

Crisis response through the first pillar¹³¹

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I am grateful for an opportunity to complement and update, in a crisis management context, a contribution I made on the added value of the EU to security a few years back.¹³² In that article I argued:

“The fact is that even the strongest advocates of an intergovernmental basis for cooperation in the field of security in the EU often *de facto* support a strong role for the Community in some important security-related areas. This is only natural since the European taxpayers channel more than 100 billion Euros through the Community budget each year. It is only natural that this investment should be put to the best possible use in support of the protection of the citizens both inside Europe and in countries with which the European Union cooperates. “

In the period of uncertainty, which inevitably will follow the French and Dutch referenda on the Constitutional Treaty, one side effect may be an overly pessimistic attitude as regards the capacities of the EU to respond to crises. It may therefore be useful to support the proactive public messages pronounced by Mr Solana, as regards the Common Foreign and Security Policy, with a reminder of the existing potential of the Community pillar in crisis response.¹³³

It has long been recognized that the comparative advantage of the EU is its potential as a civilian actor. ESDP has brought military capabilities in addition. On this combined basis there has been an obvious need in the last decade to upgrade the overall capability of the EU to prevent conflicts and to respond to crises. When discussing the new capabilities that need to be added, particularly through intergovernmental co-

¹³¹ Views expressed in this article are not necessarily representative for those of the European Commission.

¹³² “Security: bringing added value through the EU” Article based on entrance speech to the Swedish Royal Academy of War Sciences, delivered on 22 April 2003.

¹³³ The term Community refers to the Commission, the Council and the European Parliament bodies responsible for first pillar decisions.

operation, there has however been a tendency to forget what was there at the start of the discussion. I am of course referring to the existing potential of the first pillar, through conflict prevention and in civilian crisis response. Even with a very restricted interpretation of Community competencies, this potential is huge.¹³⁴

The conflict prevention track was first pursued through Community development policies in the second half of the nineties¹³⁵ and then also in the ESDP context from the Swedish Council Presidency in 2001, on the basis of the Göteborg Conflict Prevention Programme. Conflict prevention developed into a broad objective to be mainstreamed into external assistance programmes of the Community. It is worth mentioning that the budgetary frame for Community aid is nearly 7 billion euro per year. Adding bilateral efforts by Member State an overwhelming figure emerges: EU provides in fact around 55 percent of world development aid and is thus a global capacity of vital importance for conflict prevention.¹³⁶ The EC, like other donors including EU Member States, has come to recognize that conflict prevention and peace building are integral parts of development. In order to achieve sustainable development and poverty reduction, it is thus supporting a wide range of activities in this area including mediation and reconciliation, reintegration of former combatants, security sector reform, addressing small and light

¹³⁴ ICG (International Crisis Group) Report EU Crisis Response Capability Revisited, Europe Report N° 160, 17 January 2005 (see pages 10 and 52). In my view, this report understates the present capabilities and activities of the EU in this area. In comparison JAKOBSEN, Peter Viggo: The Emerging EU Civilian Crisis Management Capacity – A “real added value” for the UN? Background paper for The Copenhagen Seminar on Civilian Crisis Management arranged by the Royal Danish Ministry of Foreign Affairs, June 8–9, 2004 seemed to me to be relatively fair in its evaluation of the status quo.

¹³⁵ The Commission had been actively working on enhancing its conflict prevention capabilities since several years before 2000, notably by integrating prevention as an underlying theme into relevant country strategies. Also within the Union a lot of work was done in past, in particular in the African context supporting the African Union in its work on conflict prevention, etc.

¹³⁶ EC/EU funds represented a considerable proportion of total global aid (10 %), but the sum of the Members States' national budgets represented an even larger percentage (45%) adding up to 55% of world wide ODA. Source European Convention Secretariat CONV 459/02. At the same time, the conflict prevention concept was increasingly used in a more narrow sense, for example in scenarios for preventive deployment.

weapons, natural resource management, good governance, human rights etc.

This capacity has been further enhanced by a significant attempt to predict upcoming conflicts. This has been achieved in cooperation between the Council and the Commission in the form of a so-called "Watch list" and through the Commission check-list for root causes of conflict, which enables regular monitoring of the changes in the conflict dynamics at the field level. Furthermore, a countless number of seminars have been organised in order to improve ways in which early warning can be linked to early action. Another helpful effort has been the emphasis in the public debate on the fact that conflict prevention, as a rule, is a very profitable investment both to avoid human suffering and in economic terms. All of this work no doubt has been useful. Still, of course, it has not taken away the need to prepare for crisis management and crisis response.

The international community and indeed the EU are continuing to face failures in terms of conflict and crisis prevention. The experience from the years of conflict on the Western Balkans shows that in a few significant cases it was possible to prevent conflict, FYROM being a prominent example both as regards the early military preventive deployment by the UN¹³⁷ and as regards the later NATO military operation 'Amber Fox' with the follow on EU presence. It is widely agreed that the Community-based Stabilisation and Association Process played an overall important role in order to provide incentives for reconciliation both in FYROM and elsewhere in the region.

But how could we have prevented the Kosovo crisis culminating in 1999 and still not really overcome? I belong to those who have had reason to reflect on this, having participated in many meetings of the Kosovo Watch group in the OSCE from 1992 onwards. I also was a member of the mission¹³⁸ led by Felipe Gonzalez to the Belgrade regime at its low

¹³⁷ UNPREDEP – The United Nations Preventive Deployment Force 1995-1999.

¹³⁸ 20-21 December 1996 former Prime Minister Felipe Gonzalez, accompanied by a delegation, visited Belgrade as Personal Representative of the OSCE Chairman-in-

point in terms of internal stability in the end of 1996. So I can testify: there was an acute awareness of the need for conflict prevention. There were many early warning signals. The international community was, however, still lacking many of the tools that since have been agreed both in terms of civilian crisis management capabilities and in terms of an appropriate human security doctrine.¹³⁹ As regards civilian crisis management capabilities I am particularly referring to the ability to field large numbers of monitors and other types of civilian personnel that could help to bring down local tension and promote tolerance. As regards the human security doctrine I refer to the development of international norms concerning the admissibility of intervention in support of democracy, the rule of law and human rights and the corresponding military and civilian capacities (closely related to the “right to protect” debate in the UN context).

In the margin it could be noted that the military confidence and security building measures, which I had helped to negotiate in the CSCE Stockholm Conference 1983-1986,¹⁴⁰ perhaps could have been better used, particularly at the stage when unannounced military movements took place in 1992. It is also an irony that the main European conventional arms treaty, CFE (Conventional Forces in Europe) that was negotiated in the late 80ies, excluded non-aligned countries such as Yugoslavia. Traditional arms control concepts could in any case not more than to a very limited extent respond to the reappearing problems in Europe or elsewhere after the Cold War. Even the Dayton process

Office, Swiss Foreign Minister Flavio Cotti. The delegation consisted of diplomats and experts from the European Union Troika, the USA, the Russian Federation, Poland, Denmark, Canada and Switzerland and was dispatched to investigate the annulment of the results of the municipal elections in FRY.

¹³⁹ See A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe’s Security Capabilities Presented to EU High Representative for Common Foreign and Security Policy Javier Solana Barcelona, 15 September 2004.

¹⁴⁰ Document of the Stockholm Conference on Confidence and Security Building Measures and Disarmament in Europe, convened in accordance with the relevant provisions of the concluding document of the Madrid Meeting of the Conference on Security and Co-operation in Europe (Stockholm 1986).

being imposed on the parties in the region was rather unsuccessful outside Bosnia.

Coming back to the main line of reasoning, it has become obvious that even if the capacity for conflict prevention has been developed, this is not enough. There is a need for a broader crisis management and crisis response capability as well. The issue of EU crisis response capabilities in order to react if new problems occurred on the Balkans became a major issue towards the end of the 90ies. As regards the first pillar, it was a difficult decision to take for the Community how to engage in the post conflict phase of the Western Balkans. The Santer-Commission resigned in 1999. One of the types of criticism put forward was slow delivery of assistance. Even higher standards were at the same time called for in terms of accountability, which meant more elaborate and time-consuming procedures for procurement – which reduced effectiveness both in the first and the second pillar operations. In order to deal with these contradictory requirements it was therefore fundamental for the Prodi Commission and in particular for the External Relations Commissioner Chris Patten to find ways to speed up delivery, and to deconcentrate decisions on assistance to the many Commission delegations in the field. It was in this context difficult to find ways to get Member States and the Parliament to accept general urgency procedures to execute Community programmes in crisis situations, because that again was suspected to bring problems in terms of accountability – and in effect reduce national control over EU action.

Efforts to achieve such an urgency procedure in the area of demining, for instance, were not successful. But it was possible to negotiate agreement on a more limited facility which came to be known as the Rapid Reaction Mechanism (RRM),¹⁴¹ which yearly funds around 30

¹⁴¹ Adopted by the Council in February 2001 the Rapid Reaction Mechanism (RRM) is the Commission's front line instrument for rapid and flexible response in situations of crisis. It is designed to leverage the longer term programs and to support crisis response strategies developed in the geographic units. The RRM can mobilize funds at very short notice for actions aimed at stabilization of political crisis, including peace and mediation initiatives, post conflict reconstruction, high level policy advice, and contributions to international trust funds. In addition to intervening in crises of a

million Euros worth of civilian crisis management programmes from the first pillar budget. In addition, possibilities were increasingly explored to rapidly reallocate existing funds and to swiftly adjust existing programmes to upcoming needs.

A considerable step forward was also taken in the development context in Africa with the creation of the African peace facility. Following a proposal from African leaders, the EU has set up the African Peace Facility (APF), worth €250 million, to provide the African Union (AU) and other regional organisations with the resources to mount effective peace making and peace keeping operations. This evolution in the use of development funds, in this case the European Development Fund (EDF) has gone hand in hand with a considerable evolution in the scope of development policies as agreed in the OECD DAC (Development Assistance Committee) context in the direction of including security-related projects. And development is of course the chief treaty-based objective for Community policies in this domain.¹⁴² In addition significant and parallel progress was made in areas such as humanitarian aid, civil protection interventions also outside the Union and in counter-terrorism assistance.¹⁴³

political nature, the RRM is also potentially usable following natural disasters. It cannot finance humanitarian assistance which remains the domain of ECHO. It can also mobilize expert assessment missions for the preparation of the Commission's medium term response strategy. There is no upper budgetary limit to RRM actions, but the duration of operations is limited to six months. €30 million is available in 2005.

¹⁴² The integration of security (and the need to address Small Arms and Light Weapons – SALW) as a key dimension of poverty reduction and sustainable development was recognized in the OECD DAC High Level Meeting of Ministers and Heads of Aid Agencies on 3 March 2005 (including EU MS). In their decision they set out to clarify what activities should qualify as development spending internationally. It was recognized that in order to preserve the credibility and integrity of ODA (Official Development Assistance) statistics only certain specific activities in the area of security and development will be ODA eligible and come under aid budgets. The extended ODA is based on the notion that civilian control over the security system, civilian peace-building, child soldiers and small arms is central.

¹⁴³ The Community funds at present as demonstrated by the updated project matrix delivered to the United Nations Counter Terrorism Committee more than 400 million euros worth of counter-terrorism-related assistance to third countries in support of UN Resolution 1373.

As another parenthesis it should be noted that efforts to increase the second pillar CFSP budget so far have been relatively unsuccessful. The European Parliament as budgetary authority demands more control over this budget in order to allocate more funds to this area – and this remains unacceptable for most Member States. The budget amounts for the time being to around 60 million euro per year, which is a very limited sum if one considers the broad scope of second pillar activities now underway. A Commission proposal in a specific communication to finance civilian crisis management also through flexibility reserves met limited enthusiasm in the Council.¹⁴⁴

There has, however, been – despite many legal debates about Community competencies – a steady evolution in the view of Member States as regards what the Community could and should do in the area of security. There is therefore today a fairly broad support in the Council for the types – if not the levels – of financing proposals put forward by the Commission for the next financial perspectives of the Union, which should include more potent urgency procedures. This includes the so-called Stability Instrument, which is intended to replace the Rapid Reaction Mechanism as well as a number of other instruments of relevance to security.

It is now widely recognised that Community efforts in the area of security, such as demining, are vital in order to provide a solid basis for the EU development policies. The fact that the broad geographic programmes, such as TACIS (Technical Assistance to the Commonwealth of Independent States) in the Former Soviet Union and CARDS (Community Assistance for Reconstruction, Development and Stabilisation) in the Western Balkans increasingly focus on good governance not least in order to provide the basis for investments and trade, has also meant that there has been increasing potential for Community programmes to contribute to crisis response and indeed to the fight against terrorism. The parallel development of security research programmes in the Commission has also been a helpful development in

¹⁴⁴ Commission communication on the financing of civilian crisis management from 28 November 2001

this regard both in terms of synergies with the defence side and in terms of adding more civilian capabilities in areas such as logistics, communication etc. The creation of a first pillar cooperation both inside and outside the Union in areas such as justice and home affairs, transport and cyber security, civil protection and health security, security research not to speak of human rights, is another set of assets. External assistance programmes are today in fact not just deployed by aid workers but by experts in many fields of internal EU cooperation, benefiting also from the experience in working with the candidates to become members of the European Union.

It was regularly assumed, when the EU crisis management procedures first were discussed that crisis management was essentially something the EU would do through a military intervention when the civilians had failed and left the conflict area. The procedures therefore only marginally concerned civilian actions in the second or first pillar. When the concept for an operation was developed, relatively little regard was given to the need to think about exit strategies for the military. The crisis management procedures, as they first were conceived, did not fit very well to the actual operations, which the EU undertook in FYROM, Bosnia or Congo. In all these areas the Community was heavily present and it was also deemed important to deploy civilian missions in these countries in the second pillar.

It is now widely recognised that the EU may be close to the end of the line in terms of addressing, in a comparatively straightforward way, the issue of fielding EU military operations. 'Concordia' (FYROM), 'Althea' (BiH) and 'Artémis' (DRC) may in the long run prove to be less typical cases for EU crisis management. By this I mean that the EU cannot always expect to have a close to ready-made format and time perspective for a potential military operation. Even with the new battle groups as indispensable building blocks for Rapid Response, military operations will probably need to be more carefully planned together with civilian efforts. The first three operations were very useful because it allowed the EU to concentrate on developing new procedures and new detailed concepts. It is now time for the next step, symbolised by the civil-military cell just now starting up its work in Brussels which will need to focus on

issues such as impact on the ground, national ownership and cooperation with regional and internationals organisations.

Coherence is an issue of major importance in this context. When discussing this issue the following should be taken into account. The first and second pillar are not the Commission versus the Council. First pillar issues are being discussed and decided upon at the initiative of the Commission in important bodies of the Council and the European Parliament. Typically, it is in that context that the overall geographical strategies, the so called regional and country strategy papers are being developed in the European Union, as a rule in close coordination with the countries and regions concerned. In areas close to the European Union such documents often are operationalised into political strategies with labels, which seek to reflect the most important goals of the populations affected, such as the Stabilisation and Association Process in the Western Balkans. Those are the strategies that are supposed to provide the incentive and the basis for military and other crisis management exit strategies. And those are also the overall EU strategies that need to be properly reflected in the concepts for ESDP operations, as, for instance, was the case with Concordia in FYROM. And again, these are strategies that are decided in the Council, not in the Commission.

Some would argue that the EU responds to failures of the past rather than tries to prevent failures of the future. This may to a certain extent be true. It is in fact probably true for all political systems, and no doubt media attention (the so called CNN-effect) plays a major role in this process. At the same time, in the case of EU, the system has reacted not only by trying to deal with the problem which has arisen, but also by trying to move forward in creating more generic capabilities. In the last years this has been seen at several important occasions. Let me first take the example of 9/11. As I can see in my archive of the briefings produced by my unit in the weeks immediately before 9/11, many of the actions included in the EU Action Plan against terrorism after the attack on the Twin towers were already well underway. The Commission had already planned to put the proposal on the arrest warrant on the table in the month of September 2001. But 9/11 made it possible for the Commission to get much more political support for these proposals and to

broaden them further. The Madrid bombings in March 2004 were similarly followed by a set of four counterterrorism communications from the Commission in the autumn, which almost immediately received full support from the European Council. And the Tsunami, in turn was followed by the action plan put forward by the Commission President Barroso in the General Affairs and External Relations Council (GAERC) in January 2005. His and Commissioner Ferrero-Waldners proposals went well beyond specific measures related to the catastrophe in Asia to include the intention to set up a platform for crisis response in the first pillar. And, for the EU as a whole, Javier Solana's initiative to develop the European Security Strategy after the failure of the EU to get its act together in Iraq has had a significance going far beyond EU policies towards that region, not least in its support for multilateral effectiveness and EU support to the United Nations and key regional organisations.

It will now very much be up to the Member States to decide in crucial meetings and votes in the coming weeks and months what they allow the EU and the Community to do in terms of conflict prevention and crisis response. No effort is spared – as symbolised by the recent visit of Commissioner Ferrero-Waldner to Iraq together with EU Troika – to investigate possibilities for the EU to be helpful. But we who work for the EU must be allowed to work effectively in order to utilise the potential, which the European taxpayers have already paid for.