005. The EU Police Mission in the Palestinian Territories (EUPOL COPPS) was set up as continuation of EU support to the Palestinian Civil Police. An EU support office for the Palestinian Police (EU COPPS) was previously established within the framework of the office of the EU Special Representative (EUSR) for the Middle East Peace Process. Since January 2006 this support takes the form of an ESDP operation building on the work of the EU Co-ordination Office for Palestinian Policing Support. The mission is designed to assist the

64. Natalie Pauwels, EUPOL 'Kinshasa: testing EU co-ordination, coherence and commitment to Africa', *European Security Review*, no. 25, March 2005.

65. Catriona Gourlay and Annalisa Monaco, 'Training civilians and soldiers to improve security in Iraq: an update of EU and NATO efforts', *European Security Review* no. 25, March 2005.

66. 'EU mission to monitor Asian peace-agreement', *EUObserver*, 16 August 2005; see also Pierre-Antoine Braud and Giovanni Grevi, 'The EU mission in Aceh: implementing peace', *Occasional Paper* no. 61 (Paris: EU Institute for Security Studies, December 2005).

67. See also Nicoletta Pirozzi and Damien Helly, 'Aceh Monitoring Mission: a new challenge for ESDP', *European Security Review* no. 27, October 2005 and in the same review 'The EU's contribution to consolidate peace in Aceh', Summary of the European Contact Group meeting on 12 October 2005, produced by the International Security Information Service (ISIS).

Palestinian Authority in the implementation of the Civil Police Development Plan as well as to coordinate EU assistance to Palestinian Civil Police.⁶⁸

EU expertise in border monitoring is also tested within two newly established assistance operations. The EU Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) has been established in Gaza since 15 December 2005.⁶⁹ Police and customs experts from the EU monitor the Palestinians' capacity in different aspects of border management at Rafah Crossing Point. Similar in form, the EU Border Assistance Mission to Moldova and Ukraine (EU BAM Moldova/Ukraine) has been deployed since the end of November on the Moldova-Ukraine border.⁷⁰ The mission helps the two states to reinforce their capacity in border surveillance and customs controls.

The fact that the EU has been able to deploy and run simultaneously different types of civilian operations at different levels of engagement and in different part of the world confirms the significant progress made since 2004 at improving its civilian operational capacity. The EU has become more active and more capable in the 'soft' dimension of crisis management. However, these developments do not mean that the process of European capacity building is finalised.

The process continues following the objectives agreed under Civilian Headline Goal 2008 and further developments require a systematic review. The Civilian Capabilities Improvement Conference at the ministerial level was organised in November 2005 and the next conference of this type is foreseen at the end of 2006.⁷¹ After reviewing the progress made in 2005, the EU Member States adopted the elements for a Civilian Capability Improvement Plan 2006. The priorities areas of the Plan include better coordination of civilian resources generation between the EU and Member States, elaboration (by the General Secretariat of the Council and the Commission) of proposals on the issue of procurement and mission support, as well as a training paper which brings together the training requirements in civilian ESDP. Further development of rapidly deployable capabilities (CRTs and Rapidly-Deployable Police Elements) were also included in the priority areas and an initial pool of up to 100 civilian experts is expected to be set up in 2006.⁷²

68. EU Doc. 13696/05 of 8 November 2005.

69. EU Doc. Joint Action 2005/889/CFSP of 12 December 2005.

70. EU Doc. Joint Action 2005/776/CFSP of 7 November 2005.

71. EU Press Release, 14713/05, Civilian Capabilities Improvement Conference, Ministerial Declaration, Brussels, 21 November 2005.

72. Ibid. Annex, Elements of Civilian Capability Improvement Plan.

Conclusion

Considering that the EU's civilian capacity building process within ESDP started only in 1999, the progress made to date both in framing and implementing CCM is considerable.

Firstly, the initial motivation of CCM to co-ordinate the resources provided by the Member States at the EU level and to strengthen the synergy between national resources and those of the Union has turned out to be too simplistic. The Member States realised that EU CCM cannot be only about coordinating what they provide but must also be about providing and co-ordinating what is needed to respond to each unique crisis situation. The EU has therefore an important role to play in generating national resources according to the assessment of a specific crisis situation. This new needs-oriented approach is arguably more mature.

Secondly, at the beginning of the process the EU approach to civilian crisis management was rather 'reactive' and focused on rapid response capacity building and short-term operations to be deployed mainly in post-conflict situations. This approach has also changed significantly. While the ability to provide a quick response to a crisis is often crucial, the EU orientation in CCM is also to be more 'pro-active', underlying the need for preventive engagement and the necessity to address the entire conflict cycle of prevention, management and reconstruction.

Thirdly, CCM within ESDP was initially set up as a separate instrument with its own rationale and little connection with the other EU instruments. Today, and in line with the European Security Strategy, EU civilian operations are considered to be one of many tools at the EU's disposal. More attention is therefore paid to ensuring a better link between short-term ESDP operations, and medium- and long-term Community operations and programmes.

When it comes to implementing EU CCM concepts and building on its experience from the civilian operations, the EU has also changed the methodology of improving its civilian capabilities. The civilian targets set within four priority areas have now been extended and cover a broader range of expertise. They are also more flexible and can be organised in multifunctional packages of experts on a case-by-case basis. The requirement lists have been revised and now consider not only the quantity but also the quality of available civilian personnel. These recent developments are

evidence that a lot has been done to improve intra-pillar coherence at least at the conceptual and methodological level. However, the question that remains unanswered for the moment is to what extent the new flexible and integrated approach has been implemented on the ground or whether there is a gap between EU rhetoric and reality.

The realisation of the ambitious EU agenda set in the European Security Strategy now depends on the Member States providing appropriate means and resources. The funding of CFSP, and within it ESDP civilian operations (discussed in Chapter Six), remains problematic. On the one hand the CFSP budget has doubled since 2002 but is still not sufficient to fund the growing number of operations. On the other hand, a large part of the cost of the operations comes from Member States on an *ad-hoc* basis and the current system reduces the EU ability of planning long term and more complex operations.⁷³ The growing operational involvement of the EU in crisis management and its broader geographical scope are also increasingly challenging because of the partition of EU policies linked to crisis management into separate pillars and the particularity of different crisis situations. As discussed in Chapter Six, the capacity building process within ESDP has been pursued separately from the developments of Community policies related to civilian crisis management and therefore the institutional divisions complicate in many respects the inter-pillar coherence. While the need for enhancement of inter-pillar co-ordination was already underlined in the Helsinki Action Plan and remains one of the main objectives of the European Security Strategy and Civilian Headline Goal 2008, little apart from issuing declarations has been done.

The ESDP civilian operations constitute a valuable tool, especially when it comes to sending a strong political message of EU support for peace and democratisation processes. However, the EU's ambition to build a sustainable peace requires that a more comprehensive approach to crisis management be developed, one that places a greater emphasis on tackling the structural causes of insecurity and that uses a broader range of instruments. The comprehensive assessments of the nature of the crisis, the historic pattern of political and economic ties with the country and the region concerned, as well as the political objectives adopted by the EU should determine which instruments are to be used and how.

73. Andrew Beatty, 'Common foreign policy budget "spent"', *European Voice*, 6-12 October 2005.

A strategic approach to the European Security and Defence Policy

Pedro Serrano

The need for a strategic approach to ESDP

Activities in the field of ESDP are relatively broad. Many of the efforts carried out in the last five years have concentrated on the development of ESDP as a policy instrument (concepts, structures, procedures, capabilities, etc.). Also, after recent natural disasters and major terrorist attacks, the use of tools developed in the context of ESDP for disaster and emergency relief is now being considered. But, undoubtedly, the main aim of ESDP in its present stage of development is crisis management actions. With twelve ESDP missions or actions currently deployed, and more than three years since the launching of the first ESDP operation in January 2003, a reflection on the general purpose of these missions and scope of ESDP action seems timely.

Current ESDP missions contribute to the overall engagement of the EU in international affairs in accordance with the objectives identified in the European Security Strategy. Nevertheless, up to now, the EU has undertaken the ESDP missions that have been, in some way or another, offered to it, maybe without reflecting sufficiently on the general impact/value of those missions on/for CFSP or, more broadly, on the global political objectives and interests of the EU. The purpose of this chapter is, through an analysis of the comparative advantages of ESDP instruments, to provide a general overview of the contribution they can make towards the attainment of the EU's strategic objectives, particularly as regards ensuring the security of EU citizens through the maintenance of international peace and security. In this context, it is important to recall the following:

- ▶ The EU is but one of the various actors which may be called on to intervene in a crisis situation. The UN, the OSCE, NATO, and other regional organisations may be already involved in a given theatre or can, for a variety of reasons, prove more adequate than the EU to handle a specific situation. Furthermore, EU Member States are also relevant members of some of these organisations and can influence decisions there in a way that favours EU overall interests.
- ▶ ESDP is but one of many instruments in the EU's toolbox. In most crisis situations the EU is already present and active, be it through diplomatic activities, trade policy or co-operation instruments.
- ▶ ESDP is a scarce resource. The difficulties in finding sufficiently well-qualified personnel for both military and civilian operations, the limitations as regards the availability of key strategic equipment and other material resources for crisis management operations and the financing constraints, particularly as regards civilian missions, clearly establish this point.

It is therefore important to identify those elements that make it advisable to launch an ESDP action in a given situation, and to quantify, as much as possible, the added value that ESDP may provide. This potential added value will have to be measured together with the EU's interest in a specific scenario, against envisaged ESDP involvement in other competing scenarios and against the potential added value of other actors. The outcome of this process should assist in deciding whether a specific ESDP action is required or not. If we do not follow such a process, the EU runs the risk of using scarce ESDP assets in operations or actions of lesser relevance and of not having the required resources to deal with scenarios that may be of key strategic interest.

The main characteristics of an ESDP intervention

The first question to be addressed is whether the operation being considered is an ESDP-type action. Normally, ESDP actions or operations are characterised by the following aspects:

Security situation

ESDP actions should only be envisaged in the context of conflict prevention, conflict or post- conflict scenarios. In all cases there will be a complex security situation in the field.

Political control and strategic direction remains in the hands of the Council

ESDP actions should be undertaken when the Council wants to retain the political control and strategic direction. This is particularly important in processes where political pressure from the Council has to be exercised regularly on local authorities or actors in order to achieve the desired results. The chain of command of ESDP actions, through the SG/HR, will ensure that the Council can exercise as appropriate its political control and its strategic direction over a given ESDP action or operation.

State or quasi-statelike functions

The tasks that an ESDP action or operation will have to undertake go beyond mere advisory or support tasks. In extreme cases, there will be enforcement powers, but generally there will be an intrusive and result-oriented mandate. Generally, this type of action cannot be entrusted to private operators. The political clout of EU Member States is necessary to obtain a firm commitment from local authorities to engage in relevant projects and reforms, and to closely monitor their performance.

The main types of ESDP missions

In addition, the question needs to be asked whether the action being considered falls within the main categories of typical ESDP operations. Without precluding any possibility as regards future developments, the main types of ESDP operations/actions, or combinations thereof, can be identified as follows:

Stabilisation

A military force is deployed to separate or ensure the separation of warring parties/factions or the imposition of maintenance of peace in an area affected by conflict. The operations *Althea* in Bosnia Herzegovina and *Artemis* in the Democratic Republic of Congo (DRC) are good examples of such operations. Different security-related activities may be encompassed within this broader concept (disarmament, demobilisation, etc.). Depending on the degree of interference the mission is authorised to exert, it may move towards more purely 'monitoring' activities. Police elements can also be deployed in a stabilisation context, including within a broader military deployment.

Substitution

In this type of operation/action, the international components are required to take over direct management responsibilities which, in normal circumstances, are exclusively under the control of the local authorities. These responsibilities will mostly be in the security sector (military, police), but could also extend to other fields within Rule of Law (e.g., the judiciary, prosecutors, the penal system) or the broader civilian administration field. A lighter form of substitution occurs when the international component retains essentially 'corrective' or subsidiary intervention powers.

Strengthening or reform

This is undoubtedly one of the most complex and challenging tasks that can be undertaken under ESDP. The aim is to contribute to and actively encourage, normally through monitoring and mentoring, in some cases also through inspecting, the reform/restructuring/construction of a branch of State activity. Frequently this will take place in a security-related field (defence or police), which in a broad sense could be extended to Rule of Law and general public administration areas as far as they may have a direct impact on the security situation. This type of ESDP actions and operations may be carried forward through a variety of co-location modalities. It will usually be a long-term aim and effort, which requires direct control and direction by the Council, in order to provide the necessary political pressure and impetus to ensure progress. It will certainly require complementary support from donors (Member

States, the Commission and others) to provide resources necessary for the restructuring. The main aim of the ESDP effort is to give direction and maintain constant follow-up in order to avoid a paralysis or failure of the process. This broad category includes actions/operations such as the police mission in Bosnia Herzegovina (EUPM), the police mission in FYROM (*Proxima*), the rule-of-law mission in Georgia (EUJUST *Themis*), the rule-of-law mission for Iraq (EUJUST LEX), the police mission in DRC (EUPOL *Kinshasa*) and the military operation in DRC (EUSEC Congo). The EU Police mission in support of the reform of Palestinian Civilian Police (EUPOL COPPS) has taken these kinds of missions a step further. It is based on a jointly agreed, and therefore locally owned, parallel track development programme where the ESDP mission ensures that donor aid is used as an incentive for institutional reform.

Monitoring

The main role of monitoring missions consists of supervising the implementation of an agreement. In such cases, the EU may also be called upon to participate in conflict settlement mechanisms as regards the interpretation of the obligations by the parties. The Aceh Monitoring Mission (AMM) and the EU Border Assistance mission at the Rafah crossing point in the Palestinian Territories (EUBAM Rafah) are two good examples of this kind of mission.

Support to crisis management organisations

From the outset, the EU has agreed that ESDP instruments could be used in support of crisis management efforts led by international organisations such as the UN, the OSCE, the AU, etc. This kind of operation is of an instrumental nature, the main effort being provided by the other international actor(s). The support can take the form of an independent but complementary EU action/operation (*Artemis*) or can lead to a direct integration of the EU effort in the mission, and chain of command, of the other international actor. The EU support action to the African Union Mission in Darfur (AMIS) is a good example of this second category. In such cases the EU maintains, for organisational purposes, an internal chain of command.

The comparative advantages of an ESDP intervention

When deciding whether the EU should undertake a specific ESDP crisis management operation/action or not, consideration should also be given to whether the EU is the most appropriate international actor to assume this responsibility. The following factors should be taken into account in this analysis.

First, the requirement for rapid deployment. In the development of ESDP, the EU has put particular emphasis on the establishment of rapidly deployed units, both on the military (battle groups) and on the civilian (IPU, FPU, CRTs...)¹ sides. Rapid decision-making procedures have been or are being set up. The EU has already shown a certain capacity to mobilise resources in very brief delays (*Artemis*, AMM and EUBAM Rafah).

Second, the demand for highly qualified experts and capabilities. It seems fair to assess that crisis management experts and capabilities (military or civilian) from European Union Member States are among the most highly qualified. This also means that ESDP operations should concentrate more on quality than quantity-intensive operations.

Third, the capacity for the EU to exercise its political clout. ESDP operations/actions will be more relevant in those places where the European Union's political influence or impact is greater.

The fourth factor to take into account when assessing whether the EU should engage in a crisis management operation/action is whether the coordinated use of a plurality of EU instruments brings added value. Civilian and military ESDP instruments have been developed in parallel. Numerous bridges between both have been created. Efforts in bringing together co-operation, trade, diplomatic and ESDP instruments are ongoing (Comprehensive planning and Security Sector Reform concepts). The FYROM case, where the EU has successively deployed a variety of ESDP instruments to sustain the consolidation of stability in the framework of the Ohrid Agreements, with final full transition to co-operation and accession instruments, is an excellent example of how the EU can make good use of its crisis management toolbox.

In conclusion, short-/medium-term missions where rapid deployment capability and high quality of expertise is necessary

1. Integrated Police Units and Formed Police Units are rapidly deployable (within 30 days) pre-identified police forces. They can perform all types of police missions and can play a special role in public order actions. IPU temporarily operate under military command. Civilian Response Teams provide civilian pre-identified pre-trained experts, deployable within 5 days, for fact-finding missions or initial deployment capability.

could be those in which the EU should concentrate, instead of longer term more static missions. The EU will then have at its disposal a mobile-flexible capability allowing it to deploy in a variety of scenarios and to better defend its interests and project its influence. In any case the direct consequences of a given crisis for the security of the citizens of the European Union should also be a determining factor.

Long-term missions versus short-/medium-term missions

The envisaged timeframe of an action/operation is yet another important factor to include in decision-making. Experience in the field of peacekeeping operations has shown that some missions are established for long periods of time. Operations where the main aim of the peacekeeping force is to ensure the separation of rival forces with opposing claims over a disputed territory are particularly illustrative in this regard. UN operations such as the UN Interim Force in Lebanon (UNIFIL), the UN Peacekeeping Force in Cyprus (UNFICYP) or UN Military Observer Group in India and Pakistan (UNMOGIP) are all good examples of these kinds of missions. But long post-conflict settlement processes, where there is a need for broad reconstruction and nation restructuring efforts, represent challenges that quite often cannot be dealt with through short- or even medium-term peacekeeping actions. The Balkans, with BiH and Kosovo, are excellent examples of these more complex and long term peacekeeping interventions.

The EU should carefully consider whether a situation is or has the potential to develop into a long-term 'peace-keeping/making' process, before deciding whether or not to engage in it through an ESDP action. Taking into account the scarcity of ESDP resources, preference should be given to short and medium-term actions. Only in those regions where the EU has key/vital interests, areas which have a direct impact on Europe's security, should it consider engaging, also through ESDP instruments, for the long term. Two obvious regions here come to mind: the Balkans and the Middle East.

The scarce resources available for ESDP missions: the need for clear and attainable objectives

Member States' human resources and equipment for crisis management, as well as financial resources and the capacity within the General Secretariat of the Council to plan for and manage ESDP operations/actions, are limited. The capabilities announced by Member States in commitment conferences mostly have an indicative value and, at least in the civilian field, do not necessarily reflect the actual level of effort which is being immediately envisaged. The EU will therefore have to assess with great care whether its direct involvement through an ESDP action/operation is required and feasible in the light of other competing demands.

The scarcity of ESDP resources further underscores the importance of ensuring clarity in the mandate and objectives of ESDP operations. The goals have to be realistic and attainable, and not set out in a 'long-term' haze. It is a positive fact that four out of fifteen ESDP missions launched up to now have been concluded, and three more will be terminated in the next few months.

Conclusion

During the last three years, ESDP actions have proved their value and have contributed to the further development of the EU as an international actor. This first phase has undoubtedly strengthened the Common Foreign and Security Policy. The EU has now reached a point where it can and should think more strategically about its involvement in international affairs through its ESDP instruments. This chapter has outlined some principles that can guide this process, but the key elements of any decision remains the clear identification of the EU's interests and objectives.

In parallel to this effort, although much progress has been made in the development of ESDP tools, it is still necessary to continue improving the EU's capacity as an actor in crisis management and to adapt to the evolution of the challenges of today's world. EU Member States should increase their crisis management capabilities in both the civilian and military fields. The EU must continue developing ESDP concepts, methodology and procedures, while aiming at greater comprehensiveness. Realistic financing arrangements have to be established. As regards this last

point, the increase in CFSP funding envisaged in the recently approved financial perspectives constitutes a major step in the right direction.

Events and processes do not necessarily follow the most logical path, but logic is certainly the main instrument at our disposal with which to understand and influence them. It seems that we have now reached a second, more reflective, phase in the development of the EU's crisis management tools. It is to be hoped that we will make good use of this opportunity.

Community instruments for civilian crisis management

Catriona Gourlay

Civilian crisis
management: the EU way

3

Introduction

Although the term ‘civilian crisis management’ was first used in the context of the development of the non-military capacities to be used in the second pillar framework of the European Security and Defence Policy (ESDP), the Community has long engaged in a range of activities that provide assistance to third countries in crisis. In line with the overarching objectives set out in the Treaty establishing the Economic Community (TEC), notably the promotion of stable conditions for human and economic development and the promotion of human rights, democracy and fundamental freedoms¹ and the ‘political commitment to pursue conflict prevention as one of the main objectives of the EU’s external relations’ agreed in the 2001 Programme for the Prevention of Violent Conflicts, a range of instruments have been established to deliver Community assistance in pre-crisis, active crisis, and post-crisis situations. These aim among other things to: support political and diplomatic initiatives to defuse a crisis; foster stability during periods of transition; safeguard human rights and strengthen democratic processes; and re-start the process of economic and social development.

In order to deliver this assistance in a strategic, timely and accountable way, the Community has developed a number of geographic and specialized sectoral financial instruments. Some of the most relevant are briefly described in what follows with illustrative examples of activities they have been used to support and some analysis of their principal strengths and weaknesses. The table overleaf provides an overview of how the different instruments can be combined to provide a comprehensive package of crisis assistance.

It is important to note, however, that there will be a radical rationalisation of the current funding instruments from 2007. This will consolidate a number of budget lines and should

1. Article 177(2) of the TEC.

introduce greater flexibility into the instruments, enabling *inter alia* better linkages between short-term crisis response and long-term development instruments. These proposed changes and their impact on EC crisis response are discussed in Chapter Six.

Table 1: Possible crisis actions and related EC instruments

Regulation \ Action	ECHO	Food security	Uprooted People	Rehabilitation	NGO Co-financing	EIDHR	Mine Action	Civil Protection	MEDA	TACIS	CARDS	ALA	EDF	RRM
Eligible regions	All	All	Asia, Latin America	All except SE Europe	All developing	All	All	All	Mediterranean	E Europe Central Asia	SE Europe	Asia, Latin America	Africa, Pacific Caribbean	All
Humanitarian Aid	✓ ²	✓	✓					✓					✓	(✓)
Food Aid	✓	✓	✓										✓	✓
Food security		✓											✓	✓
Securing the livelihoods and safety of refugees/refugee return	✓		✓	✓	(✓)	(✓)		✓	✓		✓		✓	✓
Civilian emergency assistance			✓	✓				✓				✓	✓	✓
Mine action	✓			(✓)			✓	✓			✓	✓	✓	✓
Rehabilitation			✓								✓	✓	✓	✓
Reconstruction				✓							✓	✓	✓	✓
Infrastructure development									✓	(✓)	✓		✓	✓
Economic development									✓	✓	✓	✓	✓	✓
Budgetary support									✓			✓	✓	
Consolidation of democracy					✓	✓			✓	✓	✓	✓	✓	✓
Rule of law					✓	✓			✓	✓	✓	✓	✓	✓
Inst, legal and regulatory framework					(✓)	(✓)			✓	✓	✓	✓	✓	✓
Human rights					✓	✓			✓	✓	✓	✓	✓	✓
Elections						✓							✓	✓
Conflict Prevention						✓					✓	✓	✓	✓
Customs/Border management				✓					✓	✓	✓	✓	✓	✓

Source: European Commission Conflict Prevention and Crisis Management Unit³

Emergency and transitional relief measures

There are a number of specialised sectoral instruments that are especially suited to providing emergency support in politically unstable or crisis environments. The principal instruments for immediate EU disaster response are EC humanitarian aid⁴ and the

2. Tick symbols indicate that the regulation applies to the action, while tick symbols in brackets mean that the regulation applies to the action but with some qualifications.

3. Reproduced, with permission, from the public document 'Civilian instruments for EU crisis management', April 2003.

4. This is delivered under Council Regulation (EC) No 1257/96 through the EC Humanitarian Aid Office (ECHO). While humanitarian aid is an important element of the EC's assistance delivered in a crisis situation, it cannot be considered a crisis management tool in the sense that it is delivered solely on the basis of need, and cannot be subsumed to the political logic of crisis management.

Member States' capabilities mobilised under the EC Civil Protection Mechanism. These instruments are closely followed by the Rapid Reaction Mechanism (RRM) and the core long-term external assistance programmes. Indeed, in most cases, there is no chronological transition between instruments but simultaneous funding. Depending on the nature of the crisis, the military may be deployed concurrently through the CFSP framework. All emergency and transitional relief measures have provisions for accelerated decision-making procedures to ensure that funds can be mobilised rapidly. Nevertheless, mechanisms are in place to ensure collaboration with Member States in the management of these instruments. Some of the most relevant sectoral EC crisis management tools include, but are not limited to, the following.⁵

Disaster response and civil protection

Although civil protection was one of the priority areas for building capacity in the context of ESDP, in practice co-operation between Member States and the EC in the event of an emergency within or outside the EC is conducted through the EC Civil Protection Mechanism, established in 2001.⁶ This aims to support and facilitate European civil protection assistance in the event of major disasters (either natural or man-made) within or outside the EU. The operational heart of this system is the Monitoring and Information Centre (MIC), operated by the Commission on a 24 hour a day/7 days a week basis. When an emergency breaks out, the MIC has the role of alerting the 30 participating countries (EU-25, Bulgaria, Romania, Iceland, Liechtenstein and Norway). On request of the disaster-stricken state, the MIC transmits requests for assistance and then coordinates the delivery of material and teams that are made available. To facilitate the process, the mechanism supports the deployment of expert assessment teams who advise on what is needed and liaise with the local authorities and international partners to ensure smooth arrival and distribution of the assistance. Currently its annual budget is €7 million. This is used for training, exchange of experts as well as assessment missions. The mechanism has been used in coordinating assistance in response to earthquakes (Algeria, Iran, Morocco), forest fires (France, Portugal) and severe storms (Sweden, Albania) and the Indian Ocean tsunami of 26 December 2004.

5. In addition, specialised sectoral instruments include aid to uprooted people in Asia and Latin America; food aid and food security; mine action; and humanitarian aid.

6. The legal basis for this is the Council Decision of 23 October 2001/792/EC

Proposals to strengthen the Mechanism are elaborated in a Communication on ‘Improving the Civil Protection Mechanism’⁷ and a new Rapid Response and Preparedness instrument has also been proposed to provide the legal framework for the financing of these proposals. It recommends that civil protection financing be increased from €16 million in 2007 to €30 million in 2013. The Commission proposals, to be implemented in collaboration with Member States, include: the conduct of a scenario-based assessment of current capabilities, further training and exercises, the development of rapidly deployable standby modules based in the Member States; the strengthening of the planning and analytical capacity of the MIC; financial resources to hire equipment necessary to ensure a rapid EU response; and improved co-ordination with the EU military, including through the use of the EU database on military assets, joint scenario planning within the Civil-Military Cell and the establishment of operational procedures with EU military staff (see Chapter Seven). In short, the Commission’s proposals will increase the CPM’s situation assessment and operational planning capacity and the MIC will serve as the hub for the co-ordination of EC and Member States’ responses.⁸ This has great potential for improving the co-ordination of EC disaster response, and its co-ordination with Member State efforts and the efforts of other international organisations.⁹ However, the extent to which these plans will help foster inter-pillar co-operation is unclear. The Commission has not proposed any mechanism for linking the CPM to the CFSP structures in the Council.

The Rapid Reaction Mechanism

The Rapid Reaction Mechanism (RRM) is a Community funding mechanism, established in 2001, that is designed to allow the Commission to rapidly disburse funds with the explicit purpose of promoting political stability.¹⁰ It can be used to finance non-combat, civilian activities aimed at countering or resolving emerging crisis and serious threats or outbreaks of conflict. The RRM can fund an action for up to six months. Follow-on funding must be sought from longer-term thematic or geographic funding instruments or other donors. Its annual budget is currently €30 million. It is used to support one-off short-term actions, such as support to peace negotiations, and can also be used to start up projects that will subsequently be funded by longer term EC assistance instruments

7. COM (2005) 137, 20 April 2005.

8. This is in line with and builds on the planned ARGUS system that links all specialised rapid alert systems within the Commission.

9. The EC proposals explicitly recognise and are designed to complement the lead role of OCHA in disaster coordination.

10. Its legal basis is Council Regulation (EC) 381/2001.

or other donors. The mechanism has been used to support *inter alia*: mediation efforts and the monitoring of implementation of peace or ceasefire agreements (Aceh, Sri Lanka, Ivory Coast and Liberia), re-establishment of rule of law and civilian administration in Bunia and Afghanistan, confidence-building measures including reconstruction directly linked to the promotion of ongoing peace processes (FYROM, Sri Lanka, Horn of Africa); UN Good Offices (UNSG Special Advisor to Colombia); civil society development (Bolivia, Indonesia); development of an independent media (Afghanistan); emergency electoral support (Georgia), high-level policy advice including the planning of economic reconstruction (Afghanistan, FYROM, Iraq and Lebanon) and demobilisation and reintegration of combatants (DRC).

The RRM is managed by the conflict prevention and crisis management unit within DG RELEX.¹¹ In order to enable rapid and flexible responses (without geographical restriction) decisions are made without comitology, but there is an obligation for the Commission to inform the Council of intended actions. Nevertheless, a number of Member States object to this decision-making autonomy and call for greater political accountability. Consequently, Member States have sought to increase their oversight of the management of the instrument and this has led to the obligation for the Commission to inform the Council of proposed actions, at an earlier stage, well before they have been agreed within the Commission. While there are mechanisms in place to enable inter-pillar co-ordination with respect to the delivery of rapid EC assistance through the RRM, this falls short of the political accountability that some Member States argue for in the name of coherence.

Democracy, human rights and the rule of law

In addition to supporting government activities to strengthen democratisation, good governance and the rule of law through the EC's long-term geographic instruments, the European Initiative for Democracy and Human Rights (EIDHR)¹² was established in 1999 to complement the EC's geographic instruments and CFSP actions by supporting actions implemented by NGOs and international organisations in particular.¹³ Crucially, it can be used without host government consent and in some regions provides the only legal base for activities including the promotion of political

11. 3.5 staff currently work on RRM project management and this number is set to increase as the EC prepares for the management of the Stability Instrument in 2007.

12. The legal basis for the EIDHR is Council Regulations (EC) 975/1999 and 976/1999.

13. From 2001-2004 80% of funds went to NGOs, the rest to international and regional organisations.

and civil rights, election observation and conflict resolution initiatives. In 2005, the amount available for the activities of the EIDHR was approximately € 130 million. It can be used to support the organisation of elections in transition and post-conflict countries (Afghanistan, Iraq, DRC and the Palestinian Authority) and electoral monitoring – including civil society domestic efforts (West Bank and Gaza, Ethiopia, Lebanon, Guinea Bissau and Burundi). But since the mid-1990s, funds have gradually shifted away from a priority focus on elections.¹⁴ EIDHR-funded activities of particular relevance to civilian crisis management include: support for training in human rights standards for public administrators, army and police officers and judges; support for Ombudsmen and truth commissions; the provision of legal aid to broaden access to the judicial system (Latin America and Nepal); promotion of the independent media (DRC, Sudan, West Bank and Gaza) and the mainstreaming of the rule of law into development policies. A conflict dimension has also been introduced with support for social and economic reintegration, including vocational training for ex-combatants and the creation of local mediation and power-sharing forums. The proportion of funding for ‘conflict prevention’ activities remains low, however, at 4% of funding from 2002-2004.

Although the management of EIDHR is conducted in collaboration with Member States through the Committee on the Human Rights and Democracy and this Committee, the Communication on the EU’s role in promoting human rights and democratisation in Third Countries,¹⁵ adopted in May 2001, nevertheless found that this instrument did not promote coherent human rights and democratisation actions across the EC. Subsequent programming documents, developed with input from EC geographical services and delegations as well as civil society organisations and Member States’ delegations, have sought to place greater emphasis on focused strategic actions in a selected number of 32 focus countries. While the EIDHR programming documents are intended to promote coherent intra-pillar and cross-pillar action, there are a number of reasons why the programme falls short of these ambitions in practice however. These have been documented in a recent comprehensive assessment of the EIDHR programme for the European Parliament.¹⁶ Of a number of relevant weaknesses identified in the study, the link between programming and political analysis has been shown to be wanting with the result

14. From 50% to 15% in 2002.

15. COM (2001) 252 final.

16. Richard Youngs *et al.*, ‘No Lasting Peace and Prosperity without Democracy and Human Rights: Harnessing Debates on the EU’s Future Financial Instruments’. External Study for the Directorate General for External Policies of the Union, Directorate B, European Parliament, EP/ExPol/B/2004/09/10. This study provides a comprehensive overview of the EIDHR programme and provides a number of concrete recommendations for how the EU could adopt a more strategic approach to democracy and human rights through institutional reform, and improve the quality of its human rights assistance through procedural reform, including the reform of the Financial Regulation and funding procedures.

that ‘it has proven difficult to select strategic initiatives that could potentially contribute to transformational change in third countries, and to avoid assistance to projects which could actually harm locally-driven reform processes’.¹⁷ Moreover, the unique characteristics of the instrument, namely its ability to be employed without government assent in non-democratic states, have been used extremely sparingly in practice and the instrument has therefore been of limited use in more sensitive political contexts. Finally, the instrument’s cumbersome and lengthy funding procedures, including its reliance on calls for proposals, means that it is not suitable for rapid and flexible assistance in crisis situations.

Of particular relevance to the broader civil-civil co-ordination challenges associated with providing a coherent EC response to crisis is the observation that the existence of a thematic EIDHR funding instrument has not resulted in the improved co-ordination of human rights and democratisation activities across the EC. While the policy documents underpinning the EIDHR programmes provide a coherent policy framework for mainstreaming human rights, this is not translated into co-ordinated programming practice. Indeed ‘EIDHR input into mainstream institution building assistance has remained negligible’ and overall EC assistance for ‘democracy building’ through geographic and thematic instruments remains ‘projectised’ and disconnected.¹⁸ In short, much remains to be done to ensure a genuine integration of democracy and human rights within mainstream aid. This has implications for all mainstreaming efforts, including those to mainstream conflict prevention and conflict-sensitive development, and in the context of the current negotiations on the new financial instruments, highlights the challenge of ensuring ‘cross-instrument’ co-ordination and synergies (see Chapter Six).

Rehabilitation and reconstruction

The objective of this sectoral instrument is to provide aid for rehabilitation and reconstruction in developing countries that have suffered serious destruction through conflict or natural disaster with a view to ensuring a link between relief, which represents short-term aid, and development aid, which supports development in the long term.¹⁹ The annual budget is split between five geographical headings,²⁰ and while regional budgetary

17. *Ibid.*, p 14.

18. *Ibid.*, p. 15.

19. The legal basis is Council Regulation (EC) No. 2258/96 of 22 November 1996 on rehabilitation and reconstruction operations in developing countries [*Official Journal of the European Union*, L 306, 28 November 1996].

20. Asia, Latin America, Mediterranean, Caucasus and Central Asian Republics, and ACP countries.

allocations are modest (around €5 million per region), payments in practice can often drastically exceed them. For example, in 2004 over €85 million was paid from this budget line for activities in Latin America, where the budget was €5.12 million. Moreover, it is important to note that while these budget lines are linked to the rehabilitation legal instrument, the vast majority of rehabilitation funding comes from the geographic budget lines linked to the long-term geographic legal funding instruments (described below). For example, the 2004 budget also included €168 million for Afghanistan and €160 million for Iraq from the Asia Latin America instrument.

Activities funded through the rehabilitation instrument include reintegration of refugees and displaced persons as well as demobilisation and reintegration of troops and the launch of activities to restore local institutional capacities and relaunch production. While this budget line was intended as an emergency response tool, with the rapid launching of operations of limited duration, it has not been utilised in this way in practice.²¹ Rather it has been used as an extra source of geographically specific funding, often in support of physical infrastructure construction projects, in accordance with the normal provisions for long-term funding. Arguably this was because there is inadequate capacity within the Commission in terms of expertise for project design and management in post-conflict rehabilitation and nobody was given specific responsibility for the management of the rehabilitation activities. These weaknesses have largely been recognised however. In its 2001 Communication²², the Commission recommended a merger of the separate geographical budget lines to promote more geographical flexibility in response to crises which can rarely be predicted on a geographical basis, and argued that greater emphasis be put on the restoration of institutional capacities and rebuilding of social fabric. Moreover, the future Stability Instrument should result in a more coherent approach to post-conflict rehabilitation, and the fact that the Commission is preparing for it by strengthening its post-conflict project management capacity is evidence of this (see page 63).

21. According to interviews with Commission officials, the provisions for rapid decision-making procedures have rarely, if ever, been invoked.

22. COM (2001) 153 final.

Long-term geographic instruments: development aid

Development co-operation: The European Development Fund (EDF)

The principal geographic funding instrument for development co-operation in the Africa, Caribbean, Pacific (ACP) region is the European Development Fund (€13.5 billion under the 9th EDF between 2000-2007). Articles 131 and 136 of the 1957 Treaty of Rome provided for its creation and, following a request by the European Parliament, a heading has been reserved for the Fund in the Community budget since 1993. The EDF does not come under the general Community budget. It is funded by the Member States, covered by its own financial rules and managed by a specific committee. The Member States set the EDF budget in the Council via agreements that are subsequently ratified by the national parliament of each Member State. The European Commission and other institutions established under the partnership play a key role in the day-to-day management of the Fund. In cases of emergency, the Commission is authorised to take decisions without comitology up to a value of €10 million and for a maximum of 6 months duration.

The current 9th EDF budget funds activities in ACP countries in line with the Cotonou Agreement. The Agreement sets out the objectives and rules for funding development and security related activities in the region. It thereby provides an integrated framework for funding development and security activities including:

‘inter alia support for mediation, negotiation and reconciliation efforts, for effective regional management of shared, scarce natural resources, for demobilisation and reintegration of former combatants into the society, for addressing the problem of child soldiers, as well as for suitable action to set responsible limits to military expenditure and the arms trade...’²³

Examples of such assistance include: a DDR programme in Eritrea (2002-2006) that provides for the demobilisation, reinsertion and reintegration of 200,000 soldiers (€47 million); reintegration in Sierra Leone from 2001-2003 (€12.2 million); support for institution building in the context of a DDR programme in Liberia (€40 million); and for the peace process (€50 million); and a number of efforts to restore peace in the DRC. Since 2002, approximately €137 million has been provided for: support for

23. The Cotonou Agreement, signed on 23 June 2000. Article 11, paragraph 3.

the transitional institutions, training and equipment for the Integrated Police Force in Kinshasa, support to the electoral process, support for security sector reform, support for the restoration of the legal system in Bunia, and support for small arms collection and destruction.

The African Peace Facility

The African Peace Facility, agreed in 2001, provided €250 million from EDF funds in support of peacekeeping operations undertaken by the African Union and other regional organisations. It is led, operated and staffed by Africans in accordance with the EC's preference for development through partnership, but the EC seeks consensus from Member States on each operation funded. The Facility was, for example, used to support the peacekeeping operation in Burundi 2003/2004 (€25 million), the FOMUC mission in the Central African Republic in 2004 (€3.38 million), and the ECOWAS peacekeeping force in Cote d'Ivoire (ECOMICI) in 2003 (€12.5 million). The future of this instrument is currently under negotiation, however, and it is unclear whether it will remain subject to joint EU-AU decision-making or whether the EU will opt for greater political control, making it a part of the EU's CFSP. If the EDF is brought within the EU budget, in accordance with Commission proposals, it could be made another EC instrument²⁴ or, if not, provisions for the extension of the current arrangement could be included in a new, 10th EDF agreement. Alternatively, the EU could opt to change the nature of the instrument from one designed principally to further development goals by strengthening the African Union's institutional capacity to a direct instrument of CFSP, by either funding it from an increased CFSP budget line or creating an off-budget fund for it, controlled by the Council.²⁵

Geographic instruments

Development and economic assistance co-operation in other regions is funded from other geographic instruments or individual country budgets within the EU external relations budget heading. These regional programmes total some €5 billion per annum. They include programmes targeted at Asia and Latin America (ALA)²⁶, Eastern Europe and Central Asia (excluding accession coun-

24. With a legal basis of Article 308, i.e. not subject to co-decision with the European Parliament.

25. In much the same way as the 'Athena' fund was created for the common costs of military ESDP operations.

26. Based on Council Regulation EC NO. 443/92 (ALA).

tries),²⁷ Mediterranean countries (MEDA)²⁸, South Africa,²⁹ South Eastern Europe, the Balkans (CARDS),³⁰ the West Bank and the Gaza Strip.³¹ All can be used for activities relating to post-conflict reconstruction and institutional capacity building. While it is difficult to establish what proportion of funding is directed to activities related to crisis management and peacebuilding due to the lack of appropriate classification codes, a recent review of country and regional strategy papers conducted by DG DEV suggested that €2 billion out of a global programmable envelope of €10 billion was allocated to 'governance-related' activities³². For illustrative purposes a brief description of a selection of such programmes is provided below.³³

In **Asia**, support has been provided for a number of programmes to establish law and order, promote reconciliation and monitor peace agreements (Afghanistan, Cambodia, East Timor, Nepal and Sri Lanka). In the **Middle East**, of the €250 million provided annually in support the Palestinian Authority, €7-10 million is used for people-to people projects in support of societal confidence building and of the €140 million pledged to strengthen public services and governance in Iraq in 2005, €10 million is in support of political constitutional processes. In the **Western Balkans**, the total EC reconstruction package for 2000-2006 totals €4.65 billion. This includes extensive programmes to strengthen the police and legal system (complementing the EU ESDP operations) as well as efforts to improve reconciliation, as in a 2003 project in FYROM to advise the Deputy Prime Minister in regard to equitable representation of minorities (€238,800). In **Georgia**, the EC has supported a €4.65 million project in 2004 to contribute to the democratic transition process and the re-establishment of the rule of law in the country, mostly implemented by UNDP. Moreover, the EC support is designed to complement the ESDP EUJUST *Themis* operation. Approximately €2.3 million will support a 'EUJUST *Themis* 2004' project to provide a mechanism for priority setting for criminal justice reform and the EUJUST *Themis* operation will be followed up under the TACIS action programme. In **Central Asia** the EC also supports a host of projects to strengthen security sector reform and capacity building of police and border management, mostly implemented through the OSCE. Finally, in **Latin America**, the EC has concentrated its efforts on supporting the peace process in Columbia (multiannual support programme of €105 million), aimed at

27. Based on Council Regulation EC No 99/2000 (TACIS).

28. Based on Council Regulation EC No 2698/2000 (MEDA).

29. Based on Council Regulation EC No. 1726/2000.

30. Based on Council Regulation EC No. 2666/2000 (CARDS).

31. Based on Council Regulation EC No. 1734/94 (amended by Council Regulation 2840/98).

32. See 'No Lasting Peace and Prosperity without Democracy and Human Rights', *ibid.* p 12.

33. For a more comprehensive overview of EC assistance for peacebuilding activities, see 'Support to Peacebuilding: examples of EU action', Memo/05/313, 12 September 2005, available at: <http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/313&format=HTML&aged=0&language=EN&guiLanguage=en>

building zones of peaceful co-habitation, and assisting demobilisation and rehabilitation efforts and strengthening the judicial and police systems in Guatemala (€93 million for 2002-2006).

In short, EC assistance directed to long-term efforts to build and maintain the (peaceful) pre-conditions for sustainable development is significant, especially compared with funding levels for short-term CFSP and EC assistance instruments, and broad both in geographical scope and in terms of the type of activities supported. Moreover, many of these activities are, in practice, qualitatively similar to the short-term activities carried out through EC emergency response instruments or CFSP actions.

This is the case with efforts to provide technical assistance in strengthening the rule of law, and promoting civilian control of the security system. Similarly, demobilisation and rehabilitation efforts are generally long-term, and while they may be initiated under CFSP or EC short-term instruments, they will generally require follow-up through long-term assistance instruments. One of the important co-ordination challenges for the EC is therefore to develop mechanisms that help provide a smooth transition from short-term crisis response instruments to long-term development instruments. A second is to ensure the co-ordination and coherence of rapid crisis responses. These challenges can at least be partly addressed through efforts to improve co-ordination through improved planning mechanisms and recent developments in this direction are detailed below.³⁴

Towards more integrated planning for EC crisis response

In response to the post-Tsunami Action Plan, the EC produced a Communication on ‘Reinforcing EU Disaster and Crisis Response’³⁵ with the explicit overarching objective of ‘promoting efficiency, coherence and coordination between the different external policy instruments of the Union in situations of disaster and crisis, while preserving their distinct mandates, and (...) the “humanitarian space”’.³⁶ In addition to a number of suggestions for the improved strategic and operational co-ordination and implementation of humanitarian response, it includes proposals to develop a rapid and integrated needs assessment capability. The Communication notes that ‘the effectiveness of medium-term disaster, crisis and reconstruction assistance depends on having

34. Improving the links between short-term and long-term crisis response and prevention also requires the development of improved interim support measures, such as the proposed Stability Instrument, and the mainstreaming of conflict sensitivity throughout EC development assistance. Efforts to tackle these related challenges are explored in Chapter 6 on civil-civil co-ordination.

35. COM (2005) 153, 20 April 2005.

36. COM (2005) 153 final p.3.

access to good quality assessment at an early stage, and on having the necessary flexibility in implementation capacity to deliver in a timely way'.³⁷ With this in mind, the Commission proposes the establishment of **Assessment and Planning Teams (APTs)** that will bring together pre-identified desk officers and sectoral specialists from across the Commission and its 130 Delegations as well as external on-call experts. To this end the Commission will compile a roster of in-house experts and take measures to ensure that staff can be detached from their functions and mobilised rapidly. A training course for all pre-identified experts will be developed. Member States' participation in the APTs is encouraged. These teams would be ready for mobilisation at short notice for up to one month. The role of the APTs would depend on the nature of the crisis, but could include: contributing to multi-lateral needs assessments conducted by the World bank or UN; programming and detailed project identification for EC emergency crisis and reconstruction financing; and integrating sustainable development objectives and strategies in the planning of emergency assistance so as to ensure as seamless a transition as possible between emergency rehabilitation and the longer term development phases. While this is a parallel EC initiative to the Civil Response Teams proposal, developed in the CFSP context (see Chapter One), the Commission had proposed that the two initiatives be linked to improve inter-pillar coherence. Specifically, the Commission proposed that CRTs and APTs share common training programmes, needs assessment methodologies and rosters of personnel. These proposals were discussed in the Council shortly after the French and Dutch 'No' votes – at a time when it was considered particularly important by the Council Secretariat and some Member States to maintain the purely inter-governmental character of CFSP and to avoid moves that might be seen as introducing further integration 'through the back door'. Consequently, it was decided not to fuse these instruments, but rather to maintain the distinct roles and mandates of CRTs and APTs within their respective institutional contexts. Nevertheless, some linkage may be possible in so far as the Commission has offered that ASPs might 'contribute to CFSP fact-finding missions organised by the Secretariat of the Council'³⁸ and the Council might invite the Commission to be included in some CRTs. Thus while the development of EC APTs will help develop a more integrated response to the provision of EC assistance in crisis situations, it is

37. *Ibid.* p.8.38. *Ibid.* p.9.

likely to fall short of its potential for promoting more coherent and co-ordinated cross-pillar action.

To help ensure that the needs assessments delivered by APTs are translated into coherent EC action across its services, the Commission also proposed that as ‘an essential structural measure... a **platform for improved planning, coordination and coherence**’ be established.³⁹ The proposal is for a ‘light but effective platform to improve real-time policy coordination within its services...[and] maximise the synergies and complementarities between the various Community instruments mobilised for crisis and disaster response and support the work of geographical services’. Moreover, this platform should help strengthen and consolidate flows of information to decision-makers and would ‘work to improve channels of communication with Member States and the Council Secretariat’. There are few details of how the structure would work in practice, however, and whether it would be able to bridge the gap between EC and CFSP so as to help provide a common basis for strategic ‘crisis response’ decision-making.

Strengths and weaknesses of EC instruments

In the field of civilian crisis management, EC assistance is well suited to strengthening the capacities of the state in much the same way as ESDP police and rule-of-law missions have through the provision of technical assistance or ‘monitoring, mentoring and advising’ missions. The most important qualitative distinction in the delivery of this assistance is that it is indirect. Unlike ESDP actions, conducted directly by Member States, EC assistance measures are generally implemented through other partner organisations, notably the UN family of agencies, the World Bank, the OSCE, or through NGOs. Some of the advantages and disadvantages of this developmental heritage are highlighted below.

Strengths

- ▶ *Strengthening effective multilateralism: long-term political advantages.*

The EC’s preference for supporting other international organisations as implementing partners in the delivery of its assistance is part of its commitment to effective multilateralism. Delivering

39. Ibid, p. 10. This was also announced by the President of the Commission at the 31 January GAERC meeting.

EC assistance through global and regional organisations is therefore an important means by which the EU helps strengthen the capacity of multilateral institutions, in line with its objectives to strengthen regional and global capacity to promote security and prosperity. Thus the EC's indirect approach has important long-term political advantages.

▶ *Short-term political advantages of working with implementing partners.*

Working through implementing partners can also have direct, short-term political advantages with regard to a specific action. While this form of assistance is generally less visible and certainly attracts far less political attention in Brussels than actions carried out within the framework of ESDP, this does not necessarily compromise the efficiency of the action. Indeed, some argue that the relatively low profile of EC assistance is in itself a strength in the context of fragile states, noting that in these contexts it is important that the state should not be seen to be reliant on visible outside interventions. Similarly, others see the relative political neutrality of EC implementing partners as a strength, especially when operating in former colonies of EU Member States that are sensitive to direct intervention by Member States, even under an EU umbrella.

▶ *Promoting civil society support for reform.*

Another direct advantage of the EC's partnership approach is that it can work with international and local NGOs to promote civil society support for reform agendas. While civilian crisis management actions are typically characterised by delivering technical assistance to build governmental capacity, including within the security sector, these actions require support from local communities if they are to be effective and sustainable. Without civil-society engagement many community policing, disarmament, and peacebuilding efforts would be ineffective.

▶ *Harnessing the capacity of Non-Governmental Actors.*

Through working with NGOs and expert advisors delivered through framework agreements, the EC can access a wide range of expertise in conflict management and post-conflict reconstruction, that can be difficult to find, and certainly difficult to extract, from Member State civil services, for use in ESDP missions. More-

over, these non-governmental experts tend to have extensive international work experience and have built their careers around the provision of technical assistance, often in difficult or hostile environments. Thus the ability to work with non-governmental partners provides the EC with access to a large pool of highly trained and experienced personnel, that cannot be easily accessed through ESDP mechanisms.

▸ *Cost-efficiency gains of partnership actions.*

Providing support for actions by other international institutions or NGOs is also arguably more cost efficient for the EU. This is undoubtedly the case where other international organisations or specialist NGOs are well placed to deliver the kind of services that the EC wants to support. For example, in 2004 the EC provided €2.08 million to the World Bank to train 581 Iraqi senior policy makers and technical specialists in the immediate post-conflict phase. The project began in February 2004 and was completed by August of the same year, at a cost of approximately €3,500 per head. By comparison, the common costs for the EUJUST LEX mission to provide one-month training courses to 770 senior Iraqi criminal justice administrators were €10 million and the total cost of the mission, including Member States' contributions, will be approximately €16 million. While the EUJUST LEX mission is undoubtedly a constructive internal political project in the light of the rifts that existed within the EU over Iraq, it is questionable whether it provides value for money at over €20,700 per head for a one-month training course.

▸ *Advantages of a long-term developmental approach.*

Perhaps the most obvious and certainly the most important strength of EC instruments is that they are financially significant and sustainable over the long term. The EC has the means and the procedures to support a range of simultaneous capacity-building actions in conflict-affected countries that can be powerful drivers of reform. The promise of follow-on assistance is crucial since it helps check potential spoilers and maintain political commitment. While all EU civilian crisis management action will inevitably need to be followed up with long-term EC instruments, mechanisms for integrating the planning of short- and long-term actions are more advanced within the first pillar than between the pillars and the transition between EC funded short-and long-term

activities is likely to be smoother than between CFSP and EC actions.

▮ *Building on EC project management capacities and experience.*

Finally, despite the weaknesses outlined below, the EC nevertheless has relevant project management experience and capacity. The notoriously onerous accountability provisions for EC funding at least ensure that EC funding is proportionate to the task. No equivalent project management structures or provisions for the scrutiny of project proposals and budgets exist in the Council. Not only can this result in inefficiencies,⁴⁰ but it also limits the number of ESDP capacity-building actions that the EU can support through CFSP structures.

Weaknesses

▮ *Short-term EC assistance is not sufficiently conflict-sensitive.*

In the case of short-term instruments, a common charge is that EC emergency assistance is not sufficiently informed by local political knowledge and analysis and relief efforts can exacerbate underlying local political tensions. While efforts to improve inter-agency crisis response planning and the introduction of the Stability Instrument should help provide a more coherent framework for rehabilitation work, these will need to be backed up by strengthening the EC's capacity for conflict-sensitive programming (see below).

▮ *Long-term EC assistance is too inflexible.*

Long-term EC funding strategies are ill-adapted to crisis response. While efforts have been made to ensure that Country Strategy Papers are adapted after a crisis, lengthy programming and project management cycles generally prohibit rapid adjustments to EC funding priorities in the light of political crises and decisions to launch short-term EC or CFSP actions.

▮ *Too little support for governance-related activities.*

Despite an elaborate policy framework to justify the mainstreaming of human rights, democratisation, governance and increasingly security-related activity throughout the EC's long-term assistance, this is often difficult to reconcile with the practice of developing multi-year National Indicative Programmes to

40. For example, whereas one person supported by the EC performs the aid co-ordination function in Kosovo, the proposed ESDP police co-ordination mission in Palestine provides for a Secretariat of 25 staff.

guide the provision of assistance in collaboration with the recipient states. Partner countries generally prefer 'concrete' assistance in traditional areas such as infrastructure to more politically sensitive governance-related assistance. As a result, projects designed to promote political stability and manage reform processes represent a small proportion of EC assistance even in countries affected by conflict.

▶ *The EC lacks capacity to implement conflict sensitive assistance.*

The Commission still lacks the capacity at headquarters and in delegations to maximise its potential in promoting reform agendas in conflict or post-conflict situations. While efforts are being made to promote more political agendas in Country Strategy Papers and the process of decentralisation of Commission staff and decision-making authority to the EC's 120 delegations should provide for more locally attuned funding decisions, the capacity of the EC to implement conflict-sensitive project design and assessment is still inadequate.

▶ *Procedural impediments to efficiency.*

A number of technical provisions limit the EC's impact. For instance, the delivery of assistance through the RRM is hampered by the technical limitation of being able to provide funding for only six months and the difficulty of securing follow-on funding within that time-frame. Similarly, the tendering, administrative and co-financing requirements of other instruments such as EIDHR and NGO co-financing budget lines limit the flexibility of these instruments and the EC's capacity to work through local non-governmental actors.

▶ *Incoherence with other EC policy areas.*

Compared with the challenge of integrating conflict sensitivity across the RELEX family of Directorate Generals, the challenge of ensuring that all EC policies, including trade, agriculture and environment, are co-ordinated and consistent with EU crisis management objectives is of a higher order. Although the impact of these policies, and especially trade, on the prosperity and stability of third countries should not be underestimated,⁴¹ efforts to

41. For instance, the UN estimates that as a result of tough EU competition markets and EU subsidies, for every \$1 in aid received by Sub-Saharan Africa since the early 1970s, \$0.50 has been lost as a result of deteriorating terms of trade. See UNCTAD, 'Economic development in Africa: Performance, Prospects and Policy Issues', New York and Geneva, 2001.

make these other EC policy areas conflict-sensitive have been limited.⁴² There are, for example, no systematic mechanisms to inform EC trade policy decisions of the role trade plays in fragile states.⁴³

Conclusion

EC instruments continue to provide the bulk of EU assistance for political stabilisation, conflict prevention and post-conflict reconstruction efforts. They can be used to support the full spectrum of civilian efforts in this field and, in so doing, strengthen the capacity of their implementing partners – the UN, World Bank, regional organisations and civil society organisations in their efforts to (re)build national institutional capacities and societies. Nevertheless, many of the relevant funding instruments the EC has at its disposal were not designed for conflict situations and are insufficiently agile to respond to rapidly changing needs in the context of a crisis or post-crisis situations. Happily, many of the problematic aspects of the current financial instruments will be resolved when the EC adopts a simplified set of financial instruments, including a Stability Instrument designed to cover Community assistance in response to situations of crisis or emerging crisis, in the next budgetary period 2007-2013 (see Chapter Six). Moreover, EC policies are increasingly in line with the integration of development and security agendas to promote human security. However, these legal, financial and policy developments have not yet been matched by a commensurate increase in in-house capacity and expertise to implement conflict-sensitive development in practice. As the EU seeks to build its capacity in civilian crisis management, it will need to address the capacity of the EC to deliver security-relevant assistance as well as the capacity of Member States to augment EC instruments with concerted actions in the framework of ESDP. This is in addition to the core challenge of developing a more coherent approach to EU civilian crisis management, built on synergistic and complementary EC and ESDP action.

42. For an overview of EU trade policy in fragile states see Oli Brown in 'Developing an EU Strategy to Address Fragile States', *Saferworld and International Alert*, June 2005.

43. There are nevertheless a couple of cross-cutting issues in which the link has been made explicit, namely in relation to the regulation of the trade of diamonds and timber, linked to conflicts in Africa and Asia respectively. In these cases cross-cutting policy documents have helped tackle development, security and trade issues in a comprehensive framework. As with the challenge of cross-pillar co-ordination, structural impediments to policy co-ordination can be at least partially addressed through pragmatic and relatively informal working-level inter-agency co-ordination procedures.

EU Police Mission *Proxima*: testing the ‘European’ approach to building peace

Isabelle Ioannides

The recent enlargement of the EU, which brought the Western Balkans into its immediate neighbourhood, has led to the increased importance of security- and institution-building in the region for Europe’s long-term interests. The EU has been engaged in the management of crises and the reconstruction of the Western Balkans for more than a decade, and is the single largest donor to the region. The Stabilisation and Association Process (SAP), subsequent declarations – especially pledges made at the Thessaloniki Summit in June 2003 –, the move of the Western Balkans’ portfolio from DG RELEX to DG Enlargement with the Barroso Commission, the opening of accession negotiations with Croatia and the granting of candidate country status to the former Yugoslav Republic of Macedonia (FYROM) demonstrate that the EU’s wider strategy on the Western Balkans is to bring the countries of the region into the Union. The EU has accumulated significant ‘lessons learned’ from its lengthy Balkan experience, as noted in the European Security Strategy, which in turn has helped it develop crisis management capabilities, institutions, and tools in the European Commission and the Council. A full range of civilian and military crisis management instruments as well as development and humanitarian assistance were put into practice in support of the SAP in the Western Balkans, where the EU is now the leading international organisation.

EU Police Mission (EUPOL) *Proxima*, deployed in FYROM under the ESDP umbrella from 15 December 2003 until 14 December 2005, is the expression of the EU’s ongoing commitment to support the peace process in the country and to bring the country closer to the Union. This chapter provides an assessment of the role of *Proxima* in the context of the overall spectrum of EU instruments implemented in FYROM. In doing so, the chapter analyses the implementation of *Proxima*’s mandate and examines coherence at the operational level between intergovernmental and

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Community instruments, as well as co-operation between EU operations and other international actors active on the ground.

EU policy in FYROM: the 'dual track' approach

The rules of the game

The EU-brokered Ohrid Framework Agreement signed on 13 August 2001 brought an end to several months of clashes in the northwest of the country between the security forces of FYROM (primarily composed of ethnic Macedonians) and ethnic Albanian militia. The compromise between these two largest communities in FYROM encompasses two important goals. On the one hand, the Framework Agreement has committed the signatories to introduce a number of constitutional amendments, legislative modifications, and structural reforms designed to end inter-ethnic tensions and restore a stable political environment. On the other hand, it has explicitly paved the way for 'the development of closer and more integrated relations [with] the Euro-Atlantic community'.¹ In particular, Articles 5.2 and 5.3 of Annex C of the Framework Agreement laid down clear objectives and benchmarks, addressing the issue of inequitable representation of minorities in the police and the provision of technical assistance for structural changes in the public security institutions. Besides setting the framework for domestic reforms, the Framework Agreement also provided the international community with a mandate to organise international assistance. Specifically, an EU Special Representative (EUSR) was appointed to help ensure, *inter alia*, 'the coherence of the EU external action' and 'co-ordination of the international community's efforts'.²

Reforms in FYROM are also carried out in the context of the Stabilisation and Association Agreement (SAA), emanating from the SAP, which the country signed on 9 April 2001.³ It should be remembered that besides conferring on FYROM the status of potential EU candidate, the SAA also incorporates the provisions agreed upon in the Framework Agreement. Consequently, assistance has concentrated on the needs related to the overall implementation of the Framework Agreement, in order to favour the gradual integration of the country into European structures. The overall objective of the SAA in Justice and Home Affairs (JHA) is to

1. The English version of the Ohrid Framework Agreement is available at www.president.gov.mk/eng/info/dogovor.htm

2. See Council Joint Action 2002/963/CFSP, *Official Journal of the European Communities*, L 334, 11 December 2002, pp. 7-8.

3. It focuses on the respect of international peace and stability; the development of better neighbourly relations; democratic principles and human rights; minority rights; international law principles and the rule of law; and includes provisions on cooperation in a wide range of fields, including justice and home affairs.

assist FYROM improve internal security by developing a capable, depoliticised, decentralised, community-based, multi-ethnic police service which is responsive to citizens' needs, accountable to the rule of law and transparent. It also aims at supporting regional security by developing a functioning border control service and strengthening its ability to fight organised crime (illegal migration, trafficking of human beings, drugs, and cars), processes already set in motion before the crisis. This process was further strengthened first in June 2004 by the Council decision on the Principles, Priorities and Conditions contained in the European Partnership for FYROM, which identified short- and medium-term priorities for the country's preparation for further integration with the Union, and secondly in December 2005 by the Council decision to grant candidate status to the country.⁴

The long-term perspective offered by the SAP and the European Partnership, funded under the CARDS Regulation of the European Commission and largely managed by the European Agency for Reconstruction (EAR) in Skopje exists alongside the Council instruments supporting the Framework Agreement. By contributing to the full implementation of the Framework Agreement, the EUSR also supports the SAP, and therefore indirectly facilitates FYROM's progress towards European integration. Hence a 'dual track' approach was set up in FYROM whereby Community and intergovernmental instruments are used in parallel.

EU instruments in action

The 'dual track' approach is also pursued in the context of EU efforts to reform the Macedonian police. It entails the European Commission assisting the long-term structural changes in the Ministry of the Interior (MoI) and the police in support of the country's institutional development, in line with the SAP, whereas short-term ESDP crisis management missions, such as the recently completed EUPOL *Proxima*, tackle 'urgent needs' in support of the Framework Agreement.

The Commission first became active in JHA reforms in FYROM in 2000 through the provision of technical assistance and equipment to the judicial sector under the PHARE programme. Its extended presence in the country and the region had provided it with the necessary first-hand experience and knowledge to tackle reforms confidently.⁵ EU engagement in police reform increased

4. In September 2004 a National Strategy for European Integration and draft Action Plan for implementation of the European Partnership were adopted.

5. During the pre-conflict period, the EC had contributed a European Community Monitoring Mission (ECMM) to FYROM and assistance under the Critical Aid Programme, PHARE and OBNOVA, as well as humanitarian assistance from ECHO to address the needs arising from the influx of more than 300,000 refugees from Kosovo. See Hans Jorn Hansen (ed.) *The Former Yugoslav Republic of Macedonia: A Future with Europe* (Brussels: DG External Relations, European Commission, March 1999).

6. See European Commission Conflict Prevention and Crisis Management Unit, *Rapid Reaction Mechanism End of Programme Report Former Yugoslav Republic of Macedonia*, June 2004, accessed at http://europa.eu.int/comm/external_relations/cpcm/rrm/FYROM.pdf.

7. This includes advisory support for the implementation of the Police Reform Strategy and the derivative Action Plan as well as the development of a national Integrated Border Management Strategy, which is done by modernising the police organisation, depoliticising the MoI, and decentralising the decision-making process. See *Modification to the Action Programme 2004 for the former Yugoslav Republic of Macedonia* (Skopje: EAR, 19 October 2004), p. 1; *Draft Action Programme 2004 for the former Yugoslav Republic of Macedonia* (Skopje: EAR, 2004), p. 22; *Annex: Annual Action Programme for 2005 for Community Assistance to the former Yugoslav Republic of Macedonia* (Skopje: EAR, 2005).

8. Projects under this heading are primarily on asylum, immigration, visas, organised crime, money laundering, and combating the drug trade.

9. In all fairness, the EAR in Skopje inherited a considerable backlog from EC funding when it was set up in January 2002. However, by the end of 2003, the EAR had only disbursed approximately 49% of the €210.2 million committed by the Commission, a substantially lower percentage compared to the disbursements made by the EAR in Kosovo, Montenegro and Serbia. See *Evaluation of the Implementation of Council Regulation 2667/2000 on the European Agency for Reconstruction, Synthesis Report, Volume II, Part A and B – Historical Perspective and Summary of the Agency's functioning in line with the Regulation* (Rome/Brussels: Development Researcher's Network Consortium June 2004), p. 30.

10. There were also a number of small-scale initiatives in police training implemented during 2001, including the 'Stability Pact Regional Police Training Initiative' implemented by Norway, Finland

substantially with the signature of the Framework Agreement in support of both the peace process and the implementation of the SAA. Immediately after the 2001 crisis and until the beginning of 2002, the Commission made the first ever use of its RRM, providing €2 million to launch programmes on police reform, in addition to funds disbursed under a CARDS Emergency Assistance Programme.⁶ The secondment of experts from EU Member States – the so-called European Commission Justice and Home Affairs Team (ECJHAT) – in the Macedonian MoI in 2003-2004 to assist in the development of key strategic documents for police reform, was among the most important initiatives funded under this scheme. The subsequent Police Reform Project (ECPRP), a resident Member State advisory team funded by CARDS National in 2004, guided the implementation of the police reform process in the MoI and its partner institutions (i.e. the Police Academy).⁷ In order for the EU and national authorities of countries in the Western Balkans to create a comprehensive reform programme for JHA institutions, the Commission undertook in June 2002, as part of the CARDS Regional programme,⁸ detailed evaluations of the current state of JHA sectors in the entire region. Such advisory support was and continues to be complemented with investments through CARDS National and Regional in equipment, training, technical assistance, and infrastructure for the internal police, border police and customs administration. However, MoI officials maintain that these much needed funds are disbursed with great delay resulting in poorly equipped police and obstructing the development of the MoI.⁹ EU efforts in police reform are also supported by a European Union Monitoring Mission (EUMM), consisting of unarmed civilian observers, who monitor political and security developments, borders and inter-ethnic issues.

As is commonplace in peace support operations, EU presence in FYROM exists alongside other international organisations and bilateral actors. The OSCE carried out the bulk of the work on police reform prior to the 2001 conflict and immediately following the signature of the Framework Agreement trained police cadets.¹⁰ Following the successful redeployment of the police in 2002 to the former crisis areas, the OSCE consolidated its activities to focus on community-based policing and training. Accordingly, it has facilitated the creation of Community Advisory Groups (CAGs) in the former crisis areas, which regularly bring together the local police and community actors to discuss matters

regarding day-to-day safety. It also supports the creation of local capacity in the Police Academy, through ‘Train the Trainers’ courses and provides specialised and advanced training to police officers in addition to cadets training, which has now been transferred to local trainers. Apart from the initial training of police cadets, the US International Criminal Investigative Training Assistance Programme (ICITAP) has helped establish the Police Professional Standards Unit in the MoI and is currently involved in community policing training and the training of MoI officials on measures for tackling organised crime.

Some EU Member States have also participated in police efforts in FYROM on a bilateral basis, albeit on a limited budget, in parallel with EU-level involvement in this field. France has supported the organisational and operational development of the Police Special Tasks Unit and provided training for uniformed police, riot control and criminal investigation. The UK has provided intelligence-related training to the Human Trafficking and People Smuggling Unit in the MoI, is assisting the development of a Criminal Intelligence capability and a Rapid Deployment Unit, and offers training in community policing.¹¹ In an effort to build local capacity and to prepare their exit, international donors finance local NGOs for the purpose of training the police and civil servants in human rights and minority issues, providing legal advice to citizens on police misconduct, monitoring the respect of human rights, and lobbying the Macedonian government on legislative issues.

The complex environment in which *Proxima* was deployed provided the mission with challenges and opportunities. It faced the challenge of having to find where and how it could best contribute to the ongoing police reform process in FYROM, and how to successfully co-ordinate its efforts with the numerous international actors already present.

EUPOL *Proxima*

EUPOL *Proxima* – named as such to suggest its proximity to the citizens – was launched on 15 December 2003 initially for a year and extended for another year, until 14 December 2005. It followed on from the EU’s first military operation, *Concordia*, which had taken over from NATO to maintain a visible military presence and to sup-

and Germany, and the Norwegian initiative ‘Training of local police units and local communities in the field of crisis management’.

11. Other EU Member States have financially contributed to specific projects. For example, the Netherlands have supported OSCE efforts in community policing and the strategic development of the Police Academy, while Italy has heavily invested in border policing. Non-EU Member States were also active in this area, notably Norway who contributed to regional police activities (police training and funds for the border police).

port stability and confidence building in areas of potential ethnic tension, hence allowing the implementation of the Framework Agreement.¹² NATO and the EU however, were mindful of preventing FYROM's chronic dependency on foreign security forces. Moreover, EU assessment of security developments had concluded that international military presence was no longer necessary, but that further steps were needed before the rule of law could be considered fully established in the former crisis areas.¹³ Despite EC contributions to FYROM through the CARDS programme,¹⁴ the political and security situation in FYROM remained fragile: the proliferation of arms in private possession was exacerbating security fears; the new SDSM/DUI coalition government was weak; and territories in ethnic Albanian-dominated areas remained beyond the control of law enforcement, with incidents such as the kidnapping of a police officer compromising public confidence in the police.¹⁵ Human rights organisations proclaimed that the Macedonian police remained largely unreformed, relying on outmoded tactics – including ill-treatment and torture – that fuelled public mistrust while undercutting police effectiveness. At the same time, the Macedonian government wanted *Concordia* out, primarily because it considered the presence of any international peacekeeping force stigmatising. Eager to boost its chances of NATO and EU membership, it would only accept an EU police assistance mission and the existing OSCE mission. It was equally important to meet the concerns of ethnic Albanians, who still favoured a visible security presence in the country: a uniformed police mission met their expectations.

Mandate, organisation, and activities: an assessment

EUPOL *Proxima* was the second police mission falling under ESDP, but the first one to start from concept to a fully operational mission.¹⁶ The deployment of *Proxima*, at the Macedonian authorities' request, was preceded by a joint European Commission-Council General Secretariat fact-finding mission to assess the Macedonian police structures and understand the needs. In an effort to learn from past missions and liaise with existing actors on the ground, the mission incorporated officers from the EU Police Mission in Bosnia-Herzegovina, informally consulted with *Concordia*, and sought the advice of the OSCE and bilateral actors. The short two-months planning period however, did not allow the

12. Council Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the former Yugoslav Republic of Macedonia, *Official Journal of the European Union*, L34/26, 11 February 2003.

13. *Former Yugoslav Republic of Macedonia: Stabilisation and Association Report 2004*, COM(2004) 204 final (Brussels: European Commission, 30 March 2004), p. 8.

14. The European Commission has budgeted €36.5 million in the field of JHA in FYROM for the period 2002-2004, under the CARDS programme. Moreover, approximately €107 million were budgeted for activities on integrated border management for the same period in the Western Balkans.

15. Anna Matveeva, et al., *Macedonia: Guns, Policing and Ethnic Division* (London/Bonn: Saferworld and Bonn International Centre for Conversion, 2003); *Macedonia: No Room for Complacency*, Europe Report no. 149 (Skopje/Brussels: International Crisis Group, 23 October 2003); Biljana Vankovska, *Current Perspectives on Macedonia Part IV: Problems and Prospects of Security Sector Reform: Conflict Prevention and/ or Post-Conflict Reconstruction in Macedonia* (Berlin: Heinrich-Böll Foundation, 18 February 2003).

16. Medal Parade Ceremony 12 October 2004. Speech given by General Bart D'Hooge, Head of Mission (Skopje: EUPOL *Proxima*, 2004), p. 1.

development of a well-defined mission statement. *Proxima's* broad mandate covered the following areas: enabling the Macedonian authorities to consolidate law and order, including the fight against organised crime; supporting the practical implementation of the reform of the MoI, police and a border police; building confidence with local populations; and enhancing co-operation with neighbouring countries.¹⁷

In line with the objectives of the Framework Agreement and the SAP, the mission aimed at promoting the gradual stabilisation of the country. To do so, approximately 200 personnel helped improve police performance and internal communication in the MoI through a transfer of skills and assisted the implementation of the National Police Strategy and the Integrated Border Management Strategy, both adopted by the Macedonian government. During the initial mandate, EU police officers and civilian experts were co-located in the Macedonian MoI and police stations at central, regional, sub-regional and local level in the former crisis areas, where a majority of ethnic Albanians live, to 'mentor, monitor, and advise' middle and senior management police officers. The mandate was translated into 28 programmes, a very ambitious load to handle during a one-year mission. These covered all functions in the uniformed police, the criminal police, the Department for State Security and Counter-intelligence, and internal control. In addition, a team of EU border police officers was deployed at the border crossing points and the international airports of Skopje and Ohrid to support the strengthening of regional co-operation.¹⁸ In line with *Proxima's* mandate to work 'within a broader rule-of-law perspective', Law Enforcement Monitors helped advance co-operation between all bodies in the criminal justice system (the police, Public Prosecutor's Office, investigative officers, and courts). In order to enhance public confidence in the police, they assisted *Proxima* Internal Control co-locators with the investigation of police misconduct complaints and monitored the investigation carried out by the newly-established Internal Control and Professional Standards Unit in the MoI and the conditions and treatment of detainees in police stations.¹⁹

In response to the results of the mid-term review (June 2004), the mission (during the extension of its mandate) was adjusted to be more focused on urgent operational needs, where EU police officers could have 'a significant impact'.²⁰ The number of staff and programmes was reduced to cover public peace and order,

17. Council Joint Action 2003/681/CFSP of 29 September on the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL 'Proxima'), *Official Journal of the European Union*, L249, 1 October 2003, p.66.

18. Tobias Flessenkemper, *Proxima Presentation Brochure 2004* (Skopje: EUPOL *Proxima*, May 2004), p. 10.

19. *Internal Control/ Law Enforcement Monitoring Programme, Factsheet* (Skopje: EUPOL *Proxima*, June 2004); and Tobias Flessenkemper, op. cit., p. 14.

20. Speech by General Jürgen Scholz, EUPOL *Proxima* Head of Mission, at the European Affairs Commission of Parliament on 31 January 2005 (Skopje: EUPOL *Proxima*, 31 January 2005), p. 5.

organised crime, and border police. The main changes were in the organisation and structure of *Proxima* to modify the way in which it engaged in areas in which it was active. To a great extent the actual issues that the mission dealt with were the same, apart from the programme on traffic police which had ended. Simultaneously, *Proxima* expanded its geographical coverage to a country-wide deployment, though retaining a higher presence in the former crisis area. In order to fulfil the programmes' objectives, result-based activities tied to a specific timeframe were developed and were monitored on a weekly basis. This benchmarking system that *Proxima's* team in the newly-established Analysis Cell created also contributed to the end of mission evaluation.²¹ Unlike the first year of *Proxima's* mandate when activities in the field offices were organised on an *ad hoc* basis in agreement with the chief of police, this system resulted in the extension of the mission tackling very specific projects, which had been endorsed *ex ante* by the MoI. According to certain circles in the Council Secretariat, *Proxima's* experience with benchmarking – setting clear project aims, milestones, and a timeframe for what needs to be achieved – could feed into the development of a generic benchmarking model and formal channel for improved internal exchange of information in future crisis management missions.²²

Proxima police officers were confronted with numerous constraints, some of which were beyond their control. The fact that the mission was the last one to arrive to an already very crowded scene of international actors with competing mandates resulted in the constant questioning of *Proxima's* presence and mandate. This was further aggravated by *Proxima's* weak exit strategy: the decision to terminate the mission in December 2005 was largely predetermined by political reasons, namely the Macedonian government's perception that the presence of a crisis management mission in the country could jeopardise FYROM's chances for a positive *avis* from the European Commission.²³ According to international actors on the ground, police performance was hindered by a new generation of police who had received international training of questionable quality. *Proxima's* work was further challenged by the local police's resistance to change, especially among the older generation. The benchmarking document however, endorsed by the MoI prior to the launching of the extension of the mission, constituted a political tool that ensured the implementation of reforms.

21. The author was not given access to *Proxima* field offices and was therefore unable to speak with EU police officers on their perception of the efficiency of benchmarking in evaluating performance.

22. Author's interviews with officials in Council General Secretariat, in Brussels, April 2005.

23. On 1 April 2004, the SAA between the European Union and FYROM entered into force, the first among such agreements with the countries of the region. This also gave FYROM the green light for submitting its application for membership. It submitted the answers to the Commission's Questionnaire (in February 2005) and received the Commission's positive *avis* on granting candidate country status to the country.

Proxima's short planning phase highlighted the fact that force generation and procurement are not easier for the EU than for the UN and the OSCE: force generation for EU missions happens in an *ad hoc* manner across the Member States and often leads to delays and shortfalls. Furthermore, the inflexibility in recruitment in the Member States led to an important turnover rate meaning that precious relations built with the local police in this 'consultancy-like' mission had to be re-built from scratch. As a *Proxima* police officer explained, personal relationships created with local staff in the Macedonian MoI are the only way to receive reliable information.²⁴ *Proxima*, set up at the Macedonian government's request, faced a different set of problems than executive policing missions, such as in Kosovo, where Member States have more experience. Consequently, *Proxima* police officers with such a professional background sometimes felt frustrated that they could not prevent an operation from failing because the absence of an executive mandate constrained them from intervening or offering advice during the conduct of the operation.²⁵

Evaluating 'effective multilateralism'

The success of both the initial EUPOL *Proxima* and its extension depended to a large degree, as its mandate stipulated, on its ability to work 'in strong partnership with the relevant authorities, in full coordination and complementarity with Community institution building as well as OSCE and bilateral programmes'.²⁶

EU inter-institutional coherence

A very elaborate set-up aimed at ensuring that the co-ordination of EU efforts in police reform in FYROM would be effective. Political co-ordination among the EU institutions took place at weekly informal meetings, led by the EUSR, bringing together the EU Presidency and the Heads of the EC Delegation, the EAR, and the now-terminated *Proxima*, and the EUMM Office in Skopje. When issues related to police reform were discussed, the ECPRP Co-ordinator was also invited. In this way, contacts with the Macedonian government relating to EU police efforts were synchronised and agreed upon by all EU actors concerned.²⁷ At an operational level, the EUSR was mandated with providing local political guidance to

24. Author's interview with *Proxima* police officer, in Skopje, June 2004.

25. Author's interviews with *Proxima* police officers, in Tetovo and Kumanovo, June-July 2004.

26. Council Joint Action 2004/789/CFSP of 22 November 2004 on the extension of the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL *Proxima*), *Official Journal of the European Union*, L348/47, 22 November 2004, p. 40-44; and Council Joint Action 2003/681/CFSP, op. cit., p. 66.

27. *Coordination Aspects of Proxima*, 13532/1/03 REV 1, COSDP 590 (Council of the European Union Brussels, 16 October 2003), p. 3.

the Police Head of Mission, while the Head of Mission/ Police Commissioner led *Proxima* and assumed its day-to-day management. In addition, in order to ensure coherence in the EU approach, the EUSR's political advisor provided the Head of Mission of *Proxima* with advice on political affairs in FYROM and assisted in defining the mission's strategic approach.²⁸

Despite this comprehensive organisation, EU inter-institutional co-ordination on the ground suffered greatly due to the competition between the EU missions. This situation led to an acrimonious relationship between the different parties. A recent evaluation of the EAR posits that the Agency model is experiencing difficulties in FYROM because of 'unclear interpretation of the division of roles and difficult co-ordination between the Agency, on the one hand, and the Commission and the Delegation on the other hand.'²⁹ The transfer of institution-building projects from the EC Delegation to the EAR, including the ECJHAT project, therefore taking away from the EC Delegation's responsibilities and influence, is a point of contention. The same evaluation argues that the situation is made even more complex due to the EUSR's presence. In principle, the rivalry is at home in Brussels, but trickles down to the field: the European Commission fears that the emergence of a reinforced Council General Secretariat, which is trying to find its place in the institutional game, means that it will lose its competencies in external relations.³⁰ The difficulties faced by the European Commission in recruiting police officers for its missions, due to the fact that Member States prefer seconding their police officers to Council police missions, over which they have control, adds fuel to the fire.³¹ As a result, EC advisory support for police reform – the ECJHAT and ECPRP – was launched late and the substantive work of *Proxima* was also delayed. In particular, the follow-up on the ECJHAT project only effectively took off in Skopje almost six months into *Proxima*'s mission. Former Head of Mission Bart D'Hooge's statement on the six month review of the mission that 'the first three months of *Proxima* were the built-up phase (...) the assessment phase, where we did in-depth assessments of the Ministry of Interior, both at the field and central level', highlights the consequences of poor co-ordination in the 'dual track approach'.³²

28. Tobias Flessenkemper, *op. cit.*, p. 7.

29. *Evaluation of the Implementation of Council Regulation 2667/2000 on the European Agency for Reconstruction, Synthesis Report, Volume I – Part C, Main Evaluation Report* (Rome/Brussels: Development Researcher's Network Consortium June 2004), p. 57.

30. See Claire Piana, *op. cit.*, p. 221.

31. Author's interviews in DG RELEX, European Commission and Council General Secretariat, April-May 2005.

32. Press Statement given by *Proxima* Head of Mission on Six Month Review (Skopje: EUPOL *Proxima*, 4 August 2004).

Working in a multilateral environment

Beyond the intricacies of managing EU inter-institutional co-ordination, international actors working on police reform in FYROM recognise the significance of an effective relationship of inter-dependence. Accordingly, regular meetings of the Heads of the main international actors in FYROM, the so-called 'Principals', chaired by the EUSR, aim at ensuring overall political co-ordination within the international community. In addition, a formal mechanism for co-ordination in the field of police, the 'Police Experts Group', was created. Chaired by the Police Advisor of the EUSR, it regularly brought together the EUPOL Head of Mission and the ECJHAT/ECPRP Coordinator, the EC Delegation, the EAR, EU Member States, the OSCE, ICITAP, and other international actors actively engaged in supporting the Macedonian police. In order to promote a broader rule-of-law approach, international actors involved in supporting the judicial and the penal system were also associated with this group.³³

The post of Police Advisor however was not renewed beyond July 2004, but co-ordination of international police efforts was instead moved to the EC Delegation, where an expert on JHA issues would be recruited. This is a clear indication that FYROM is moving away from stabilisation and towards integration. Similar problems to those that the ECJHAT project met have led to delays in recruiting a JHA expert in the EC Delegation; hence police co-ordination until very recently was happening on an *ad hoc* basis. International actors who participated in the 'Police Expert Group' agree that the forum was inefficient in co-ordinating efforts. Instead informal contacts and bilateral meetings override the weight of formal channels because they help build vital relationships of trust between the different actors. Maintaining such contacts however, as international actors admit, is time consuming, especially given the high turnover in the international community in FYROM. *Proxima* heralded its benchmarking plan as a possible solution, since it was the result of consultation with all relevant international actors and required the approval of the MoI. From the perspective of the mission, ongoing co-ordination became less important.

33. *Coordination Aspects of Proxima*, op. cit., p. 3.

The quest of international donors to justify their mandate translates itself in a lack of exchange of information on ongoing efforts, which leads to programmes and initiatives being duplicated. This is particularly true for regional programmes in police co-operation, integrated border management, including tackling organised crime, trafficking of human beings and drugs, as well as immigration and asylum. *Proxima*'s broad mandate increased the risk of the mission being perceived as overstepping itself into other organisations' competencies. For example, one of the reasons *Proxima* launched a programme on community policing and supported the CAGS, originally an OSCE programme, was EU expectations that the OSCE's exit was due at the end of 2004. However, what actually happened was that *Proxima* left FYROM handing its work on community policing back to the OSCE, rather than the other way round.

The biggest challenge today in activities on police transformation, as MoI officials recognise, is linking national and regional initiatives. The proliferation of actors involved in the implementation of programmes, training and the production of manuals on human anti-trafficking, visa, asylum and migration issues co-exist but are not necessarily connected to the ongoing reforms of the internal police. These initiatives, which are usually not based on needs assessment studies, not only involve the Ministry of Interior, but also the Ministries of Justice, Foreign Affairs, Health, Science, to name a few. In the case of *Proxima*, while international donors expected that the mission's activities would be limited to 'on-the-job training', *Proxima* also organised country-wide workshops for police officers working at border crossing points providing them with training on the detection of forged travel documents. The mission was also involved in workshops for Macedonian police officers on laws related to organised crime and training on working methods in accordance with 'European standards'. Moreover, *Proxima* increasingly worked on organised crime, resulting in the publication of two handbooks for forensic police inspectors in the field.

Ultimately a great responsibility for ensuring that overlap does not happen rests in the hands of the Macedonian MoI and national authorities. The MoI admits that at the beginning of the reform process it was unsuccessful at co-ordinating international efforts, but has since created a matrix with all the donors present in FYROM, the benefits of each mission, and a timeframe of the

aid, therefore prioritising partners.³⁴ In addition, an Aid Co-ordination Unit was created in the Secretariat for European Integration and, as a part of the national system for co-ordination of foreign assistance, it supports the National Aid Coordinator.

Perceptions of the mission

The ‘maximum transparency and information-sharing’ between the European Commission and Council ‘in order to ensure that they are mutually reinforcing and achieve the greatest possible joint impact and effectiveness’, promised in Council declarations, was not achieved in the eyes of the Macedonians.³⁵ On the contrary, what became transparent both to the Macedonian political elite and the population is that EU inter-institutional relations are strained.³⁶ The ‘turf wars’ that seemed to be fought between the EUSR and the EC Delegation have generated some confusion in the eyes of the Macedonian authorities. This perceived divergence in goals and contradictions of purpose between the European Commission and the Council are not only detrimental to the EU’s image, but have also compromised *Proxima*’s work. EU police officers privately confess that such infighting creates a motivation problem within the local police forces as well as a lack of confidence in the reforms.³⁷ The Council decision to pre-empt the European Constitution and to replace, as of 1 November 2005, the Head of the EC Delegation and the EUSR with a single ‘double-hatted’ EU representative who can liaise with both institutions in Brussels, could put an end to the confusion.³⁸

The ‘dual track’ approach in EU police efforts, with *Proxima* operationally supporting the Commission’s long-term police reform, created much confusion as to ‘what’ *Proxima* was really about. EUPOL *Proxima*’s stated aim to help the Macedonian national police meet ‘European standards’ and SG/HR Javier Solana’s characterisation of the mission as a milestone on the path leading FYROM to ‘integration with, and eventually into, the EU’³⁹ led the political elite and the wider population to perceive *Proxima* as a ‘Europeanising’ mission.⁴⁰ The ‘dual track’ approach has put into question the notion of ‘crisis management’ and its implementation by the Council, intended to be a rapid reaction response to a crisis situation. Indeed, it is questionable whether the ‘urgent needs’ that *Proxima* identified and tackled could be resolved in the short-term. Ongoing discussions in the European

34. Author’s interview with official in the Ministry of Interior, in Skopje, June 2005.

35. *Coordination Aspects of Proxima*, op. cit., p.3.

36. See, for example, *Utrinski Vesnic*, 1 April 2005.

37. Author’s interviews with *Proxima* police officers, in Skopje, June 2004.

38. Council Joint Action 2005/724/CFSP of 17 October 2005 appointing the European Union Special Representative in the former Yugoslav Republic of Macedonia and repealing Joint Action 2005/589/CFSP, *Official Journal of the European Union*, L 272/26, 18 October 2005.

39. Remarks by Javier Solana at the opening ceremony of the EU Police Mission in the former Yugoslav Republic of Macedonia (EUPOL *Proxima*) on December 15th, 2003 (Skopje: EUPOL *Proxima*, 15 December 2003), p. D.

40. See Islam Yusufi, ‘Europeanizing the Western Balkans through Military and Police Missions: The Cases of *Concordia* and *Proxima* in Macedonia’, *European Balkan Observer*, vol. 2, no. 1, May 2004, pp. 8-12.

Commission and the Council General Secretariat on how to develop crisis management capabilities need to be brought together to ensure a common understanding of the concept and a more integrated EU approach when engaging in future crises.

The visibility of the EU police officers among the population, especially during year one when the traffic police programme was active, worked to the mission's advantage. A nationwide survey carried out by the Institute for Democracy, Solidarity, and Civil Society in May 2004 found that 55.3 percent of Macedonians had a positive opinion of the mission's work, ahead of the EAR and the EC Delegation. Public perception of *Proxima* as a 'Europeanising' mission also helped its image, as recent polls demonstrate,⁴¹ but also raised local expectations very high. For example, expected results included a change in the mentality of the police, an impossible task to accomplish in the short timeframe of *Proxima*'s mandate of a year or two. The public's lack of understanding of the mission's objectives is due to the fact that *Proxima* did not produce tangible results and therefore did not attract the attention of the media. The Macedonian media concentrated on reporting specific events concerning *Proxima* rather than explaining the process of police reform.

The way ahead

FYROM has made substantial progress since the 2001 conflict; the security situation in the country has remained by and large stable over the last year.⁴² Some incidents however, such as the events in Kondovo, a village near Skopje, which for a few months was under the control of an armed group of ethnic Albanians who are still at large, are a sign of the inefficiency of law enforcement agencies and the level of corruption in public institutions. In addition, part of the population – primarily ethnic Albanians – is still afraid of the police and some citizens rely on the possession of a weapon.⁴³ The Commission *avis* (2005:6-7) emphasises that FYROM needs to 'make additional efforts in particular in the fields of (...) police reform, judiciary reform and the fight against corruption'. The influence that (uncertainty over) the final status of Kosovo and the pending demarcation of the border with Kosovo can have on FYROM's stability should not be underestimated. The full implementation of the Framework Agreement however, has turned

41. The latest UNDP Early Warning Report illustrates that Macedonians support *Proxima* with 49.5 percent ahead of the OSCE, which is more clearly associated with crisis management. UNDP, op. cit, p. 16.

42. The removal of the Integrated Police Unit present in the initial mandate of *Proxima* for the protection of mission members demonstrates the increased stability in the country.

43. UNDP, op. cit, p. 44.

attention away from security; rather, it is the political stability of FYROM that is at stake. Unemployment, poverty, and corruption are the most pressing problems for the population (far more important than inter-ethnic relations) and could, in the long run, have a negative effect on Macedonia's stability.⁴⁴ Criminal activities, including trafficking in persons, drugs, munitions and contraband materials are widespread.⁴⁵ *Proxima* police officers have suggested that the perpetual economic stagnation encourages corruption, including in the border police. The lack of suitable equipment (cars, torch lights, and communication apparatus) further hinders the work of the police.⁴⁶

Follow-up on EUPOL *Proxima*

In October 2005, at the request of the FYROM government, the European Commission launched a Twinning Project, which as with previous EC advisory missions involves a Member State team being co-located in the MoI. This new programme heralds the end of the 'post-conflict phase' in FYROM and a shift toward EU integration. It was drafted taking into consideration the recommendations of preceding EC advisory missions (ECJHAT and ECPRP) and monitoring findings of EUPOL *Proxima*. In order to ensure continuity and that changes are sustainable the Twinning Project includes three police advisors from the ECPRP mission.⁴⁷ The project's stated aim is to 'establish and consolidate an effective and publicly accountable police service (...) that respects human rights and the rule of law and operates according to international standards and practices'.⁴⁸ In practice, the team will help develop technical and institutional capacities, including the development of operational capacities in the fight against organised crime, the development of rulebooks, and operating procedures and standards.

Since the Twinning programme on police reform is deployed only within the MoI, the Council – concerned by possible instability resulting from the opening of Kosovo status negotiations, and in order for police reforms to be sustainable as well as to ensure that the fragile progress that FYROM has achieved in the past four years is consolidated – felt that continued EU presence in the rural areas and outside Skopje was necessary. At the same time though, as the country moves closer to the EU, the Council recognises that assistance on police reform should be pursued primarily through

44. Having said that, ethnic Albanians and ethnic Macedonians live quite separately from each other, hold deep prejudices against each other, and few initiatives to bring the communities to live together have had positive results. See *Organised Crime-Macedonia* (Skopje: Foundation Open Society Institute in Macedonia, April, 2005), p. 12.

45. Annex: *Annual Action Programme for 2005...*, op. cit., p. 6.

46. Author's interviews with *Proxima* police officers, in Tetovo and Kumanovo, May-June 2004.

47. Author's interview with member of the ECPRP, in Skopje, June 2005.

48. Advisory Support to Police Reform – FYR 04.04/03.01, *CARDS Twinning Project Fiche*, final version 14 March 2005, CARDS 2004 (Brussels: European Commission), p. 2.

Community activities and programmes. Indeed, the European Commission is set to launch a project focusing on the implementation of reform at field level and capacity-building within the MoI, but will not be operational before April 2006. In order to bridge the time gap (a 6-month period) between the end of *Proxima* and the commencement of the European Community field level project, the Council decided to replace *Proxima* with an EU Police Advisory Team (EUPAT) from 15 December 2005 until 14 June 2006.⁴⁹ The Macedonian government has welcomed EUPAT 'under certain conditions' that ensure that its European perspective is not compromised.⁵⁰ EUPAT is similar to *Proxima* in its goals, mission and organisation. It is much smaller than *Proxima* (comprising 140 international police officers), and includes 30 EU experts, who monitor and mentor the Macedonian police in the fields of border management, public order and peace, and the fight against corruption and organised crime. EUPAT particularly focuses on the implementation of police reform, co-operation between police and the judiciary, professional standardisation and internal control. The new element of EUPAT is the creation of a 'consultation mechanism', whereby on a monthly basis, EUPAT will submit a report to the Macedonian government on the progress accomplished in its activities, the progress made in the reforms by the Macedonian authorities and the shortcomings in the Macedonian police (monitoring, for example, performance, corruption, and organised crime). This system creates a certain degree of openness and transparency between the two parties – the EU and the Macedonian government – but can also work as leverage on the Macedonian authorities.⁵¹ Indeed, the reciprocity created by the consultation mechanism entails that the Macedonian side must honour its promises and ensure that reforms are actually implemented and not simply legally endorsed. Hence, this mechanism helps deal with the absence of an executive mandate, a recurring problem for *Proxima*, since it ensures that the government of the Former Yugoslav Republic of Macedonia will implement reforms.

49. Council Joint Action 2005/826/CFSP of 24 November 2005 on the establishment of an EU Police Advisory Team (EUPAT) in the Former Yugoslav Republic of Macedonia (FYROM), *Official Journal of the European Union*, L 307/61, 25 November 2005.

50. These conditions include: EUPAT being presented as a reform-oriented effort rather than stabilisation-oriented; that EUPAT not be defined as 'a mission'; that it be clearly linked with the possible CARDS-funded projects; have a clear mandate with a defined end-date; not be presented as a follow-up to *Proxima*, but as a transitional measure before a possible CARDS-funded project is in place; and international police officers should not wear a uniform.

51. Author's interviews with officials in the Council Secretariat General, Brussels, on 14 December 2005.

Conclusion

It is too soon to say what *Proxima*'s impact will be on police transformation efforts in FYROM. Nonetheless, *Proxima* Head of Mission Jürgen Scholz rightfully asserted that the mission 'will set the standards for future EU police Missions'.⁵² Useful lessons arise from EUPOL *Proxima*'s experience that could be applied in future crisis management operations: handing over missions (from *Concordia* to *Proxima*); planning and setting up a mission; the need for carrying out joint Commission-Council fact-finding missions; the use of benchmarking for evaluating performance and progress. The mission has also pointed to the benefits of ESDP civilian operations: EU police advisers are in the field, alongside local police and have a real sense of the situation; missions can be set up faster by the Council than by the Commission; and it is easier for the Council to find the necessary capabilities, although the increasing threat of terrorism in Europe will undoubtedly affect the Council's ability for police force generation.

Proxima however has also highlighted a recurring question, that of 'how' rather than 'how much' – i.e., focusing on how capability is organised in order to maximise its effectiveness, rather than simply on how much capability is available. EUPOL *Proxima* has revealed that serious problems remain unresolved when it comes to EU inter-institutional and wider multilateral co-ordination of police efforts. The complex environment that characterises post-conflict/transitional societies requires missions to have tight mandates, to consult each other, and to be transparent. If in the vocabulary of the Council crisis management is to be a 'rapid reaction' to crisis, then future police missions must concentrate on 'urgent needs' and have a clearer exit strategy, which could be revised taking into account the realities on the ground. A common EU definition of 'crisis management' is imperative for a functioning EU 'dual track' approach. The success of this approach entails a clear division of labour between Pillars I and II in Brussels – lack of clarity at that level easily trickles down to the field, as *Proxima*'s

52. Welcome Speech by Jürgen Scholz, Head of Mission, Induction Training on 24 January 2005. (Skopje: EUPOL *Proxima*, 24 January 2005), p. 1.

experience has demonstrated. An effective partnership within the EU, especially in a context like the Western Balkans where the EU is the lead organisation, would also enhance multilateral co-operation. In addition, a more proactive communication strategy would help the mission sell itself to actors on the ground and explain its benefits to the population, whose support is the cornerstone for any sustainable policy.

EUJUST *Themis* in Georgia: an ambitious bet on rule of law

Damien Helly

Civilian crisis
management: the EU way

5

Since 2001, the EU has upgraded its political visibility in the South Caucasus. An EU Special Representative (EUSR) for the South Caucasus was appointed on 7 July 2003¹ whose mandate has been successively extended since then.² The EUSR is expected to assist conflict resolution processes in the region and to ensure co-ordination, consistency and effectiveness of the EU's action in the South Caucasus.³

In 2003, the 'Rose Revolution' in Georgia created a new momentum for democratisation and 'westernisation',⁴ and was followed by the inclusion of the three Caucasian countries (Armenia, Azerbaijan and Georgia) into the European Neighbourhood Policy (ENP) on 14 June 2004. The 'Rose Revolution' raised new hopes and expectations, bringing a new generation of allegedly pro-Western leaders to power.

As a signal of political support to the new Georgian leadership, the European Union rule-of-law mission in Georgia, EUJUST *Themis*, was set up for one year according to the Council Joint Action 2004/523/CFSP of 28 June 2004.⁵ It was terminated on 15 July 2005 and was the first ever rule-of-law operation in the framework of ESDP. The role of EUJUST *Themis* was to contribute to Georgia's stability and transition by supporting overall coordination of the relevant Georgian authorities in the field of criminal justice reform. After the termination of the mission, the mandate of the EUSR was extended and amended in July 2005 and a support team was created within his office in order to further assist Georgia with regard to rule-of-law and border monitoring issues.⁶

The aim of this chapter is to analyse the role of EUJUST *Themis* in the broader context of EU policies in Georgia and to provide an evaluation of its operational dimensions. An overview of the Georgian criminal justice system is first presented. The EUJUST *Themis* mission's rationale and mandate are then analysed. An evaluation of operational aspects of the mission and lessons learnt are finally developed.

1. Joint Action 2003/496/CFSP of 7 July 2003, concerning the appointment of an EU Special Representative for the South Caucasus, OJ L 169/74, 8.7.2003.

2. Joint Action 2003/872/CFSP, OJ L 326, 13.12.2003, Joint Action 2004/532/CFSP, OJ L 234, 3.7.2004, Joint Action 2005/100/CFSP, OJ L 31, 4.2.2005.

3. Council's webpage on EU Special Representatives: http://ue.eu.int/cms3_fo/showPage.asp?id=263&lang=EN.

4. David Darchieshvili, 'Georgian security problems and policies; The South Caucasus: a challenge for the EU', *Chaillot Paper* no. 65 (Paris: EUISS, December 2003), pp.107-128.

5. Joint Action 2004/523/CFSP of 28 June 2004, on the European Union Rule of Law Mission in Georgia, EUJUST THEMIS, OJ L 228/21, 29.6.2004.

6. Joint Action 2005/582/CFSP of 28 July 2005, amending and extending the mandate of the European Union Special Representative for the South Caucasus, OJ L 199/92, 29.7.2005.

EU institutions, instruments and policies in Georgia

Georgia is a typical fragile state embedded in its own external and internal political complexities. Internal conflicts, its odd relations with Russia, ambiguous proximity with Armenia and with Azerbaijan have to a large extent constrained Georgia's development and stability. Tbilisi has barely managed to build itself a safe neighbourhood. Internally, local ownership of Western-pushed reforms have remained an exception as if Georgian counterparts did not understand or endorse the very idea that the Western (in accordance with European rule-of-law standards) future of their country was in their hands and not others'. As a result of large-scale and rather short-sighted administrative purges the absorption capacity of local administration have been considerably weakened and justifies a long-term and assistance-led approach to institutional reform. The two biggest challenges for the Georgian leadership have been to manage relations with its neighbourhood and to enhance local ownership of reforms in the country. These two challenges have therefore conditioned the impact and effectiveness of EU institutions, instruments and policies in the country, including EUJUST *Themis*.

Throughout the 1990s the European Union prioritised four main areas: support to transition towards a market economy, assistance in resolving so-called 'frozen conflicts', contribution to domestic security and governance (including rule of law and democratisation) and addressing social consequences of transition.⁷ CFSP joint actions have concentrated on border security and the management of the Ossetian conflict.

The basis of EU-Georgia relations is the Partnership and Cooperation Agreement (PCA) signed in 1999; for ten years (1992-2002) the TACIS programme has been the main instrument (together with ECHO, Food Aid, Food Security and financial assistance) to implement projects supposed to help the country reform its economy and governance.⁸

Few tangible results, however, were achieved under Eduard Shevardnadze. Following the deterioration of the security and political situation in 2001 and 2002 the EU revised its Country Strategy and focused on new priorities for 2004-2006 including rule of law, support to civil society, the fight against poverty and conflict prevention. New promises of aid to reform the rule-of-law sector were made in June 2004 and Georgia was included in the New Neighbourhood Policy.

7. The main EU instruments that have been used were ECHO humanitarian assistance: (€92 million, 1992-2002); Food Aid (€62 million in 1995 and 1996), Food Security Programme (€59 million, 1992-2002); Tacis National Programme (€84 million, 1992-2002). Total EU assistance amounted to €370 million (not including Tacis Regional or Member States' assistance) in 2004. Figures provided by the Commission's website, download 6 July 2005.

8. Damien Helly, 'L'action extérieure de l'Union européenne dans le Caucase du Sud 1992-2002: Modes d'action, influence et légitimité', Ph.D Thesis, Institut d'Etudes Politiques de Paris / CERI, 2003, 512p; Damien Helly, 'Les modes d'action extérieure de l'Union européenne: le cas du Caucase du Sud', *Revue française de science politique*, avril 2003, pp.243-268.

EC rule-of-law projects entered a new phase in 2004 with the development of several projects financed by the Rapid Reaction Mechanism (RRM) and the policy advice budget line. All in all, the Commission has provided advisory assistance to the Ministry of Justice focusing on support to the penitentiary system (establishment of a probation service, strengthening of the penitentiary administration and rehabilitation of the penitentiary infrastructure), to the Prosecutor's office (reform and modernisation project) and to the Ministry of the Interior (policy advice and technical assistance projects recommending its demilitarisation, and its reform into a civilian institution). These projects started to be implemented in 2004 by experts co-located in each of the institutions and whose work was to 'link legislation adjustment to the implementation processes, including legal advice, planning, management and organisational measures, good governance and capacity building and training'⁹.

Although EUJUST *Themis* was an ESDP mission it supposedly prolonged or complemented, to a certain degree, what the EU had already been doing with first pillar instruments in the rule-of-law sector. To understand correctly the rationale and the purposes of EUJUST *Themis*, a brief overview of the Georgian criminal justice sector is provided.

The Georgian criminal justice sector and its reform process

Since its independence and because of unsolved regional conflicts, political instability, governance shortcomings and persistent organised crime, Georgia has not achieved any substantial judicial reform. On the eve of the 'Rose Revolution', the improvement of the country's criminal justice system was still an urgent need notwithstanding the fact that considerable foreign assistance had already been offered by the international community.

Because of cosmetic and contradictory legislative changes during the 1990s under President Shevardnadze (new criminal procedure code and criminal code, allegedly drafted with foreign financial and legal support, were passed in 1998 and 1999), the criminal justice system has not been substantially reformed and until recently was based upon the Soviet system.¹⁰ The Georgian criminal procedure was characterised by the existence of three stages: inquiry, preliminary investigation and trial. The first two were

9. As reported in the Fact-Finding Mission Report on a Possible Rule of Law Mission to Georgia, Section on 'European Community Programmes', p. 8, 9902:04, 26 May 2004.

10. Human Rights Watch, 'Backtracking on Reform: Amendments Undermine Access to Justice', October 2000.

marked by the dispersion of investigation powers (nine agencies had competence in the inquiry phase, and three in the investigation phase). During the trial and the investigation phases, the judiciary and defence were extremely weak against a powerful prosecutor who was not immune from frequent political interference. The Georgian Soviet-type criminal system resulted in an attitude of general mistrust among the public substantiated by lack of horizontal co-ordination between governmental agencies, widespread corruption, police abuse and overcrowded and unhealthy prisons.

Under President Shevardnadze's rule Georgia formally launched several reforms in the field of criminal law with the support of numerous foreign agencies and multilateral organisations.¹¹ One of the main driving forces for change was the country's admission to the Council of Europe and the necessary compliance of the legal environment with the Council of Europe's norms. Significant legislative efforts (abolition of the death penalty, transfer of the penitentiary system from the Ministry of the Interior to the Ministry of Justice, the setting up of the Council of Judges and the appointment of an Ombudsman) were made until 1996 when Georgia was admitted, five years before Armenia and Azerbaijan, into the Strasbourg organisation.¹² Despite this apparent success, the human rights situation and the evolution towards international legal standards seriously deteriorated. The coming to power of young reformers close to Shevardnadze such as Zurab Zhvania (Speaker of the Parliament from November 1995 to November 2001) and Mikhail Saakashvili (who was Minister of Justice between October 2000 and September 2001) gave hopes that serious change would be finally possible, but attempts to reform the judicial system failed mainly because of a lack of political will from post-communist elites and former apparatchiks united around Eduard Shevardnadze. Saakashvili, who failed to reform the judicial system,¹³ and later Zhvania, resigned and created their own political parties.

When the 'Rose Revolution' happened, a number of co-operation programmes were already functioning, especially on the reform of the Criminal Procedure Code (GTZ, ABA, British Council, funded by EC/TACIS programme) and on the re-organisation (including training of staff) of several institutions, like the penitentiary system (TACIS, Council of Europe) and the Ministry of Justice (TACIS and GTZ). The main problem was the lack of

11. The European Commission, the Council of Europe, the British Council, GTZ, the American Bar Association, the US Department of Justice, all already seriously engaged in this area, used to repeatedly emphasise what had to be done: reform of the Criminal Procedure Code, reform of the judiciary, reinforcement of the Bar, development of new penitentiary structures, re-organisation of the police and the fight against corruption at all levels and in all state institutions, diminishing political interference in the judiciary.

12. Parliamentary Assembly of the Council of Europe, 'Georgia's application for membership of the Council of Europe', *Opinion*, Doc. 8296, 12 January 1999.

13. RFE/RL Newswire, 'Georgian President Comments on Justice Reform Setback', 9 November 1998. Penal Reform International, 'Georgia - A chance not to be lost: Georgia continues its efforts to reform the prison system', *Eastern Europe Newsletter*, Spring/Summer 2001. IWPR, 'Shevardnadze turns back on reforms', 25 September 2001.

genuine Georgian co-ordination of all these initiatives, resulting in incoherent and isolated processes, unable to address systemic deficiencies with daily consequences on prosecutors' behaviour, police impunity and overall corruption.¹⁴

Right after the 'Rose Revolution', the new Georgian government listed reforms they planned to undertake and justice was considered as a priority to be raised during a June 2004 donors' conference co-organised by the European Commission and the World Bank in Brussels.¹⁵

Donors and experts in the international community were unanimously stressing the need for a comprehensive reform of the judicial system.

EUJUST *Themis*: a new push in the field of law

The rationale of the EUJUST *Themis* mission was to send a clear political signal to the Georgian leadership about the EU's full support of reforms and commitments to democratic values. For the EU itself, it was a good opportunity to test civilian crisis management capabilities in the field of rule of law, in a relatively stable area with a small-scale mission. It was expected that lessons learnt during EUJUST *Themis* would be 'developed and implemented in other possible future ESDP operations.'¹⁶ Since the mission was a first ever ESDP operation in the Former Soviet Union it was also a test for EU relations with Russia.¹⁷

Behind obvious political reasons to back Georgia's democratic aspirations, the ambiguity of the term 'Civilian Crisis Management' operation has led to some misunderstandings about the preventive purpose of the ESDP mechanism. The discussion of what a crisis is and of 'when civilian crisis management is to be employed'¹⁸ took place among the Member States before the launch of EUJUST *Themis*. These discussions focused on whether or not to consider an ESDP operation in Georgia as a post-conflict intervention or a pre-emptive engagement. The 'crisis' dimension of EUJUST *Themis* had more to do with an intervention during a phase of high tension, the aim of which was to provide a 'secure public security environment' and restore 'the democratic rule of law'.¹⁹

Right after the 'Rose Revolution', Georgia's security was precarious and the country could have entered a new phase of

14. Eurasianet.org, 'Proposed Law Amendments Threaten to Stall Judicial Reform Effects in Georgia', 12 June 2002.

15. 'International Donors Give Extraordinary Financial Support to Georgia: approx. US\$ 1 billion/€850 million pledged', Joint EC/World Bank Press Release, 16 June 2004. European Commission website, download July 2005.

16. EU Council Secretariat, 'EU Rule of Law Mission to Georgia – EUJUST *Themis*, Background', THE/02 (update 2), 19 April 2005.

17. Interviews, Tbilisi, June 2005. This dimension was considered by EUJUST *Themis*'s initial supporters from the Baltic States as an added value in itself.

18. Renata Dwan, 'Civilian tasks and capabilities in EU operations', First draft for Berlin meeting, 18-19 May 2004. <http://www.lse.ac.uk/Depts/global/StudyGroup/CivilianTaskspaper.htm>.

19. Renata Dwan, op. cit.

destabilisation. *Themis* was a lynchpin to trigger positive developments in other respects and to address, as a preventive tool, all the urgent challenges mentioned above. In this respect, it was supposed to bridge the gap between urgent security measures and longer term development assistance.

Firstly suggested informally in December 2003 by an Estonian diplomat, the idea of an EU action in the field of rule of law, civil administration and police reform was then flagged up in CIVCOM by Lithuania. The principle of a small-scale mission, framed by the General Secretariat of the Council, was welcomed by the Irish Presidency and following CIVCOM's recommendation to PSC a fact-finding mission (FFM) was sent to Georgia between 10 and 21 May.²⁰

On 7 June, CIVCOM indicated in a note that the mission's OPLAN should provide details on a benchmarking system 'to enable a systematic evaluation of the mission.'²¹ The OPLAN divided the mission into three flexible phases: an Assessment Phase (2 to 4 months), a Drafting Phase (4 to 6 months) and an Implementation-Planning Phase (2 to 4). Each phase was expected to terminate with the realisation of objectives: a comprehensive assessment for phase 1, the setting up of high-level working group to draft strategy adopted by 'a high-level authority (Parliament)' for phase 2 and the establishment of a high-level strategy group providing an implementation plan for phase 3.

The mission was composed of nine legal experts seconded by their Member States²² and supervised by a Head of Mission (Ms. Sylvie Pantz, France). Experts were co-located in Georgian institutions (the Ministry of Justice, the Ministry of the Interior, the Procuracy, the Ombudsman's office, the Council of Justice, the Appeal Court, and the Supreme Court) and collaborated with eight Georgian legal experts initially hired by the Head of Mission. The operation's contact point in the Council Secretariat was the Operation unit in DGE 9 and, in the Commission, the Head of the Tbilisi Delegation as well as the Georgia Desk officer in DG RELEX.

The Joint Action defined a clear but probably too ambitious mandate for a one year mission. First, it consisted primarily in 'assisting in the development of a horizontal governmental strategy guiding the reform process for all relevant stakeholders in the criminal justice sector, including the establishment of a mechanism for coordination and priority setting for the criminal justice

20. Annex I, 'Composition of the Joint CGS-EC FFM, Fact-Finding Mission Report on a Possible Rule of Law Mission to Georgia', 9902:04, 26 May 2004.

21. CIVCOM note on the Draft General Concept for a Rule of Law Mission to Georgia in the context of ESDP, 10225/04.

22. Denmark, Germany, Italy, Latvia, Lithuania, the Netherlands, Poland, Sweden.

reform.’ In addition to this main task, the mission ‘could’ provide urgent guidance for the new criminal justice reform strategy, support the overall coordinating role of the relevant Georgian authorities in the field of judicial reform and anti-corruption, support the planning for new legislation as necessary, e.g. the Criminal Procedure Code. Finally and ‘secondarily’, it ‘could’ also ‘support the development of international as well as regional cooperation in the area of criminal justice’. The main challenge thus for *Themis* was to engage all Georgian stakeholders in an allegedly locally-owned horizontal reform process, supposed to complement sectoral and vertical approaches of ongoing Community-funded projects.

The GAERC approved the mission’s general concept on 14 June and announced its launch by mid-July. In late June, the candidates for the position of the Head of Mission (HoM) were interviewed and the French judge Ms. Sylvie Pantz who was part of the FFM was selected on 22 June. The HoM started working as acting Head of the Planning Team responsible for the setting up of the mission and on 28 June 2004 the Council adopted Joint Action 2004/523/04 on the EU rule-of-law mission in Georgia, EUJUST *Themis*.²³

Challenge of coherence between EU instruments deployed in Georgia

The rule of law constitutes one of the grey areas of competence of CFSP and Community instruments, similar to police training in third countries. As a consequence, both the Council and the Commission could assist Georgia in criminal justice reform. This overlapping of competences raised the question of what kind of instrument was more appropriate to address urgent challenges. The added value of an ESDP mission was threefold: first it could be launched quickly, second it could enhance the EU’s visibility and third it was more politicised than the Commission’s assistance programmes. For some Member States, acting in the rule-of-law sector was a way of demonstrating that the Council was able to develop new CFSP instruments despite existing Community competences.²⁴ Despite these tensions, the Council and Commission agreed on a *modus operandi* whereby *Themis* would develop actions complementing EC programmes such as those related to penal reform.

23. In Greek mythology, Themis is the Goddess of Justice.

24. Interview with a CIVCOM representative, Brussels, 25 August 2005.

Themis's Head of Mission took part in EU Member States' ambassadorial weekly meetings and informed the Member States on a regular basis about the functioning of the mission. Cross-pillar coherence has functioned since the mission's mandate did not interfere with ongoing EC-supported penal reform. The Commission considered it had long and sufficient experience to continue relevant and efficient ongoing projects in the field of reform of the penitentiary system. The Commission's experts have therefore contributed to the penitentiary chapter of the *Themis*-supported reform strategy and EUJUST *Themis* did not hire penitentiary experts.²⁵

On the ground, however, relations between *Themis* and the Commission were not as successful as they could have been, and this was related to a conflict of personalities as well. Despite the fact that the need for more co-ordination of EU policy is mentioned in the Joint Action appointing the Special Representative for the South Caucasus²⁶, inter-institutional and individual tensions between *Themis*'s Head of Mission and the Commission's delegation undermined this general objective.²⁷

EUJUST *Themis* raised new inter-institutional challenges. Initially, the question of the added value brought in by an ESDP rule-of-law mission was discussed among EU institutions. *Themis*'s role has been understood as a complement to existing sectorial programmes implemented by the Commission in the first pillar as well as new 2004 projects in the framework of the Rapid Reaction Mechanism. The compromise found by the Council and the Commission was to launch a small-scale though strategic and horizontal mission, covering a broad range of justice-related sectors.²⁸

Meanwhile, the Commission committed €4.65 million through its Rapid Reaction Mechanism (RRM), for follow-on under the EC TACIS programme, in four areas: 'penitentiary and probation service reform; organisational reform of the Ministry of Justice as well as other public institutions; parliamentary and electoral reform; confidence building among population groups affected by conflict.'²⁹ As mentioned by the Commission, the RRM was 'complementary to other projects such as the recently agreed rule-of-law mission EUJUST *Themis*, conducted in the framework of the ESDP.'

In May 2005 increasing tensions between Russia, and Western countries inside the OSCE resulted in the suspension of the OSCE Border Monitoring Operation on the Georgian-Chechen border.

25. Email exchange with the EC Delegation in Georgia, 18 October 2005.

26. Council Joint Action 2003/496/CFSP of 7 July 2003 concerning the appointment of an EU Special Representative for the South Caucasus.

27. Interview with a Commission representative, September 2005.

28. Interview with a Commission representative, September 2005.

29. European Commission's website, IP/04/846, Brussels, 2 July 2004. Downloaded 3 August 2005. 'Georgia: €4.65 million to reinforce the Rule of Law and democratic processes'.

The OSCE started a Border Guards Training Mission planned to last one year until April 2006. Georgia tried to convince the EU to engage more actively by launching an ESDP border monitoring mission.

To a large extent, the Council had to decide what priority it wanted to underline between the rule-of-law mission and another ESDP action on Border Monitoring, after the closure of the OSCE Border Monitoring Mission on 19 May and repeated Georgian requests for a stronger EU engagement to take over this task. In June internal divergences between the EU Member States about the need for an ESDP border monitoring operation (the Baltic States and the UK being in favour while France and Germany were more reluctant) resulted in a compromise.

The solution that was found consisted in the expansion of the EUSR support team with the presence of border security experts playing a facilitating role³⁰ while the Commission had an advisory project in the Ministry of the Interior, including a Border Guards component.³¹

The EUSR's mandate, amended in July 2005 and implemented through the support team, has consisted in:

- providing the European Union with reporting and a continued assessment of the border situation and facilitating confidence-building between Georgia and the Russian Federation, thereby ensuring efficient cooperation and liaison with all relevant actors;
- assisting the Georgian Border Guard and other relevant government institutions in Tbilisi in preparing a comprehensive reform strategy;
- working with the Georgian authorities to increase communication between Tbilisi and the border, including mentoring.

This has been done by working closely with Regional Border Guard Centres between Tbilisi and the border (excluding Abkhazia and South Ossetia).³²

This solution, which is to be reviewed every six months with the EUSR mandate, should help the EU to assess the security situation on the border between Georgia and Russia and to foresee Georgia's needs in the field of Border Guards. More generally it has facilitated the EU's evaluation of needs for security sector reform, before preparing the European Neighbourhood Action Plan for the country to be implemented in 2007.

30. Council Joint Action 2005/582/CFSP of 28 July 2005 amending and extending the mandate of the European Union Special Representative for the South Caucasus.

31. A Border Police Academy project funded by the EC is also under preparation. Phone conversation with a Commission civil servant, 21 December 2005.

32. Council Joint Action 2005/582/CFSP of 28 July 2005 amending and extending the mandate of the European Union Special Representative for the South Caucasus.

Co-operation between ESDP operation and other actors on the ground

EUJUST *Themis* and the Georgian government

With a national strategy for criminal justice reform approved by President Saakashvili on 9 July 2005,³³ *Themis* reached its first objective, but the efforts of its staff members were impeded by chaotic internal Georgian politics.

Georgian policy-makers have been caught between two legal philosophies (one European and one Anglo-American) and there has hardly been any consensus on what model to choose for the future. These two Georgian schools of legal thought, represented by two groups of NGOs, have competed in the drafting process of the Criminal Procedure Code. One has been more influenced by European law (led by the Georgian Young Lawyers' Association which collaborated with German experts from GTZ), the other by American law (like the Liberty Institute, an NGO that played an active part in the Rose Revolution, close to the American Bar Association). These division lines have not been debated in the parliament and could hardly be reconciled by the Ministry of Justice's coordination.

The mission initially benefited from strong support, first from the late Prime Minister Zurab Zhvania and then from Prime Minister Zurab Noghaideli who both issued crucial decrees to get the mission started.³⁴ President Saakashvili also expressed his formal complete dedication by issuing a decree creating a working group to develop the reform strategy.³⁵ A lot more, however, could have been done. Within the space of one year two Ministers of Justice (Giorgi Papuashvili and Konstantin Kemularia) were successively in charge of the reform and its coordination. Civil servants were scarcely informed of *Themis's* existence³⁶ and no clear guidelines were given to the administration to ensure that the Georgians themselves could take control of the mission. *Themis* operated in a post-revolutionary context of radical administrative change in the Prosecutor's office, the police and the judiciary.

The reform strategy was drafted by a few dedicated individuals in each institution rather than by large constituencies; during the drafting process the absorption capacity of the local administrations seemed not to be fully taken into account. *Themis's* Georgian young legal experts played a key role by advising both EU national

33. Presidential Order No. 549, information given by the Deputy Minister of Justice in September 2005.

34. Government of Georgia, Order No. 74, 10 July 2004, Tbilisi, 'About assistance to the activities in Georgia of the special Mission of the European experts – "EUJUST *Themis*"', unofficial translation. Order No. 195, 20 May 2005, Tbilisi, 'On the strategy of reform of the Criminal legislation of Georgia', unofficial translation.

35. President of Georgia, Decree No. 914, October 19, 2004, Tbilisi, 'On creation of the working group to develop a strategy for reforming Georgian criminal legislation', unofficial translation.

36. International Crisis Group, *EU Crisis Response*, quoting 'Uphill struggle for "EU Rule of Law" mission in Georgia', *European Voice*, 28 October 2004. 'Awareness of the mission has not yet penetrated all sectors of the Georgian system, however. Valerii Grigalashvili, the City Prosecutor in Tbilisi, seemed uninformed about *Themis* when he held his first meeting with it in August, while it took three weeks to arrange an initial session with the Interior Ministry.'

experts and Georgian civil servants and by playing a crucial mediation role in critical time. It was acknowledged that the work of *Themis* would not have been possible without their assistance.

However, the strategy drafting process and realisation of the *Themis* mandate were complicated by an absence of political commitment from the top level of the Georgian government and lack of consensus amongst the Georgian elite on how to design and implement the whole criminal justice reform.³⁷

To carry the reforms further, the Georgian government will need not only financial support, as key Georgian policy-makers insist, but also technical assistance and advice from the EU and, in the first instance, genuine political will. Mixed signals were perceptible in 2005. Some goodwill and genuine commitment was demonstrated by the Ministry of Justice when it was decided to use Georgian budget funds (and not funds allocated in the framework of EC or other foreign projects) to hire a consultant (formerly working for an EC-funded project) to design a new prison in Kutaisi. The Ministry of Justice also informed the EC that they would launch a restructuring exercise in 2006 based on RRM projects.

Misunderstandings between Georgians and Europeans about the rationale of the whole reform remain. They were still acute in the Prosecutor's office staff and high-level judicial authorities in late 2005.³⁸ In Autumn 2005 the independence of the judiciary was at stake: the number of courts and judges was reduced, pressures from the prosecutors on judges continued, all the judges were dismissed and one third of them put on a reserve list. The absence of any independent organisation to protect judges weakens them furthermore.

The example of EUJUST *Themis* reflects the inability of the EU or of any external donor to help entirely reform a justice system in the space of one year. The key to success will be a coherent long-term political and human commitment from both the EU and the Georgian side with the support of the donors' community.

EUJUST *Themis* and the international community

EUJUST *Themis*'s mandate consisted of enhancing international co-ordination in the field of Justice reform. To some extent, the mission managed to relaunch donors' information exchange in the field of rule of law (with the Council of Europe or the Norwegian Mission of Legal Advisers to Georgia) but in-depth co-ordination

37. For example, the death penalty was re-introduced into the draft strategy showing obviously that the authors ignored Georgia's commitments in the Council of Europe.

38. Interview with EC consultants and email exchanges with EUSR support team staff members, October 2005.

and co-operation with other donors would have contradicted ESDP security and confidentiality rules. Neither the OSCE nor the US government were consulted by *Themis* for comments on the draft strategy.

Co-ordination has been more effective in the field of penitentiary reform with the creation of a round table in which the OSCE, ICRC, Penal Reform International and TACIS took part. One *Themis* expert attended these meetings.³⁹

While many in Georgia have viewed EU-US relations in the field of Criminal Justice Reform as harshly competitive, American legal experts have mainly supported *Themis's* rationale, pledging for a reform compatible with Georgia's political and cultural realms.⁴⁰ Contacts with UN agencies have been limited to information exchange. One remaining challenge for the EU will be to engage the donor community in long-term financing of justice reform in Georgia.

Evaluation of *Themis's* operational aspects

Financing and procurement

In accordance with the Article 28 of TEU, the administrative expenses of the mission were financed by the Community budget⁴¹. In addition, the Member States contributed by seconding experts and covering the operational cost such as their salaries and expatriation costs (except *per diems*).⁴² Salary differences have been a source of dissatisfaction for staff seconded by certain states, even if this was known from the start of the mission as it is uniformly applied in all ESDP/CFSP missions. *Themis's* staff members were also dissatisfied with the level of their *per diems*, which were lower than those earned by Commission's consultants working under the Rapid Reaction Mechanism. This resulted (despite criticism from several Member States and the Commission) in an amendment of the Joint Action on EUJUST *Themis* and in an *ad hoc* increase of the *per diems* rate funded by the CFSP budget.⁴³

The use of the CFSP resources available for the purpose of the EUJUST *Themis* mission was constrained by poor planning and implementation of the EC financial and procurement procedures. EUJUST *Themis* staff members' day-to-day work suffered from this

39. Interview with an EUJUST *Themis* member, Tbilisi, June 2005.

40. Some European recommendations warned Georgians against the risks of importing inappropriate aspects of American Criminal law such as jury systems and plea bargaining.

41. The financial reference amount was €2,050,000. It included Personnel (HoM's salary, international and local staff's salaries), Mission expenditure, Running expenditure, Capital expenditure (cars and IT equipment), Representation and a Contingency reserve.

42. Including salaries, medical coverage, travel to and from Georgia and allowances, except for *per diems*. Joint Action 2004/S23/CFSP of 28 June 2004, Art 6.

43. Some additional €257,873 were disbursed 'to cater for additional operational needs of EUJUST *Themis* which were identified during the planning phase, necessitating an adjustment of the daily allowances for the members of the mission.' *Per diems* per expert amounted to €178.5 per day instead of initially €100. The Commission made a specific statement to the minutes of the Council, considering that 'this *ad hoc* approach to the application of *per diem* rates poses serious issues for the sound management of the CFSP Budget.' Draft Council Joint Action amending Joint Action 2004/S23/CFSP, 11610/04 of 20 July 2004 and 11490/04 of 7 September 2004.

financial and political duality during the first months of the mission. Rule-of-law experts settled down in Tbilisi between July and September and had to start work without adequate equipment. They received computers only in late November which, according to the Head of Mission, considerably delayed the mission's achievements. More accurate preparatory work at the Brussels level, prior to the actual deployment of the mission, would have shortened these time spans.

EUJUST *Themis* was expected to act in full co-ordination with the Commission and some arrangements were to be found so that the mission would be co-located in the Delegation's building. However, the Commission rented a part of its building to EUJUST *Themis* mission for the period of its operation. While the mission was waiting to obtain its own equipment through procurement, the Delegation provided the mission with furniture and phones at the request of the Head of Mission.

EUJUST *Themis*'s experiment highlighted operational gaps in civilian crisis management and demonstrated that the ESDP operations system is still not as efficient as it might be. The EUJUST *Themis* Head of Mission complained about not benefiting from the Council's logistical support in Brussels when visiting EU institutions. She suggested that the Cortenberg building which hosts the DGE Directorate 9 (Civilian Crisis Management) should provide passes, a venue and some IT equipment for visiting staff from the field. According to her these gaps impeded the development of contacts between various ESDP operations staff and therefore of a common 'CIVCOM culture'.

Meeting overambitious benchmarks

Almost two years after the launch of the mission, it appears that its mandate was too ambitious and too difficult to implement. The mission's operational plan comprised a series of benchmarks to be used to evaluate its degree of success. These benchmarks emerged as too ambitious and the time frame too short to accomplish them.

No flexibility was built into the mission mandate in order to accommodate unforeseen circumstances. The assessment stage went well but the second stage was considerably delayed by slow procurement procedures and by a lack of engagement from the Georgian side.

The high-level working group hardly ever met and the small

sectoral teams did not meet regularly.⁴⁴ Their work lacked of the necessary political back-up and pressure from the highest level of the state. In April the mission entered into an internal crisis because of a lack of progress. EUJUST *Themis* found itself under increasing pressure and had to make huge efforts to obtain a short comprehensive document by mid-May 2005.

This first strategy appeared to be minimalist and despite its adoption by the government on 20 May it had to be reviewed several times. The implementation phase has never really taken off the ground and the Georgian leadership failed to demonstrate genuine interest in the process. The Parliament finally was not asked to discuss and formally adopt the strategy. The mission was orally informed that on 9 July 2005 President Saakashvili issued the decree No 549, formally approving the strategy and requesting a governmental steering group to implement the strategy. However it took several months to transmit it to EU officials.

EUJUST *Themis*' communication policy has been somewhat weak. Some staff members acknowledged at the end of the mission that it had failed in developing a genuine communication strategy the aim of which should have been to publicise and democratise the very issue of criminal justice reform in the country. More generally, it seems that ESDP rules of confidentiality did not match the real security requirements of the mission and thereby undermined the EU's visibility.

The mission's follow-up

The mission's follow-up was the result of increasing pressure for a stronger EU engagement on border monitoring and the need for further assistance in rule of law. On 9 June 2005 the PSC, under the joint recommendations of EUSR and EUJUST *Themis* Head of Mission,⁴⁵ appointed two rule-of-law experts to be integrated into a support team for the EUSR on border monitoring. Two *Themis* experts (from Poland and Latvia) stayed in Tbilisi to accompany Georgians in the planning of the implementation process.⁴⁶ The follow-up was designed to mentor the Georgian government in formulating and launching an implementation plan of sectoral reforms that would engage all stakeholders (EUSR rule-of-law experts, Commission experts and their Georgian counterparts) on the basis of financial support from the donor community. It remains to be seen how this follow-up will be co-ordinated and

44. During interviews, it appeared that some sectoral working groups were composed of a very limited number of people and only met 4 or 5 times. The section of the strategy on the police was entirely drafted by EUJUST *Themis* staff and not by the Georgians.

45. Council of the European Union, Proposals by the EUSR to the South Caucasus and the Head of Mission of EUJUST *Themis* on how the goals and objectives of EUJUST *Themis* should be furthered after the Mission mandate expires, Brussels 26 May 2005, 9342/05.

46. Council Joint Action 2005/582 of 28 July 2005 amending and extending the mandate of the European Union Special Representative for the South Caucasus.

how first pillar's policies will be planned and carried out in the context of the ENP Action Plan.

Conclusion

EUJUST *Themis* represented both the prolongation of a long-lasting European commitment to Georgia's stability as well as a historical, institutional and diplomatic innovation and challenge for the enlarged EU. It was one of the numerous EU/EC instruments used in Georgia and at the same time a test-case for future ESDP civilian operations. Some lessons can already be drawn from its experience.

ESDP mission staff should be better prepared to deal with local political contingencies. FFMs, which need to be thoroughly prepared by the Commission and the Council's Secretariat, should include country and sectoral experts (not only EU diplomats or officials) to provide, from the outside of the EU institution staff, necessary political recommendations before operations are decided or designed. National seconded staff in third countries should be trained on cultural and political local specificities. Training should be provided by EU non-diplomats (possibly from NGOs but not necessarily) who are informed about the situation in the field and are contracted by the EU. Regular co-ordination at field level will enhance the sustainability of the mission.

To avoid delays, the procurement and financial policies implemented in accordance with the Financial Regulation of the European Communities⁴⁷ and supervised by the Commission must be reformed or a specific financial regulation should be adopted for urgent external action so that they can match short-term and urgent needs for rapid ESDP interventions. Specific budget lines such as a start fund should be created to ensure that funds are available to launch urgent ESDP operations if RRM is not available.

ESDP security and confidentiality procedures must also be adjusted for rule-of-law missions since they hamper the EU's overall coherence, visibility and efficiency. ESDP missions' communications policy should be given more attention in order to enhance the profile of the EU and favour transparency and, consequently, democratic debates in the countries where they operate. Finally, a monitoring mechanism (both internal and external) should be set

47. Council Regulation (EEC, Euratom) No 1605/2002 of 25 June 2002 (OJ L 248/1 of 16.9.2002.)

up to ensure that Brussels' instructions for coherent EU action are effectively applied on the ground and therefore avoid inefficiency caused by conflicts of personalities or bureaucratic in-fighting.

The experience of *Themis* has shown the need for more efficient logistical planning and for more direct support from institutions in Brussels to the mission on the field. The short *Themis* experience illustrated the emergence of an ESDP culture among members of the mission and between members of different ESDP missions.⁴⁸ This human capital has to be built upon while being coordinated with first-pillar instruments. Such efforts must pave the way for a future European External Service.

EUJUST *Themis* has demonstrated that civilian crisis management operations could be used as a preventive measure in situations of relative stability or when a risk of destabilisation is detected. Despite initial obstacles the idea of an ESDP mission in the former Soviet space has not led to increasing tensions with Russia. The rationale of such a mission is to pave the way for longer term, consistent and coherent development policies well co-ordinated by the beneficiary government. It is thus too early to state if *Themis* has been a success or not. It certainly has not been a failure but all will depend on how reform of the judicial system is going to be implemented in Georgia. The political vacuum created by the death of former Prime Minister Zurab Zhvania, a slightly chaotic reform process and the inertia and other legacies of the Soviet system are likely to create serious difficulties.

Yet the fact that EUJUST *Themis* was scheduled for one year only unrealistically increased pressure for and expectations of success. It became, in the eyes of the EU, both a test case for the Georgian government's commitment to reforms and an experiment in civilian crisis management. One of its added values in comparison with Community instruments may reside in the fact that it enabled the EU to apply intensive political pressure within a short time-frame while the Commission has been more focused on institutional capacity-building.

In the longer term, however, the EU's coherence in helping Georgia to reform its criminal justice system will ultimately depend on political and technical compatibility to be established between the two pillars: an assertive political follow-up from the EUSR backing up an efficient and energetic implementation managed by the Commission in the framework of the ENP.

48. Interviews, Tbilisi, April 2005.

Civil-Civil Co-ordination in EU crisis management

Catriona Gourlay

Civilian crisis
management: the EU way

6

The challenge of inter-pillar co-ordination

The challenge of civil-civil co-ordination is central to realizing the EU's strategic security objectives in relation to effective crisis management. The European Security Strategy (ESS), agreed by the European Council in December 2003, specifically calls for a 'more coherent' approach. It recognizes that 'over the years we have created a number of different instruments, each of which has its own structure and rationale' and argues that:

'the challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition of development. Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command.'¹

This paper will focus on a subset of internal EU civil-civil co-ordination challenges, namely the quest for 'cross-pillar' co-ordination to ensure that first-pillar Community and second-pillar CFSP and ESDP actions are complementary. While the Council and Commission are enjoined by the Treaties to be jointly responsible for ensuring the consistency of EU external activities, it is widely recognised that this is difficult in practice in the area of civilian crisis management precisely because there is no 'unity of command' and competencies overlap, whereby qualitatively similar actions *inter alia* in support of the rule of law, institutional capacity building, security system capacity building and reform can be supported through either first or second pillar instruments. Moreover, the question of the delineation of competencies remains contested and the area of civilian crisis management is characterised by ongoing disputes about where the dividing line

1. 'A Secure Europe in a Better World', *European Security Strategy*, 12 December 2003, p. 13.

between Community development cooperation and CFSP should lie. This chapter will detail the institutional, financial and political impediments to inter-pillar co-ordination and will explore if and how current developments might help address these debilitating challenges.

Characteristics of first and second pillar decision-making

ESDP decision-making

Decisions to launch ESDP operations are made by consensus by Member State Ambassadors in the Political and Security Committee (PSC), the principal CFSP decision-making body within the Council Secretariat. These decisions generally take the form of Joint Actions, based on Article 14 of the Treaty on the European Union. In the case of civilian crisis management actions, they are often prepared within the Committee on Civilian Aspects of Crisis Management (CIVCOM), which also oversees the management of civilian operations and is composed of lower-ranking diplomats also based in their national permanent representations to the EU.

Importantly, these Council-based ESDP decision-making structures are institutionally divorced from those in the Commission although a Commission official (from the unit on crisis management and conflict prevention in DG RELEX) is represented on both Committees. While the Commission is thereby fully informed of the deliberations of these bodies, this does not mean that their decisions are informed by an overview of ongoing or potential EC action in any given area or case. This has the negative consequence that PSC Ambassadors do not have a strategic overview of all potential EU action, but the advantage that ESDP decisions can be taken swiftly, without obligations for broader consultation.

In practice, proposals for ESDP actions are introduced by a Member State directly, on instruction of their respective Foreign Ministry, or via the Presidency, particularly when the proposal is the result of a request for assistance from a third state or another international organisation (i.e. the UN). Although the Council has internal mechanisms and structures for 'early warning' that are linked to CFSP regional working groups, no ESDP action has yet resulted from a proposal generated by these working groups.

Rather, within the Council Secretariat, Directorate General E IX plays the key role in preparing and implementing all decisions related to the civilian aspects of ESDP.

Thus ESDP actions are typically reactive, and rapidly forged between those Member States with the most interest in the action and most likely to shoulder the brunt of the burden in its implementation. Obviously, by the same token, where there is insufficient political interest on the part of any Member State(s) to take the lead in proposing an action, none will be forthcoming. In practice, therefore, the most important pre-conditions for ESDP actions are political will and Member State capabilities. Since these are still limited, ESDP missions have concomitantly limited mandates that are achievable and short-term. Under the pressure of producing a swift result and a political signal in response to a crisis, coherence of ESDP actions with ongoing or planned EC actions is often assumed rather than explored.

The fact that ESDP missions tend to be relatively high-profile with clearly established milestones and mandates arguably helps to reinforce the reform agenda in the short term, but since they are not designed to be sustained over the long-term, effective exit strategies must build on follow-on support from either the EC instruments or other actors. One important aspect of the inter-pillar co-ordination challenge is ensuring that this transition from short-term CFSP instruments to EC actions is well planned and managed. While it is now widely recognised that planning for long-term actions should be more integrated with short-term crisis response planning and some initiatives are being undertaken to address this (see below), this is not reflected in the deliberations of the PSC – which has no real-time links with EC decision-making.

Given the political and strategic nature of ESDP operations and the limited capabilities of Member States, the Union will not respond equally to every situation of need. While the 2004 Action Plan states that ‘The EU must have the ability to conduct concurrent civilian operations at different levels of engagement’, the number and geographical scope of ESDP missions will inevitably be more limited than the reach of EC funding instruments. This is at least in part a function of limited resources as outlined below and raises the question about whether it is desirable to strictly delineate first and second pillar competencies. The danger is that a clear division of roles might have the effect of limiting EU secu-

rity action to short-term CFSP actions rather than fostering more needs-based short and long-term security sensitive assistance across the pillars.

Community decision-making

As documented in Chapter Three, there are a range of Community instruments that can potentially fund activities in pre-crisis, active crisis or post-crisis situations and these are managed by a range of Directorate Generals (DG) in the Commission, including: DG External Relations (RELEX), DG Development, the EuropeAid Cooperation Office² and the European Community Humanitarian Office (ECHO). Within these offices, decisions on funding specific actions are taken within the context of short-term thematic or long-term geographical funding instruments. For example, in the case of Aceh, Indonesian post-Tsunami humanitarian relief and rehabilitation efforts were provided through ECHO (€40 million), while political mediation negotiations that led to the peace agreement between the Indonesian Government and the Free Aceh Movement (GAM) were supported through the Rapid Reaction Mechanism managed by DG RELEX, and implemented by an NGO – the Crisis Management Initiative. The RRM also provided €4 million in support of the reintegration of former political prisoners and GAM fighters – a ‘flanking’ measure to the ESDP mission that monitors the demobilisation process. Further reintegration and reconstruction efforts are included within the long-term development activities, totalling €200 million for 2005-2006 funded from the Asia and Latin America (ALA) budget managed by DG Development and EuropeAid.

Thus, one of the principal characteristics of EC civilian crisis management decision-making is that it is scattered. Moreover, it is likely to become even more so as the internal process of deconcentration advances, enabling EC delegations to take a more active role in project funding. The sheer number of the relevant EC instruments and actors that have an impact on EC crisis management activities serves as a practical obstacle to inter-pillar co-ordination.

Another feature of EC decision-making in relation to long-term assistance is that it is relatively participatory and consequently slow and inflexible. Elaborate processes have been created to ensure participation from across the EC in the development of

2. EuropeAid is charged with managing the project cycle of EC activities.

Country Strategy Papers (CSPs) and regional strategy papers as well as the 5-year National Indicative Programming documents that are derived from them.³ To ensure political accountability, all EC funding decisions are overseen by Committees comprised of Member State representatives. These Committees are consulted on larger individual funding decisions (usually over €10 million) as well as programmatic guidelines – an elaborate process known as ‘comitology’. While this is important for fostering ownership in partner countries and ensuring the political control of Member States, the effect has been to make EC decision-making extremely lengthy and inflexible. The result is that EC desk-officers in Brussels or in delegations have little scope for seizing strategic opportunities or re-adjusting funding priorities in the light of local political developments or policy decisions taken in the framework of CFSP.

Moreover, despite widespread recognition at the policy level that security and development should follow a common agenda,⁴ efforts to make EC assistance conflict-sensitive⁵ are still at an early stage. The most recent EU development policy statement notes the need to develop new approaches to security and development, specifically to help prevent conflict in fragile states,⁶ but there are a number of political and technical obstacles to the implementation of more strategic, politically ambitious development assistance. For example, it is widely acknowledged that, despite in-house expertise within the EC and its delegations, not to mention the CFSP structures, the link between programming and political analysis is weak. Moreover, where CSPs are developed in conjunction with the recipient government in DG Development (a legal obligation for all ACP countries) they often refrain from dealing with politically-sensitive activities. While CSPs developed by DG RELEX do not require recipient government buy-in, the implementation of projects in practice often does. In any case, CSPs are often developed on the basis of standardised templates and do not provide the flexibility required in the context of fragile states or states affected by conflict. Moreover, the thematic and geographic divide between DG Development, DG RELEX and DG Enlargement means that there is no unit responsible for mainstreaming conflict prevention geographically in non-ACP countries.⁷ As a result, while there is a focus on security issues in some CSPs, this is certainly not the case for all countries affected by conflict where the majority of aid still goes to macro-economic adjustment and

3. As outlined in the Guidelines for implementation of the Common Framework for Country Strategy Papers D (2001)/2789 4, May 2001, each CSP is based on an overview of the EU/EC strategy, governmental priorities, the country situation and major partner activities.

4. For example, in 2005 the OECD DAC formally recognised that a number of security activities, including in the areas of SSR, DDR, could be included as official development aid (ODA). See ‘Classifying conflict, peace and security related aid activities’, DCD/DAC/STAT (2005)2, 13 May 2005.

5. This has been defined as ‘the ability of an organisation to: understand the context in which it operates; understand the interaction between its intervention and the context; and act upon the understanding of this interaction, in order to avoid negative impacts and maximise positive impact’ in *Conflict-sensitive approaches to development, humanitarian assistance and peacebuilding: A resource pack 2004*. Available at www.conflictsensitivity.org.

6. Proposal for a Joint Declaration by the Council, the European Parliament and the Commission on the EU Development Policy (SEC/(2005)929). This had yet to be adopted at the time of writing.

7. Whereas the Conflict Prevention and Crisis Management Unit in DG RELEX is responsible for mainstreaming conflict prevention in relation to ACP countries.

infrastructure (as usually requested by partner countries) rather than helping promote good governance and security.⁸

There are, however, indications that some of these shortcomings are being addressed. The Commission's inter-service quality support group is, for example, currently developing a 'mainstreaming document' to assess how to better introduce cross-cutting issues into CSPs and programming documents. Conflict prevention is identified as one such cross-cutting issue. Another programming innovation that is designed to promote coherence is the move towards regional programming. DG Dev is, for example, currently developing a conflict prevention strategy towards the Horn of Africa region. Similarly the EC has offered to support local initiatives to co-ordinate peace-building initiatives, for example the Conflict Prevention, Management and Resolution (CPMR) programme in Eastern and Southern Africa. This project of €10 million, due to start in 2006, is designed to develop a CPMR framework to help harmonise the various donor initiatives in the region within the overall context of the African Union.

Thus while EC decision-making for security-related activities tends to be scattered, *ad hoc* and 'projectised', efforts to develop a more coherent human security approach to development assistance are underway. At a policy level these include the development of strategic country and regional conflict prevention policy documents, while the new financial instruments, described below, should help generate the necessary flexibility and legal basis for more short- and long-term security-relevant programming.

Funding

ESDP operations

According to Article 28 of the Treaty on the European Union (TEU), administrative and non-military operational expenditure for CFSP can be charged to the budget of the European Union (henceforth referred to as the 'CFSP budget') under a separate heading for CFSP.⁹ It covers the operational costs of specific CFSP Joint Actions, including in the areas of conflict prevention, conflict resolution, crisis management, non-proliferation and disarmament, as well as support for EU Special Representatives and

8. For a comprehensive critique of EU development policy in fragile states and recommendations on how it might be improved, see 'Developing An EU Strategy to Address Fragile States: Priorities for the UK Presidency of the EU in 2005', a report by Saferworld and International Alert, London, June 2005.

9. For military ESDP operations, participating Member States cover the costs on the basis of 'costs lie where they fall'. For civilian ESDP operations, only the agreed 'common' operating costs are borne by the CFSP budget.

emergency measures. In the case of ESDP civilian operations it only covers the common costs however. Salaries of personnel are borne by the Member States.

The most significant limitation of this funding instrument is its meagre size. In 2005 the CFSP budget exceeded €60 million for the first time. In the light of the increasing number of ESDP operations, this has been increased by 70 % to €102 million for 2006. Despite this significant rise, the CFSP budget still represents only 2% of the budget for external relations allocated under the first pillar. The relatively limited size of the CFSP budget is linked to the limited scope of CFSP in historical terms. Moreover, increased activity and ambitions in the field of CFSP have not resulted in commensurate increases in the CFSP budget mainly because the European Parliament has sought to limit its size, given its concerns about extending the Council's use of the EU budget in an area where the Parliament has no co-decision powers and little financial oversight.

As a result, since the operationalisation of ESDP, the CFSP budget has often been overstretched and it has on occasion proved difficult to cover the administrative costs of CFSP instruments such as EU Special Representatives – the spearhead of the EU's diplomatic efforts in crisis zones – as well as the common operational costs of civilian ESDP operations. For example, in order to finance the launch of the EU Police Mission in Bosnia and Herzegovina (EUPM), 'the Union had to struggle hard, scratch around for leftovers from different budgetary chapters, and even devise bureaucratic stratagems to put together a mere €14 million...'.¹⁰ More recently, in the case of the monitoring mission to Aceh, there were insufficient funds in the 2005 CFSP budget to cover the €9 million common costs of the mission and a proposal was made that Community funds (from the Rapid Reaction Mechanism) cover the shortfall. The Council legal service objected, however, and the final solution involved further financial contributions from Member States, totalling €6 million.¹¹

In short, the pressure on this limited budget line, exacerbated by the rapid increase in ESDP crisis management operations, means that Member States will continue to have to bear the majority of the financial burden of civilian ESDP operations. This, in turn, reinforces the observation that ESDP actions will tend to be short-term, and limited in number to a handful of concurrent

10. See Antonio Missiroli, 'Euros for CFSP: Financing EU operations', *Occasional Paper* no. 45 (Paris: EU Institute for Security Studies, June 2003), p. 8.

11. See Nicoletta Pirozzi and Damien Helly, 'Aceh Monitoring Mission: A new challenge for ESDP', *European Security Review*, no. 27, October 2005, available at www.isis-europe.org.

operations. Consequently, if the EU is to fully exploit its potential in crisis management it will also need to harness the resources of EC technical and development assistance more effectively.

Future funding of EC instruments

Whereas Chapter Three documents the principal funding instruments that the EC currently employs to support civilian crisis management actions, this section looks to the future and how efforts to rationalise the external relations budget lines and simplify EU aid management might impact on the delivery of EC crisis management assistance, either independently of CFSP actions, or linked to them as flanking or follow-on measures.

The Commission's proposals for the reform of EC funding¹² would abandon the current system¹³ in favour of a more flexible system based on six legal bases for six large instruments. Existing budget lines would then be regrouped into a limited number of budget lines under each new heading. Three of the new financial instruments are geographic: the Pre-Accession Instrument (IPA), the European Neighbourhood and Partnership Instrument (ENPI), and the Development Cooperation and Economic Cooperation Instrument (DCECI). In principle, all three geographic instruments could be used to support long-term post-conflict or peacebuilding actions, just as geographic instruments can currently be used to such activities. There are some indications that the new financial instruments will make funding such actions easier. For instance, the definition of the development and economic cooperation instrument gives broad scope for addressing security objectives including responding to post-crisis transitional needs. However, no mechanisms have been proposed to ensure proper mainstreaming of cross-cutting issues related to conflict within the Financial Perspectives framework¹⁴ and some fear that such mainstreaming will be more difficult in the absence of parliamentary pressure and debate over individual budget lines and their legal basis.¹⁵

The other three large instruments are thematic: the Instrument for Stability, the Humanitarian Aid Instrument, and the Macro-Financial Assistance Instrument. Only the first of these is new.¹⁶ The proposed Stability Instrument¹⁷ is intended to deliver an effective, immediate and integrated response to situations of crisis in third countries within a single legal instrument until nor-

12. These proposals were advanced in the two EC Communications on the Financial Perspectives that were published in February and July 2004: 'Building our common Future, Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013', COM(2004) 101, February 2004 and COM(2004)0626 'Communication from the Commission to the Council and the European Parliament on the Instruments for External Assistance under the Future Financial Perspective 2007-2013', July 2004. Once approved, the regulations establishing these instruments would apply from 1 January 2007.

13. There are currently 91 budget lines in the RELEX family policy areas and EU external assistance is carried out through over 30 legal instruments.

14. The Commission has proposed a mechanism by which a number of cross-cutting issues be dealt with under the future financial perspectives, but they do not include conflict prevention or peacebuilding. See 'Communication from the Commission to the Council and European Parliament, External Actions through Thematic Programmes under the Future Financial Perspectives 2007-2013', COM(2005) 324 final, Brussels 3.8.2005.

15. See CONCORD paper 'Principles on Promoting Cross-cutting issues and Thematic Approach in EU Development Cooperation', April 2005.

16. Since the Humanitarian Aid Instrument will remain unchanged, the rationalisation plans will have little impact on ECHO's funding of emergency humanitarian response.

17. COM (2004) 630 final, 29 September 2004.

mal cooperation under one of the other instruments for cooperation and assistance can resume. Currently a crisis response can trigger as many as seven separate EC financing instruments,¹⁸ each with its own decision-making procedures and budgetary constraints. The Stability Instrument consolidates these crisis response mechanisms and puts in place measures to ensure proper linkages between the initial response and follow-up assistance delivered under the main long-term geographic instruments.¹⁹ One notable innovation is that it provides for rapid funding decisions (without comitology) for up to two years, allowing time to secure follow-on funding from the long-term geographic budget lines. By improving the flexibility of the Commission's crisis response funding, the instrument has also been designed to strengthen the coherence between EC assistance and the EU's foreign policy response using inter-governmental CFSP instruments.

The instrument is still under negotiation, however²⁰ and some Member States have also been concerned to ensure that the instrument's scope be limited to those areas that do not also fall under the competence of CFSP decision-making. As a result, the Presidency initially proposed that the instrument include a limitative list of what kinds of activities the instrument can be used to fund.²¹ This draft proposal includes 13 areas in which the EC can provide technical assistance or support civilian measures. Broadly these include *inter alia*: support for conflict prevention and reconciliation activities; support for interim administrations; support for institution building –including the judiciary, the police and penitentiary services and for strengthening civilian control of the security services; support for demobilisation and reintegration of combatants;²² support for a host of activities to support human rights; measures in response to natural and man-made disasters; measures to strengthen civil society and support its participation in the political process; measures to address the threat posed to civilian populations of anti-personnel landmines and small arms and light weapons; and finally other interim measures that will help the transition to the use of EC medium and long-term geographical instruments. A subsequent compromise Presidency proposal in December 2005 expanded on the initial list, allowing for the EC to exercise a fuller role in peacebuilding and conflict prevention.

In anticipation of the Stability Instrument, the Commission is preparing to consolidate its in-house expertise relevant to these

18. In Iraq, for instance, the response has included the Rapid Reaction Mechanism, the Human Rights Regulation, the Mine Action Regulation, and Humanitarian Aid. Some of the other relevant financial instruments have been described above.

19. Specifically, it will integrate the RRM budget line and five other budget lines linked to rehabilitation activities, including Council No 2258/96 on rehabilitation and reconstruction operations in developing countries and the budget lines on anti-personnel mine action.

20. The Stability instrument is still not settled. The Council will need to respond to the compromise proposal put forward by the UK at the end of its Presidency. The Commission also has to put forward revised financial envelopes, in view of the 20% cut in the overall figure for external action agreed at the December European Council. The European Parliament's Foreign Affairs Committee is moving to adopt its report on the Stability Instrument at the end of January 2006.

21. Presidency Proposal 2004/0223 (COD).

22. The original Presidency proposal provides that the Instrument can be used to address 'civilian aspects of the demobilisation of former combatants and their reintegration into civil society'. Disarmament is notably excluded, suggesting that it will be difficult for the Instrument to fund integrated DDR programmes using this instrument. The implication that there is no role for civilian actions to support disarmament in this context has been criticised by development and peacebuilding NGOs. They argue that the Stability Instrument will thereby make 'an effective, coordinated approach by the EU to the whole process of DDR less likely'. See 'The EU's Stability Instrument', a joint statement by the CONCORD Taskforce on the Financial Perspectives and the European Peacebuilding Liaison Office (EPLo), p 4.

activities as well to strengthen the staffing of the Rapid Reaction Mechanism ‘in order to develop and test project identification and implementation methodologies relevant to the needs of the future instrument’.²³ Thus the introduction of the Stability Instrument should lead to a strengthening of the Community’s capacities to manage its support for short-term conflict prevention and crisis response activities and improve coherence with long-term geographic instruments. However, it is less clear how the new geographic instruments will be linked to Community programming. The instruments have been designed based on the logic of consolidating financial resources rather than on specific EC policies.

In the absence of a policy framework for Community response to crisis and mechanisms to mainstream thematic policy priorities within the new financial instruments, it is difficult to judge how the instrument will, in practice, ensure that the EU’s activities are coherent and complement CFSP actions.

Inter-pillar co-ordination in planning

The challenge for EU crisis response planning and inter-pillar co-ordination is to provide an appropriate mix of assistance, based on a common and comprehensive needs assessment and an understanding of what is possible (political will and implementing capacity within EU Member States as well as other actors) and an understanding of the relative strengths and weaknesses of the different first and second pillar instruments at the EU’s disposal.

However, given that there is no unified EU chain of command with regard to EU instruments for crisis response, neither the Council nor the Commission have this strategic oversight of all EU instruments. Rather, to support their separate decision-making structures, separate planning instruments have been established within the Council and the Commission. Indeed as the Council and Commission strive to improve their crisis response capabilities, both have engaged in developing new planning tools and capabilities, with similar functions.

The cross-pillar co-ordination challenge is therefore how to form links between these instruments at a working level and, over and above that, how to ensure that EU strategic-level decision-making is informed, as far as possible, by a comprehensive

23. COM (2005) 153 final p.12.

overview of the potential of all EU instruments in any given situation.

Early warning

To improve their early-warning capacities, both the Council and Commission develop watch lists of countries at risk of escalating conflict. There are differences in the methodologies used, however. For instance, the Commission uses an expanded set of conflict indicators²⁴ in the compilation of their watch lists and maintains a bigger list of countries. ‘Co-ordination’ of the processes is limited to the exchange of information although in practice this is one-way with the Commission supplying the Situation Centre in the Council with the Commission’s country assessments and Commission watch lists. The fact that the Council and Commission run parallel analysis and situation assessment structures and processes is recognised as problematic and complicates the task of forging a coherent inter-pillar crisis response. In its Communication on improving EC disaster and crisis response, the Commission notes that it ‘would see great value in developing a common and authoritative analysis of the situation on the ground with Member States and the general Secretariat of the Council. This could then be used to make decisions as to the respective priorities for the Community, CFSP and bi-lateral assistance programmes.’ As a first step, the Commission cautiously proposes that it ‘seek opportunities for joint assessments with colleagues in the General Secretariat of the Council’²⁵ and proposes to ‘improve exchange of information with the Council Joint Situation Centre and sharing of relevant commission capabilities.’ Presumably this will include improved links between the strengthened Monitoring and Information Centre in the Commission and the Council Joint Situation Centre. However, in the absence of a common platform for situation assessment and analysis, improving co-ordination in specific country assessments on a case-by-case basis is the most promising means of ensuring improved co-ordination of ESDP and EC actions.

Fact-finding and needs assessment instruments

As outlined above, both the Council and the Commission are in the process of developing new tools to improve their ability to assess

24. A methodology developed at least in part with specialist early-warning NGOs.

25. COM (2005) 153, 20 April 2005.

the needs of a crisis situation with a view to better preparing a comprehensive and multi-faceted response.

CFSP *fact-finding missions* have, until now, only gone ahead when there is political consensus to do something in the framework of ESDP. The missions therefore serve a pre-planning function rather than a comprehensive needs assessment function. While the Commission has been associated with these missions, in practice the Commission representative is usually a financial expert who helps pre-plan the operation with regard to the Commission's management of the administration of the financial aspects of the operation. Their role is, therefore, not to ensure coherence or co-ordination with EC action in the proposed area of operation. However, the practice of fact-finding missions is evolving and, in the case of the mission to prepare the integrated rule-of-law mission in Iraq for example (EU JUST LEX), the Commission was represented by a staff member of the crisis management and conflict prevention unit of DG RELEX with expertise in rule-of-law training actions, and the mission visited the local EC Delegation as well as other donors to ensure that the proposed action served to complement other EC efforts and the efforts of other donors. This demonstrates that fact-finding missions have the potential of being an important tool in cross-pillar co-ordination, but have so far fallen short of their potential.

The *Civil Response Teams* (CRTs) that have recently been agreed (and are described in Chapter One) have the potential to improve on this situation in so far as they are designed to strengthen the needs assessment capacity of the Council in a way that should benefit both first and second pillar actions. CRTs are to carry out assessments that will inform the development of a possible CFSP Joint Action *and* 'in agreement with the Commission, to possible action to be developed in the framework of Community instruments'.²⁶ Similarly, while the CRTs will not necessarily include Commission staff, they 'may' do and the Council acknowledges that 'in the interests of the coherence of EU action, the Secretariat and the Commission should seek to undertake joint assessment missions wherever possible and appropriate.'²⁷ Similarly, the Commission encourages Member States' participation in the EC Assessment and Planning Teams (APTs) that will be established to help plan EC emergency and follow-on development assistance. However, both proposals fall short of joint cross-pillar needs assessments and have been designed principally to inform sepa-

26. Doc 9126/3/05 REV 3, 21 June 2005, p. 4.

27. *Ibid* p 6.

rate first and second pillar decision-making processes for separate sets of capabilities. While some integration of the Commission and Council teams was considered (see Chapter Three), in the aftermath of the Constitutional crisis provoked by the 'no' votes in France and the Netherlands it was decided that joint training of and participation in EC and ESDP planning teams was inappropriate. Thus, in the absence of unified strategic command, these tools may also fall short of their potential to realise coordinated and coherent first and second pillar crisis response.

Crisis Response Co-ordination Teams

Crisis Response Co-ordination Teams (CRCTs) are a Council procedural innovation, elaborated in the 'procedures for coherent, comprehensive crisis management' developed in the Council in 2003,²⁸ to promote inter-service co-ordination. They are *ad hoc* structures without decision-making powers and composed of senior officials from the Commission and the Council Secretariat. They have been convened to discuss the development of Crisis Management Concepts, and the idea is that their deliberations feed into CMC drafts that will later form the basis for ESDP operations decided by the PSC. In practice, however, the teams have not had a large impact on the planning of ESDP operations since they are only convened at a late stage in the planning process when the decision to launch a mission is imminent, but they have had a role in planning ESDP exercises. Therefore, at best, they help foster inter-pillar co-ordination in an indirect and limited way.

The civil-military planning cell

The establishment of a civil-military planning cell in 2005 (explored in more detail in the next chapter) is the EU's first institutional innovation designed to provide a more integrated response to crisis management planning. It is, however, firmly situated within the second pillar CFSP structures and is clearly designed to help plan ESDP actions rather than ensure co-ordination of first and second pillar crisis response actions. It is co-located with the EU Military Staff (EUMS) and staffed by 25 military staff from the EUMS and 5 civilian staff from DG IX in the Council Secretariat. While the inter-pillar dimension of the cell is, at best, limited it is nevertheless crucial that the concepts that the cell develops

28. 'Suggestions for Procedures for Coherent, Comprehensive EU crisis Management', doc 11127/03, 3 July 2003.

be informed by a thorough knowledge of Commission capabilities and practice, if ESDP operations are to be coherent with first pillar responses. For this reason, the Commission has recently agreed to appoint two liaison officers to the Civil-Military cell. Their primary function will be to 'promote coherence between the planning assumptions of EC and CFSP measures, and to identify practical arrangements for the use of military assets in support of civilian Community programmes and ensure that ... the preservation of the "humanitarian space" is properly taken into account [in the planning of humanitarian operations].'²⁹ The two liaison officers will have expertise in humanitarian aid and disaster response and the management of reconstruction assistance respectively. Thus, while the Civ-Mil cell is not a cross-pillar planning instrument, it will have an important impact on the coherence of EU action in so far as it should consolidate and build on the underlying principles of EC action. For example, the planning scenarios developed by the cell for humanitarian missions will need to conform to the principles of EC humanitarian action, which are in turn based on the UN Guidelines on the use of Military and Civil Defence Assets in Humanitarian Operations. More importantly, with respect to the development of a coherent approach to EU crisis management, the cell was tasked with developing a concept for Security Sector Reform (SSR). Given that this is an area in which both the ESDP and EC assistance instruments are used, it is an important test case in the EU's ability to identify common principles of action – a necessary pre-condition of coherent action.

The 'initial elements for an EU SSR concept' paper is a testimony to the institutional obstacles to establishing an integrated and co-ordinated cross-pillar approach to SSR. It explicitly notes that:

'developing an overarching, cross-pillar EU SSR concept is a complex and long-term project and goes beyond the scope of CFSP and the sole remit of the PSC [since] it would need to address general issues such as the political control and direction of SSR activities, including the coordination of initiatives originating in different pillars as well as in Member States, and the financial aspects. This should remain, nevertheless, the EU's final political objective.'³⁰

The current pillar structure of the EU requires a parallel but co-ordinated approach whereby the PSC approves a concept defining the scope and modalities of ESDP support to SSR and the Com-

29. Communication on reinforcing EU disaster and crisis response, COM (2005) 153, p 9.

30. Initial Elements for an EU Security Sector Reform (SSR) Concept doc 11241/05, presented to the PSC on 15 July 2005.

mission develops a concept for the developmental aspects of SSR covering first-pillar activities, whereby ‘the ESDP and EC work could then be merged at a later stage into an overall SSR concept’.

Despite the inter-pillar institutional disconnect, the ESDP SSR concept paper is evidence that informal working level inter-pillar collaboration can help to ensure that first and second pillar approaches to crisis management are at least complementary. The paper firmly grounds the EU’s approach in the internationally agreed OECD guidelines on Security system reform and Governance³¹ and aims *inter alia* to improve co-ordination with SSR activities in other pillars.

Inter-pillar co-ordination in administration and implementation

Administration, procurement and logistics

While the decision-making framework for CFSP Joint Actions is inter-governmental (Second pillar), with political control exercised by the Political and Security Committee (PSC) in the Council, the administrative responsibility for the execution of the CFSP budget rests with the Commission, in accordance with Article 274 of the TEC, and therefore the Commission manages the financial administration of the common costs of the actions, i.e. those costs that are borne by the CFSP budget.

The CFSP budget covers mission support in relation to logistics and telecommunications, security, procurement and administrative and financial support but, in the case of missions under CFSP, these tasks are delegated to the Head of Mission or the EU Special Representative, acting in his or her personal capacity. The Head of Mission is therefore responsible for establishing a complete logistics, financial management and procurement operation, guided by the Commission which retains overall financial responsibility. This situation is widely recognised as inadequate. Heads of Mission are often taken up with tackling the bureaucratic and logistical challenges during start-up phases of an operation and reports of long delays in Commission procurement of essential equipment are commonplace.³² As a result a number of measures have been agreed to accelerate Commission procurement for CFSP missions, but the Commission

31. Endorsed *inter alia* by 15 EU Member State ministers and Commission representatives on 16 April 2004.

32. For instance, in the case of the 12-month EUJUST *Themis* operation, the mission waited over three months for the arrival of computers.

believes that these are not capable of supporting the planned growth of complex EU missions. For this reason, the Commission has proposed the establishment of a common logistical and administrative support platform for all external actions, i.e. for ESDP actions and first-pillar missions including, for example, electoral observation efforts. It is currently conducting a cost-benefit analysis of whether it would be better to bolster these functions within existing Commission services or create a Commission Office or Executive Agency that would be responsible for the provision of timely mission administration, logistics and procurement for all EU missions. Should this proposal be realized, there would be a strong cross-pillar link in the execution of all ESDP crisis management operations. The proposal is contested however, and comes in response to Presidency proposals to boost the mission support capacity of the Council Secretariat for the conduct of ESDP operations. The Council argues that its capacity for mission support must increase if it is to effectively maintain political and operational control over ESDP missions. This alternative would, however, probably result in the duplication of mission-support and logistical capacities at greater overall cost to the EU.

EC funding for follow-on and complementary activities

Inter-institutional cooperation has not always been smooth and the implementation of CFSP actions has occasionally suffered from inadequate financial and logistical support. That said, synergy between CFSP actions and Community assistance has been growing over time, and there are a number of examples where the EC provides complementary funding to CFSP Joint Actions, including for example support for the offices of EU Special Representatives, although technically the CFSP budget is meant to cover their administrative costs. With regard to ESDP actions, the EC provides financial support to ESDP capacity building through, for example, the EC Group on Training which supports training courses in member states designed for potential personnel of ESDP missions. With regard to ESDP missions, these are often followed up by or on occasion preceded by EC actions. For example, the aim of the European Union police mission in Kinshasa (DRC) is, to

ensure the follow-on to an EDF project to set up an integrated police unit³³ and the Joint Action that launched EUPOL *Kinshasa* underlines the need for coordination between the CFSP operation and possible future projects undertaken within the framework of the Cotonou Agreement.³⁴ Similarly, the ESDP monitoring mission in Aceh has followed a peace agreement brokered with the support of EC funding, through the Rapid Reaction Mechanism's funding of the NGO Crisis Management Initiative's mediation efforts. Furthermore, the RRM is supporting so-called 'flanking' measures for the reintegration of former political prisoners and GAM fighters. Indeed, practical inter-pillar co-operation to dovetail CFSP and ESDP assistance is usually forthcoming, even where this has not been the product of upstream co-ordinated strategic planning.

Sustainability of current institutional arrangements

Despite the European Security Strategy's claim that 'in a crisis there is no substitute for unity of command' the pillar structure of the EU clearly does not reflect this. Rather, this chapter has demonstrated that institutional pillar separation has led to parallel decision-making procedures and capabilities being established within the Council and Commission structures. Indeed in the area of civilian crisis management where the challenge of cross-pillar co-ordination is particularly acute because both CFSP and EC instruments can be used to support similar actions, albeit by different means, there have been parallel efforts to provide more integrated and coherent intra-pillar responses to crisis. Notable examples include the Civil-Military Planning Cell and Crisis Response Teams for second pillar actions and the Commission's Civil Protection structures and Advanced Planning Teams to promote more co-ordinated first pillar responses to crisis. There have been, however, no institutional innovations to help bridge the pillar divide and where cross-pillar co-ordination has been achieved, this has often been despite rather than because of the EU's structures and is characterised by informal working-level co-operation, and cross representation – of the Commission in CFSP structures and of Member States in EC policy and programming processes.

33. See Joint Action 2004/494/CFSP.

34. Joint Action 2004/847, Article 11.

The first and second pillar inter-institutional disconnect has, however, been widely recognised as debilitating and some of the most significant constitutional innovations advanced in the draft Constitutional Treaty were designed precisely to address the EU's strategic-level deficit and create 'unity of command' through the establishment of an EU Foreign Minister and an integrated European External Action Service. These were designed to promote coherent EU action across the EU's foreign and development policies. While these innovations would not have been a panacea for all inter-pillar co-ordination challenges, they should have helped engender common strategic direction, and enabled the adoption of overarching strategic concepts relevant to civilian crisis management, based on a comprehensive assessment of the relative strengths and weaknesses of different EU instruments.

In the current state of 'reflection' after the Constitutional crisis provoked by the French and Dutch No votes, all the advanced plans for an EUFM or EAS have been officially shelved and it is not clear when or if they will be resuscitated again. In the absence of a more integrated institutional solution to the challenge of cross pillar co-ordination, the question is now whether co-ordination can only be achieved through the increasing dominance of one decision-making authority over the other, coupled by a clear demarcation of the distinct roles of first and second pillar action, or whether the current institutional arrangements can be made to work in a more co-ordinated manner, through concerted efforts to ensure policy coherence and practical, working-level co-operation on a case-by-case basis, in a context of tolerance of overlapping first and second pillar competencies.

There is certainly evidence to support the suggestion that we are entering into a period of increased inter-pillar competition and rivalry in this area. For example, many in the Commission use the term 'pescisation' to refer to the Council's apparently increasing efforts to improve their influence in the management of EC assistance, and view the expanding agenda of ESDP civilian crisis management as encroaching on traditional areas of EC competence. This concern is particularly great where CFSP actions co-exist with ongoing EC assistance towards common objectives in the same country. For example, the appointment of an EU Special representative for the South Caucasus in 2003 and the decision to launch the EUJUST *Themis* ESDP rule-of-law ESDP mission in 2004 was seen by some as an encroachment of CFSP actions over

Community efforts undertaken for the same objectives under the Communities' TACIS programme. In line with this view, the only long-term solution from the Commission's perspective is to defend the area of EC competence and the integrity of first pillar decision-making structures.

This might help explain the Commission's decision to take the Council to the European Court of Justice over a question over the dividing line between CFSP and development policy. In this case (C-91/05) the Commission alleges that the Council overstepped its competence when deciding to implement a Joint Action that provided support to the ECOWAS Secretariat in the framework of its work to combat the destabilising accumulation of small arms and light weapons. The Commission argues that the Cotonou Agreement grants the Commission competence in this area (which has been exercised in this case through the decision to fund actual activities of the ECOWAS small arms unit rather than the central Secretariat which was deemed to have sufficient funding from other donors) and, moreover, that the Union cannot act where the Community has competence to do so under its powers in the field of development cooperation. The Council's response is equally severe, arguing on the basis of the Treaties that the scope of EC competence is far more limited, and does not include the fight against small arms and light weapons, conflict prevention or crisis management. On this interpretation, the EC has in practice overstepped its competence in engaging in a number of security actions that should properly be conducted within the framework of CFSP.

Needless to say, the ongoing legal battles between Commission and Council do little to improve inter-pillar co-operation and have proven debilitating in connection with ongoing efforts to agree the scope of future EC development assistance in response to crisis. For example, in negotiations on the Stability Instrument, Member States have been wary of granting that EC crisis response assistance may be designed in pursuit of broad objectives of promoting stability or preventing conflict and have sought to narrowly circumscribe EC actions to what they consider to be legitimate development activities. Given that there is no clear vision for further institutional cross-pillar integration and that these legal battles will potentially take years to be resolved, the prospects of developing more coherent and co-ordinated EU civilian crisis management action seem bleak.

However, aside from demonstrating the formidable structural obstacles to improved inter-pillar co-operation, this article has also shown that at the level of policy, programming and capacity building, there is a growing awareness of the inter-connections in the development-security nexus and a readiness in both pillars to accept that short-term crisis-response must be informed by and consistent with long-term development assistance and that good development policy must be conflict-sensitive. In policy and practice, therefore, the outlook for inter-pillar crisis management co-operation is potentially more constructive, with diplomats and EU functionaries actively engaged in identifying ways in which their respective instruments can add value to other efforts.

Moreover, the more realistic charge is not that the EU is doing too much in the area of crisis response, with unnecessary duplication of first and second pillar efforts, but rather that it is still doing too little. With still limited CFSP capacities and the ever-present challenge of generating political will, the number and scale of ESDP civilian actions will remain fairly limited. Likewise, despite the scale and importance of the challenge of promoting good governance, the proportion of EC assistance that is directed at these efforts in pre- or post-crisis situations remains tiny compared to traditional EC economic assistance. The underlying challenge for the EU is therefore one of generating the political will and technical capacity to make conflict sensitivity central to all the EU's external assistance efforts, and moreover, to begin to address how EU trade and agricultural policies can be brought into line with these priorities.

Civil-Military Co-ordination in EU crisis management

Radek Khol

Civilian crisis
management: the EU way

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This *Chaillot Paper* focuses primarily on the internal challenges of consolidating EU civilian crisis management and one of the important aspects of these challenges is to ensure coherence between civil and military capabilities. Such coherence often lies at the heart of effective EU external action. A new dynamic security environment requires the use of a wide range of instruments available to the EU and their use in the most effective and co-ordinated way. Civil-military interactions are increasingly a crucial part of EU operations. The two concepts of Civil-Military Co-operation (CIMIC) and Civil-Military Co-ordination (CMCO) apply to this area and it is important to clarify the difference between them. As CIMIC is primarily related to cooperation between different actors in the field at operational-tactical level, it is beyond the scope of this study. CMCO is still a 'work in progress' and its dimension of intra-pillar co-ordination is perhaps the most important, although the inter-pillar co-ordination dimension can also apply to certain priority areas like civil protection or disaster response. Since the EU has not deployed any truly full-fledged mixed civil-military operation yet,¹ this chapter addresses mostly the coordination between civil and military capabilities at the strategic and planning level.

The importance of CMCO was recognised and underlined in several key EU strategic documents. The European Security Strategy (ESS) in its definition of threats states that 'none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments'. It then calls for a more coherent response bringing together the different instruments and capabilities following the same agenda.² In a similar fashion also, Civilian Headline Goal 2008 calls for 'ensuring close cooperation and co-ordination with the military efforts throughout all phases of the operation. When necessary, civilian crisis management missions must be able to draw on military enabling capabilities'.³ At the same time, we must bear in mind that there is still no EU strategic concept providing detailed guidelines on how

1. The only minor exception is the civil-military support operation provided by the EU to the African Union-led mission AMIS II in Darfur, see Annex to Chapter I.

2. 'A Secure Europe in a Better World', *European Security Strategy*, adopted by the Heads of States and Government on 12 December 2003, p.12 and pp.18-19.

3. Civilian Headline Goal 2008, Council Doc.15863/04, 7 December 2004, para.6.

to balance military and civilian assets within the EU and which kind of role the EU wishes to play in crisis management.

Distinction between Civil-Military Co-operation (CIMIC) and Civil-Military Co-ordination (CMCO)

There is a clear need to distinguish between two concepts – Civil-Military Co-operation (CIMIC) and Civil-Military Co-ordination (CMCO) – although both exist within the framework of EU activities in crisis management operations, whether the EU is in a lead or support role.

The military is increasingly engaged in multifaceted missions where it is tasked with activities which are not strictly military. CIMIC derives from a military perspective that is concerned primarily with force protection, and the need to co-operate with local authorities and civilians to achieve that aim, as a part of a complex military operation. There are two types of such interaction – firstly, crisis management operations partially dependent on civilian institutions and population for resources, information and even security; secondly, co-operation of military forces with other international or non-governmental organisations. It is therefore an externally oriented military support function. CIMIC is thus also an important feature of EU-led crisis management operations aiming at enhancing the effectiveness of those operations. CIMIC is based in broadly defined civil-military relations that also cover other areas such as civil emergency planning, military assistance in humanitarian emergencies and host nation support. In the field CIMIC aims at mutual support and common goals based on transparency and communication.

We must bear in mind that there is no single universally agreed upon concept of CIMIC, but different concepts of CIMIC exist in civilian, humanitarian and military communities.⁴ The CIMIC approach is also developed both at national and international levels. Within the European area, NATO espoused a specific approach upon its greater involvement in peace support operations in the Balkans. The NATO Military Committee agreed in 1997 upon MC-411 NATO CIMIC Policy, agreed and in 2001 revised by the North Atlantic Council and later (in 2002) adopted

4. Peter Rehse, 'CIMIC: Concepts, Definitions and Practice', *IFSH Heft* 136, IFSH Hamburg, June 2004, p.14.

the specific AJP-9 NATO CIMIC Doctrine. The military goal of operation remains supreme and CIMIC is presented as a tactical doctrine and specific tool available to NATO commanders for achieving given objectives.

The EU adopted its own concept on CIMIC for EU-led crisis management operations through EUMC on 18 March 2002.⁵ It envisaged establishing permanent CIMIC structures and incorporation of CIMIC structures into specific EU-led operations, while stressing a comprehensive EU approach towards crisis management building upon a uniquely wide array of both civilian and military instruments.

The EU, unlike the other regional organisations such as NATO or the OSCE has, however, declared a clear ambition to develop both civilian and military crisis management capabilities. Apart from the CIMIC concept needed for cooperation with external actors in EU-led operations, the EU therefore had to develop an internal co-ordination concept as well – Civil-Military Co-ordination (CMCO).

*‘Civil-Military Co-ordination (CMCO) in the context of CFSP/ESDP addresses the need for effective co-ordination of the actions of all relevant EU actors involved in the planning and subsequent implementation of the EU’s response to the crisis.’*⁶ As such it has a different scope from CIMIC, and it is the political decision-making bodies of the EU, notably the Political and Security Committee and the SG/HR which are driving it. CMCO serves thus primarily as an EU internal function facilitating successful planning and implementation of the EU’s response to crisis. Its aim is to encourage and ensure co-ordination in the actions of relevant EU actors in all phases of the operation. CMCO thus looks beyond the operational-tactical level issues dealt with by CIMIC and takes into account unique features of the EU at political-strategic level. CMCO should be employed as both an intra- and inter-pillar tool within a single EU institutional framework. Such an approach could alleviate weaknesses of traditional EU pillar structure divisions as all three pillars governed by different principles are now involved in EU crisis management activities. The overall approach is both to establish a coherent EU response to a specific crisis situation and to build a culture of routine co-ordination at every phase of EU crisis management.

5. ‘CIMIC Concept for EU-led Crisis Management Operations’, Council Doc. 7106/02, 18 March 2002.

6. ‘Civil-Military Co-ordination (CMCO)’, Council Doc. 14457/03, 7 November 2003, para.1.

The development of CMCO within the EU

Since 1999, successive European Councils have underlined the importance of ensuring an extensive relationship between the military and civilian fields in EU efforts in crisis management and the need to deploy the full range of civilian and military means at the EU's disposal in a coherent and coordinated manner. The first major step in this direction was marked by the Göteborg European Council in June 2001 where it was agreed that priority be given to further developing instruments and modalities for civil-military co-ordination in the ESDP context. The European Councils in Laeken (December 2001) and Seville (June 2002) mandated continued work on conceptual and practical aspects associated with civil-military co-ordination. Several EU Member States keen on promoting the civilian dimension of EU crisis management efforts contributed to the process with various non-papers and food for thought papers on the subject of CMCO – examples include the Swedish presidency paper (April 2001), the Belgian presidency paper (September 2001), the Danish presidency presentation (July 2002) as well as the UK non-paper (July 2002). These developments, however, mostly took place as part of the intergovernmental process under the second pillar. An intensive consultation process initiated by the Danish presidency also drew in the Commission and Council Secretariat.⁷

During the Danish presidency, an Action Plan for further strengthening of CMCO in EU crisis management was eventually elaborated and adopted by GAERC on 19 November 2002.⁸ It contained *inter alia* tools such as refinement of the Crisis Management Concept, clarification of the Crisis Response Co-ordination Team role and composition, revision of guidelines for joint CFSP/ESDP fact-finding missions, inclusion of CMCO aspects in EU exercises, preparation of the CMCO training programme and improving institutional co-ordination in Brussels.

Two follow-up documents complemented the Action Plan. The first resulted in the development of a template for an EU Crisis Management Concept identifying both EU political objectives and a comprehensive course of action in a given crisis.⁹ The second document presented a pragmatic solution for participation of the Commission in the work of the EUMC thus granting its full association with the work carried out in the field of CFSP.¹⁰ The Action Plan still had its drawbacks as it focused mostly on formal guide-

7. 'Civil-Military Co-ordination', Council Doc. 12307/02 24 September 2002.

8. 'Action Plan for further strengthening of civil-military co-ordination in EU crisis management', Council Doc. 13480/1/02 REV 1, 29 October 2002.

9. 'Crisis Management Concept: Template', Council Doc. 14940/02, 28 November 2002.

10. 'Participation of the Commission in EUMC meetings', Council Doc. 15407/02, 9 December 2002.

lines for internal co-ordination across the conflict phase (e.g. who is the lead actor in what phase?) rather than on integrated planning and operational capabilities. In the end this approach only perpetuates institutional turf battles within the EU on the issues of who is going to co-ordinate whom and who is going to be co-ordinated.

CMCO as a culture of co-ordination: practical constraints

Civil-Military Co-ordination (CMCO) in the context of CFSP/ESDP as defined in November 2003¹¹ by Council stresses that at the top of the list of fundamentals lies the need for a culture of co-ordination, rather than seeking to put too much emphasis on detailed structures and procedures. The aim must be to encourage and ensure co-ordination in the actions of relevant EU actors in all phases of the operation. This culture of co-ordination is based on continued co-operation and shared political objectives and relies to a very large extent on detailed preparation at working level involving relevant Secretariat of the Council/Commission services. Working closely together is an essential element also during the 'routine' phase of EU crisis management.¹² The culture of CMCO should thus be built into the EU's activities and into response to a crisis at the earliest possible stage and cover all phases of assessing, planning and implementing EU operations, rather than being 'bolted on' at a later stage.¹³

Different national cultures of civil-military relations of EU Member States (British, French, German, Scandinavian) further complicate the creation of a common model for civil-military co-ordination at the EU level.

Co-location of the military (Directorate VIII and EUMS) and civilian (Directorate IX and CIVCOM) staffs at Council Secretariat Directorate-General E at the Kortenbergh Building helps to foster individual working contacts, but institutional cultures still differ. The EU military staff was somewhat isolated, having been used to a common EU military culture and a familiar world of military structures. There is also an acutely felt imbalance of military and civilian components in the Council Secretariat where the civilian side has been understaffed on a long-term basis. The framework for EU crisis management efforts was created by the military, while civilian input came later on and did not change the strategic planning approach fundamentally.

11. Civil-Military Co-ordination (CMCO), Council Doc. 14457/03, 7 November 2003.

12. Council Doc. 14457/03, para. 2-5.

13. For extensive elaboration see Renata Dwan, *Civilian Tasks and Capabilities in EU Operations*, paper presented at Berlin Expert Seminar on Tasks and Capabilities, 18-19 May 2004, esp.pp.15-18.

Formal guidelines for internal co-ordination are less effective than informal meetings at a lower level focusing on finding practical solutions and drafting documents. Procedures and rules should allow for this practice to continue, while ensuring a sufficient flow of information upstream in the appropriate EU bodies. These staff-to-staff contacts could be also helped by designating formal points of contact.¹⁴

The command and control issue touches upon sensitive arrangements as the military chain of command in EU operations is distinct and separate from the civilian side. EU Special Representatives are leading political representatives of the EU on the ground, but they do not have a supreme co-ordination authority over EU Force Commanders who report to the EUMC and receive political instructions directly from the PSC. The military is understandably very anxious to keep this chain of command intact and separate from the civilian side.

Fundamental differences in terms of the proximity of military and civilian personnel to the local population remain a reality. The military are trained for minimal contact and are 'quarantined' at military bases, while EU civilian personnel interact continuously with the local authorities and, as a rule, mix more with the local population.

Complexity is further enhanced when different types of personnel recruitment are taken into account. In the military domain, foreign deployments are perceived as core tasks for soldiers in most EU states, professional soldiers are easy to deploy and career incentives for serving in international operations facilitate the process. In the civilian domain, on the other hand, voluntary basis remains the rule, and there are only limited incentives to release these experts from domestic structures (typically they will be civil servants employed by state or local authorities), and narrow specialisation of civilian experts is often needed.¹⁵

It is useful for the EU to also consider the experience of the UN with the Integrated Mission Concept. Similar challenges faced by the UN were reflected in a call for a more integrated and unified UN, both at headquarters level and in the field, spelled out by UN Secretary General Kofi Annan in his 1997 report entitled 'Renewing the United Nations: a Programme for Reform'. He gave his Special Representatives (SGSR) more authority and instituted a system of integrated missions. This initiative was further strengthened in October 2000 through a note of guidance that

14. Author's interviews in Brussels, the General Secretariat of the Council, DG E, 7-8 September 2005.

15. Renata Dwan, *op.cit.*, pp.9-12.

gave the SGSR in residence the mandate to provide the UN presence on the ground with political guidance. The Brahimi Report in August 2002 proposed Integrated Mission Task Forces as a standard vehicle for planning and supporting UN missions. The recent Report on Integrated Missions suggested a working definition of integrated missions as ‘an instrument with which the UN seeks to help countries in transition from war to lasting peace or address a similarly complex situation that requires a system-wide UN response, through subsuming actors and approaches within an overall political-strategic crisis management framework’. However, within the UN system there is little specific agreement about what constitutes an integrated mission in practice, thus resulting in a variety of practices.¹⁶

Crisis Management Procedures (CMP)

The EU gradually developed its Crisis Management Procedures as finally elaborated in the document on ‘Procedures for Coherent, Comprehensive EU Crisis Management’ from July 2003.¹⁷ This is considered to be a ‘living document’ that provides a CMP flow-chart to be revised in the light of developments in areas such as civil-military co-ordination. Although the need for civil-military co-ordination, as well as co-ordinated planning between the Council Secretariat and the Commission with the possible establishment of joint teams, is repeated at several points in the document, the resulting process is far from being coherent. Fundamentally it is still a separate process with several contact points rather than a fully co-ordinated approach, especially during the routine phase and crisis build-up, including elaboration of the Crisis Management Concept. The crucial role of the PSC remains the case also in ensuring co-ordinated EU action as it receives advice from CIVCOM and EUMC during decision-taking on launching EU operations and then serves as the main contact point for EU actors in the field.

Procedural innovation in the CMCO area is reflected in the creation of a Crisis Response Co-ordinating Team (CRCT) as an *ad hoc* body without decision-making powers and composed of senior officials from the Commission and the Council Secretariat. The CRCT should act during the preparation of the Crisis Management Concept (CMC). At staff level, the CRCT should ensure full

16. *Report on Integrated Missions: Practical Perspectives and Recommendations*, May 2005, p.14.

17. ‘Suggestions for procedures for coherent, comprehensive EU crisis management’, Council. Doc.11127/03, 3 July 2003.

coherence between military strategic options, police strategic options and other civilian strategic options, the different CONOPS and OPLANS. The CRCT should further assist in ensuring full coherence between the civilian and military aspects of the EU action in the implementation phase. But the role of CRCT was in reality confined mainly to formal coordination between the Council and the Commission at a senior level. Its activity during planning of ESDP operations was rather limited, although it was more active during CME 02. It usually consisted of representatives from the Commission, Cabinet, EUMS, Council Secretariat (DG E, Policy Unit), Legal Service and SITCEN. Regular working relations between the Council Secretariat and the Commission were kept on the level of desk officers within the task force setting.¹⁸

In the field, the crucial role in the CMCO area is reserved for a particular EU Special Representative (EUSR) who maintains an overview of the whole range of activities within an area of operations and closely co-ordinates with the EU Force Commander, the Police Head of Mission and Heads of Mission for other EU civilian operations.

Role of the Civil-Military Cell

The Civilian/Military Cell (Civ/Mil Cell) came about as part of a compromise package in the middle of a controversy in 2003, where the most contentious issue was the establishment of an autonomous operational HQ.¹⁹ In December 2003 the European Council decided to establish a civil-military planning cell in the EU. The EU proposed to enhance the capacity of the EUMS to conduct early warning, situation assessment and strategic planning through the establishment within the EUMS of a cell with civil/military components. The Council envisaged five main functions of the cell:²⁰

- link work across the EU states on anticipating crises, including opportunities for conflict prevention and post-conflict stabilisation;
- assistance in planning and co-ordinating civilian operations;
- developing expertise in managing the civilian/military interface;
- conducting strategic advance planning for joint civil/military operations;

18. Author's interviews in Brussels, the General Secretariat of the Council, DG E, 7-8 September 2005.

19. See Gerrard Quille et al., *An Action Plan for European Defence. Implementing the Security Strategy*, joint study by ISIS Europe and CeMiSS, May 2005, chapter 3.3.

20. See Italian Presidency paper *European defence: NATO/EU Consultation, Planning and Operations*, December 2003, <http://ue.eu.int/uedocs/cmsUpload/78414%20-%20EU-NATO%20Consultation,%20Planning%20a nd%20Operations.pdf>

- reinforcing the national HQ designated for an EU autonomous operation.

Negotiations over the composition and modalities of the Operations Centre took another year and resulted in a final conceptual document specifying Civ/Mil Cell terms of reference to be adopted only in December 2004²¹ followed by the delayed gradual creation of the Civ/Mil Cell during 2005.

The institutional position of the Civ/Mil Cell is firmly in the Council structures under the auspices of SG/HR while as a part of the EUMS it is on the military side of ESDP, possibly limiting its potential role as a strong inter-pillar co-ordination tool. It should improve coherence of the civilian and military structures of ESDP taking into account all available ESDP tools and reporting both to CIVCOM and the EUMC. In the CMCO area it can perform several vital tasks as it is now a natural CMCO interlocutor. The Civ/Mil Cell is now almost completely staffed and has a Military Director and a Civilian Deputy Director. The Cell consists of a Strategic Planning Branch and permanent key nucleus of the Operations Centre. The Strategic Planning Branch is especially relevant for CMCO issues. It has 17 staff members, including 7 military planners and 7 civilian planners. Among civilian planners there are two Commission officials acting as liaison officers and having expertise in humanitarian aid and disaster response and the management of reconstruction assistance respectively. This permanent link to the Commission, its experience and expertise in humanitarian operations is an important institutional innovation. The Civ/Mil Cell is entrusted with strategic contingency planning bringing together views from different EU actors from both pillars and Member States, but also from both civil and military dimensions. Within crisis response strategic planning, Civ/Mil Cell provides assistance to political-military strategic planning regarding also the civilian/military interface and possible civilian or military support.²²

Even more importantly, the Civ/Mil Cell should contribute to crisis response strategic planning for joint civil/military operations through developing joint strategic options including civilian and military dimensions. This is especially acute, as there has not been a truly joint EU civil/military operation carried out yet, although there is a clear need for such operations. The second

21. See 'European defence: NATO/EU Consultation, Planning and Operations', December 2004, Council Doc. 13990/1/04 REV 1, 7 December 2004.

22. See 'European Defence: NATO/EU Consultation, Planning and Operations', Council Doc. 13990/04, 7 December 2004.

significant improvement that Civ/Mil Cell may achieve is in the area of development of doctrines and concepts that would enhance the civil-military interface in areas such as security sector reform or disarmament, demobilisation and reintegration where civilian and military expertise are naturally intertwined, as well as assisting civilian crisis management operations with expertise in areas such as logistics, communications and information systems and planning expertise. The Civ/Mil Cell has also an opportunity to integrate reports on lessons learned from separate civilian and military operations conducted side by side in one territory, as is currently the case in Bosnia. The same joint lessons learned could be drawn also from EU exercises.²³

In general, the Civ/Mil Cell has to rely on its ability to convince and to bring people together, thus establishing the habit of working together and strengthening feedback between Commission and Council Secretariat structures. The Civ/Mil Cell will be also in a position to increase awareness of CMCO issues by presenting briefings in various training programmes. The advantage of the Civ/Mil Cell may be seen in the fact that it neither manages funds, nor runs operations (although it may assist in running operations). It is free of direct interests in concrete EU operations and can therefore better focus on the overall picture of civilian and military instruments available for a joint mission or better interlinkage of existing separate missions in one territory. The Civ/Mil Cell is now designated as a strategic planning branch and staffed by personnel with a solid planning background and good awareness of the EU institutional environment.

Joint civil-military training

Two training programmes deal with CMCO issues – one run by the Commission since 2001 and one run by the Council since 2004. They target as their main audiences key personnel (diplomatic, civilian and military) of the EU Member States taking up senior posts in national delegations in Brussels and policy posts in capitals, officials from all EU institutions and personnel for EU-led missions. Joint civil-military training is clearly needed as it does not exist in any systematic manner within national training programmes.

23. Author's interviews in Brussels, Civ/Mil Cell, 7-8 September 2005.

The EC Training Project for Civilian Aspects of Crisis Management has been running for several years, with its third phase in 2004-2005. The fourth phase is scheduled to run for the 2005-2006 period, being coordinated by the Swedish Folke Bernadotte Academy and supported by the informal network 'EU Group on Training' of thirteen national training bodies for civilian personnel. There are thirteen courses envisaged for 2006, combining both core courses and specialisation courses.²⁴

EU Training Policy in the ESDP Concept was approved by PSC in December 2004 with a prospect of the rolling multiannual EU Training Programme in ESDP bringing together various training actors (Member States and their training institutions, the European Security and Defence College, the European Police College, the European Diplomatic Programme, the Commission). The civil-military area is considered an important aspect for training at all levels (including both strategic and operational levels) for national diplomatic, civilian and military personnel from Member States, Acceding States and Candidate Countries, as well as for officials from EU Institutions. It is usually perceived as an important part of the General ESDP training bloc and as a necessary dimension of specialisation training in preparation for a specific function, but not necessarily related to a specific mission. It is focused on knowledge and skills to participate in Civ-Mil ESDP operations, covering both civilian and military instruments, with particular attention to CMCO. Civil-military and inter-pillar coordination is seen as a special EU training requirement based on recent experience from Operation *Althea*.²⁵

CMCO issues were of course included in the curriculum of the ESDP pilot course 2004-2005 organised within the framework of the European Security and Defence College. A pilot course on CMCO organised by the Folke Bernadotte Academy (Sweden) as a part of the EU Group on Training (EGT) activities took place on 19-27 September 2005. It was able to build upon the ESDP CMCO Course carried out there within the framework of the EC Training Project for Civilian Aspects of Crisis Management in September 2004.²⁶

24. ESDP Presidency Report 2004, 17 December 2004, Council Doc.10547/04, para.23-25.

25. 'Implementation of the EU Training Concept in ESDP - Analysis of Training requirements in the field of ESDP', Council. Doc.7774/1/05 REV 1, 12 April 2005.

26. 'Narrative Report on the ESDP Pilot Course on Civil-Military Coordination', Folke Bernadotte Academy, Sandöverken, 19-27 September 2004.

EU Crisis Management Exercises using both civil and military instruments and including their co-ordination

The EU conducted four crisis management exercises (CMEs) in the 2002-2005 period, two of which were relevant for CMCO (held in 2002 and 2004 respectively). These exercises served for the development and testing of crisis management procedures in a situation where no or only limited EU operations had been launched. They help, nevertheless, in gaining an understanding of options, constraints and distinctive procedures for civilian and military missions.

The first ever EU crisis management exercise (CME 02), held from 22 to 28 May 2002, focused on the testing and evaluation of EU crisis management procedures and structures.²⁷ Its scenario involved the fictitious island 'Atlantia' and was limited to the politico-military strategic level, primarily the PSC and bodies designed to support it. The evaluation of CME 02 brought rather positive feedback on general EU crisis management procedures, concepts and structures, but identified a major weakness in the area of internal EU co-ordination, concerning both clarification of competencies of bodies in the first and second pillars as well as integration of civilian and military instruments.²⁸ The experience of CME 02 therefore significantly influenced the further development of the CMCO mechanism that needed to be strengthened, as was affirmed in the Spanish Presidency's Report on ESDP presented at the Seville European Council.

CME 04, held from 18 to 27 May 2004, marked a further point in testing EU crisis management and improving CMCO procedures, this time with a scenario of an autonomous EU-led operation, without recourse to NATO assets and capabilities. The CME 04 exercise scenario was the most ambitious so far, requiring the deployment of the full range of the EU's civilian and military instruments, both at the level of the Community and Member States, including military force, a police component, a rule-of-law component and civil administration. Such a demanding scenario also highlighted several issues for civil-military co-ordination.

CME 06, already in preparation, is based on a scenario combining military and civilian instruments to be used for rapid reaction. An innovative feature in this context is the fact that the Civ/Mil Cell is going to be responsible for integrated planning.

27. 'CME 02- First EU crisis management exercise', EU Press Release 9005/02, 17 May 2002.

28. Catriona Gourlay, 'Putting ESDP to the test: the first crisis management exercise', *European Security Review*, no.13 (July 2002), pp.1-2.

Real-life operations are currently more important than exercises for the evolution of CMCO as they challenge the EU structures and rules with concrete issues and necessitate *ad hoc* solutions or flexible changes to crisis management procedures.

CMCO in practice: EU involvement in crisis management in Bosnia and Herzegovina, Aceh and The Congo

EU presence in Bosnia and Herzegovina is rather robust with several parallel operations, using different EU instruments – EUPM, EUFOR, EUMM, EUSR, etc. The EU involvement has been a huge one, and has lasted for more than a decade. They were planned and conducted not as a joint EU operation, but as separate operations with separate mandates and different reporting authorities. Practice on the ground saw only limited application of CMCO, instead of a full co-ordination it rested only on an exchange of information and regular meetings of heads of field missions. Some lessons were included from EUPM for Operation *Althea* and its Integrated Police Unit, but they were of a mainly sectoral nature. CMCO was therefore very limited both in the planning and operational phases. Some lessons from the Bosnia experience where co-ordination occurs mainly in Brussels, but only to a limited extent in the field, were identified. However, the process of identifying and learning lessons has so far not been carried out in a truly joint fashion, but as a series of separate processes for all respective missions.²⁹ Planning for a follow-up mission in Bosnia could better integrate military and police commanders as advisors to the EUSR.

A better outcome in CMCO practice may materialise in the recent EU civilian operations in Aceh or the Democratic Republic of the Congo, or in the context of EU support for the African Union in Darfur. Lots of expectations in this area are connected with EU missions in Aceh where civilian monitoring missions will be drawing on military assets and military expertise in overseeing disarmament and decommissioning of rebels as well as withdrawal of non-local Indonesian military and police units. The EU Aceh Monitoring Mission is formally a civilian operation, but in practice it could be seen as a mixed mission that engaged in the planning phase of the Civ-Mil Cell, its resources and unique

29. Author's interviews in Brussels, the General Secretariat of the Council, DG E, 7-8 September 2005.

capabilities combining Council and Commission officials. The Civ-Mil Cell was thus fully involved already in a fact-finding mission.

In the Democratic Republic of the Congo security sector reform is a main task of the EU advisory and assistance mission EUSEC, authorised in May 2005. It is carried out as a civilian mission due to financing through the CFSP budget line, but relies on military expertise and has a French General, Pierre Joana, acting as the Head of Mission. He reports through the EUSR to the HR/SG as is the case with the police mission EUPOL *Kinshasa*, already in place since spring 2005.

Prospects for further strengthening of CMCO in EU crisis management

CMCO considerations also affect the area of civilian and military capabilities development. Interlinkage between the Civilian Headline Goal 2008 (CHG 2008) and Headline Goal 2010 (HG 2010) processes exists at an informal level. Institutional coherence should be ensured at the level of PSC, although there are intensive efforts for coherence also at lower levels. These two processes are, however, not formally linked, have different timeframes and levels of detail and are managed by different committees. While HG 2010 is a continuation of European Headline Goal (EHG), CHG 2008 is a new process also designed to tackle structural problems in Member States where the military are used to working with headline goals whereas in the civilian sphere this is a novel approach. Major differences persist in terms of the types of capabilities needed in the military and civilian dimensions as well as their state of readiness. While the military side works usually with units and technical capabilities, both available on reserve, the civilian side deals with human capabilities such as highly qualified individuals (civilian experts) or small units (police), usually not available on a reserve status. In future, the decision in principle has been taken to set up pre-identified and pre-trained Civilian Response Teams for EU Rapid Response operations. CHG 2008 was helped by selecting appropriate scenarios used for HG 2010 and then adapted by adding civilian assumptions and details. The CHG 2008 process was helped by learning from methodology used by the military for a series of CHG workshops carried out during 2005. EHG also

inspired CHG 2008 with a clear need to establish standards for civilian capabilities. Looking into synergies between both CHG 2008 and HG 2010 processes could identify possibilities for the sharing of resources in areas such as logistics and transportation.

CHG 2008 envisages civilian crisis management missions deployed either jointly or in close cooperation with military operations, thus drawing on military enabling capabilities and ensuring close cooperation and co-ordination with the military efforts throughout all phases of the operation.³⁰

In July 2005 the United Kingdom, Austria and Finland – the three countries holding the EU presidencies for the period July 2005-December 2006 – presented a non-paper on enhancing EU CMCO that was further highlighted during a seminar on CMCO organised by the UK Presidency on 17 October 2005 in London. They stress a need for a comprehensive approach to EU crisis management and for Comprehensive Planning. Its objective is to identify *what* needs to be done, *when* and by *whom*, to create a lasting solution and thus enhance the overall effectiveness of the EU response. The non-paper concentrates on several key issues. In addition to the management of capabilities and management of operations, the following three merit our attention:

- ▶ **Comprehensive Analysis** calls for a shared analysis of a crisis, including shared understanding of the underlying causes of crisis and how to resolve them.
- ▶ **Comprehensive Planning** focuses on procedures and methods which ensure the participation of all relevant EU actors in order to support comprehensive planning for EU operations with civilian and military elements. It strives to identify interdependencies between various strands of EU response to a particular crisis and to encourage a joined-up vision of strategic aims. A special role is attached to a newly created Civ/Mil Cell.
- ▶ **Joint review and lessons learned processes** provide for a continuous evaluation of individual missions in the framework of strategic aims and objectives of the EU.

The real situation of multiple EU missions in the Western Balkans offers a good opportunity to prepare a bridging model for Bosnia based on the comprehensive approach advocated by three EU presidencies. There is clearly a good case to be made for post-EUPM and post-EUFOR planning towards a truly EU joint mission.

30. See 'Civilian Headline Goal 2008', Council Doc.15863/04, 7 December 2004, para.6.

CMCO issues are therefore taken seriously, even more so as geopolitical reality will increasingly lead the EU towards complex crisis management activities for which it will be obliged to draw upon the wide range of civilian and military instruments at its disposal. This impetus is likely to be sustained through deployment of new parallel (civilian and military) EU operations in Africa, the Balkans and elsewhere. The next stage would certainly be planning for a truly joint EU operation, and overcoming the institutional separation of different civilian and military tools available for conflict prevention, crisis management and post-conflict stabilisation. It is easy to see an added value of using a mixture of these tools at the disposal of a unified EU presence in a given territory. A clear candidate for such a novel approach would be the EU follow-up mission in Bosnia.

Another aspect of CMCO improvements is connected to new institutional developments represented for example by the recently created Civilian/Military Cell that may become a natural CMCO interlocutor within the EU structures. Also, overall drive for improving EU capabilities is now likely to be more focused through the linking of the Civilian Headline Goal 2008 and Headline Goal 2010 processes.

Lastly, perhaps the most crucial part of building a well-established civil-military co-ordination within the complex institutional framework of the EU lies in a continuous process itself. The culture of CMCO will have to be carefully nurtured in both intra- and inter-pillar senses, through continuous training both for officials in Brussels and EU capitals and personnel earmarked for field missions. EU institutions in particular will have to sustain this CMCO culture even in the absence of the powerful external forces that would have been created by the EU Foreign Minister and unified European External Action Service as envisaged in the EU Constitutional Treaty.

Conclusion

Agnieszka Nowak

The challenge of coherence

Being a relative latecomer to peace support activities, the EU has been working hard over the last couple of years to establish itself as a credible security provider. If this status is to be sustained in the future, the EU will have to build upon the added value of having a whole array of crisis management instruments at its disposal and, more importantly, to prove that it is able to use them in a coherent manner in order to project stability and lasting peace. The challenge of coherence is particularly needed in the civilian dimension of EU involvement in crisis management since both CFSP and Community instruments can be used to support similar actions, even if their rationales are very different.

The main impediments (political, legal, financial and procedural) to achieving the internal coherence of the EU civilian crisis management are linked to the institutional disconnect between the first and second pillar. These impediments are well known and ways to overcome them were included in the Constitutional Treaty in the framework of the Union's External Action. However, in the current situation (after the rejection of the Constitutional Treaty) there is little chance of improving inter-pillar coherence through the institutional rearrangements in the near future. The aim of this *Chaillot Paper* was thus to reflect on other possible ways of improving the coherence of EU civilian crisis management during the period when the Constitutional Treaty is on hold.

The awareness of the need for coherence expressed in the European Security Strategy and other official documents related to CCM as well as the EU experience in crisis management on the ground gave new impetus to the parallel efforts on the side of the Council and the Commission to provide a more coherent and integrated response to crisis within the pillars. These intra-pillar developments were mostly taking place at the strategic/policy

framing and capacity-building level and the progress made in these areas is considerable.

However, the inter-pillar co-ordination is more difficult to improve without institutional rearrangements. While the constitutional innovations would not have provided the solutions for all inter-pillar divisions they would have given a push for a common strategic direction and helped the two institutions to develop together overarching CCM concepts in different priority areas. The EU goal of lasting peacebuilding can be achieved only through a common and comprehensive needs assessment, and in relation to that assessment the appropriate use of the different EU instruments. Another main challenge – the unity of command in the EU response to crisis situation – is similarly difficult to be addressed within the current pillar structure.

The impediments to internal coherence linked to institutional divisions can easily trickle down from Brussels to the field. The assessments of the EU approach to peacebuilding in the case of FYROM and Georgia have shown several shortcomings when it comes to EU inter-institutional co-ordination on the ground and the transition between short-term operations and long-term programmes. However, the encouraging development that should be noted in the way of overcoming institutional divisions is that closer co-operation takes place at the informal working level, through the consultancy and cross-representation of the Commission in the CFSP structure and of Member States in EC policy and programming processes.

In the absence of a more integrated institutional solution, and during the reflection process after the constitutional crisis, concerted efforts on the side of the Council and the Commission to ensure policy coherence at least at the working level and on a case-by-case basis, might soon become EU best practices. These should pave the way to facilitate the major challenge of reforming EU external action.

Annex to Chapter One: ESDP operations

EU operations designation	Nature	Council Joint Action	Date of launch and duration	Budget	Number of personnel	Key Objectives
EU Police Mission in Bosnia and Herzegovina (EUPM)	civilian	2002/2107/CFSP of 11 March 2002	1 January 2003 3 years	€38 million annual budget	440 police officers + 60 civilian experts	Monitor, mentor and inspect Bosnian police in order to establish sustainable policing arrangements under BiH Ownership in accordance with best European and international practice.
EU Military Operation in the FYROM (<i>Concordia</i>)	military	2003/92/CFSP of 27 January 2003	31 March 2003 – 6 months + 2,5 months of extension	€4.7 million	400 troops	Contribute to a stable secure environment to allow the implementation of the August 2001 Ohrid Framework Agreement.
EU Police Mission in the FYROM (EUPOL <i>Proxima</i>)	civilian	2003/681/CFSP of 29 September 2003	15 December 2003 1 year (+ 1 year extension)	€15 million annual budget	200 police officers	Support, monitor and mentor the consolidation of law and order, the practical implementation of the reform of the Ministry of the Interior, including the police.
EU Military Operation in the DRC (<i>Artemis</i>)	military	2003/423/CFSP of 5 June 2003	12 June until 1 September 2003	€7 million	1500 troops	Interim emergency force contributed to the stabilisation of the security conditions and the improvement of humanitarian situation in Bunia.
EU Rule of Law Mission to Georgia (EUJUST <i>Themis</i>)	civilian	2004/253/CFSP of 28 June 2004	16 July 2004 12 months	€2,1 million	9 legal experts	Assistance in the development of a horizontal governmental strategy guiding the reform process for all relevant stakeholders within the criminal justice sector.
EU Military Operation in Bosnia and Herzegovina (EUFOR <i>Althea</i>)	military	2004/570/CFSP of 12 July 2004	2 December 2004 12 months	€71.1 million	7000 troops	Maintain a safe and secure environment in BiH and ensure continued compliance with Dayton/Paris Agreement.
EU Police Mission in the DRC (EUPOL <i>Kinshasa</i>)	civilian	2004/847/CFSP of 9 December 2004	30 April 2005 Planning phase until the end of 2005	€4.4 million Planning phase	Approx. 30 police officers	Monitor, mentor and advise on the setting-up and the initial running of an Integrated Police Unit (IPU) in Kinshasa.
EU Integrated Rule of Law Mission for Iraq (EUJUST LEX)	civilian	2005/190/CFSP of 7 March 2005	1 July 2005 12 months	€10.0 million	Training is provided by different EU Member States	Provide training for (770) high and mid-level officials in senior management and criminal investigation duties. The training shall aim at improving the capacity of the Iraqi criminal justice system.

EU Security Sector Reform Mission in the DRC (EUSEC DR CONGO)	military	2005/355/CFSP of 2 May 2005	8 June 2005 12 months	€1.6 million	8 military experts	Provide advice and assistance for security sector reform in the DRC with the aim of contributing to successful integration of the army in the DRC.
EU Monitoring Mission to Aceh Indonesia (AMM)	civilian	2005/643/CFSP of 9 September 2005	Initial 15 August to 15 September 2005 6 months	€9.0 million	80 monitors – initial phase 226 monitors	Monitor the implementation of the MoU signed by the Government of Indonesia (GoI) and the Free Aceh Movement (GAM) on 15 August 2005.
EU Civilian-Military Supporting Action to the African Union in the Darfur region, Sudan (AMIS EU Supporting Action)	civilian-military	2005/557/CEPS of 18 July 2005	18 July 2005 6 months	€2.1 million 6 months €1.9 million 6 months	Civ/16 police officers, mil/19 operational and logistics experts	Ensure effective and timely EU assistance to support the AMIS II enhancement, support the AU and its political, military and police efforts to address the crisis in Darfur region of Sudan.
EU Police Mission in the Palestinian Territories (EUPOL-COPPS)	civilian	13696/05 of 8 November 2005	1 January 2006 3 years	€6.1 million first year	33 police and civilian personnel	Assist in the implementation of the Palestinian Civil Police Development Plan, advise and mentor senior members of the Palestinian Civil Police and criminal justice system and co-ordinate EU assistance to Palestinian Civil Police.
EU Border Assistance Mission at Rafah Crossing Point (EU BAM Rafah)	civilian	2005/889/CFSP of 12 December 2005	23 November 2005 12 months	€1.7 million in 2005 €5.9 million in 2006	60 police and customs experts	Monitor, verify and evaluate implementation by the Palestinian Authority of the Framework Security and Customs Agreements; contribute through monitoring to building up the Palestinian capacity in all aspects of border management of Rafah Crossing Point.
EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (EUPAT)	civilian	2005/826/CFSP of 24 November 2005	15 December 2005 6 months	€1.5 million	30 police advisors	Support the development of an efficient and professional police service based on European standards of policing; monitoring implementation of police reform in the field, police-judiciary cooperation and professional standards/internal control; monitoring and mentoring the country's police on priority issues in the field of Border Police, public peace and order and accountability, the fight against corruption and organised crime.
EU Border Assistance Mission to Moldova and Ukraine (EUBAM Moldova/Ukraine)	civilian	2005/776/CFSP of 7 November 2005	30 November 2005 2 years	€8 million	69 police and customs experts + 50 local support staff	Provide on-the-job training and advice to Moldovan and Ukrainian officials, reinforcing their capacity to carry out effective border and customs controls and border surveillance.

About the authors

Catriona Gourlay is a European Commission-funded Marie Curie Research Fellow at the United Nations Institute for Disarmament Research (UNIDIR) in Geneva, where she conducts a research project on EU-UN co-operation in crisis management. Previously, since 1995, she was the Executive Director of the International Security Information Service, Europe, an independent research organisation working on European Security and Defence Policy.

Damien Helly is Saferworld's EU Policy and Advocacy Co-ordinator in Brussels and former Caucasus Project Director and Moldova Consultant for the International Crisis Group. He has a Ph.D in Political Science from Sciences Po, Paris. He co-edited *L'Union européenne, acteur international* (Paris, L'Harmattan, 2003).

Isabelle Ioannides is an Economic and Social Research Council-funded Ph.D Researcher in the Department of Peace Studies, University of Bradford, UK and a Research Associate at the Institut d'Etudes européennes, Université libre de Bruxelles, Belgium. She holds a BA in Foreign Affairs and French Literature (University of Virginia, USA), a DEA in Political Science (IEP-Paris), and an MRes in International Relations (Bradford, UK).

Radek Khol is a graduate of the Department of War Studies at King's College London and of the Department of International Relations at the Faculty of Social Sciences, Charles University, Prague. He joined the Prague Institute of International Relations in 1996 and became Head of its Centre for Security Analysis in 2001. He has published articles and contributed to books on European Security and Defence Policy, NATO enlargement, missile defence, and civil-military relations in Central Europe.

Agnieszka Nowak holds a Doctorate in Law from the European University Institute of Florence, a Master's Degree in Journalism from the Institute of Political Science and Journalism in Poznan and a DEA in International Public Law and International Organisations from the Sorbonne. Since February 2005 she has been an Associate Research Fellow at the EU ISS and has carried out a study on EU civilian crisis management.

Pedro Serrano has been Director of DGE IX (Civilian Crisis Management) of the General Secretariat of the Council of the European Union since April 2005. He previously spent two years as Deputy Head of the Private Office of the Secretary General of the Council of the EU and High Representative for the CFSP, Javier Solana. Prior to joining the Council Secretariat, Mr. Serrano had worked for 18 years in the Spanish diplomatic service, serving both abroad and in the Spanish Ministry of Foreign Affairs.

Abbreviations

ABA	American Bar Association
ACP	Africa, the Caribbean and Pacific
ALA	Asia and Latin America
APT	Assessment and Planning Team
ASEAN	Association of Southeast Asian Nations
AU	African Union
B-H	Bosnia-Herzegovina
CAG	Community Advisory Group
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CCM	Civilian Crisis Management
CFSP	Common Foreign and Security Policy
CHG	Civilian Headline Goal
CIMIC	Civil-Military Co-operation
Civ/Mil Cell	Civilian/Military Cell
CIVCOM	Committee on Civilian Aspects of Crisis Management
CMCO	Civil-Military Co-ordination
CME	Crisis Management Exercise
CMP	Crisis Management Procedures
CONOPS	Concept of Operations
CPMR	Conflict Prevention, Management and Resolution
CRCT	Crisis Response Co-ordination Team
CRT	Civilian Response Team
CSP	Country Strategy Paper
DAC	Development Assistance Committee
DCECI	Development Cooperation and Economic Cooperation Instrument
DDR	Disarmament, Demobilisation and Reintegration
DG	Directorate General
DG DEV	Development Directorate General
DG RELEX	Directorate General on External Relations
DRC	Democratic Republic of the Congo
DUI	Democratic Union for Integration
EAR	European Agency for Reconstruction
EAS	European External Action Service
EC	(i) European Community (ii) European Commission
ECHO	European Commission Humanitarian Office
ECJHAT	European Commission Justice and Home Affairs Team
ECMM	European Community Monitoring Mission
ECOWAS	Economic Community of West African States
ECPRP	European Community Police Reform Project
EDF	European Development Fund
EGF	European Gendarmerie Force
EGT	EU Group on Training

EHG	European Headline Goal
EIDHR	European Initiative for Democracy and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Policy Instrument
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUBAM	European Union Border Assistance Mission
EU COPPS	Co-ordinating Office for Palestinian Police Support
EUFM	EU Foreign Minister
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
EUPM	European Union Police Mission in Bosnia and Herzegovina
EUPAT	European Union Police Advisory Team
EUPOL	European Union Police Mission
EUPOL COPPS	European Union Police Mission in the Palestinian Territories
EUSR	European Union Special Representative
FFM	Fact-finding mission
FOMUC	Multinational Force of the Economic and Monetary Community of Central Africa
FPU	Formed Police Unit
FYROM	Former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
GAM	Free Aceh Movement (Gerakan Aceh Merdeka)
GTZ	Gesellschaft für Technische Zusammenarbeit (Society for Technical Co-operation)
HG	Headline Goal
HQ	Headquarters
HoM	Head of Mission
HR/SG	High Representative/Secretary General
ICG	International Crisis Group
ICITAP	International Criminal Investigative Training Assistance Programme
ICRC	International Committee of the Red Cross
IPA	Pre-Accession Instrument
IPU	Integrated Police Unit
IWPR	Institute for War and Peace Reporting
JCC	Joint Control Commission
JHA	Justice and Home Affairs
MIC	Monitoring and Information Centre
MoI	Ministry of the Interior
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation

OBNOVA	EU Programme for the Reconstruction of the Former Yugoslavia
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Aid
OECD	Organisation for Economic Co-operation and Development
OPLAN	Operational Plan
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
PHARE	Poland and Hungary: Aid for Economic Reconstruction
PSC	Political and Security Committee
RFE/RL	Radio Free Europe/Radio Liberty
RRM	Rapid Reaction Mechanism
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SDSM	Social-Democratic Union of Macedonia
SG/HR	Secretary General of the EU Council and High Representative for CFSP
SG/SR	Secretary General and Special Representative
SITCEN	Joint Situation Centre
SOMA	Status of Mission Agreement
SSR	Security Sector Reform
SWG	Special Working Group
TACIS	Technical Assistance for Community of Independent States
TEC	Treaty establishing the European Economic Community
TEU	Treaty on European Union
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNMIBH	United Nations Mission in Bosnia-Herzegovina
UNMIK	United Nations Mission in Kosovo
UNSG	United Nations Secretary General
USSR	Union of Soviet Socialist Republics
WEU	Western European Union


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The operational progress in civilian crisis management made by the EU since 1999 has been impressive and has helped to enhance the EU's reputation as a credible security provider. However, the realisation of EU political objectives related to the strengthening of international security does not depend merely on the improvement of the EU's operational capabilities. Taking into account the EU's genuine ambition to project stability and lasting peace abroad, more attention needs to be given to its ability to use a variety of instruments in a coherent and focused manner. This capacity is particularly important in the civilian aspects of crisis management since both Community and Intergovernmental instruments can be deployed to tackle a crisis.

In this context, this *Chaillot Paper* examines the EU's approach to civilian crisis management and its functional consistency as one of the elements of the EU's external action. It illustrates the considerable achievements in terms of civilian capabilities, decision-making procedures and missions on the ground, and also points to current shortcomings and to work in progress to address them. The coherence of the EU approach is analysed both at the institutional level (intra-pillar and inter-pillar) and at the operational level. In addition, the question of civil-military co-ordination is addressed as an important element in the consolidation of an integrated approach to EU crisis management.

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www.iss-eu.org

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