

OCCASIONAL PAPERS

27

COHERENCE FOR EUROPEAN SECURITY POLICY: Debates - Cases - Assessments

Edited by Antonio Missiroli

THE INSTITUTE FOR SECURITY STUDIES
WESTERN EUROPEAN UNION

43 AVE DU PRESIDENT WILSON, 75775 PARIS CEDEX 16

June 2001

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EUROPEAN SECURITY POLICY:**

Debates – Cases – Assessments

*Edited by Antonio Missiroli**

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PREFACE

This *Occasional Paper* stems from a series of meetings of an ISS Task Force on ‘The Coherence of CFSP’ held in Paris between October 2000 and April 2001.

Task Forces are small groups of experts and officials from member States, international bodies and think tanks that convene periodically to discuss a given topic or policy area. They usually include a ‘core group’ of members and other participants that join in according to the specific focus of each meeting.

In particular, the papers that we decided to print here were first given at the second meeting of the Task Force held in January 2001. The authors have substantially revised and updated their initial contributions in light also of the ensuing debate. We thank them – along with all the other participants – for their willingness to put their thoughts on paper and to allow us to circulate them in the present format. A slightly modified version of the Introduction is due to be published in a forthcoming issue of the *European Foreign Affairs Review*.

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Antonio Missiroli

INTRODUCTION

Antonio Missiroli

The terms of the debate

The issue of ‘coherence’ in the EU’s external action came up roughly one year ago, in the late Spring of 2000. It was raised by the European Commissioner for External Relations, Chris Patten, first in an internal EU paper then in a series of almost identical public speeches held in mid-June at RIIA in London and IFRI in Paris [*Annexe A*]. It sparked a broader discussion that ultimately revolved around the modalities and the scope of European security policy.

In essence, Patten analysed the role of the Commission in the emerging structure of CFSP and argued that, much as ‘foreign policy remains primarily a matter for democratically elected member State governments’, it was equally necessary for them to acknowledge that ‘mere inter-governmentalism is a recipe for weakness and mediocrity: for a European foreign policy of the lowest common denominator’, especially in the light of the forthcoming enlargement. In fact, he maintained, there is a strong need ‘to harness the strengths of the European Community in the service of European foreign policy’. For its part, the Commission – as the Treaty reads – is ‘fully associated’ to CFSP with a shared right of initiative. It would therefore be absurd, Patten insisted, ‘to divorce European foreign policy from the institutions which have been given responsibility for most of the instruments for its accomplishment: for external trade questions, including sanctions; for European external assistance; for many of the external aspects of Justice and Home affairs’. Patten cursorily mentioned the fact that the Union and its member States ‘account for 55 % of all official international development assistance, and some 66 % of all grant aid’, although he acknowledged that ‘the money is not well managed’. He specified, however, that ‘EC aid volumes have increased two or three times as fast as the staff at our disposal to manage the funds’.¹

After reviewing the various efforts undertaken by the Commission to improve on that, and after mentioning also its responsibilities for European security policy in specific (from non-military crisis management to border control), Patten pleaded for ‘the *indivisibility* of European foreign policy, which cannot be confined to one pillar of the Treaty’ [emphasis added]. If it wants to be more than ‘just declaratory’, he added, it has ‘to integrate three strands: national policies, community policies, and CFSP itself (the so-called ‘second pillar’)’.²

¹ This said, the EU aid budget proper (EC plus European Development Fund) is not particularly rich: its overall annual size (presently 12 billion EUR) is more or less equal to any one of the Scandinavian countries’. In 2000, roughly 2 billions went to the CEECs, 1 billion to emergency, humanitarian and food aid, 1 billion to the Mediterranean, 500 millions each to the former USSR, Asia and Latin America. On the whole, limited resources are spread across too many areas and projects, and the Commission relevant personnel’s ratio is of 1.9 staffers (as compared e.g. to the World Bank’s average of 7) per 10 million EUR of expenditure.

² Patten’s speech at IFRI (15.06.00) can be found on www.europa.eu.int/comm/external_relations. For an adapted version of the RIIA speech, cf. C. Patten, *Projecting Stability*, ‘The World Today’, vol. 56, no. 7, July 2000, pp.17-19. Patten argued also that, in perspective, ‘defence trade and production cannot be treated as a *chasse gardée* within the Single Market’, as is presently the case through art.296 TEC. For a comprehensive assessment of the international role of the EU cf. J.Peterson, *Introduction: The European Union as a global actor*, in J.Peterson, H.Sjursen (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, London, Routledge, 1998, pp.3-17.

Since Patten's intervention the discussion has followed two parallel paths: the institutional one, whereby some targeted responses have been considered and partly put in the pipeline, and the political one, which has become a matter of strong media interest. In both cases, of course, the fact that an Inter-Governmental Conference (IGC) was under way played a relevant role. The issue, however, was nothing new in that it had already been raised at the entry into force of the Single European Act (1987) with the fledgling institutionalisation of European Political Cooperation (EPC) procedures. At that time it was defined as one of 'consistency' (*cohérence* in French) between EPC and EC policies, thus anticipating the latent dualism of what would become, with the Treaty on European Union, the Common Foreign and Security Policy (CFSP). In Simon Nuttall's reading, the notion of 'consistency' had three different sub-texts: a neutral but superficial one (requirement of non-contradiction), a 'benign' one (interaction in the service of a common and overriding purpose), and a definitely 'malign' one (demand for some bureaucratic and political hierarchisation).³

The issue was never solved, however, and since then the Maastricht and the Amsterdam Treaty – let alone the developments that led to the launching of European Security and Defence Policy (ESDP) in 1998/99 – have further complicated the picture. As a result, the three layers of the 'consistency' issue are still there but their respective implications are wider and trickier. In fact, although the external activities of the EC are now concentrated under Patten's authority, European foreign policy is now spread across three pillars and subject to the (still relatively undefined) supervision of the Secretary-General of the Council and High Representative for CFSP (SG/HR), Javier Solana.

At any rate, the first tangible effect of Commissioner Patten's repeated interventions and of the ensuing discussion was the working paper submitted by the SG/HR to the informal General Affairs Council held at Evian, in France, on 2/3 September 2000, and titled 'The EU's External Projection: Improving the Efficiency of Our Collective Resources' [*Annexe B.1*]. The paper explicitly addressed the 'benign' side of the consistency issue in that it wondered whether the Union:

- a) 'is making the best possible use of the collective resources available to it';
- b) 'exerts, in the pursuit of its common interests and in defence of its values, an influence on the world scene commensurate with the external instruments and resources *already* at its disposal';
- c) 'is capable of projecting itself, and of being perceived, as *one* actor' [emphasis added].

The paper compared e.g. the cumulative diplomatic presence of the Union (15 member States + EC) in the world⁴ with that of the United States - roughly 40,000 staff member and more than 1500 missions vs. roughly 15,000 staff and less than 300 missions⁵ - and recapitulated the overall presence and weight of the EU 15 in international organisations, only to conclude that their commitment and resources were not matched by adequate influence. By the same token, the paper also analysed the financial resources that the 15 + 1 (the EC) devote to some chosen countries (Russia, India, Mexico, and Albania) and came to the conclusion that there

³ S.J.Nuttall, *European Foreign Policy*, Oxford, Oxford UP, 2000, especially pp. 25 ss.

⁴ The Commission alone currently has more than 120 delegations, permanent representations and offices in non-member countries (the first ever was opened in London, in 1954, by the ECSC), more than 50 of which have opened since 1989. Cf. M.Bruter, *Diplomacy Without a State: The External Delegations of the European Commission*, 'Journal of European Public Policy', VI (1999), 2, pp.183-205.

⁵ The comparison with the US is partially misleading, but remains a recurrent (and to a certain extent useful) argumentative tool in the debate over European foreign policy goals: see e.g. F.Heisbourg (ed.), *European Defence: Making it Work*, Chaillot Paper 42, WEU Institute for Security Studies, Paris, 2000, and G.Andréani, C.Bertram, C.Grant, *Europe's Military Revolution*, CER, London, 2001, that also deals with the 'consistency' issue (pp.42 ss.).

is room for streamlining aid and improving its effectiveness. On the occasion, a number of possible remedies were discussed and put in the pipeline, such as the drafting of Country Strategy Reports, the adoption of a ‘sunset clause’ for aid programmes and, more generally, the strengthening of coordination and communication between (and across) national and EU bodies.⁶

Unfortunately, however, the ensuing political discussion inside the Council did not lead to any significant or compelling deliberation. In fact, the subsequent General Affairs Council, held on 9 October in Luxembourg, limited itself to issuing a communiqué [*Annexe B.2*] that looks largely devoid of substance: it mentioned ‘the persistence of real difficulties of on-the-spot coordination’ and demanded more transparency, better communication, coordination and complementarity between Commission and member States in providing aid to third countries. It also emphasised ‘the importance of having a summary by country of the financial assistance provided’ in all its forms: Community budget, European Development Fund (EDF), European Investment Bank (EIB), macro-financial aid, bilateral budget aid and bilateral credits, contributions made to such assistance by international financial institutions (IFIs), rescheduling and cancellation of debts. Yet no binding decision was taken on how to achieve all that. Furthermore, the Council ‘welcomed the intentions expressed by the Commission in this area’ and ‘noted’ its intention of rationalising its departments and ‘its proposals for simplifying the management procedures for external aid’ – a language that is in all likelihood the upshot of an internal confrontation over a Commission plan to set up a ‘Rapid Reaction Facility’ that was hardly welcomed by a large majority of the Council. Finally, the Council stressed ‘the importance of common strategies for the *coordination, coherence and effectiveness* of external action’ [emphasis added], and called on the SG/HR to submit ‘an evaluation report on the operation of the common strategies already adopted and on ways of making optimum use of this instrument in the future’.⁷

Perhaps inevitably, therefore, the discussion included also the ‘malign’ element. In part, it was an effect of the media and their way of delivering the message, whereby personal rivalries and confrontations may help convey the essence of policy issues. As a result, in the media coverage the discussion on the coherence of European foreign policy soon became a battle for turf between Patten and Solana – in spite of their allegedly ‘excellent’ personal relationship – or between Prodi, Solana and the occasional EU president in office. Of course, the simultaneous unfolding of the IGC further contributed to that, as did the debate triggered by the German Foreign minister Joschka Fischer on the *finalité politique* of European integration, thus at times raising the political and institutional stakes in a discussion that also had a specifically functional dimension.

For additional evidence, one only has to consider the speech held by Commission President Romano Prodi before the European Parliament, in Strasbourg, on 3 October 2000 [*Annexe C*]. In the context of a passionate defence of the community method and an equally passionate criticism of the purely inter-governmental approach, in fact, Prodi denounced what he called the ‘danger of fragmentation’. He argued that, with the creation of the SG/HR, the Amsterdam Treaty provided ‘only a provisional response to a partial need’ and that – regardless of Solana’s ‘extraordinary personal commitment which has enabled him to achieve important and unexpected results’ – ‘the present organisational model is not sustainable in the long term’. This model, he went on, ‘confuses the roles of the Council and the Commission in a

⁶ Cf. ‘Agence Europe’, No. 7790 and 7791, September 2000.

⁷ Cf. *Effectiveness of the Union’s External Action – Conclusions*, EU Council press release 12012/00 (Press 364), now on ue.eu.int/Newsroom.

way that could ultimately jeopardise both struts of the institutional system and exclude [the European] Parliament from any effective power'. The current situation, Prodi added, should be seen 'as a transitional phase, useful for launching European action in a new area, but destined to be reabsorbed into the conventional institutional structure, as happened in similar cases such as Schengen'. He closed his argument by saying that 'the function of High Representative should be integrated into the Commission, with a special status tailored to the needs of security and defence'.⁸

This is not to say, of course, that bureaucratic politics and struggles for power and influence are not part of the problem. The opposite is true, especially if one looks beyond the traditional coordinates of the 'consistency' debate since 1987 to include especially ESDP. Since the Cologne and the Helsinki European Council, in 1999, ESDP has become a constitutive part of CFSP, thus virtually strengthening and completing the gamut of policy instruments at the disposal of the EU as an international actor. At the same time, however, ESDP has brought into the European foreign policy folder entirely new bureaucratic and institutional bodies (and interests) - the member States' ministries of Defence, the 'interim' Political and Security Committee (PSC or rather COPS, according to the French acronym), the equally 'interim' military instances, not to mention NATO - thus potentially complicating the original problem. This is probably also why the focus of the discussion opened by Patten has soon shifted from European *foreign* policy in general, or 'external action', towards 'crisis management' - a term formally introduced in the EU language with the Cologne Declaration in June 1999 - and *security* policy proper. Before addressing this stage of the discussion, however, it may be useful to take a couple of steps backwards and reassess both the terminology and the underlying set of questions.

Consistency, coherence, and security

The Treaty language - from the Single European Act to the TEU - refers to the need for *consistency*: art.3 TEU states, inter alia, that '(..) the Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency and shall cooperate to this end (..)'. The French text, however, speaks of *cohérence*, and the German one of *Kohärenz*. Such terms, however, carry different legal implications. In principle, in fact, 'consistency' in law means absence of contradiction, 'coherence' implies also positive connections: the former is more about compatibility and making good sense, the latter more about synergy and adding value. Logically, the two terms also entail different degrees of stricture. For instance, it is quite conceivable that something is *more or less* coherent, while something cannot be *more or less* consistent: it is or it is not.

From a political as well as functional point of view, however, the difference may prove less significant. Both terms hint at the need for coordinated policies with the goal of ensuring that the EU acts unitarily: all the more so when they refer to the Union's external activities, which are inherently inter-pillar. The assumption is of course that, by acting unitarily and with a common purpose, the EU (i.e. the 15 plus the 1 Community/Union) becomes also, *ipso facto*, more efficient and effective: an assumption that is more intuitive than well-founded, given that European foreign policy has often achieved unanimity at the expense of effectiveness and

⁸ Prodi's speech can be found on www.europa.eu.int/rapid/start.

capitals, in a multi-level game that no longer isolates pure second-pillar procedures and instances from the others.¹¹

Finally, both coherence and consistency are also a matter of appearance or, more specifically, of how the EU represents itself to third parties or within multilateral institutions. On the one hand, therefore, the matter relates to the *troika* issue - that Amsterdam has not managed to solve in a satisfactory (nor effective) way, especially in light of the forthcoming enlargement - and, albeit to a lesser extent, to the role of the 'special representatives'. On the other, European outward representation may and perhaps should be assessed in light of the Union's and the member States' action in pluri-multilateral contexts, that is, in foreign policy areas where the Union is one but not the sole actor. In the Balkans for instance - where also the UN, the OSCE and NATO are involved in a joint endeavour - they both look problematic. In the Baltic region, by contrast, they both seem in place (so far). This is to say that consistency and coherence have also an *inter- or cross-organisational* dimension. EU member States are also members of the above mentioned multilateral or regional organisations (let alone of international financial institutions), within which they may act as a bloc, as a caucus, even as a potential sub-regional 'agent', or just as equal partners.

This said, achieving consistency and coherence for CFSP today is markedly different from yesterday. The emphasis, in fact, has shifted from the 'F' of *foreign* to the 'S' of *security*, i.e. the 'S' that is common to both CFSP and ESDP and that combines diplomatic (the 'F') and military (the 'D') action with other, less traditional and virtually complementary policy instruments which do not lie primarily in the second pillar remit.¹²

Until the Single European Act, not even the 'F' represented an acceptable common policy area. Since 1987, the 'S' was accepted only insofar as it was limited to the 'economic aspects of security'. With Maastricht and Amsterdam it has gained ground, but mostly as an extension of the 'F' and insofar as it stopped short of the 'D' proper. After St.Malo, Cologne, Helsinki and Feira - that have led i.a. to the establishment of a European Rapid Reaction Force (ERRF) and, in perspective, a European Police Force (EPF) - it finds itself in a pivotal position to shape the role of the Union as an international actor.

Historically as well as functionally, however, security *policy* has several different dimensions and implications for the EU.

Firstly, it has an *internal/political* dimension that can, in turn, be broken down into three:

- a) the dimension of *integration* per se, that has been a very effective security policy in its own right: war among member States is now inconceivable, and the Union has become - to quote Karl W. Deutsch - a 'security community';
- b) the dimension of *enlargement*, that has been in many respects a security policy by other means; and

¹¹ On the notion of 'Brusselsisation' cf. D.J.Allen, *The European Rescue of European National Policy?*, in C.J.Hill (ed.), *The Actors in Europe's Foreign Policy*, London, Routledge, 1996, pp.288-304, and D.J.Allen, 'Who Speaks for Europe?' - *The Search for an Effective and Coherent External Policy*, in J.Peterson, H.Sjursen (eds.), *A Common Foreign Policy for Europe?*, quot. fn.3, pp.41-58. On 'multi-level' governance see J.Peterson, *Decision-Making in the European Union: Towards a Framework for Analysis*, 'Journal of European Public Policy', II (1995), 1, pp.69-93, and J.Peterson, E.Bomberg, *Decision-Making in the European Union*, Basingstoke, Macmillan, 1999.

¹² For an overview of its changing contents and scope cf. T.Terriff et al., *Security Studies Today*, Cambridge, Polity Press, 1999.

c) the dimension of *cohesion*, that predetermines and limits common action: not breaking ranks has often been more important than acting.

Secondly, the ‘S’ has an *external/functional* dimension, that encompasses both traditional policies - trade (preferential as well as multilateral agreements), aid (development and humanitarian), and CFSP proper (second pillar) – and new ones, from border regimes (inward and outward) to crisis management (civilian and military).

Thirdly, it has also a *geographic* dimension, that ranges from the applicant countries (currently 6 + 6 + 1, for whom specific policies have been designed and implemented) to the immediate periphery (the Western Balkans, the Mediterranean, Ukraine and the CIS, for most of which ad hoc ‘partnerships’ have been conceived), from the ex colonies (a target of specific trade and aid policies and of special bilateral relationships) to the global arena (through the UN, the IMF/WB, and the WTO channels).

Fourthly and finally, the ‘S’ has a *bureaucratic* dimension, that is made all the more complex by the fact that – as opposed to the ‘F’ and the ‘D’ – it has no single clearly identifiable body, at the national or continental level, designed or entitled to deal specifically with it: no ministry, no EU DG or Secretariat, no international organisation with comparable overlapping membership (neither NATO nor the OSCE qualify, albeit for different reasons).

It is therefore not by accident that, since its inclusion in the CFSP remit, security policy has never rested upon a stable administrative structure. The Commission itself has undergone several reorganisations in this area since 1993. Initially it separated external economic (DG 1) and political (DG 1 A) affairs, then (with Jacques Santer) it divided them geographically and among several Commissioners and Directorates-General. With Romano Prodi, at long last, it has concentrated them in two main DG – Relex and Enlargement – that now share the Charlemagne building with DG Trade. Moreover, some functions have been outsourced, other ones remain spread across the pillars, and the Council Secretariat’s DG E is another relevant bureaucratic actor to be reckoned with. Finally, the Amsterdam Treaty has established the function of High Representative for CFSP and the Policy Planning Unit (PPU, initially defined as Policy Planning and Early Warning Unit), and the Nice Treaty has added the COPS.¹³

All this is to say that the EU has not yet completed its transition from a purely and genuinely ‘civilian power’ – as it certainly was at the outset and long afterwards¹⁴ – to a fully-fledged international actor in its own right that aims to project security beyond its borders. The completion of such transition is still open-ended and hardly a foregone conclusion: the ‘S’ of European security policy lies at a critical juncture along that way. Hence the primary importance and political relevance of its consistency and coherence with other EU policies.

¹³ See D.Spence, *Foreign Ministries in National and European Context*, in B.Hocking (ed.), *Foreign Ministries: Change and Adaptation*, Basingstoke, Macmillan, 1999, pp.247-268.

¹⁴ For the original notion of ‘civilian power’ see F.Duchêne, *The European Community and the Uncertainties of Interdependence*, in M.Kohnstamm, W.Hager (eds.), *A Nation Writ Large? Foreign-Policy Problems before the European Community*, London, Macmillan, 1973, pp.1-21. For more recent variations on the same theme cf. R.Rosencrance, *The European Union: A New Type of International Actor*, in J.Zielonka (ed.), *Paradoxes of European Foreign Policy*, The Hague, Kluwer, 1998, pp.15-24; and G.Therborn, *Europe in the 21st Century: The World’s Scandinavia*, ‘Irish Studies in International Affairs’, 8, 1997, pp.21-34.

Conflict prevention and crisis management

It should therefore come as no surprise that the subsequent discussion on the consistency and coherence of European security policy has centred upon conflict prevention and crisis management. Once again, the terminology is hardly new: in this case, however, it stems from the international rather than the specifically European discourse. In fact, the ways in which a crisis situation can be prevented from escalating into violent conflict have long been the object of a rich academic literature, mostly linked to peace research as much as to the field activities of the UN and its agencies.¹⁵ According to such literature, *conflict prevention* is seen as encompassing a wide array of instruments (political, economic and military) as well as of types of action related to the various causes (structural, proximate, and occasional) of a given crisis. In turn, *crisis management* proper is seen as more contingency-oriented and short-term, and may imply a more direct use of military means (peace-enforcement and peace-keeping) and ‘negative’ diplomacy (sanctions, embargoes, freezing of relations). As such, crisis management entails crisis assessment, crisis response and termination, and post-crisis rehabilitation or peace-building (which, in turn, may become a tool to prevent the recurrence of the same conflict in the future).

Generally speaking, however, the dividing lines between the two sets of policies may at times be fuzzy and the tools – especially from the EU’s perspective – may very often be roughly the same: they are only applied in different mixes and blends according to the specific nature of the crisis, its temporal stage and its geographical location.¹⁶ This, incidentally, is also what makes consistency and coherence so crucial for their effective use.

The new focus of the EU on conflict prevention and crisis management met a specific bureaucratic interest - that of the Commission, in whose remit fall many aspects of conflict prevention - and a contingent political interest: that of the forthcoming Swedish presidency of the Union, which saw in that an opportunity to play on its national strengths and to convey to its domestic public opinion a more acceptable and familiar image of CFSP/ESDP. More generally, the emphasis on conflict prevention and on civilian (as distinct from military) crisis management served a broader purpose. In fact, some member States felt ill at ease with the alleged ‘militarisation’ of CFSP that the momentum following Cologne and Helsinki seemed to have produced. Moreover, conflict prevention and civilian crisis management as policy goals appeared comparatively less controversial among the Fifteen, and also less demanding on resources. Actually, most of them were already there, at the national or European or multilateral level. They just required better coordination and synergy.

As a consequence, the first real internal (and ‘benign’) EU exercise in this direction was made in the run-up to the Nice European Council - on the basis of a mandate given by the previous Council held in Feira - when the SG/HR and the Commission jointly delivered a paper on ‘Improving the Coherence and Effectiveness of the European Union Action in the Field of Conflict Prevention’ [*Annexe D.1*]. The aim of the paper was to ‘reaffirm and maintain conflict prevention as a fixed priority of EU external action’, to establish ‘priorities for action’

¹⁵ Cf. J.S.Nye jr., *Understanding International Conflicts: An Introduction to Theory and History*, New York, Harper & Collins, 1993; M.S.Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, Washington (D.C.), US Institute for Peace Press, 1996; I.W.Zartman, L.Rasmussen (eds.), *Peacemaking in International Conflict*, Washington (D.C.), US Institute for Peace Press, 1997.

¹⁶ For an overview see P.Cross, G.Rasamoelina (eds.), *Conflict Prevention Policy of the European Union: Recent Engagements, Future Instruments*, SWP-CPN Yearbook 1998/1999, Baden-Baden, Nomos, 1999; M.Lund, G.Rasamoelina (eds.), *The Impact of Conflict Prevention Policy: Cases, Measures, Assessments*, SWP-CPN Yearbook 1999/2000, Baden-Baden, Nomos, 2000.

in the field in order to become ‘progressively more pro-active and less reactive’. The main challenges ahead, as pinpointed by the paper, consisted therefore mainly in:

- a) ensuring ‘the coherent use of what is now a very broad range of resources (...) better integrating development, trade, economic and humanitarian instruments with CFSP instruments and civilian and military capabilities for crisis management’;
- b) deploying ‘those resources in a timely, comprehensive and integrated way’;
- c) developing ‘targeted common approaches to countries and regions at risk of conflict taking into account of CFSP, development, trade, economic, and justice and home affairs’.

To this end, the paper gave a list of short-term key recommendations that basically reiterated the need for more *horizontal* and more *cross-organisational* coherence, while inviting the COPS to establish its role as ‘a focal point in developing conflict prevention policies in CFSP’ and ESDP.¹⁷

However much the paper represented an important starting point, it did not really tackle the thorniest (and potentially ‘malign’) issues that arose from the new challenges. Moreover, both the SG/HR and the Commission also addressed the same topic separately. Solana presented a short autonomous ‘contribution’ on ‘Procedures for Comprehensive, Coherent Crisis Management: Reference Framework’ [*Annexe D.2*] that dealt more specifically with the *horizontal* and *vertical* dimensions of coherence. The contribution - of which the European Council took ‘note’ - correctly pointed out that a crisis management policy must be responsive and bring results in order to gain and enhance credibility. As a community governed by law, however, the Union ‘cannot contemplate any derogation from the provisions governing the attributions and powers of its institutions and bodies, starting with the Commission’s right of initiative and the implementation of the instruments that fall within its competence’. In this context, the SG/HR concluded that ‘to ensure *effectiveness* in institutional *coherence* [...] it is essential that *a single body* should have access to all the information, proposals and initiatives relating to the crisis involved in order to make a global assessment’ [emphasis added]. Such body, in Solana’s view and following the conclusions of the Helsinki summit, could only be the COPS. The paper also stressed that ‘all the civilian and military means available should be capable of being mobilised as required by each individual crisis’, thus underlying the importance of the vertical dimension of coherence. And maintained that ‘without a permanent central coordination body and strategic supervision, there can be no guarantee that our collective efforts will be brought together in the desired time sequence’. Finally, the SG/HR argued that a specific CFSP joint action should be drafted in order to define the appropriate crisis management procedures.¹⁸ ..

At roughly the same time, the Commission initiated an internal exercise on conflict prevention policy guidelines that would eventually lead to a detailed and comprehensive ‘Communication’ officially delivered on 11 April 2001 [*Annexe F*]. The document pursued four main objectives, namely:

- achieving a more systematic and coordinated use of community instruments, in particular external cooperation programmes;
- improving the efficiency of actions by developing specific methods to identify and fight against the root causes of conflicts at an early stage (instead of only addressing the symptoms at times of acute crises);
- improving the capacity of the EU to react quickly to nascent conflicts; and

¹⁷ The paper can be found on <http://ue.eu.int/Newsroom> as well as <http://ue.eu.int/Solana>.

¹⁸ The ‘contribution’ can be found on <http://eu.ue.int/Newsroom> as well as <http://eu.ue.int/Solana>.

- promoting targeted international cooperation on conflict prevention with all the EU's principal partners.

More specifically - and for the limited purpose of the present analysis - the document entailed a list of recommendations that drew an important distinction between *long-term* and *short-term* conflict prevention. Accordingly, community policies and instruments would be paramount for the former, horizontal and vertical coherence crucial for the latter, while cross-organisational coherence would be an essential complement - in terms of both legitimacy and effectiveness - for both.¹⁹

Taken together, the SG/HR's 'contribution' and the Commission's Communication constitute important steps forward in the discussion. Solana underlined the need to combine consistency and effectiveness by centralising the strategic control of EU crisis management in the COPS and by calling upon the Council in all its various configurations (including the Ecofin and the JHAC). Patten underlined the need to set targeted indicators to assess the conflict potential in given areas and to improve on the instruments already available to the Union. Both acknowledged the need for a common political will in managing short-term crises and overcoming the potential lack of coherence inside the legally and bureaucratically fragmented European security policy system. Both also acknowledged the need for cross-organisational coherence, although the international interlocutors may vary according to the stage and geographical location of a given crisis. In fact, if the UN is equally important in all phases, OSCE and international financial institutions may be more relevant to long-term conflict prevention, and NATO to short-term crisis management. Finally, both acknowledged that coherence is not only desirable but also indispensable.

This said, unless a legally more constraining framework is established - in the shape of a joint action, as suggested by Solana, and/or in the context of the Treaty review set for 2004 - the potential for occasional turf battles and 'malign' initiatives and interpretations is there to stay. On the one hand, of course, it is difficult to set detailed procedures without ever having 'managed' a crisis *as European Union*. In addition, actual crises - especially those where the military component (the 'D') plays a central role - tend to generate practices that often circumvent or even contradict previously agreed mechanisms: the impact of the Kosovo conflict on NATO structures is a good case in point. On the other hand, the Union is a legal community, and its cohesion and legitimacy rest upon the consensual codification of common rules of conduct and action: even in the realm of CFSP, in fact, it is difficult to ignore how far 'legalisation' has gone since its establishment, and how deeply it has affected policy implementation.²⁰

As long as European security policy is in the making, therefore, it could be as wise as it is inescapable to initially stick to the provision whereby a 'crisis' is such - and therefore triggers all the *ad hoc* procedures and bodies related to that - only when the Council so decides. Accordingly, the Union would get down to 'managing' a crisis only when the Council comes to the unanimous political judgement that:

- a) a given crisis affects the common interests of the member States;
- b) acting on the part of the Union can make a difference;
- c) the Union has all the required means to tackle and possibly solve that crisis, i.e. adequate means for *crisis response and termination*.

¹⁹ The 'Communication' can be found on http://europa.eu.int/comm/external_relations/cfsp/news.

²⁰ See M.E. Smith, *Diplomacy by Decree: The Legalization of EU Foreign Policy*, 'Journal of Common Market Studies', IXL (2001), 1, pp.79-104.

What may prove decisive in this scenario, however, is the existence of an adequate common *crisis assessment* capacity. Such capacity would have to apply to all the possible stages of crisis management but especially to the critical passage to early action, that is expected to bridge the gap between prevention and response. It would also call for a maximum of coherence: vertical, horizontal, and cross-organisational. Yet, for the time being, the only structures it can rely upon – apart from the member States’ own – are:

- *on the Commission’s side*, the Conflict Prevention Network (CPN), originally set up in 1997 and managed by the Stiftung Wissenschaft und Politik, and the newly established Rapid Reaction Mechanism;
- *on the Council’s side*, the PPU (along with its Situation Centre) and the fledgling COPS with its military bodies, on which rest also the competence for crisis response and termination (in possible conjunction with NATO).

Post-crisis rehabilitation and peace-building, in turn, are expected to involve a wider set of institutional (the Council and the Commission), international (IFIs, UN, OSCE) and non-governmental actors.

Nice and after

Did the Nice European Council fundamentally change the picture?

As regards the IGC proper, the new Treaty has indeed simplified it by basically doing away with the WEU (art.17 TEU) and by giving the COPS - as already mentioned - the key role in crisis management (art.25 TEU). In the former case, the previous wording had already become obsolete with the Cologne and the Helsinki Declaration: the gain here is mainly functional in that the EU does not need to ‘outsource’ military crisis management to a separate, if related (also through partially overlapping membership), international organisation.²¹ In the latter case, the eventual outcome was hardly a foregone conclusion: in fact, member States were at odds over the opportunity to ‘legalise’ ESDP (and, if so, to what extent), and only the tenacity of a few of them made it possible to at least insert the PSC - but neither the Military Committee (MC) nor the Military Staff (MS) organisation - in the Treaty. In addition, it is worth noting that the *de facto* disappearance of the previous Political Committee (Po.Co.) that used to steer the CFSP - its role shall be limited to official meetings with third countries and finalising preparations for European Councils - further consolidates the ‘Brusselsisation’ of CFSP. According to the new text, the role of the COPS entails early warning (‘ .. shall monitor the international situation in the areas covered by the CFSP’), evaluating and presenting possible responses (‘ .. shall contribute to the definition of policies by delivering options to the Council’), keeping an eye on their subsequent development (‘ .. shall monitor the implementation of agreed policies’) and, on certain conditions, carrying them out directly (‘ .. shall exercise political control and strategic direction of crisis manage-

²¹ As a result, there will be less need for cross-organizational coherence and more efficiency. A tentative ‘flow-chart’ drawn up on the occasion of a joint exercise held in June 1998 between EU and WEU in order to ‘test’ the Amsterdam provisions, in fact, showed that no fewer than 25 distinct procedural steps across the two organizations might have been necessary to trigger the management of an international crisis. The steps would have amounted to 37 (or 45, depending on the type of interface) if NATO assets were to be used. See WEU CM (98) 39, *Modus Operandi of Article J.4.2/Article 17.3 and Flow Chart* (13 November 1998).

ment operations'). The new art.25, in other words, creates the legal basis for crisis management – by also including the term itself in the TEU for the first time.²²

However, the Nice Treaty addresses the issue of CFSP coherence in a more direct fashion, namely in the new provisions on 'enhanced cooperation under Title V of the TEU' (due to be included in the new art.27), that did not exist in the Amsterdam Treaty.²³ Clause I, in particular, states that enhanced cooperation shall respect a) the 'consistency of CFSP' (i.e. the vertical one) and b) the 'consistency between all the Union's policies and its external activities' (the horizontal one). Furthermore, clauses K-M emphasise - as compared to the provisions for the other pillars – the role of the Council and the SG/HR as the main bodies of reference for triggering, implementing and possibly widening enhanced cooperation. Unfortunately, however, clause J explicitly limits enhanced cooperation in CFSP to the 'implementation of a joint action or a common position' - thus excluding the common strategies - and rules out 'matters having military or defence implications', thus excluding ESDP proper.

To a certain extent, therefore, the outcome of the Nice negotiations on enhanced cooperation under Title V - influenced as it was, in the end, by short-term political calculations and eleventh-hour deals – undid what had been painfully achieved with artt.17 and 25. Firstly, it restricted the applicability of the provisions to joint actions and common positions, thus depriving enhanced cooperation of its possible strategic value and scope. Secondly, it inserted a potential device for *incoherence* in that it set ESDP apart from the 'rest' of CFSP as a no-go-area. On the one hand, it has made it impossible to apply any form of enhanced cooperation to the crucial domain of defence industry and procurement as well as to all matters having operational implications. On the other, it makes it de facto impossible to apply enhanced cooperation to crisis management proper as its military component cannot be incorporated. Such an unsatisfactory outcome is all the more regrettable in light of the progress previously made inside the IGC: in the wake of the presentation, on 4 October 2000, of a German-Italian joint position paper on enhanced cooperation, the French presidency had in fact issued a tentative draft, on 17 November, that mentioned also 'initiatives in the field of security and defence contributing to the acquisition of crisis management capabilities' as possible areas of application. Finally, still on the eve of the European Council, the British delegation seemed ready to accept at least the mentioning of defence industry, only to change its mind at the final round in Nice.²⁴

By contrast, the 'Presidency Report on the ESDP' and its Annexes represent the most serious effort made so far by the EU to outline a crisis management policy worth its name, much as they spectacularly confirm the preference of most member States for developing the new policy, so to speak, through common law rather than Roman law, through 'soft' Council declarations and reports rather than 'hard' Treaty provisions.²⁵

The Nice Presidency Report, in any case, describes in some detail both the general goals and the specific instruments for what it calls 'an *overall* crisis management and conflict preven-

²² The new text can be found i.a. in M.Rutten (comp.) *From St. Malo to Nice – European Defence: Core Documents*, Chaillot Paper 47, Paris, WEU Institute for Security Studies, 2001

²³ On the entire issue cf. A.Missiroli, *CFSP, Defence and Flexibility*, Chaillot Paper 38, Paris, WEU Institute for Security Studies, 2000.

²⁴ Cf. the Council's Website on the IGC and, more specifically, CONFER 4783/00 and 4803/00.

²⁵ Similarly, EPC had developed through customary law before being incorporated into the SEA and acquiring formally recognized procedures: see R.Dehousse, J.H.H.Weiler, *EPC and the Single Act: From Soft Law to Hard Law?*, in M.Holland (ed.), *The Future of European Political Cooperation: Essays on Theory and Practice*, Basingstoke, Macmillan, 1991, pp.121-142.

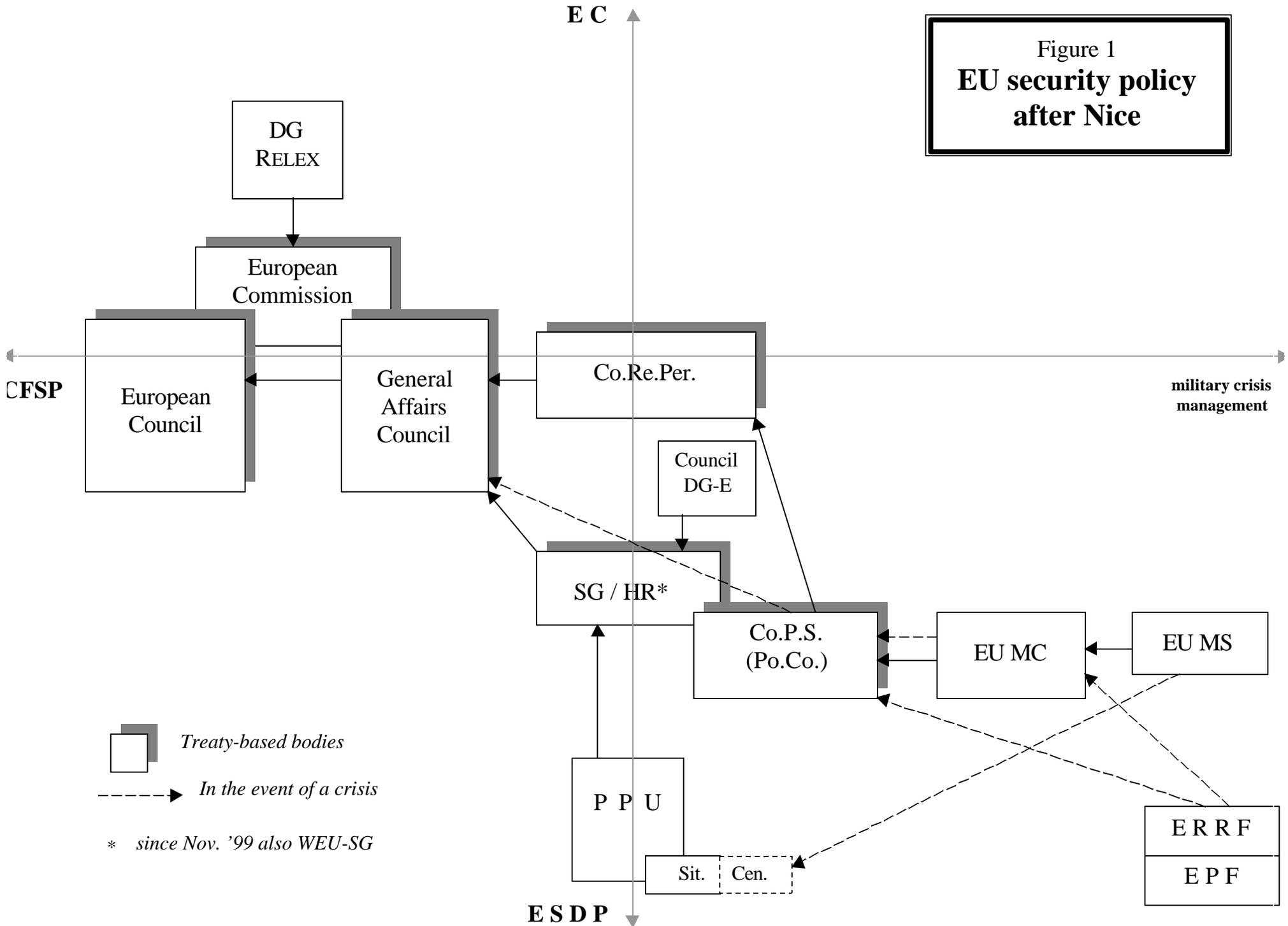
tion capability in support of the objectives of the CFSP'. The Report maintains that the EU is set to assume 'the crisis management function of the WEU' as well as its own 'responsibilities in the sphere of conflict prevention'. It also stresses the need to 'respond more effectively and *more coherently* to requests from leading organisations such as the UN or the OSCE [...] without any unnecessary duplication', to 'ensure *synergy* between the civilian and military aspects of crisis management' and, 'in a crisis situation', to 'maintain effective permanent *coordination* between CFSP discussions and those conducted in other pillars [emphasis added]'. Finally, it tries to envisage some *ad hoc* procedures and institutional short-cuts 'in the event of a crisis' – namely, if and when the Council decides there is one – most of which aim at giving the COPS and the SG/HR the necessary clout and direct access to the Council.

All in all, there certainly remain grey areas, open questions and sizeable unknowns, starting with the relationships (functional as well as hierarchical) between the COREPER and the COPS, between the COPS and the SG/HR, between the SG/HR and the rotational EU presidency. Yet the picture of European security policy resulting from the Nice deliberations – in terms of institutional bodies, decision-making procedures, and functional whereabouts – may end up resembling very closely the one given in Figure [1] (see overleaf). Of course, that is a *static* picture: it is bound to change – especially in the relative importance of each body – according to the geographical area of destination and the most appropriate mix of policy tools to be put in place. And it is bound to change even more 'in the event of a crisis', when it may easily be deformed and 'jerked' in front of unexpected events, actors, and consequences. On the whole, however, the coherence and the effectiveness of European security policy will be measured against and along the coordinates and Cartesian axes of Figure [1].

As for ESDP, and especially for the 'D' proper, the Nice Presidency Report envisaged a series of *ad hoc* mechanisms to carry out EU-led military (and police) operations that took into account the peculiarities of the policy. In essence, coherence and effectiveness had to be declined with the foreseeable actors involved. As a result, such operations could be undertaken without the participation of all EU members and with the participation of non-EU members, be they candidates for admission (12 + 1), other European NATO members (2, namely Norway and Iceland), or 'third' countries (e.g. Ukraine, Russia, but potentially also Canada). Accordingly, while preliminary consultations on a possible joint military action would take place in a 15 + 15 format, the key political decisions would be taken only by the EU-15, and the operational ones by a so-called 'Committee of Contributors' open to all countries engaging 'significant' forces in a given operation.

In a way, therefore, the formula for carrying out any such action would be $15 - x + y + n$, where x represents the non-participating EU members, y the participating non-members, and n the added value of acting together. In the case of ESDP, however, the unknown n includes also the possible link with NATO, that is much more than just another international organisation to liaise and coordinate with. In fact, in the event of use of NATO assets for EU-led operations 'when NATO as such is not involved', as the texts read, European NATO members are set to have a special say (the 15 + 6 framework foreseen also by the Nice Presidency Report). Actually, direct relations between the EU and NATO started to be developed after Helsinki and led to a draft agreement for direct access to NATO assets by the EU: the agreement failed to be finalised at the EU-NATO Ministerial that took place in Brussels a few days after Nice, essentially because of Turkish opposition, but is still on the table. And it clearly proves how differently and more substantially cross-organisational coherence is an issue for the 'D', as compared to the 'F' and even the 'S'.

Figure 1
**EU security policy
after Nice**



Conclusion

A couple of weeks after the Nice European Council the office of the SG/HR, following the Council's conclusions of 9 October 2000 on the effectiveness of the Union's external action, circulated an initially restricted Report that sharply criticised the way in which the common strategies introduced with the Amsterdam Treaty had been prepared, delivered and implemented. The Report, however, was leaked to the press and immediately became of public domain [*Annexe E*].²⁶

In essence, the Report argued that the common strategies adopted so far by the EU - on Russia, Ukraine and the Mediterranean - 'have not yet contributed to a stronger and more effective EU in international affairs', much as they have contributed to 'putting together all EU objectives and means in the areas covered in a comprehensive, cross-pillar approach'. As a result, incidentally, the fourth common strategy initially planned on the Balkans has been temporarily dropped. For the Union, in fact, the risk is to 'widen even further the gap between their poor effectiveness [...] and the high expectations they raise'. According to the Report, the three common strategies have been of a declaratory rather than operational nature; they have not added much to already existing EC/EU policies; they have not facilitated the recourse to qualified majority voting (QMV) for their implementation; and they were all made public and published in the Official Journal of the EU. On the whole, it concluded, they have mostly failed to achieve the goals they were designed for in the first place.

Instead, the Report argued, common strategies 'should be well adapted to improve coordination and synergy between CFSP, Community action and member States' activities'. Experience has shown, it went on, that 'already the first step towards this goal, the compilation of inventories [...], will not be achieved in the short run', mainly because 'the review process in member States to bring their national policy actions in line with the common strategies is at best at an early stage'. The Report suggested, in conclusion, that future common strategies should be internal EU policy documents, should be 'focused and selective in their scope', should have 'a clear added value' and 'identify verifiable objectives; finally, they 'must enhance *coherence* by bringing together all means and resources available to the EU' [emphasis added].

In the absence of any specific and binding Treaty provision as much as of any tangible *acquis sécuritaire* to rely on - and in light of the challenges and expectations that European security policy will presumably have to face up to over the next months and years - this may well be the main (if not the only) way to proceed in the desired direction with a 'benign' attitude. Indeed, it would be a tragic irony if what is increasingly regarded as the comparative advantage and perhaps the greatest asset of the EU as an international actor - namely, the pluri-functional nature, the unique variety and the virtual completeness of the policy instruments and resources it can resort to - turned into a source of division and a liability. All the more so at a time when the Union is on its way to becoming the kind of '*amalgamated* security community' - as distinct from NATO's 'pluralistic' one, in which all members retain a high

²⁶ Cf. P.Norman, *Solana Hits at EU Strategies*, 'Financial Times', 23 January 2001, p.2; L.Zecchini, *Javier Solana dresse un bilan accablant des «stratégies communes»*, 'Le Monde', 24 janvier 2001, p.3. For a stringent case-study cf. H.Haukkala, S.Medvedev (eds.), *The EU Common Strategy on Russia: Learning the Grammar of CFSP*, Helsinki-Berlin, FIIA-IEP, 2001.

degree of sovereignty – Karl W. Deutsch could only imagine and dream of almost half a century ago.²⁷

²⁷ The reference is to K.W.Deutsch, *Political Community and the North Atlantic Area*, Princeton (N.J.), Princeton University Press, 1957. For an interesting reappraisal see E.Adler, M.T.Barnett (eds.), *Security Communities*, Cambridge (Mass.), Cambridge University Press, 1998.

CHAPTER ONE: CONFLICT PREVENTION AND CFSP COHERENCE

Renata Dwan¹

1.1 Coherence in conflict prevention

The challenge of coherence has dogged efforts to develop conflict prevention policies, whether national, regional (EU) or international (UN). This is a function of three interrelated factors. First, there is the complexity of cause: there is rarely any single source of conflict but rather a range of contributing elements that may escalate into violence. Disintegration into violence may be gradual or be suddenly sparked by one relatively innocuous event. This makes it difficult to locate and address concrete and specific targets: precisely what conflict prevention policies require if they are to move beyond a broad aspiration of avoidance of violent conflict.

Research on conflict prevention has attempted to identify the causes of conflict and to map out the dynamics of conflict escalation, including the factors that trigger violence. Such work has helped establish the widely accepted distinction between ‘structural’ or ‘long-term’ prevention and ‘direct’ or ‘short-term’ prevention. The former addresses root causes of conflict and, practically, clusters around policies of development, poverty reduction, institutional capacity development and good governance. The targets of structural prevention policies, be they regions, states or societies, are usually defined by relatively low levels of socio-economic and political indicators. Short-term prevention policies, however, focus on efforts to prevent an existing dispute or crisis situation from escalating into violence. This includes classic preventive diplomacy (inter alia, démarches, mediation, trade and economic sanctions or financial inducements) in addition to intensified development and assistance policies. To that extent, there is significant overlap between the two preventive strategies. However, short term and long term prevention differ in one important respect. Short-term prevention is by definition reactive: its success therefore often hinges on the timing of its implementation as much as on the appropriate mixture of coercion and cajolment it brings to bear in a crisis situation.

The poor record of such prevention efforts and recognition that they do little to transform the underlying sources of conflict have led to increased emphasis on proactive, structural prevention policies by diverse international actors. UN Secretary-General Kofi Annan’s Millenium report, Security Council debate on conflict prevention in 1999 and 2000, the G8 Summit in Okinawa, Japan have each articulated this emerging consensus.² Judicious though such a longer-term orientation may be, it raises a serious problem of policy scope. How is a conflict prevention policy that covers all sources of conflict to be defined? And if everything is prevention, what is distinct about prevention?

The difficulty of definition of scope creates a second challenge for effective conflict prevention. Wide-ranging prevention policies require multiple actors, internal as well as external to the target group or area. Each, in turn, brings a diverse set of overlapping tools to be simultaneously employed in a pre or post-conflict situation. This has been illustrated, for example, in

¹ Project Leader, Conflict Prevention, Management and Resolution, SIPRI.

² Annan, K., *‘We the Peoples’: The Role of the United Nations in the 21st Century* (New York, 2000); UN, Statement by the President of the Security Council, UN doc., S/PRST/2000/25, 20 July 2000; G8 Initiatives for Conflict Prevention, Kyushu-Okinawa Summit, 21-23 July 2000.

the current debate on 'conflict diamonds' that has been driven by non-governmental organisations and aid actors and has thrown focus on the impact of the private sector in fuelling conflict through trade in 'conflict diamonds'. States and international organisations are increasingly aware of the need to engage such non-state actors in prevention strategies, as the UN's Global Compact initiative, directed at encouraging private corporations to commit themselves to best practices in the area of human rights, labour and the environment, demonstrates. Secretary-General Annan, meanwhile, has commissioned a report on conflict prevention to be released in May 2001 that is intended to elaborate the range of potential tools for prevention and how the resources and expertise of all relevant actors might be harnessed.³

The multiplicity of actors and tools required for effective prevention, moreover, demands that policymakers have substantial information about, contacts with and authority over a wide range of state and non-state actors. This leads to the third and most complex challenge of prevention, the imperative of coordination. A coherent prevention strategy requires a flexible mixture of diverse policies to be carried out by decentralized actors. Where and how is such a strategy to be coordinated? And how are prevention policies to be adapted to changing conditions within and outside the target state? The challenge of coordination remains a fundamental obstacle to effective conflict prevention as the Report of the Panel on United Nations Peace Operations (Brahimi Report) recently identified and is a central theme shaping current UN institutional reform.

The EU confronts these three challenges in its efforts to elaborate a coherent policy of prevention as well as a set of difficulties unique to the Union. This paper will make three points: 1) the EU has a strong preventive capacity, primarily in longer term structural prevention and in the complex 'package' of policy tools it can potentially deploy 2) the Union's institutional structure is an impediment to the effective coordination of prevention policies within the EU and with other international actors and 3) effective prevention requires a clear political strategy which the Union's common foreign and security policy does not currently provide. The current emphasis on EU crisis management, in fact, threatens to weaken rather than enhance, EU preventive capacity.

1.2 Coherent EU conflict prevention?

The Union and its fifteen member states are among the most active supporters of international conflict prevention efforts. EU states greeted the Brahimi Report and its comprehensive recommendations enthusiastically; they were primary actors behind the G8 initiative of July 2000 while EU financial assistance to African regional organisations has included support for the institutionalisation of conflict prevention such as the Economic Community of West African States (ECOWAS) mechanism for conflict prevention and resolution. Conflict prevention in Africa has been on the EU agenda since 1994 and was the subject of a common position in 1997. The EU perspective has consistently placed prevention within the context of long term development cooperation, emphasising the need to address root causes of conflict and stressing the significance of local capacity and institution building. Examples of the diverse EU tools available include political dialogue within partnership agreements such as the African-Caribbean-Pacific (ACP)-EU cooperation agreement of June 2000 (Cotonou Agreement), arms embargoes and export control initiatives to prevent illicit trade in small

³ Report of the Secretary-General on the implementation of the report of the Panel on United Nations peace operations, UN doc., A/55/502, 20 Oct. 2000.

arms and light weapons, and February's Council decision to remove all tariffs (except arms) on trade with least developed countries.

Laudable though the emphasis on long term prevention is, one consequence of the approach to date is that it has tended to limit the EU's prevention orientation geographically (primarily Africa) and functionally (focused on general trade and development policies). This has impeded the development of more strategic thinking about EU conflict prevention and the development of a wide spectrum of preventive instruments. It may have also served to create the impression that prevention is not so much a priority for the Union but rather a policy that signals a lack of political interest and a reluctance to commit greater resources to a particular area or issue.

There are some fears that prevention is becoming even less of priority for EU development aid. The emphasis on trade liberalisation and economic growth as the way to stability and development, reflected in the EU's encouragement of regional free trade agreements, threatens to underestimate the potentially destabilizing nature of liberalisation processes.⁴ Although the Commission's recent Communication on Conflict Prevention has noted its intention to give support to regional organisations with 'a clear conflict prevention mandate', there is little indication as to how such assistance could be implemented in practice. More broadly, there appears to be no consideration of how regional strategies can be developed in co-ordination with the the strategic documents drawn up for countries receiving EU assistance (Country Strategy Papers).⁵ The tendency towards unquestioned advocacy of regional integration reflects a continued assumption that the EU experience is not only a desirable but a feasible model for export to other areas of the world.

Meanwhile, internal coordination of prevention policy and elaboration of the ways in which EU development assistance can effectively target root causes of conflict has been potentially undermined by the recent restructuring of the Commission. Conflict prevention, hitherto, was institutionalised in a small unit within DG Development (DGVIII) while analytical capacity was outsourced to a network of researchers and institutes (the Conflict Prevention Network) managed by the German *Stiftung Wissenschafts und Politik*. The prevention unit has now been disbanded and policy responsibility assigned to individual country/area desks within DG Development and DG RELEX. This threatens to further disperse conflict prevention policy-making and implementation within the Commission. It severely impedes the monitoring of policies and, thereby, the development of coherent prevention strategies. The Commission clearly recognises that an integrated approach is the greatest challenge to effective prevention and regards Country Strategy Papers, with the support of 'appropriate potential conflict indicators' as the best mechanism to achieve it. However, there is little substantive discussion of how intra-Commission co-ordination is to be achieved on day-to-day level and the challenge of policy coherence appears to be conceived in terms of co-ordination between the Commission and member states.⁶ Most worrying is the absence of any discussion of the need for oversight, assessment and review of conflict prevention policies and practice. Given the breadth of actors involved in long-term prevention, some form of centralised policy assessment process is crucial for coherence and effectiveness.

⁴ Saferworld/International Alert, *Preventing violent conflict: Opportunities for the Swedish and Belgian Presidencies of the European Union in 2001* (December 2000); Debiel, T. and Fischer, M., *Crisis Prevention and Conflict Management by the European Union: Concepts, Capacities and Problems of Coherence*, Berg-hof Report No. 4, (September 2000).

⁵ Commission of the European Communities, Communication from the Commission on Conflict Prevention, 11 April 2001.

⁶ See Commission Communication annex 'List of recommendations'.

The overall weakness of EU prevention policies reflects, in large part, the absence of a clear strategic direction, as the Commission's Communication implicitly indicates. Such leadership can be provided only through a common foreign and security policy that articulates EU interests and sets political goals and priorities. It is arguable that institutional and policy development to date has done little to facilitate a coherent EU prevention policy in this regard. The 1997 Treaty of Amsterdam established, for the first time, an institutional locus for the development of conflict prevention within the CFSP pillar, with the creation of the High Representative for CFSP and the Policy Planning and Early Warning Unit. This Unit was intended to provide early-warning, analysis and policy options to the High Representative, thereby equipping the Council with the tools necessary for the establishment of strategic priorities as well as a capacity to respond quickly to emerging crises. After less than two years in existence, however, it is clear that the Unit lacks the political clout and resources to effectively monitor, gather information and analyse crisis situations around the world.

The Political and Security Committee (PSC) established in Helsinki has been tasked to be the focal point for prevention policies within CFSP and the EDSP and, in pursuit of policy coherence, can request and act upon information from other EU bodies. It faces two challenges: to link structural prevention policy instruments and actors with the foreign and security structures and tools currently being developed and, within EDSP, to link the civil and military aspects of an EU prevention policy. The Union's pillar structure complicates the first task, while the lack of consensus over the nature and extent of an EU military capacity makes the second particularly contentious. Moreover, the context in which interaction between the civilian and military elements of EU crisis management capacity is being discussed is focused primarily on short-term response to violent conflict. This has deflected attention away from longer-term approaches to conflict, despite the best efforts of the Swedish presidency to highlight conflict prevention in the context of ESDP. Yet one of the weaknesses of the Swedish approach in selling conflict prevention as a priority, arguably, has been the breadth of its approach. The European programme for prevention of violent conflicts that it is currently drafting for the Gothenburg Council touches on the wide variety of areas, tools and actors that can be employed in a prevention policy but fails to focus on key issues or areas for attention. The establishment of clear targets may well be central to convincing those EU states sceptical of the feasibility of coherent conflict prevention strategies. In their absence, and the presence of a short-term crisis management preoccupation the prospects for mechanisms that can coordinate and generate prevention policies across and within the Union's three pillars remain slim.

1.3 An EU conflict prevention capability

Given existing gaps in international preventive capacity and the CFSP's current development where might an EU conflict prevention policy bring added value and how might its coherency be improved? The EU's market size, trade and development profile and civilian, democratic identity give it enormous potential to develop a capacity for conflict prevention. In the short term, its contribution is likely to be greatest in two areas: 1) its structural prevention policies and 2) its role as a promoter and facilitator for preventive capacity development among other international actors.

The breadth of policy instruments available to the EU set the Union aside from most international organisations, state and non-state actors. This capacity includes trade and development policies, humanitarian and civil protection assistance, technical and financial assistance to

institution and capacity building across a wide variety of civil administrative spheres, civil society and democracy development programmes and economic rehabilitation assistance. The diverse interests, relations and resources of member states can provide information and expertise capacity for a wide range of target areas. However cumbersome the Union's financial and technical assistance processes, they are a resource available to few international organisations. From this spectrum of policy tools a preventive package of measures can be put together on a case-by-case basis and implemented over a sustained period of time.

Rather than focus on the development of a short-term crisis prevention capacity, the deployment of which hinges on prior political consensus and strategy, the Union might better concentrate on increasing the effectiveness of its long-term preventive policies. Improved coordination of EU policy actors and tools, as well as the establishment of a centralised structure for monitoring and assessing prevention policies would be immediate targets in this regard. A more comprehensive elaboration of how EU assistance can practically affect the sources of conflict alongside increased policy coordination would make a considerable contribution to the gradual articulation of an EU prevention strategy.

The EU's articulation of prevention as an issue of international concern and the efforts of some member states, particularly Sweden, Germany and the Netherlands, to put conflict prevention on various institutional agendas, has established the EU in a position of leadership regarding the promotion and elaboration of conflict prevention policies. To the extent that such efforts encourage 'learning' about prevention and develop consensus on ways and means of its implementation, this is to be encouraged. However, there is some risk that advocacy of prevention could be seen as an exclusively western preserve or a means by which intervention in the sovereign affairs of a state is legitimated. One way of avoiding this is for the EU to engage with a wide range of actors on prevention issues. Current crisis management capacity development emphasizes coordination with the UN, the OSCE and the Council of Europe. It is worth considering, however, whether a wider partnership approach should be taken in the context of prevention.

Three target groups could be envisaged. First, although the EU has encouraged non-European regional and subregional organisations such as the Organisation for African Unity (OAU), the Economic Community of West African States (ECOWAS) and the South African Development Community (SADC) to address prevention and crisis management, it has arguably failed to follow through in providing assistance for capacity development and in establishing policy coordination mechanisms. Increased information sharing, annual discussion of prevention, communication during crisis situations as well as sustained financial, technical and training assistance to capacity-building are some of the ways partnerships – and overall prevention – could be enhanced.

Second, the EU could engage more comprehensively with private business actors in conflict prevention. The engagement of transnational corporations, many of which are European in origin and/or base, is something the EU is in a position to contribute, either within a UN or autonomous EU framework and encompass preventive approaches based on transparency, impact assessment analysis and best practice guidelines. Third, although substantial discussion of the role of non-governmental organisations (NGOS) in contributing to prevention and crisis management is taking place, there has been little exploration of the mechanisms by which NGOs can be brought into EU prevention policymaking and implementation processes. The Commission Communication on Conflict Prevention again noted the significance of NGO engagement in prevention but shed little light on how partnerships with the EU in

this area could be developed. Relations between international organisations and non-state actors are a sensitive issue and NGOs are rightfully keen to maintain their independence and impartiality. Nevertheless, the nature of the EU, its record of NGO promotion and the practical relationships it has developed with many, place it in a better position than most other international organisations to elaborate partnerships with non-state actors in conflict prevention. In the end, coordination in prevention and among the actors engaged in prevention might be the greatest contribution to a coherent EU prevention policy.

CHAPTER TWO: IN SEARCH OF COHERENCE – THE STABILITY PACT FOR THE BALKANS

Spyros Economides¹

The 'Stability Pact for South Eastern Europe' was launched at the Cologne European Council on 10 June 1999, and inaugurated at a special summit convened in Sarajevo on 30 July 1999. At its launch, the Stability Pact (SP) comprised 28 states and 17 international institutions/organisations, International Financial Institutions (IFI's) and regional initiatives, which would act as full participants and/or facilitators of this initiative. The main aims of the Pact would be to 'develop a shared strategy for stability and growth of the region and to ... implement that strategy'. In turn this would 'accelerate democratic and economic development in the region' resulting in peace, prosperity and stability, which would be enhanced by good neighbourly relations and bilateral and regional co-operation. As an added incentive, the SP indicated to the region's recipient states that their active participation could result in the speeding up of their entry into 'Euro-Atlantic structures'; primarily the EU and NATO.

The SP consists of the 'South Eastern European Regional Table', chaired by the Special Co-ordinator, which is subdivided into three sub- or 'Working Tables' dealing with, 'Democratisation and Human Rights', 'Economic Reconstruction, Development and Co-operation', and 'Security'. As the Pact is an EU initiative, it appoints the Special Co-ordinator, and the European Commission, in tandem with the World Bank, is responsible for co-ordinating donor activities and a single comprehensive development plan for the region.

The Pact has at times been likened both to the 'New Deal' and the 'Marshall Plan', offering the funds to finance a coherent and comprehensive programme of economic reconstruction and development, and to provide the economic basis for inter-ethnic harmony, and regional peace and stability. The premise is that sound economic policies, and stable and growing economies, will progressively lead to the dampening down, if not the resolution, of the political and ethnic divisions which have plagued Southeastern Europe in the 1990s. Ultimately, this path will lead to EU accession through the newly established process of Stabilisation and Accession Agreements.

The top priority following the inauguration of the SP was to call a donors' conference to raise the necessary funds to finance economic reconstruction and development on which the initiative hinged. Democratisation, the protection of human rights and, most importantly, security could not be guaranteed without a swift and coherent economic plan. This was made even more urgent by the unstable situation in the Western Balkans, which is the main focus of this paper. The delicate balance between the entities in Bosnia and Herzegovina, the rapidly degenerating situation in Montenegro and Kosovo - let alone economic deterioration in Croatia and the internal political challenges faced by the Former Yugoslav republic of Macedonia (FYROM) - emphasised the urgent need to get the Pact into action in practice.

Despite this urgent need, the first meeting of the donors, the 'Regional Funding Conference' did not take place until March 2000, eight months after the Sarajevo summit. At this conference the Special Co-ordinator, Bodo Hombach, unveiled the 'Quick Start' package. This was intended both to 'jump start' the workings of the SP, and by choosing to call it 'Quick Start'

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(QS), to counteract accusations of inaction in political and diplomatic terms. The donors were presented with a series of 35 projects and programmes to be addressed under the three Working Tables, with heavy emphasis placed on infrastructure.² The cost of this package was initially estimated at €1.1 billion. But the success of the conference in raising pledges from the donors to the tune of €2.4 billion meant that €1.59 billion was committed to QS, with the difference to be allocated to specific projects identified by the donors and secondary SP package known as ‘Near Term’.

Of the €2.4 billion pledged at the donors’ conference, the European Commission contributed €31.5 million, EU Member-States contributed €52.5 million, and other countries contributed €33.1 million. The remaining amount was made up of a €93.9 million pledge by IFI’s, €150 million from the Council of Europe Development Bank, and €1.5 million from the Black Sea Trade and Development Bank.

II.1 A first general assessment

These may be seen as impressive sums, especially when viewed in conjunction with the €5 billion that the European Commission has projected as the ensuing expenditure on similar SP projects in the period 2000-2006. Nevertheless, the Office for South East Europe – a joint endeavour between the European Commission and the World Bank which is responsible for co-ordinating and implementing the plans set out by the Regional Funding Conference – has acknowledged that the execution of the QS is facing difficulties.³

Such difficulties stem from two factors, according to the Office of South East Europe. Firstly, some of the recipients (or ‘beneficiary countries’ as they are known) in the Western Balkans are either lacking the technical capacity to absorb the allocated funds or are hampered by legislative complications. Secondly, part of the rather lacklustre performance of the QS package up to now is attributed to political uncertainty and upheavals in most Western Balkan states.⁴ This includes:

- the reluctance to co-operate separating the two Bosnian entities,
- the stand off in Montenegro over the issue of independence,
- the war in Kosovo and its political aftermath,
- FYROM’s delicate ethnic and political balancing act, let alone
- the aftershocks caused by Milosevic’s downfall in Serbia.

These difficulties in implementing QS stemming from these factors are strengthened by a tortuous technical process in getting the projects off the ground. The pledges made by the donors have to be transformed into a firm commitment either through legislative approval, in the case of states, or by approval of the relevant Boards of IFI’s. Agreements have then to be signed with the ‘beneficiary countries’ (involving all sorts of domestic political machinations), tenders are then put out for bidding, and only then can construction begin on the projects. As of December 2000, 10 projects were already under way while only 50% of the projects are under bid or have been allocated. This is a pressing issue as there is a strict QS deadline stipulating that 1 April 2001 is the ‘cut-off’ point for bidding to commence. Ulti-

² One of these projects in Bosnia and Herzegovina was dropped soon after the QS package was announced.

³ Office for Southeastern Europe; European Commission/ World Bank, *Stability Pact Infrastructure Projects: Implementation Status as of End-December 2000* www.seerecon.org/qs-nt/infrastructure-dec00.htm

⁴ *Ibid.*

mately, a combination of delay in action on the behalf of the EU, of procedures, and of political instability in the Western Balkans has taken the ‘quick’ out of QS.

What is principally in question is the coherence and effectiveness in the planning and implementation of the whole SP package. Initially, the SP (and especially QS) was welcomed as a massive contribution to the economic and political development of the Western Balkans. At first glance the sums pledged, and subsequently committed, were seen as substantial enough to provide the necessary incentive and wherewithal for the desired changes in the Balkans. Yet, once the €1.2 billion finally committed to QS (and the €720 million committed to ‘Near Term’ or donors’ bilateral projects) is apportioned among the Western Balkan beneficiaries and analysed country by country, a different picture emerges.⁵ The amounts committed, and which may ultimately be spent, seem too small to make any difference in each individual case and certainly pale into insignificance when compared to the costs of maintaining operations like SFOR in Bosnia, and KFOR in Kosovo.

Beneficiary	Projects	Cost in €million
<i>Albania</i>	6	122.1
<i>Bosnia and Herzegovina</i>	3	99.0
<i>Croatia</i>	3	130.1
<i>FYROM</i>	4	114.4
<i>Kosovo</i>	1	25.0
<i>Montenegro</i>	1	16.2
<i>Cross-Border projects</i>	1	117.6
<i>Other</i>	10	45.4
Total	29	669.8

This table was derived from a table provided by European Commission/World Bank Office for South East Europe, *Stability Pact Infrastructure Projects: Implementation Status as of End-December 2000*.

This table simply highlights the relative unimportance of the QS funds when considered in terms of their spread of beneficiaries and the relatively low numbers of projects they are actually contributing to. It seems highly unlikely that the sums committed above will provide a robust enough spine for economic reconstruction and development as intended. In turn, if the QS infrastructure is not successful, then it seems impossible that any of the other issues under consideration under the Working Tables will stand much chance of achieving positive results in the short- to medium-term.

There is some appreciation of this problem among the EU Member-States. A clear indication of the existing doubts about the SP (and its effectiveness) is the continuing pursuit of individual policies by some Member-States towards the Western Balkans. Perhaps the best example of this is Germany. It was the single largest donor to the QS (€149.5 million), and indeed the instigator of the whole SP that was launched under its Presidency of the Council and is headed by a German. Despite this deep participation in the inception and workings of the SP,

⁵ The seven Western Balkan beneficiaries are; Albania, Bosnia and Herzegovina, Croatia, FYROM, FR Yugoslavia (including Kosovo and Montenegro). The relationship with Serbia is obviously very recent. It was not initially included in the SP and is only now being drawn into the orbit of the Pact

Germany retains a robust and active individual policy towards the Balkans. In 2000, Germany allocated DM 300 million to the SP and DM 140 million to bilateral projects in the Balkans, of which DM 40 million went to Montenegro.⁶ It is clear that Germany sees the SP as the pole around which all efforts at ‘active crisis prevention’ and resolution should revolve, but nonetheless a reliance on co-ordinated efforts alone is not as the only potential remedy to the region’s problems.⁷ But it simultaneously pursues its own separate foreign policy agenda thereby distinctly muddying the waters not only of the SP but also of CFSP in general.

II.2 Overlaps and differences

Perhaps the major problem facing the EU is a problem that has haunted all international initiatives in the Balkans. An analogy often used to explain the multiplicity of Western security and defence arrangements is that of the ‘alphabet soup’. If we borrow this analogy and extend it to cover the wide range of international initiatives towards the Balkans today, we could say that not only is it an ‘alphabet soup’, but that this alphabet comes in more than one script. This is just as true in the Balkans today: a multiplicity of actors, with overlapping agendas and competencies, and no clear mechanism for direction and co-ordination. The SP was intended to provide the clear focus that was lacking by co-ordinating humanitarian, political, economic and security issues under one umbrella, and providing the finances to go with it. Each initiative launched by the SP (beyond QS) under one of the three working tables covers issues which are already being dealt with under the auspices of other international institutions and organisations, including the EU. One only needs to look briefly at the situation within each ‘beneficiary’ country, and the activities of various external actors there, to conclude that there exists a great degree of overlap.

In ***Croatia***, for example, the death of President Tudjman has resulted in a radically different political climate resulting from the change in government. This has not really been reflected in the economic situation, which is still stagnant with an ailing liberalisation programme and extremely slow moves towards market reform, accompanied by dangerously high unemployment and financial problems. Further democratisation, as well as economic reform, is of primary concern to the EU in its relations with Croatia. The EU’s policies are dominated by the incentive of potential EU membership for Croatia. They are also reinforced by the workings of the SP across all three tables, and the work of the EU Monitoring Mission (EUMM) to the Western Balkans, which is responsible for monitoring border issues, political and security developments, issues concerning refugees and inter-ethnic relations. This means that we have the involvement of the EC which is primarily in charge of enlargement issues, the Special Co-ordinator responsible for SP issues, and Javier Solana as the CFSP High Representative to whom the EUMM reports. This selective example is indicative of the different lines of communication and the possibility that exists for confusion and duplication of tasks. And it is not aided by the activities of the EBRD, World Bank, OECD and IMF, which are all involved in advising and supervising Croatian economic reform. All indications thus far suggest that the SP has not managed to convince in the role of the co-ordinator of the activities of all these actors. Who reports to whom and who has overall responsibility still remains a major question mark.

Bosnia and Herzegovina presents similar problems with the added factor of a wider range of actors. While EU membership is not a pressing issue for the Commission, it still has to work

⁶ www.seerecon.org/DonorPrograms/Germany-StabilityPact.htm.

⁷ *Ibid.*

on the premise that this country aims to accede as soon as it is feasibly possible. Similarly, the EUMM presence in Bosnia is supplemented, but not necessarily complemented, by the Organisation for Security and Co-operation in Europe's (OSCE) Mission to Bosnia and the existence of a powerful High Representative of the International Community (the former EU Special Envoy, Wolfgang Petritsch). And what of SFOR? Security and stability in this fragile state are still utterly dependent on the presence of what is fundamentally a NATO force. It is arguable that without the NATO presence there would be no peace to police. The EUMM would not be able to carry out its monitoring activities, the OSCE would not be able to pursue confidence building measures or monitor weapons holdings, the demining process under the aegis of the United Nations Mine Action Centre would be rendered meaningless, and the ability of the UNHCR to deal with refugees and displaced persons would become negligible. The question of who controls policy-making and implementation with respect to Bosnia, and of where the EU and the SP specifically fit into this jigsaw puzzle, is an extremely difficult one to untangle. It will shortly also be tested to the hilt if the Bosnian Croats continue their recent policy of intransigence accompanied by demands for a union with Croatia proper of the Croat controlled territory of the Bosnian federation.

Albania is probably the least discussed of the Western Balkan states. Economically deprived and with a slowly evolving political system, Albania has been rocked by financial and democratic mismanagement, as well as the massive shock of the war in Kosovo. The forthcoming summer election will give us a clearer indication of the political climate within Albania and whether the current government can hold of the nationalist challenge, which Sali Berisha is likely to unleash. Here it is not questions of macroeconomic reform that are of prime concern, but rather issues of good governance, judicial reform, law and order, democratisation, migration, smuggling and the trafficking of human beings which dominate the agenda. Let alone the security issues resulting from the Kosovo crisis and the emergent tensions in FYROM. Here the SP could play a major role as all these issues are covered under the three working tables. Nonetheless, it is likely to play a secondary role as long as the agenda is dominated by security concerns relating to the ethnic Albanian communities in Kosovo and FYROM, which are generally acknowledged to be the main Balkan flashpoints that could lead to further conflict in the region.

While Albania has been the least discussed country in the Western Balkans, the **Federal Republic of Yugoslavia (FRY)** has dominated the headlines and the policy-making agenda. The overthrow of Slobodan Milosevic has put western initiatives in a very difficult position. While he was in power, an enemy existed who could be blamed for the ills which have befallen Croatia, Bosnia, Kosovo and to a lesser extent FYROM, in the last ten years. His demise has not necessarily altered the regional scenario. Montenegro is still pushing the idea of independence, despite not only the scepticism of the Kostunica government but also of internal disagreement within the republic. Serbia still remains a vital element in any long-term solution to the Kosovo issue, and it seems unlikely that it will readily give up its claims to that province to satisfy the whims of the international community. On the contrary, only recently did it become clear to the west that Serbia's power and military presence might have to be utilised to achieve western goals in the region, namely when the west allowed the JNA to occupy positions within the 'ground safety zones on the Kosovo/Serbia border. While the EU has taken the lead in formulating policy towards Serbia post-Milosevic, especially with the emergency economic assistance package of some €200 million announced at the end of last year, the SP is only slowly edging itself onto the scene. Here CFSP has the lead; the Commission follows with the OSCE hovering in the background. Yet, NATO, the High Representa-

tive of the International Community to Kosovo, and UNMIK, are the organisations that still dominate the agenda because of the vital nature of developments in Kosovo.

This is doubly true because of the explosive events that we have witnessed over the last few weeks in **FYROM**. The crucial and delicate ethnic balance that has been maintained in FYROM over the last 10 years is now under threat from the challenge posed by the extremist ethnic Albanian organisation NLA and its supporters across the border in Kosovo. In attempting to preserve the balance in FYROM, all the major IFIs, the OSCE, and the EU - both through the CFSP and the European Commission – have been extremely active. The SP covers all the major issues pertaining to the international situation in FYROM, but the challenge has come from an external actor. To that extent it is NATO, in the form of the 40,000-plus KFOR presence that guarantees ‘peace’ in Kosovo, and is the only organisation which can guarantee the stability and integrity of FYROM. The SP, in this situation, is neither able to implement initiatives swiftly enough to create the basic economic and political climate that could lead to long-term ethnic harmony in FYROM, nor does it have the means to do so as this presupposes a military capability.

II.3 Conclusions

The SP was launched in a hail of publicity, and promised to provide both the mechanisms and wherewithal for a more proactive EU policy towards the Western Balkans. It has had a very slow start and has yet to provide the required focal point or co-ordinating role for EU policies towards Southeastern Europe.

CHAPTER THREE: REFUGEE CRISIS MANAGEMENT AND THE EU – AN EMERGING TEST CASE

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In the framework of a broader reflection on crisis management at the EU level, refugee crises management certainly deserves a special attention.² As a matter of fact, the European experience in the '90s has demonstrated that forced migration is now, more often than in the past, a central aim rather than a mere side-effect of conflict.³ At least three reasons can be given for such a disturbing trend:

- a) the first and most evident one is the close relationship between increased political instability at the global level and the diffusion of the practice of 'ethnic cleansing'. In several contexts, channelling violence against particular categories of civilians in the name of some form of ethnic purity has often been perceived as the best way to mobilize masses behind non-democratic leaderships;
- b) second: on many occasions, particularly in the Western Balkans, forced migration has been used as a means to breed regional de-stabilization in order to take some geo-political advantage from it;
- c) third: producing forced migration has proved a viable strategy to put pressure on Western governments (for which migration has clearly emerged, in the international arena, as a major Achilles' heel) in order to extract material benefits of different nature.

Until very recently, talking of refugee crises management at the EU level did not make much sense. As a matter of fact, the biggest forced migration flows of the '90s have been managed by each Member State autonomously, in a rather uncoordinated way.⁴ Despite this, all European national responses showed a similarity in that they were based on different forms of temporary protection (TP) rather than on group determination of refugee status on a *prima facie* basis, which in the past had been the most typical response to mass inflows, particularly outside Western Europe.⁵ The reason for this preference is obviously political and derives from the greater flexibility of temporary protection schemes as a tool for managing refugee crises.

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² The concept of 'refugee crisis' has to be specified. In an historical sense (similar to that used by Myron Weiner in its influential book about *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins, New York, 1995), it refers to the extraordinary increase in the numbers of asylum seekers received in Western Europe (4.468 between 1985 and 1997, of which 48% in Germany; see Eurostat, *Patterns and trends in international migration in Western Europe*, European Commission, Brussels, 2000, p. 6). In the context of this article, though, we will talk about 'refugee crisis' in a narrower sense, i.e. to indicate a massive, relatively sudden and generally unexpected influx of asylum seekers. With regard to this meaning of the expression, 'refugee crises management' is typically an emergency policy.

³ For an historical overview, see: United Nations High Commissioner for Refugees, *The State of the World's Refugees. 50 Years of Humanitarian Action*, Oxford University Press, Oxford, 2000, available also on-line on UNHCR's website (www.unhcr.ch/sowr2000/toc2.htm).

⁴ For an overview of national responses, at different stages, to mass inflows from former Yugoslavia, see: J. Van Selm, *Refugee Protection in Europe: Lessons of the Yugoslav Crisis*, Kluwer Law International, 1997; J. Van Selm-Thorburn, (ed.), *Kosovo's Refugees in the European Union*, Continuum, 2000.

⁵ For a comparative assessment of the two approaches in the light of the current challenges, see for instance: United Nations High Commissioner for Refugees, Global Consultations on International Protection, *Protection of refugees in mass influx situations: overall protection framework*, EC/GC/01/4, 19 February 2001.

However, beyond this fundamental analogy, national responses differed deeply in many respects, such as, for instance:

- the maximum duration of temporary protection (from six months to five years maximum),
- the possibility of suspending the examination of asylum applications during the temporary protection period,
- the degree of recognition of the individual rights to family regroupment and to employment, and
- the welfare benefits granted to the beneficiaries of temporary protection.

Such disparities produced crucial imbalances as they oriented refugee flows preferentially towards the most ‘generous’ countries. This was one of the key reasons which pushed European institutions to put a harmonisation process in motion, first under the treaty of Maastricht, in the third pillar framework,⁶ and later in the new institutional context created by the the Amsterdam treaty, with the presentation by the Commission of a proposal for a Council directive ‘on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof’.⁷ The draft Directive provides for a financial solidarity mechanism by making reference to the Council decision establishing a European Refugee Fund, adopted in September 2000.⁸

In spite of these encouraging developments, the path towards an overall EU capacity in the field of refugee crisis management is still fraught with substantial obstacles. In the next pages, we will focus on the most problematic aspects of the EU policy-making process in this field, on the basis of a tripartite model of refugee crisis management based on the distinction between: crisis prevention (2), flow management and refugee protection (3), refugee return and community reconstruction (4).

III.1 The stage of crisis prevention

When addressing the prevention of refugee crises, a distinction should be made between *general* crisis prevention policy instruments and *migration-specific* tools. Quite obviously, effective general crisis prevention also has effects on the refugee dimension of a complex crisis. This was clearly acknowledged by the European Council during its October 1999 extraordinary meeting devoted to the development of an area of freedom, security and justice in the EU. On that occasion, the EU Heads of State and Government officially endorsed a

⁶ Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis, based on article K.1 of the Union Treaty; Council Decision of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis, based on article K.3(2)(a); Council Joint Action of 26 April 1999 establishing projects and measures to provide practical support in relation to the reception and voluntary repatriation of refugees, displaced persons and asylum seekers, including emergency assistance to persons who have fled as a result of recent events in Kosovo, based on article K.3 of the Union Treaty; Commission proposal of 5 March 1997 for a Council Joint Action based on article K.3(2)(b) of the Union Treaty concerning temporary protection of displaced persons, later (24 June 1998) split in two distinct proposals, which reflected the Council’s discussion and some of the European Parliament’s (EP) amendments, focusing respectively on general provisions and on burden-sharing.

⁷ COM(2000) 303 final, Brussels, 24 May 2000.

⁸ Council Decision of 28 September 2000 establishing a European Refugee Fund (2000/596/EC).

strategic option in favour of a comprehensive approach to migration management which includes crisis prevention in all its dimensions:

‘The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development’.⁹

Yet within the framework of comprehensive crisis prevention there are some preventive policy tools which are peculiar to the JHA field and, sometimes, to the specific area of refugee crises management.¹⁰ In particular, it is worth focusing here on monitoring and early warning mechanisms, designed to detect the early signs of anomalous trends in refugee flows and migration in general.

The Council document on ‘European Union priorities and policy objectives for external relations in the field of justice and home affairs’, submitted to the European Council meeting in June 2000, singled out an ‘early warning mechanism on new problems that might arise’ as one of the central tasks of the Union’s work in the JHA field.¹¹

Something already exists, such as the CIREA (Centre for Information, Reflection and Exchange on Asylum), an informal exchange and consultation group with no decision-making powers. But, in the words of the Commission, ‘there are good grounds for wondering whether the CIREA still meets the need of a common European asylum system [...] Clearly it is

⁹ European Council, Tampere 15-16 October 1999, Presidency Conclusions, item 11.

¹⁰ In the context of the ongoing reflection on ‘cross-pillarisation’ in the EU’s external action, there is a double-sided link between general crisis prevention policies and specific refugee crises prevention tools: comprehensive crisis management has to take into account migration management objectives (see the passage of the Tampere Conclusions quoted in the text), but also the opposite relation has to be guaranteed: ‘... the causes of a mass influx of displaced persons lie in events affecting the Union’s external relations, its common foreign and security policy and its security and defence identity. Community humanitarian aid is also involved. Upstream of any crisis the European Union has early-warning capacities and participates in measures to prevent and manage crises. In relation to Justice and Home Affairs in particular, the point is to boost the Union’s external action by incorporating these questions into the definition and implementation of other policies and actions. Temporary protection in the event of a mass influx thus becomes a component of a coherent and more and more efficient set of Union capacities for action, offering the greatest possible ability to tackle the causes of a mass influx and take crisis action through local measures or post-crisis action, notably in terms of returns’ (European Commission, *Proposal for a Council directive on minimum standards for giving temporary protection ...*, COM(2000) 303 final, Brussels, 24 May 2000, Explanatory Memorandum, par. 5.11., pp. 10-11). Similar concepts are expressed in more general terms in the Council Report on ‘European Union priorities and policy objectives for external relations in the field of justice and home affairs’, submitted to the European Council meeting in June 2000 in Feira:

‘The JHA dimension should form part of the Union’s overall strategy. It should be incorporated into the Union’s external policy on the basis of a ‘cross-pillar’ approach and ‘cross-pillar’ measures. Once the objectives have been defined, they should be implemented by making joint use of the Community provisions available under the CFSP and those on cooperation laid down in Title VI of the TEU’ (Council of the European Union, document 7653/00, Brussels, 6 June 2000, p. 4).

¹¹ Council of the European Union, 7653/00, Brussels, 6 June 2000, p. 2.

becoming more and more difficult to achieve common evaluations, and the results have so far rarely filtered through to the staff who actually process requests'.¹²

What are then the new needs that existing bodies, like CIREA, do not meet? First and foremost, the need for in-depth, constantly updated, reliable information on the situation in the refugees' country of origin:

'A common procedure and a uniform status entail even greater mobilisation of the external policy means of action available to the Union, for example in gathering and exchanging information on countries of origin, monitoring flows and the human rights situation, monitoring reconstruction and humanitarian aid in countries and regions of origin. The Union's diplomatic missions could be asked to play a role here'.¹³

Specialized monitoring mechanisms on actual migration trends are lacking as well. A rapid alert system on illegal migration has been set up by the May 1999 JHA Council, but this seems to work just as a structure for exchange of information, without an autonomous analysis capacity. Well aware of such deficiencies, the Commission envisages the creation of a more effective structure. At the present stage, nevertheless, the 'Scoreboard to review progress on the creation of an 'area of freedom, security and justice' in the European Union', drawn up and regularly updated by the Commission, does not go beyond the project of a 'virtual European Migration Observatory', based on the interconnection of (not always) existing national agencies.¹⁴

While this European endeavour is still at the stage of preparatory actions, national governments try and fill the gap on their own. A regional early warning system on unauthorized migration was planned in the framework of the Adriatic Initiative, launched last year by Italy (Ancona, 19-20 May 2000). More recently, a bilateral British-Italian initiative was launched, which aimed primarily at reinforcing the struggle against illegal migration through a set of tools: among them an 'EU liaison officer network in the Western Balkans' whose objective is to encourage 'the sharing of information, intelligence, and tasks' in order to 'boost our joint response to illegal immigration'.¹⁵ The proposal received support by the EU Commissioner Antonio Vitorino and was finally endorsed by the JHA Council (15-16 March 2001). This led to a 'Troika' mission to Belgrade and Sarajevo (27-28 March 2001) for bilateral meetings with representatives of the Yugoslav and Bosnian governments and a multilateral ministerial meeting involving other countries of the region (Albania, BiH, Croatia, FYROM, FRY) conceived as a follow-up to the November 2000 Zagreb Summit. The relationship of such a process with the Stability Pact framework is still to be clarified.

¹² European Commission, Communication to the Council and the European Parliament, *Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum*, COM(2000) 755 final, Brussels, 22 November 2000, p. 15.

¹³ European Commission, Communication to the Council and the European Parliament, *Towards a common asylum procedure and a uniform status ...*, cited above., p. 16.

¹⁴ Last biannual update: COM(2000) 782 final, 30 November 2000, p. 10.

¹⁵ G. Amato - T. Blair, *The UK and Italy push for reinforced EU action in the fight against Balkans people trafficking*, Observer on Sunday, 4 February 2001. On the same day, the article was published in Italian in 'Il Corriere della Sera'.

III.2 The stage of flow management and refugee protection

Once a refugee crisis has exploded, the crucial policy issue becomes: how to deal with the extraordinary, continuous movement of population? In other words, how to guarantee adequate protection to the victims, how to manage the sudden yet ongoing flow in a sustainable way? In particular, a crucial choice has to be made as to whether to deal with the mass influx with ‘ordinary’, individual, Geneva-based forms of protection, or to activate some ‘extraordinary’, collective protection regime (which, in the European case, would probably mean a particular version of temporary protection). With particular regard to the EU context, such choice can be broken down into three key questions:

- *when* to give collective protection?
- *where* to give collective protection?
- *who pays* for collective protection?

a) **When** - The issue is highly controversial as in several Member States the status of asylum-seekers or recognized refugees is far more advantageous (and costly for the receiving State) than that of the beneficiaries of temporary protection schemes.¹⁶ This explains the widespread mistrust in the non-governmental sector towards temporary protection as such, often perceived as a ploy to rule out *de facto* the Geneva convention. The Commission has openly acknowledged the existence of such risk:

‘Temporary protection is sometimes criticised by those who consider that in certain Member States it is implemented as an instrument that can be used to circumvent or even evade the obligations flowing from the Geneva Convention. There is indeed a real risk that the situation could go out of control. The European Union’s responsibility is crucial, and it must manifest its intention to ensure, by means of its legislative instruments, that that is not its objective’.

In order to prevent inappropriate uses of the instrument, the EU’s executive body, in its May 2000 proposal, foresees that temporary protection should be granted only ‘in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin [...] *where there is a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation*’ [art. 2(a), emphasis added].

UNHCR has judged this definition ‘generally consistent with internationally agreed principles’.¹⁷ Some NGOs, however, have expressed stronger concerns and urged the definition of more restrictive criteria for the establishment of TP at the EU level. Amnesty International, for instance, stated that:

‘A ‘mass influx’ should always be defined by the number of people entering the EU and never by the number of people actually or potentially leaving a particular country of origin. A temporary protection regime should not be enacted any time a crisis breaks in any coun-

¹⁶ This is not the case in other Member States (such as Italy) where, due to the persisting lack of a comprehensive legislation on asylum, the level of financial (or other forms of) public support to asylum-seekers is extremely low.

¹⁷ United Nations High Commissioner for Refugees, *UNHCR commentary on the draft European Union directive on temporary protection in the event of a mass influx*, Geneva, September 2000, p. 4.

try in the world, but only when refugees fleeing those countries arrive within the EU in exceptionally great numbers and in a short period of time'.¹⁸

b) *Where* - The apparent effort to externalise the costs of international protection, accompanied by a growing (and sometimes ambiguous) emphasis on the 'right to return', explains the preference for *in loco* or regional protection repeatedly shown by EU countries during the '90s. Such preference was among the factors contributing to such crucial strategic decisions as the establishment of the 'no-fly-zone' in Northern Iraq and of the 'safe havens' during the Bosnian war, the Italian-led 'Alba' operation which started the stabilisation of Albania after the 1997 crisis, and the containment of the great majority of Kosovar refugees in Albania and FYROM in 1999.

The question of where protection should be granted (in the country of origin, somewhere in the surrounding region or within EU borders) is amongst the harshest dilemmas for any future EU refugee crises management policy. On paper, *in loco* or regionalised protection is probably the best option, at least in the short term. But in practice, either it is implemented in an extremely effective and convincing way or it risks turning into a boosting factor for criminal smuggling organizations. Already now, even in situations which cannot be labelled as 'refugee crises', it is estimated that a majority of the asylum-seekers entering the EU have had recourse to professional smugglers¹⁹. And this trend, unacceptable from a human rights perspective, is likely to be accentuated at the height of a crisis. This is why, in an official position paper on the EU Commission's draft directive on temporary protection, UNHCR explicitly stated that:

'The proposal could suggest that States should not impose any measures, such as visa requirements or sanctions on carriers transporting improperly documented persons, which may prevent refugees from gaining access to temporary protection'.²⁰

Pointing out the risk of such perverse effects does not mean abandoning the search for better forms of regionalised protection. In this area more than anywhere else, innovative efforts and creative proposals are needed on all sides. Luckily, something new is emerging: UNHCR, for instance, which had traditionally focused mainly on the need for more generous admission policies by EU States, is now exploring new paths:

'[...] consideration could be given to mutually beneficial arrangements between the EU and selected countries in certain regions to establish 'regional asylum processing centres' to serve as an initial locus for identifying protection needs of asylum-seekers originating from those regions. The central focus of such a scheme is that, by bringing eligibility procedures closer to countries of origin, refugees could file asylum claims in States other than those that may subsequently grant them asylum if their claims are recognised. As a result, the

¹⁸ Amnesty International, *Amnesty International Response to the European Commission's proposal for a Council directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*, 2000, p. 3.

¹⁹ See J. Morrison, *The Trafficking and Smuggling of Refugees. The End Game in European Asylum Policy?*, Report produced for the UNHCR, Geneva, January 2000.

²⁰ United Nations High Commissioner for Refugees, *UNHCR summary observations on the Commission Proposal for a Council Directive on temporary protection*, Geneva, 15 September 2000, p. 3.

impetus to move extra-regionally in an irregular manner or to resort to the services of unscrupulous people smugglers may be eliminated, or at least reduced considerably'.²¹

A similar approach is envisaged by the European Commission, which is now conducting a feasibility study on it:

'Processing the request for protection in the region of origin and facilitating the arrival of refugees on the territory of the Member States by a resettlement scheme are ways of offering rapid access to protection without refugees being at the mercy of illegal immigration or trafficking gangs or having to wait years for recognition of their status. [...] This option, as the Commission sees it, must be complementary and without prejudice to proper treatment of individual requests expressed by spontaneous arrivals'.²²

c) *Who pays* - The issue of burden-sharing has been, for years now, at the heart of the European debate on the harmonisation of asylum policies. It has proved to be thorny, and two subsequent proposals by the Commission (see fn. 5) have been put aside for lack of unanimity. In the new proposal, tabled by the Commission in May 2000 and currently under negotiation,²³ each European temporary protection programme is established by the Council [the decision is adopted by qualified majority on a proposal by the Commission: art. 5(1)] for any specific mass influx and for a given category of refugees. The activation of a TP regime obliges Member states to receive refugees from that particular area and/or group. In the meantime, two mechanisms of 'solidarity' enter into force:

- i) financial solidarity granted through the European Refugee Fund (see fn. 7);
- ii) solidarity in physical reception, based on the rule of double acceptance (acceptance of the refugee by the country chosen as a final destination; willingness on the part of the refugee to be received in the country chosen as destination).

Such a model of burden-sharing would certainly represent a great step forward from the present situation, where no binding arrangement exists. Nevertheless, given the limited funds allocated so far (EUR 35 million a year for the period 2001-2004, plus EUR 10 million a year for emergency measures) and the voluntary nature of the envisaged mechanism for 'physical solidarity',²⁴ the proposed solution could turn out to be too weak to manage adequately future refugee crises. Even the competent Commissioner recently showed, before the European Parliament, considerable prudence on this specific point:

'Je ne peux pas vous garantir que le système va fonctionner, mais nous avons, en tout cas, tenté d'élaborer un instrument qui doit permettre de garantir tant le principe de solidarité dans l'accueil physique que celui de la solidarité financière'.²⁵

²¹ United Nations High Commissioner for Refugees, *Reconciling Migration Control and Refugee Protection in the European Union: A UNHCR Perspective*, Discussion Paper, Geneva, October 2000, point 54, p. 21.

²² European Commission, Communication to the Council and the European Parliament, *Towards a common asylum procedure and a uniform status ...*, cited above., p. 9.

²³ Currently, negotiations are going on at COREPER level, under strong pressure from the Swedish Presidency, to reach a political agreement at the next JHA Council (May 2001).

²⁴ In order to avoid this voluntariness turning into arbitrariness, the draft directive provides that: 'The Member States shall receive persons who are eligible for temporary protection *in a spirit of community solidarity*. They shall either indicate – in figures or in general terms – their capacity to receive such persons, *or state the reasons for their incapacity to do so*' [art. 25(1), emphasis added]. European Parliament amendments to the proposal have particularly stressed the need to restrain the Member States licence to refuse 'physical solidarity'.

²⁵ Agence Europe, Bulletin quotidien N° 7925, 17 March 2001, *PE/IMMIGRATION/ASILE: Le Parlement approuve, avec des amendements, la proposition de directive sur la protection temporaire des réfugiés, mais*

III.3 The stage of refugee return and community reconstruction

The last stage in the management of a refugee crisis is represented by either integration in the receiving country (be it one of first arrival or one of resettlement) or return/repatriation. The Commission May 2000 proposal, by saying that ‘when the temporary protection ends, the ordinary law on protection and entry and residence of foreign nationals in the Member States shall apply’ (art. 19), leaves untouched the Member States’ authority to manage this stage in a discretionary way, by choosing between the granting of asylum or of subsidiary protection (or of integration through other channels), voluntary return, forced repatriation or resettlement to willing third countries.

In spite of a very explicit preference for voluntary return (articles 20-22), the draft directive does not provide any mechanism to harmonise Member States’ policies once temporary protection comes to an end. This is clearly a limit and a weakness of the proposal, as a coherent and transparent common return policy is an important facilitating factor, if not a precondition, for effective post-conflict reconstruction. On the contrary, the persistence of a multiplicity of uncoordinated national approaches in the post-TP phase could undermine the effectiveness of any future joint EU endeavour in the field of community reconstruction and post-crisis stabilisation.

Such a risk would be more acute the more Member States give preference to forcible repatriation. As a matter of fact, developments since Dayton seem to teach us a very uncomfortable lesson: while a voluntary returnee is most often a valuable resource in the reconstruction and stabilisation process, a person who is forcibly repatriated will turn very soon into either a clandestine migrant or become (at least in the short-medium term) an obstacle, and possibly an active opponent, of any sound community reconstruction.²⁶

rejette les multiples initiatives des Etats Membres – M. Vitorino annonce des initiatives de la Commission, p. 14.

²⁶ Such lesson is obviously more difficult to learn and put in practice for countries carrying the heaviest refugee burdens. This is clearly shown by divergent national policies *vis-à-vis* those Bosnian refugees who did not adhere to voluntary return programmes. Whereas some EU countries have granted them permanent or long-term status (Denmark, Italy, Norway, Sweden), others (Germany in particular) have refused to do so and either deported them or just granted (sometimes *de facto*) extensions of temporary protection. Such behaviour is openly criticised not only by UNHCR but also by the United States, which in Fiscal Year 2000 admitted 23,000 refugees from former Yugoslavia (of which 12,000 resettled from Germany). The divergence in return policies is particularly evident in the following passage of US Federal Government Report to Congress on ‘Proposed Refugee Admissions for Fiscal Year 2001’: ‘... Germany has not granted permanent status to Bosnian refugees to date. These Bosnian refugees must therefore either seek third country resettlement or return to Bosnia although UNHCR continues to urge asylum countries, including Germany, to continue to provide temporary asylum to Bosnian refugees. This is particularly important for those who cannot yet return in safety and security to areas where they would be in the minority. [...] We continue to urge countries which have provided temporary protection to support UNHCR’s comprehensive strategy on repatriation and returns, which includes continued protection for vulnerable ethnic groups, including many who came from areas where they would be in the ethnic minority’ (the full report is available on the State Department website: www.state.gov/www/global/prm/admissions_resettle.html), pp. 13-14).

CHAPTER FOUR: SETTING THE AGENDA OF EUROPEAN CRISIS MANAGEMENT – THE CHALLENGE TO COHERENCE

Ben Tonra¹

It remains problematic to speak of the European Union's *Common* Foreign and Security Policy (CFSP) even in the aftermath of the Amsterdam Treaty, the entire 'St Malo process' and its culmination at the 2000 Nice Summit. While a 'common defence policy' has been added to the substantive remit of CFSP and the former now includes the European Rapid Reaction Force (ERRF), the international capacity of the Union cannot properly be described as a 'foreign policy' in the state-centric sense that is usually associated with that term. Instead, it may be more useful to analyse the development of a European foreign policy *condominium*. Constructed from the joint sovereignty of the Union (in the legal person of the Community's External Relations) and the Member States (in their treaty commitment to CFSP), this condominium is a necessarily complex creation of political and bureaucratic structures. These structures are located in national capitals, from within the *acquis* of the European Communities and from the Brussels-based intergovernmental structures created to sustain the office of the High Representative and the ERRF.

The key issue for analysts of the CFSP is the coherence of policy resulting from this condominium – where coherence is assumed to be a necessary criterion of policy effectiveness. The commitment of most Member State governments to the Union's CFSP is rooted in their belief that co-ordinated and concerted collective action is more effective than the disparate foreign policy efforts of Member States acting individually. Within national foreign policy elites, however, motivations vary.² For some, CFSP is viewed as a means of amplifying or adding political-military muscle to existing national foreign policy objectives – enabling national policy makers as it were to piggy-back national interests upon the shoulders of a collective policy. For others, cooperation in foreign and security policy is a crucial means by which the political identity and cohesiveness of the Union as a whole is strengthened and deepened. Regardless, however, of their motivation, national policy elites recognise that the strength of any collective policy rests (at least partly) in its coherence.

Within the Union, the aspiration for 'coherence' is presented in several different contexts. In one sense it is taken to mean that the Union's international actions will remain consistent and mutually reinforcing regardless of how decisions on them are taken. The Helsinki Report, for example, insists that 'decisions will respect European Community competences and ensure inter-pillar coherence in conformity with Article 3 of the EU Treaty.'³ Alongside decision-making, coherence is also invoked to ensure complementarity in foreign policy means. In his report to the Nice summit, Javier Solana argued that 'The central issue for the Union is one of coherence in deploying the right combination and sequence of instruments in a timely and

¹ Deputy Director, Dublin European Institute.

² Ben Tonra, *The Europeanisation of National Foreign Policy: Denmark, Ireland and the Netherlands in EPC/CFSP*, Ashgate, 2001.

³ Presidency reports to the Helsinki European Council on "strengthening the Common European Policy on Security and Defence" and on "non-military crisis management of the European Union" Helsinki European Council, Annex IV of the Presidency Conclusions, Helsinki European Council, 10 and 11 December 1999.

integrated manner.⁴ Coherence is also applied to relations between the Union and other international bodies such as NATO. The conclusions of the Feira summit, for example, insisted that ‘It will be important to ensure coherence, for those Member States concerned, with NATO's defence planning process and the Planning and Review Process.’⁵ Finally, coherence is also viewed as a function of the strength of policy makers’ own political will. The Secretary General, in his report to the Nice summit, underlined the view that ‘Achieving coherence and responsiveness is not solely a matter of instruments but of political will.’⁶ In sum therefore, coherence must be sought at several levels: between the instruments and capabilities available within each pillar of the Union, between the pillars themselves, between Member State and Community activities, between the Union and its international partners and in the political commitment of policy elites.

If, then, it is coherence that we seek and if we accept that we are reviewing not a common policy but a policy condominium, then we can appropriately review how setting the agenda of crisis management can challenge policy coherence.

IV.1 The Foreign Policy Condominium and Coherence

Clearly one might start such an analysis from the point at which the foreign, security and defence policy emerges, that is at the Union level. Policy-making is centred clearly within the Council and specifically the European Council and the General Affairs Council. Assisting the Council in that role is the superstructure of the Brussels-based intergovernmental bodies established for the Office of the High Representative and the ERRF. The Commission has a parallel but somewhat subsidiary role since its policy responsibilities for external relations, trade and international development assistance etc. tend either to run parallel with or to be fed into these Council structures. The Council, in the pursuit of overall policy coherence, is thus at the hub of the process. For its part, the European Parliament is a marginal player with only limited oversight functions but some potentially significant budgetary control.

Much has been done at Union level to improve coherence for crisis management in both theory and practice. The structure of decision making and the institutional framework that has been established now clearly – if not yet decisively – centres the policy process, decision making and operational control *within the Council*.⁷ Effective working relationships and institutionalised *modus operandi* have been established between and across the pillared structure of the Union and the focus provided by the High Representative and his staff offers significant added value to that end. For its part the Commission has worked with the grain of these developments and, while rightly protective of its exclusive competences, appears to accept that its role is more like that of an additional team member rather than that of Manager.

⁴ Improving the Coherence and Effectiveness of the European Union Action in the Field of Conflict Prevention, Report Presented to the Nice European Council by the Secretary General/High Representative and the Commission, Nice, 7 - 8 and 9 December 2000.

⁵ Feira European Council, Presidency Report On Strengthening The Common European Security And Defence Policy.

⁶ Improving the Coherence and Effectiveness of the European Union Action in the Field of Conflict Prevention, Report Presented to the Nice European Council by the Secretary General/High Representative and the Commission, Nice, 7 - 8 and 9 December 2000.

⁷ Ben Tonra “The Political Committee within CFSP” in Thomas Christiansen and Emil Kirchner (eds.), *Administering the New Europe: Inter-Institutional Relations and Comitology in the EU*, Manchester University Press, 2000.

Outstanding issues that undermine effective coherence relate to the pillared nature of the Union, the consequent division of responsibilities that is driven by political need rather than policy requirement, and the lack of democratic accountability that may serve to undermine the legitimacy of the system.

However, the over-riding challenge to the Union in setting the agenda of crisis management is that it remains essentially *reactive*. While developing its broad palette of policy responses to various crisis contingencies, the Union remains weak in anticipating and forestalling crises i.e. in setting the agenda of crisis management. The CFSP policy-planning unit, while crucial, is scandalously small. There is as yet no integration of political and economic reporting from overseas delegation offices with that from Member State embassies – except through the limited COREU telex system. There is only the most rudimentary intelligence cooperation between national agencies and there is no meaningful capacity at Union level for either human or signals intelligence. There is only the most rudimentary attention paid to engaging public attention on international issues from a Union perspective. Finally, there appears to be no strategy on the part of the Union for involving or interacting with major NGO actors.

At the level of Member States the significance of the condominium structure is crucial in terms of crisis management agenda setting. Through a comparatively clear and hierarchical policy-making structure, Member States retain the capacity to decide whether or not an issue is dealt with at Union level. National political elites may choose to exercise their veto at European Council level against the establishment of a common strategy or they may abstain/withdraw from the operational implementation of policy within the General Affairs Council where QMV applies (but is never actually *applied*). While path dependency may predispose Member States toward Union-centred policy making and while they are obliged by treaty provision not to frustrate the creation or implementation of a collective policy, Member States nonetheless retain their sovereign rights. They therefore have the option of dealing with any particular crisis unilaterally, multilaterally (through other institutions such as the UN and NATO or through ad hoc coalitions), or collectively through the EU. This menu of crisis management options provides Member States with a crucial capacity to establish their own agenda in crisis management.

As a result of their metaphorical capacity to select the restaurant from whose menu they will choose their crisis management response, Member States make it extremely difficult for the policy making system at EU level to turn out a consistent (and thereby coherent) product. Without the discipline of a legally defined Union-centred policy making hierarchy, the Union must face the fact that *coherence will remain problematic*. Member States and Union institutions can only seek to minimise the most egregious examples of policy contradiction and bureaucratic conflict. Only at the point at which a collective Union-centred foreign, security and defence policy becomes defined by Member State policy elites as being intrinsic to the pursuit of their ‘national interests’ can this situation be expected to change. This requires such a fundamental reassessment of relations between the Member States and their collective European institutions that it is difficult to conceive in the short to medium term.

The final segment of the policy condominium from which the Union’s CFSP emerges is the one that receives the least academic and expert attention. The *non-state sector* is one with tremendous power to set the agenda of crisis management without regard for the need of consistency, coherence, or strategic planning. Through the media and through their own direct action, non-governmental organisations (NGOs) have the capacity to set and pursue a political agenda with regard to crisis management. The definition of a crisis, the formation of

public opinion, the direction of popular and/or grass roots political action, and the setting of foreign policy priorities all owe something to the activity of NGOs at the non-state level. Traditionally, the largest such actors (e.g. Amnesty International, Oxfam) work transnationally, directing their attention to the shaping of public opinion at state level within the context of larger transnational campaigns. Smaller such actors limit themselves to activities in their own nation-state and the pursuit of national lobbying strategies. Only in the last 10-15 years, as the Union's international capacity has grown and begun to crystallise, have such actors begun to focus serious attention and resources to the Union itself as an actor – particularly through the European Parliament – as a means of getting their particular message across. They face, however, a major hurdle.

The Union, by its very nature, lacks a 'demos' or even a defined political space to which an NGO can appeal. NGOs usually engage with a polity's sense of itself, of its identity and of its values as the key means by which it wins attention, funding and political action. Within the European Union such a political space does not exist either in media or political terms and only to a very limited degree can it be identified in institutional terms. However, NGOs remain critically important within national political spaces and, in the absence of any European 'space', must inevitably 'nationalise' their agenda-setting message on crisis management. Thus, national political actors in the Member States are placed in the position of responding to national demands for action in any particular crisis situation. The effect of this is to leave such national elites with the choice as to the 'best' strategy by which nationally defined and contextualised foreign policy objectives might be pursued. This has the effect of defining crises in national terms and only 'europeanising' them as a utilitarian strategic choice.

An alternative model – and one which would be designed to increase the coherence of both the crisis management policy and the agenda setting – would be to set about ***the creation of some kind of foreign policy 'space' in the Union***. By providing NGO's with access, information and some input to policy, it might lead them to 'europeanise' the context through which they communicate and mobilise national publics. This might also imply that appeals to values, identity and self might be made upon a European basis alongside the national. It might also serve to create in these NGOs the same kind of 'consultation reflex' so early identified in the construction of European Political Cooperation (EPC) and later the CFSP. This might also prompt them to think of policy solutions more frequently in European as well as national terms. National policy makers might then begin to face increasing grass-roots demands for *European* solutions to crisis management situations.

Such an approach does have its difficulties. By creating such a policy space at European level – and seeking to develop a truly European debate on foreign policy choices and responses to crises – the existing democratic deficit in this area would be exacerbated. While national parliaments traditionally face unique difficulties in holding their Executives to account on matters of national security and foreign policy (and special procedures in this regard usually apply), the European Parliament is perhaps exceptionally weak in its ability to hold the Council and/or Commission to account. While the Parliament might have an important contribution to make in legitimising a truly common European foreign policy, it is evident that national political elites are some considerable distance from allowing such practices to develop. Nonetheless, for those Member State governments that wish to create an effective and coherent common foreign and security policy, this is an issue that will have to be addressed.

IV.2 Conclusion

The central thesis of this analysis is that the ‘coherence’ of the Union’s Common Foreign and Security Policy must be judged upon a basis *other* than that usually ascribed to the national foreign policy of a Member State. With that qualification in mind, it is then possible to assess how and why the coherence of the Union is undermined within the policy condominium that creates it. While it is right and proper that considerable analytical attention has been directed to minimising inconsistencies at the Union level of the policy condominium (and many still remain), it must be acknowledged that the issue is more fundamental and profound than that. ***So long as Member States retain the exclusive right to determine whether or not a particular crisis receives Union attention, coherence will remain at issue.*** That particular Rubicon is, however, unlikely to be crossed in the absence of a fundamental reappraisal of Union-Member State relations. Finally, it is argued here that attention must also be directed towards the non-state sector and in particular the role of NGO’s in setting the agenda on crisis management and foreign policy. In the absence of a formal invitation and appropriate structures to involve them in the policy making process at EU level, such NGOs will continue to contextualise their work through state channels and thus undermine efforts to create an informed and accountable debate surrounding the creation of a truly *common* foreign and security policy for Europe.

ANNEXE A

The Rt Hon Chris PATTEN, CH

Member of the European Commission,
responsible for External Relations

▪ **A European Foreign Policy: Ambition and Reality**

(Speech given at the Institut Français des Relations Internationales (IFRI), Paris, 15 June 2000)

More than 40 years ago the European Commission's first President, Walter Hallstein, wanted to formalise the Commission's relations with the representatives of third countries in Brussels. President de Gaulle slapped him down, pooh-poohing this 'artificial country springing from the brow of a technocrat'. I suppose that some – not least in what we would call, within the Commission, 'the country that I know best' - would regard this speech as a similarly reprehensible trespass into that artificial country. None of this is surprising. For foreign policy goes to the heart of what it means to be a nation. And the Commission's role is still disputed. When it comes to trade policy or agriculture, we know where we stand. The Commission acts, more or less, according to Jean Monnet's brilliant vision. But what exactly **is** the Common Foreign and Security Policy? Should the Member States be willing to curb their national instincts for the sake of it?

These questions have never been answered to anyone's satisfaction. History is littered with failed attempts to create a Common Foreign and Security Policy which could be more than the sum of its parts. The Pleven Plan; the de Gasperi Plan; the Fouchet Plan ... With European Political Co-operation, in 1970, the baby at least survived. Indeed it grew. But it was always rather a sickly creature. After twenty years, in 1989, it boasted an impressive jungle of committees; it issued ringing declarations (usually a week or two after they could influence events); but – as some academic commentators put it recently - 'the structure resembled a diplomatic game, providing work for officials without engaging or informing Parliaments or press, let alone public opinion. It thus failed to promote any substantial convergence of national attitudes.'

Since then, the European Union has started to raise its game. The Maastricht Treaty of 1992 created the Common Foreign and Security Policy. The Amsterdam Treaty called into being the High Representative, 'Monsieur PESC'. And the Helsinki European Council last December took the first big step into defence policy. What caused this new impetus? I would suggest three reasons in particular:

- First, the mismatch between the time and effort being put into Political Co-operation, and the feeble outcome, had become too glaring. As the European Union matured in other respects, with enlargement, the advent of the Single Market and the drive towards a single currency – it became ever clearer that foreign policy was lagging behind.

- Second, the fall of the Berlin Wall changed the whole landscape of Europe. We had always known what we were against. Now we had to work out what we were for. And we needed to be able to tackle instability on our borders. Europe's weakness was exposed, in particular, by our humiliating 'hour of Europe' in Bosnia, where we could neither stop the fighting, nor bring about any serious negotiation until the Americans chose to intervene. Europe's subsequent reliance on US military capacity in Kosovo had a similarly galvanising effect. The Member States recognised that they needed a genuine Common Foreign and Security Policy to reverse this tide.
- And third, perhaps, there has been a changing relationship with the US. American engagement in Europe since the Second World War has been a blessing in almost every respect. Yet America has divided us. Some Europeans – foolishly in my view – have measured their devotion to the cause of Europe by their anti-Americanism. Others have shied away from a muscular European foreign policy, and especially defence policy, for fear that this would sever the all-important transatlantic link. Both have been wrong. And both are coming to see it. Europe and America need one another. The danger is not of US isolationism, but of unilateralism - accompanied, sometimes, by disregard for the great abroad. Europe will encourage that tendency if it is not seen to be doing more for itself.

So we have our new CFSP. Javier Solana, as its High Representative, also presides over the Council Secretariat. As the Commissioner for External Relations, I combine responsibilities which used to be spread between several Commissioners. I do not want to turn this into a speech about institutions – but I should discuss very briefly one central issue, which is **the role of the Commission in the emerging structure of CFSP**.

In the important advances achieved in CFSP in the last decade, the Member States have **not** given the Commission a sole right of initiative; nor, in general, have they agreed to abide by majority votes; nor do they accept that Europe has 'occupied the space' reducing national freedom of action. It is important to understand this, and particularly important that the European Commission should understand it. Foreign policy remains primarily a matter for democratically elected Member State governments.

But it is equally necessary that all Member States should acknowledge what those actually doing the work of CFSP have long understood: that mere inter-Governmentalism is a recipe for weakness and mediocrity: for a European foreign policy of the lowest common denominator. That will become more and more obvious as the Union takes in new members. Individual Member States can blunt the deficiencies of inter-Governmentalism by playing a prominent role. As President Chirac said in his important foreign policy speech of 30 May: 'some members can act as a driving force...' to give Europe a coherent, high-profile foreign policy. But force of will and the appeal to shared values are not enough. That is why the Member States decided at Maastricht and at Amsterdam to combine the Community and the inter-Governmental methods. Only in this way would they be able to sing, if not in unison, at least in closer harmony.

What they came up with is far from perfect. Luckily Javier Solana and I work extremely well together - but we are not much helped in that by the new institutional machinery. CFSP is a work in progress which will be further streamlined in the years to come. The important point is that – however awkward they may be - the new structures, procedures and instruments of CFSP recognise the need to **harness** the strengths of the European Community in the service of European foreign policy. That is why the Treaty 'fully associates' the European Commission with CFSP. We participate fully in the decision-making process in the Council, with a

shared right of initiative which we shall exercise. Our role cannot be reduced to one of 'painting by numbers' – simply filling in the blanks on a canvas drawn by others. Nor should it be. It would be absurd to divorce European foreign policy from the institutions which have been given responsibility for most of the instruments for its accomplishment: for external trade questions, including sanctions; for European external assistance; for many of the external aspects of Justice and Home Affairs.

What is needed is a sensible and sensitive partnership between the institutions of the Union and the Member States. We should be engaged not in trench warfare, but in a common enterprise to ensure that the world's largest trading group also makes its presence felt politically.

Let me move from this institutional *hors d'oeuvre* to the main course. What we are actually trying to **do** together? What do the Member States **want** to do with their new structures? And how should we measure our success?

The EU has wide responsibilities and interests – and CFSP must have a global reach. But within that, we need to focus our efforts. I suggest that the EU might set itself three overall goals:

- The **first** is to manage more effectively our relationships with our nearest neighbours. The US, because of its boundless confidence in technology, its pre-eminence as a world power and its geographical position, can contemplate technical solutions – such as National Missile Defence – to the threats that it faces. Whatever scepticism or enthusiasm one may have about this approach – and for what it's worth I remain to be wholly convinced – it is symptomatic of a belief that the world can be kept at bay. Interestingly, this belief has increased US reliance on tools (military threats and action) which, in Europe, are a Member State responsibility. In Europe, by contrast, our geography rules out such an approach, even were we to believe in it. We can only achieve security by engaging constructively with our nearest neighbours. This requires the application of tools such as trade, external assistance, environmental co-operation, competition policy and so on, which are matters of Community competence. The Member States cannot, separately, pursue a wholly effective external relations policy not just because they are too small, but because such a policy depends upon instruments over which they have wisely decided to pool their resources.
- A **second** goal we should set ourselves is to apply our experience of multilateral co-operation to a wider stage. The EU has been a unique, and a uniquely successful, experiment in regional integration. It seeks to preserve what is best about its members: their separate cultures, languages, traditions, and historical identities – while overcoming what has been worst: nationalism, xenophobia, mutually destructive trade and monetary policies, and (ultimately) their tendency to go to war with one another. There have been many frustrations and failures along the way. For my own taste, the EU has been too interventionist. I sympathise with the demand that we should be more enthusiastic about subsidiarity. The EU is sometimes wasteful and inefficient, partly because Member States have often denied us the resources we need to manage our affairs better. The EU is not loved. Yet it has been a tremendous force for stability and prosperity on this continent – and a pole of attraction for countries emerging from dictatorship. Michael Prowse suggested in a recent column in the *Financial Times* that in the coming century Europe will offer the world a 'satisfying overall combination of individual liberty, economic opportunity and social inclusion. It will offer the individual more personal freedom than intolerant Asia. And the value of this freedom will be

enhanced by a sense of community and commitment to social welfare that is largely missing in atomistic America'. That is an optimistic vision. I hope it is true. But it sets a challenge for the European Union's external relations, too. For the skills we are developing to manage our own affairs are enormously relevant to a world that is still struggling to evolve an economic, legal and political framework to contain the passions of states, to help manage relations between them, and to channel globalisation in beneficent directions. Not only can the EU contribute to the world's stumbling efforts to co-operate more effectively in multilateral frameworks (in the UN, the WTO, and so on). But our own model of integration is inspiring regional experiments from Asia to Latin America. And through our commitment to human rights we can explode the absurd notion that there is a tension between commercial interests and active support for freedom. It has long been clear to me that the freest societies are also the best neighbours and the best places to invest and do business. The EU's ambition must be to reflect abroad what is best about our own model. Our sense of civil society. The balance we seek to strike between national freedoms and common disciplines.

- A **third** overall goal the European Union should set itself is to become a serious counterpart to the United States. As I have said, it is a fallacy to imagine that there is a choice to be made between Europeanism and Atlanticism. They are mutually reinforcing. We need to work closely with the United States, which has been, and remains, a staunch friend of Europe. There is much – very much – to admire in the US. But there are also many areas in which I think they have got it wrong. The UN, for example, environmental policy and a pursuit of extraterritorial powers combined with a neuralgic hostility to any external authority over their own affairs. But we will not win arguments like these unless we are ourselves taken seriously. At present, in many areas, we are not. Nor do we deserve to be. By working more effectively together, developing the Common Foreign and Security Policy so that it allows us better to project our combined potential, we may hope to contribute to a healthier global balance.

Let me turn now from the general to the particular. What should be the ambition of CFSP in key areas of policy - and how should the European Commission be making its contribution?

Our first responsibility is *internal* rather than external: to help create a **dynamic European economy** which can fuel a serious foreign policy. 'Give me the coal' said the first post-war British Foreign Secretary, Ernie Bevin, 'And I'll give you the policy'. But the Commission's *external* trade policy is also a crucial part of European foreign policy:

- First, the EU must **contribute to open, rule-based international trade**. The EU must be a champion of globalisation, which is a force for good not only for the economic benefits which trade can bring to the poorest countries, but because it also serves to promote open societies and liberal ideas. I welcome the recent WTO deal which Pascal Lamy has negotiated with China;
- But globalisation is not some force of nature beyond our control. For example, we must address the risk of **polarisation between the connected and the isolated**. Liberal trade and advanced technology are making people better off, but not everywhere and not in every country. Europe spends some €1 billion a year on ice-cream. Yet 174 out of every 1000 African children fail to reach the age of five.

And this brings me at once to **external assistance** - an area in which the EU reality, at present, falls embarrassingly far below its potential. The EU and its Member States account for 55% of all official international development assistance, and some 66% of all grant aid.

Yet the money is not well managed. In saying that, I do not want to cast aspersions on the many excellent and dedicated staff who have worked their hearts out trying to turn things around. But they have been saddled with lousy procedures. And there are too few of them. EC aid volumes have increased two or three times as fast as the staff at our disposal to manage the funds. We have to work with absurdly heavy procedures imposed by Member States wanting to micromanage projects, and to secure contracts. As a result, in the last 5 years the average delay in disbursement of committed funds has increased from 3 years to 4.5 years. For certain programmes the backlog of outstanding commitments is equivalent to more than 8.5 years' payments.

Last month we announced our plans to clean up this mess. We are proposing to the budgetary authority that a proportion of each assistance programme should be committed to its management. With these additional resources:

- We can do a better job of multiannual programming, and seek to involve the Member States at that stage, so that they do not delay the projects themselves by excessive oversight procedures.
- We can create a single office of the Commission, to be called EuropeAid, which will identify projects and then oversee their implementation, from start to finish.
- And we can devolve more work to our overseas delegations, bringing management nearer to the projects themselves, and involving beneficiary countries more closely in decision-making.

This is perhaps my highest single priority in my present job – working closely with Poul Nielson who has particular responsibility for development co-operation. If we cannot manage our funds effectively, we should not manage them at all. Yet if funds are **well** managed, external assistance is an area where there is an obvious value-added in action at a Community level.

Nowhere is it more important that we should be fast and effective in delivering assistance than in the Western **Balkans**. This region poses a tremendous challenge for Europe and for CFSP - and for me and Javier Solana in particular. I was delighted when President Chirac announced, in his speech of 30 May, that the Balkans would be at the top of the French Presidency's CFSP agenda. I welcome the prospect of another Summit, as I welcome his call for a more coherent, forceful and determined strategy. The Commission has explained in some detail what such a strategy means in terms of EU spending. The EU's overall approach is clear. We are working for:

- the gradual integration of these countries into the Union by way of *Stabilisation and Association Agreements*;
- that will involve the regeneration of these economies through intra-regional trade, as well as through *asymmetric trade concessions* by the EU to encourage the transition towards free trade;
- but in the first instance it means the most rapid possible reconstruction of shattered lives, shattered societies and shattered infrastructure. Not only have we established a *Reconstruction Agency* to oversee this work in Kosovo, but we have proposed a *new Regulation* to draw the work together within a single legal instrument.

In all this we are working closely with the UN and with the Stability Pact under Bodo Hombach. There is a huge job to be done.

These are not inherently wicked or violent societies. They are people, rather, still living with the consequences of a flawed regional construction following the Congress of Berlin more than a hundred years ago. And in Serbia they are suffering under appalling leadership. Despite some encouraging developments, such as recent changes in Croatia, the present reality is ugly. We must light the path to Europe.

In the **Mediterranean**, too, the EU has the capacity to make a real difference. Not so long ago the EU's Mediterranean policy was conceived primarily in terms of development co-operation. That time has long passed. We do have a massive development programme, of course. It has grown exponentially in recent years, and now represents about a quarter of the Union's entire external assistance effort. But aid is only one facet of a much wider policy. Five years ago we launched the Euro-Mediterranean Partnership – the so-called 'Barcelona Process'. We are seeking a shared area of peace, prosperity and security to our south, rooted in free trade – the Mediterranean equivalent of NAFTA. We seek to promote human rights, democracy and the rule of law throughout the region. And we seek a co-operative partnership that can help to sustain the coming peace in the Middle East.

There is a risk that words like partnership become mere platitudes of diplomatic intercourse if they are not backed by hard targets and timetables. That is why I am determined to relaunch the Barcelona Process. Ministers have called on the European Commission to propose ideas before the summer break.

I could continue on a world tour almost indefinitely, but you will be relieved to hear that I do not propose in this speech to expand on the ambition or the reality of the EU's engagement in Latin America, or Africa, or Asia, or in the Middle East. Let me conclude, however, with brief comments on three further topics of particular importance for Europe's whole future: Russia; the EU's imminent enlargement; and the beginnings of an independent European military capacity.

Russia, first, whose transformation has been one of the most significant features of the last 50 years. Russia's future relationship with the EU is an issue of profound importance for our continent – and it remains a conundrum. For Russia is undoubtedly European. But she is not Western. Russia a great power. Yet her enfeebled economy is only 8% the size of the EU's while depending on us for 40% of its external trade. Where does this leave our long-term relationship? And where does it leave countries from Central Asia to the Caucasus to Ukraine which lie between the great continental poles? This is a question which can provoke passionate theoretical debate about the geographical limits of the Union; and about religious and cultural divides. My own approach is pragmatic. Our interest and our obligation is to engage with all these countries, and with Russia above all, to help them develop the structures they need for sound economic and political development. Let us focus, for now, on that priority.

The Russians have always placed greater faith in strong leaders than in strong institutions. But if they are now to attract investment; if they are to overcome their huge problems of nuclear safety; if they are to defeat their cancer of corruption and fraud; if they are to reemerge, in short, as the great power they should be – they need strong and effective institutions to underpin the rule of law. No amount of good laws will make any difference if they cannot be applied in practice, and if the courts are too weak to enforce them.

The EU is keen to work in partnership with Russia. At the EU-Russia Summit in Moscow at the end of last month I could sense the hope of a fresh start under Mr Putin. But we can only help if Russia shows its own commitment to individual rights and the rule of law. Events in Chechnya continue to cast a long shadow.

As I said, the future of Russia has a profound bearing on the EU's own **enlargement**, which is going to transform the European Union over the coming years. The full implications of taking in so many new members are impossible to predict. It will require radical changes in our present **institutions**, which has already provoked the fascinating debate launched by Joschka Fischer last month. I will not join that debate here except to say that while I have some sympathy for Joschka's conception of nation states sharing sovereignty within a constitutional contract subject to greater democratic control and accountability, I am concerned that powers should be vested upwards from the separate nations in the central structure that is created – not downwards from that structure. Nation states are the basic political unit and will remain the main focus of public loyalty. Enlargement of the EU will also require radical changes in EU **policies**, including the Common Agricultural Policy. That could be a helpful stimulus, and not a disbenefit of enlargement, if we approach it sensibly.

Whatever its structural and policy consequences, enlargement constitutes the single greatest contribution the EU can make to European – even to global – stability. I see the **projection of stability** as the EU's essential mission, and the central objective of CFSP. The enlargement of the EU itself is the greatest example of that policy. We have already seen, in Greece, Spain and Portugal, how membership of the EU has helped to stabilise countries emerging from dictatorship.

Finally, I promised to say a few words about **security**, and the Commission's role within the emerging structures. Heads of Government have stated their immediate goal very clearly. By the year 2003 they want to be able to deploy 50 – 60 000 troops capable of the full range of what are known as the Petersberg tasks: humanitarian and rescue work, crisis management, peace-keeping, and even **peace-making**. The French have made clear their determination to drive full throttle for that goal during their Presidency. Javier Solana is deeply involved both on the operational side, building command and control structures for European operations, and on the institutional side, too, tackling the complexities of the EU-NATO relationship including the involvement of non-NATO members of the EU and of non-EU members of NATO. It is essential that the whole project should be closely coordinated with NATO, serving to reinforce Europe's contribution to its own security. It is work that I strongly support. Yet I do so in many respects as an interested observer rather than as a contributor.

Does this mean that the Commission should keep out of the whole field? Some – even in this hall perhaps – would answer yes: military questions are for the Member States, and the Community institutions should mind their own business. That is wrong for two reasons at least:

- First, while the Commission has nothing to say – nor do we seek a role – in defence, it is impossible to separate purely military matters from related issues in which we **are** competent, and have a real contribution to make. Military and the non-military actions cannot be placed neatly into separate boxes. Nor should they be, because they need to be closely co-ordinated in the service of a single strategy. The Commission, for example, may be bankrolling police support to help head off a conflict; or we may be arranging the training of border services where uncontrolled mass migration is generating conflict; or we may be helping to re-establish administrative structures in countries emerging from crisis – as we see in the Balkans today. The Commission has

an impressive range of instruments and expertise which need to be incorporated into the EU's overall approach in crisis situations – from de-mining projects to mediation to support for independent media. All this means that we need to be involved in the day to day work of the emerging security structures of the EU. The Commission is currently working with the Member States to develop non-military headline goals that will complement the military goal.

- The second reason it makes no sense to try to fence off the emerging security structures from the Commission is that defence trade and production cannot be treated as a *chasse gardée* within the Single Market. Competition between defence companies. Research and development. Exports of defence equipment. Internal market aspects of defence trade, and dual-use goods which have civil as well as military applications. All these are areas in which the benefits of the Single Market should not be denied to European industry.

These are areas in which the Commission needs to tread with great sensitivity. As I have said, we do not seek a role in defence or military decision-making. But I would plead for the indivisibility of European foreign policy, which cannot be confined to one pillar of the Treaty. The Commission needs to be fully associated with all of CFSP.

Let me conclude with this:

The Common Foreign and Security Policy has developed slowly in the European Union, and is still weak, because it is an area in which the Member States are rightly jealous of their national prerogatives. There are distinct limits on how far they want to go in pooling their capacity, and on how much they want to spend. But in recent years they have begun to fashion a Common Foreign and Security Policy which can be more than just declaratory. And they have recognised that this needs to integrate three strands: **national** policies, **Community** policies, and **CFSP** itself (the so-called 'Second Pillar'). European foreign policy must combine all three, and it will become stronger as that combination becomes seamless.

The Commission will play its role in this important work. If CFSP is to be taken seriously, this will involve hard choices. The Commission will try to make Member States face up to those choices, which will sometimes mean saying things that are unpopular. We shall tell the Member States, for example, when we consider that they are willing the end without providing the budgetary means. But if we are to do that we must retain the independence which is our strength as an institution.

Europe's foreign policy ambition should extend a long way beyond the present reality. CFSP is still in its infancy. If it is to grow to maturity it needs the nurture of both its parents: the member states, and the Community institutions. And – as any psychologist will tell you – the child is more likely to be happy and healthy if those parents love one another.

ANNEXE B.1

THE EU's EXTERNAL PROJECTION: IMPROVING THE EFFICIENCY OF OUR COLLECTIVE RESOURCES

Council Paper given at Evian (September 2000)

INTRODUCTION

The EU is already a leading actor in world affairs.

The original contractual and autonomous (trade/aid) programmes developed over time in the Community framework, combined with several years of CFSP practice and with the wealth of bilateral relations and diplomatic structures of the 15 member States, provides the EU with unique cumulative capabilities. Ongoing institutional developments, namely the prospective strengthening both of its geo-political dimension (enlargement) and of its crisis management capacity (ESDP) will in the coming years further increase the EU's external projection. This paper sets out to acknowledge and build on these achievements, focussing on practical and concrete measures for further improving our effectiveness.

The question arises whether the Union:

- is actually making the best possible use of the collective resources available to it;
- exerts, in the pursuit of its common interests and in defence of its values, an influence on the world scene commensurate with the external instruments and resources already at its disposal;
- is capable of projecting itself, and of being perceived, as one actor.

The present report is intended to provide a summary overview of those instruments and resources. It highlights the scope for maximising synergies in the utilisation of national, CFSP and Community instruments; as well as the issues to be addressed at political level in this perspective.

I. NON-FINANCIAL ASPECTS

1. EU Representation in third countries

The cumulative diplomatic presence of the EU (15+Commission) in third countries is unparalleled, in terms of both staff numbers and geographic coverage. As a comparison, the EU field roughly 40,000 (diplomatic) staff members throughout a network of more than 1500 diplomatic missions; whereas the US has roughly 15,000 staff for a diplomatic network of less than 300 missions (see **DOC.APPENDIX I.**).

This huge deployment of human and financial resources is not matched in all instances by a comparable output, in terms of access, information and influence.

National MSs Embassies and Representations are of course mainly geared to the service of national (trade, economic, military, cultural, etc.) interests. However, EU business is increasingly on their agenda, and not only on the occasion of Presidency/Troika functions.

Regular (15+1) on-the-spot coordination; debriefing on the occasion of EU/Commission visits; HOMs joint reports have become commonplace in most capitals. There is clearly scope, however, for exerting more influence on local authorities, maximising the collective weight and visibility through everyone's efforts; for more effective joint action and information-sharing regarding EU-relevant issues; and especially for better two-way communication and information flows (with Brussels).

Three particular issues arise in this respect:

- * **coordination of Ministerial visits:** High-level EU visits, especially by individual Troika members, should be coordinated more effectively, to avoid overlapping of diplomatic efforts and unnecessary concentration over time. Conversely, better coordination and planning would allow for timely intensification of visits to given capitals/regions, where regular EU political presence appears in our interest.
- * **SG/HR's diplomatic assistance/channels:** whereas it is understood that the SG/HR has to operate in close contact with the Presidency on the spot, lack of direct diplomatic structures sometimes constitutes an impairment of his capacity to carry out urgent or informal demarches, as well as for his logistic/protocol back up. Some reflections should be pursued on this point, along the lines of the Helsinki conclusions (Trumpf-Piris), with a view to making a better use of Commission delegations and Member States missions.
- * **updating mechanisms of EU cooperation and representation on the spot:** those mechanisms are by now outdated^(*), and need to be brought up to speed with the Union's current ambitions. Some thought should be given to the possibility of extending systematic cooperation in some (ESDP - relevant) capitals to the military field. By the same token, Presidency demarches should not have their impact diminished by parallel (albeit coherent) activity by MSs missions. In short, art. 20 of the Treaty should be given the fullest implementation.

Q.1: How can we further increase synergies and cooperation between MSs and Commission representations in third countries, with a view to increasing the EU's political leverage and visibility? Should the SG/HR make proposals to this effect?

(*) Cooperation between the Missions of the Member States and the Commission Delegations in third countries and at international organisations (Decision of 28.2.1986 by Foreign Ministers meeting within EPC)

Cooperation between the missions in third countries (approved by the Political Committee on 18.5.1984 with additional details approved on 15.5.1986).

Q.2: How can we improve the planning of Ministerial visits? Should Commission delegations serve the SG/HR as well?

2. EU weight and influence in international organisations

The EU is already an active and cohesive group in international organisations, notably in the UN, where its views are represented in various ways in each UN forum. The EU makes some 175 statements and explanations of vote last year in the GA, ECOSOC and the Security Council and the High Representative has recently addressed the Security Council on behalf of the Union. At the last GA, EU Member States voted identically in 95% of the cases (278 out of 293 resolutions). EU positions at the UN Commission on Human Rights are increasingly coordinated and underpinned by joint statements, specific EU initiatives, dialogue with other participants and a common approach to voting. There is considerable scope for extending this approach to other areas of UN activity.

In this area as well, however, it is clear that the EU's contribution, be it terms of its commitment, its intellectual investment, its cumulative (MSs+Commission) participation in decision making bodies and its financial support is not matched by its capacity to project its values and influence policy accordingly.

This perception arises not only with regard to the limited recognition of EU positions in the phase of policy-making (see as a comparison, US status within IFI's); but also in terms of candidates (whether or not from the EU) for top or executive positions appointed with full EU backing.

Doc.Appendix II recapitulates MSs (+Commission where appropriate) cumulated capital share in and/or financial contributions to a number of (economic/financial) multilateral organisations and agencies, highlighting the presence of EU nationals in executive positions, and the positions likely to be filled in the months/years ahead.

The Treaty lays down the principle that Member States shall coordinate their action in international organisations. It is the case both for CFSP (article 19 TEU) and for development cooperation (article 180 TEC). We should ensure that the provisions of the Treaty are given the fullest implementation.

Q.3: How can we ensure better representation of EU interests and positions within international organisations, through more efficient coordination, including a more coherent policy for appointments to executive positions? What should be the role of the SG/HR in this context?

3. New CFSP instruments

The ongoing build up of common **conflict prevention** and **crisis management** tools, including the capability to deploy military means, will over time undoubtedly reinforce the profile of the EU as an external actor. We will have to pay much attention to ensuring the credibility of the process throughout, between now and 2003, with a view to enhancing the visibility of the EU as an important player in the area of international security.

Common strategies should also contribute to increasing the coherence and effectiveness of our external action. Whatever the judgement on their actual formulation, we now have the political and legal framework to set in motion more effective coordination of policy initiatives at national and common level vis-à-vis some of our most important partners. We cannot afford to misuse or neglect this potentially powerful instrument. Its potential should instead be urgently recovered, and the strategies adopted revitalised through follow-up action. A thorough evaluation of such action (by the SG/HR) should follow, before proceeding to table new CS proposals.

II. FINANCIAL ASPECTS

Looking at the compound of EU's external commitments, from a financial angle, three main trends can be observed:

- *EU external relations are based on a wide array of evolutionary policy objectives, as diverse as regional security and stability; promotion of trade/economic interests of EU enterprises; fight against poverty; promotion of human rights/rule of law; environmental protection; and so on.*
- *Many contractual and autonomous arrangements are either inherited from privileged links existing between third countries and individual MSs prior to membership; or else the result of a naturally multi-pronged extension of EU relations, owing to some MSs traditional (cultural, regional, etc.) priorities and affinities.*
- *Leaving aside global trade negotiations, trade concessions have traditionally represented an important channel for privileged relations. The budgetary impact thereof may in many cases be only virtual; or else not limited to trade with one specific partner. But the substantial economic benefits deriving from trade concessions ought to be brought into the picture when comparing the situation of partner countries benefiting from EU financial assistance.*

1. Measuring the EU's financial effort

It would be wrong to measure the degree of political priority attributed to any given country relying solely on figures drawn from the Community budget.

An accurate and comprehensive picture of EU's financial efforts vis-à-vis our partners should include, at any point in time

- * Community assistance – whether from the budget proper (projects, programmes and macro-financial); from the EDF; or from the EIB;
- * Member States bilateral assistance
- * An approximation of the EU's burden from IFIs multilateral assistance (since MSs are major shareholders and financing sources for IFIs) and from public debt re-scheduling (Paris Club).

In fact, the share of the EU (15+EC) in world ODA (Official Development Aid) was a massive [...]for [...], compared to [...] for the US, and [...] for Japan.

Doc.Appendix III sets out relevant examples of such "consolidated" picture for financial assistance with regard to a few case-studies: Russia, Albania, Mexico, India.

Quite clearly, there is much scope for improving the information flow on MSs and Community financial assistance. This would avoid embarrassing lack of coordination at multilateral level, and would increase manifold the visibility of our collective efforts.

Sadly, there are no automatic channels of communication, and no centralisation of information on MSs bilateral activities in this field at EU level^(*) (although they exist for limited purposes in other fora, such as the OECD/DAC). Equally incomprehensible, is the fact that the full picture of commitments/disbursements originating from the Community budget and directed to any specific country is not readily available to the Council and MSs.

Improvements are clearly needed on both accounts.

Q.4: What can we do to enhance the level of coordination regarding EU financial assistance to third countries? Should the Council Secretariat – on the basis of regular information from MSs and the Commission – produce systematically updated pictures of overall EU efforts (e.g. along of the current exercise on "country fiches")?

2. Financial assistance from the Community budget

The external financial assistance from the Community budget varies considerably from case to case in terms of legal foundation, as well as of political motivation/justification thereof.

For the sake of this report, this type of expenditure can be re-grouped under three main headings:

- Contractual obligations **Doc.Appendix IV** lists the budget lines in "heading 4" which are classified as compulsory expenditure.
- Assistance related to general Community policies (pre-accession, nuclear security, environment; fight against drugs production/trafficking; etc.)
- Assistance related to multilateral donors' commitments; to current political/economic priorities; to back up sectorial negotiating objectives; humanitarian; non-EDF development assistance.

There is no doubt that the EU is bound by its treaty engagements (*pacta sunt servanda*).

(*) An ad-hoc Council Secretariat exercise of compilation of consolidated figures for the West Balkans has already proved its worth, as a (successful) reaction to the draft Warner Amendment in the US Congress.

Many of these commitments, as with other foreign policy activities, are undertaken on the basis of the Union's and its Member States' own interests. The immediacy of the self-interest varies: at times it will be long-term, for example, efforts to foster democracy. At others it will be more immediate, for example pre-accession aid (bringing acceding countries into line with existing members); nuclear safety and environmental programmes in Central and Eastern Europe (in terms of sheltering EU populations from pernicious spill-over effects); financial compensation for contractual access to fishery resources; and so on.

Furthermore the self-interest involved will vary in its origin. At times it will be a clear collective interest of the Union. And at others the key influence will come from a single Member States or group of Member States. These factors, and the fact that our external assistance activities have grown up over many years, make it harder to carry out a strategic assessment of priorities or to conduct better advance planning.

Q.5: Should the GAC, on the basis of presentations by the Commission, and the SG/HR, hold an annual orientation debate in advance of the establishment of the Preliminary Draft Budget?

3. Flexibility

It is widely recognised that Community assistance should react more flexibly to changing circumstances, e.g. urgent needs or reduced absorption capacity. A certain degree of flexibility is already possible for non-compulsory expenditure within the existing legal and budgetary framework:

1. The Commission can adjust the figures for a programme or a region in its preliminary draft budget (PDB) or in a rectifying letter to the PDB. "Heading 4" amounts in the financial perspective are ceilings, not targets for disbursement.
2. During the budgetary year, a rectifying and/or supplementary budget can be adopted.
3. A "flexibility instrument" of 200 million euro annually is available under certain conditions.
4. A negative reserve, with a maximum amount of 200 mio, can be used to exploit "savings" in certain areas to the benefit of another with more needs
5. An emergency reserve is available for urgent needs, namely humanitarian assistance.
6. The Commission has competence for executing transfers between lines within the same budgetary chapter.

The Commission has made reform proposals recently in order to increase the margin for manoeuvre and, in particular, to tackle the problem of outstanding commitments.

(Doc. Appendix V: explanatory note on the preceding points)

Q.6: Does the Council agree on the principle of a more systematic use of the above mentioned possibilities ?

Q.7: Does the Council intend to examine in a positive spirit new proposals by the Commission, aimed at increasing flexibility and the capacity to react to changing circumstances?

Q.8: What other avenues should be explored to increase the efficiency of Community assistance? (more assistance to national/regional budgets? more assistance through NGOs?)

FOLLOW-UP

- * Coreper is invited to examine the above mentioned questions. The views of Heads of Mission in key areas (NY, Geneva) should be sought as an input to this process. The Presidency and the SG/HR will report to the GAC in February 2001. The GAC will have a debate in order to give orientations to the Commission in the run-up to the preliminary draft budget for 2002.
 - * Presidencies and the SG/HR are invited to ensure coherence between GAC orientations and Budget Council debates (for example by means of a "foreign policy statement" by the SG/HR.)
-

DOC.APPENDIX I

9 August 2000**DRAFT****EU DIPLOMATIC RESOURCES**

Diplomatic Missions					Personnel posted abroad ¹		
	Embassies	Consulates ²	Missions to IOs	TO-TAL	MFA	Local	TO-TAL
Belgium	80	26	9	115	395	1293	1688
Denmark (1997)	73	20	7	100			1613
Germany (1996)	141	62	12	215			5536
Greece (2000)					907	477	1384
Spain (2000)	101		26				
France (2000)	149	99	17 ³	265			4366
Ireland (2000)	41	7	5	53			488
Italy (2000)	117	61	12	190	2472	1772	4244
Luxembourg	44 ⁴	3 ⁵	13 ⁶	60	67	156	223
The Netherlands (1999)	103 + 2 ⁷	30 + 1 ⁸	12	148	1244	1583	2827
Austria (1998)	80	19 ⁹	6	105	826	619	1545
Portugal (1998)	68	64	12 ¹⁰	144	553	1842	2395
Sweden	89	10	7	106	600	1000	1600
Finland (1998)	64	8	8	80	690	750	1440
United Kingdom (2000)	145	61	10	216	2438	7500 (yr 1995 estimate)	11.938
European Commission	123	--	5	128			
TOTAL EU							>39000
US	164	74			4705 (yr 1997)	9508 ¹¹ (yr 1997)	14213 (yr 1997)

¹ Personnel posted from Ministries other than MFAs not included.

² All types except Honorary Consuls.

³ 17 Permanent Representations and 4 Delegations to IOs.

⁴ dont 17 Ambassades résidentes et 27 Ambassades non-résidentes

⁵ dont un bureau d'action humanitaire

⁶ dont 7 missions en co-accréditation

⁷ 2 Embassy Offices in Bonn & Lagos.

⁸ 1 Representation Office.

⁹ 11 Cultural Institutes, 2 Regional Offices for Development Co-operation and 1 Press & Information Office not included.

¹⁰ Including 4 Temporary Representations and Delegations.

¹¹ Foreign Service Nationals.

DOC.APPENDIX III

EU's financial support : the broad picture

– Some examples

RUSSIA

- 1) Community financial assistance ¹² 1991–1999 1335 million euro
- 2) Member States' bilateral financial support 1990-1998
 - grants 6125 million euro
 - loans and export credits ¹³ 1647 million euro
- 3) EU Member States' share ¹⁴ in multilateral financial support since 1992
 - IMF 5625 million euro
 - World Bank 1431 million euro
 - EBRD 1512 million euro

INDIA

- 1) Community financial assistance ¹ since 1990 963 million euro
- 2) Member States' bilateral financial support 1990-1998
 - grants 3408 million euro
 - loans and export credits ² 2884 million euro
- 3) EU Member States' share ³ in multilateral financial support
 - IMF since 1990 1284 million euro
 - World Bank/IDA (ongoing) 2667 million euro
 - ADB 1986 - 1999 915 million euro

MEXICO

- 1) Community financial assistance ¹⁵ 1990 - 1998 106 million euro

¹² Nearly exclusively grants from the Community budget. The figures for Community assistance reflect a higher concessional element than the combined figures for bilateral and multilateral assistance.

¹³ Includes Paris Club.

¹⁴ Formally speaking, it is not possible to identify the "share" of EU Member States in multilateral assistance. The figures can only be interpreted as an approximative indication of EU effort or liability. They are the result of a purely arithmetic exercise, multiplying the cumulated share of EU Member States (plus the Community and the EIB in the case of EBRD) in the capital of the respective institution with the amount of financial assistance in favour of the recipient country.

¹⁵ Nearly exclusively grants from the Community budget. The figures for Community assistance reflect a higher concessional element than the combined figures for bilateral and multilateral assistance.

2)	Member States' bilateral financial support 1990 - 1998		
	grants		446 million euro
	loans and export credits ¹⁶		1535 million euro
3)	EU Member States' share ¹⁷ in multilateral financial assistance		
	IMF	1990-1999	4531 million euro
	World Bank	(ongoing projects)	715 million euro
	IADB	1990-1999	681 million euro

ALBANIA

1)	Community financial assistance ¹	1990 - 1999	990 million euro
2)	Member States' bilateral financial support 1990-1998		
	grants		610 million euro
	loans and export credits ²		125 million euro
3)	EU Member States' share ³ in multilateral financial support since 1992		
	IMF		27 million euro
	IDA		166 million euro
	EBRD		58 million euro

Sources:

- EU Commission (for Community assistance), OECD (for bilateral assistance), IMF, World Bank, EBRD
- Average conversion rates (1991/99) applied : 1 USD = 0,8385 euro
1 SDR = 1,1782 euro

¹⁶ Includes Paris Club.

¹⁷ Formally speaking, it is not possible to identify the "share" of EU Member States in multilateral assistance. The figures can only be interpreted as a approximative indication of EU effort or liability. They are the result of a purely arithmetic exercise, multiplying the cumulated share of EU Member States (plus the Community and the EIB in the case of EBRD) in the capital of the respective institution with the amount of financial assistance in favour of the recipient country.

DOC.APPENDIX IV

"Obligatory expenses" budgetary lines

B7-200	Products mobilised under the Food Aid Convention
B7-4010	First, Second and Third Financial Protocols with Malta and Cyprus
B7-4011	Fourth Financial Protocols with Malta and Cyprus
B7-4032	Special aid for Turkey
B7-4050	First and Second Financial Protocols with the southern Mediterranean countries
B7-4051	Third and Fourth Financial Protocols with the southern Mediterranean countries
B7-421	Aid to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East
B7-510	Provision of paid-up shares of subscribed capital (EBRD)
B7-511	Callable portion of subscribed capital (EBRD)
B7-536	Community contribution to the European Bank for Reconstruction and Development for the Chernobyl Shelter Fund
B7-6600	External cooperation measures (KEDO)
B7-8000	International fisheries agreements
B7-8001	Contributions to international organisations
B7-820	agricultural agreements
B7-822	Agreement with the United Nations Food and Agriculture Organisation (FAO)
B7-821	International European Community financial contribution to the bodies set up by the United Nations Convention on the Law of the Sea, 1982

"Non obligatory expenses" budgetary lines

These lines are grouped around the budget concerning external actions in either geographic or thematic chapters. All the larger geographical areas have their own chapters including the major programmes (Pre-accession and Phare, NIS and Tacis, Balkans and Obnova, Mediterranean and Meda, Latin America, Asia, South Africa). The thematic parts concern appropriations relative to food aid, humanitarian aid, human rights and democracy, commerce, cooperation with the NGOs etc.

*Document Appendix V
(Ways in which the Commission is currently able
to influence the breakdown of appropriations)
not included here*

ANNEXE B.2

GENERAL AFFAIRS COUNCIL, Luxembourg, 9 October 2000

- Effectiveness of the Union's external action – conclusions
-

The European Council invited the Council to take the necessary steps to ensure that optimum use was made of the various means at the Union's disposal for more effective and comprehensive external action by the Union.

The Council considers that reinforcing the coherence of the Union's external action and realising its policy objectives are priorities if the Union is to pull its full weight in international affairs.

To make better use of the collective means at the Union's disposal and improve the synergy between Community action and Member State action, the Council has taken the following measures:

1. Reinforcing coordination between the Commission and the Member States

1.1. The Council refers to its conclusions of 18 May 2000 which were approved following the Commission's report on the implementation of the guidelines for reinforcing operational coordination between the Community and the Member States. The report pointed to certain improvements but also the persistence of real difficulties of on-the-spot coordination, with considerable differences according to the regions and countries concerned.

1.2. Coordination and Transparency

The Council considers that the current streamlining of procedures for managing Community external aid programmes should be backed up by a firm commitment on the part of the Commission and the Member States to increased transparency concerning all their cooperation activities, including those at local level, in all regions of the world that receive such assistance.

The Council therefore calls on the Commission, in conjunction with the Member States, to continue and to intensify the work currently being done, especially by implementing the Council's decisions of 9 March 1998 and 18 May 2000, and to organise, on the spot, a regular mutual exchange of information on all aspects of the relevant cooperation programmes, including the preparation of and follow-up to the implementation of individual projects, so as to ensure effective coordination of the assistance efforts made by the Community and each Member State and to reinforce their coherence and complementarity. The practical details of the on-the-spot coordination will be the subject of guidelines proposed by the Commission, which the Council's subordinate bodies will have to examine with a view to adoption by the Council when the first policy debate on the EU's external action is held in January or February 2001. The guidelines will have to be incorporated into the Community's various cooperation programmes.

The Council stresses that the aims of greater transparency and of a regular mutual exchange of information between the Commission and the Member States in the context of Community aid programmes must also be pursued in the geographically determined groups and committees in Brussels.

1.3. Role of the recipient country

In accordance with its conclusions of 18 May 2000, the Council also calls on the Commission and the Member States to reinforce the role of the recipient country in defining its strategies and development programmes as well as the general coordination of resources.

1.4. Dialogue with the other donors of funds

The Council points out that greater coordination within the Union does not mean shutting out the wider dialogue that also needs to be improved with the other donors of funds, especially the Bretton Woods institutions and the UN agencies.

1.5. Evaluation

The Council and the Commission undertake to implement these coordination efforts forthwith. It is agreed that a review should be made at the time of the first annual policy debate in January or February 2001 on the basis of a Presidency report involving an evaluation by the Commission and the heads of mission on the spot and taking account of the work already done, and that the initial focus should be, for practical reasons, on the countries and regions mentioned in Annex No 1. An overall assessment concerning the other partner countries should be available in the course of 2001.

2. Making better use of the Union's overall effort and increasing its effectiveness

2.1. Drawing up an instrument summarising relations between the Union and third countries

To improve the preparation of its discussions on external action, the Council wishes to have as soon as possible information summarising the whole field of relations between the Union and each of the partner countries.

To this end, the Council considers that the first "summary files" on relations between the Union and certain third countries, drawn up on the initiative of the Secretary-General/High Representative, are a useful source of information. The Council calls on the Member States and the Commission to supply in good time the relevant information on their bilateral relations with all the Union's partners which is necessary for drawing up and updating complete files. To begin with, the Council calls on the Secretary-General/High Representative, in association with the Commission, to supply the complete files concerning the countries and regions listed in Annex No 2 before the first policy debate in January or February 2001.

In connection with this exercise, the Council emphasises the importance of having a summary by country of the financial assistance provided by the Community and the Member States in all its forms: Community budget, EDF, EIB, macro-financial aid, bilateral budget aid and bilateral credits, contributions made to such assistance by international financial institutions,

rescheduling and cancellation of debts. It is also essential to have information on what is being done by the other donors.

A summary of this kind requires a systematic pooling of the financial data held by the Commission, the Member States and the international organisations. The Council asks the Presidency, assisted by the next Presidency, to see that there is suitable coordination between the Commission, the Council General Secretariat and the Member States for collecting, adjusting and updating these data, in particular by using the data available in the international bodies.

2.2. Scoreboard of commitments and disbursements

The Council also calls on the Commission to draw up, for the first policy debate in January or February 2001, a scoreboard showing – country by country for the preceding financial year – the state of commitments, disbursements and commitments outstanding in respect of the main programmes financed by the Community budget and by the EDF.

2.3. Streamlining of Commission departments and simplification of administrative procedures for external action

The Council's objective is the concrete improvement of the management of Community aid to third countries – an improvement that is necessary for the European Union's international credibility and the visibility and effectiveness of its external action as a whole. The Council therefore welcomes the intentions expressed by the Commission in this area. The Council notes the Commission's intention of rationalising its departments and its proposals for simplifying the management procedures for external aid. In this connection, the recasting of the Financial Regulation is an important opportunity to assist the process of modernising the management of external aid by means of a horizontal application of sound management measures. In this context, the Council recalls its conclusions of 18 September 2000 on the implementation of a system for the automatic release of dormant commitments.

Taking note of the Commission's proposals on staff, the Council stresses the importance of the availability of the administrative capacity and the expertise that are needed to achieve the Community's external objectives.

2.4. Following up the reform

In the interests of improving the impact of external aid, the Council calls on the Commission to continue and intensify its evaluation programme and to submit an annual summary report, with an initial report for the policy debate in January or February 2001. It also requests the Commission to submit for that meeting the expected improvements concerning the management of the main Community programmes.

2.5. Complementarity between the Community and its Member States

The Council stresses the need for the Community and its Member States to establish greater complementarity between their assistance measures for third countries while preserving the Commission's responsibilities. It calls on the Commission to look at the conditions for greater cooperation with the Member States or their implementing agencies, especially in the identification of projects, the exchange of expertise and, where appropriate, the management of

certain projects. It asks the Commission to send it a report on this question in the course of 2001.

3. Common strategies

The Council notes the importance of common strategies for the coordination, coherence and effectiveness of external action. It calls on the Secretary-General/High Representative to submit, for the first policy debate in January or February 2001, an evaluation report on the operation of the common strategies already adopted and on ways of making optimum use of this instrument in the future.

4. Holding a policy debate at the beginning of each year

The Council has agreed to hold an initial policy debate on the whole of the Union's external action and in particular on external aid and its effectiveness at its meeting in January or February 2001 on the basis of a report from the Presidency incorporating quantitative and qualitative contributions from the Secretary-General/High Representative, the Commission, the Presidency and the Member States and taking into account the work being done in the Development Council. The debate will make it possible to take stock of the progress achieved in improving the effectiveness of all aspects of Community aid and to determine the basic principles and the main policy objectives of the effectiveness of the Union's external action for the year ahead. The institutions of the Union and the Member States are asked to take account of the outcome of the debate.

The Council asks the Presidency, assisted by the General Secretary/High Representative, and the Commission to report to the European Parliament on those results.

ANNEXE C

Romano PRODI

President of the European Commission
Plenary Session of the European Parliament

Madam President, Members of the European Parliament,
The Biarritz Summit will be decisive, for it is here that we will have to tackle issues of fundamental importance for enlargement and for institutional reform.

Enlargement

We have embarked on an enlargement process whose ambitious and inspiring goal is to forge the unity of the whole continent of Europe. This is a process the Commission intends to pursue right through to its conclusion, exactly as it was mandated to do, conducting the negotiations objectively and rigorously, country by country. Rigour and objectivity are essential if we are to secure the public support that is indispensable both in the candidate countries and in those countries that are already members of the Union. The time has therefore come for some extra impetus over and above the efforts of the negotiators: we must now explain and persuade. There is an acute need in the Member States of the Union for a debate to explain the full significance of this extraordinary passage we are writing in the history books by rebuilding a united Europe. And at the same time to convey the potential benefits to be gained from the creation of a market of 500 million consumers. The new democracies, for their part, are making enormous, profound and unprecedented efforts to adapt their political and economic systems to the Community situation. Yet there are equally clear signs in the candidate countries of growing concern about the lack of a clear and binding timetable for accession. We must respond to their efforts and their worries.

Institutional reform

Before enlargement can go ahead, we must implement the necessary reform of the Community institutions. Without the requisite institutional changes, the prospect of almost doubling the number of Member States will pose formidable problems for effective decision-making. Failure to introduce such changes could throw the Union into crisis. This is the task facing the Biarritz Summit and, later, the summit in Nice. If a Treaty of Nice that satisfied all the criteria I have spoken of were adopted in December, allowing time for national ratification procedures the Union could be ready for enlargement at the beginning of 2003. The issues are well-documented, as is the Commission's position. We need- to simplify the mechanism for closer cooperation, at the same time leaving the door open to those Member States that wish to participate. The coherence of the *acquis communautaire* and the uniformity of the judicial framework must be preserved. Closer cooperation should be an inclusive not an exclusive instrument, but no-one should prevent a group of Member States from achieving the closer union to which the Treaties explicitly refer and which should be properly regulated within the framework of the Union's institutions..³ We need to cushion the impact of increased membership on the workings of the institutions: to ensure a Commission that can continue to operate under a system of collective responsibility, and a Council where the reweighting of votes makes it possible to adopt decisions which have the support of a majority of Member States representing a majority of the population. We need to reform the Community court system. And finally, but to my mind most importantly, we need to limit the scope for using the veto

and restrict to the absolute minimum the decisions that require unanimity. These reforms are simply the minimum changes necessary - and I repeat necessary - before enlargement, to ensure that enlargement does not irreversibly undermine the European Union's ability to act. Equally important for the future of Europe, in Biarritz and later Nice, will be the debate on the Charter of Fundamental Rights. This will become the reference point both for those countries that are already members of the Union and for those preparing for entry. The quality and even-handedness of the proposal are exemplary, and I would like to express my appreciation of the work done by the members of the Convention and their President, Mr Herzog.

The debate on the future of Europe

The lesson for us all today, as we celebrate the tenth anniversary of German unification, is that Europe can rise to the great challenges that history throws in its path. Looking ahead, beyond Biarritz and Nice, we have a duty to reflect on our future. My aim today is not to present a complete blueprint for tomorrow's Europe. I simply want to set down some pointers for the debate. The future of a newly reunited Europe is not carved in stone. The outcome of the current political debate will depend on the determination we can display. The possible outcomes are the maintenance of the status quo, which would mean in effect a step backwards for Europe. Or a partial but deceptive increase in intergovernmental cooperation. Or, alternatively, we can continue to build on the institutional architecture of the Union in a way that is consistent with the principles of democracy, the balance of powers and subsidiarity. I am heartened that there now seems to be more of a consensus that these issues need to be addressed than there was this time last year when I first raised them in this very chamber.

The strength of the Community model

If we are to shed a constructive light on the future, we must take as our starting point our current situation, our past history and the recent debate inspired by many influential contributors. All the lasting achievements of the European Union, from the single market to the euro, including four successive enlargements, have been the product of our unique system, based on a delicate balance between the Community institutions. This system, revolving around the institutional triangle of the Council, Parliament and the Commission, has proved extraordinarily successful. Its originality lies without doubt in the Commission and its right of initiative.⁴ The Commission is the melting pot into which the various national interests and tensions are poured, and from which emerge proposals that seek to reconcile these often conflicting interests. In this way it provides not only a synthesis and analysis of the problems at issue but also a starting-point for negotiations in which, once national differences have been aired, the common European interest can be identified. This executive, that combines independence with a sensitivity to the balance of powers and interests in all the Member States (both large and small), is the sine qua non for the effective pooling of sovereignty in the Community. However, the role of the Commission is a necessary but not a sufficient condition for European integration. The European interest is the product of an institutional system in which Parliament, Council and the Court of Justice play an equally decisive role. It is from this system, the combination of all these institutions, that the synthesis emerges. There are those who see a positive side to any confrontation between the Council and the Commission, as if this might somehow be to Parliament's advantage. But nothing could be further from the truth. A strong Council strengthens the action of the Commission and this is equally true of Parliament. The European system is one of checks and balances, in which the smooth running of each institution serves the common interest. Any weakening of these institutions weakens the whole. Yet I detect a worrying tendency to think that further European integration can be achieved using methods based primarily on direct cooperation between governments.

The weakness of the intergovernmental model

This is extremely disturbing because the intergovernmental model can lead to only two possible outcomes, both of them undesirable: - either it will turn the Community into an international talking shop, incapable of producing a real pooling of sovereignty around the common interest; - or it will deceive people by constantly creating new bodies which are exempt from any form of democratic scrutiny -- a real government of bureaucrats. Giving new powers to some sort of committee of ministers, serviced by an unaccountable secretariat, would not represent any sort of progress either for democracy or for effective decision-making. To claim, as some do, that the individual legitimacy of the participating governments somehow provides, on its own, a sufficient guarantee of democratic accountability for the intergovernmental model is misguided. The European process can only derive its democratic vitality from a dual legitimation: the direct legitimation of the European people, as represented by you, the Members of the European Parliament, and the legitimation of the Member States, which in turn is based on democratic national elections. The European Parliament, as the expression of Europe-wide direct universal suffrage, is the institution specifically dedicated to representing the Union of the peoples of Europe. And it is from your endorsement of the Commission that the Commission derives its democratic legitimacy. This then complements the other source of legitimacy, namely the Member States represented in the Council.⁵ Enhancing the intergovernmental model at the expense not only of the Commission but also, ultimately, of the Council would therefore undermine the democratic nature of the whole European structure and would be a seriously retrograde step. In short, we run grave risks if we call into question the principle of a Community based on the rule of law, respect for which is guaranteed by the Court of Justice, to which any European citizen has the right to appeal. We currently have a paradoxical situation in which even the deliberations of the fifteen Justice Ministers on such sensitive issues as penal law and police cooperation escape the scrutiny of Parliament and the Court of Justice. This cannot go on. In the recent controversy surrounding the political developments in Austria, the compulsion to resist any racist or authoritarian tendencies, a reaction with which I fully sympathise, ended up by creating an artificial distinction between the bilateral action of the Member States and action by the Union as a whole. Democracy was made to look like something for individual Member States alone. But I believe that democracy cannot be a matter for subsidiarity: it must thrive at every level. I cannot help feeling, too, that when there is a problem of fundamental values at European Union level it should first be debated before this House, the democratic heart of our Union. It is of course only right that when it comes to the specific role of government there should be an open debate about what should and should not be done at European level and at national level. It is then up to each individual Member State to decide what should be done at regional or local level. I therefore agree that the time has come to open the debate on the distribution of powers between the Union and the Member States. The Commission will launch this debate with a White Paper on governance, which we are already drafting. We will be trying to define a form of interaction between the existing levels of decision-making that is transparent and democratic and at the same time capable of ensuring coherent and effective action. Any further trend towards an intergovernmental approach, by contrast, would create conflicting centres of power within the European structure. It would lead to fragmentation where what is needed is unity.

The danger of fragmentation

There is no need to remind this House of our tragic inability to act in the Balkan war, precisely because of the fragmentation of our decision-making processes. It is not because of our action that we have lost credibility but because of our inability to act. I would like to give two more examples of this fragmentation. First, the creation of High Representatives. In the area

of foreign and security policy the Amsterdam Treaty provided only a provisional response to a lasting need. While I can assure Javier Solana of the wholehearted support of the Commission, and I admire the extraordinary personal commitment which has enabled him to achieve important and unexpected results, I have to stress that the present organisational model is not sustainable in the long term. This model confuses the roles of the Council and the Commission in a way that could ultimately jeopardise⁶ both struts of the institutional system and exclude Parliament from any effective power. The current situation should be seen as a transitional phase, useful for launching European action in a new area, but destined to be reabsorbed into the conventional institutional structure, as happened in similar cases such as Schengen. That is why I firmly believe that the function of High Representative should be integrated into the Commission, with a special status tailored to the needs of security and defence. We should draw the same conclusions when considering the solutions to be adopted for other sectors, such as economic policy and the euro. The current management of economic policy projects an image of Europe as indecisive and muddled. The Central Bank is independent, but unlike every other protagonist on the world economic stage it is not flanked by a stable economic policy body representing an overall view of the economic strategies of the Union and its members and capable of taking decisions with the necessary speed. The search for such an essential point of reference for any monetary policy must not lead to the creation of another High Representative, this time for economic policy. The simple, natural, effective solution is there, under our very noses: the Commission, acting on a mandate from the Council, should be the voice of the Union's economic policy. In fact you only have to read the Treaty to understand that, while the Central Bank is the pivot of monetary policy, the body responsible for the overall assessment of the European Union's economic policy can only be the Commission. The Commission is thus the obvious interlocutor for the Central Bank. My second example of the risk of fragmentation is the desire expressed by some Member States in the intergovernmental conference to amend the Treaty to facilitate the creation of agencies on which the Council can then confer executive powers. Let us have no illusions: there is a real danger that this will create conflicting centres of power. Agencies may indeed be needed to give the Union bodies and authorities of the kind that exist in all systems today, and to allow the Commission better to perform its executive role without excessive bureaucratic burdens. But this must be done by maintaining the logic of the Community system. Those agencies must operate under the authority of the Commission – which is answerable to you for their actions. You cannot on the one hand deplore the lack of effective and united European action and on the other be content with the weakness of the instruments available to the Community for carrying out such action. The recent petrol crisis is a perfect illustration: the need for a unified response was obvious – as was our inability to deliver one.

Conclusion

Often in the history of European integration the President of the Commission has stood before this House and said that we find ourselves at a crossroads. If I say it once again, it is because I genuinely believe that it has never been more true. The debate about the future of Europe in the light of enlargement is a healthy and vital one. Although I regret the outcome of the recent referendum in Denmark, I⁷ respect the fact that it followed a healthy debate. However, it goes to show, once again, that within the Union not everyone feels equally strongly that they are a part of the European project. We have achieved a great deal over the past 50 years, but we should not be so complacent as to believe that these achievements are irreversible. If we are not careful to preserve the key elements of the constitutional architecture designed and executed by the founding fathers, we will reverse some of the achievements that we take for granted today. Democratic accountability. Legitimacy. The rule of law. We have built a unique system in which the guarantees of the democratic state governed by the rule of law on

which our societies are founded also form the basis for the Community. They must continue to guide any further advances in common action at European level. Many people, all over the world, look to our European model and its successes for inspiration. Many look to our original "union of minorities" as the only instrument capable of reconciling the demands of globalisation with the reassertion of the rights of the citizen. I am not so naïve as to pretend that the Community system is perfect. This is precisely why we have set in motion, and will carry through, an in-depth reform of the Commission. A reform not only of the way it operates but also of its administrative structures. It is now legitimate to expect a similar effort from the other institutions. I still believe, passionately, that the Community system, with its checks and balances, offers the best possible guarantee of the fundamental values we cherish. If development of the Union is pursued while weakening the political role of the Commission, if our capacity for executive action is eroded, if the extension of the intergovernmental model corrupts the judicial and institutional mechanisms of the Community, if the democratic legitimacy of the system, guaranteed by this House, is undermined, if all this is allowed to happen, then the achievements of the single market, the common policies, the solidarity mechanisms, and the strength Europe exercises by speaking with a single voice in international negotiations, will all be at risk. Similarly, any attempt to equip Europe to act more effectively by continuing to develop a Union based on shared values, democratic principles and the rule of law will be in vain. Madam President, Ladies and Gentlemen, The Community system has been a unique success, and we have only just begun to explore its potential. Our peoples pin their hopes on the European Union and look to it to ensure that the future is one of peace. The achievements of the past equip us well to meet the challenges of the future. What we need now is the wisdom and foresight to preserve what we have inherited in order to bequeath something even better and grander to future generations.

Thank you.

ANNEXE D.1

The Secretary General/High Representative and the Commission

IMPROVING THE COHERENCE AND EFFECTIVENESS OF THE EUROPEAN UNION ACTION IN THE FIELD OF CONFLICT PREVENTION

Report Presented to the Nice European Council (Nice, 8 December 2000)

EXECUTIVE SUMMARY

Main challenges facing the European Union in effective conflict prevention

- *to reaffirm and maintain conflict prevention as a fixed priority of EU external action;*
- *to establish and sustain priorities for action in the field of conflict prevention;*
- *to move the timescale for EU action forward, becoming progressively more pro-active and less reactive;*
- *to ensure the coherent use of what is now a very broad range of resources in pursuit of priorities, better integrating development, trade, economic and humanitarian instruments with CFSP instruments and civilian and military capabilities for crisis management;*
- *to deploy those resources in a timely, comprehensive and integrated way;*
- *to build and sustain effective partnerships with those who share our values and priorities at global, regional, national and local level;*
- *to develop targeted common approaches to countries and regions at risk of conflict taking account of CFSP, development, trade, economic and justice and home affairs issues.*

Key recommendations in the short term

- *early consideration of conflict prevention by the GAC, possibly during annual orientation debate, and periodic identification of priority areas for EU action;*
- *SG/HR and Commission to assist in overseeing implementation of policies;*
- *the Political and Security Committee invited to develop role as a focal point in developing conflict prevention policies in CFSP and CSDP;*
- *Commission to bring forward Communications on Conflict Prevention and on Linking Relief, Rehabilitation and Development;*
- *Council and Commission to pursue review of relevant budgetary regulations and procedures and to examine issues of co-ordination between Community instruments and those of Member States;*
- *intensify coordination with the UN, building on the UNSG proposals, and supporting drive for greater UN effectiveness generated by the Millennium and Brahimi Reports;*
- *deepen dialogue with and support for key partners including OSCE, Council of Europe and ICRC, as well as academic and NGO communities;*
- *draw on experience of partners in preparing EU action plans and approaches to specific countries and regions;*

- *systematically support the rights of access to potential conflict zones by ICRC, OSCE and UN Human Rights Rapporteurs;*
- *prioritise support for effective action on small arms including in UN and G8 frameworks;*
- *ratify and implement new international instruments including the Rome Statute on the International Criminal Court and the Ottawa Convention on the Prohibition of the Use, Stock Piling, Production and Transfer of Anti Personnel Mines and On their Destruction;*
- *review use of diplomatic instruments for conflict prevention including the role of Special Representatives and heads of mission;*
- *Council Working Groups invited to develop the practice of scheduling informal discussion with relevant partner organisations;*
- *better coordination of information sources available to Union and regular preparation by the Policy Unit and by the Commission of papers on conflict prevention issues for consideration by policy makers.*

I Introduction

1. Conflict prevention is at the heart of the European Union which is in itself a strikingly successful example of how reconciliation, stability and prosperity can be promoted through closer cooperation and understanding. The process of enlargement aims to extend these benefits to a wider circle of European states. Preserving peace, promoting stability and strengthening international security worldwide is a fundamental objective for the Union, and preventing violent conflict constitutes one of its most important external policy challenges.

2. Conflict bears a human cost in suffering and undermines economic development. It also affects EU interests by creating instability, by reducing trade and putting investments at risk, by imposing a heavy financial burden in reconstruction and ultimately by threatening the security of its citizens. The financial costs of preventing conflict are small compared to the cost of addressing its consequences. Millions of civilians in Africa have died from violent conflict in recent years, and our efforts in support of lasting economic and social development are repeatedly set back by recurring conflict. Conflict has moved much closer in recent years to the EU's own borders: an estimated 200,000 people have been killed and some 1.8 million remain displaced following a decade of conflict in the Western Balkans. Democratic change in the FRY has opened new prospects for lasting peace and stability in the region but the process of recovery will be a long one and the financial cost high. Already the Union has invested some Euro 18 billion in reconstruction for the region as a whole. Recent developments in the Middle East are a reminder of how rapidly conflict can escalate, with potential consequences not only for regional stability but also for the global economy.

3. Against the background of its work on strengthening the Common European Security and Defence Policy, the European Council at Feira underlined its determination to prevent conflict and invited the Secretary General/High Representative and the Commission to "submit to the Nice European Council, as a basis for further work, concrete recommendations on how to improve the coherence and effectiveness of the European Union action in the field of conflict prevention, fully taking into account and building upon existing instruments, capabilities and policy guidelines."

4. The purpose of this report is to build on the existing work undertaken by the Union, to indicate some of the broader challenges facing the Union as it prepares to undertake further work on conflict prevention, to put forward some concrete recommendations aimed at improving our effectiveness in the short term, and to set out a more coherent framework for possible future action.

II Coherent action: the central challenge of conflict prevention

5. Conflict prevention is not a new issue on the EU's agenda. For some years now, the Union has made sustained efforts to adapt its external action to a changing international security environment characterised by a growth in conflict within borders where civilians are increasingly both the victims and the intended targets of violent conflict. The Council has repeatedly emphasised the importance of effective early action to prevent violent conflict. Our experience of the consequences of conflict has been instrumental in the development of civilian and military crisis management capabilities, and is a driving factor in the development of a more effective and responsive common foreign and security policy. A key challenge now facing the Union is to ensure the most effective use of the full range of tools which have become available in order to prevent conflict from occurring in the first place.

6. The European Union is well placed to engage in conflict prevention. Its capabilities include trade policy instruments, cooperation agreements, development assistance and other forms of economic cooperation, social and environmental policies, humanitarian assistance from both ECHO and member states, civilian and military crisis management capabilities, diplomatic instruments and cooperation in the area of Justice and Home Affairs. In many of these areas the Union has very considerable influence. It is the world's largest provider of development and humanitarian assistance and the biggest trading partner.

7. Specific situations of potential conflict present unique challenges. Policies aimed at defusing tensions in the Middle East will be quite different from those deployed to prevent a recurrence of conflict in the Western Balkans or in the Horn of Africa. The central issue for the Union is one of coherence in deploying the right combination and sequence of instruments in a timely and integrated manner. This demands greater coherence and complementarity at several levels: between the instruments and capabilities available within each pillar, between the pillars themselves, between Member State and Community activities, and between the Union and its international partners in conflict prevention.

8. Moreover, the coherence of conflict prevention policies cannot be separated from the broader issue of how the EU sets priorities in the area of external relations. While some regions, including those close to the EU's own borders, will remain a high priority, the Union must be ready to engage elsewhere when confronted with a clear risk of violent conflict. The work under way since Evian on improving coordination of EU external assistance will also serve to improve our ability to address situations of emerging conflict.

9. Policies can only be effective if the Union adopts a proactive approach, identifying problems before they become acute, and translating early warning into early action. Measuring the success of conflict prevention policies is particularly difficult, and the absence of easily identifiable results can be a stumbling block in securing support at a political level. Political will is essential if the Union is to develop and sustain a new emphasis at all levels of our external action: a shift from a culture of reaction to a culture of prevention.

Recommendations

- *Conflict prevention should be addressed by the GAC, possibly during its annual orientation debate on external relations, integrating the issue into its work and addressing the broader issue of coherence at Council level, including with the Development Council.*
- *The GAC should regularly identify priority areas for EU action in the field of conflict prevention, taking account of recommendations from the SG/HR and the Commission. Where priorities are identified, the Council should invite the SG/HR and the Commission to oversee the implementation of policies and to report accordingly.*
- *The Union should set the explicit aim of developing targeted, common approaches to countries and regions at risk of conflict taking account of CFSP, development, trade, economic and justice and home affairs issues.*

III. Building more effective partnerships

10. The causes of conflict are usually complex and therefore require complex policy responses which can only be delivered by a broad range of actors, some of whom have specific mandates under international law. Recent experience clearly demonstrates the need for the European Union to cooperate closely in this area with other regional and international organisations as well as with the non-governmental sector.

11. The United Nations, with its Charter responsibilities, global presence and broad institutional framework, is uniquely placed both to contribute to tackling the root causes of conflict and to take shorter term preventive measures. The UNSG has recently made specific proposals for strengthening dialogue with the Union. Agencies such as UNHCR, UNDP and UNICEF, as well as the UN High Commissioner for Human Rights and the Coordinator for Humanitarian Affairs, have access to extensive information networks and can play an important role in addressing specific problems associated with conflict. The UN is currently taking steps towards greater effectiveness in conflict prevention. The European Union can play a key role in helping to maintain the momentum to this work.

12. Regional cooperation and the growth of regional and sub-regional organisations is a development which in itself plays a valuable role in conflict prevention. Organisations such as the OAS, OAU, SADC, ECOWAS, the ARF and ASEAN are adopting an operational role in this area. Key partners for the EU are the OSCE and the Council of Europe. Each plays a distinct role: the OSCE through its field missions, the High Commissioner on National Minorities and its emerging mechanisms for preventing and managing conflict, and the Council of Europe through its Parliamentary Assembly and its role in standard setting and human rights. Partnership for Peace, through its work on Petersberg Tasks, and the EAPC can also play a valuable contributory role in conflict prevention.

13. The G8, IMF and World Bank have taken an active role in developing an approach to conflict prevention which focuses on the broader economic factors underlying conflict, including issues such as the trade in small arms and diamonds.

14. Non-governmental organisations have an increasingly influential role to play in conflict prevention. Many are well-placed to work with the victims of conflict and to identify and address root causes at an early stage. Others have done valuable work on policy elaboration and conflict mediation. Experience in Serbia demonstrates that a strong and active civil society and independent media are themselves important factors for democratic change and long-term stability. The growth in the number of civilian victims of conflict underlines the increasingly important role of the International Committee of the Red Cross in promoting and upholding humanitarian law.

15. The EU's extensive political dialogue offers regular opportunities to address the issue of conflict prevention with our partners in a more flexible and timely way, both with those who are directly at risk of conflict and those with the potential to assist those at risk.

16. Building effective partnerships with such a broad range of actors sets specific challenges for the European Union: first, to establish a focussed dialogue with agreed contact points based on mutual priorities; second, to incorporate their input into our own policy formulation; third, to establish practical cooperation on operational issues and fourth, to support mandate based organisations in playing their role for conflict prevention to the full. The principles guiding our approach to partnership should include those of added value, comparative advantage and mutually reinforcing institutions.

Recommendations

- *Further development of mechanisms for coordination with the UN system, building on the proposals already put forward by the UN SG.*

- *Support the drive for greater UN effectiveness in conflict prevention, maintaining the momentum generated by the Millennium Report and the Brahimi Report on peacekeeping.*
- *Deepen dialogue with other key international and regional partners such as the OSCE, the Council of Europe and the ICRC, with a view to identifying common priorities, strengthening support for their mandates and cooperating in the implementation of EU policies.*
- *Draw on the experience of other actors in preparing EU action plans and approaches to specific countries and regions.*
- *Intensify dialogue with the academic and NGO communities in order to improve effectiveness in identifying potential conflict and to ensure close convergence of effort on priority issues.*
- *Systematically support the rights of access to potential conflict zones by other mandated organisations including the ICRC, OSCE and UN Human Rights Rapporteurs.*
- *Consistently integrate conflict prevention priorities into our political dialogue with international partners (as is already the case with Canada and Japan) as well as with those directly at risk of conflict.*
- *Support conflict prevention initiatives in the G8 framework, in particular in areas where the G8 can bring particular value such as small arms and the illicit trade in high-value commodities.*

IV Long-term measures

17. There is a wide range of measures which can be deployed over the long-term in support of an overall strategy of conflict prevention. Many of these already constitute a major part of the Union's action in the area of external relations. In general, long-term action is not focussed on the avoidance of a specific and imminent outbreak of conflict, but is designed to address the underlying causes of conflict and thereby to contribute to the overall objective of peace and stability. The role of the Union as a global trading partner and as the largest donor of development cooperation give it the possibility of contributing to conflict prevention even in those areas which are not the subject of specific policy priorities. The recently agreed standard framework for Country Strategy Papers should become an important basis for ensuring coherence between the long term cooperation programs and other complementary actions aimed at preventing conflict. Long term action may be divided into horizontal instruments which are explicit in their overall objective of preventing conflict, and broader policies which address wider economic and developmental issues, but in doing so have an important role to play in creating the conditions for longer-term stability.

18. Many of the horizontal issues are relatively new on the international agenda. The establishment of the International Criminal Court and the creation of new international instruments governing landmines and the issue of child soldiers will enable us to address new and emerging concerns but must be followed up by sustained and concerted efforts aimed at full ratification of the instruments and implementation of their standards. This calls for closer convergence between Community and Member State programmes aimed at addressing such issues. Our emphasis on human rights values and on upholding international legal standards provides a framework for much of this effort. Human rights and humanitarian violations lie at the heart of many conflicts. Addressing the gap between international commitments and practical implementation must be a priority in our conflict prevention policies.

19. Other concerns have yet to be addressed, not least the issue of the trade in small arms and the trade in diamonds. The Union should continue to support such initiatives which have a clear role in preventing conflict and should remain open to suggestions (both from inside and outside) for further imaginative proposals which would deserve its support.

20. Increasingly important also are the wide range of instruments falling under the heading of 'Justice and Home Affairs'. Measures designed to tackle organised crime, drug trafficking and money laundering all have the long-term effect of creating greater stability and therefore contributing to the prevention of conflict. Initiatives undertaken in recent years in the U.N., G-8 and other contexts have helped to create frameworks in which concerted action on these issues can be taken at international level. The Union has been involved in all of these initiatives and has sought to adapt its own instruments in support of them. The challenge for the Union now is to develop policy-making mechanisms which allow it to integrate these initiatives into its overall political approach to specific countries and regions, to assess their respective benefits, and to set priorities for the future.

21. Alongside these horizontal measures, there is a wide range of instruments which can contribute to the prevention of conflict. These should be used in a more targeted manner to address the root-causes of violent conflicts, such as inequality of opportunity, lack of legitimacy and effectiveness of government, lack of frameworks for peaceful conciliation of interests and absence of an active and organised civil society. In many countries, conflict prevention can also be considered a development objective because without peace and democratic stability there can be no poverty alleviation and no sustainable development.

22. The most effective way for the Union to use its cooperation instruments in conflict prevention is by integrating long-term peace-building measures into its country cooperation strategies. In countries in unstable situations, specific projects and programs within the cooperation sectors included in the Country Strategy Papers should be dedicated to supporting a peaceful resolution of conflict and strengthening the democratic state. These should support political dialogue and mediation efforts, democratic institutions, the rule of law and the administration of justice, an effective and impartial police force, and, for countries emerging from armed conflict, the demobilisation and reintegration of ex-combatants, including child soldiers. Furthermore, in traditional sectors of development cooperation (infrastructure, health, education etc.), the reduction of existing imbalances in a society, whether ethnic, regional, or economic, must be taken into account in allocating funds to specific sectors.

23. The Union should also strengthen its support for non-state actors which play a role in developing a culture of democracy, tolerance and peaceful resolution of conflict, through support for projects and programmes which assist independent media, civil society, local NGOs, women's groups etc.

24. Effective deployment of both horizontal measures and measures designed to tackle the root causes of conflict requires much greater coordination between Community instruments and those relevant instruments of the Member States. This should involve cooperation both in-country and between capitals at an early stage.

Recommendations

- *Closer consideration should be given to coherence and coordination between measures envisaged or taken in the different phases of a conflict or crisis situation. The Commission will present in January 2001 a Communication on Linking Relief, Rehabilitation and Development which will i.a. include proposals to enable a quicker and more coherent transition from one phase of assistance to another in countries going through a crisis, whether political or other in nature.*
- *An inventory should be made of EU instruments and policies which could be brought to bear on conflict situations. A Commission Communication on conflict prevention in Spring 2001 will focus specifically on the use and possible adaptation of Community instruments in this respect. The Commission will also pursue work on the "Conflict Prevention Handbook" detailing instruments and procedures.*

- *In the context of "post-Evian" discussions on ways to improve co-ordination between Community instruments for external cooperation and those of Member States, greater exchange of information on economic and political issues, both at the level of capitals and in country, is recommended. This should include a revitalisation of the Electronic Bulletin Board (EBB), established by the Commission in 1999 to link country desk officers in the Commission, Council and Member States.*
- *An early decision by the Council on the proposed recasting of the Financial Regulation would facilitate the successful completion of the reform of EC external cooperation programmes. In this context, the Commission will also pursue internally the objective of more rapid mobilisation of funds under its various cooperation programmes.*
- *The Union should give priority to effective preparation for the UN Conference on Small Arms and to the ratification and implementation of new international instruments including the Rome Statute on the International Criminal Court and the Ottawa Convention on the Prohibition of the Use, Stock Piling, Production and Transfer of Anti Personnel Mines and On their Destruction.*

V Short term measures

25. Situations which have the potential to lead to conflict in the short term are often characterised by complexity and rapid change. If it is to use its instruments and capabilities to best effect, the Union must address specific challenges to the way in which policy is formulated and implemented.

26. First, efforts at conflict prevention must be underpinned by vigorous and continuous diplomatic engagement, involving the transmission of clear messages to countries and regions in a situation of political deterioration as well as to its other international partners. Progress has been made. The EU's traditional diplomatic instruments such as structured political dialogue, démarches, and high-level visits are increasingly effective. The use of special representatives has allowed sustained engagement in both the Middle East, Africa and the Western Balkans. The appointment of the High Representative with new resources in the Council Secretariat has raised the level of our diplomatic engagement and broadened its scope. This must be underpinned however by a more focused, flexible and robust approach to dialogue than is often the case at present. There is a need for more informal contact with a broad range of actors, clear mandates and for a more effective use of the privileged relationships of individual Member States in support of a common political objective. Such an approach has been successful in assisting a peaceful transition to democracy in Serbia. The effectiveness of dialogue will be further enhanced by the development of ESDP and the development of a comprehensive range of civilian and military instruments, broadening the toolbox for conflict prevention and enabling the EU to deploy civilian and military crisis management instruments for conflict prevention purposes.

27. Second, moving the focus of policy-making away from a responsive to a more proactive approach represents a particular challenge for the Union. The earlier the Union is able to anticipate and address problems, the lower the ultimate human and financial cost. Conflict prevention has to begin in situations of "unstable peace", where structural problems are apparent but have not yet resulted in open violence. The Union has access to information from many sources and a range of capabilities, many of them new, for assessing situations and formulating policy options. Their potential has still to be fully developed. Translating early warning into early action will require the application of political will by the Council and its bodies at all levels in order to encourage the early assessment of potential problems and the formulation of possible policy options.

28. Third, as is the case with our longer term measures, there is a clear need for comprehensive and integrated policies which address the full range of factors which can produce or exacerbate violence. These include discrimination against minorities, forced population displacement, the abuse of human rights, and weak institutions, the availability of small arms, abuse of humanitarian law, exclusion of international organisations and curtailment of media freedoms.

29. Fourth, a recurring challenge is the need for responsiveness in the deployment of appropriate instruments. Deployment can involve a range of authorities and different procedures for decision making and accountability: humanitarian aid and trade policy fall within Community competence while responsibility for third pillar instruments and new civilian and military capabilities lies primarily with Member States. Achieving coherence and responsiveness is not solely a matter of instruments but of political will.

Recommendations

- *Evaluate use of diplomatic instruments for conflict prevention (including use of Special Representatives) with objective of more focussed, flexible and robust diplomatic engagement.*
- *The Political and Security Committee should continue to develop its potential as a focal point within the framework of CFSP and CSDP for the development, implementation and monitoring of conflict prevention policies.*
- *Council Working Groups should support PSC in this task and develop the practice of joint meetings and informal discussion with relevant partner organisations*
- *More proactive use of heads of mission for conflict prevention, including through visits to potential conflict zones, and the preparation of regular systematic reports.*
- *Better coordination of the wide range of information sources now available for identifying and monitoring potential conflicts including Member States commitment to sharing all relevant information*
- *Regular preparation by the Policy Unit and by the Commission of conflict prevention papers for consideration by policy makers.*

VI Conclusion

30. Effective action by the EU in the area of conflict prevention will require sustained political will and should become a priority. Future work should acknowledge our failures but also build on our successes. The Union has, for example, made a very substantial contribution to the establishment of permanent stability in Central and Eastern Europe. The rapid delivery of political and financial support to Montenegro was important in stabilising a potential conflict situation while our support for democratic forces in Serbia and the recent Zagreb Summit with its emphasis on the Stability and Association Process have opened up new prospects for lasting peace in the region. It can build also on successes further afield. After a decade which has seen many failures, the wider international community has, for example, acted to address the spiral of conflict in East Timor and has stepped in to provide the support and security necessary for the re-establishment of public authority and civil society.

31. The challenges which face the Union as it sets about improving its coherence and effectiveness for conflict prevention are similar to those which it faces throughout its external action: to establish and sustain priorities for action; to ensure the coherent use of what is now a very broad range of resources in pursuit of those priorities; to deploy those resources in a pro-active, flexible and integrated way; and to build and sustain effective partnerships with those who share our values and priorities at global, regional, national and local level. Addressing these issues in the context of conflict prevention can give impetus to our efforts towards greater coherence in all external action. It is an ambitious political undertaking and will be

achieved only with the exercise of political will. Nonetheless, it demands a high place in the Council's priorities. The benefits of effective conflict prevention—to human life, political stability, national and community budgets, and trade and investment—will far outweigh the effort invested.

ANNEXE D.2

The Secretary-General/High Representative

Contribution to the Nice European Council (Nice, 8th December 2000)

PROCEDURES FOR COMPREHENSIVE, COHERENT CRISIS MANAGEMENT: REFERENCE FRAMEWORK

1. The European Union intends to manage crises in a comprehensive and coherent manner using civil and military means. This implies that a political will exists to that end; that the Union has the requisite civilian and military capacities and that satisfactory procedures are put into effect. With regard to those procedures, a coherent framework needs to be defined within which instruments coming under the various pillars and the competence of different institutions and bodies are implemented in synergy.

Inevitably, this is a complex task. Its complexity is due on the one hand to the existence of decision-making mechanisms peculiar to each pillar, and on the other hand to the fact that the institutions and their various subordinate bodies have distinct (and occasionally exclusive) powers and prerogatives under the Treaties.

This document aims to define, in compliance with the Treaty, a reference framework for a comprehensive, coherent management procedure for any crises which the Union might have to face.

2. Two key factors should be regarded as the basis of this document:

- The main aim of a crisis management procedure must be to ensure that the Union responds effectively and coherently. There is a clear requirement for results, without which the added value of acting in common as well as the credibility of the Union itself, would be called into question.
- The Union is a Community governed by law. This means that, even in the context of crisis management, there will be no derogation from the provisions governing the attributions and powers of its institutions and bodies. This applies in particular to the Commission's right of initiative and the implementation of the instruments which fall within its competence.

These two principles are not incompatible provided that the interaction between different sectors, bodies and decision-making processes is governed by a desire to ensure effectiveness in institutional coherence. Obviously, this means that political will must always be present at all levels and within all the bodies involved in crisis management.

3. In order to ensure consistency between the instruments available to the Union, it is essential that a single body should have access to all the information, proposals and initiatives relating to the crisis involved in order to make a global assessment; following the conclusions of the Helsinki European Council, this role would fall to the Political and Security Committee. This

is without prejudice either to institutional prerogatives or to the decision-making mechanisms peculiar to each pillar.

4. It is also essential that all the civilian and military means available should be capable of being mobilised as required by each individual crisis. Without a permanent central co-ordination body and strategic supervision, there can be no guarantee that our collective efforts will be brought together in the desired time sequence. However, the actual ability of such a body to carry out its task of co-ordinating a comprehensive crisis response will ultimately depend on the establishment of simple, rapid and effective procedures in the context of the definition of permanent bodies.

5. The Council decision identifying the civil and military instruments which the Union must implement in response to a crisis could, where appropriate, take the form of a Joint Action in full respect of the single institutional framework and of Article 47 of the TEU. This Joint Action will define the conditions under which the SG/HR, with the assent of the PSC, will be responsible for implementing its political and military aspects. This will give the military leadership a clear and continuous point of reference, and will help to ensure consistency of the Union's representation in contacts with third countries, international organisations and any other interested party.

6. The Secretary-General/High Representative, assisting the Presidency of the Union or acting as Chairman of the PSC as the case may be, will contribute with his suggestions to the strategic direction of the response to the crisis. He will remain in close contact with the Commission at all times. He will likewise ensure that the resources of the Council Secretariat, including the European Union's Situation Centre, are properly mobilised.

7. Throughout the crisis, the Chairman of the Military Committee will take part in the PSC; the other members of the Military Committee will be encouraged to do likewise. The Chairman of the Military Committee will also be the channel for conveying politico-military guidelines to the operational commander. On military matters, the Secretary General/High Representative will receive advice from the Chairman of the Military Committee and be assisted by the Director General of the EU Military Staff.

8. In order that full use can be made of all instruments available to the Union, it is vital to ensure the consistency not only of the work of the various Council bodies but also of the Council's decisions in its various configurations (Ecofin, Justice and Home Affairs, etc.) and of the actions of the Member States, the Community and the Commission. In addition to the role of the Council and the Commission as laid down in Article 3 of the TEU, this consistency will be guaranteed by Coreper, the GAC and, at the highest level, by the European Council. Its conclusions will therefore be an invaluable element, which should be used to the full. All those involved in crisis management must also be equipped with mechanisms and procedures which are flexible enough to allow decisions to be taken and consultations to be held in sufficient time.

9. Delegations have already been sent more detailed suggestions for procedures, which are in principle appropriate for governing crisis management in the Union framework effectively. They should be studied in detail and evaluated by civilian and military experts. In any event, such procedures should not be validated until they have been tested, in exercises which will be carried out shortly. In this context, the detailed document on the subject, which has already been distributed by the Secretariat, and the guidelines set out above, form an evolving whole, which will be reviewed and updated in the light of experience.

ANNEXE E

The Secretary-General / High Representative

- An evaluation report, Brussels, 21 December 2000
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COMMON STRATEGIES REPORT

I. INTRODUCTION

1. The General Affairs Council of 9 October 2000 drew conclusions on the effectiveness of the Union's external action. On Common Strategies, the Council noted "the importance of common strategies for the coordination, coherence and effectiveness of external action. It calls on the Secretary-General/High Representative to submit, for the first policy debate in January or February 2001, an evaluation report on the operation of the common strategies already adopted and on ways of making optimum use of this instrument in the future."
2. This internal evaluation report which it is intended should remain confidential, is in three parts: The first recalls the instrument of Common Strategies, the second deals with "lessons learned", and the last section draws conclusions and makes recommendations on improving the effectiveness of Common Strategies. The report also takes into account internal reflections by the Commission.
3. The Common Strategies adopted so far have not yet contributed to a stronger and more effective EU in international affairs. At the same time, they have contributed to putting together all EU objectives and means in the areas covered in a comprehensive, cross-pillar approach. We should now draw the lessons from the shortcomings of our present Common Strategies and take the steps necessary to improve both the development and the implementation of Common Strategies in the future. Otherwise we will widen even further the gap between their poor effectiveness on the one hand and on the other hand the high expectations they raise.

II. THE INSTRUMENT OF COMMON STRATEGIES

4. The Treaty of Amsterdam introduced into the Treaty on European Union the instrument of common strategies. The idea behind them was to create an instrument setting the global vision of the Union within the area of external relations in the medium or long run towards a specific area or theme and, in the CFSP (second pillar) to provide for decision-making by QMV in implementing decisions, notably in the adoption of common positions and joint actions.
5. Accordingly, Article 13, paragraph 2 provides that the European Council shall decide on common strategies to be implemented by the Union in areas where Member States have important interests in common. While common strategies must be compatible with the principles and general guidelines for the common foreign and security policy, the TEU offers the European Council great flexibility as to their content. The Treaty prescribes, however, that they should set out three constituent elements, namely their objectives, duration and the means to be made available by the Union and the Member States. This gives common strategies an operational nature, going well beyond declarations of policy.

6. As far as the means are concerned common strategies can cover the possibilities open to the Union, including those under the EC Treaty. In the latter case, the instruments covered by the EC Treaty must be adopted in accordance with the procedures provided for by that Treaty. As far as CFSP measures (title V TEU) are concerned, since a common strategy provides automatically for adoption by qualified majority of any implementing act there is no need for the common strategy itself to provide for a legal base for implementation on CFSP.
7. The common strategies adopted by the Council so far have been published in the Official Journal. This is however not mandatory either under the Treaty provisions or under the rules of procedure of the Council. Each time the Council adopts a common strategy, therefore, it can decide whether to publish it. A decision on publication must be adopted by unanimity (Article 17 (3) of the rules of procedure of the Council).

III. LESSONS LEARNED

Scope of Common Strategies

8. The EU wanted to use the first common strategies to focus on relations with the geographical areas surrounding the Union (Russia, Ukraine, Balkans, Mediterranean), not least in order to underline the importance it attaches to relations with all its immediate neighbours. These were, however, areas for which broad-based policies and established mechanisms of cooperation already existed or were being developed (PCAs with Russia and Ukraine, Barcelona Process, Stabilisation and Association Process, Stability Pact), putting in question the added value of CS in areas where policies were already so well established. The choice of such complex, high-profile and well trodden areas put the instrument of the common strategy to a very public test, the risk of which might have been reduced by choosing less ambitious and less well-worn themes. One of the tests is whether the Union has been able to use CS to implement policies on issues which really matter. In the case of Russia for example, the CS is comprehensive in scope, and yet it has not proved useful in helping the Union to address the important specific issue of Chechnya. These considerations have led to the implicit dropping of the Balkan CS, but they raise the question: what next?
9. The European Council at Vienna, which set in motion work on the first four CS, also foresaw future CS on thematic issues. Although none has so far been decided, considerations similar to those above could apply to thematic subjects.

Methods used to draw up existing CS

10. The European Council gave very little by way of guidelines, so successive Presidencies have had to develop their own approaches, which were subject to long and detailed negotiating processes in working groups and special committees, using traditional bottom-up working methods. Orientation discussions at Council, Coreper and POCO level did little to change this, but confirmed the wide range of views. The wide scope of the CS and the particular, sometimes detailed concerns of individual Member States resulted in a "Christmas tree" approach based on the "lowest common denominator" where Member States and the Commission insisted on covering all possible aspects of relations, including so many different issues in the CS that in the end it became difficult to distinguish priorities from questions of secondary importance.

Publicity

11. The question of non-publication in whole or in part so that CS could be real and unvarnished internal policy documents was decided early on in favour of full publication. This has made them smooth, declaratory texts, well-suited for public diplomacy purposes. But they are less useful as internal working tools balancing pros and cons, reconciling different objectives and generally prioritising EU action. They cannot in particular address sensitive questions such as EU interests and goals not suited for publication, areas of disagreement with external partners or difficulties/ contradictions in the EU's approach.

12. The fact that the CS are public documents has reinforced their nature of "fair-weather" instruments, making it difficult to handle them in times of crisis or to develop them in light of new developments. This could be seen for example when the Union reviewed its relations with Russia at the height of the Chechnya crisis.

Impact of CS on relations with the countries involved

13. The CS succeeded in emphasising the importance the Union attaches to its relations with the specific countries involved (a fact clearly appreciated by them), notably by developing the concept of "strategic partnerships" with Russia and the Ukraine. But as far as substance was concerned the CS did not cover new ground and instead tended to become inventories of existing policies. At the same time, once Russia and the Ukraine knew that the EU was working on a CS with them, they tried actively to influence their content.

14. In Russia and the Ukraine the drawing up of the CS first led to uncertainty about the relationship of the new instruments with the existing comprehensive Partnership and Cooperation Agreements. This was followed by efforts to water down the central role of the existing contractual arrangements by trying to give the CS a "quasi-contractual" connotation and by stressing a hierarchical order putting CS above the PCAs.

15. In the case of Russia, the publication of the CS prompted our partner country to formulate and publish its own strategy towards the EU; the Russians then wanted to engage the EU in negotiations on areas of both agreement and disagreement between the two strategies, which actually distracted from the bilateral relationship and tended to relativise the CS itself.

16. Regarding the Mediterranean region, the perceived lack of added value of the CS compared with the already comprehensive Barcelona Process and the difficulties in defining the relationship between the CS and the EU's role in the Middle East Peace Process have put the consistency of the EU's approach towards the region into question. The unspoken competition between the CS and the ongoing effort to draw up a "Charter for Peace and Stability" in the Barcelona framework has added to this confusion.

CS as basis for QMV

17. So far, CS have not been used as basis for QMV decisions in CFSP. In fact the Pillar 2 content of CS devoted to a comprehensive review of the whole of the EU's relations with a country or region has, at least so far, been close to minimal, so the question of

QMV has not arisen - with one exception in the drafting of the Mediterranean CS. Agreement was finally reached on excluding the MEPP as such from that CS, but the discussion pointed to a possible future difficulty: the broader the nature, the more Member States may be reluctant to commit themselves to CS, since they cannot foresee clearly on which decisions QMV might be mandatory.

CS as coordinating instruments

18. The Presidency work-plans mandated by the CS have in principle helped to make CS implementation more focused and to improve intra- as well as inter-Presidency coordination. But if the truth be told, these have in practice fallen into the category of routine exercises to which little attention is paid. No sense of priority or urgency emerges from them at the political level.
19. The instrument of CS should be well adapted to improve coordination and synergy between CFSP, Community action and Member States' activities. Experience has shown that already the first step towards this goal, the compilation of inventories of what is done bilaterally in the field of CS, will not be achieved in the short run, notably given the comprehensive scope of the existing CS. This seems to indicate that the review process in Member States to bring their national policy actions in line with CS is at best at an early stage.
20. Little thought has been given to how different CS should be coordinated with each other (there is, for example, a clear read-across between the CSs on Russia and the Ukraine). In addition, the possibility of aligning the associated countries with our CS have not been used.
21. **Summing up: The existing Common Strategies tend to be too broadly defined in scope to be truly effective and to have added value. They are sometimes so thoroughly negotiated among the Member States that they do not contain real priorities or posteriorities and have become little more than inventories of existing policies and activities. Whilst having these comprehensive statements of policy in a single document no doubt has its uses as a reference document, the CS has tended increasingly to become a bureaucratic exercise. The fact that they are written to be published has resulted in texts that lack the sharpness needed to make them a truly useful internal strategy. The introduction by each presidency of a new working plan with new priorities has so far failed to add to the objective of deploying a consistent and coherent EU approach and has strengthened the impression of stop and go policies. Precisely because they are so comprehensive, Common Strategies lack flexibility: too often they cover a wide range of issues but do not enable the Union to implement policies on specific issues that really matter. Last but not least, policy issues related to CFSP are formulated in such a manner that the main aim of Common Strategies to introduce QMV in CFSP has not so far been realised.**

IV. CONCLUSIONS

How to make a better use of the C.S.?

22. In order to make the Common Strategies efficient internal working instruments of the Union, and not only public declarations of already stated policies, they need a new focus. Ultimately they can only become a strong and useful EU instrument if the necessary political will can be generated to turn them into a real foreign policy asset of the Union. Their value added could be in concentrating on:

- bringing together all EU and Member States policies and resources in a specific area, and
- CFSP issues which can then be implemented by using Qualified Majority Voting.

23. How to do this? the following criteria are suggested:

- * **Common Strategies should be internal EU policy documents.** An alternative would be to keep a part of the Common Strategy confidential. This should not only be applied to new Common Strategies, but also to the existing Common Strategies when revised.
- * **Common Strategies should be focused and selective in their scope;** political correctness or the importance of a topic is not enough, as experience to date shows. They should in the future not aim at a very broad subject, such as an entire country or region or a wide theme, but deal with a clearly defined and limited area.

These considerations apply to thematic as to geographical subjects. Additionally for thematic subjects, it might make sense to avoid themes which would, in the implementation of a legally binding instrument, inevitably expose possibly glaring contradictions in applying well accepted principles where other factors are also important.

- * **Common strategies should have a clear added value which should be identified before the CS is decided on by the European Council.** This value added could, for example, come from a will to identify areas for subsequent implementing common positions and joint actions by QMV. This way the drafters would have a clear mandate for their task.
- * **Common strategies should identify verifiable objectives** against which progress in implementation can be measured.
- * **Common Strategies must enhance coherence** by bringing together all means and resources available to the EU. Member States should act coherently in non-EU institutions and promote Common Strategy objectives in the UN, OSCE, Council of Europe and possibly the World Bank, IMF, Paris Club etc. They also should use Common Strategies as the main framework for their bilateral policies.

24. The following procedural suggestions could help to the above-mentioned criteria:
- * When the European Council invites the Council to prepare a Common Strategy, it should give clear strategic directions on the priority areas, scope, means and timeframe. A Common Strategy should not be the subject of detailed bottom-up approach negotiations among Member States.
 - * To ensure that the above criteria are adhered to, suggestions for a Common Strategy could be made by the SG/HR after consultations with the Presidency and the European Commission. This should help guard against short-termism and avoid stop-and-go policies.
 - * Presidencies should build their work plans on the previous ones in order to promote consistency and continuity, at the same time allowing for flexibility in the light of new challenges. An incoming Presidency should therefore not necessarily need to propose a largely new work plan; it could also reconfirm or supplement an existing one. By narrowing the scope of new Common Strategies as proposed above, the problem of having diverse workplans will probably tend to solve itself.
 - * In order to improve coordination, work plans should also include the review of CS implementation by both the Union and the Member States.
25. In order to mobilise fully the added value of Common Strategies, all instruments, including those of the Community and of Member States must at all times be used in a coherent way. Therefore, proper articulation between the CFSP area and the other "pillars" and adequate cross-pillar coherence is essential, and indeed obligatory under article 3 TEU. In order to achieve this without encroaching upon the respective prerogatives and competences, a practical approach is needed.
- * The European Council should note the Commission's intention to focus its action on the realisation of the objectives of the Common Strategies through relevant Community measures and, as necessary, invite it to act appropriately.
 - * The General Affairs Council should retain overall responsibility for ensuring coherence in the implementation of Common Strategies. In doing so it should draw on the advice and recommendations of expert committees such as the EFC, the Article 36 Committee and the Article 133 Committee.
 - * There should be a clearer division than at present within the Common Strategy between the CFSP-proposals (laying the legal basis for QMV) and the broad policy orientations in other pillars.
27. **In conclusion, Common Strategies will be more credible if used to develop a limited, specific foreign policy objective with the priorities and value added identified in advance and the necessary budgetary and policy means linked directly with it.**

ANNEXE F

EUROPEAN COMMISSION

Brussels, 11.04.2001 – COM(2001) 211 final

Communication from the Commission on Conflict Prevention

EXECUTIVE SUMMARY

The ever-growing list of causes of conflicts calls for international co-operation and multilateral action of a new order. The EU, itself an on-going exercise in making peace and prosperity, has a big role to play in global efforts for conflict prevention. For this, it has at its disposal a wide range of instruments for long term or short term action.

Both among its immediate neighbours and throughout the world, the EU seeks to project stability in supporting **regional integration** and in building **trade links**. With a long experience in these fields, the EU is well placed to do so. Direct support to regional structures in Africa and autonomous trade concessions to the Western Balkans are examples of instruments with a long-term stabilisation perspective.

Development policy and other co-operation programmes provide the most powerful instruments at the Community's disposal for treating the root causes of conflict. There is a need to take a genuinely long-term and integrated approach, which will address all aspects of structural stability in countries at risk. In doing so, co-ordination between Commission and Member States activities must be ensured. On a practical level, strategic documents (Country Strategy Papers) elaborated for each country receiving EC assistance will be the key tools to mainstream such an approach into co-operation programmes. Appropriate indicators will also be used.

In countries showing conflict potential, there may be a need to focus external aid on the (re)emergence of a favourable political environment (e.g. **support to democracy, rule of law, civil society, independent media, gender equality** etc). There may be also a need for the Community to become more involved in **security sector reform**. When a country emerges from conflict, the Community should contribute to the consolidation of peace through specific programmes such as **rehabilitation**.

Another approach to mainstreaming conflict prevention is to find more effective ways, within the Union and in the wider international context, to address **cross-cutting issues** which may contribute to tension and conflict. The most important ones concern drugs, small arms, natural resources, environmental degradation, population flows, human trafficking and to some extent, private sector interests in unstable areas. Community instruments in these areas may be further developed.

In parallel to long term preventive action, the EU should improve its **ability to react quickly** where a situation in a particular country seems to be entering a downward spiral. This clearly requires an effective early warning system. In pre-crisis situations, many Community instruments including new ones such as the **Rapid Reaction Mechanism** can be used. The EU can deploy a variety of options ranging from **political dialogue** to **Special Representatives** and

including, in the future, civilian crisis management mechanisms. All of these may be improved, made more systematic and flexible. But in any case they need to be based on a common political line between EU Member States.

Potential conflicts often cross borders. This demands **international co-operation** on long term prevention activities as well as **co-ordination** of responses to pre-crisis situations. The EU will therefore strengthen its co-operation with international partners active in the field of conflict prevention, such as US, Canada, Russia, Japan and Norway, main international organisations such as UN and OSCE as well as NGOs.

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Annex
List of recommendations

The Commission:

Long-term prevention

- will give higher priority to its support for regional integration and in particular regional organisations with a clear conflict prevention mandate;
- will ensure that its development policy and other co-operation programmes are more clearly focused on addressing root causes of conflict in an integrated way;
- will use in all Country Strategy Papers appropriate indicators to analyse potential conflict situations;
- will develop practical programming tools for mainstreaming conflict prevention measures in co-operation programmes with countries at risk;
- will exchange Country Strategy Papers with corresponding documents from Member States.
- will set up a pilot system, in close co-operation with Council Policy Unit, for the regular exchange of information between Commission, Council Policy Unit and Member State desk officers, for two unstable areas: the Balkans and the Great Lakes.
- is considering co-financing World Bank and IMF funding instruments which will support the implementation of Poverty Reduction Strategy Papers in the ACP countries;
- will implement, for countries showing conflict potential, more targeted actions, where appropriate, to open the way to a more favourable democratic environment. In particular increased emphasis will be placed on support to electoral processes, parliamentary activities and the administration of justice. In doing so, the Commission will in particular promote the equal participation of men and women in social, economic and political life.
- intends, within the limits of its competencies, to play an increasingly active role in the security sector area. This will take the form of activities aiming at improving police services, promoting conversion, disarmament and non-proliferation both as regards weapons of mass destruction and conventional weapons. The Commission could support human rights training for the whole security sector.
- will, in post-conflict situations, concentrate EC assistance on the consolidation of peace and the prevention of future conflicts, in particular through rehabilitation programmes,

child-related rehabilitation measures and DDR programmes as well as programmes supporting reconciliation processes.

- will focus its co-operation/anti-drug actions on the two main routes by which drugs reach Europe, through the Balkans and between Latin America and the Caribbean. In so doing , it will continue to draw on the expertise of Member States.
- will give higher priority to its support aimed at controlling the spread of small arms. It will work for an ambitious Union position in view of the forthcoming UN conference on illegal trade in light weapons and small arms. When managing programmes on small arms, the Commission will closely examine the situation of the customs sector.
- will play an active role in the Kimberley task force on the certification system for rough diamonds and will present a policy paper to the Council by the end of the year outlining options on this issue;
- will support, where a clear commitment to regional collaboration exists, regional actions aiming at a fair management of shared water resources;
- will address issues of natural resources and environmental degradation through its bilateral and regional programmes and will enhance support for the implementation by partner countries of Multilateral Environmental Agreements. High priority will also be given to environmental rehabilitation projects in post-conflict programmes;
- will seek to deepen its dialogue with specialised organisations in view of better detecting destabilising population flows at an early stage. Such organisations could include the IOM and UNHCR;
- is committed to promoting actively the OECD guidelines for Multinational Enterprises which aim at encouraging businesses to behave responsibly when operating abroad, and in particular in developing countries;

Short term prevention

- will work with the SG/HR on regular reviews of potential conflict zones, including the establishment of early warning mechanisms;
- will initiate a debate within the Council on ways of enabling the EU to devise and implement preventive sanctions;
- considers that more systematic use must be made of the political dialogue where a crisis appears imminent. Such dialogue should be based on a strong political line. It should be more focused, time-flexible and robust than in the past. The Commission is prepared to work with the SG/HR on developing concrete proposals in this field.;
- considers that the Special Representatives should be used more widely as mediators, that they should be empowered to adopt a firm position on the situation covered by the terms of their mandate, and that they should be available for short-term (e.g. six-month) missions as well. The Commission is prepared to work with the SG/HR on developing concrete proposals in this field;
- is encouraging Member States to work together and with the UN and OSCE, on training in the fields of rule of law and civil administration for personnel to be deployed in international missions. The Commission is prepared to support such training programmes with Community funds;

International co-operation

- proposes to integrate more systematically into the political dialogue with partner countries discussions on early-warning systems and regular monitoring of potential conflict zones. In post-conflict situations, it intends to play a more active role within the "Friends of" approach and to foster exchanges of information among donors;
- considers that conflict prevention should be a major element of the enhanced structural dialogue being put in place between the Union and the UNSG. For its part, the Commission has already developed a programming dialogue with UNHCR and WFP and proposes to establish a similar dialogue with other UN agencies, funds and programmes;
- is prepared, at the operational level, to exchange its Country Strategy Papers with the UN Common Country Assessments. It intends to launch a dialogue with UN agencies on this subject. It is also currently looking at the possibility of providing financial support for the Trust Fund for Preventive Action;
- intends to raise the link between natural resource depletion and security during the preparations for the ten-year review of Rio, the 2002 World Summit on Sustainable Development in Johannesburg;
- will continue to pursue its co-operation with OSCE and Council of Europe in the area of Conflict Prevention, notably by developing common modules/programmes for staff training for field operations (cf. OSCE REACT system);
- plans to use the G8 CPOM to promote the EU's positions on small arms and light weapons, conflict and development, illicit trade in diamonds, children in armed conflicts, international civilian police, role of women and corporate social responsibility and foster coherence between this forum and other international ones where these issues are discussed.

will give higher priority, through the European Initiative for Democracy and Human Rights, to activities that contribute to the prevention of conflicts and help to deal with the consequences of conflicts.