

**The EU's Common Foreign and Security Policy:
Opportunities for a more Effective EU Response
to Crisis-Affected Countries in Africa**

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List of Acronyms

ACP	African, Caribbean and Pacific Countries
ALA	Asian and Latin American Countries
CFSP	Common Foreign and Security Policy
COPO	Political Committee
COPS	Political and Security Committee
COREPER	Committee of Permanent representatives
COREU	Transmission system of CFSP messages
DG RELEX	Directorate-General for External Relations
DG DEV	Directorate-General for Development
ECHO	European Community's Humanitarian Office
EDF	European Development Fund
EP	European Parliament
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
EUMC	European Union Military Committee
EUMS	European Union military staff
HAC	Humanitarian Assistance Committee
IGC	Intergovernmental conference
LDC	Least Developed Countries
LRRD	Linking relief, rehabilitation and development
MEDA	Mediterranean countries
NATO	North Atlantic Treaty Organisation
OAU	Organisation for African Unity
OBNOVA	Assistance programme for the Western Balkans
OSCE	Organisation for Security and Cooperation in Europe
PHARE	Assistance programme for Eastern Europe
RRM	Rapid Reaction Mechanism
SCR	Common service RELEX, now EuropeAid
TACIS	Assistance programme for Former Soviet Union countries
UN	United Nations
WEU	Western European Union

Summary

In recent months, the European Union has launched a wide range of initiatives in relation to its Common Foreign and Security Policy (CFSP), with the aim of enhancing the EU's civilian and military crisis management capacities. Against this background, the European Centre for Development Policy Management (ECDPM), an independent foundation based in Maastricht, the Netherlands, and supported by the Swedish Ministry for Foreign Affairs, has decided to produce a study of available instruments for, approaches to and trends in developing a coherent European political strategy for dealing with politically fragile countries in Africa. The study seeks to provide an overview of new institutional settings for the CFSP and the Cotonou Agreement by mapping out opportunities and constraints for improved coherence between different fields of intervention (i.e. humanitarian aid, civilian and military crisis management, and political instruments) in response to crisis situations in Africa.

In political terms, the EU has a wide range of instruments at its disposal for preventing conflicts. The Cotonou Agreement (Article 11) strengthens the linkage between development issues and conflict prevention, management and resolution. As part of the process of reinforcing the political dimension of the Cotonou Agreement, the definition of the term 'political dialogue' was amended so as to avoid the need for invoking the suspension clause.¹ Also, 'good governance' was adopted as a fundamental element,² in addition to the essential elements defined in the IV Lomé Convention (i.e. respect for human rights, democracy and the rule of law).

Positive instruments include conflict prevention, support for political transitions in the form of election and human rights observation teams, diplomatic instruments such as 'démarches', special envoys and declarations, political dialogue and political assistance (which is designed to improve the rule of law by providing support to the legal and penal systems and to the civil administration). The EU has also developed a variety of sanctions and restrictive measures, ranging from restrictions on visits and diplomatic contacts, through the suspension of aid and trade privileges, to fully-fledged sanctions and embargoes, transport blockades and freezing of financial assets and transactions. Key issues in relation to political instruments include the challenge of undertaking a number of diplomatic initiatives in parallel with each other, the flexible use of sanctions and the need for giving integrated support to peace negotiations and political transitions.

In military terms, the creation of the EU's military crisis management capacity aims to contribute to the objectives of 'European security'. The enlargement of the EU, coupled with the effects of instability in the areas neighbouring the EU, have turned the issue of security in the Mediterranean and Eastern Europe into a legitimate concern for the Union. By contrast, European security is not directly threatened by conflicts in ACP countries and no real arguments for military intervention in Africa can be made on this ground. Also, cooperation with the North Atlantic Treaty Organisation (NATO) and the United Nations (UN) is crucial to European operational capacities in military crisis management. The EU has developed its own operational capacity ('headline goal') to carry out the full range of Petersberg tasks, combining humanitarian and rescue tasks, peacekeeping and peace enforcement. Among the principal areas in which interventions are made are security sector reform, disarmament and arms exports. Key issues in relation to military instruments include special support for regional organisations, coherence between arms reduction and arms export measures, and closer cooperation with the UN.

In terms of civilian crisis management and humanitarian aid, the EU and its Member States have considerable experience in civilian policing, humanitarian assistance, and electoral and human rights monitoring. A wide range of Community instruments from all three pillars are used to support efforts

¹ The suspension mechanism is regulated in Article 96 (previously numbered as 366b).

² See Article 9 (previously Article 5).

in the field of civilian crisis management: humanitarian assistance, emergency and rescue services, border controls, police deployment and training, mine clearance and de-mining, arms control and destruction, the fight against illicit traffic and terrorism, post-conflict rehabilitation and reconstruction, support for human rights and democracy, and election monitoring. The EU is one of the biggest providers of humanitarian aid, and its own aid effort is managed by the European Community's Humanitarian Office (ECHO). This office plays a crucial role in dealing with unexpected natural disasters, complex emergencies and 'man-made' disasters. The EU is seeking to develop an integrated approach covering the whole range from emergency to reconstruction, by focusing on the linkage within the 'grey zone' of relief, rehabilitation and development assistance. Key issues in relation to civilian crisis management include the strategic balance between military and civilian crisis-management tools, operational coordination across institutional competencies, the difficulty of building up an operational presence at short notice due to complex decision-making and financial procedures, and the need for international cooperation, in particular with the UN and OSCE. Key issues in the field of humanitarian aid include recognising the political nature of humanitarian aid, making a more effective use of existing instruments, and strengthening information-sharing and communication systems.

There are several problems that the EU will need to overcome in order to respond effectively to the needs of crisis-affected countries:

- *The complexity of policy instruments.* Despite the massive financial resources allocated to external assistance, the EU has so far failed to live up to expectations as a global political player. This is partly due to the EU's complex decision-making, managerial and financial procedures and partly to the difficulty of making coherent and flexible use of the multiplicity of instruments that it has at its disposal. The reforms currently being implemented by the EU are designed to bridge the gap between its political ambitions and the reality of its bureaucratic management culture.
- *Strategic approach to development cooperation.* Whilst development cooperation is one of the main instruments of strategic policy in the EU's dealings with developing countries, many European officials engaged in development aid find it difficult to establish a clear linkage between the EU's overall strategic interests in a particular country or region (even where these are clearly defined in strategy documents) and their own day-to-day programme management activities.
- *The challenge of implementation.* Although the principles of conflict prevention, management and resolution are explicitly set out in the Cotonou Agreement, implementation remains a fundamental problem because the Agreement does not clearly define the operational tools.
- *Inter-pillar dynamics (interaction between the first, second and third pillars of the European Union).* External action is complicated by the combination of instruments and procedures that depend on the various pillars of the European Union. The management of Community programmes is further complicated by 'inter-pillar' interactions.
- *Interinstitutional dynamics.* Interinstitutional dynamics affect the way in which operational structures are set up for new forms of civilian and military crisis management. The definition of roles is an ongoing process, and different institutional actors are pursuing different political and strategic agendas with a view to strengthening their positions within the overall EU structure.
- *Member States' political will and strategic interests.* Despite the identification of common interests, the introduction of more flexible decision-making principles, the improved allocation of resources, and enhanced operational structures, political will continues to play a crucial role in the Member States' ability to deal with crisis situations. The European response to crisis situations often reflects the domestic interests of individual Member States, and this may influence any collective action taken by the EU. Also, the development of an effective ESDP depends heavily on the Member States' voluntary contributions.

- *The future of development policy and poverty focus in the EU's overall foreign policy.* The EU's development policy statement identifies 'poverty reduction' as the main objective of the EU's development policy. This is also linked to the question of the privileged status of the Least Developed Countries (LDCs), beyond the ACP group, in the EU's external relations. Most crisis-affected countries in Africa are also the poorest countries in Africa, and are those countries in which the population's need for assistance is the greatest.
- *The accession of Eastern European countries to the Union and the future of the CFSP in Africa.* The EU's enlargement process requires important institutional changes that will need to be agreed at intergovernmental conferences (IGCs). The accession of new Eastern European members which do not have any substantial traditions of development cooperation could shift the EU's interests further away from making coherent responses to politically fragile countries in Africa.

There are a number of areas in which the EU could develop a more coherent approach and maximise the impact of its policy:

- *Focus on conflict prevention and positive measures: from a reactive to a proactive approach.* There is a need to integrate conflict prevention strategies into long-term and medium-term development planning for politically fragile countries. Within the framework of the CFSP, policy responses must be flexible and adapted to the situation currently prevailing in each crisis region.
- *Improved linkages between crisis-management and development instruments.* Better coordination between the Commission's and the Member States' responsibilities is needed to ensure that the full range of instruments remains available to the CFSP and development activities. Consequently, crisis management needs to be linked with various post-conflict and development instruments. The CFSP response to armed conflicts should focus on aspects not covered by the Cotonou Agreement in order to ensure coherence between Community-related policy measures and CFSP positions and actions.
- *Improved consistency, coherence and coordination.* The question of coherence involves not only the relationship between the EU's development, foreign and trade policies, but also coordination between the Commission and the Member States. Both CFSP and Community measures require close cooperation with other major actors, notably the OAU, regional organisations, the UN and the Bretton Woods institutions. In view of the current acute staff shortages, active coordination between the various Commission services is also required in order to optimise the operational capacity committed for the purpose of dealing with crisis situations.
- *Focus on capacity-building and training.* The creation of a rapid reaction force, police capacity and operational structures for improving the rule of law should not overshadow the fact that effective peace-building within crisis countries requires major capacity-building and training efforts (e.g. in relation to civil education and the training of police officers and judges). This is an area in which the EU could play an important role.

To conclude, the EU Member States have shown growing interest in, as well as the political will to increase the EU's operational capacity for dealing with civilian and military crisis management. Existing civilian instruments have been identified and enhanced, and military instruments are gradually being created and developed, although the latter will definitely only be used as a last resort. This reflects the changing global context, in which political crises, internal wars and natural disasters have a global impact in terms of massive refugee flows, lost investment opportunities, human rights violations and human suffering. The EU has access to a full range of economic, political and humanitarian aid instruments, whose coordinated and flexible use would enhance the effectiveness of the EU's response to politically fragile states. At the same time, we should not have any illusions about the strategic policy areas that form the focus of the CFSP and the ESDP, and in which Africa plays only a minor role. *The use of Community instruments, including the amended version of the*

Cotonou Agreement, will most likely remain the main priority channel for the EU's response to crisis situations in Africa. The Cotonou Agreement provides a channel for *structural* cooperation with ACP countries, and the linkages between crisis-management instruments and development cooperation could be improved. In parallel, CFSP instruments can complement and provide political impetus for more structural forms of support in the framework of the EDF.

An analysis of current political developments in the EU suggests that it could indeed improve its capacity for dealing with politically fragile countries. There is a set of common interests upon which Europeans are willing to act and with which Europeans can be motivated. There is a dynamic system for decision-making that could be simplified. There is a growing set of common resources that can be drawn upon when action is called for. In other words, the EU has created a complex framework for sustained foreign and security policy cooperation that it can use for dealing with politically fragile countries. Whether or not this framework is effectively used in practice is a matter of political will.

Introduction

The linkage between the Common Foreign and Security Policy (CFSP), development cooperation³ and humanitarian aid has become increasingly prominent in the European Union's (EU) external action.⁴

Over the past few years, assistance based on political imperatives (i.e. the Phare, Tacis and Obnova programmes⁵), natural disasters (i.e. Hurricane Mitch and the floods in Mozambique) and international emergencies (i.e. Kosovo and East Timor) has become a predominant feature of the European Community's (EC) external assistance, thus reducing the proportion of traditional development aid. This increases the need for closely coordinating actions undertaken within the framework of the CFSP. Even in 'traditional' developing countries, the scope of cooperation has shifted towards economic cooperation and regional trade agreements (e.g. MEDA, ALA and ACP⁶) and reinforced political partnerships (reflected by the recent EU-Latin America, EU-Africa and EU-Asia summits).

In addition, there is an indisputable link between peace, security and development cooperation that calls for more direct EU engagement in conflict prevention and crisis management, two issues that are currently at the heart of the European foreign policy agenda (Patten, 2000). Similarly, the new EU-ACP Partnership Agreement (known as the 'Cotonou Agreement'), signed in June 2000, integrates conflict prevention, management and resolution in its legal provisions.⁷ An integrated development policy, as an instrument in the broader context of the EU's relations with the rest of the world, forms an essential part of the image presented by Europe to the rest of the world.

Finally, development policy can bolster the European values underpinning the CFSP. EU foreign policy adds to the diversity of the Member States' foreign policy interests. Consequently, a coherent European approach linking development and foreign policies could build upon what each Member State has to offer, rather than seeking to reduce individual traditions to their lowest common denominator.

³ The Treaty on European Union (TEU), which entered into force on 1 November 1993, formally recognised the existence of a European Community development policy and gave it a legal foundation. The Treaty defines the common objectives of the Community's external assistance and refers explicitly to the need for enhancing coordination, complementarity and policy coherence.

⁴ As used in this paper, the term 'EU' is taken to include both the Commission and the Member States, whereas the term 'EC' refers primarily to first-pillar policies implemented by the Commission.

⁵ The PHARE programme is designed to provide assistance to Eastern European countries that are candidates for EU accession; TACIS is intended to support the countries of the former Soviet Union; and OBNOVA is targeted at countries in the Western Balkans.

⁶ The MEDA programme provides assistance to Mediterranean countries, whilst ALA is the name of the programme designed for Asian and Latin American countries. The ACP group consists of 77 African, Caribbean and Pacific countries.

⁷ See Article 11, ACP-EU Partnership Agreement.

Presentation of the Study

In recent months, the European Union has launched a wide range of initiatives in relation to its Common Foreign and Security Policy (CFSP), with the aim of enhancing the EU's civilian and military crisis-management capacities.

Against this background, the European Centre for Development Policy Management (ECDPM), an independent foundation based in Maastricht, the Netherlands, and supported by the Swedish Ministry for Foreign Affairs, has decided to produce a brief, independent study of the instruments for, approaches to and trends in developing a coherent European political strategy for dealing with politically fragile countries in Africa.⁸ The study also explores existing links between the CFSP and development cooperation in relation to these countries.

This study is part of a wider ECDPM project under the name of 'EU Development Response towards Fragile States', which aims to explore innovative modalities of cooperation with countries in political crisis at times when performance criteria are often pushed forward as a means of allocating or reallocating aid, in particular in the framework of the new ACP-EU Partnership Agreement.

The study seeks to provide an overview of new institutional settings for the CFSP and the Cotonou Agreement by mapping out opportunities and constraints for improved coherence between different fields of intervention (e.g. humanitarian aid, civilian and military crisis-management and political instruments) in response to crisis situations in ACP Countries.

In terms of methodology, the first phase of the study took the form of an examination of legal and policy documents with the aim of identifying current European instruments and approaches for dealing with crisis-affected countries. In the second phase, we exchanged views on different aspects of the CFSP with selected key actors in the various departments and services of the European Commission and the European Council.

The paper will first define the CFSP's institutional setting and explore the linkages between the CFSP and the Cotonou Agreement. We shall then take a more detailed look at three sets of CFSP and Community instruments, namely political instruments, military and civilian crisis-management, and humanitarian aid, and reflect on their suitability for dealing with politically fragile countries in Africa. Finally, we shall explore a number of challenges for mounting an effective response to crisis-affected countries, and suggest potential instruments and areas in which the EU's political response could be improved.

⁸ The terms 'politically fragile states' and 'crisis-affected countries' refer to countries either emerging from recent conflict or facing protracted or latent conflicts. They have the following characteristics in common: a weak state in terms of actual political power and political coverage of the territory, economic and financial collapse or strong dependency, and a denuded social fabric.

The Institutional Setting for the Common Foreign and Security Policy

The Common Foreign and Security Policy (CFSP) was established by the Treaty on European Union (TEU, familiarly known as the ‘Maastricht Treaty’), which entered into force on 1 November 1993. It constitutes the second of the three pillars created by this treaty, the other two being the Community dimension (the first pillar) and cooperation in the fields of justice and home affairs (the third pillar). All of them are governed by a common institutional framework (see Box 1).

Box 1: Three pillars of the TEU		
First pillar: Community policy (EC)	Second pillar: Common and Foreign Security Policy (CFSP)	Third pillar: Justice and Home Affairs
Sole right of initiative: European Commission	Main right of initiative: Member States	Main right of initiative: Member States
Main funding mechanism: Community budget	Main funding mechanism: CFSP budget	Main funding mechanism: Member States’ contributions
Examples: <ul style="list-style-type: none"> • <i>Development Policy</i> including European Development Fund (EDF), ALA, MEDA, TACIS cooperation etc.; • Humanitarian aid managed by European Community Humanitarian Office (ECHO). 	Examples: <ul style="list-style-type: none"> • Common position • Joint action • Joint strategy 	Examples: <ul style="list-style-type: none"> • Migration • Asylum • Police • Rule of law

The aims of the CFSP as defined in the Amsterdam Treaty⁹ are, in summary, to safeguard the common values and interests of the EU; to strengthen the security of the Union; to develop and consolidate democracy, the rule of law and respect for human rights; to promote international cooperation; and to preserve peace and international security, including on the Union’s external borders. Beyond the explicit reference to external borders, the Treaty formally incorporates the ‘Petersberg Tasks’, including humanitarian and rescue tasks, police capacity and the rule of law, peacekeeping and peace enforcement (see Annex 2). The Amsterdam Treaty also espouses the principle of ‘flexibility’, opening the door to different levels of engagement to the EU’s CFSP pillar, which now includes a nascent European Security and Defence Policy (ESDP).

The Kosovo crisis in 1999 and the subsequent NATO intervention revealed the shortcomings of European national, bi-national and multinational military capacities. The experience in the Balkans has been crucial to the recent development of the CFSP and to the formulation of a tentative European security and defence policy. The crisis in the Balkans demonstrated, on the one hand, that there will be conflicts in which the United States may be reluctant to participate, thereby forcing Europe to take the lead. On the other hand, it established a precedent for military intervention in defiance of national sovereignty to support human rights, one of the EU’s long-standing common interests. However, the CFSP was not explicitly designed to halt nationalist violence on a scale witnessed in the Balkans;¹⁰ at

⁹ Approved by the Amsterdam European Council on 16-17 June 1997.

¹⁰ For most of the duration of the crisis, none of the organisations involved possessed the rare combination of capabilities, political will, public support and an acceptable settlement to a possibly insoluble problem. Even if the EU had decided to intervene by force at an early stage, there is no guarantee that such action would have prevented civil war. More recently, a CFSP joint action was used to help re-establish a viable police force in Albania. The EU has also concluded a ‘Stability Pact’ establishing a new framework for cooperation with countries in southeastern Europe (similar to the pact signed with the Central and Eastern European Countries).

the time of its conception, it was geared primarily towards long-term conflict resolution with the aid of economic tools, rather than towards rapid crisis management with military means.

Central and Eastern Europe remain a geographical priority for CFSP actions. The Stability Pact with the Central and Eastern European Countries has created a framework of preventive diplomacy to help head off conflicts over borders and ethnic minorities. Also, the Union has enhanced the status of its relations with Russia.¹¹

Beyond the revitalisation of the Euro-Arab dialogue and the formulation of a common strategy for the Mediterranean, the CFSP is being increasingly directed towards exploring the possibilities for intervention in Africa. The EU was unable to prevent the recent violence in Burundi and Rwanda, due to blocking action undertaken by certain Member States and to the lack of a CFSP military component in the region. Even so, acting in cooperation with the Organisation for African Unity (OAU), the EU has sought to remedy this deficiency by adopting a common position on conflict prevention in Africa, creating a closer linkage with economic activities, taking action on arms control, and appointing an EU special representative to the Great Lakes region.

Institutional competencies

The institutional setting for the CFSP is both complex and highly dynamic. The process of developing new bodies and instruments for civilian and military crisis management is also complicated by interinstitutional dynamics, which play a key role in relation to the EU's external actions.

Box 2: Institutions and decision-making

The main institutions involved in decision-making on the CFSP are as follows:

- The European Council, bringing together the European heads of states and government at least once a year, defines the CFSP's principles and general guidelines, including those with defence implications (Article 13 of the Treaty of Amsterdam), and the common strategies.
- The Council of Ministers is the decision-making body in accordance with the guidelines laid down by the European Council, except with regard to common strategies and major defence decisions.
- The Commission is fully associated with the CFSP work (Article 27 of the Treaty of Amsterdam) and is entitled to take initiatives on an equal footing with the Member States.
- The Presidency of the Union, held by each Member State for six months by rotation, represents the Council in international fora (Article 18 of the Treaty of Amsterdam).
- The Council's General Secretariat assists the Presidency in conducting and monitoring the Union's business.
- The European Parliament retains budgetary control over actions in the Community's external relations' budget, and therefore has a profound impact on the EU's capacity to respond to crisis situations.

¹¹ Since July 1999, Russia has been the subject of the first CFSP 'common strategy' for coordinating all EU policies in support of specific goals: the consolidation of democracy and public institutions, integration into the common European economic and social space, and cooperation to strengthen stability in various areas (i.e. energy, nuclear safety, crime and illegal immigration).

Box 3: Bodies and tools

The following bodies and tools have been developed for the CFSP:

- The Political Committee ('COPO') is composed of political directors from the Member States (Article 25 of the Treaty of Amsterdam). Without prejudice to the responsibilities of the Committee of Permanent Representatives (COREPER)¹², it has kept track of the international situation and contributed to the framing of policies by delivering opinions to the Council. It monitors the implementation of policies, without prejudice to the Presidency and the Commission. The permanent Political and Security Committee ('COPS') has now taken over most of the Political Committee's tasks.
- Working groups, organised geographically (i.e. there are working groups for Africa, Asia and Latin America) and thematically (i.e. there are working groups on non-proliferation, disarmament, protocol, etc), are made up of experts from the Member States. The recent merger of second and third-pillar geographic working groups was intended to improve the coherence of the EU's external actions across the various pillars.
- CFSP councillors, from the Permanent Representations in Brussels, are responsible for preparing the legal and budgetary aspects of CFSP decisions. In practice, CFSP councillors often decide on a suitable funding mechanism for external actions.
- The COREU is an encrypted transmission system for CFSP messages, linking the foreign ministries, the Commission and the General Secretariat. The COREU system is run by European correspondents.

Box 4: New structures

New structures have been set up for the military and civilian crisis management:

- The Political and Security Committee ('COPS'), initially set up as an interim structure in February 2000, became a permanent structure following a decision taken in principle by the Nice Council in December 2000 and ratified by a Council decision in January 2001. In the event of a military crisis-management operation, it will exercise political control and strategic direction, under the authority of the Council. It can forward guidelines to the Military Committee and receive military advice from it. It is composed of ambassadors or other high level officials from the Member States, based in Permanent Representations in Brussels. Although it is competent only for second-pillar issues, it is entitled to recommend actions to the Council of Ministers via COREPER.
- The European Union Military Committee (EUMC) is composed of the Chiefs of Defence Staff, represented by their military representatives. The Committee gives military advice and makes recommendations to the COPS, and provides military direction to the European Union Military Staff (EUMS). The European Union Military Staff is attached to the Council Secretariat.
- The Council working group on civilian aspects of crisis management was set up in June 2000. It seeks to set concrete targets for the EU's civilian crisis-management operations.
- DG RELEX at the Commission has set up a special unit for 'crisis management' to coordinate actions in relation to civilian and military crisis-management issues.

¹² The Council decision-making structure is composed of three levels: first, issues are prepared in the 'Council working groups', composed of representatives from Member States' Permanent Representations in Brussels and European capitals (often, first-pillar issues are discussed by Brussels-based experts, whereas second-pillar issues require the presence of experts from foreign ministries). Second, issues not resolved at the working group level are referred to the Committee of Permanent Representatives ('COREPER'), composed of ambassadors based in Brussels. Finally, COREPER transfers issues to the Council of Ministers, which takes the formal decisions. The 'General Affairs Council', composed of foreign ministers, and to some extent the 'Development Council', composed of development ministers, play leading roles in decision-making on the EU's external actions.

The Council and Member States

The Council of Foreign Ministers ('General Affairs Council') may now take certain CFSP decisions by qualified majority voting. Nevertheless, there have been only a small number of CFSP decisions in which the Member States have refrained from insisting on a consensus.¹³ In this context, in derogation from the general unanimity principle, the Council may, by qualified majority, adopt joint actions, common positions or any other decision on the basis of an existing common strategy. This also applies to decisions implementing joint actions or common positions.¹⁴ Procedural matters are decided by simple majority.

The Treaty of Amsterdam allows Member States to abstain from votes so as not to prevent CFSP decisions from being adopted by other states (this principle is known as 'constructive abstention'). In practice, 'constructive abstention' allows a limited number of states to take foreign policy initiatives without the full backing of all Member States.¹⁵ Moreover, there is a powerful escape clause: if a member of the Council states that, 'for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken'. The Council may, by qualified majority, request that the matter be referred to the European Council for decision by unanimity.

Member States also participate in decision-making on EC external assistance through various management committees (i.e. EDF,¹⁶ ALA, MED and the Humanitarian Aid Committee, HAC), which play a role in deciding on Community-funded programmes and projects in developing countries. This 'micro-management' is often seen as one of the constraints on effective aid delivery. As part of the overall reform of EC external aid, it has been proposed that the Committees should focus more on strategies¹⁷ and overall guidelines instead of on individual projects. Also, the question of complementarity and coordination between the Commission and the Member States is crucial as a strategic tool for improved aid effectiveness. The reform proposals put forward by the Commission include a suggestion for directly implementing programmes in a limited number of sectors,¹⁸ whilst exploring the possibilities for co-funding with Member States and other donors in other areas.

The Commission

Since the Treaty of Amsterdam was signed, the Commission has shared the right to propose common positions and joint actions, raising its status in relation to the CFSP closer to the position it enjoys in relation to first-pillar issues. Many political instruments, such as human rights and election monitoring, have progressively fallen under the Community's competence and this is a trend that appears to be continuing. The European Commission wishes to enhance the contribution made by Community policies to the EU's conflict-prevention, crisis-management and emergency response, and in April 2000, for example, proposed setting up a Rapid Reaction Mechanism (RRM) as an effective instrument for responding to emergency situations.

¹³ These decisions have included the institution of financial sanctions against Bosnia-Herzegovina, the prohibition of payments under contracts covered by the embargo imposed on Haiti, and the EU's anti-personnel mine-clearing directive.

¹⁴ See Article 23.2 of the Treaty of Amsterdam.

¹⁵ Despite this major new exception to the principle of unanimity, a decision is not adopted if the abstaining members represent more than one-third of the votes.

¹⁶ The European Development Fund (EDF) is used to finance EU-ACP cooperation (the 'Cotonou Agreement').

¹⁷ Member States play a crucial role in the Country Strategy Papers that form the basis for programming of the 9th EDF.

¹⁸ It is important to note that crisis management or conflict prevention is **not** cited as one of the priority sectors for EU action. This may be explained in part by the interinstitutional nature of CFSP actions.

The restructuring of the Commission's external relations has led to the creation of a Directorate General for External Relations (DG RELEX), following a thematic division of Commissioners' portfolios.¹⁹ Chris Patten was appointed as the first RELEX Commissioner. The creation of a specific DG in charge of overall coordination of the CFSP reflects the new role and ambitions of the Commission in this area. The redistribution of Commissioners' portfolios resulted in responsibility for development policy and humanitarian aid being allocated to a single Commissioner, namely Poul Nielson. With respect to CFSP, the Commission is responsible for implementing joint actions at the Council's request, and is fully associated in the general tasks carried out by the Council's Presidency as to the CFSP. Its responsibility for managing various financial instruments strengthens the Commission's authority in the face of interinstitutional dynamics in various areas, including in relation to the CFSP.

The Presidency

Policy implementation and external representation are the joint responsibility of two actors: the EU Presidency and the Commission. The state holding the EU Presidency represents the Union with regard to the CFSP, implements its policies and expresses its positions²⁰ vis-à-vis international organisations and during conferences. The appointment of a High Representative for the CFSP may potentially change the dynamics of the EU's external representation.

High Representative for the CFSP

In order to improve consistency in the EU's external representation (in the knowledge that the Presidency changes every six months), the Treaty of Amsterdam stipulates that the EU Presidency should be assisted by the Secretary General of the Council, who is to hold the post of 'High Representative for the CFSP'. He or she is to be responsible for organising CFSP work and guaranteeing the continuity of EU action on the CFSP, independently of the rapidly revolving Presidencies. The authority and influence of the High Representative depends a great deal on the incumbent's personality. The remit of the High Representative is to extend the scope of the Union's strategies beyond the Member States' bilateral interests. Javier Solana was appointed to this post for a five-year term with effect from October 1999. The Nice European Council decided on the High Representative's status as the chair of the Political and Security Committee during crisis situations in December 2000.²¹

The Treaty of Amsterdam established, under the auspices of the High Representative, a CFSP Policy Planning and Early Warning Unit.²² Its role is crucial because the lack of a common definition has often been a major obstacle to coherent action. It also works together with the Commission in ensuring better coherence with EU trade and development policies. Consequently, the Policy Unit creates direct connections with Member States' diplomatic channels. The Policy Unit includes a Situation Centre, which is in a state of constant alert for potential crisis situations. The Commission created a Crisis Centre (the Crisis Management Unit) as an operational interface with the Situation Centre in the Policy Unit.

¹⁹ Thematic task division was not adopted on a systematic basis in the DGs and services, whose basis is largely geographic.

²⁰ Presidency declarations play an important role in the EU's response to international events.

²¹ See the report of the High Representative for CFSP on the 'Framework' for crisis management, presented to the Nice Council in December 2000.

²² Declaration No. 6 annexed to the Treaty. The CFSP Policy Planning and Early Warning Unit was established in the autumn of 1999 and is composed of twenty officials from Member States, the Commission, the General Secretariat and the WEU. Its tasks include monitoring and analysing developments in areas relevant to the CFSP; providing assessments of the Union's interests in these areas and future focus areas for the CFSP; giving early warnings of events or situations that may have repercussions for the CFSP (including potential political crises); and producing policy options papers with analyses, recommendations and strategies for the CFSP as contributions to policy formulation in the Council.

The Western European Union (WEU) has set up a Planning Cell, Situation Centre, Satellite Centre and Institute for Security Studies. The Satellite Centre and the Institute will soon become ‘agencies’ in accordance with the decisions taken by the Nice Council in December 2000. This follows from the devolution to the EU of WEU functions in the field of Petersberg tasks following the meeting of defence ministers in Marseille in October 2000.

Special envoys

The Treaty of Amsterdam created the post of ‘special envoy’.²³ This is a special representative with a temporary mandate who may be appointed by the Council to handle particular policy issues, such as those surrounding the Great Lakes region of Africa, the Middle East or Kosovo. The presence of special envoys enables the European Union to assert its presence and facilitate relations with the various regional protagonists, without affecting the general representation by the Head of Mission of the country holding the EU Presidency.²⁴ Special envoys work closely with Policy unit, and may provide additional expertise in the areas that fall outside the direct priorities of the CFSP (for example, crises in Africa).

European Parliament (EP)

Although the EP has little impact on the day-to-day implementation of the CFSP, it plays an important role in the overall CFSP debate: it asks questions of the Council, makes recommendations, and holds an annual debate on the implementation of the CFSP. It also plays a crucial role in the EU’s external relations as a joint budgetary authority, together with the Council. It decides on the external relations budget²⁵ and notably on the allocation of human resources to the Commission.²⁶ Similarly, it plays a role in efforts to rationalise the number of budget lines. The EU Presidency consults with the EP and ensures that its views are taken into consideration. The EP has to be regularly informed by the Presidency and the Commission about developments in relation to CFSP issues. It also has a number of other tools at its disposal for enforcing its will, as was illustrated by the decision it took in 1999 to force the resignation of the entire Commission. The same applies to many policy areas that are subject to co-decision procedures.

Decision-making and operational aspects of the CFSP

The existence of common and effective decision-making rules is fundamental to the translation of foreign policy aspirations into action. The decision-making process at the EU involves a number of distinct and complex stages involving both individual Member States and the EC in general.

Agenda setting

The European Council is the main actor in setting the EU agenda for external relations; it brings together the EU heads of state and government, supported by their foreign affairs ministers, and the

²³ See Article 18.5 of the Treaty of Amsterdam.

²⁴ The Presidency is also entitled to appoint a ‘special representative of the Presidency’ (whose mission it finances). Such special representatives have been appointed in the past, for example, to monitor the Timor crisis (in the summer of 1999) and to monitor the conflict between Ethiopia and Eritrea (at the end of 1999).

²⁵ The MEDA, ALA and TACIS programmes are funded under the Community budget, together with specific thematic budget lines on external relations (i.e. human rights, NGO co-funding, decentralised cooperation, etc.).

²⁶ Lack of adequate human resources has been identified as a major constraint on the effective management and implementation of Community funds.

President of the Commission. The European Council is responsible for defining the principles of and the general guidelines for the CFSP and the ESDP. The Nice European Council in December 2000 decided on a permanent structure for crisis management by the EU.

Specific instruments

Box 5: Policy tools

European political cooperation (EPC),²⁷ the predecessor of the CFSP, established three basic policy tools for the EU's foreign policy:

- political dialogue²⁸ with other countries or regional groupings,
- declarations,
- *démarches* with foreign governments.

EPC has been superseded by the CFSP, which is based on the use of three primary diplomatic and policy instruments:

- common positions are expressed through the conformity of national positions and through coordination (by international organisations and at international conferences). Common positions define the EU's approach to a particular matter (for instance, to biological and toxic weapons and the prevention of disputes in Africa).
- joint action²⁹ creates commitments upon the Member States to work together to resolve identified problems by common means (i.e. material and financial resources, in the framework of a concerted action). It addresses specific situations where operational action by the Union is deemed to be required. It often requires the use of EC financial resources and involves more procedures.
- common strategies,³⁰ established by the Treaty of Amsterdam, can be elaborated in areas where EU Member States have common interests, in order to help improve the consistency of the EU's external relations across the three policy-making pillars. Common strategies call into play the Community instruments (trade policy, technical and financial assistance, cooperation programmes, etc), the CFSP instruments (joint actions and common positions, political dialogue, etc.) and the measures in relation to justice and home affairs.

Monitoring of compliance

There are no provisions for imposing penalties on EU Member States that do not live up to their commitments, nor is the European Court of Justice allowed to make rulings in this area. The General Affairs Council is responsible for ensuring that the Member States comply with the principles of the CFSP. Under CFSP, diplomatic and consular missions and Commission delegations in non-member countries and international organisations are also charged with ensuring that common positions and

²⁷ See Annex 1.

²⁸ Political dialogue involves regular meetings at different levels (i.e. experts, senior officials, ministers and heads of states) with countries and regional groupings.

²⁹ Recent joint actions have been targeted at the Balkans, the eradication of anti-personnel mines, nuclear non-proliferation, and peace processes in the Middle East and the African Great Lakes region. Such actions have financed not only the Union's special envoys, but also mine clearance operations, small-arms prevention programmes, the promotion of the Union's non-proliferation position and the Union's support for democratisation processes.

³⁰ The Vienna Council (December 1998) singled out the first four common strategies to be adopted, viz. on Russia (adopted by the Cologne Council in June 1999), Ukraine (adopted by the Helsinki Council in December 1999), the Mediterranean (adopted by the Santa Maria da Feira Council in June 2000) and the Western Balkans.

joint actions are implemented. Although several institutions are formally responsible for monitoring compliance, it remains one of the weakest aspects of the foreign policy process. However, the Nice European Council in December 2000 established an evaluation mechanism for improving the follow-up of voluntary commitments in the field of civilian and military crisis management.³¹

Financial aspects

Decisions on foreign policy cooperation have limited impact unless tangible resources support them. The predecessor of the CFSP, European Political Cooperation (EPC), used Community resources in an ad-hoc way, with no consistency, planning or supervision. Under the Maastricht Treaty, however, a distinction is made between CFSP administrative expenditure (that is charged to the Community budget) and operational expenditure (that is charged either to the Community budget under a unanimous Council decision, or to the Member States in accordance with their Gross National Product). This distinction has been found to be problematic, though, and budgetary disagreements between the EC and the Member States, and the reluctance to pay GNP-based contributions, have held up several joint actions.³²

The Treaty of Amsterdam³³ finally makes clear that the Community budget is to be the primary source of CFSP funds, under its normal procedures (with inputs from the Commission and supervision by the European Parliament). In practice, *the possibility of finding a legal basis for funding actions under the Community budget is first explored before any decision is taken on the use of resources from the CFSP budget.*³⁴

A number of important exceptions have been made, however, for expenditure arising from operations with military or defence implications and cases in which the Council decides by unanimity. Any EU Member States that decide to abstain from military or defence action are not required to finance them.

The sums allocated to the CFSP budget are disproportionately small when compared with those available to the Community for its foreign relations. Nevertheless, the Council may request the Commission to submit proposals on the implementation of a joint action.³⁵ In any case, the Commission mainly manages CFSP projects, although the execution of projects may be 'externalised' to other agencies.

Resources from the European Development Fund (EDF)³⁶ may be used to finance political actions in the ACP countries. Specific budget lines that have been set up for human rights, democracy, conflict prevention, environmental protection, etc. are used to fund community actions in developing countries. Also, humanitarian aid is funded through specific budget items and managed by the European Community Humanitarian Office (ECHO).

³¹ See Military Capabilities Commitment Declaration.

³² Such as the administration of Mostar in the Balkans by the EU.

³³ The details of the funding of the CFSP are described in the inter-institutional agreement between the European Parliament, the Council and the Commission. This is attached to the Treaty of Amsterdam and covers areas such as the funding of EU envoys, participation in democratic transition processes, the prevention of conflict, peace and security processes, assistance with disarmament, urgent actions, and contributions to international conferences.

³⁴ Although the Council and the Commission's legal services have defined the basic principles of funding, certain actions nevertheless fall in the 'grey area' between Community action and the CFSP.

³⁵ For example, in the case of the support provided for the electoral process in Timor in July 1999.

³⁶ The EDF is a specific fund that operates outside the Community budget. It comprises Member States' contributions and is renegotiated every five years. Internal agreement on the 9th EDF was recently achieved; programming for funds is currently underway.

Linking the CFSP with development cooperation

The process of developing a coherent CFSP is closely linked to the EU's existing policies and institutions. For this reason, a full appreciation of the capabilities and limitations of the EU's ambitions in this area must start with an understanding of interinstitutional dynamics. The main differences between the CFSP and Community instruments, including development cooperation arrangements, lie in the decision-making procedure (the European Commission has the sole right of initiative on community policies, whereas the CFSP remains intergovernmental), funding mechanisms and, to some extent, the priority geographic scope of actions (EU development cooperation covers all developing countries, whereas CFSP instruments are closely linked to the situation in the EU's neighbouring areas in Eastern Europe and the Balkans).

The link between development assistance and the prevention of violent conflicts, on the one hand, and between emergency relief, rehabilitation and development, on the other hand, is now recognised as fundamental to the partnership between the European Union and developing countries, in particularly the group of African, Caribbean and Pacific countries (ACP). The EU-ACP relationship was recently reinforced by a new partnership agreement (the 'Cotonou Agreement'), that was signed in June 2000 and which provides a framework for cooperation in the coming twenty years.

The Commission Communication on '*Cooperation with ACP Countries involved in Armed Conflicts*' in May 1999 recognises that harmonisation between the CFSP and development cooperation³⁷ is required in order to achieve comprehensive policy orientations across the first and second pillars.

Conflicts: new provisions in the ACP-EU Agreement

For the first time, the link between development issues and conflict prevention, management and resolution is now anchored in the Cotonou Agreement. More specifically, Article 11 of the Cotonou Agreement sets out a new legal framework and a mandate for the Commission and the Member States to tackle the challenges emanating from crisis-affected countries. It reflects the increasing relevance of the conflict issue to Europe, the proliferation of conflicts in Africa,³⁸ and the intensification of international debates on the use of development instruments for peace-building and conflict prevention.

The essential idea of the Agreement is to use regional, sub-regional and national capacities to attack the root causes of conflict. There are also plans to contain existing conflicts so as to prevent their escalation. The agreement also makes provision for linking emergency measures, rehabilitation and cooperation on the ground. The prevention of conflicts is addressed through a range of positive and supportive measures, namely strengthening democratic legitimacy and governance effectiveness, fostering equal opportunities among all segments of society, contributing to the attenuation of group divisions, and supporting the emergence and consolidation of an active civil society.

In situations of violent conflict, the Agreement recommends measures for avoiding the escalation and spreading of violence, as well as the facilitation of a peaceful settlement, and support for mediation, negotiation and reconciliation efforts. The Agreement also takes account of certain parallel issues that play a fundamental role in the causes and intensification of conflicts, such as defence spending, the arms trade and the diversion of development funds for belligerent purposes.

³⁷ For example, following the escalation of the Congo crisis in 1998, the Commission announced a review of cooperation with countries at war, in order to avoid the misuse of funds for belligerent purposes. This justifies the existence of enhanced control mechanisms for the use of Community funds, such as payment in instalments and periodic evaluations.

³⁸ Many ACP states are involved in situations of crisis, social tension, conflict or post-conflict that constitute a major obstacle to an effective implementation of development cooperation. In view of the strong historical, political and economic ties between the EU and the ACP countries, the EU has a responsibility to help these countries find peaceful solutions and create a propitious political and social climate for preventing conflicts.

The Europe-Africa Summit

During the Europe-Africa Summit, held in Cairo in April 2000, the EU enhanced the status of Africa in the European political agenda. A Declaration and a Plan of Action recognised that peace, security, stability and justice are essential prerequisites for socio-economic development. Accordingly, it was decided that there was a need to strengthen the international capacity for early response and the ability of regional and international organisations to take immediate action to prevent further conflicts.³⁹ The two parties also decided to work together in issues like disarmament, demobilisation and reintegration in post-conflict situations; terrorism; small arms and light weapons, land mines and the non-proliferation of nuclear weapons.

Coordination of development policy in the framework of the CFSP

European development cooperation has recently become more closely linked to the EU's foreign policy. At their meeting ('Gymnich') in Evian in September 2000, European foreign ministers recognised the importance of EU development cooperation in improving the coordination, coherence and complementarity of the EU's external actions. In October 2000, the General Affairs Council⁴⁰ focused on the effectiveness of EU aid and decided to hold annual policy debates at the beginning of each year to identify priorities in the EC's external assistance. The first orientation debate on foreign policy priorities took place in January 2001.

Traditionally, the Council of Development Ministers (known as the 'Development Council') has been the privileged forum for discussing the EU's development policy. The current political debate on the EU's development policy among foreign ministers therefore appears to reflect the new tendency of linking development more closely with foreign (and trade) policies.

The new trend of linking development and the CFSP may be understood in the context of the reform of the EC's external assistance.⁴¹ The reform process aims to restore the political legitimacy and credibility of the EU both as a donor and a 'global player'. The reform is ambitious, as it seeks to improve the relevance and efficiency of cooperation relations between the EU and the developing countries. The improvement of management performance and the quality of aid is intended to achieve a better development impact on partner countries. The reform plan proposes to decentralise the system of managing EU aid by expanding the financial, technical and even political (i.e. in terms of policy dialogue and complementarity) autonomy of EU delegations.

Recently, the Commissioner for external relations (RELEX), Chris Patten, highlighted the need for speeding up disbursement procedures for external assistance as part of the overall reform of the Commission. Commissioner Poul Nielson, who is in charge of development policy and humanitarian aid, has also issued a number of statements on improving the effectiveness of the EC's external assistance. In May 2000, the Commission presented an overall development policy statement, setting 'poverty reduction' as the main objective of the EU's development policy in all regions. Finally, the Development Council held in November 2000 adopted an overall development policy statement and an action plan for EU policies in all developing countries (not only in relation to the ACP countries).

³⁹ Such as the Mechanism for Conflict Prevention, Management and Resolution recently created in the framework of the OAU.

⁴⁰ European foreign ministers meet on a monthly basis to discuss issues that have a bearing on the EU's external relations.

⁴¹ The reform of the EU's external assistance is part of the overall plan for reforming the management of the European Commission. See Bossuyt et al., 2000, for more detailed information.

Member States' foreign policy interests and development cooperation

Whilst development cooperation forms part of the Member States' foreign policy strategies and commercial interests, there are considerable differences in the political importance each Member State attaches to development cooperation, in the sectoral and geographical allocation of aid and in disbursement conditions. National foreign policies remain strong and reaching a consensus remains difficult, in particular in situations of crisis that require rapid responses. Identifying shared interests and reconciling different national foreign policy traditions is a challenge. The success of a coherent EU foreign policy depends largely on whether the Member States are prepared to show sufficient political will and on whether policy can be coordinated effectively at a European level.

A Capabilities Commitment Conference was held in November 2000 to discuss the headline goals for civilian and military crisis management established by the Helsinki European Council in December 1999.⁴² The Member States confirmed their commitment to boost European crisis-management capabilities and identified areas in which efforts could be made to upgrade existing assets. The commitments made for attaining the headline goal⁴³ by 2003 are set out in the 'Force Catalogue'. Specific evaluation mechanisms were set up for monitoring the implementation of voluntary commitments.

The following chapters explore three types of instruments (i.e. political instruments, military and civilian crisis management and humanitarian aid) that contribute to the EU's political response to crisis-affected countries.

⁴² See the Military Capabilities Commitment Declaration.

⁴³ The headline goal, to be attained by 2003, is for a force of 50,000-60,000 personnel to be capable of being deployed within 60 days and subsequently sustained for at least a year.

Political Instruments

Political, security and development (including poverty reduction) and humanitarian relations should be considered on an integrated basis. The CFSP paves the way for joint political engagement, allowing the EU to become involved in preventive and proactive approaches, including diplomatic dialogue, the use of sanctions, peacekeeping and preventive deployment. The political and economic nature of EU action highlights the importance of Community policies as instruments of *conflict prevention*⁴⁴. Appropriate economic aid may contribute to desired political outcomes. However, military and political forms of aid may need to be introduced in order to better address the causes of conflict, especially through an effective *political dialogue*, in the framework of the new ACP-EU Agreement and the available CFSP instruments.

Provisions of the Cotonou Agreement

The reinforced political dimension of the new ACP-EU Agreement⁴⁵ contains a number of important innovations:

- The substance of regular *political dialogue* is to be reinforced so as to avoid consultations eventually leading the suspension of cooperation.⁴⁶ Political dialogue should focus on the fundamental objectives of the agreement, the cooperation strategies and sectorial policies, general issues of mutual interest, conflict prevention, management and resolution, and migration. The dialogue should be more flexible and involve actors at different levels of cooperation.
- The adoption of ‘*good governance*’ as a fundamental element,⁴⁷ in addition to the essential elements defined in the IV Lomé Convention (i.e. respect for human rights, democracy and the rule of law), signed in 1990. Serious cases of corruption are to be submitted to a sanction mechanism.

Respect for human rights, democracy and the rule of law, together with good governance, lie at the core of the political dialogue. They will be actively encouraged by the EU through positive incentives and coercive mechanisms of suspension. Countries that have recorded good results in implementing democratic institutional reforms will be strongly supported. These results are to be based on periodic performance assessments. The Cotonou Agreement includes consultation and sanction mechanisms leading to the possible suspension of development aid for any persistent breach of the essential and fundamental elements.

⁴⁴ See the report on conflict prevention presented by the High Representative for CFSP to the Nice European Council in December 2000.

⁴⁵ The provisions for the suspension of cooperation on political grounds (known as ‘political conditionality’) in ACP-EU relations have altered over the years: although the first instance in which aid was suspended, i.e. Idi Amin’s Uganda in the 1970s, was exceptional, the invocation of political conditionality has become more commonplace since the 1990s. As there was no legal basis for sanctions before the revision of the Lomé IV in 1995, a *clear procedural distinction* should be made between the periods before and after 1995. Where aid has been suspended, this has mainly involved technical and financial cooperation, while trade arrangements, humanitarian assistance and support for NGOs have continued. Despite the absence of a legal basis, aid to the following countries was suspended before 1996: Sudan in 1990, Equatorial Guinea in 1992, Togo in 1992, Gambia in 1994, Zaire in 1992, Nigeria in 1995, Rwanda in 1995, Malawi in 1992 and Haiti between 1991 and 1994.

⁴⁶ The suspension mechanism is set out in Article 96 (previously Article 366b).

⁴⁷ Article 9 of the agreement (previously article 5).

Positive instruments

Conflict prevention

The Nice European Council in December 2000 focused on the importance of conflict prevention⁴⁸ as a priority area of the CFSP. The High Representative for the CFSP made the following suggestions for improving EU action in this area:

- the General Affairs Council should define the priority areas for conflict prevention in its annual orientation debates;
- the Political and Security Committee should become a focal point for conflict prevention;
- various Council working groups should hold informal discussions on conflict prevention with partner organisations;
- the current financial regulations and strategies for conflict regions should be reviewed;
- coordination of the Community instruments and existing sources of information should be improved;
- cooperation with the United Nations, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe should be extended.

The High Representative also stressed the close link between conflict prevention and relief, rehabilitation and development.

Support for political transition

The volume of Community resources that are available for supporting human rights and democracy have grown dramatically in recent years.⁴⁹ Human rights field missions and election missions are both important tools in this area.⁵⁰ Although the EU's election missions, both those conducted under the auspices of the CFSP and those conducted within a Community context, have grown in frequency in recent years, there is a need for a more coherent strategy on election monitoring and assistance.⁵¹

Currently, the lack of effective coordination⁵² and the opaqueness of EU election involvement in non-

⁴⁸ See the report on conflict prevention presented by the High Representative for CFSP to the Nice European Council in December 2000.

⁴⁹ See the Commission Communication of March 1996, the Council Conclusions, and the Common Position on human rights, democratic principles, the rule of law and good governance in Africa adopted in May 1998.

⁵⁰ Regulations 975/99 and 976/99 provide the legal basis for Community activities in the areas of election monitoring and human rights missions.

⁵¹ Although the Council adopted a set of guidelines for EU policy on electoral observation in June 1998, followed by guidelines on common criteria for the selection of electoral observers in June 1999, many issues still need to be addressed.

⁵² Although the geographical desks manage the planning and implementation of election operations, a single Elections Desk within the Commission could concentrate all the information, coordinate all requests for EU electoral involvement, ensure the coherence of EU actions and facilitate the implementation process. A calendar of upcoming elections could be drawn up by the Elections Desk in consultation with the CFSP High Representative's Policy Unit, the Commission, the Council (in the form of COHOM and geographic working groups), the Member States' management committees (i.e. Human Rights Committees) and the European Parliament. As the EU's elected parliamentary body, the European Parliament could play a particularly important role in electoral monitoring and in the joint planning of missions from an early stage. The establishment of an interinstitutional agreement could help to improve coordination.

member countries, the multiplicity of legal frameworks and budget lines⁵³, and the complexity of EU procedures make it difficult to take decisions and implement election assistance in good time. Decision-making could be simplified by improving the system of annual planning, including reserves within the budget lines, establishing framework contracts with specialist partners, using emergency procedures in Regulations in cases of unforeseen needs, and, where appropriate, using the Rapid Reaction Mechanism for election purposes.

Diplomatic instruments, political dialogue and political assistance

Box 6: Diplomatic instruments

The EU has developed various diplomatic instruments as part of the CFSP:

- A *declaration*, which is the most commonly used CFSP instrument, states the EU's position in relation to current political events in non-EU countries. However, much of its effect is lost because it is rarely followed up with any stronger measures.
- A *special envoy*, as an EU representative, can play a crucial role in coordinating EU actions in given regions. Individuals selected as special envoys are generally people of exceptional ability, and they work in close contact with the High Representative and the Council.
- A *démarche* is a form of political dialogue with non-EU countries, in which the EU outlines its concerns in a confidential manner and asks for action to be taken, generally by formal representation by a Head of Delegation. A *démarche* may be made public to enhance its effectiveness. Other forms of diplomatic activity include mediation or negotiation missions, support for fact-finding, and the encouragement of parliamentary dialogue.
- *Regular political dialogue* with non-EU states covers a wide range of topics⁵⁴ and includes a mixture of EU, Member State and Commission competencies. Although the Commission manages the aid programmes, the Council decides upon any conditionality.⁵⁵
- *Political assistance* may take several forms. An alternative to suspending development aid in crisis situations is to redirect aid funds towards more political forms of aid. The civilian crisis-management provisions aim to improve the rule of law through the provision of support to legal and penal systems and to the civil administration⁵⁶ in fragile countries.

⁵³ Following the entry into force of Council Regulations 975/99 and 976/99, future EU election assistance and observation will be undertaken exclusively under the first pillar, on the basis of Commission proposals. Actions in specific countries are funded mainly under cooperation instruments (such as the Cotonou Agreement). Thematic actions (such as training, media and civic education) are funded under Chapter B7-70 (which is intended primarily to support NGOs and international organisations). Additional funding may be provided by the Member States.

⁵⁴ Such as conflict prevention, security, good governance, corruption, immigration, human rights, democracy, the rule of law, and sometimes military expenditure and security sector reform.

⁵⁵ It is often assumed that dialogue is in fact a one-way conversation, with the EU raising concerns on, for example, human rights, corruption and military expenditure. However, it is worth bearing in mind that developing countries may have concerns mirroring those of the EU Member States, such as racism, treatment of immigrants, bribery by EU companies and a lack of control over arms exports.

⁵⁶ See Rapport de la présidence française sur la politique européenne de la sécurité et de défense, Nice Council, December 2000.

Negative instruments

The EU has developed a variety of sanctions and restrictive measures, ranging from restrictions on visits and diplomatic contacts, through the suspension of aid and trade privileges, to fully-fledged sanctions, embargoes, transport blockades and the freezing of financial assets and transactions. CFSP sanctions are adopted on the basis of common positions or joint actions. However, the broadest possible backing should be secured for any sanctions taken (for instance, from the UN Security Council) in order to underpin their legitimacy and effectiveness. The mechanism for suspending aid that is laid down in the Cotonou Agreement should be linked to a process of political negotiation, and to a careful assessment of the given conflict situation.

Key issues

The use of political instruments raises the following key issues:

- *Challenge of parallel diplomatic initiatives.* Several initiatives have been designed to strengthen African national and regional capacity for dealing with violent conflicts. The Africa-Europe summit also addressed conflict issues. Last but by no means least, it is important to take account of Member States' bilateral policies towards politically fragile countries in Africa.
- *Flexible and innovative use of conditionalities and sanction measures.* The freezing or suspension of aid is a measure *in extremis*, to apply only if all other instruments have been exhausted. The suspension of aid is probably not the most effective way of dealing with crises. The definition of suitable instruments requires a case-by-case analysis. Moreover, the suspension of aid to government institutions does not staunch the flow of aid via non-governmental organisations, nor humanitarian relief or aid destined for basic social sectors or reconstruction. The flexibility of the EU response could be improved in order to enable it to react appropriately to practical developments on the ground. The EU faces the challenge of designing innovative modalities and new forms of cooperation with politically fragile states. It has been widely recognised that there are situations in which the suspension of aid (which the Agreement specifies is a measure to be taken only as a last resort) may not be justified. Unfortunately, innovative cooperation methods may not be compatible with the system of performance-based assessments introduced under the Cotonou Agreement.
- *Integrated support for peace negotiations and political transitions.* The EU could make a more coordinated use of the available policy instruments in order to persuade belligerents involved in a conflict to seek a negotiated solution. The EU has the capacity for supporting dialogue, negotiations and peacekeeping initiatives, through CFSP instruments and Community measures (i.e. financial support and technical assistance for mediation). The framework for mediation and negotiation should be adapted to the specific circumstances. Special attention could be paid to the 'inclusiveness' of the peace process, by ensuring that all stakeholders are included in the process. Special Envoys have an important role to play before and during negotiations, particularly in helping to harmonise divergent positions adopted by EU Member States and in developing EU strategies. During and after negotiations, the EU could play an important role by supporting various forms of political transition (i.e. technical assistance for constitutional reform, electoral assistance and monitoring) and by undertaking post-conflict activities of a social or economic nature (i.e. reconciliation initiatives, demobilisation, reintegration of refugees and rehabilitation).

Military Instruments

The EU's military crisis management capacity has been created for the purpose of contributing to the objectives of 'European security', and furthering 'European values' (i.e. democracy, the rule of law, and the upholding of human rights), in accordance with the principles of the United Nations Charter. The enlargement of the EU, and the effects of instability in the regions neighbouring the EU have turned the issue of security in the Mediterranean and Eastern Europe into a legitimate concern for the EU. By contrast, Europeans do not feel directly threatened by conflicts in the ACP countries and no real argument for military intervention in Africa can be made on this ground. Despite the recent media attention paid to the creation of the EU's military crisis management capacities, the potential for an EU military response to crisis situations remains limited, and other economic, political and humanitarian instruments remain the strongest areas of EU action.

The relationship between the EU and the Western European Union (WEU) has been crucial in military terms. The Petersberg tasks, combining humanitarian and rescue tasks, peacekeeping and crisis management, were first developed in the framework of the WEU and have recently been integrated with the EU. Cooperation with the North Atlantic Treaty Organisation (NATO) is crucial to European operational capacities. Similarly, the United Nations (UN) remains an important channel for EU cooperation. Most institutions, which were initially created for the purpose of military defence, have diversified their instruments even to encompass the humanitarian field. In this context, it is important to see what capacity is available to the EU for managing humanitarian interventions beyond European security defence commitments, and to what extent the EU has the political will and institutional capacities to intervene in crisis situations.

Decision-making

The Political and Security Committee (COPS) plays a key role in the military field. It is assisted by the European Union Military Committee (EUMC), whose role is to provide military advice, and the European Union Military Staff (MS) that is in charge of operations. The Planning Cell, Satellite Centre, and the Institute for Strategic Studies, inherited from the WEU, are due to become 'agencies' in the service of European Defence capacity.

The Petersberg tasks

Cooperation between the European Community and the Western European Union (WEU) was first formally declared in 1984. The Petersberg tasks⁵⁷ and the WEU's operational capacity have been incorporated into the EU with the aim of achieving: 'an autonomous capacity...to launch and conduct EU-led military operations in response to international crises in support of the CFSP'.⁵⁸ Under the Treaty of Amsterdam, the WEU was made an integral part of the EU, a decision that was finally formalised by the European defence ministers in Marseille in October 2000.

The EU has pledged to attain by the year 2003 the military 'Headline Goal' set by the Helsinki Council in December 1999. This includes the deployment of a force of 50,000-60,000 personnel within 60 days that is capable of being sustained for at least a year.⁵⁹ The Member States decided to

⁵⁷ See Annex 2.

⁵⁸ Presidency Conclusions, Helsinki European Council, 10-11 December 1999.

⁵⁹ See the Military Capabilities Commitment Declaration.

develop collective capability goals, particularly in the fields of command and control, intelligence and strategic transport⁶⁰. The Military Capabilities Commitment conference was held in November 2000. The contributions set out in the 'Force Catalogue' constitute a pool of more than 100,000 personnel and approximately 400 combat aircraft and 100 vessels, to be able to carry out a full range of Petersberg tasks. The Member States have also contributed to the development of command, control, strategic intelligence and communications capabilities. The EU military staff bolsters the EU's collective early-warning capacity and provides situation assessments and strategic planning capability. The principles and framework for the evaluation mechanism were agreed by the Nice European Council in December 2000 as a means of following up the commitments. The implementation of the Petersberg tasks will require coordination between existing civilian and future military instruments. In fact, many operations frequently combine the two at different operational stages.

Cooperation with NATO

Box 7: Cooperation with NATO

NATO will remain the prime European security institution for the foreseeable future.⁶¹ Consequently, the setting up of European headline goal force raises the question of access to NATO assets,⁶² together with the role of a potentially independent operational capability. NATO remains the choice for larger military engagements, while the EU headline goal force could engage in smaller, more civilian-oriented actions, including civilian crisis-management actions. The Nice European Council in December 2000 established permanent arrangements for consultation and cooperation between NATO and the EU. Also, a Working Group on Capabilities was instituted, consisting of representatives from both NATO and the EU, so as to ensure the coherent development of capabilities.

NATO has no role to play in terms of intervening in politically fragile ACP states.⁶³ The political environment in fragile states requires adapted operations, using smaller and more mobile forces, sustainable for longer periods than in previous conflict scenarios, and with a higher degree of multi-national cooperation.

At the end of the Cold War, NATO created a Partnership for Peace (PfP) arrangement, which all NATO members joined.⁶⁴ Operations are not subject to any common defence obligation or geographical limitation. These are objectives and operations to which all non-aligned EU countries have subscribed. There are certain elements of potential duplication between the Petersberg tasks and PfP operations. For this reason, a clearer division of responsibilities is crucial for the future coherence of European approaches to crisis situations.

⁶⁰ Certain Member States have decided to develop and coordinate monitoring and early-warning military instruments, to open existing national headquarters to officers from other Member States, to reinforce the rapid reaction capabilities of existing European multinational forces, to prepare the establishment of a European air transport command, to increase the number of readily deployable troops and to enhance strategic sea-lift capacity.

⁶¹ The principles underlying cooperation between NATO and the EU were set out in the Washington communiqué in April 1999.

⁶² In December 2000, Turkey, a NATO member, expressed reluctance to allow the EU access to NATO assets.

⁶³ NATO is forbidden under its constitution from undertaking interventions in Africa. In the 1950s, a provision was introduced to geographically limit NATO's zone of operation to the region north of the Tropic of Cancer. This was designed to protect the US from becoming involved in colonial conflicts with European powers. It also prevented NATO from becoming involved in the Gulf War in 1991.

⁶⁴ The signatories to the PfP Framework Document commit themselves to the 'protection and promotion of fundamental freedoms and human rights, and safeguarding freedom, justice and peace through democracy' (Art. 2). These fundamental freedoms are defined as guaranteeing democratic control of defence forces and cooperating 'to strengthen their ability to undertake missions in the fields of peacekeeping, search and rescue, humanitarian objectives, [and others as may be subsequently agreed]' (Art 3.d).

Cooperation with the UN

Box 8: Cooperation with the UN

Both military assistance and military interventions are often managed under the auspices of the UN and justified on the grounds of self-defence, and under treaty obligations. The Nice European Council in December 2000 called for improved cooperation with the UN, and supported the proposals made by the UN Secretary-General in his UN Millennium report and the Brahimi report.⁶⁵

UN interventions may be authorised by the UN Security Council under Chapter VII of the UN Charter.⁶⁶ Individual EU Member States have both provided military assistance and conducted military interventions. It remains to be seen whether the future EU Headline Goal force will provide a suitable mechanism for the Member States to fulfil the obligation imposed on all members of the UN to 'make available to the Security Council...armed forces, assistance and facilities necessary for the purpose of maintaining international peace and security'.⁶⁷ It is also important to determine how the EU could best interface with the UN as a regional organisation in UN-mandated operations.⁶⁸

Instruments

Security sector reform and arms limitation

The CFSP commitment to the security sector reform⁶⁹ and arms limitation⁷⁰ measures is clear. The world's poorest countries are the most prone to conflict. Also, it can be argued that a lack of security is a major obstacle to development and a major cause of conflict.

Bearing in mind the heritage of military assistance based on Cold War alliances and on ex-colonial strategic and commercial objectives, it is not surprising that Member States remain the predominate

⁶⁵ See the report on conflict prevention submitted by the High Representative for the CFSP to the Nice Council in December 2000.

⁶⁶ Chapter VII includes international conflicts, as well as domestic conflicts with destabilising consequences on the region (i.e. conflicts in border regions, influx of refugees, cross-border insurrection etc.). However, serious violations of human rights and crimes against humanity that do not present a threat to international peace and security do not have the same status under the UN Charter. Intervention in these cases is covered by international case law, practice, and the position of the United Nations as the primary voice of the international community.

⁶⁷ See Article 43, UN Charter.

⁶⁸ The UN Charter makes two relevant provisions relating to regional organisations in Chapter VIII. Regional organisations should try to resolve local disputes peacefully before referring them to the Security Council (Art 52), and the Security Council can authorise and utilise regional arrangements for enforcement action (Art 53). The enforcement action should be managed by the regional organisation local to the conflict area. There are immediate difficulties both with these provisions and with the resulting implication. Firstly, interventions by regional organisations local to a conflict risk being perceived by as having a self-interest in the conflict. Secondly, the delegation of enforcement actions to a regional organisation creates coordination problems caused by differing command structures, mandates and institutional cultures. Although it would appear preferable for a region to resolve its own problems, it is not strictly necessary for a regional arrangement to be local to a conflict. This would potentially open up the possibility for the Headline Force to either participate under a UN-controlled enforcement action, or to support regional organisations in conflict areas.

⁶⁹ Security sector reform requires a reduction in the scope of military activities and military expenditures in the budget. It also requires support and assistance in the adoption of laws on ownership, sale of arms and criminal sanctions for illegal ownership, establishment of national inventories, monitoring, regulation of storage (legal arms are a major source of illegal arms), databases, etc.

⁷⁰ In Africa, the international community has paid special attention to the traffic in small arms.

actors in the field of military assistance. However, the Member States' assistance, while being of high standard, is inconsistent and uncoordinated. In the area of arms limitation,⁷¹ there are duplications between instruments and a lack of division of responsibilities between the Council, the Member States and the Commission. The Commission avoids interventions in the areas of arms reduction and demilitarisation, and Member States (with some notable exceptions⁷²) tend to limit their assistance to military training.

In this context, the EU could play a stronger role in supporting the security sector reforms. Security sector reform, perhaps uniquely, could be a valuable instrument in the immediate post-conflict and development contexts. The Commission and Member States would be advised to incorporate preventive arms limitation measures into development programming.⁷³ For example, demilitarisation programmes could be funded from the EDF, in parallel to peace negotiations.

Despite the benefits of security sector assistance, it often remains difficult to persuade many governments (whose own 'security' – and perhaps even continued existence – may depend on the military) to reduce military expenditure. Political conditionality may 'encourage' reform, particularly if tied to other forms of aid, but effective assistance requires a clear commitment to security sector reform.

Arms exports

The EU Code of Conduct on Arms Exports,⁷⁴ adopted in 1997, is the primary EU instrument for arms exports. There are a number of areas where there is room for improvement. First, the sharing of information needs to be extended beyond a notification of refusals to include a central repository monitoring arms exports to all politically fragile states. Second, there are discrepancies in Member States' arms export documentation, and national lists of arms, and dual-purpose goods, which require export licenses.

The arms monitoring and conflict-prevention mechanisms operated by the regional organisations⁷⁵ and measures on the regional reduction of small arms accumulations could receive sustained support from EDF funds. Member States could provide the military assistance and technical support for the training of border guards and regional points for controlling, monitoring and reporting on illicit trafficking, areas in which they are competent. In addition, the training of military and police forces by Member States could be better coordinated with measures taken under the Commission's and Member States' development programmes to provide a legal and technical framework with which to control arms and address corruption.

⁷¹ The current EU position is articulated in the EU Code of Conduct on Arms Exports (adopted on 26 June 1997), the Joint Action on combating the destabilising accumulation and spread of small arms and light weapons (adopted on 17 December 1998), the EU Programme for preventing and combating illicit trafficking in conventional arms (adopted by the GAC on 26 June 1997), and the Council Resolution on Small Arms (adopted on 21 May 1999).

⁷² Notably the UK Department for International Development's Security Sector Reform in the development context, and the French RECAMP programme of logistical support.

⁷³ Community-based programmes to reverse the culture of violence through public education and awareness, and to educate citizens on the dangers of small arms as identified in the Joint Action on Small Arms and Council Resolution of 21 May 1999 are candidates for inclusion within the development sector. This is also true of demobilisation programmes outside the post-conflict phase (where the EU's Petersberg capacity could be used in a peace-making capacity).

⁷⁴ The EU Code of Conduct lists eight criteria which Member States agree to use when granting an export license. If a request contravenes the criteria, the Member State concerned must refuse the license request and notify the other Member States that the request has been refused. If another Member State subsequently receives a request for an export license for 'an essentially identical transaction', it is free to issue it, but is required to explain to the Member State who refused the license why its own assessment of the request led to a different conclusion. The Code also imposes a duty on all EU countries to submit annual reports on arms exports.

⁷⁵ Such as the OAU Mechanism for Conflict Prevention, Management and Resolution, SADC's Organ for Politics, Defence and Security, and the ECOWAS Mediation and Security Council.

Key issues

The use of military instruments raises the following key issues:

- *Special support for regional organisations.* Support for regional organisations' peace-building capacities could go beyond training activities. The major problem for regional peacekeeping in politically fragile countries is the lack of basic transport and communication equipment.⁷⁶ The EU could establish military contacts with regional organisations with a view to developing region-to-region military assistance. This would complement the Commission's assistance to the setting-up of regional conflict-prevention mechanisms and help coordinate Member States' military assistance. Most importantly, it would facilitate military cooperation in the event of future intervention.
- *Coherence between arms reduction and arms export measures.* The EU has prioritised the reduction of arms accumulations in its CFSP instruments. However, requesting politically fragile countries to reduce arms accumulations while allowing them to import arms from the EU undermines the coherence of the CFSP. Similarly, the suspension of community aid can only be effective if EU Member States take similar actions with regard to their bilateral aid. There are many cases in which Member States' bilateral policies or the actions of companies based in Member States have undermined the effect of CFSP instruments on the ground.
- *Reinforced cooperation with the UN.* The EU Petersberg capacity has close ties with the UN. The EU generally prefers to be mandated by the UN, while keeping operational and political control of military operations. Interventions in politically fragile countries in Africa are likely to be suited to UN-controlled operations, particularly in the event of the coordination of regional capacities.

⁷⁶ The success of France's RECAMP programme which established depots of pre-positioned equipment demonstrates the positive effect this can have without causing any risk to EU personnel.

Civilian Crisis Management and Humanitarian Aid

The European Union and the Member States have considerable experience in civilian policing, humanitarian assistance, and electoral and human rights monitoring. The Helsinki European Council held in December 1999 decided to develop a more *comprehensive approach to crisis management*, including the ability to provide full range of instruments – economic and technical assistance, civilian police and institution-building tools, trade incentives or sanctions – to force conflicting parties into a negotiated settlement and to rebuild economic, social and political structures. The EU could potentially play a unique role across the full range of humanitarian and peacekeeping tasks.

Civilian crisis management

Existing civilian and future military aspects of crisis management are linked, and will require coordination. The Petersberg tasks,⁷⁷ including humanitarian and rescue tasks, peacekeeping and crisis management, constitute the core of civilian crisis management.

Decision-making

The Political and Security Committee and a Committee for Civilian Aspects of Crisis Management prepare the Council decisions in the field of civilian crisis management. Their work on the civilian aspects of crisis management concentrates on identifying priority areas of action and specific targets for civilian police capabilities and for support in upholding the rule of law.

The Council Secretariat has set up a preliminary database on Member States' civil police capabilities in order to maintain and share information, propose capabilities initiatives and facilitate the definition of concrete targets for EU Member States' collective non-military response. The coordinating mechanisms are linked to the Situation Centre/Crisis Cell established by the High Representative for the CFSP. There is also a specific 'Crisis management unit' or 'crisis centre' at DG RELEX.

Instruments for civilian crisis management

Box 9: Community instruments

A wide range of Community instruments from all three pillars contribute to efforts in the field of civilian crisis management.

- Humanitarian assistance
- Emergency and rescue services, and border controls
- Police deployment and training
- Mine clearance and demining
- Arms control and destruction, the fight against illicit traffic and terrorism
- Post-conflict rehabilitation and reconstruction
- Support for human rights and democracy, election monitoring

The idea in relation to non-military crisis response tools is to bring together and develop national and European capabilities, and to establish mechanisms for rapid coordination and deployment. The inventory of Member States' instruments is a crucial part of the coordination of efforts.

⁷⁷ See Annex 2.

Goals and priority areas of action

Enhancing the EU's capabilities to react and meet the requests of other lead organisations⁷⁸ in the civilian aspects of crisis management⁷⁹ is considered to be essential if the EU is to address complex political crises, prevent the eruption or escalation of conflicts, consolidate peace and stability in transitional periods or post-conflict situations, and ensure complementarity between military and civilian aspects. The priorities defined are based, on the one hand, on areas in which the EU has considerable experience and resources (used in development cooperation) and, on the other hand, on areas in which an increased and coordinated effort by the EU and the Member States could be effective in achieving a rapid reaction. The priorities include:

- *Police capabilities.* The Feira European Council in June 2000 adopted a target of 5,000 civilian police officers for deployment in crisis situations by 2003. It also decided to enhance the rapid deployment capability by identifying and deploying, within 30 days, up to 1,000 police officers when needed. The goal was confirmed by the Nice European Council in December 2000. The police database established at the Council Secretariat as part of the Coordinating Mechanism has an important role to play in the exchange of information.
- Strengthening *the rule of law* through the re-establishment of a judicial and penal system. A seminar on the rule of law was organised in October 2000.
- Strengthening the *civilian administration*.
- Improving the coordination of the EU response in terms of *civil protection* (including search and disaster relief operations).

The Committee for Civilian Aspects of Crisis Management works to identify national capabilities with a view to meeting joint targets.

Funding: Rapid-Reaction Mechanism (RRM)

In April 2000, EU Commissioner Chris Patten proposed setting up a new fund known as the 'Rapid-Reaction Mechanism' (RRM), to be managed by DG RELEX, in order to improve the EU's emergency response to situations such as those in Bosnia and Kosovo, where traditional aid instruments cannot be used because of conflict or war and to speed up the delivery of external assistance in emergency situations. This proposal was part of the Commission's efforts to improve the coordination of foreign policy initiatives between the Commission and the Member States. However, the Member States were reluctant to approve the proposal as it appeared to give the Commission unilateral authority to launch operations below a certain threshold in emergency situations. They also questioned the size of the facility and argued that the Commission already had the authority to launch many of the measures, which would be covered by the fund, insisting that its scope should be limited so as to retain the inter-institutional balance of power in the field of crisis management. The Member States adopted the revised plan for RRM in February 2001.

Key issues

The use of instruments for civilian crisis management raises the following key issues:

- *Strategic balance between military and civilian crisis-management tools.* The development of European crisis management structures has proceeded at a very rapid pace since the Helsinki European Council in December 1999. Two consecutive presidencies (i.e. Portugal and France)

⁷⁸ Other lead organisations include the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE).

⁷⁹ Appendix 3, Conclusions of Santa Maria da Feira European Council, June 2000.

have made progress in preparing permanent structures, on which a decision was finally taken at the Nice Council in December 2000. The Swedish presidency in 2001 will probably play a leading role in advancing operational capacities in the civilian area.⁸⁰

- *Operational coordination across institutional competencies.* Civilian crisis management, involving police cooperation and the upholding of the rule of law as the main fields of action, combined with the use of humanitarian aid and other emergency response tools, faces the challenge of interinstitutional dynamics and, in particular, the problem of achieving coherence among the various fields of Community competence (the third pillar, embracing humanitarian aid, rescue operations, etc.), CFSP (the second pillar) and, finally, justice and home affairs (the third pillar, covering police and rule-of-law issues). These are areas in which the Commission is already engaged, but there is not enough effective coordination with national capabilities. Coordination between DG RELEX, DG Development and ECHO is also crucial in this respect.
- *Lack of speedy operational presence: complex decision-making and financial procedures.* The lack of a speedy operational presence in emergency situations has so far undermined the credibility of EU action in emergency situations. Despite the availability of a wide range of tools, the system of interinstitutional decision-making is too cumbersome for crisis situations and the budgetary procedures are too inflexible. The Commission has attempted to address this issue by proposing the establishment of a RRF.
- *Need for international cooperation.* It is unlikely that the EU will initiate major crisis-management operations in the near future, particularly in Africa. Therefore, close cooperation with the UN Department of Peacekeeping Operations (UN/DPKO), the operational structures of the OSCE (REACT Task Force), the Council of Europe and Member States' contact points is crucial in order to avoid duplication and ensure that all efforts made are both compatible and mutually reinforcing.

Humanitarian aid

The EU is one of the biggest providers of humanitarian aid. Such aid is crucial in the context of unexpected natural disasters, complex emergencies and 'man-made' disasters. The EU aims to develop an integrated approach, ranging from emergency to reconstruction. Many recent events, such as the Mozambique flood crisis in the spring of 2000, have underlined the importance of coordination and the adapted and coherent use of different emergency-response tools.

The European Community's Humanitarian Office (ECHO) was set up in 1992 to deal with the EC humanitarian assistance. The legal basis for ECHO's actions is provided by a regulation adopted by the Council in 1996.⁸¹ ECHO manages a specific budget line and there is a provision for humanitarian aid in the Cotonou Agreement. More than 85 percent of humanitarian projects⁸² are conducted in partnership with specialised bodies such as non-governmental organisations (NGOs) and international relief organisations such as the Red Cross family or UN agencies. Although ECHO has expressed a

⁸⁰ The Swedish and Finnish foreign ministers showed a keen interest in civilian crisis management in the spring of 2000. Neither country is a member of NATO.

⁸¹ Council Regulation (EC) No 1257/96.

⁸² Among the principal beneficiaries of ECHO aid are the people of former Yugoslavia, Rwanda, Burundi, Sudan, Central America, Angola, Haiti, the Caucasus (Armenia, Azerbaijan and Georgia), Afghanistan and Cuba.

willingness to stick to a strictly humanitarian mandate,⁸³ many of its interventions have highlighted the problem of the ‘grey zone’ between relief and development.

Decision-making and coordination structures

A Humanitarian Aid Committee (HAC) composed of representatives of the Member States and the European Commission⁸⁴ was set up in 1996 to boost cooperation and the exchange of information between ECHO and the Member States. It is the first EU body to be made exclusively responsible for humanitarian aid issues.

If the scale and complexity of a crisis means that humanitarian aid will be needed over a long period, ECHO drafts a ‘global plan’ to cover the situation. It defines an overall framework of strategic action for a country or region. Coordination with Member States’ programmes and with those of other donors and agencies is important in this planning process. Global plans are submitted to Member States’ representatives on the Humanitarian Aid Committee for their examination and approval. ECHO also has a network of experts in operational areas. They supervise programmes conducted by ECHO partners. Their main task is to report on the progress of these projects and, where necessary, to help devise local strategies.

Coordination in the field has been improved through the exchanges of information among the humanitarian agencies, Commission delegations and national embassies. The Commission has also introduced a ‘14-point telex’ system for systematic transmission of information on humanitarian situations. Nevertheless, information sharing still remains inadequate for truly efficient action. The High Representative for the CFSP⁸⁵ has recommended strengthening the Electronic Bulletin Board (EBB) system that was created in 1999 to improve crisis coordination between institutions.

To improve the transition from emergency relief to long-term aid, ECHO takes part in task forces in close cooperation with other directorates at the European Commission (e.g. DG Development, DG RELEX, SCR). There are inter-service task forces (for example, on Liberia, Angola and Haiti) and even a multi-agency task force for reconstruction and repatriation in the former Yugoslavia, where the UNHCR is acting as the lead agency.

Evaluation of ECHO

The recent evaluation of ECHO’s activities (1999) suggests that, in order to develop the EU’s emergency-response capacity, the Council should dispatch expert missions to the field, and that ECHO should act as a coordination platform for the EU’s response instruments. A clear definition of ECHO’s mandate is needed, in order to ensure an effective and coherent handover to other EU instruments of conflict prevention and crisis management.⁸⁶ In the field of donor coordination, the EU should seek to

⁸³ ECHO is mandated to save and preserve human lives in natural and man-made disasters during emergencies and their immediate aftermath; to provide the necessary assistance and relief to people affected by longer-lasting crises such as civil wars; to finance the delivery of aid and ensure that it benefits those for whom it is intended; to come to the aid of refugees and displaced persons in the country or region where they are, and help them re-settle when they return home; to conduct short-term rehabilitation and reconstruction operations to help victims recover a minimum of self-sufficiency, taking account where possible of any long-term development objectives; to prepare for disasters, in particular by setting up early-warning systems and financing preventive measures in high-risk regions.

⁸⁴ When the Commission approves an emergency aid operation worth between EUR 2 and 10 million, it notifies Member States in writing within 48 hours and reports to the Committee on the use of the emergency procedure at its next meeting. This increases the rapidity and flexibility of Commission decision-making as compared with the slower decision-making procedures on the use of development instruments.

⁸⁵ See the report on conflict prevention that was submitted to the Nice European Council in December 2000.

⁸⁶ For example, in the case of Mali, the handover from ECHO to DG Development was prepared at the level of strategies, but the slowness of development procedures, as well as impossibility of retroactive funding with partners, proved to be major constraints on effective action.

develop a coordinated approach to more detailed needs assessments, through joint action and better information exchange.

Food aid and food security

Food aid is managed by the DG Development. The Food Aid Committee in the Council is the main decision-making body. Food security is one of the priority sectors for Community action and remains an important instrument of crisis management. Despite its *a priori* technical nature, there have been several instances of political abuse of food aid, in particular in conflict situations.

Relief-Rehabilitation-Development linkage (RRD)

Of vital importance to crisis management is the linkage within the 'grey zone' of relief, rehabilitation and development assistance (LRRD).⁸⁷ The Commission issued the first Communication on LRRD in 1996.⁸⁸ In its communication of January 2001, the Commission proposed reassessing the linkage between relief and development by reducing the transition gap between relief and development.

The Commission's current approach is based on the conceptual framework of a 'conflict cycle'. LRRD should be seen as part of a general attempt to achieve structural stability. The Development Council of May 2000 stressed the importance of efforts to ensure complementarity when responding to 'grey zones' between relief and development, in particular at field level. Coordination and information-sharing among donors is crucial for improving action in the field.

As part of the extensive reform process of the EC's external assistance, the Commission has suggested making several improvements to its aid instruments, such as the extensive devolution of authority to EC delegations; the production of Country Strategy Papers (CSP) adapted to the situation in crisis-affected countries; increased coordination with the World Bank's Comprehensive Development Framework (CDF) and the IMF's Poverty Reduction Strategy Papers (PRSP) in relation to LRRD; the transformation of ECHO's information exchange facility ('14-point telex system') into an internet facility fed by participant donors; the intensification of dialogue with Member States within the HAC and through joint meetings between the HAC and geographical committees; and the development of suitable indicators of country vulnerability.

The Commission recognises that merging several budget lines under an umbrella LRRD regulation would simplify decision-making and budgetary procedures. It also recommends setting up LRRD Task Forces for special situations, both at its Brussels headquarters and in the field. In the field of disaster preparedness, the Mozambique flood catastrophe suggests that disaster preparedness should become an integral part of long-term development cooperation, instead of just a facet of humanitarian assistance.

Key issues

The use of humanitarian instruments raises the following key issues:

- *The political nature of humanitarian aid.* The question of ECHO's mandate is linked to the potential use of humanitarian aid as a political tool. In many cases, the impartiality of

⁸⁷ The 'continuum' is not linear, as it is difficult to determine when a conflict actually started in a situation of chronic instability, in which situations may first improve and then get worse again.

⁸⁸ COM (96) 153 of 30 April 1996.

humanitarian agencies is undermined by political and strategic considerations affecting donors and the parties in conflict. It is important to make a careful assessment of the impact of humanitarian and development aid in crisis countries, since such assessments can be used and manipulated by the belligerents.⁸⁹

- *Effective use of instruments.* Humanitarian action is characterised by quick disbursements, in contrast with the slow, bureaucratic procedures that are inherent to development aid. The handover from humanitarian aid to development instruments is often exacerbated by cumbersome procedures and long delays. The operationalisation of the principle of ‘pre-financing’ by partners, as introduced by the new Cotonou Agreement, is likely to be crucial to the continuity of interventions in the field. Improving complementarity in the ‘grey zone’ between relief and development at field level is going to be a tough challenge, particularly when so many actors are involved. In particular, coordination between ECHO, DG Development and DG RELEX is crucial so as to make the best use of the available instruments in dealing with crisis-affected countries.
- *Information-sharing and communication systems.* Despite the presence of the ‘14-point-telex’ system, information-sharing among donors in emergency situations could be improved by developing other communications methods, notably by making use of the Internet. Currently, the information flows pass mainly from the Commission to the Member States.

⁸⁹ For example, ECHO commissioned a study on the impact of humanitarian aid in Sudan.

Challenges for an Effective EU Response to Crisis-Affected Countries

There are two essential features of a credible and coherent CFSP: first, the capacity to exert influence in external relations (either through diplomacy, aid programmes and trade measures or by other means, such as security assistance in crisis situations), and second, the political will and operational capacity to make maximum use of a wide range of instruments. The following issues constitute a challenge for a credible European foreign policy:

- *The complexity of policy instruments.* Despite the massive financial resources available for external assistance, the EU has so far failed to live up to expectations as a political player on the global stage. This is partly due to the EU's complex decision-making, management and financial procedures and the difficulty it has in using the multiplicity of instruments at its disposal in a coherent and flexible way. Each community instrument has its own legal basis, decision-making and implementation procedures. It is difficult to overcome the dividing lines between different policy instruments and sectoral policies that have proved artificial or even counterproductive. In particular, a flexible use of CFSP funds, different Community budget lines and EDF funds for responding to the needs of crisis-affected countries remains a challenge due to cumbersome procedures. The on-going reform of the EC's external assistance should help to bridge the gap between political ambition and the reality of a bureaucratic management system.
- *Strategic approach to development cooperation.* Development cooperation is one of the EU's strategic political instruments in its relationship with developing countries. However, many European officials engaged in development aid find it difficult to establish a clear linkage between the EU's overall strategic interests in the country or region (even if stated in strategy documents) and their own day-to-day programme management activities. This 'technical' vision of cooperation appears to ignore the political nature of the EU's relationship with developing countries. The programming process of the 9th EDF provides an opportunity to enhance the linkage between political, trade and development issues. This also requires training and capacity-building among EU delegations, whose role in aid management and even policy dialogue is currently changing.
- *Implementation.* Whilst the Cotonou Agreement explicitly defines the principles of conflict prevention, management and resolution, implementation remains a fundamental challenge because of the lack of clarity surrounding operationalisation instruments. The priorities currently identified by the CFSP and the Cotonou Agreement include human rights, demilitarisation and military expenditure. However, the capacity for actually taking action in these areas is extremely limited. Human rights and election observation and democratisation measures should be seen as pilot areas of coordination for different CFSP and Community instruments. Subsequent areas of development might include demilitarisation and security sector reform.
- *Inter-pillar dynamics (i.e. interaction between first, second and third pillars).* The combination of instruments and procedures depending on the different pillars of European politics complicates the EU's external action. Also, the management of Community programmes is further complicated by 'inter-pillar' interactions.⁹⁰ At Council level, the recent amalgamation of first-pillar and second-pillar geographic working groups (Asia, Latin America, Africa etc.) was intended to improve the coherence of the EU's external actions across different pillars.

⁹⁰ For example, the success of political dialogue, as measured by the Member States, may be used as a condition for access to Community funds, as in the case of Sudan.

- *Interinstitutional dynamics.* Interinstitutional dynamics affect the establishment of operational structures for new civilian and military crisis management. The definition of roles is in progress and different institutional actors have different political and strategic ambitions for reinforcing their positions in the overall EU structure. For example, the division of responsibilities between the Political Committee, the Political and Security Committee and COREPER (which also reflects inter-pillar dynamics), between horizontal and geographic Council working groups, and between RELEX and Development Commissioners and EuropeAid needs to be operationalised in practice.
- *Member States' political will and strategic interests.* Despite the identification of common interests, the introduction of more flexible decision-making procedures, the improved allocation of resources, and enhanced operational structures, political will continues to play a crucial role in shaping the ability of the Member States to deal with crisis situations. The European response to crisis situations often reflects the domestic interests of individual Member States, and this may influence any collective action taken by the EU. Also, the development of an effective ESDP depends heavily on voluntary contributions from the Member States.
- *The future of development policy and poverty focus in the EU's overall foreign policy.* The EU development policy statement sets 'poverty reduction' as the main objective of the EU's development policy. This is also linked to the issue of the privileged status in the EU's external relations of Least Developed Countries (LDCs) that are not members of the ACP group. Most crisis-affected countries in Africa are also the poorest countries in the continent, and it is their people who are in most urgent need of assistance. This would appear to be at odds with the current trend of integrating – or some would say 'subordinating' – development policy into trade and foreign policy interests. This is all part of the debate on the role of the Development Council and DG Development, whose *de facto* 'geographic' scope still seems to be limited mainly to the ACP, except in the case of humanitarian aid (see the operation in the wake of Hurricane Mitch and the aid given to East Timor).
- *The enlargement of the EU to include Eastern European countries and the future of the CFSP in Africa.* The enlargement process requires important institutional changes that will need to be decided by intergovernmental conference (IGC). The accession of new Eastern European Member States, which have hardly any tradition of development cooperation, might shift EU interests further away from creating a coherent response to politically fragile countries in Africa.

Improve the Impact of EU Policy in Crisis-Affected Countries

There are several areas in which the EU could develop a more coherent approach and maximise the impact of EU policy:

- *Focus on conflict prevention and positive measures: from a reactive to a proactive approach.* There is a need to integrate conflict prevention into long-term and medium-term development planning for politically fragile countries. The prevention of conflicts requires an improved assessment of root causes of conflict at an early stage; the policy response to armed conflicts is only an emergency reaction to situations in which prevention has failed. The Early Warning and Policy Unit in the Council could play a major role in assessing the potential for conflict. In the framework of the CFSP, the policy response has to be flexible and adapted to the actual situation in each crisis region. In addition, the assessment of the conflict potential in ACP countries could be better integrated with structural cooperation under the Cotonou Agreement.
- *Improved linkages between crisis management and development instruments.* Better coordination between the responsibilities of the Commission on the one hand and Member States on the other is necessary to ensure the full range of instruments remains available to CFSP and development activities. Although the notions of ‘crisis intervention’ and ‘crisis management’ have a short-term connotation, operations such as peacekeeping and sanction enforcement often require a long-term commitment. Consequently, crisis management needs to be linked with different post-conflict and development instruments. The CFSP response to armed conflicts should focus on aspects not covered by the Cotonou Agreement in order to ensure coherence between community-related policy measures and CFSP positions and actions. The priority source of funding for external actions is the Community budget.
- *Improved consistency, coherence and coordination.* The question of coherence not only involves the relationship between the EU's development, foreign and trade policies, but also concerns the coherence of instruments between the Commission and the Member States. Both CFSP and Community measures require close cooperation with other major actors, notably the OAU, regional organisations, the UN and the Bretton Woods institutions. Also, active coordination between different Commission services is vital in the context of acute staff shortages in order to ensure that the best operational capacity is allocated for dealing with crisis situations. It has been argued that one way of increasing consistency would be to strengthen the role played by the Commission in coordinating the CFSP. Others believe that the High Representative for the CFSP is in the best position to adopt a broad-based perspective on the Union's strategic interests and actions, extending beyond the interests of individual Member States. Also, the appointment of a single Commissioner in charge of both development and humanitarian aid opens the way to a more coherent use of instruments in dealing with politically fragile countries.
- *Focus on capacity-building and training.* The creation of a rapid-reaction force, police capacity and operational structures for improving the rule of law should not overshadow the fact that effective peace-building within crisis countries requires major capacity-building and training efforts (in the fields of civil education, training of police and judges, etc.). The EU could play an important role in this area. Capacity-building in the fields of police capacity, the rule of law and institutional strengthening in ACP countries could be effectively integrated under the Cotonou Agreement.

Overview of Current Instruments for EU Response to Crisis Situations in ACP Countries

Previous chapters have enumerated numerous political, diplomatic, civilian and military crisis and humanitarian instruments that could improve the EU's political response to crisis-affected countries in Africa. The following table briefly summarises the main types of instruments, which have been categorised in accordance with their decision-making and funding mechanism.

	Instruments	Decision-making/management	Funding	Geographic coverage	Potential for ACP
CFSP instruments	<ul style="list-style-type: none"> • Common position • Joint action • Common strategy • Démarche • Declaration • Special envoy 	<ul style="list-style-type: none"> • The Council/ Member States • CFSP Councillors/ Africa Working group 	CFSP budget	Full. In the ACP, for example, special envoy for Great Lakes, Joint action on small arms	Potential for 'thematic' common strategies such as common strategy for election observation
EDF instruments	<ul style="list-style-type: none"> • Cotonou Agreement, article 11 	<ul style="list-style-type: none"> • EDF Committee, Commission, National indicative programmes (NIP) 	EDF	ACP	Potential for improved linkage between crisis management and development cooperation
Specific budget lines	<ul style="list-style-type: none"> • Human rights • Election observation • Conflict prevention 	<ul style="list-style-type: none"> • Commission, EP, Human rights committee etc. 	Community budget	Full	Potential for simplified procedures for thematic budget lines
Humanitarian aid	<ul style="list-style-type: none"> • Humanitarian aid 	<ul style="list-style-type: none"> • HAC, ECHO 	Community budget	Full	Potential for more effective linkages between humanitarian aid and development cooperation
ESDP instruments	<ul style="list-style-type: none"> • Military and civilian crisis management • Police • Rule of law • Rescue tasks • Peace enforcement 	<ul style="list-style-type: none"> • COPS, Committee for civilian crisis management, third-pillar committees 	Member States' contributions	Priority in areas bordering the EU, such as the Balkans	Potential for capacity-building in crisis management in the ACP and for enhanced cooperation with African regional organisations

Concluding Remarks

The EU Member States have shown both a growing interest and a political will to increase the EU's operational capacities to deal with civilian and military crisis management. This trend reflects the changing global context, in which political crises, internal wars and natural disasters all have a global impact in the form of with massive refugee flows, lost investment opportunities, human rights violations and human suffering. There is no longer any doubt that the European Union now wishes to play an active role in world politics.

Although the Kosovo crisis in 1999 provided a much-needed impetus for the efforts to build a stronger ESDP, we should not forget that European integration in any policy area is a slow, incremental process. In particular, it will take years before a European operational capacity for crisis management is truly effective (the first target has been set for 2003). For the time being, the EU will most likely be willing to allow other organisations, the UN in particular, to take the lead in peacekeeping and other military crisis-management operations.

Instead, the EU has access to a full range of economic, political and humanitarian aid instruments, whose coordinated and flexible use would enhance the effectiveness of the EU's response to politically fragile states. The EU is now the largest provider of humanitarian aid in the world, and plays equally important roles in economic security through its common market, trade, and development programmes (aimed at long-term security, and based on the use of socio-economic tools). It is also capable of wielding greater clout in civilian crisis-management tasks, such as police, customs patrols, information-sharing, support operations and training. The use of military instruments will definitely remain a measure of last resort, in particular in dealing with crisis situations in Africa.

Also, one should not have any illusions about the strategic priority areas identified for the CFSP and the ESDP, where Africa rarely comes into the picture. The use of Community instruments, including the new provisions of the Cotonou Agreement, will most likely remain the main priority channel for the EU's response to African crisis situations. The Cotonou Agreement offers a channel for structural cooperation with ACP countries, and the linkages between crisis-management instruments and development cooperation could be improved. In parallel, CFSP instruments can complement and provide a political impetus for more structural forms of support under the EDF.

There remain a number of challenges that the CFSP and ESDI will need to overcome in the future:

- 1 The identification of common interests, more flexible decision-making principles, improved procedures for resource allocation, and enhanced operational structures will all count for little without sufficient political will among European states to take effective action to deal with crisis situations.
- 2 The European response to crisis situations often reflects the domestic interests of individual Member States, and this may influence any collective action taken by the EU.
- 3 The issue of resources remains open. Despite the major increase in the budget for the CFSP, can the EU really afford an independent defence capability of its own? Even if the EU could find the financial resources to support the ESDI, cooperation among defence companies in Europe remains limited.
- 4 Many crucial problems surrounding the process of European integration, such as the single European currency and the enlargement to the East, may complicate and work against the setting up of effective ESDI capacities, since cohesion will obviously be more difficult. The EU's security problems and external interests will have to take account of the accession of new members, and their effective vetoes over decision-making in this area.

An analysis of current political developments in the EU suggests that it could indeed improve its capacity and hence play a more prominent role in dealing with politically fragile countries. There is a set of common interests that Europeans are prepared to act upon and with which they can be

motivated. There is a dynamic system for decision-making that could be simplified. There is a growing set of common resources that can be drawn upon when action is called for. In other words, the EU has created a complex framework for sustained foreign and security policy cooperation, which could potentially be used to deal with politically fragile countries. Whether effective use is made of this framework is a matter of political will.

ANNEX 1. The Historical Background to European Political Cooperation and the CFSP

Recent developments in enhancing the CFSP, possibly even leading to a European Security and Defence Policy (ESDP), are part of a much longer, complex process of European cooperation.

European political cooperation (EPC) dates back to 1971. Six Member States decided to gradually establish a form of mutual political cooperation in foreign policy (but not defence) issues, through regular informal consultations of foreign ministers. The objective was to improve coordination between the members, reduce the gaps in their views and find a common approach. This was far more modest than previous plans in this area, such as the 'European Defence Community' of the 1950s or the Fouchet Plans of the 1960s, both of which were regarded as being overambitious.

The EPC was a decentralised network for the informal discussion of foreign policy issues (except certain areas known as '*domaines réservés*') among EC Member States and the European Commission. Mechanisms were based on consultation (i.e. the states had to discuss foreign policy issues with each other before adopting final positions of their own), confidentiality (i.e. states could not take advantage of information shared during the discussions) and consensus (i.e. full agreement was required for all decisions).

Certain areas (the '*domaines réservés*') were under a taboo, which meant that any EC Member State could block debate on a sensitive issue with little or no justification. Certain situations, therefore, were considered to be outside the scope of EPC. These comprised unilateral domestic problems (such as those involving ethnic minorities), bilateral problems between Member States (such as the troubles in Northern Ireland), colonial relationships, and crises with military consequences affecting one or more partners (such as crises in Africa).

The Member States committed themselves to a set of basic principles that were embedded in a broader normative structure embracing most Western states and were set out in a 'Document on the European Identity', published in December 1973.

EPC's most important attribute was the way it encouraged constant debate on the EC's mutual foreign-policy, and later security-policy, interests, thereby allowing the Member States to clarify and express a growing set of shared goals so as to justify subsequent collective action. The London Report in 1981 on EPC finally recognised the necessity for discussing 'foreign policy questions bearing on the political aspects of security' and the 1986 Single European Act included a formal reference to cooperation on the 'political and economic aspects of security' in the EPC framework.

With the end of the Cold War, the position of the Community changed radically – many states looked to the EC for assistance and eventual membership, and an opportunity arose to develop a true European Union. On the other hand, the security environment faced by Europe was uncertain and demanded a redefinition of the European role in this area. Focus shifted to more 'diffuse' security challenges, such as international crime, ethnic conflicts, terrorism, and humanitarian and environmental issues. The debate on the use of military force for purposes other than the defence of national territory led to the emergence of the EU as a natural security actor, in particular in situations in which collective solutions were sought as well as those in which political and economic instruments were needed. The creation of a Common Foreign and Security Policy under the 1993 Treaty on European Union (TEU) was the next logical step in this process.

ANNEX 2. The Petersberg Tasks: Operational Capacity

The Petersberg tasks were first developed in the framework of the Western European Union (WEU) and have recently been integrated with the EU. The Petersberg Tasks include:

1. Rescue tasks: based on the Council Decision of 27 June 1996 on operations to evacuate nationals of Member States from non-EU countries.⁹¹
2. Humanitarian assistance: the presence of a rapid-response capacity, access to transport and equipment, and a high media visibility mean that humanitarian aid is an area for EU crisis management. The Planning Cell identifies immediate capacities for the coordination of transport for EU humanitarian aid operations. A further use of military force in humanitarian operations is the protection of humanitarian workers as specified in the Cotonou Agreement.
3. UN-controlled enforcement operations: forces under direct UN command authorised to engage in enforcement action. Chapter VII of the UN Charter envisages such forces being under the direction of the Security Council with the participation of UN members, who contribute forces.⁹²
4. UN-authorized enforcement operations: forces mandated by the UN to intervene beyond self-defence but under alliance or national command. The object of force may be the support of sanctions (e.g. Navy support of arms embargo, Yemen, 1992), combat activities (e.g. Iraq, 1991), or forceful intervention in a state (e.g. US-led Task Force, Somalia, 1992-3; French-led Operation Turquoise, Rwanda 1994).
5. UN peace-keeping: forces under UN command present by consent of the parties to a conflict with the purpose of observing and facilitating the implementation of a cease-fire or peace agreement, and with the right to use force in self-defence (as required with UNPROFOR, Bosnia-Herzegovina 1992-5).

⁹¹ During the Congo-Brazzaville crisis, the Belgian government landed 250 paratroopers for rescue purposes.

⁹² See, for example, UNOSOM II in Somalia in 1993-1995.

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