

HANDBOOK



FOR DECISION MAKERS

THE COMMON SECURITY AND DEFENCE POLICY
OF THE EUROPEAN UNION

HANDBOOK FOR DECISION MAKERS
THE COMMON SECURITY AND DEFENCE POLICY OF THE EUROPEAN UNION

edited by

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FOREWORD

*H. E. Gerald Klug,
Federal Minister of Defence and Sports
of the Republic of Austria*



Austria, a firm supporter of the Common Security and Defence Policy of the European Union, has a vital interest in promoting and sharing our common European security culture. To do so, we engage in most of the CSDP missions and operations, e.g. in EUFOR ALTHEA (Bosnia and Herzegovina) by providing the Force Commander and the bulk of the mission staff.

Austria is convinced that the EU's unique approach to crisis and conflicts is the best way to tackle Europe's current and future challenges. Whether it is referred to as a Comprehensive Approach, EU inclusive action, multifaceted crisis response or 'all-governments' approach, at the end of the day the European Union must use its comparative advantage vis-à-vis other regional or global players to strengthen its credibility as a force for peace.

In addition to its support to missions and operations, Austria's focus on training is and remains unquestioned. The European Security and Defence College with its new legal status and reinforced powers is the central pivot of all CFSP/CSDP training at EU level. Hence, we provide all kinds of training, be it for leadership positions or on horizontal

issues such as Security Sector Reform and Peacebuilding. Lately, Austria, together with other EU partners, has established specific training programmes for the Western Balkans and the Eastern Partnership countries, the latter with the support of the European Commission.

The development of training material serves two purposes: firstly, to help achieve the learning objectives of the students and, secondly, to document the state of affairs and the development of CSDP in order to have a sound basis for further action. Therefore I am proud that Austria may offer another handbook devoted to CFSP/CSDP decision makers, which should help to deepen the understanding of and knowledge about an important part of the EU's external action.

FOREWORD



H. E. Walter Stevens
Chair of the Political and Security Committee

The nature and form of international crises and conflicts have drastically changed over the last decades. More and more, we are witnessing the predominance of intra-state over inter-state conflicts and the ensuing growing role of non-state actors in crisis situations. In recent years, we have also been repeatedly confronted with the phenomenon of failed states or states on the brink of failure, because of their structural incapacity to provide effective responses to the security, social, and economic needs of their populations.

Conflicts are never mere security issues, but are also symptomatic of other, underlying, problems, such as faltering socio-economic development, absence of good governance and the rule of law, neglected minority issues, and lack of respect for fundamental rights. Creating the conditions to exit this type of down-spiral and restore sustainable peace and stability to a crisis area requires more than a recipe based on security. It requires a Comprehensive Approach that tackles the different aspects of a crisis, its specific roots, consequences, and ramifications, with a multitude of instruments. However, finding the right mix of ingredients to prevent, manage, or solve a crisis situation, is far from being a simple, mechanical task.

Over the past years, the EU has developed and deployed a set of policies and tools to address and manage crises. CSDP is at the core of this toolbox, but it is just one of the ingredients that the EU can provide to manage a crisis situation. Diplomacy, development cooperation, and other instruments such as FRONTEX and the Instrument for Stability, are just a few of the means the EU has at its disposal.

Since the entry into force of the Lisbon Treaty, the combination of the roles of the High Representative and Vice-President of the EU Commission, and the creation of the European External Action Service, the EU has gone a long way in developing this Comprehensive Approach, as exemplified most recently by its actions in Somalia and Mali. These cases also show that coordination with our international partners is key to achieve the highest chances of success in managing a crisis.

The development and fine-tuning of such an approach is, of course, still work in progress and will continue to require appropriate expertise by all those involved in this undertaking, be they the EEAS, the Commission, the Council or indeed our international partners.

FOREWORD



General Patrick de Rousiers
Chair of the European Union Military Committee

Since 2003 the EU has successfully completed four CSDP military Operations and eight civilian Missions. Currently two military operations, two military missions and twelve civilian missions of differing size are running. For the Horn of Africa, the EU has a Special Representative, a strategic framework and an Operations Centre facilitating coordination and strengthening civil-military synergies between EUNAVFOR Somalia/Op Atalanta, EUTM Somalia and EUCAP Nestor. This is because we have learned that sustainable results must build on comprehensive efforts, bringing political stability and law and order to the whole region.

One of the main conclusions from the last decade of CSDP operations is that pure military or civilian action no longer exists. Today's crises are characterised by their complexity. Issues such as finance, IDPs and refugees, international law, and the interaction of neighbouring countries all need to be taken into consideration before planning and conducting operations.

In this complex environment, it is increasingly clear that the EU offers a real added value in terms of crisis management, through its capacity to bring its broad arsenal of civilian and military instruments together, in a comprehensive manner. The ultimate resolu-

tion of a crisis will indeed always be political, and will require the use of civilian just as much as military means. The EU is the only international organisation which is able to address all the influencing factors in a crisis, through diplomatic action, credible military force, advice and training on judicial, police and administrative matters, commercial assistance and development aid.

For all these reasons, being a decision-maker in today's interconnected and globalised world is not an easy task. An EU decision-maker should be extremely capable and possess a 'situational intelligence' in order to understand the complexity of the surrounding situation, and thus determine the most appropriate blend of EU responses, bearing in mind that the tools available are many, and that there are many instructions for their use.

Decisionmakers, both civilian and military, should keep in mind that sustainable results must build on comprehensive efforts to bring political stability and law and order to the whole region. This is currently a priority task for the EU, representing a major test of the capacity of the new EU structures to meet the ambitions of the Lisbon Treaty.

FOREWORD



Mika-Markus Leinonen

Chair of the Committee for Civilian Aspects of Crisis Management

A common culture and a common understanding underpinning the planning and deployment of CSDP operations and missions does not evolve overnight: it takes time and effort to achieve and above all, requires an investment in people. Establishing and maintaining a permanently available community of CSDP practitioners means that two target audiences need to be reached:

Firstly, we need to invest in people in the capitals with a view to ensuring that sufficient numbers of secondable experts are able to acquire the basic knowledge about the functioning of the EU and in particular the CFSP/CSDP. In terms of numbers, annually we are talking about some 1 500 civilian experts on the rule of law and other areas. It is equally important to reach out to staff working permanently in the national systems in charge of identifying, preparing, deploying and debriefing the experts to be seconded. These people are found throughout national administrations, for example in government agencies and ministries such as the Ministries of Foreign Affairs, Defence, Interior and Justice.

Secondly, we need to make a constant effort to ensure that staff assigned to the permanent crisis management structures based in Brus-

sels, notably within the EEAS (CMPD, CPCC, EUMS, FPI) as well as the Member States representatives in the relevant Council bodies (eg. PSC, CIVCOM, EUMC, PMG) are fully acquainted with the CSDP acquis. The constantly evolving nature of the Brussels-based support structures, reformed time and time again since the beginning of ESDP/CSDP in 1999, combined with the constant rotation of their staff, shows that maintaining an adequate level of collective memory needs to be supported by an active training effort.

After a break of a few years, the European Union is once again launching new civilian CSDP missions: since 2012, in addition to the eight existing missions, we have planned and deployed four strengthening missions to the Horn of Africa, South Sudan, Libya and the Sahel. This active phase takes place in a post-Lisbon set-up, with new institutional actors and revised crisis management procedures in place.

There is increasing demand for knowledge of the CSDP and how it works – the case for common CSDP culture is being made every day in Brussels, in the capitals and in our CSDP missions and operations.

PREFACE



Hans-Bernhard Weissnerth
Head of the European Security and Defence College

For ten years now, the European Union has been conducting missions and operations in the context of its Common Security and Defence Policy. Ten years of experience gained and lessons learned have proved that EU external action using civilian and military tools can make a difference.

We have also learned that, besides strong support from the Member States, leadership is the key to success. Consequently, the European Security and Defence College, which was established only one and a half years after the adoption of the European Security Strategy, has since developed several courses for decision-makers with a specific focus on leadership.

The flagship course offered by the European Security and Defence College, the High-Level Course (HLC), is run each year and targets decision-makers in the EU institutions, agencies and the EU Member States. The Senior Mission Leaders Course trains future Heads of Mission and Force Commanders. An Advanced Political Advisor Course, a Legal Advisor Course and a Gender Advisor Course aim to provide human resources for future specialised headquarters staff. A number of other courses dealing with horizontal issues such as

Strategic Mission Planning, Capability Development and Security Sector Reform complete the picture of strategic and partly operational training under the European Security and Defence College.

The ESDC itself is increasingly recognised as the leading training institute in the EU environment, being on the one hand closely embedded in the EU structures as a separate entity, and on the other hand relying on the Member States' long-existing training facilities, including diplomatic academies, police colleges, civilian institutes, defence universities and academies. Such a structure allows us to provide first-class training reflecting real-time training needs and requirements, both in anticipation of CSDP action and for people who are already deployed and who want or need to deepen their knowledge.

This Handbook has been developed in support of the abovementioned training activities. I am convinced that it will serve its purpose of training decision-makers and leaders for our joint endeavour: a secure Europe in a better world.

PREFACE OF THE EDITOR

Jochen Rehr
*National expert in the European External Action Service/
European Security and Defence College*



Since 2010, the Austrian Ministry of Defence and Sports developed in close co-operation with the European Security and Defence College publications in support of various training activities in the margins of CFSP and CSDP. The best known example is the HANDBOOK ON CSDP, the third edition of which is currently being redrafted and should be published in spring 2014.

Having said that, I feel honoured to present the HANDBOOK FOR DECISION MAKERS, which is aimed at supporting leadership training for personnel involved in the decision-making/shaping process and in theatre. This training material focuses on CFSP/CSDP aspects of training, recruitment, the principles of EU engagement and geographical as well as horizontal issues. In the latter chapter, we have also included articles on subjects which are prima facie not so CFSP/CSDP-related, but which, on reflection, make the relevance of topics such as anti-corruption, sanctions and international criminal justice visible.

As editor, it is my privilege to thank:

- the numerous subject experts from inside and outside the EU structures, with professional as well as academic experience,

whom you find listed in the Annex of this handbook;

- the English editing service of the General Secretariat of the Council for carrying out a final linguistic check of the articles;
- the Ministry of Defence and Sports of the Republic of Austria, specifically the Head of the Bureau for Security Policy, BG Dr Johann Frank;
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- my family – Bernadeta, Julia and Maximilian – for their support and understanding, in particular during the last weeks in 2013 and the start of 2014, which were spent putting the final editorial touches to the Handbook.

1 THE WIDER PICTURE OF CFSP/CSDP

1.1. CSDP – WHAT LIES BEHIND THE ACRONYM

by Céline Ruiz, Desmond Doyle, Katrin Hagemann



Photo: Fehim Demir/Council of the European Union

EUPM in Bosnia and Herzegovina
(first civilian CSDP mission)



Photo: NATO

CONCORDIA in the Former Yugoslav Republic of Macedonia
(first military CSDP operation)

A BIT OF HISTORY...

The Maastricht Treaty of 1992 mentions *‘the framing of a common defence policy, which might in time lead to a common defence’*. In practice, however, this treaty provision led to very little action until the first informal EU Defence Ministers’ meeting under the Austrian Presidency in October 1998 and the Franco-British Summit at St. Malo in December 1998, where the two governments signed an agreement that paved the way for developments at the EU level by stating that the EU *‘must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so in order to respond to international crises’*. As a consequence, the European Security and Defence Policy (ESDP, now CSDP) was launched at the Cologne European Council of June 1999 as an integral part of the Union’s Common Foreign and Security Policy. Since then, various political, civilian and military bodies have been established in Brussels to shape the decision-making process on crisis management. Member States set common capabilities goals and they have established a growing number of civilian and military crisis management operations.

A CONTINUOUS DEVELOPMENT

Soon after the first decisions on the setting up of crisis management structures in Brussels, Member States decided to launch the first crisis management missions. The first civilian and military missions were launched in 2003, and subsequent years saw a rapid rise in the num-

ber of missions. These covered a wide range of geographical areas and entailed more varied and complex tasks. Since many of today's challenges are neither purely military nor civilian in nature, CSDP military operations and civilian missions sometimes draw on a mixture of civilian and military resources.

CSDP – WHAT LIES BEHIND THE ACRONYM?

Against the background of a growing demand for the European Union to become a more capable, coherent and strategic global actor, the EU has increasingly mobilised the various tools at its disposal (political, diplomatic, military and civilian, trade, development activities and humanitarian aid) within a coherent and effective strategy to achieve its objectives and make its voice heard in the world. When it chooses to do so, the EU is uniquely placed to deliver this Comprehensive Approach, a vital component of which is the Common Security and Defence Policy (CSDP).

The CSDP is just one of the many tools in the EU's external relations toolbox. The EU is able to deploy civilian, military, and combined missions/operations outside the EU to provide a range of military or civilian expertise in areas such as: improving maritime security off the coast of Somalia and in the Indian Ocean, strengthening the institutions of Somalia, training and advising the Malian Armed Forces, improving the capacities of Nigerien Security Forces to fight terrorism and organised crime, monitoring of peace agreements, and mentoring and advising of ministries of justice and police, customs and border authorities.

MORE THAN 80 000 PEOPLE DEPLOYED

Since 2003, civilian missions and military operations have been deployed abroad to places as distant as Afghanistan, Indonesia, the Demo-

cratic Republic of Congo, Iraq or the Horn of Africa. More than 80 000 people, from soldiers to policemen and rule-of-law experts, have been deployed so far. CSDP missions and operations, whether patrolling sea lanes, protecting refugees, policing post-conflict societies or monitoring ceasefires, combine classic peacekeeping with state-building and stabilisation.

NEW CSDP MISSIONS ON THE GROUND AND THE ACTIVATION OF THE EU OPERATIONS CENTRE

The strengthening of mutual solidarity within the EU has made us a more credible and effective actor. To date, the EU has launched 26 missions and operations on three continents. In 2012, the EU set up three new civilian CSDP missions: EUCAP (EU capacity-building) NESTOR in the Horn of Africa, EUCAP SAHEL Niger and EUAVSEC (aviation security) in South Sudan. In February 2013, the EU launched a new military CSDP mission in Mali (EUTM Mali) designed to help rebuild the military capacity of the Malian army. A new civilian mission was launched in Libya 2013 *'to support the Libyan authorities to develop capacity for enhancing the security of Libya's land, sea and air borders in the short term and to develop a broader IBM (Integrated Border Management) strategy in the longer term'* (Council Decision 2013/233/CFSP).

In March 2012, the Foreign Affairs Council decided to activate for the first time the EU Operations Centre (OPCEN) to co-ordinate and increase synergies between the three CSDP missions and operations in the Horn of Africa (EUNAVFOR Atalanta, EUTM Somalia and EUCAP NESTOR). This, and the new operations and missions, demonstrate the growing political will of the EU to take on responsibilities and engage in action in international crisis management situations. This would have been unimaginable when the EU started to develop its crisis management structures and procedures in 2000.

1.2. INTERNAL AND EXTERNAL SECURITY STRATEGIES

by Gustav Lindstrom

Since 2003 and 2010 respectively, the European Union has had a European Security Strategy (ESS) and an Internal Security Strategy (ISS). While the European Security Strategy focuses on the external security environment, the EU Internal Security Strategy is concerned with the protection of people within the borders of the European Union. This chapter provides an overview of each strategy's key elements, achievements and respective limitations.

THE BUILDING BLOCKS OF THE ESS AND THE ISS

There are typically three principal components to strategy formulation. These include:

1. Identifying the strategic objectives or goals ('the ends')
2. Ascertaining the resources available to reach those objectives or goals ('the means')
3. Recognising how the resources will be applied to reach identified goals and objectives ('the ways')

With these three elements in mind, the ESS and the ISS place strong emphasis on identifying strategic objectives (point one). A close examination of both documents shows that they share a similar structure and logic. The ESS, which was adopted by the European Council meeting on 12 December 2003, codified existing foreign policy guidelines. It outlines the key threats and

challenges facing the European Union, identifies three strategic objectives and highlights the policy implications for Europe.

The ISS was introduced on 23 February 2010 via the document entitled '*Draft Internal Security Strategy for the European Union: Towards a European Security Model*'. The European Council endorsed the draft ISS at its meeting on 25–26 March 2010. Mirroring the ESS, the Internal Security Strategy identifies common threats, focusing on those affecting the internal security of the EU. It then offers multiple strategic objectives which also touch on policy implications.

Table 1 summarises the key components of both strategies. With respect to the key threats, there is some overlap (terrorism and organised crime), reinforcing the notion that there is an increasingly fuzzy border between external and internal security. Concerning strategic objectives, both strategies stress the need to address the identified threats with an EU-wide or Comprehensive Approach.

Unlike the ESS, the EU Internal Security Strategy identifies numerous guidelines for action, many of which are further developed in follow-on documents such as the European Commission's Action Plan to translate the aims and priorities of the Stockholm Programme (April 2010) and 'The EU Internal Security Strategy in Action: Five steps towards a more secure Europe' covering 2011–2014 (November 2010).

	European Security Strategy	Internal Security Strategy
Key/Common Threats	<ul style="list-style-type: none"> • Terrorism • Organised crime • WMD proliferation • Regional conflicts • State failure 	<ul style="list-style-type: none"> • Terrorism (any form) • Serious and organised crime • Cyber-crime • Violence itself • Natural and man-made disasters • Other phenomena, such as road traffic accidents
Strategic Objectives/ Guidelines for Action	<ul style="list-style-type: none"> • Addressing identified threats • Building security in the European neighbourhood • Contributing to an international order based on effective multilateralism 	<ul style="list-style-type: none"> • Responding to identified threats • A Comprehensive Approach to internal security • Effective democratic and judicial supervision of security activities • Prevention and anticipation of crime • Integrated border management • Judicial co-operation in criminal matters
Policy Implications/ Guidelines for Action (continued)	<ul style="list-style-type: none"> • Becoming more active in pursuing our strategic objectives • A more capable Europe • A more coherent use of tools and instruments • Working with partners to address common threats 	<ul style="list-style-type: none"> • Operational co-operation • The external dimension of internal security • A comprehensive model for information exchange • Flexibility to adapt to future challenges • Commitment to innovation and training

Credit: Gustav Lindstrom

Table 1: Key Elements of the ESS and the ISS

ACHIEVEMENTS AND LIMITATIONS

The European Security Strategy

The ESS has at least three key achievements. First, the adoption of the strategy was an achievement in itself. At the time of its drafting there were substantial political divergences among EU Member States given the invasion of Iraq in March 2003. While the European Security and Defence Policy (now the Common Security and Defence Policy or CSDP) was evolving positively in 2003 with the launch of missions and operations in Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and the Democratic Republic of Congo, the Common Foreign and Security Policy (CFSP) was at a strategic standstill. The ESS represented a strategic leap which helped bridge such divergences while providing a 'response' to the US National Security Strategy released in September 2002.

Second, the ESS identifies key threats and global challenges facing Europe. Prior to the ESS, no strategic-level EU document contained such information due to national divergences. At most, there may have been attempts to summarise the collection of threats facing individual EU Member States. These could range from illegal immigration in the south to energy security in the north. The 2008 Report on the Implementation of the ESS introduced new challenges, including cyber security and energy security.

Third, the ESS crystallises key concepts that help explain and guide EU action. Examples include 'effective multilateralism' and the importance of civilian-military co-operation (frequently called the 'Comprehensive Approach') in addressing today's security chal-

lenges. Beyond communicating EU concepts to an internal and external audience, their inclusion also helps define which tools the EU is likely to employ or promote in response to future security challenges.

With respect to shortcomings, four issues stand out. First, the ESS does not identify vital interests at the EU level. As an international organisation with substantial supranational powers consisting of twenty-eight Member States, this is not surprising. Nonetheless, the absence of a clear set of vital interests complicates the ESS's ability to prioritise among the identified threats and challenges and determine the priority regions for possible EU action.

A second shortcoming is its release date. When it was adopted, ESDP was in its infancy and crisis management institutions such as the Civilian Planning and Conduct Capability were non-existent. With the Treaty of Lisbon entering into force in December 2009, the ESS is also out of touch with recent significant developments in the EU, such as the establishment of the European External Action Service (EEAS).

Third, there is no mechanism for updating or launching a new ESS. As a result, the ESS risks becoming increasingly irrelevant over time as the strategic landscape changes. Currently, the ESS is a stand-alone document reinforced by the 2008 implementation report. In 2012, Italy, Poland, Spain and Sweden launched an initiative, spearheaded by their respective institutes for international affairs, to draft a concept for a European Global Strategy (EGS). Delivered in May 2013, the EGS opens the door for continued strategic reflection but it is unclear whether it will gain traction at the EU level.

Fourth, the 2003 ESS has limited links to other strategic EU documents, many of which have been published since 2003. While the ESS has a privileged position as the strategic reference document, it would ideally need to fit with other reference documents such as the Internal Security Strategy and the Long Term Vision which examines the types of security threats the EU is likely to face around 2025.

The Internal Security Strategy

The ISS has at least three achievements to its credit, several of which are similar to those of the ESS – such as identifying common threats at the EU level. First, the launch of an ISS marks a substantial leap forward in an area where informal co-operation dates back several decades (for example, co-operation on internal security matters under the auspices of the Trevi Group since the mid-1970s). Since the entry into force of the Amsterdam Treaty, work on Justice and Home Affairs was primarily defined through five year programmes agreed by the European Council. With the ISS and its supporting documents, policymakers can ideally promote greater continuity and formulate increasingly targeted action plans.

Second, and related to the first point, the EU Internal Security Strategy is the first EU-level document that incorporates an agreed view on common threats, principles and guidelines for action vis-à-vis internal security. The document posits the importance of a broad and comprehensive concept to address major threats. It pushes forward new concepts, such as the notion of a 'European Security Model'. While some might argue that it will be difficult to establish such a model given the fragmented nature of justice and home affairs, it nevertheless provides strategic direction.

Third, the ISS puts the spotlight on key challenges such as cyber criminality and organised crime. This has facilitated follow-on work in these areas, including the development of an EU Cybersecurity Strategy (February 2013) and the launch of new entities such as the European Cybercrime Centre (EC3) within Europol in early 2013. With respect to organised crime, the Commission has introduced additional initiatives and instruments such as the Directive on the freezing and confiscation of the proceeds of crime in the European Union, a Fourth Anti Money Laundering Directive, and the Directive on the protection of the financial interests of the EU. While it is likely to advance in this and

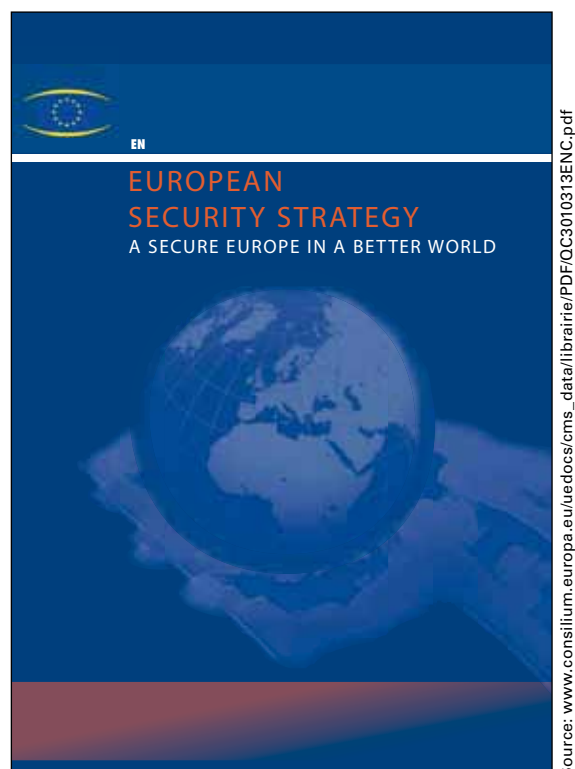
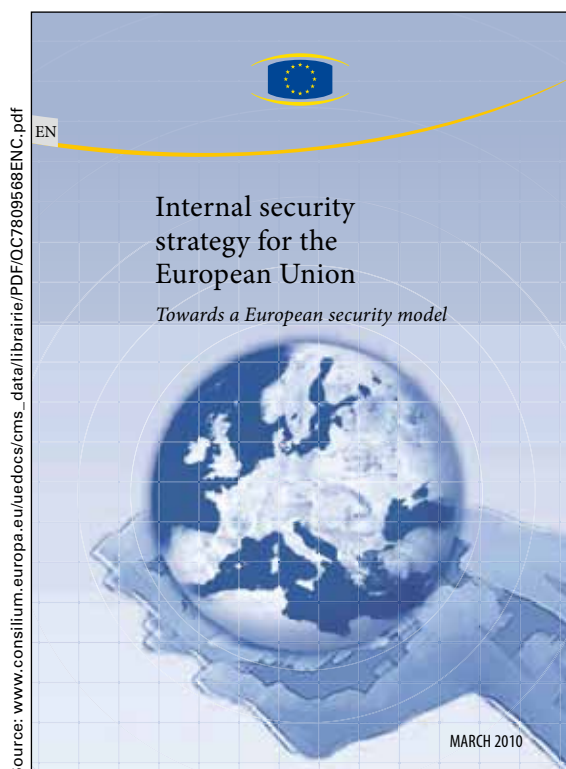
related areas would have progressed without an ISS, the existence of the ISS and its associated implementation reports have probably facilitated sustained efforts.

As regards limitations, the ISS still faces several challenges. A substantial issue concerns the division of labour between the EU and Member States. The ISS does not clarify which areas relate to national authorities and which fall under the competency of the European Union. This may complicate the achievement of several strategic objectives, for example achieving operational co-operation and promoting judicial co-operation in criminal matters. Indeed, several instruments for judicial and law enforcement co-operation are yet to be implemented, such as the Convention on Mutual Assistance in Criminal Matters between the Member States of the EU (from 2000).

A second challenge relates to the growing link between internal and external security.

While the ESS and ISS indirectly acknowledge this trend, it is exacerbated by a lack of a clear division of labour between EU Member States and the EU. In addition, the ISS does not mention the High Representative of the Union for Foreign Affairs & Security Policy/Vice-President of the European Commission. Neither does it acknowledge the EEAS or how its contributions might impact the link between internal and external security.

Lastly, it should be recognised that the ISS is still in its formative stage, especially when it comes to supportive institutions at the political level. Unlike the ESS which has a number of agencies and committees at its disposal, the implementation of the ISS hinges largely on the Standing Committee on Operational Co-operation on Internal Security (COSI). COSI had its first meeting in March 2010 and still needs time to create a track record and solidify its relationship with other Commission agencies dealing with internal security.



1.3. GLOBAL STRATEGY

by Sven Biscop

The European Security Strategy (ESS) was adopted in 2003, a full ten years after the entry-into-force of the Maastricht Treaty that established the EU. An implicit 'European way' of handling foreign policy had emerged through the application of the EU's Common Foreign and Security Policy (CFSP), but it was only in 2003 that the great divide among Europeans about the US-launched invasion of Iraq and the resulting lack of any influence on events drove Member States to codify it.

The strength of the ESS is its very positive, even optimistic, narrative. *'A secure Europe in a better world': the subtitle of the ESS says it all. Combining democracy, capitalism, and 'big government'*, Europeans have constructed a very distinctive society. Notwithstanding significant differences between countries, there is a 'European Social Model'.¹ What is more, it works: Europe is the most equal continent, providing the greatest security, prosperity and freedom to the greatest number of citizens.² Only where governments equally provide for their citizens in terms of these core public goods are lasting peace and stability possible. This fundamental idea is at the heart of both European integration and of European foreign policy.

Outside Europe, the best way to guarantee our security is to stimulate other governments to provide for their citizens like we do for ours, to the mutual benefit of all. For where govern-

ments do not, tensions will arise, instability, repression and conflict will follow, and citizens will eventually revolt and regimes implode, violently or peacefully. In other words, European interests are best served by promoting respect for the universal values that underpin our own model in the rest of the world. This core phrase summarizes the ESS:

'The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order'.

Within Europe, the same idea is crucial in engendering a *'feeling of solidarity and sense of belonging in Europe'*³. However, a strategy founded on promoting our social model outside the EU cannot be credible if we no longer adhere to it ourselves – that would kick the feet from under the strategic narrative. If obsessed with austerity, European leaders could mistake financial stability and the Euro for an end in itself and safeguard them to the detriment, rather than to the benefit, of the security, prosperity and freedom of Europe's citizens. In doing so, they could gravely undermine the European project. Great internal instability would be the result – hardly a base for decisive external action. Fortunately, it is dawning on

1 Tony Judt, *Postwar. A History of Europe Since 1945* (London: Penguin, 2005), p. 793.

2 The Lisbon Treaty added the emphasis on equality in Article 2 of the Treaty on European Union: 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women prevail'.

3 The dwindling of which, as a result of the EU's response to the crisis, is deplored by the Future of Europe Group of the Foreign Ministers of Austria, Belgium, Denmark, France, Italy, Germany, Luxembourg, the Netherlands, Portugal, Poland and Spain in its *Final Report* of 17 September 2012.



Photo: Alain Schroeder, European Commission

Reassessing our interests, threats and challenges, evaluating past actions and re-prioritising objectives and the allocation of resources

Europe's leaders what the fundamental purpose of the Union is, and that jobs and growth are more likely to contribute to it than any golden rule.

This *idea* leads to the choice of a specific *way* of handling foreign policy. The ESS exhorts Europeans to be preventive, tackling the root causes of instability; comprehensive, addressing the security, economic and political dimensions simultaneously; and multilateral, working with partners. It codifies how to do things – but it does not tell us what to do. It does not provide nor has it been used as a basis to generate (and continuously and systematically debate and review) specific common objectives on which to focus EU foreign policy, complementing the foreign policies of its Member States.

That does not stop the EU from being active – far from it – but it is so mainly in a programmatic and reactive way. Many policy decisions amount to extending or adding to existing budget lines, without setting clear objectives or even assessing the effectiveness of past pro-

grammes. Often decried as the Commission approach, it only holds sway because too many Member States are too exclusively focused on their national foreign policies and do not sufficiently invest in making the collective EU instruments and institutions (that they have themselves created) work. In the absence of clear objectives, the various strands of EU engagement (aid, trade, diplomacy, defence) tend to be short-sighted, co-ordination with Member State initiatives limited, and results sub-optimal and short-lived. Europeans do not consistently consider the big issues of the day collectively, contrary to the other great powers, which often have a much clearer idea of their interests and objectives and thus act purposively (which is not synonymous with successfully), while the EU takes the initiative much less often. Consequently, effective prevention remains difficult, and the EU tends to react late to what it has not been able to prevent. Furthermore, the allocation of resources bears little relation to any prioritisation of objectives.



Photo: Henny Ray Abrams/EU/APP

Catherine Ashton, EU High Representative and European Commission Vice President addresses the Water, Peace and Security Conference at the United Nations in New York, 27 September 2012

The resulting image is easily tested: ask anyone working on, for or with the EU whether he or she sees Europe (in all meanings of the term) as a game-changer in international politics today, or even simply as a strategic actor, and the response will be hesitation at best; most will simply answer no. Nobody would hesitate for a second were the same question asked about the US or China.

EU engagement in the Democratic Republic of the Congo can serve to illustrate that activity is no substitute for strategy. The EU is a major donor (as are its Member States), it keeps the Congo on the agenda of the international community, it has twice intervened militarily (in 2003 and 2006), and has two missions in place to assist with the reform of the police and the armed forces. But do Europeans determine the future of the Congo? In fact, what do we seek to achieve that would merit or give a purpose to all this activity? If the country is a priority, then why does Europe not contribute to the UN force stationed there permanently since 2000? If not, then why bother at all? Without clear objectives and more than token ownership by Member States, no amount of activity will produce a strategic effect.

Fortunately, we can increasingly find good examples of strategic engagement as well. After launching a naval operation, Atalanta, to combat Somali piracy (in 2008), the EU gradually developed a comprehensive strategy for

the region, which was subsequently formalised into a document. Europe and the international community will have to remain committed for a long time to come, but Somalia does now finally seem to be on the road to stability. Informed by its engagement in the Horn of Africa, the EU also conceived a regional strategy for the Sahel. Within this framework it took the initiative on Mali, envisaging a political roadmap towards a legitimate national government and a consensus with the Touareg population, and planning a training mission to enable the Mali armed forces to deal with the security situation in the north of the country, which had drastically deteriorated as a consequence of the Libyan crisis. Unfortunately, when in January 2013 jihadist militias suddenly seemed poised to take the capital, which would have rendered this EU strategy obsolete, the EU as such proved unable to respond and French forces had to intervene to stabilise the situation.

In both cases European interests are quite obviously at stake: seaborne trade in the Horn, and energy (as well as fear of general instability and terrorism) in the Sahel. However many officials and observers still seem to regard 'interests' as a notion that does not, or should not, apply to the EU, considering the pursuit of interests to run contrary to their idealised view of an altruistic EU foreign policy. Operation Atalanta, for example, was justified to the public by a desire to assist the people of Somalia – a laudable purpose of course – while referring to the protection of European trade, at least initially, was seen as 'not done', as if the one excluded the other. Others constantly point to differences between the national interests of the Member States which, in their opinion, render consistent collective action impossible. Of course, geography and history generate differences in the focus of national foreign policies. But that does not detract from the fact that objectively, Member States, as component parts of an integrated economy with a distinctive social model, have shared *vital* interests:

- preventing threats against Europe's territory from materializing;
- keeping open all lines of interaction with the world, notably sea lanes and cyberspace;
- assuring the supply of energy and other natural resources;
- managing migration, to maintain both a viable work force and a viable social system;
- mitigating the impact of climate change;
- strengthening international law, notably the UN Charter and the Universal Declaration of Human Rights, as a fundament of international stability;
- preserving the autonomy of decision-making by preventing undue dependence on any foreign power.

We need not be timid in defending these interests – that is the point of policy-making – as long as we continue to do so in a way that does not harm the legitimate interests of others – that is the point of the 'European way' of foreign policy. What is more, no Member State can defend these vital interests on its own any longer. In the 2010 Lancaster House Agreement, the UK and France declared that they could not imagine any situation in which the vital interests of one were threatened without those of the other also being threatened. Surely if Paris and London have come to this conclusion, so must the other Europeans? Attitudes are indeed shifting. At the December 2012 meeting of the European Council, the Heads of State and Government noted that 'in today's changing world the European Union is called upon to assume increased responsibilities in the maintenance of international peace and security in order to guarantee the security of its citizens and the promotion of its interests'.

Another shared characteristic between the Horn and Sahel cases is that both concern regional strategies. However the EU cannot escape the debate about the level of grand strategy at which the ESS operates, i.e. for for-

Photo: Council of the European Union



Javier Solana, High Representative for the Common Foreign and Security Policy (in office from 18 October 1999 to 1 December 2009) and mastermind of the European Security Strategy 2003

foreign policy as a whole. Without an encompassing grand strategy in which to anchor them, conflicts will inevitably arise between the various regional and sectoral strategies, however perfect each individual strategy may be. How, for example, can the emphasis on security cooperation with Algeria in the Sahel strategy, which was further strengthened by the hostage crisis at the Amenas gas plant in January 2013, be reconciled with the same country's imperviousness to EU human rights objectives? Without a grand strategy, furthermore, the EU cannot sensibly react to events such as the US 'pivot' towards Asia and the financial crisis, which affect several or even all of its sub-strategies and may require a reprioritisation and reallocation of resources between them.

The conclusion is not that collective EU foreign policy and the method that the ESS prescribes for it must be discarded. Quite the opposite: in today's multipolar and interdependent or 'interpolar' world (the term coined by Giovanni Grevi),⁴ where global powers with interwoven economies are competing for scarce resources and facing complex global challenges that none can solve alone, the preventive, comprehensive and multilateral method remains the most promising. No single European state can rise to all of these challenges alone. That means that EU strategy needs to be completed so that collective

⁴ Giovanni Grevi, *The Interpolar World: A New Scenario*. Occasional Paper no. 79 (Paris: EU Institute for Security Studies, 2009).

action can be undertaken where it adds most value to national action. Which priority objectives are to be collectively achieved through the method of the ESS? That requires a systematic assessment of Europe's common interests and of the evolving threats and challenges.

Such an assessment was attempted in 2008, at the instigation of France and Sweden primarily, but the ill-timed exercise produced only a soon-forgotten implementation report on the ESS – wordy but with little substance. Ever since, there has been great reluctance to reopen the EU-level strategic debate. Within the EU institutions, many of the officials involved in the 2008 report would prefer to avoid another potentially futile exercise. The current High Representative, Catherine Ashton, has expressed her lack of interest on many occasions. None of the 'big three' is particularly interested either, although it does seem somewhat of a contradiction to engage in a very elaborate national strategic process (in Britain and France especially), while assuming that at the much more complex EU level one can do without. Furthermore, the gap between the challenges identified in these countries' national strategies and the means available at national level becomes ever wider. The 2013 French *Livre Blanc* may refer profusely to autonomy, but cannot but acknowledge that many desired capabilities can only be generated if other Europeans chip in. The only Member States that continue to push for a strategic review are the 'middle powers': Sweden, Finland, Poland, Italy, Spain – countries that have a view about the world but have also realised that they can only implement it collectively. That coalition proved insufficiently grand to tip the balance however. Following an inconclusive informal 'Gymnich' meeting of EU foreign ministers in March 2012, these countries therefore launched an informal process, tasking a consortium of think-tanks with producing

a report on a 'European Global Strategy'⁵ in an attempt to keep the debate alive.

The arguments against a collective European strategic review are easily refuted. Indeed, the EU and the Member States refer to the ESS less often now than in the first years after its adoption; this reinforces the point that the ESS has reached its age limit – relevance requires revision. True, a real strategic debate would lay bare some of the differences between Member States; it is precisely because they are divided and therefore collectively inactive on several crucial issues that a debate is necessary. While the consolidation of the newly-established European External Action Service is a priority, the EEAS is but a means, and can only be meaningful if it serves clear ends. Financial resources are under pressure, but, that renders prioritisation even more important. And as long as one keeps the number of drafters below the number of pages, it is certainly possible to produce a concise and readable text once more. Indeed, far too often this debate has focused on form and process – does the EU need a new ESS-type document and who will draft it? – rather than on substance – what should EU strategy be? Had half the time spent on debating the former been spent on the latter, a new strategy would have been set a long time ago. In comparison, the US has updated its National Security Strategy (the 2002 version of which was closely followed by the ESS) twice within the same timeframe, in 2006 and 2010.

In fact, the outcome of a European strategic review need not necessarily be a document, or just a single document. The aim is first of all to create the enduring awareness in all capitals (and in the EU institutions) that strategy and grand strategy exist, and that choices have to be made at both levels, by each Member State where possible but collectively through the EU where necessary. The purpose is not to enshrine a set of EU priorities that remain valid

5 UI, PISM, IAI, Elcano, *Towards a European Global Strategy. Securing European Influence in a Changing World*. 28 May 2013. Egmont was one of the project's associated institutes.

for evermore, to be carved into the walls of the EEAS building on the Schuman roundabout in Brussels – that would be the opposite of strategy. Nor would another statement of principle, merely paraphrasing the existing ESS, bring much added value. What is required is suppleness in systematically reassessing the importance of our interests and the threats and challenges facing us, evaluating past actions, and reprioritising objectives and the allocation of resources accordingly, thus producing a strategy for collective EU *action* for the short to medium term.

Just as a national foreign minister produces a policy statement at the start of each term of office, so the High Representative should organise an update of EU grand strategy for each five-year term, involving the Presidents of the European Council and the Commission, the European Parliament, the capitals, and relevant experts. In the full knowledge that a large part of the job will naturally consist in reacting to events, he or she must also set a proactive agenda and assess which issues Europeans together should try to actively shape, rather than merely submitting to them. A High Representative who is a politician should have an idea of where he or she wants to leave his or her mark. Rather than compiling a long and useless list of all national priorities of the Member States or summing up all existing EU external policies, EU grand strategy should prioritise those foreign policy issues (1) that all Member States regard as priorities because their shared vital interests are most directly at stake and (2) on which there is the greatest added value in collective action through the EU. The result would be a mandate for the EU institutions for the next five years.

Only when the substance is decided should the question of form be addressed. Ideally, each update of grand strategy would generate a document adopted by the European Council, each replacing its predecessor (i.e. at this stage it would replace the ESS). The EU needs to legitimise its foreign policy and sell its grand strategy

to its citizens and parliaments and to the outside world – the clearer it is about its strategy, the more predictability and stability will ensue in its external relations. That does require a document, a strategic narrative, but not everything needs spelling out. On the one hand, the specifics can be elaborated in regional and sectoral strategies (commissioned by the European Council); on the other hand, certain assumptions can remain implicit (hence the importance of the process as such). The narrative should always remain short and sharp, and be both positive and ambitious, starting not from the threats but from what we want to achieve. A threat-based agenda will produce a reactive, defensive or even antagonistic foreign policy; a positive agenda on the other hand will stimulate initiative, transparency and partnership in dealing with the challenges facing Europe.

If this strategic exercise were undertaken today, two such challenges stand out as immediate priorities: Europeans have to deal with the consequences of the ‘Arab Awakening’ in their broader neighbourhood, and they have to decide, now that the US is pivoting towards Asia, which responsibilities they must take on for security problems beyond their borders – quite a few of which result from that same ‘Arab Awakening’. Without much money or American support, neither will be easy. Both surpass the capacity of any individual EU Member State, while all Member States have an evident interest in a stable neighbourhood and in a clear idea of who is responsible for which security issues. At the EU level collective policies on both challenges already exist, but none have been very effective. Surprisingly, neither issue has so far been the subject of a real strategic debate. There are of course other important challenges that require collective action, but because of their urgency and scale these two issues are most prominent on the agenda today and can therefore serve to illustrate how Europeans can achieve strategic effect by making optimal use of the institutions and instruments they have already created. The key is strategy.

1.4. STRATEGIC PARTNERS

by Thomas Renard

Strategic partnerships are not new. They emerged essentially in the aftermath of the Cold War duopoly, creating a vast and complex network of semi-institutionalised relationships. So, for instance, China has more than forty strategic partnerships, and Russia and Brazil just over twenty. France has about sixteen such partnerships, whereas Germany has established six special relationships with 'shaping powers', according to its strategy 'Gestaltungsmächte'.

At the EU level, the concept was first articulated as a foreign policy instrument in the 2003 European Security Strategy (ESS), which laconically stated that the EU should 'work with partners'. But the document was rather vague on the objectives and priorities of the EU's external action, and therefore on the purpose of these partnerships. The European Commission saw in this new instrument an opportunity to deepen its political and economic relations with emerging powers, starting with China (2003) and India (2004). Ten years later, in 2013, the EU has ten strategic partners: Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea and the United States. The EU has also established a few strategic partnerships with third regions – Africa, and Latin America and the Caribbean – and institutions – NATO and the UN. These partnerships are all different in nature and scope, but they underscore that the EU's foreign policy remains multi-dimensional, and that is based on a balance between bilateralism, regionalism and multilateralism.

Following the ESS, EU strategic partnerships proliferated. In all these years, however, there was never a debate on the meaning (what is it?) and purpose (what is it for?) of this instrument, nor on the list of partners (with whom?). As a

result, the EU's strategic partnerships fulfilled essentially rhetorical functions, and the list of partners was more 'accidental' than strategic. It took a new Reform Treaty and a deep economic crisis to initiate a substantial debate among Europeans on this issue.

Herman Van Rompuy, the President of the European Council, made this remarkable observation in the run-up to the 16 September 2010 European Council: *'We have strategic partnerships, now we need a strategy'*. Following agitated discussions, the Council adopted important conclusions regarding the EU's relations with strategic partners so as to *'bring Europe's true weight to bear internationally'*. In an annex to the conclusions, the Council set *'internal arrangements to improve the European Union's external policy'* according to which the High Representative was tasked *'in co-ordination with the Commission and with the Foreign Affairs Council, to evaluate the prospects of relations with all strategic partners, and set out in particular our interests and possible leverage to achieve them'*.

Catherine Ashton, the High Representative, started working on this review exercise promptly. In her first progress report, she identified the motto of this exercise: fewer priorities, greater coherence and more results. The need for fewer priorities echoed the recognition in the report that the EU can no longer rely on its so-called 'model power' or 'market power', but that it needs to develop a strategic approach, which means identifying clear interests and priorities. The need for greater coherence was emphasised by the claim that 'strategic partnerships begin at home' by fostering more co-ordination and synergies horizontally (at EU

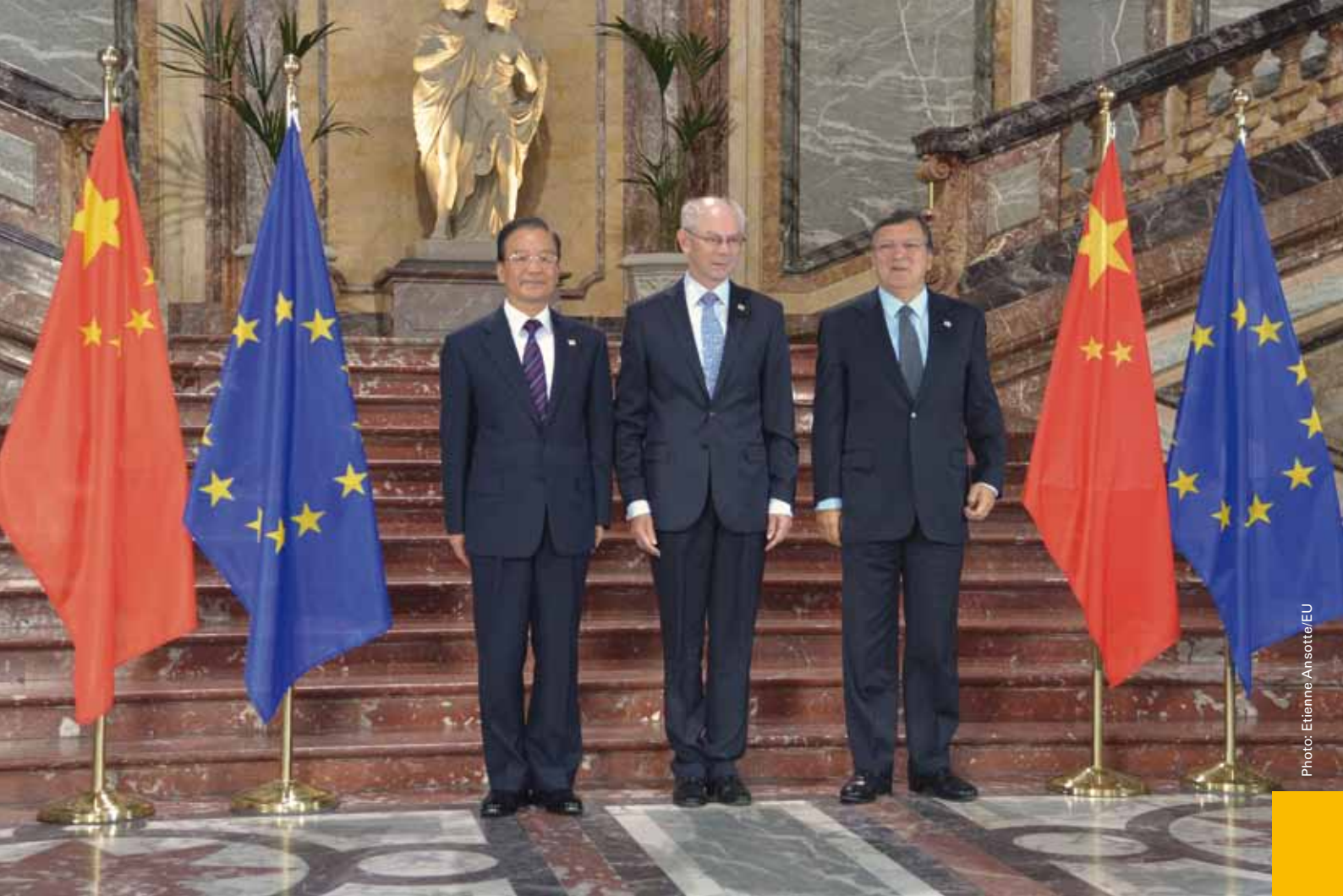


Photo: Etienne Ansotte/EU

José Manuel Barroso, President of the EC, Herman Van Rompuy, President of the European Council and Wen Jiabao, Prime Minister of China at the EU-China Summit in September 2012

level) among the various desks, institutions and policies, as well as vertically (between the EU and its Member States) in order to strengthen the EU's position in the pursuit of the identified interests and priorities. The need for more results stressed the European desire to have more influence on its strategic partners, during bilateral exchanges as well as in multilateral settings.

THREE CORE PURPOSES

The EU's strategic partnerships can be seen as fulfilling several purposes on three levels. At the EU self-reflexive level, they are a way for the EU to position itself vis-à-vis its Member States, on the one hand, and vis-à-vis other powers, on the other. Internally, strategic partnerships are regarded as useful in positioning the EU as a coordinator-in-chief vis-à-vis its Member States,

in the process of strategy- and policy-making with regard to pivotal countries. They are also meant to facilitate inter-institutional policy-making within the EU. Externally, they serve to assert the EU's global ambitions. When the EU establishes a strategic partnership, it is implied that it is a strategic partner itself. Strategic partnerships are thus operating as an effective narrative, internally and externally.

Second, at the bilateral level, they are meant to broaden and deepen relations with certain countries. Economic relations are indisputably the backbone of any strategic partnership. This is the EU's strength, and part of its DNA. It is thus not surprising to notice a certain parallel between the EU's trade agenda and its strategic partnerships. The 'special ten' are all important economic partners, as illustrated by trade and investment figures. The EU has negotiated or is negotiating free trade and investment agreements with most of them. The link was perhaps



**Herman Van Rompuy, Barack Obama and
José Manuel Barroso in Washington
on 28 November 2011**

most visible with South Korea, which became a strategic partner in 2010 after the signature of a free trade agreement. Bilateral relations go beyond economics, however. EU partnerships are also about strategic and political issues, myriad sectoral issues, and people-to-people relations. The EU has thus negotiated or is negotiating important political frameworks with its partners (e.g. partnership and co-operation agreements). It has also initiated various joint statements on strategic and security issues, such as the 2012 EU-US statement on the Asia-Pacific region, or the 2010 EU-India joint declaration on international terrorism, among many others. Since 2003, the number of political and sectoral dialogues between the EU and its partners has grown remarkably, to reach over 60 with the US and China. In 2013, each strategic partnership is founded on a complex architecture of regular meetings at different levels, covering a broad range of policy areas. They thus reflect the growing breadth of the EU's bilateral relations with key players.

Third, at the structural level, bilateral partnerships are designed to complement and reinforce the EU's (inter-)regional and multilateral approaches. Traditionally, the EU has promoted regional integration and effective multilateralism as a means to structure international relations and shape a favourable environment for the EU's external action, one that privileges the power of rules over the rule of power. Yet EU policy-makers cannot deny that

regional integration and the multilateral system have had better days, and that effective external action must rely, at least partly, on a bilateral approach. The 2008 review of the ESS suggested that bilateralism is compatible with multilateralism. It also clarified that strategic partnerships were developed specifically '*in pursuit of that [effective multilateral] objective*', and in parallel to (inter-)regionalism. They are meant to substitute regionalism and multilateralism where these are inexistent or have failed. Bilateral partnerships are also an instrument to facilitate convergence or consensus within the multilateral system and to implement multilateral decisions. Strategic partnerships are thus one dimension of the EU's multi-dimensional external action.

FIVE MAJOR CHALLENGES

Moving from conceptual analysis to the practical level, strategic partnerships prove particularly challenging to operationalise and implement. This section does not attempt to list all these difficulties, but it offers a brief overview of five main challenges resulting from the implementation of strategic partnerships.

First, the EU is not a good strategy-maker. Despite producing a large number of 'strategies', the EU often struggles to identify key priorities and pursue them consistently. With regard to each partner, the depth of strategic reflection varies greatly, but concepts of interests, values, leverages or trade-offs remain largely alien to the EU's foreign policy-making. Beyond bilateral strategy-making, there are also important interactions among the EU's partners (alliances or enmities) which cannot be ignored. Establishing strategic partnerships simultaneously with Japan, South Korea, China and India is in line with the promotion of a 'multi-partner world', to quote Hillary Clinton, but it does not come without tensions and conflicting interests. True strategic partnerships cannot be developed in isolated silos.



Photo: Pedro Ladeira/European Commission

Catherine Ashton (HR/VP) meets Brazilian Minister for External Relations, Antonio Patriota in February 2012

Second, and perhaps most important, is the capacity of strategic partnerships to deliver results. What has the EU actually achieved with its partners which has directly served its interests or objectives? The answer is: probably very little. There are many opportunities to co-operate with partners on security, economy, development, energy or climate change. To a certain extent, the EU is already engaged in this direction, but with very few visible strategic results. If the EU seriously wishes to put these partnerships at the centre of its external action, it must look for more deliverables.

Third, as the EU intensifies its relations with key partners, it must co-ordinate its Member States ever more closely. Reluctance is frequently encountered, since it is well known that 'no one likes to be co-ordinated'. It also appears more problematic on some issues, or with regard to some partners. China, for instance, has a divisive effect on Europe. China is apply-

ing a divisive policy on Europe but, at the same time, the EU has often effectively divided itself, notably when its Member States rush for a privileged relationship with this economic giant (particularly in terms of commercial diplomacy). An additional challenge comes from the fact that the EU's strategic partnerships overlap with those of its Member States. For instance, China has ten strategic partnerships with EU countries, Brazil seven, and Russia five. This gives rise to a significant challenge for the co-ordination of both policies and strategies.

Fourth, strategic partnerships are underpinned by a complex architecture of dialogues and institutions. Ensuring the functioning of this architecture is not a small challenge. At the institutional level, it requires good co-ordination between various EU institutions, such as the EEAS, and including its delegations, the Commission, the Council and the Parliament. At the policy level, strategic partnerships are com-



EU–Russia Summit in Brussels on 21 December 2012

prehensive by nature. Co-ordinating a broad range of policy areas – or in other words connecting the dots – is yet another major challenge for policy-makers. Foreign policy in the 21st century requires ever more knowledge and expertise.

Finally, the growing importance of bilateral partnerships raises issues of compatibility with the traditional regional and multilateral approaches. Indeed, the deepening of bilateral ties with selected countries does not necessarily complement regional integration or effective multilateralism. In other words, the bilateral tracks should not derail the regional and multilateral processes. Yet there are signs in South America and Africa that the partnerships with Brazil and South Africa are exacerbating regional jealousies and centrifugal forces. Bilateralism is sometimes the most effective, or the only possible, way for the EU to pursue its interests. But the EU must also remember that in the long term, it could be better served by a regionalised and effective multilateral order.

CONCLUSION

Herman Van Rompuy, José Manuel Barroso and Catherine Ashton have each identified strategic partnerships as a priority axis for their mandate, and most Member States agreed it should top the European foreign policy agenda. It remains essentially a vague concept that is difficult to grasp for most scholars. But the flexibility resulting from these partnerships is perhaps what is most widely appreciated by policy-makers. More broadly, strategic partnerships are a useful *narrative* and *instrument* to define the EU's policies in the new global order currently being shaped. As uncertainty continues to underpin the conduct of international relations in the face of globalisation and multipolarisation, strategic partnerships are likely to remain a useful tool in the EU's foreign policy toolbox.

2^{EU} CRISIS MANAGEMENT

2.1. THE EEAS CRISIS RESPONSE SYSTEM

by Jean Marc Pisani, Stavros Petropoulos



Photo: Christos Dogas (EEAS)

Catherine Ashton chairs the EEAS Crisis Response System.

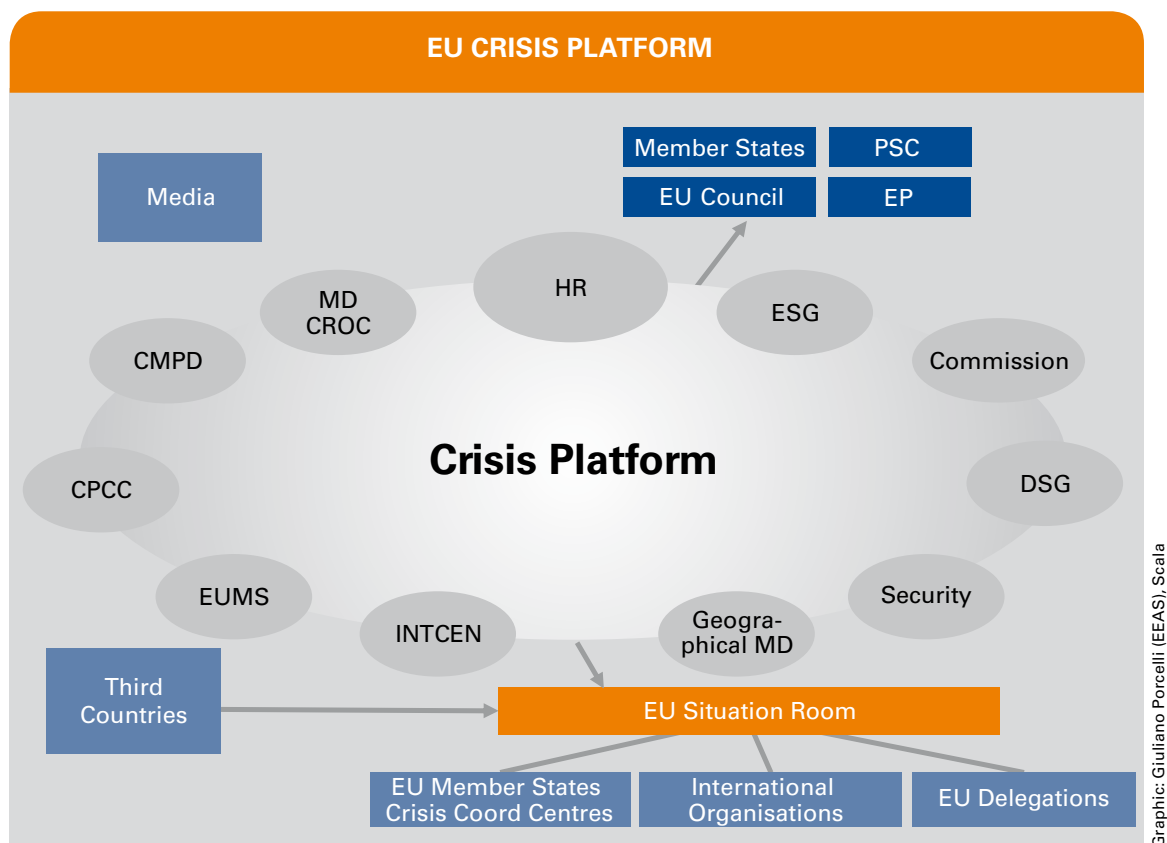
Crisis response is the immediate mobilization of EEAS resources to deal with the consequences of crises caused by political and/or armed conflict, technological incidents or man-made and natural disasters.

The EEAS Crisis Response Department (MD VII) is headed by a Managing Director and has three divisions:

- Crisis Response Planning and Operations Division (MD VII.1), responsible for the overall planning, organisation and co-ordination of crisis-related activities, including preparedness, monitoring and response.
- EU Situation Room Division (MD VII.2) is the EU's crises centre, providing worldwide monitoring and current situation awareness 24/7 all year round.
- Consular Crisis Management Division (MD VII.3) assists in consular policies across the EU and co-ordinates actions in times of crisis.

Reporting directly to the EU High Representative/Commission Vice-President, Catherine Ashton, the Managing Director for Crisis Response plays a key role in providing a first assessment in a crisis and in ensuring a rapid EU response, co-ordinating with all concerned services.

The EEAS Crisis Response System (CRS) covers crises which may affect EU security and interests occurring outside the EU, including those affecting the EU delegations or any other EU asset or person in a third country. It equally covers crises occurring inside the EU if those have an external dimension. CRS ranges from



Graphic: Giuliano Porcelli (EEAS), Scala

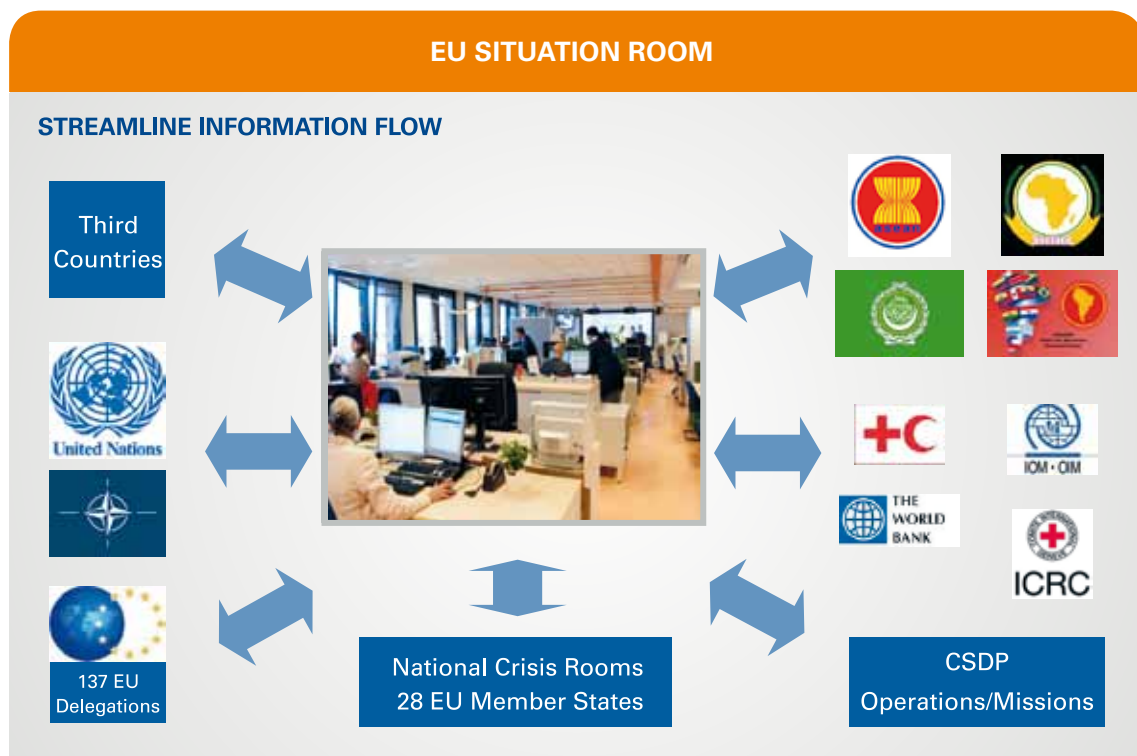
prevention and preparedness to response and recovery aiming to achieve a comprehensive EU crisis response and management capability.

Ensuring a coherent response to crises is part of the EU's wider efforts in its external relations, in close co-operation with the EU Member States, to turn the 'Comprehensive Approach' into comprehensive action, i.e. the effective use and sequencing of the entire range of tools and instruments. This applies to the whole crisis cycle, including conflict prevention and crisis response, crisis management, stabilisation and longer-term recovery, reconciliation and reconstruction as well as development, in order to preserve peace and strengthen international security.

In other words, an effective real time response to acute crises and disasters, which are often unexpected or difficult to predict, is an integral part of the Comprehensive Approach to foreign affairs and helps ensure continuity between – and sustainability of – the EU's short, medium and long term efforts.

The EEAS Crisis Response System contributes to ensure coherence between various aspects of crisis response and management measures, in particular in the security, political, diplomatic, consular, humanitarian, developmental, space related, environmental and corporate fields. The secretariat of the CRS is ensured by the EEAS Crisis Response Department.

The EU **Crisis Platform** – which comprises a range of services across the EU system and is chaired by the EU High Representative, the EEAS Executive Secretary-General (ESG) or the EEAS Managing Director for Crisis Response – can be convened on an ad hoc basis and is a crucial mechanism that is activated to guarantee EU responsiveness during external crises. The Platform provides the EEAS and Commission services with a clear political and/or strategic guidance for the management of a given crisis.



Depending on the characteristics of a particular crisis, the EEAS Crisis Platform can bring together:

- various EEAS crisis response/management structures: Crisis Management and Planning Directorate (CMPD), Crisis Response Department, EU Military Staff (EUMS), Civilian Planning and Conduct Capability (CPCC), IntCen, EU Situation Room as well as relevant geographical and horizontal EEAS Departments;
- the EU Military Committee (EUMC) and
- the relevant European Commission services (ECHO, DEVCO, FPI, etc.).

The secretariat support is ensured by the EEAS Crisis Response Department, carrying out an overall operational co-ordination function in support of the ESG, on the basis of conclusions agreed at the Crisis Platform meetings.

In order to ensure global, comprehensive and timely situational awareness to underpin the EU's external action, the EU is supported by the **EU Situation Room**.

The EU Situation Room is a permanent stand-by body that provides worldwide monitoring and current situation awareness 24/7,

all year round. It also acts as a situation information hub for all relevant stakeholders from the European institutions. It acts as the EEAS switchboard and embeds in situation reports and/or flash reports all crisis-related information provided, amongst others, by EU Delegations, EU Member States, EU CSDP Operations and Missions, EUSR teams and International Organisations. The EU Situation Room is the first point of contact for all information on crises situations.

More specifically, the EU Situation Room:

- monitors and reports on worldwide events on a 24/7 basis, focusing on topics and issues relevant to the EEAS and the EU as a whole;
- liaises 24/7 with CSDP Missions and Operations through a Watchkeeping Capability, as well as with EU Delegations;
- supports HR/VP and relevant EEAS services, the Council, and co-operates closely with the Commission;
- plays a role in the Crisis Co-ordination at the EU political Level (CCA), to support political co-ordination and decision-making in major, complex, inter-disciplinary crises;

- manages and develops relations with national crisis response and crisis co-ordination centres of EU Member States;
- maintains regular contacts with other regional and international organizations' crisis centres, such as the UN Department for Peacekeeping Operations (UN DPKO), League of Arab States (LAS), African Union (AU) and the Association of Southeast Asian Nations (ASEAN).

Last but not least is the **Consular Crisis Management** Division which currently has two roles: assisting the Presidency to co-ordinate consular policies across the EU (e.g. travel advice, issuance of consular guidelines), and to assist the Presidency and/or Lead States to co-ordinate action in times of crises.

For normal consular work, Member States do not need the assistance of the EU. Consu-

lar assistance and protection are after all an exclusive national responsibility. However, not all EU citizens are represented in all third countries. As a matter of fact, the 27 Member States are all present in only three countries: the US, Russia and China. This means that in all other third countries, one or more Member States are absent. Article 23 of the TFEU gives the right to any unrepresented EU citizen to obtain assistance from another Member State's consular services under the same conditions that the Member State provides to its own citizens.

The Consular Crisis Management Division has set up a web page – Co-oL (Consular OnLine) where Member States and a few third States (e.g. Switzerland, Norway, the US, Canada, Australia) exchange information and co-operate during normal times and, above all, during major crises involving several countries.



European External Action Service

EUMS Director General LtGen Wolfgang Wosolsobe and EEAS Crisis Response Managing Director Agostino Miozzo

2.2. CFSP-CSDP STRUCTURES

2.2.1. High Level/Council Structures

Compilation of EU open sources

THE EUROPEAN COUNCIL

The European Council defines the general political direction and priorities of the European Union. With the entry into force of the Treaty of Lisbon on 1 December 2009, it has become an official institution. Its President is Herman Van Rompuy.

The European Council provides the Union with the necessary impetus for its development and defines the general political directions and priorities thereof. It does not exercise legislative functions. The European Council consists of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy takes part in its work. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission.

Source: <http://www.european-council.europa.eu/the-institution?lang=en>

THE COUNCIL OF THE EUROPEAN UNION

Acts which are directly relevant to the lives of EU citizens and have a considerable international impact are adopted by the Council, usually in conjunction with the European Parliament.



Photo: Mario Salerno, European Council

European Council President Herman Van Rompuy (left) with Austrian Chancellor Werner Faymann (centre) and Luxembourg Prime Minister Jean-Claude Juncker in May 2013

The Council is the EU institution where the Member States' government representatives sit, i.e. the ministers of each Member State with responsibility for a given area. The composition and frequency of Council meetings vary depending on the issues dealt with. Foreign ministers, for example, meet roughly once a month in the Foreign Affairs Council. Similarly, economics and finance ministers meet once a month in the Council which handles economic and financial affairs, called the Ecofin Council.

There are ten Council configurations¹, covering the whole range of EU policies. The General

1 • General Affairs • Foreign Affairs • Economic and Financial Affairs • Justice and Home Affairs • Agriculture and Fisheries • Competitiveness (Internal Market, Industry, Research and Space) • Transport/Telecommunications/Energy • Employment/Social Policy/Health/Consumer Affairs • Environment • Education/Youth/Culture/Sport

Affairs Council, which is usually attended by foreign ministers or European affairs ministers, makes sure that the various Council configurations are working consistently with one another and makes the preparations for European Council meetings. Only one Council configuration is not chaired by the six-monthly presidency: the Foreign Affairs Council, which, since the entry into force of the Treaty of Lisbon, has been chaired by the High Representative of the Union for Foreign Affairs and Security Policy. Since 1 December 2009 this post has been held by Ms Catherine Ashton. Roughly twenty working parties in the foreign affairs field also have a permanent chairman appointed by the High Representative.

Source: <http://www.consilium.europa.eu/council?lang=en>

THE FOREIGN AFFAIRS COUNCIL (FAC)

The Foreign Affairs Council is made up of European Union Member State Ministers responsible for Foreign Affairs, Defence and Development. These Ministers attend monthly meetings to discuss foreign policy, trade, security, defence and development matters.

The High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton chairs the Foreign Affairs Council meetings, except for commercial policy issues – when the rotating Presidency takes over the chair. Catherine Ashton is also a Vice-President of the European Commission, ensuring the consistency and co-ordination of the EU's external action.

Source: http://eeas.europa.eu/fac/index_en.htm

Photo: Mario Salerno, Council of the EU



Foreign Affairs Council in October 2013

PERMANENT POLITICAL AND MILITARY STRUCTURES

In order to enable the European Union fully to assume its responsibilities for crisis management, the European Council (Nice, December 2000) decided to establish permanent political and military structures.

The Political and Security Committee (PSC) meets at the ambassadorial level as a preparatory body for the Council of the EU. Its main functions are keeping track of the international situation, and helping to define policies within the Common Foreign and Security Policy (CFSP) including the CSDP. It prepares a coherent EU response to a crisis and exercises its political control and strategic direction.

The European Union Military Committee (EUMC) is the highest military body set up within the Council. It is composed of the Chiefs of Defence of the Member States, who are regularly represented by their permanent military representatives. The EUMC provides the PSC with advice and recommendations on all military matters within the EU.

In parallel with the EUMC, the PSC is advised by a **Committee for Civilian Aspects of Crisis Management (CIVCOM)**. This committee provides information, drafts recommendations, and gives its opinion to the PSC on civilian aspects of crisis management.

Source: <http://www.eeas.europa.eu/csdp/structures-instruments-agencies/>

2.2.2. EEAS Structures

By Agostino Miozzo

THE EEAS CRISIS RESPONSE & OPERATIONAL CO- ORDINATION DEPARTMENT

is responsible for the activation of the EEAS Crisis Response System (Crisis Platform, EU Situation Room, Crisis Management Board), and therefore plays a central role in ensuring both swift and effective mobilisation of actors and instruments across the EU system as well as coherence of policies and actions throughout the various phases of the crisis life cycle. The EEAS Crisis Response Department comprises the following three Divisions:

- (a) the Crisis Response Planning and Operations Division is responsible for the overall planning, organisation and co-ordination of crisis related activities, including preparedness, monitoring and response;
- (b) the EU Situation Room which is the EU's crisis centre that provides worldwide monitoring and current situation awareness 24 hours a day, 7 days a week, all year round;
- (c) the Consular Crisis Management Division assists in consular policies across the EU and co-ordinates actions in times of crisis.

By Didier Lenoir

THE CRISIS MANAGEMENT AND PLANNING DIRECTORATE (CMPD)

contributes to the objectives of the European External Action Service (EEAS), the CSDP and a more secure international environment through the political-strategic planning of CSDP civilian missions and military operations by ensuring coherence and effectiveness of those actions as part of the EU Comprehensive Approach to crisis management. CMPD core activities and products include: strategic planning of

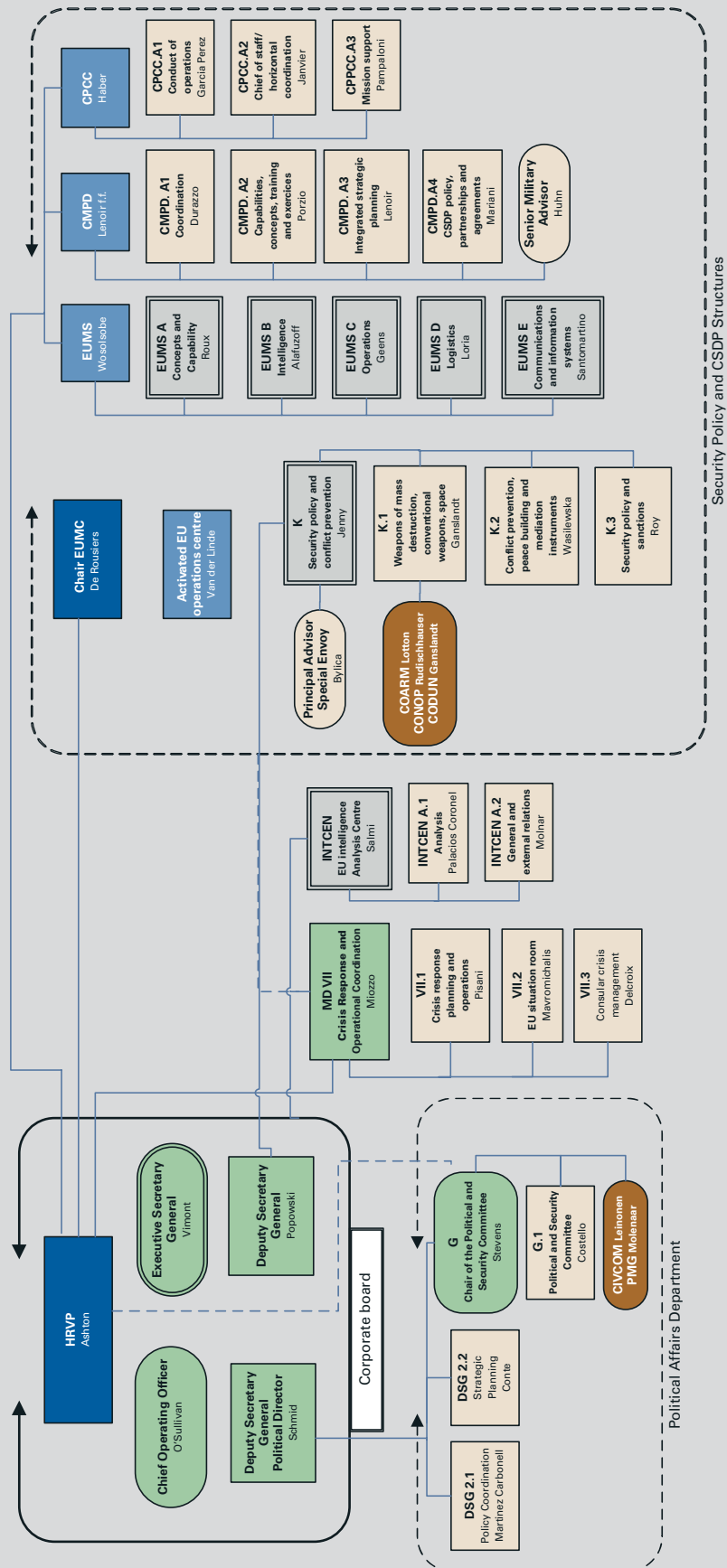
CSDP civilian missions and military operations; strategic reviews of existing CSDP missions and operations; CSDP partnerships; co-ordination of the development of civilian and military capabilities and CSDP policy and concepts, participation in exercises and development of CSDP training. The CMPD works under the political control and strategic direction of the Member States in the Political and Security Committee, acting under the responsibility of the Council of the EU and the High Representative of the Union for Foreign Affairs and Security Policy. The CMPD provides also assistance and advice to the High Representative and the relevant EU Council bodies.

By Wolfgang Wosolsobe

THE EUROPEAN UNION MILITARY STAFF (EUMS)

– working under the direction of the European Union Military Committee and under the authority of the High Representative – is the source of collective military expertise within the EEAS. As an integral component of the EEAS's Comprehensive Approach, the EUMS co-ordinates the military instrument, with particular focus on operations/missions (both military and those requiring military support) and the creation of military capability. Enabling activity in support of this output includes: early warning, situation assessment, strategic planning, Communications and Informations Systems, concept development, training and education, and support of partnerships through military-to-military relationships. The EUMS supports the recently activated Operations Centre in support of the Horn of Africa missions and operation. The EUMS still has the responsibility to be able to generate a fully fledged Headquarters to exercise command and control of a military operation.

EEAS SECURITY POLICY AND CRISIS RESPONSE STRUCTURES



Source: eeas.europa.eu/background/docs/organisation_en.pdf

By Hansjörg Haber

THE CIVILIAN PLANNING AND CONDUCT CAPABILITY (CPCC)

is the permanent headquarters for the operational planning and conduct of civilian CSDP missions. The CPCC assists the Civilian Operations Commander – or CivOpsCdr – in his task of supervising and supporting the current eleven civilian missions. The CivOpsCdr is mandated by the Member States to exercise command and control of the missions, under the direct authority of the High Representative, with political control exercised and strategic direction provided by the Political and Security Committee. The civilian CSDP missions conduct a broad spectrum of tasks including training, advising, mentoring and monitoring in the fields of policing, the rule of law, border management, and Security Sector Reform.

By Joëlle Jenny

THE SECURITY POLICY AND CONFLICT PREVENTION DIRECTORATE

works to advance the EU's objective of preserving peace, preventing conflicts and strengthening international security. In line with relevant EU policy documents (notably the 2003 European Security Strategy), the Directorate promotes a Comprehensive Approach to addressing external security threats and risks of conflicts. It does so by working in close coordination with a wide variety of services to shape relevant EU policy, enhance its consistency, build internal capacities and propose options for operational implementation. The Directorate's core activities are articulated around four main themes:

- a) Disarmament, arms export control and non-proliferation, covering both weapons of mass destruction and conventional weapons;
- b) Conflict prevention, peace-building and mediation;
- c) Security Policy, including security dimen-

sions of outer space, the maritime and the cyber domains;

d) Sanctions policy.

By Ilkka Sami

THE EU INTELLIGENCE ANALYSIS CENTRE (EU INTCEN)

is the exclusive civilian intelligence function of the European Union and offers, together with the EUMS Intelligence Directorate, intelligence support to the CSDP structures. The creation in 2002 of the EU INTCEN – or the EU Situation Centre as it was called until 2012 – is intimately linked to the establishment of CSDP. The development of the CSDP crisis management capabilities and the deployment of both civilian and military missions made it clear that a broader intelligence analysis structure was needed to support EU policy making. EU INTCEN's strategic analytical products are based on intelligence from the EU Member States' civilian intelligence and security services, as well as on open sources.

By Adrianus van der Linde

THE EUROPEAN UNION OPERATIONS CENTRE (EU OPSCEN)

was activated in 2012 for the Common Security and Defence Policy missions and operation in the Horn of Africa. Its duty is to support planning and conduct of the missions, and to facilitate co-ordination and interaction among the EU funded activities for the region. The new structure actively supports the synergies between the different actors through co-ordination mechanisms in strategic communication, exchange of information, and the management of activities. *The EU OPCEN was established outside the 2004 OPCEN Terms of Reference and does not include any Command and Control responsibilities.*

2.2.3. Chair of the Committee for Civilian Aspects of Crisis Management – a view from the Chair

by Mika-Markus Leinonen



CIVCOM visiting EUPOL COPPS in November 2012

The chairing of the Foreign Affairs Council (FAC) and its preparatory bodies, including in the area of Common Security and Defence Policy (CSDP), by the EEAS was one of the major changes introduced by the Lisbon Treaty provisions.

While the mandates of the preparatory bodies remained unchanged, the dynamics around and the status of the Chairpersons have evolved, in particular within the (now permanent) Presidency, i.e. the EEAS. Seen through the eyes of someone who has chaired the same Working Party pre- and post-Lisbon, I would like to share the following personal observations in the specific case of CIVCOM, the Committee for Civilian Aspects of Crisis Management.

ONE TEAM – ONE VISION

In the pre-Lisbon era the 6-monthly rotating Presidency, through its Chairperson, set the meeting agendas, introducing and emphasising

a limited number of items, and provided the strong political inputs/push for their implementation within the six month time limit of the rotating Council Presidency. This was the clear and shared name of the game: Each Member State would have its turn as a Presidency and have the unique possibility to push for selected items dear to its heart. The Council General Secretariat and its CSDP services (ex-DGE VIII for military aspects and ex-DGE IX for civilian aspects) would then help to develop the ideas on paper to be presented to Delegations. Obviously this led to the loss of continuity effort and lack of long-term planning.

It can be argued that, regardless of the nature of the Presidency, permanent or rotating, the day-to-day agenda of CIVCOM is to a great extent set by real life requirements and the routine work (mission planning documents and advices thereon as well as concept support documents) leaving little room for new initiatives. In crisis management any planning beyond the short term is by definition difficult



CIVCOM visiting EULEX Kosovo in June 2013

– changing situations require re-focusing. This also entails that a limited number of staff have to prioritize new assignments at the cost of the previous ones.

In the old days, the Brussels-based Presidency team was one – each member knew, shared and worked towards one objective under one unified chain of command. In the post-Lisbon era neither the objective nor the chain of command are always as clear.

CIVCOM Chair is not embedded in one geographic or thematic service like the Chairs of the Common Foreign and Security Policy (CFSP) geographic/thematic Working Parties, but deals with various services, namely CMPD at the strategic level, CPCC at the operational level, and those in charge of Conflict Prevention and geographical areas. Under these circumstances planning, defining priorities and getting an in-house long term engagement ensuring delivery are not as straight-forward as it used to be. In addition, the Chairperson's task is sometimes further complicated by the fact that the function of the Presidency is not necessarily well-known within a large structure like the EEAS and with staff having various types of backgrounds and no or little CFSP/CSDP related experience.

2-WAY COMMUNICATION

One of the main functions of any Presidency is to inform, explain and convince the target audience of policy initiatives, i.e. ensure their buy-in. In the pre-Lisbon era the objectives for the 6 months-Presidency were formulated well in advance of the start of the semester. In CIVCOM, the rotating Chair's task was to two-fold: to instruct the Council General Secretariat's CSDP services to translate the Presidency ideas into concrete papers and proposals, and then convince the Member States of their content.

In the post-Lisbon environment, the Chair continues to inform, explain and convince Delegations in CIVCOM of the Presidency/EEAS plans. There is, however, one feature that has gained in importance compared to the past and that is the role of the Chair in conveying towards the EEAS services the views expressed and the positions held by the Member States collectively and/or individually, and thus contributing to helping the EEAS to adjust/refocus its approach.

This one foot in the EEAS, the other with the Member States, as it is sometimes referred to, is often a delicate bridging manoeuvre and easily misinterpreted, while it should be seen as a normal reality-check function performed by someone who is practically in daily contact with the Member States.

3 years into the existence of the EEAS and after the approval of a new set of crisis management procedures, the permanent chairmanship has neither fundamentally changed the main parameters nor the working methods, at least in the area of civilian crisis management. But it surely has underlined the role for the CIVCOM chairperson in helping to ensure continuous feed-back on EEAS products and approach from Member States as well as in helping to connect the EEAS services with an up-stream planning effect: All this should contribute to achieving that CSDP is well fitted within the overall action of the EEAS in the area of Common Foreign and Security Policy.

2.3. DECISION MAKING/SHAPING

2.3.1. Crisis Management Procedures

by Yves de Kermabon

INTRODUCTION

As a direct result of the Council Conclusions on CSDP of 1 December 2011, the 'Suggestions for procedures for coherent, comprehensive EU crisis management' (11127/03) were reviewed to capture both lessons learnt in crisis management processes over the first decade of ESDP/CSDP and the development of EU security policy and CSDP structures, particularly in view of the implementation of the Lisbon Treaty and the establishment of the European External Action Service (EEAS).

There were clear reasons to review the existing Crisis Management Procedures (CMP): the establishment of the Civilian Planning and Conduct Capability (CPCC) and the Crisis Management and Planning Directorate (CMPD), the entry into force of the Lisbon Treaty and the creation of the EEAS had significantly changed the organisational set-up and thus the related co-ordination and coherence requirements for EU crisis management in relation to crisis prevention and crisis response; lessons learnt over the past 10 years of CSDP; the need to capture and consolidate established practice where applicable; the need to standardise and harmonise where appropriate in order to be more effective; and to meet MS intent as a direct result of the Foreign Affairs Council (FAC) Conclusions in December 2011. EEAS and Commission responsibilities for the programming and implementation of development co-operation also needed to be reflected in the various phases.

These revised CMP should help facilitate implementation of a comprehensive EU approach, and make for better integration of the civilian and military aspects of crisis management, where the suitability and added value of CSDP is considered in the context of the whole of the EU's external action, alongside use of the Union's various other instruments. In particular, effective EEAS-Commission co-ordination and co-operation is to be pursued during all crisis management phases. The EU Crisis Response System, established as a part of implementation of the Lisbon Treaty, provides a framework for the EU's reaction to a crisis. These procedures should also allow faster decision making in response to a crisis if political consensus has been achieved.

All EU CSDP missions/operations operate in accordance with international humanitarian and human rights law and promote and protect human rights, including gender equality.

Lessons observations and the lessons learned process read across to all missions and operations, and this mechanism is reflected in all mission/operation reporting structures. Lessons are to be continuously collected and analysed at all stages of the process with a view to resolving issues within the operational tempo. In addition, the lessons learned process should continually inform and shape broader CMP developments. In order for these CMP to remain current they should be routinely reviewed.



Photo: Federal Ministry for European and International Affairs of Austria/Dragan Tatic

The Council of the European Union decides on whether, how and when a CSDP mission/operation will be launched. From left to right: Sebastian Kurz/Austria, Radosław Sikorski/Poland and Catherine Ashton/European Union in the margins of the Foreign Affairs Council in Brussels, 20 January 2014

CONSULTATIONS AND CONTACTS WITH THIRD PARTIES

EU external action is guided by the principles of the UN Charter and of international law, as outlined in the Treaty on European Union (TEU). The EU consults and co-operates with third parties throughout all phases of the crisis management procedure; it should be noted that this is without prejudice to the EU's decision-making autonomy. Consultations and co-operation are conducted, as required, with the United Nations, the North Atlantic Treaty Organisation (NATO), other international and regional organisations (e.g. the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe and the African Union [AU]), and other strategic players, in accordance with agreed arrangements.

These procedures reflect, and do not change, all agreed arrangements for co-operation in crisis management, including: arrangements on

EU-NATO relations, in particular the Berlin-Plus arrangements, and arrangements between the EU and other non-EU European NATO members. The EU conducts exchanges of information on the Common Security and Defence Policy (CSDP) and crisis management within the framework of political dialogue, under the direction of the PSC; the work is largely carried out by the EEAS Political Affairs Department, including through CSDP/crisis management consultations. Contacts are maintained, along with appropriate co-operation as necessary, with civil society.

AIM

To describe the process through which the EU engages in a crisis with its CSDP instruments as a part of its overall Comprehensive Approach. The process is described throughout all its conceptual steps, and also contains a fast track procedure if a rapid response is required.

PLANNING IN REALITY

	CON-CORDIA	ARTEMIS	ALTHEA (Berlin +)	EUFOR RD Congo	EUFOR Tchad/R CA	EUNAVFOR Atalanta	EUCAP NESTOR	EUAVSEC South Sudan
CMC	✓	✓	✓	✓	✓	✓	✓	✓
MSOD CSOD	—	—	✓	—	—	—	—	—
MSO CSO	—	—	✓	—	✓	✓	—	—
IMD	—	—	✓	✓	✓	✓	—	—
CONOPS	—	—	✓	✓	✓	✓	✓	✓
OPLAN/ ROE	✓	✓	✓	✓	✓	✓	—	—
		3 weeks	9 months			5 months		

European External Action Service

DECISION MAKING PROCEDURE

Political Framework for Crisis Approach (PFCA)

EEAS Crisis Management Board/Crisis Platform
Delegation input, regional MD-ownership

Crisis Management Concept (CMC)

CMPD lead with EUMS & CPCC input
Commented upon by EUMC & CIVCOM
Approved by PSC & Council

Military/Civilian Strategic Options (MSO/CSO)

Optional (if requested by EUMC/CIVCOM)
MSO developed by EUMS, CSO developed by CPCC
Approved by PSC & Council

Council Decision & Concept of Operations (CONOPS)

CD drafted by RELEX group: Cdr(s)/HoM + reference amount
EUMS translates MSO + CD into IMD, approved by EUMC
Civ/Mil OpCdrs drafts CONOPS, approved by PSC & Council

Operation Plan (OPLAN)

Drafted by Civ/Mil OpCdr, approved by PSC & Council
Civ OPLAN followed by HoM Implementation Plan
Fast-track procedure: CONOPS +

Alexander Mattelaer, Institute for European Studies (IES)

SCOPE

The CMP have been drawn up to include crises of the highest degree of complexity. Although the widest range of activities during the crisis cycle is described and appears sequentially, this is only for ease of reference. The EU is thus not limited to developing its approach to a crisis in the sequence set down here. On the one hand, many instruments and processes mentioned might be relevant in several or all phases of a crisis, on the other hand, some of the processes mentioned may be skipped altogether. In particular, recommendations concerning the identification and/or the designation of an Operation Headquarters (OHQ) and the appointment of an Operation Commander (OpCdr) may be made at any suitable time in the process, when appropriate, without prejudice to respective prerogatives and responsibilities. Furthermore, many of these processes, such as the development of a Crisis Management Concept (CMC), are iterative in nature, and all CSDP planning documents should be considered as 'draft' documents until approved by the PSC or the Council. Additionally, nothing in these procedures removes the flexibility that may be required to augment the planning services with additional planners or financial resources should that be deemed necessary. The CMP also include procedures and guidance for the strategic review of CSDP missions and operations, with the aim of refocusing or terminating activity as required.

The establishment and implementation of a co-ordinated information strategy is important throughout any CSDP engagement. The strategy will be formulated in line with the Guidelines for ESDP Crisis Response Information Activities and will be applied in all phases of the crisis.

Finally, it is important to emphasize that these CMP are designed to ensure that any CSDP activity is conceived, planned, launched, conducted and closed under the direct political control and strategic direction of the PSC, under

the responsibility of the Council and of the High Representative. These procedures therefore provide the framework for dovetailing planning between Member States, the Commission and the EEAS into a coherent mechanism for achieving the desired CSDP effect for external relations, whilst fully maintaining their specificities and remit.

ORGANISATION

Phase 1: Identification of a crisis and development of an overall EU approach.

First of all the EU needs to develop and review its different strategies, and also to monitor and analyse the various situations around the world. By doing this it should have early warning of any crisis. But it also needs to address advance planning in a coherent manner. CSDP advanced planning by CMPD, supported by CPCC and EUMS, will engage with other services.

When a crisis occurs, if an EU strategy has previously been established, it may need to be reviewed. The *Political Framework for Crisis Approach* (PFCA) will be prepared by the EEAS geographical desk, supported by all services and the respective EU delegation. The outcome of the PFCA will be a broad range of options available to the EU.

This process should be considered the norm, but flexibility will remain central to the EU's response. A PSC decision to move directly to the development of a Crisis Management Concept (CMC) should remain an option.

Phase 2: Development of the CMC and establishment of the mission operation.

When the PSC considers that CSDP action may be appropriate, it provides guidance to the EEAS. CMPD, as the primary service for political strategic planning on CSDP, prepares the CMC in consultation with, and supported by, the relevant EEAS services. The CMC

will analyse and propose strategic policy options. The HR submits the CMC to the PSC, and the Commission submits the elements of complementary activity which pertain to its competence. Member States provide, if possible, an indication of the results of the informal force sensing.

On the basis of advice and recommendations, the PSC agrees the CMC and forwards it to the Council for approval. Based on the PSC recommendation, the Council adopts a decision establishing the mission/operation.

The SOMA and SOFA are negotiated and conducted on the basis of the Council decision.

A list of countries that could be invited to contribute to the EU-led crisis will be prepared by the CMPD and arrangements for their participation will be defined in a participation agreement.

Phase 3: Operation planning of the CSDP mission or operation and decision to launch.

The planning process will now move to the MSO and CSO or to the CONOPS and OPLAN if no MSO/CSO is drawn up.

For military operations, the EUMS develops an Initiating Military Directive (IMD) for the military OpCdr.

The military and civilian OpCdrs present the CONOPS to the PSC and the PSC submits it to the Council for approval.

The Force Generation Process is conducted by the OpCdrs and the Mission Commander and Head of Mission.

The civilian and military OpCdrs prepare their respective draft OPLANs.

The Council approves the OPLAN and adopts a Decision launching the mission or operation.

Phase 3: Fast track process.

Under specific circumstances the need to deploy a mission/operation at very short notice may require rapid decision-making for a rapid response to a crisis.

The minimal political decision-making steps are the approval of the CMC, the IMD for the military, and the adoption of the Council decision establishing the mission/operation and the approval of the OPLAN.

Phase 4: Deployment of the CSDP mission or operation.

Under the responsibility of the Council and of the HR the PSC exercises political control and strategic direction of the CSDP mission/operation.

The Commission keeps the PSC informed about the measures it has taken or envisages.

The CivOpsCdr and the military OpCdr exercise command and control of the civilian mission and of the military operation respectively. The Head of Mission and the Force Commander exercise command and control of the mission and of the operation in the theatre in accordance with established command and control principles.

Phase 5: Strategic review of the CSDP mission or operation – refocusing and/or termination operations.

When a given CSDP action needs to be refocused, a strategic review can be triggered. This is conducted when the strategic context of the mission/operation changes, half way through the mandate, or when the mandate is nearing the end.

In the light of the findings of the strategic review the HR proposes to the PSC a set of measures aimed at refocusing or finishing the EU action.

The PSC agrees and forwards the measures to the Council. The Council decides, as appropriate, to refocus the EU action, including possible termination, or decides to launch any further action needed at this stage.

2.3.2. Who is in Charge? Natural Friction in the CSDP Decision-Making Process

by Alexander Mattelaer

The godfather of Western strategic thought, Carl von Clausewitz, famously wrote that *‘everything in war is very simple, but the simplest thing is difficult’*. The days of the Napoleonic wars are of course long gone, but the modern campaigns by means of which European states pursue foreign policy goals have not become any easier. To the contrary: effective multilateral action has proven to be as difficult a challenge as any! When different democratically accountable governments try to realise common objectives through the use of multiple instruments – military as well as civilian – it is only natural that many obstacles have to be overcome.

This chapter aims to provide CSDP practitioners with an overview of what makes the European decision-making process so complicated – even if everything is really very simple. This discussion is not meant to discourage anyone. Rather, the intention is to raise awareness of how structurally different perspectives lead to difficult balancing acts. In CSDP missions and operations, competing logics frequently need to be weighed against one another. It is only when different parties realise why such complications arise that one can hope to master them. For this purpose, this chapter distinguishes between three categories of natural friction, namely intergovernmental disagreement, strategic miscomprehension and institutional rivalry.

WE DO NOT AGREE: ON INTERGOVERNMENTAL FRICTION

The European Treaties stipulate that the Common Security and Defence Policy – with few exceptions – is defined and implemented on the basis of unanimity (TEU Art. 24). This means that the search for intergovernmental consen-

sus is at the very heart of CSDP decision-making. Whenever Member States fundamentally disagree on matters of international security, the official position of the EU follows a lowest common denominator pattern. In many cases this means the absence of meaningful policy altogether. Frustration with the speed of decision-making and with policy substance in the face of particular challenges is correspondingly rampant. At the same time, the need for compromise also constitutes a safeguard against reckless decisions and is part and parcel of a democratic system of governance.

Individual EU Member States have common but frequently asymmetric security interests. These are the product of different national histories and varying geographical positions on the continent. While all Member States may conceptually agree that failed states or WMD proliferation pose a security threat, the precise origin of such threats is likely to affect the strategic calculus in the national capitals. Instability in North Africa has a much more immediate impact on Italy than on Latvia, for instance. Similarly, the melting of the polar ice cap is of more immediate concern to Denmark than it is to Greece. This asymmetry informs not only threat perceptions but also the response capabilities that Member States develop. It is no serendipity that the UK has a sophisticated navy while Germany retains the bulk of European land power and Nordic countries excel in civilian crisis management.

Any real-life security problem is bound to affect individual EU Member States in different degrees and provoke different response preferences. Depending on where one stands, turmoil in the Sahel region can be portrayed as the destabilisation of Europe’s wider neighbourhood or as a problem for French Africa policy.

Arguably it is both, but whatever balance one strikes between these two perspectives will heavily influence the assessment of who should do what in response. Given that such balancing acts will unfold over every contentious policy dossier, the stage is set for seemingly unending diplomatic negotiations that frequently resemble plain old horse-trading. Member States may already start bickering over the aims and objectives of a proposed CSDP engagement, but the bargaining reaches its peak when a mission needs to be resourced. The 'force generation' process, as it is called in military operations, effectively represents the barometer indicating the political appetite of individual Member States.

Frustrating though it may be for practitioners, the search for intergovernmental consensus has both advantages and disadvantages. Above all, it implies that major policy decisions are typically the product of careful deliberation. The fact that common EU action by definition carries the political support of all members of the Union also constitutes a key ingredient for maintaining domestic support and international legitimacy. The EU seldom embarks on a course of action that can be considered reckless. Surely nobody would now regret that the EU could not agree to support the invasion of Iraq – arguably the deepest intra-European disagreement on a matter of foreign policy in the past decades.

At the same time, deciding by consensus carries a real cost as well. Critical decisions may be taken too late, with insufficient vigour or simply not at all. While the EU embraces a discourse of conflict prevention and rapid response, its track record in this regard is quite disgraceful. The recent implosion of the Sahel was accurately forecasted years before it materialised. Faced with terrible slaughter in Syria, the EU is proving quite incapable of developing a strategically coherent response that goes beyond band-aid solutions. While disagreement is not necessarily a bad thing, all depends on the consequences it entails.

European Commission



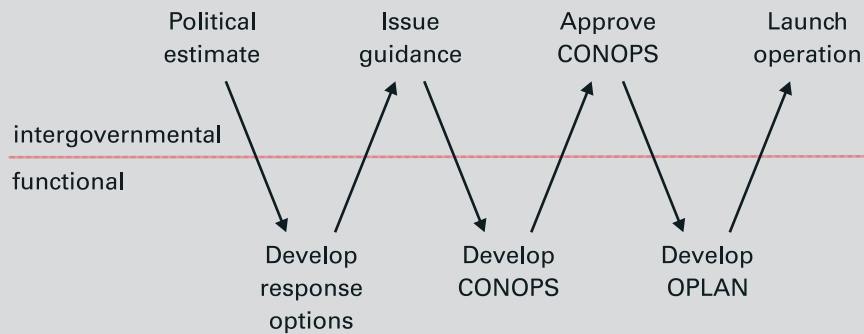
Individual Member States have common but frequently asymmetric security interests

CSDP decision-makers inhabit in a world where Member States draw up the boundaries on how to define and address a given problem. Their role is to propose options to undertake meaningful action within given parameters and to sound the alarm bell if these parameters make such action impossible. The constraints that national capitals impose on CSDP action usually have justifiable origins of some sort. They only become genuinely problematic if they pose a fundamental risk to collective action.

NO, YOU SHOULD LISTEN! THE STRATEGIC DIALOGUE

CSDP missions and operations receive their strategic direction from the Member States, usually exercised through the Political and Security Committee. If consensus about such direction is already difficult to obtain, the resulting guidance subsequently needs to be translated into credible and coherent planning documents. The dialogue between the political level on the one hand and operation commanders and their staff on the other constitutes the second arena for structural friction to unfold. Whereas Member States need to make political choices about campaign objectives and resource priorities, the CSDP command chain needs to link up ends, ways and means in such a way that the assigned mission can be fulfilled. This sets the stage for a frontal clash between an intergovernmental logic ('secure the national interest') and a functional logic ('achieve the

INTERGOVERNMENTAL VERSUS FUNCTIONAL



Graphic: Alexander Matteleer

mission’).

CSDP operation commanders are assigned a set of theatre-specific political objectives. Assisted by their respective staffs, it is their job to draw up a clear intent on how to achieve these. As a secondary step, they must assess the type and amount of resources required for executing this plan. Depending on the type of engagement, this is measured in military units, personnel posts and financial budget lines. Both the outline of the plan (the ‘concept of operations’) and the list of resources (the ‘statement of requirements’) are submitted to the political level for unanimous approval. To the constant irritation of mission staffs, political decision-makers may then choose to resort to the famous ‘5,000 mile’ screwdriver for ‘fine-tuning’ the plan or simply not to resource the mission with what is at minimum required. Member states may collectively approve that a mission requires a certain amount of resources but prove individually unwilling to pay their share. If the operation commander believes that the political level demands the impossible, the only option is to resign.

It is of course all too easy to suggest that people in the field always know best and those sitting at the political table have an easy life. The operation commander presents an operational perspective and is naturally loath to put lives at risk by accepting to work with limited resources. But the political level is never confronted with just one single crisis. It typi-

cally needs to balance the competing requirements from various missions and keep some resources in reserve for unforeseen contingencies. The Member States individually have only a finite number of qualified military and civilian personnel. Moreover, this set of resources is currently under pressure as a result of budgetary austerity. Political leaders therefore need to walk a tightrope in allocating resources to CSDP and other missions (NATO, UN and national) and investing in future capabilities.

There is no easy answer to this problem. The strategic dialogue bridging the worlds of politics and operations is fundamentally an unequal one. In a democratic system such as the EU’s, the political level inevitably has the final word. At the same time, CSDP decision-makers need to guard against the scenario where this dialectic process becomes a dialogue of the deaf. Genuine strategy hinges upon the idea that the two sides to the dialogue work closely together and accept risk when this is absolutely required. Understanding the constraints under which the other party operates – be they political or operational – is key to keeping friction controlled.

WE ARE MUCH BETTER AT THIS: ON INSTITUTIONAL RIVALRY

Organisational turf wars and bureaucratic drag effects arguably constitute the most mundane type of friction. Due to its omnipresence in every nook and cranny of European decision-making, its effect should not be underestimated. Political leaders are intent on embedding the CSDP in the wider toolkit of European foreign policy and foster the much-vaunted 'Comprehensive Approach'. To make this into a reality, however, means overcoming major hurdles in getting different organisations with deeply engrained cultural habits to work together. Above all, this requires a careful appreciation of the distinctiveness of different policy instruments – their grammar, so to speak – and to become proficient in their distinctive vocabularies.

Pursuing a Comprehensive Approach in European external action means to co-ordinate and synchronise the use of a wide variety of policy instruments, ranging from humanitarian aid and development assistance, over diplomatic overtures and sanctions, to civilian and military crisis management tools. What seems like common sense from a political perspective – using complementary instruments as efficiently as possible – is far from straightforward in practice. Every instrument has its own grammar and vocabulary. The European consensus on humanitarian aid, for instance, feature laudable principles (such as neutrality and independence) that are hard to square with those of other instruments – and vice versa!

One feature of such friction is that it replicates itself on every level. Even within seemingly homogenous organisational bureaucracies different units may compete with one another for attention and resources. The military may confound civilian outsiders, yet the air force perspective on a particular crisis may be quite different from what land forces would propose as a solution. After all, every part of an organisation develops its own working habits

Photo: Christian Lambiotte, European Communities



If Member States can agree on what they want to achieve and are willing to pay for their ambitions, anything is possible

and common concepts that eventually give rise to the idea that 'we work better than others'.

Paradoxically, it is only when confronted with external parties that different parts of an organisation realise they have a lot more in common than they think. In Brussels, the EU development and security communities may feel as if they inhabit different planets, yet the common challenges they encounter in the field may give an impetus to reconsider this view. As ever, the critical requirement for working together is the ability to speak the same language – both literally and figuratively.

CONCLUSION

In essence, CSDP decision-making is a straightforward process. If Member States can agree on what they want to achieve and are willing to pay for realising their ambitions, anything is possible. But due to the large number of actors involved, every step along the way can become the focal point of negotiations. This is not so different from politics at the national level, but with an additional layer of (multinational) complexity. As ever, the effective functioning of the system depends on the presence of well-trained practitioners with an open mind and a can-do attitude. If this overview of friction has contributed to greater understanding of the system, this chapter's mission has been achieved.

2.4. PRINCIPLES AND GUIDELINES

2.4.1. Comprehensive Approach

by Snowy Lintern

The Comprehensive Approach has no single definition, and thus it can mean all things to all people. It is a term used by many without understanding, and even those who claim to know what it means often disagree in practice. At the time of writing, a joint EEAS-European Commission paper is being prepared on this subject, and this should be consulted for the agreed definition. However, this section is not an academic thesis on the Comprehensive Approach – there are many freely available online – but rather it aims to explain what the EU's Comprehensive Approach means to the CSDP practitioner, be that as a planner or in-country.

The concept of a Comprehensive Approach to crisis management has been described as being relatively new, having developed since the Cold War and with the end of the bipolar superpower system. The increasing complexity and interlinkage of crisis management – and especially the limitations of military power alone – were clearly highlighted in Iraq from 2003 onwards. The military success of defeating the Ba'ath Party regime was quickly followed by a rapid disintegration of security. The use of the military instrument was not adequately synchronised with other key instruments required for stability – reconstruction, diplomacy, development funding, rule of law, etc. The interlinkage of the effects required to achieve the desired end result came to be clearly understood, and to take the example of just two instruments, we have the commonly used expression '*no security without development, no development without security*'. The Comprehensive Approach, therefore, as far as the EU is concerned, is simply the bringing together of the various different instruments

required to achieve the desired end state. The theory is simple, the practice is rather more complicated, and it is useful to understand why.

Firstly, as already explained, there is no single definition, nor common agreement, on how we work collaboratively, or indeed on whether we need to. For the majority of CSDP actors this is accepted practice; for the majority of non-CSDP actors this may be new. The significant cultural change required within the EU to enact the Comprehensive Approach may prove difficult, not least for Member States and the European Commission. The decision-making process within the EU is itself complex and deliberately separated, and we will see shortly how we can ensure the decision makers remain empowered.

Secondly, when bringing together multiple strands of activity there is a common view that everyone involved needs to understand everything – if not then how can the different strands remain aligned? In practice this is impossible – which leads to frequent complaints of incomplete knowledge – but full understanding is simply not required to achieve results.

One final area should be considered, namely time. Timeliness is always important in crisis response planning; there is a crisis, and you need to respond. However, it is quite rare that speed is more important than getting it right. Missions/operations tend to last for years, and planning well and comprehensively at the start will ensure you are quicker to achieve the right outcomes. Nevertheless, there are times when speed of reaction is all important. The existing process of planning now formally allows stages to be skipped to ensure a very quick CSDP reaction in-country, and it is recognised that when



Graphic: Jochen Rehl

Comprehensive Approach taking the Horn of Africa as an example

this happens the Comprehensive Approach will have to be reconsidered once the initial CSDP activity has achieved its immediate aims.

HOW CSDP ACTORS APPLY THE COMPREHENSIVE APPROACH IN PRACTICE – THE REVISED CRISIS MANAGEMENT PROCEDURES

Of course the key issue is that CSDP is a subset of the EU's Comprehensive Approach, one of what may be many instruments required to resolve the crisis. This was recognised when the CSDP Crisis Management Procedures (CMP) were revised in mid-2013. The major change to the CMP is the attempt to create the conditions for the Comprehensive Approach at the very start of a crisis. This is carried out by means of a process and a document – the Political Framework for Crisis Approach (PFCA). The process

will be a collaborative and shared analysis of the crisis, with assessment conducted by the EEAS (including EU delegations) and the Commission, with input from Member States as required. The shared analysis – a common understanding – will then lead to a common objective or objectives – what does the EU want at the end of the crisis. The objective will be the 'end state', and something that nearly all instruments of the EU will share.

The PFCA – with the relevant EEAS geographic Managing Director as the penholder – will explain the shared analysis, state the common objective, and, critically, include indications of how that objective could be achieved and what EU instruments could be used. This could include political, development, and trade instruments, sanctions, etc., and is likely to include CSDP. The PFCA will thus form the key planning document of the EU's Comprehensive Approach. It should be stressed that DG ECHO, the EU's humanitarian aid provider, will be

requested to assist in the development of the PFCA but it will not be tied to any objectives – it will always focus on humanitarian need rather than political objectives.

Thus, the PFCA provides indicative examples of what could be done, and these have to be *indicative* only at this stage. For the Commission instruments, they will now go through their decision-making process unhindered by any Council decision-making, but critically sharing the same objective. For the Council activity, including CSDP, the PFCA is presented at PSC and thus Member States are able to comment and to decide whether further planning is required for CSDP – if so, the Crisis Management Concept (CMC) process is launched. Member States can thus decide to take action with full understanding of what other activity is planned.

During the development of the CMC, then, linkages with other instruments, and other non-EU actors, will be expanded where possible, ensuring that any planned activities remain aligned. This process would also be expected during the development of non-CSDP planning with other EU instruments. Complications will arise – planning with reference to what others are doing is more complex than without – but should be manageable. At this stage a strategic level of understanding is required, not detail.

This process will continue through the CSDP planning, with each stage maintaining an understanding of developments elsewhere and how they interlink, but again detail is not necessarily required. What will be required is for all actors to keep the agreed objective firmly in focus.

To further explain this EU approach, then, the following may help. Picture a table. The main table top is the agreement at the PFCA stage on the shared analysis and common objective. This is principally Brussels HQ activity at the highest level across both Commission and EEAS. The table legs are the development of each instrument's decision-making process, all the way down to activity in-country. Thus we have mainly Brussels activity but now conducted mainly within separate DGs. Near the bottom of

the legs is a brace, often seen on tables, which represents the EU delegation in-country, or the EUSR if appointed, acting as a check that the in-country activity under the separate instruments still represents the original objective, and that each of the different instruments has an understanding of what each others are doing. With this process, therefore, EU planning and delivery has gone from being *led* by the instruments to being *delivered* by the instruments, i.e. the separate decision-making processes are maintained, but each instrument is working towards a common objective.

After mission/operation launch, then, some of the co-ordination will be undertaken in the field, ideally co-ordinated by the EU delegation or EUSR. This would usually be at Head of Mission/Mission Commander level, and key information would be passed down to the tactical level if required, or up to the Operation Commander (Military and/or Civil). Co-ordination will, of course, be maintained within Brussels.

During the Strategic Reviews of Missions/Operations the status of other activity will be considered, and this may be instrumental in reaching a recommendation for closure or continuation.

To conclude, we have seen that the Comprehensive Approach can mean everything to everyone, and that the EU has its own version. The EU methodology is pragmatic – share analysis and objectives at the strategic level, maintain the Treaty-specific decision-making processes to deliver against the common objective, and check against delivery in-country.

The Comprehensive Approach is not easy in practice – it is much easier to plan and deliver activity alone. The problem is that that no longer works. Delivering activity across the board to reach the common objective is the only way that the desired end state can be achieved, either at all or without significant delay or waste of resources. Although the bulk of this article has been focussed on process, it is important to recognise that the process is only there to support delivery.

2.4.2. The CSDP/FSJ link

by Céline Ruiz, Michel Savary

External and internal security of the EU at the intersection of the Common Security and Defence Policy (CSDP) and the Area of Freedom, Security and Justice (FSJ)

CFSP AND FSJ OBJECTIVES

The objectives of the Common Foreign and Security Policy (CFSP), as defined by the Treaty, include the safeguarding of the Union's common values, its interest and integrity, the strengthening of peace and security both within the Union and on the international stage, and the promotion of international co-operation, democracy, the rule of law and human rights (TEU, title V).

The European Security Strategy (ESS), adopted by the European Council in 2003, presented the then current security environment as *'one of increasingly open borders in which the internal and external aspects of security are indissolubly linked'*.¹

In the 2008 Report on the implementation of the ESS, the European Council insisted that *'we need to improve the way in which we bring together internal and external dimensions. Better co-ordination, transparency and flexibility are needed across different agencies, at national and European level. This was already identified in the ESS, five years ago. Progress has been slow and incomplete'*.²

The objectives of the Area of Freedom, Security and Justice (FSJ), as defined by the Treaty, include framing a common policy on external border control, based on solidarity between Member States, which is fair towards third-country nationals as well as endeavouring to

ensure a high level of security through measures to prevent and combat crime, and through measures for co-ordination and co-operation between police and judicial authorities and other competent authorities.³

EU external action on FSJ matters is part of overall EU external relations and falls into the objectives of the Union's 'relations with the wider world' (Article 4 (5) TEU).

THE NEED FOR INTERNAL AND EXTERNAL SECURITY COHERENCE

The European Council endorsed the European Union Internal Security Strategy at its meeting in March 2010. This Strategy defines a 'European Security Model', consisting of common tools and a commitment to a mutually reinforced relationship between security, freedom and privacy; co-operation and solidarity between Member States; involvement of all the EU's institutions; addressing the causes of insecurity, not just the effects; enhancing prevention and anticipation; involvement, as far as they are concerned, of all sectors which have a role to play in protection – political, economic and social; and a greater interdependence between internal and external security.

A concept of internal security cannot exist without an external dimension, since internal security increasingly depends to a large extent

1 ESS 2003 12 December 2003

2 Report on the implementation of the European Security Strategy – Providing Security in a changing world, doc. 16823/1/08

3 (TFEU, Title V)



Photo: EUROSUR HQ

Eurosur is an information-exchange system designed to improve management of the EU external borders. Eurosur enables near real-time sharing of border-related data between members of the network, which consists of Schengen countries and Frontex.

on external security. In this context, the Internal Security Strategy⁴ serves as an indispensable complement to the EU Security Strategy, developed in 2003 under the EU's Security and Defence Policy to address global risks and threats and to make a commitment to the social, political and economic development of global society as the most effective way of achieving effective and long-lasting security.

Therefore, the Strategy underlined that the co-operation with the EU Common Security and Defence Policy (CSDP), especially between the EU agencies and the respective CSDP missions and operations, needed to be enhanced even further. It highlighted also that it is very important to strengthen the participation of law enforcement agencies and Justice, Freedom and Security bodies at all stages of civilian crisis-management missions, so that they can play a part in resolving conflicts by working together with all other services involved on the ground

(military, diplomatic, emergency services, etc.).

Recently, the need has been recalled for strengthening ties between the CSDP and Freedom, Security and Justice (FSJ) actors in line with the competences of the bodies concerned as part of a broader effort to develop synergies between the internal and external dimensions of security. This has come up in the HR report on CSDP (July 2012, October 2013), the Council Conclusions on CSDP of (not od) December 2011 and July 2012, the Council Conclusions on the 'EU Internal Security Strategy in Action'. As security threats emerge and evolve, the EU must be ready to respond: Four out of ten citizens think that the EU needs better tools to fight organized crime, terrorism and extremism, according to a Eurobarometer poll. Europeans ranked terrorism (33 %) and organized crime (21 %) amongst the top security issues in Europe (Special Eurobarometer (ref. 371) survey on Internal Security, November 2011).

⁴ doc 7120/10 CO EUR-PREP 8 JAI 182

STRENGTHENING TIES BETWEEN CSDP AND FSJ

A series of initiatives aimed at fostering co-operation between the internal and external aspects of security are currently being developed.

The Crisis Management and Planning Directorate (EEAS CMPD) drew up, together with the Commission and other relevant Services, a Joint Staff Working Paper – Strengthening ties between CSDP and FSJ actors⁵ aimed to explore the linkages between the Common Security and Defence Policy and the area of Freedom, Security and Justice with a view to clarifying where the interface of their policies affords scope for co-ordinated or possible concerted action, while respecting their respective competencies.

This paper seeks to set out the interaction/co-operation that is already taking place between CSDP and FSJ in the light of the political background, the institutional changes and the operational and strategic reality. Then, with a view to taking work forward, general considerations on the way ahead as well as possible areas where co-operation can be further strengthened are outlined.

The following specific areas for further work have been identified as having potential for further action: Comprehensive Situational Awareness and Intelligence Support to the EU; Exchange of information and mutual support; Improving mechanisms in the decision-making process; Improving co-operation in planning EU external action; Capabilities: Human Resources and Training.

Consequently, based on a pragmatic approach, work has been carried out, with the aim of being operational and goal-oriented, with the need to focus on concrete actions, as a priority, in specific geographical areas of interest for both internal and external security (i.e. Western Balkans, Horn of Africa, Southern

What are the main tasks of COSI?

COSI's main objective is to facilitate, promote and strengthen co-ordination of operational actions between EU Member States in the field of internal security.

This co-ordination role will concern, among other things, police and customs co-operation, external border protection and judicial co-operation in criminal matters relevant to operational co-operation in the field of internal security.

The committee will regularly report on its activities to the Council which, in return, will keep the EP and national parliaments informed.

COSI is also responsible for evaluating the general direction and efficiency of operational co-operation with the goal of identifying possible shortcomings and adopting recommendations to address them.

It can also invite representatives from EUROJUST, EUROPOL, FRONTEX and other relevant bodies to its meetings and is supposed to help ensure consistency of action by these bodies.

COSI is also mandated – along with the Political and Security Committee (PSC) – to assist the Council in accordance with the so-called 'Solidarity clause' (Art. 222 TFEU).

The 'Solidarity clause' provides that the EU 'shall mobilise all the instruments at its disposal' to help a Member State that is the object of a terrorist attack or the victim of a natural or man-made disaster.

COSI is not involved in preparing legislative acts nor in conducting operations. As to legislative acts, COREPER, the meeting of the Member States' ambassadors to the EU, remains solely responsible for preparing legislative acts with the help of the different Council working groups.

⁵ doc 9878/11



Rabit operation at the Greek–Turkish border

Neighbourhood, Sahel) and specific thematic areas within the CSDP scope of action.

This initiative supports the idea that closer co-operation between civilian CSDP missions and JHA actors could yield tangible improvements in terms of European security.

We would like to highlight one particular area where tangible actions took place in practice:

CSDP MISSIONS AND EU AGENCIES. A PARALLEL EFFECT WITH INTERPOL

The primary tasks of the agencies created in the context of the FSJ (EUROPOL, EUROJUST, FRONTEX and the European Police College (CEPOL) and the new European Asylum Support Office (EASO) are internal EU information exchange, analysis and co-operation support.

The European External Action Service (EEAS) is encouraging greater involvement of EU Agencies (EUROPOL, FRONTEX) in CSDP missions

and operations to benefit from their considerable expertise.

Some examples of co-operation between CSDP and FSJ:

CSDP missions in the framework of Rule of Law place a particular focus on re-establishing the host's capability to fight criminal activities, inter alia, by encouraging and supporting the host to better integrate and co-operate with EU and other international institutions in the field of Police and Justice such as EUROPOL, the International Criminal Police Organisation (ICPO)-INTERPOL and FRONTEX. Improving the co-operation with these actors is part of a broader effort to develop synergies between the internal and external dimensions of security and it is one of the objectives of the roadmap 'Strengthening Ties between CSDP and FSJ'.

According to EUROPOL, the Western Balkans (WB) countries continue to be a source of concern due to the persistent activities of transnational organised crime, such as illicit trafficking in drugs, human beings and counterfeit goods.



Photo: FRONTEX

Frontex operation in the margins of the EUROcup 2012 at the Polish–Ukraine border

The EU Police Mission in Bosnia and Herzegovina (EUPM) completed its mandate on 30 June 2012. EUPM worked as part of the broader EU rule of law approach in Bosnia and Herzegovina (BiH) and in the region, supporting relevant law enforcement agencies and the criminal justice system in the fight against organised crime and corruption, in enhancing the interaction between police and prosecutors and in fostering regional and international co-operation. EUPM provided to EUROPOL strategic information – excluding personal data – (e.g. reports on serious and organised crime (SOC), SOC threat assessments), helping the Agency in its assessment.

Since 2009, there has been an administrative arrangement in place allowing for the exchange of non-personal data between EUROPOL and all civilian CSDP missions, including EULEX Kosovo. Exchanges include threat assessments and reports of various types. EUROPOL has the means to facilitate the exchange of information and is able to process, store and analyse personal data. A direct secure connection was

established with EULEX in 2012. EUROPOL has been also supporting EULEX Mission activities in witness protection and in the co-ordination of Joint Police Operations between Kosovo Police and EULEX.

Since March 2012, EULEX has also a ‘co-operation plan’ with FRONTEX, within the framework of their respective legal powers, that facilitates their strategic co-operation in border management, on countering irregular migration and related cross-border crime as well as other international threats to the internal security of the EU Member States.

Co-operation with military operations is also developing. Off the coast of Somalia, the remarkable success of Operation EUNAVFOR Atalanta in detecting and identifying pirate action groups is to a large extent based on its intelligence-led approach. Better co-operation between EUNAVFOR and law enforcement agencies has been essential in understanding the pirate dynamics and it builds a strong case for transfer to regional prosecuting states. In accordance with its mandate agreed by the



Search and Rescue – Joint Operation Hermes, Lampedusa 2013

Council, EUNAVFOR-Atalanta exchanges personal data on suspected pirates with INTERPOL through its UK National Central Bureau. These data are then shared by INTERPOL with the broader law enforcement community. Ways to further strengthen not only EUNAVFOR co-operation with INTERPOL but also direct co-operation with EUROPOL is under consideration.

Based on the successful experience of EUNAVFOR, the EEAS is exploring the possibility of a co-operation agreement with INTERPOL for CSDP operations and missions.

The close association of FRONTEX in the planning and launching of the civilian mission EUBAM Libya is also a recent example of the CSDP-FSJ co-operation.

Since the adoption of the Lisbon Treaty, the Union now has new possibilities to act more efficiently in external relations. The European External Action Service ensures better coherence between traditional external policy instruments and internal instruments with significant external dimensions, such as freedom, security and justice. In October 2013, the High Representative of the Union for Foreign Affairs and Security Policy informed ministers, during the Justice and Home Affairs Council, on civilian crisis management and on the link between internal and external security, with a view to the discussion on Security and Defence at the European Council in December 2013.

2.4.3. Financing of CFSP Engagements

by Uwe Harms, Yannik Semerle

Article 41 of the Treaty on European Union (TEU) sets the principles for the financing of civilian and military crisis management operations. Under that provision, the expenditure related to the Common Foreign and Security Policy (CFSP) shall be charged to the budget of the European Union, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

Civilian crisis management operations are funded from the CFSP budget which is established following the budgetary procedure laid down for the Community budget. Operations with military implications or defence operations cannot be financed from Union funds. For the common costs of such operations the Council of the EU has established a special mechanism (ATHENA).

FINANCING OF MILITARY OPERATIONS: THE ATHENA MECHANISM

In February 2004, the Council of the European Union for the first time established a mechanism to administer the financing of common costs of operations having military or defence implications. The currently applicable Council decision has been adopted in December 2011. This mechanism, called ATHENA, is managed under the authority of the Member States within the Special Committee.

ATHENA manages some expenditures – the common costs – of each military operation from its preparatory phase to its termination. ATHENA is managed by an administrator and has legal capacity.

COMMON COSTS

The Council Decision establishing ATHENA includes a list of common costs which are financed by all contributing states. The Operation Commander is the authorising officer for the operation he commands. Where there is no Operation Commander, ATHENA's administrator is the authorising officer.

During the preparatory phase of an operation (i.e. before the Operation Commander is appointed), ATHENA finances inter alia the costs for transport and accommodation necessary for exploratory missions and preparations (in particular fact-finding missions) by military and civilian personnel.

As of the date when the Operation Commander is appointed, ATHENA finances most incremental costs for Operation-, Force- and Component Headquarters, as well as for example incremental costs for infrastructure, essential additional equipments and evacuation for persons in need of urgent medical evacuation (MEDEVAC).

Finally, the Special Committee may decide that certain expenditures that do not figure on the list of common costs, can be financed in common for a given operation. Transport of the forces and multinational task-forces headquarters however remain under the Council's competence.

ATHENA currently administers the financing of the common costs of the following operations/actions:

- Operation EUFOR-Althea (Bosnia and Herzegovina):
14.9 million euros in 2013;
- Operation EUNAVFOR Atalanta:
8.5 million euros in 2013

- EU Training Mission Somalia:
4.9 million euros in 2013
- EU Training Mission Mali:
21.5 million euros in 2013

NATION BORNE COSTS

In addition, ATHENA is managing the 'Nation borne costs', i.e items such as fuel, water and food which are being paid by the Member States and Third States which contribute forces to operations, on the basis of their consumption.

EARLY FINANCING

In order to improve the rapid reaction capability of the European Union, an early financing fund has been set up in 2005. It is designed for rapid response operations for which contributions are rapidly needed. Member States have the choice either to pay contributions to the fund in anticipation or to pay their contribution to a Rapid Response operation within five days.

19 Member States have participated in the provisional financing scheme and ATHENA is endowed with provisional appropriations exceeding 12 million euros. In addition, each of the 19 Member States may decide individually that its contribution to the provisional appropriations (up to 75 %) can be used for an operation other than a Rapid Response operation.

PARTICIPATING STATES AND CONTRIBUTIONS

Participating States are the Member States of the European Union except Denmark (as it has opted out from actions with defence implications under the EU Treaty). Third States participating in a military operation may contribute

to its financing. In accordance with the Council Decision establishing ATHENA, contributions to ATHENA are based on a GNI scale (see table on next page).

ORGANISATIONAL STRUCTURE

ATHENA is managed under the authority of a Special Committee composed of representatives of the Member States contributing to the financing of each operation. Third states which contribute to the financing of an operation may take part in its meetings, without taking a vote. The EEAS and the Commission shall be invited to attend the Special Committee's meetings, but cannot take a vote either.

The Secretary General of the Council of the EU appoints an Administrator for ATHENA for a period of three years. The administrator coordinates work on financial questions relating to the Union's military operations. He/She is the contact point for national administrations and for international organisations. His/her tasks are inter alia drawing up a draft budget that he/she submits to the Special Committee as well as administering revenue and common costs that occur outside the active phase of operations.

Furthermore, the Secretary General of the Council appoints an accounting officer for ATHENA for a period of three years. He is responsible for keeping ATHENA's accounts and for implementing payments on behalf of ATHENA.

During the active phase of an operation, it is the Operation Commander who provides elements for the budget of the operation he commands. In this function, he/she can enter into contracts on behalf of ATHENA and can open a bank account on behalf of ATHENA for his operation.

**GNI SCALE (IN %) USED FOR CONTRIBUTIONS TO ATHENA IN 2013
WHERE 27 MEMBER STATES ARE CONTRIBUTING**

Member State	Own resource	GNI scale in %
Belgium	3.193.589.641	3.0236530
Bulgaria	324.227.648	0.3069750
Czech Republic	1.196.438.225	1.1327740
Germany	22.209.134.494	21.0273480
Estonia	135.812.724	0.1285860
Ireland	1.034.030.609	0.9790080
Greece	1.603.344.273	1.5180280
Spain	8.390.772.438	7.9442850
France	17.274.610.630	16.3553990
Croatia	181.706.317	0.1720370
Italy	13.002.394.942	12.3105150
Cyprus	141.928.118	0.1343760
Latvia	177.930.013	0.1684620
Lithuania	268.590.256	0.2542980
Luxembourg	261.443.572	0.2475320
Hungary	819.070.627	0.7754860
Malta	49.882.908	0.0472290
The Netherlands	5.034.981.760	4.7670620
Austria	2.557.435.870	2.4213500
Poland	3.170.042.799	3.0013590
Portugal	1.316.153.024	1.2461180
Romania	1.154.092.654	1.0926810
Slovenia	286.498.363	0.2712530
Slovakia	589.384.827	0.5580230
Finland	1.670.977.741	1.5820620
Sweden	3.404.416.425	3.2232620
United Kingdom	16.171.342.950	15.3108380
Total 27 Member States	105.620.233.848	100.0000000

Source: <http://eur-lex.europa.eu/budget/data/BR2013/EN/BR05.pdf>

2.4.4. Human Rights and Gender in CSDP Missions and Operations

by Jane Anttila

Incorporating human rights and gender aspects into CSDP missions and operations is not just a legal obligation and a political commitment of the European Union at the highest levels, it also contributes to the legitimacy, effectiveness and sustainability of CSDP missions and operations and of their objectives.

- It is crucial to the **legitimacy** of the mission to uphold and promote human rights standards, including gender equality, in all its activities, and have clear communication and accountability mechanisms.
- Mission **effectiveness** is enhanced by a gender-sensitive and rights-based analysis of the operating context. Taking fully into account the different security needs of men and women, the specific concerns of a minority group, or crucial human rights gaps in the legal framework within which the host government authorities operate helps tailor the mission's approach, activities and risk mitigation.
- The solutions sought and supported are more **sustainable** when they are inclusive and aim at using the potential of the whole of the population. Also, it is crucial to fight the impunity prevailing in most post-conflict contexts and work for the re-establishment of a culture of rights and equality. If human rights violations are left unaddressed, today's victims turn into the perpetrators of tomorrow and the cycle of conflict prevails.

In short: it is costly to neglect human rights and gender equality. Simple measures contribute to better policies and better results. Missions and operations are different from each other and the human rights concerns they address vary according to their context, mandate and focus. Also, the approach needs to be tailored to each

specific case, but these aspects are relevant for all missions and operations, civil and military alike. This is why, in addition to the legal basis, the EU has since 2005 developed specific policies and guidance to ensure the effective mainstreaming of human rights and gender aspects into the CSDP.

DEFINITION OF KEY TERMS

Human rights:

Universal, inalienable, indivisible rights of all human beings. It is the obligation of governments to promote, protect and uphold them. They are codified in international human rights treaties, with the most fundamental rights such as the prohibition of torture being non-derogatory and forming part of customary international law.

Gender:

Social roles of men, women and lesbian, gay, bi-, trans- and intersexual (LGBTI) persons. Non-discrimination, including on the basis of gender and of sexual orientation, is a fundamental human right. Gender roles can shift between contexts and over time; conflict and post-conflict often offers a window of opportunity to address structural discrimination and gender inequalities.

International humanitarian law:

Laws related to armed conflict codified in the Geneva Conventions. Customary norms, Common Article 3 of the Geneva Conventions and their Optional Protocol II apply to non-international armed conflicts. The responsibility to promote respect for IHL is relevant for the

EU's crisis management operations even when they operate in a situation not defined as an armed conflict or do not engage as a party to the conflict.

LEGAL BASIS AND THE EU POLICY ON HUMAN RIGHTS AND GENDER IN CSDP

Since the Treaty of Rome established the European Communities in 1957, human rights have been one of the defining principles of European integration. Human rights became an objective of the Common Foreign and Security Policy with the Maastricht Treaty in 1992. The Lisbon Treaty states:

'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.' (Article 2 TEU)

And on its external relations:

*'The Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the **protection of human rights, in particular the rights of the child**, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.'* (Article 5(3) TEU, emphasis added)

The EU Charter on Fundamental Rights, which became legally binding with the entry into force of the Lisbon Treaty, applies to all actions of the European Union, including in the field of external relations. EU Member States are bound by their human rights obligations under international law, in particular the key international and regional human rights instruments they have ratified. Furthermore the Union and its Member States are guided by the

Photo: Thierry Chesnot, European Union 2010



Visit by Kristalina Georgieva, European Commissioner in charge of International Co-operation, Humanitarian Aid and Crisis Response to Haiti: Kristalina Georgieva, on the left, visiting a Maltese Health Centre

Security Council Resolutions in this area, such as those on the Protection of Civilians, Children and Armed Conflict, and on Women, Peace and Security.

This is also true of the governments supported by the CSDP missions and operations in sectors which are crucial for the protection of human rights, such as security and justice. In the 2010 lessons learnt on mainstreaming human rights and gender into CSDP (17138/10), it was recommended that, when negotiating the establishment of a new CSDP mission or operation, the EU should undertake an exchange of letters with the host government, specifying the existing human rights obligations of the host government and detailing the EU's commitment to support the host government in fulfilling them in accordance with the mission's mandate.

The implementation of the legal obligations is guided by the EU's key policy documents in the areas of human rights, gender, child protection and, where relevant, international humanitarian law.

1. The Human Rights Strategic Framework and Action Plan

adopted by the European Council in June 2012 (11855/12) includes actions specific to CSDP.

In particular it requires that the EU:

- Systematically include human rights, child protection, gender equality – and inter-



Photo: European Union 2010

EUPOL Afghanistan – Female Police Leadership Development Course at the Police Staff College

national humanitarian law where relevant – in the mandates of EU missions and operations and in their benchmarks, planning and evaluation (Action 12 [b]).

- Operationalise the EU Comprehensive Approach on implementing UNSC Resolutions 1325 and 1820 on Women, Peace and Security, in particular ensuring women's equal involvement in all efforts for the maintenance of peace and security, including post-conflict reconstruction (Action 12 [c]).
- Devise a mechanism for accountability in cases of possible breaches of the Code of Conduct by operation or mission staff (Action 12 [d]).

Furthermore, the Strategic Framework and Action Plan mandated the development of *country strategies on human rights and the appointment of human rights focal points* in all EU delegations. Over 100 country strategies have been endorsed and over 140 focal points appointed.

2. The EU's 2006 policy on mainstreaming human rights and gender into ESDP (11936/4/06)

gives key guidance for implementation at the mission level. It was supplemented in 2010 by 'Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions' (17138/1/10).

Key principles and recommendations based on lessons learnt include:

- Human rights, gender and child protection should be taken into account throughout the

entire mission 'cycle', from fact finding to planning, to conduct of operations, systematic reporting, monitoring and finally lessons learnt.

- Upholding and promoting human rights and gender equality when performing the duties of the mission is a task for all personnel and the ultimate responsibility of the Head of Mission/Commander.
- All EU CSDP Missions should in principle have human rights and gender advisers who support the HoM/Commander and the staff of the mission in carrying out their duties in the area of human rights and gender. They should have clear terms of reference that spell out their role within the mission and the specific human rights and gender issues that they will tackle within the overall mandate of the mission. These should relate to the basic concept of the mission. Currently all CSDP missions apart from a few justified exceptions have human rights and/or gender advisers or focal points.
- Human rights and gender advisers should be strategically placed to ensure effective mainstreaming. Timely access to all planning documents, to operations and to senior mission management are key.
- All mission staff should be trained in human rights, gender and child protection. Pre-deployment training of mission personnel is the responsibility of Member States. The EU has developed common minimum training standards on human rights, gender and on child protection. Standard training modules are currently being finalised and will be available to all Member States and to all missions. Furthermore, human rights and gender should always be a part of the in-mission training for all staff.
- Benchmarking and reporting should systematically address human rights and gender aspects of the missions operation and, where relevant, child protection and/or humanitarian law.
- The human rights and gender work of CSDP

missions and operations should be fully incorporated into and provide an essential contribution to the implementation of the EU's human rights country strategy for any given country. CSDP missions and operations should co-operate closely with other EU instruments and actors, as well as with other key partners on the ground such as the UN, third countries or other regional organisations present.

3. The Comprehensive Approach

to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on Women, Peace and Security (15671/1/08) provides guidance on EU's holistic, three-pronged action. In crisis management, in particular, the EU has committed to:

- Advancing the implementation of the Resolutions on Women, Peace and Security in all political dialogue with conflict and post-conflict countries.
- Consulting with local women's organisations and civil society in the planning and implementation of programmes and operations.
- Training all CSDP personnel on gender. All relevant sector training courses, such as on DDR, SSR and justice and governance, should also include a gender component.
- Sharing best practice, information and implementation plans both at headquarters and at the field level between all relevant EU actors, and increasing co-operation with other relevant actors such as the United Nations, notably as regards the development of core principles and best practices.
- In its support for Disarmament, Demobilisation and Reform (DDR) the EU will pay specific attention to women and girl combatants and women and girls associated with fighting forces, and take into account the specific needs of men and boys. The EU will seek to ensure that DDR processes are utilised as an opportunity to sensitise participants on sexual- and gender-based violence.
- In its support for Security Sector Reform (SSR), the EU will ensure that the reform pro-

cesses fully account for the specific security needs of both women and men, boys and girls, and promote women's inclusion in the staff of the institutions concerned (notably the police). Specific attention will be paid to investments in the required infrastructure (e.g. forensic laboratories) and human resources needed for reception of victims of sexual- and gender-based violence and investigation of these crimes.

- In its support for the strengthening and reform of the justice sector the EU will seek to enhance the involvement of women and their access to justice, including transitional justice mechanisms. The EU will pay specific attention to building capacity for the prosecution of crimes against women and the protection of witnesses. The provision of reparations and other forms of redress for survivors will be considered wherever possible. Ending impunity for war crimes affecting women is the objective of these efforts, as is providing justice and redress to victims.

The most recent Security Council Resolutions 1888 (2009), 1960 (2010) and 2106 (2013) have paid particular attention to combating sexual violence in conflicts, and 1889 (2009) to women's participation in peacebuilding. The EU's implementation policy is due to be revised shortly in the light of these new developments, and the information and experience gathered from the implementation of the 2008 Comprehensive Approach thus far.

Moreover, in 2010 the UN Security Council adopted indicators to systematically follow progress in the implementation of the resolutions. The EU also adopted its own indicators in 2010 to serve as a basis for reporting, for example, on the participation of women in CSDP operations, on the training of all CSDP personnel on gender and on the investigation of any acts of sexual exploitation or abuse by mission personnel. The second implementation report based on the indicators is currently being drafted and should be finalised by October 2013.

4. The EU has adopted a series of human rights guidelines in specific areas of action.

The most relevant ones for the work of CSDP missions and operations are the guidelines on the protection of civilians, on torture, on children and armed conflict, on IHL, on violence against women and on human rights defenders. The complete list of guidelines with their updated texts and checklists where applicable can be found at http://eeas.europa.eu/human_rights/guidelines/index_en.htm

SPECIFIC EXAMPLES OF HUMAN RIGHTS AND GENDER WORK FROM CSDP MISSIONS AND OPERATIONS

Police reform

(e.g. EUPM Bosnia and Herzegovina, EUPOL RD Congo):

- Improving local police capacity to respond to violence against women and children
- Access for both men and women to employment in police forces
- Codes of conduct and policies on discrimination, harassment and violence
- Vetting police officers
- Community policing

Justice reform and rule of law

(e.g. EUJUST LEX Iraq, EULEX Kosovo):

- Ensuring that states meet their human rights responsibilities under international law
- Securing access to justice for both men and women
- Access for both men and women to employment in the justice system
- Juvenile justice
- Complementarity between national, regional and international courts (particularly ICC)
- Drafting of new legislation in a way that corresponds to the international obligations of the state
- Harnessing possibilities for new legislation promoting more equal participation of men and women in decision making

Maritime security/fighting against piracy

(e.g. EUNAVFOR Atalanta):

- Upholding the relevant international human rights norms during detention on board
- Treatment of suspected pirates under 18 years of age
- Dealing with people in distress, asylum seekers and trafficked persons
- Upholding the relevant international human rights norms in the conduct of judicial proceedings

Monitoring the implementation of a peace agreement

(e.g. EUMM Georgia):

- Identifying and reporting human rights violations by parties to the peace agreement
- Gender-disaggregated monitoring
- Missing persons
- Human rights issues deemed to be in direct relation to the conflict dynamics such as minority rights, freedom of movement
- Access to both local men and women and to the information they submit.

Securing and stabilising a region

(e.g. EUFOR Tchad/RCA)

- Protection of civilians, particularly the most vulnerable
- International humanitarian law
- Access to local men and women as sources of information (obtaining the entire security picture)

All missions

- Internal dimension: upholding the highest standards of human rights and of conduct/behaviour by mission and operation personnel. Issues of particular concern: sexual exploitation and abuse, trafficking, use of force, corruption, risk management for local staff dealing with sensitive issues.
- Understanding and implementation of human rights and gender aspects of a mission's core mandate by all staff.
- Systematic inclusion of human rights and

gender aspects in benchmarking, reporting and evaluation.

REFERENCE DOCUMENTS

General Human Rights

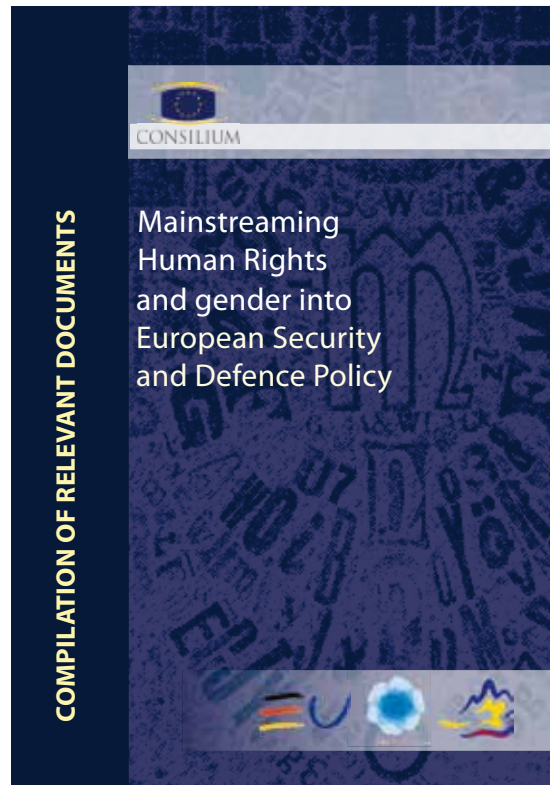
- A. EU Human Rights Strategic Framework and Action Plan (11855/12)
- B. Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian mission (17138/10)
- C. Package of three concepts containing minimum standard training elements on human rights, gender and child protection in the context of CSDP (17209/10)
- D. Mainstreaming Human Rights and Gender into European Security and Defence Policy, compilation of relevant documents (2008)
- E. Mainstreaming human rights into ESDP (11936/4/06)
- F. Mainstreaming human rights across CFSP and other EU policies (10076/06)

Gender

- G. Comprehensive approach to the EU implementation of UNSCRs 1325 and 1820 on women, peace and security (15671/1/08)
- H. EU guidelines on violence against women and girls and combating all forms of discrimination against them (16173/1/08)
- I. Implementation of UNSCRs on women, peace and security in the context of CSDP missions and operations (7109/12)

Child Protection

- J. Revised Implementation Strategy of the EU Guidelines on Children and Armed Conflict 17488/10
- K. EU Guidelines on Children and Armed Conflict 10019/08
- L. EU Guidelines for the Promotion and Protection of the Rights of the Child 16031/07



Source: http://eeas.europa.eu/csdp/documents/pdf/news144_en.pdf

Mainstreaming Human Rights and Gender into European Security and Defence Policy
ISBN 978-92-824-2300-4

Protection of Civilians and International Humanitarian Law

- M. Guidelines on the Protection of Civilians in CSDP Missions and Operations (15091/10)
- N. EU Guidelines on promoting compliance with International Humanitarian Law (IHL) (16841/09)
- O. Draft general review of the implementation of the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations (9822/08)

Standards of Behaviour

- P. Generic Standards of Behaviour for ESDP Operations (8373/1/05)

Other

- Q. Checklist for transitional justice (contained in 10674/06)
- R. Checklist for working with civil society (10056/1/04)

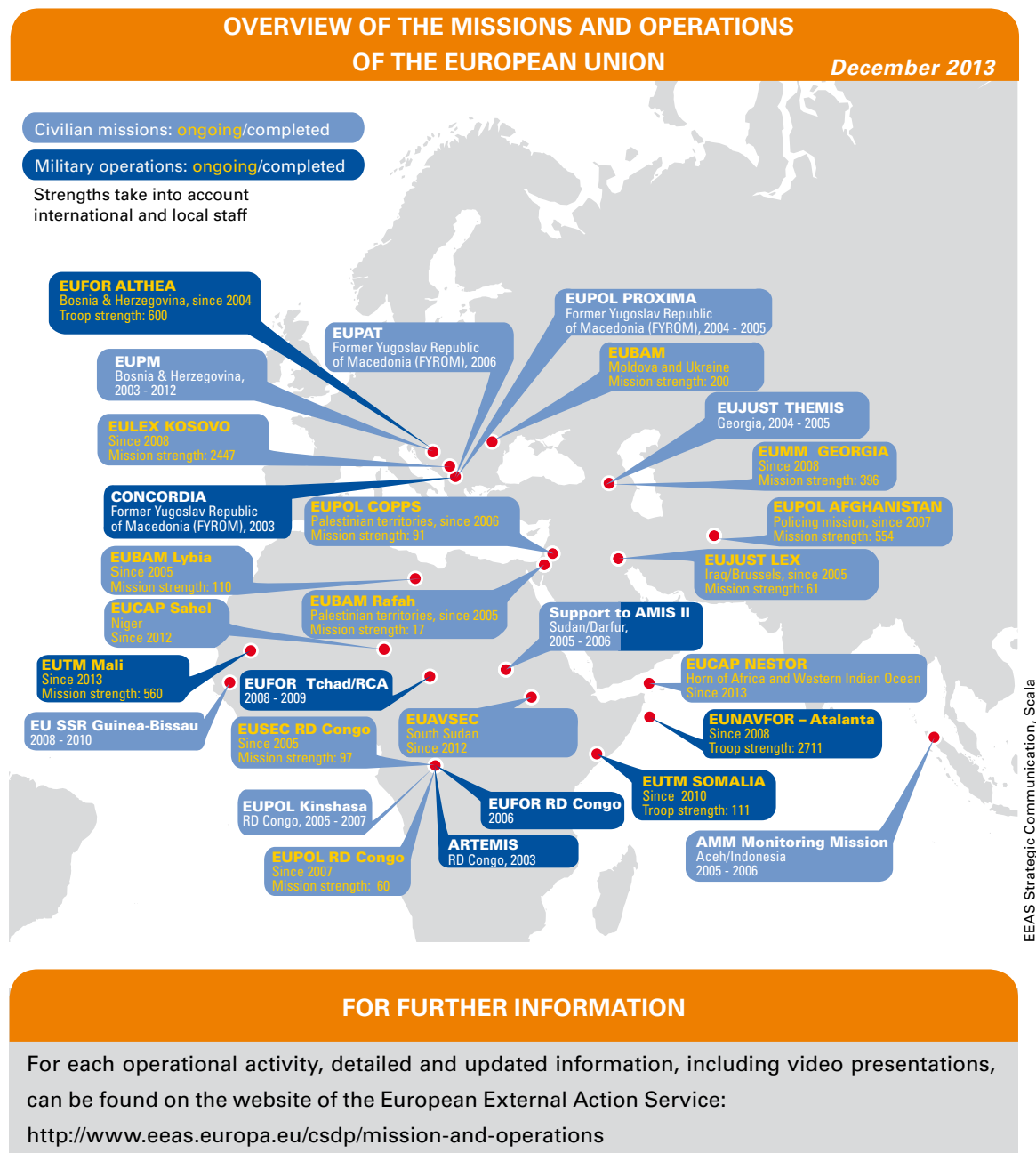
2.5. OVERVIEW OF CSDP MISSIONS AND OPERATIONS

extracted from EEAS website

Following the development and establishment of its structures and procedures, the EU started its operational engagement in 2003 with the first civilian mission (EU Police Missions in BiH) and military operation (Operation CONCORDIA in FYROM). Since then, it has con-

ducted about 30 missions and operations. This handbook will not elaborate on the details.

The attached world map provides a general overview of all past and current civilian missions and military operations.



3 TRAINING, RECRUITMENT AND SKILLS FOR LEADERSHIP POSITIONS

3.1. TRAINING AND RECRUITMENT

Jochen Rehr

In general, the recruitment process for civilian CSDP missions is more complex than similar exercises on the military side. The reason is two-fold:

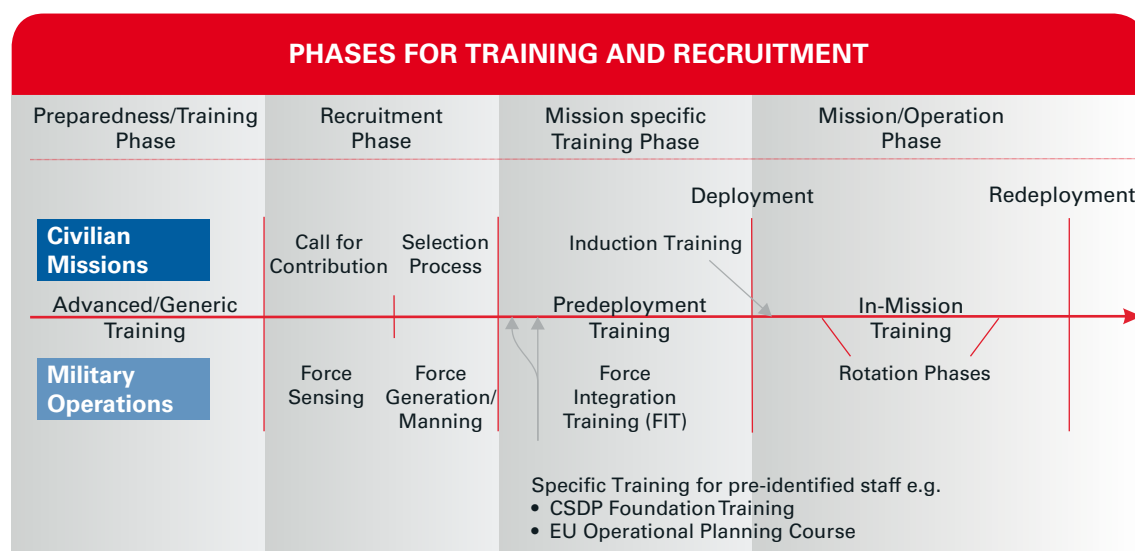
Firstly, the experts are normally requested from various governmental or non-governmental entities, such as the Ministry of Justice for judges, the Ministry of Interior for police and the Ministry of Foreign Affairs for diplomats. Additionally, some experts from the private sector are also targeted in order to recruit the best composition of personnel to accomplish a mission.

Secondly, these experts for civilian missions are normally employed at home; hence they are not earmarked for missions abroad and are therefore more difficult to handle (from an administrative point of view) and to train (e.g.

the experts from the private sector must attend the mandatory advanced training in their holidays).

None of these challenges exist on the military side. Instead, the military side faces the emerging logistic and procurement problems which are not particularly relevant for the civilian side (see chapter 'Financing of CSDP missions and operations').

Due to these differences and the difference in the time needed to establish the crisis management structures and capabilities, the terminology that has evolved is also different, e.g. whereas on the civilian side the recruitment is named 'Call for Contribution', the equivalent procedure on the military side is called 'Force Generation/Manning'.



3.1.1. Training and Recruitment for Civilian Missions

by Richard Badoux

ROLES AND RESPONSIBILITIES

The Head of Mission (HoM) retains the final authority to appoint and the overall responsibility to deploy personnel. The deployment plan is attached to the Operations Plan (OPLAN) of the Mission. Detailed job descriptions for all positions are communicated to all Contributing States, as well as advertised on the website of the Mission and other relevant websites in connection with Calls for Contributions (CfC).

In order to ensure proper and effective implementation of the Council Decisions so that the Mission's tasks are accomplished in a manner consistent with the EU objectives and principles, Missions should adhere to generally accepted standards of human resources management.

Although responsibility for selection procedures lies principally with the HoM, it is the responsibility of the Civilian Planning and Conduct Capability (CPCC) to provide advice, instructions and support as well as to monitor the proper execution of the procedures and to exercise quality control.

One of the main objectives for the Human Resources officer (HR) in the Mission is to achieve full operational capacity as soon as possible and to maintain the staffing at this level throughout the duration of the Mission.

CALL FOR CONTRIBUTION

Force generation is one of the main challenges for Missions as well as for Member States. Shortfalls in personnel have a direct impact on the Missions' ability to deliver their mandate, especially if shortfalls are in key posi-



Photo: EEAS/EUCAP NESTOR

EUCAP NESTOR - Coast guard exercise 3

tions. This also has repercussions on the credibility of the EU as a whole.

In order to adequately tackle this problem, several mutually supporting elements should be considered: plan more effectively, avoid ad hoc situations of staff recruitment and develop a systematic approach, streamline procedures, enhance predictability, improve transparency and develop an attractive remuneration package.

Calls for Contributions is a mechanism for advertising and requesting applications for Mission posts. It is used during all phases of the Mission. All posts must be advertised through this mechanism.

Process Call for Contributions

The human resources functions in CSDP Missions normally include the selection, recruitment, deployment, personnel adminis-

tration, extension and repatriation processes of international and local Mission personnel. However it is recalled that the HoM retains the final authority to appoint and the overall responsibility to deploy personnel. The two main areas of human resources in Missions are recruitment and administration of the Mission personnel.

The recruitment of Mission personnel includes identifying vacancies, drafting Calls for Contributions, coordinating the preparation of job descriptions and ensuring adherence to the recruitment procedures. It further includes reviewing applications, providing short-lists and participating in selection panels as appropriate, documenting the selection process, reviewing recommendations and preparing selection proposals for the Head of Mission and sending the information on the results of the selections to CPCC, following agreed procedures.

- Mission informs CPCC on vacancies available (or which will become available by the launch of the next CfC) with possible proposals for extensions
- CPCC informs CivCom of upcoming CfC
- The Mission Support Unit (MSU) launches request for extension to MS taking into account Mission-specific needs (3-week deadline)
- Mission Support Unit (MSU) launches CfC to MS, including non-agreed extensions or those confirmed by MS, if applicable, (three-week-deadline, four if possible).
- Expected selection schedule to be indicated in the CfC
- Set up of selection panels informing or in consultation with MSU in the case of mixed participation of CPCC, Commission, PPIO and Legal Service
- MSU sends applications received to the Mission
- Short-listing by panels and set-up of interviews

- Interviews
- Communication of panel result and HoM endorsement to CPCC
- Mission to explore suitability of rejected candidates for posts other than those they applied for (agreement of the seconding MS necessary)
- Information to CivCom on overall selection results
- Practical arrangements for actual deployment
- Selection and non-selection letters to be sent after the decision.
- By request, feedback on non-selected seconded candidates to be provided to MS (subject to prior agreement from the candidate concerned)
- Inform CivCom of final results of CfC, including possible dropouts.

PERSONNEL

The recruitment and selection process distinguishes four different kinds of personnel:

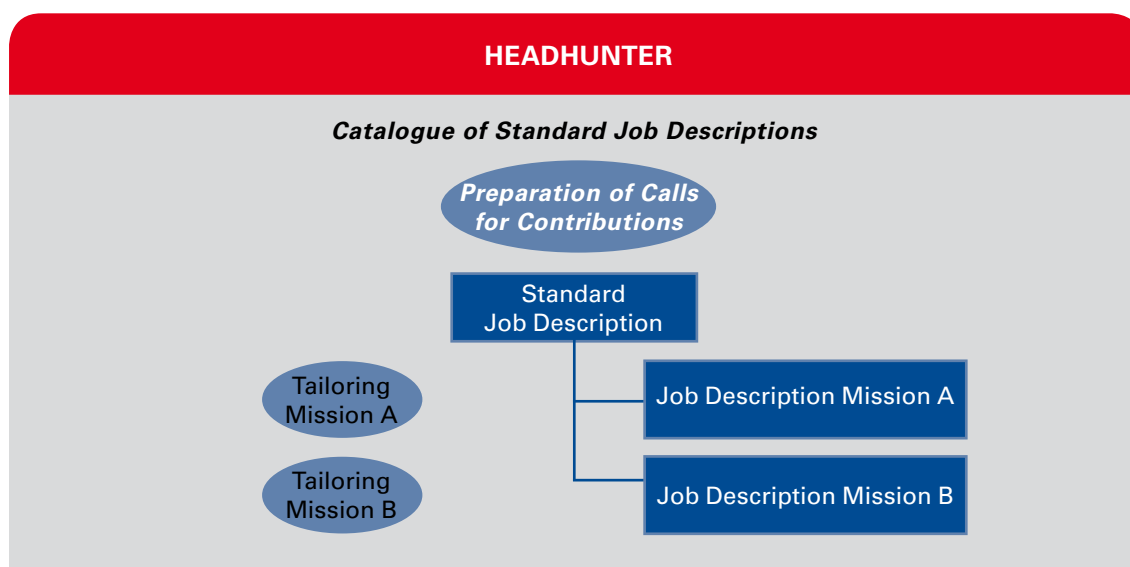
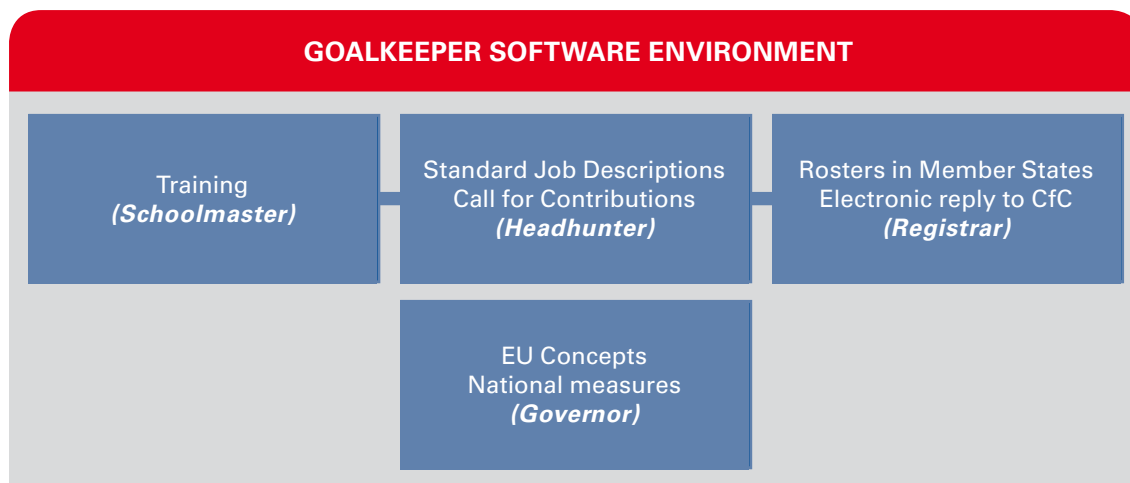
Seconded international staff/Seconded National Experts (SNE/END)

Seconded international staff are not employed by an HoM, but seconded to the HoM by their employer (Contributing States and EU institutions); that means that the salary is paid by the national authorities and a daily allowance is granted by the mission.

Contracted international staff

Contracted international staff are nationals of EU Member States or Contributing States¹ who are employed by the HoM through an employment contract. They are subject to the labour and social laws of the country of citizenship/permanent (fiscal) residency before taking up their duties. This expenditure is charged under the Mission budget.

¹ Third States when this option is legally possible.



Contracted local staff

Contracted local staff are employed by the HoM through an employment contract. Working conditions for local staff are regulated by the Commission Communication (Administrative Decision) *'Specific Rules for Special Advisers of the Commission entrusted with the implementation of operational CFSP actions and contracted international staff'* as well as the local social and labour legislation applicable at the place of their employment. The salaries shall reflect the level of remuneration paid for a similar post on the local market by a good local employer, such as the EU Delegation, to their local employees.

Civilian Response Teams (CRT) staff

CRT is a pool of approximately two hundred experts from EU Member States in different fields of civilian crisis management, constituted for short-term deployments. CRT can be called upon to support the Mission build-up or running, following an agreement of the PSC.

GOALKEEPER

The Goalkeeper software environment is a crucial mainstay of EU initiatives in the development of facilitators for civilian deployment. Goalkeeper is a web-based information hub that serves Member States, Brussels and CSDP



Photo: EEAS/EUBAM Moldova

EU Border Assistance Mission (EUBAM) Moldova

civilian missions by supporting training, recruitment, the development of national rosters, capability development and institutional memory. In the area of civilian capabilities for CSDP Goalkeeper bridges the operational and strategic level.

The focus of Goalkeeper is on seconded and contracted international staff.

Goalkeeper contains a catalogue of standard job descriptions that helps CPCC and Human Resources officers in CSDP missions to produce and publish mission-specific job descriptions, which the system automatically stores for future reference² (**Headhunter**).

Linked to this catalogue is, on the one hand, a database containing relevant training opportunities offered across the EU (**Schoolmaster**) and, on the other hand, an application to facilitate Member States' keeping of rosters of deployable personnel (**Registrar**).

The courses contained in Schoolmaster are:

- Offered by institutions authorised at national level to upload course information to Schoolmaster, or by those involved in EU training (e.g. ESDC);
- Accessible to participants from all Member States;
- Targeted to specific personnel categories.

Registrar is a roster application available to Member States' authorities. By filling in the expert registration form (ERF), experts can be subscribed to the roster. An application form can easily be created using the ERF information, and only the motivation and mission-specific requirements need to be added.

Experts' records kept in Registrar are matched with Standard Job Descriptions (SJDs) in Headhunter.

This expedites the identification of potential secondees in reply to the EU Calls for Contributions produced in Headhunter. The system allows ownership of data at the desired administrative level.

The link between these applications will allow Member States to direct training opportunities to the most appropriate target groups and to pre-identify and quickly call the personnel best qualified for certain mission posts. The system would allow controlled electronic submission of candidacies from Member States to the EU, as well as rapid establishment of statistics at national and EU level in view of civilian capability development.

Conceptual documents governing EU civilian crisis management under CSDP are accessible in Goalkeeper through an up-to-date on-line database application (**Governor**).

Schoolmaster is now (August 2013) already on-line; every newly-uploaded course will be sent to the subscribers via the mail alert. The catalogue of Standard Job descriptions is ready in draft form. By the end of 2013, Registrar will have its first working model. Governor is on-line. Future modifications will allow Member States to keep their national conceptual documents on-line as well.

² E.g. for a periodical check of standard job descriptions against operational reality, which would be instrumental in the optimisation of the standard job descriptions over time, which would be of great benefit to, inter alia, EU capability development and Member States' pre-identification of experts best qualified for certain functions.

3.1.2. Training and Recruitment for Military Operations

by Alin Bodescu

CSDP Military Operations are initiated and subsequently planned on the assumption that EU Member States will contribute resources (including human resources) to meet the requirements formally expressed in a document called the Statement of Requirements (SOR), or in more colloquial terms the 'shopping list' for that specific operation. Two distinct but inseparable elements are taken into consideration when discussing human resources for CSDP military operations: military troops or forces – to implement the military objectives detailed in the operation plans and Headquarters (C2 elements) – and vital elements for command (planning, issuing directives) and control (monitoring, evaluating and ensuring that the necessary corrective measures are implemented in line with political and military objectives).

As far as headquarters is concerned, the posts identified in the order of battle (ORBAT)¹ should be manned first, in order to generate the force as a whole.

This involves the two concepts of 'force generation' and 'manning'.

FORCE GENERATION

Force generation is defined as *the process where the military assets and capabilities required for an EU-led military operation are designated by Troop Contributing Nations (TCN) and/ or International Organisations and made available to the Operation Commander (OpCdr) to meet the requirements for the operation.*²

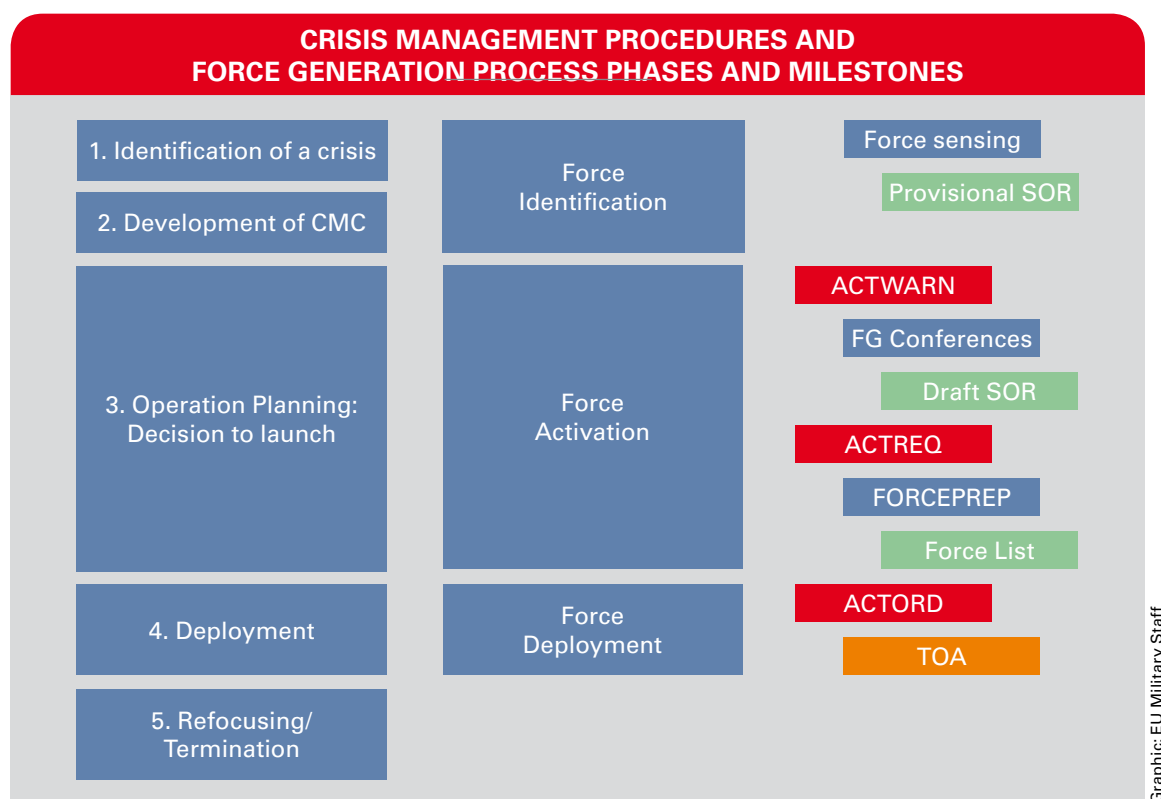
In terms of its timeline, the force generation process runs from the identification of military capabilities required for a particular operation (during planning) through the activation (Council Decision?) and up to the Transfer of Authority (ToA) of the deployed force to the OpCdr. From a legal point of view the process ends with a temporary transfer of sovereignty over the national forces. The process begins with the designation by the TCN and/or International Organisations of the forces and assets required by a military operation and implies a handover of responsibility for employing the forces (under the caveats imposed by each MS) through the institution of the ToA, from the MS to the OpCdr.

The strategic principle of matching ends with means takes shape during this phase. This is one of the acid tests of military operations, the moment when political ambitions (declarative) are correlated with the existing possibilities; moreover, mere figures become insufficient, if not irrelevant, when the qualitative aspects take priority. In order to avoid planning in vain, the planning and force generation processes are anticipated by force sensing. Informal force sensing may be initiated as soon as the Crisis Management Concept (CMC) is developed by the Crisis Management Planning Directorate (CMPD) (phase 2 of the CMP). At this point the MS will most likely provide indicative offers which do not represent formal commitments (see diagram next page).

During planning, a series of military tasks will be identified, followed by the so-called

1 ORBAT is a catalogue of potential posts for the HQ, which can be used as a basis on which the commander can tailor the HQ.

2 EUMC Glossary of Terms and Definitions, EEAS 00200/13, ARES (2013)109874, dated 29/01/2013.



‘troops-to-tasks analysis’³ (strategic level). It is EUMS which develops several Military Strategic Options (MSO) to accomplish strategic objectives through military means. Dur-

ing this stage, EUMS could conduct informal sensing *and* identify the Operation/Mission Commander, the framework/lead nation or the volume and nature of the estimated capabilities required.⁴ Each MSO should outline the force capability required to execute that specific option and the C2 structure (Commanders and headquarters at strategic – OpCdr/OHQ and operational level – FCdr/FHQ).

Other input may also inform and facilitate the development of the Provisional Statement of Requirements (PSOR) by the OHQ and the subsequent formal force generation process.

In the Initiating Military Directive (IMD), the OHQ should receive as much information as possible on the forces offered by the MS/third states during planning at political-military level.

The military OpCdr/Mission Commander, in coordination with the EEAS, conducts the formal force generation process. Member States and other troop contributors confirm the level

PSOR - indicates the type, scale of forces, assets and capabilities required; basis for force activation

EU ACTWARN - formally informs TCN about the force required

Draft SOR - contains TCN informal offers

EU ACTREQ - request TCN to formally commit forces in the draft SOR

EU FORCEPREP - formal commitments of the TCN

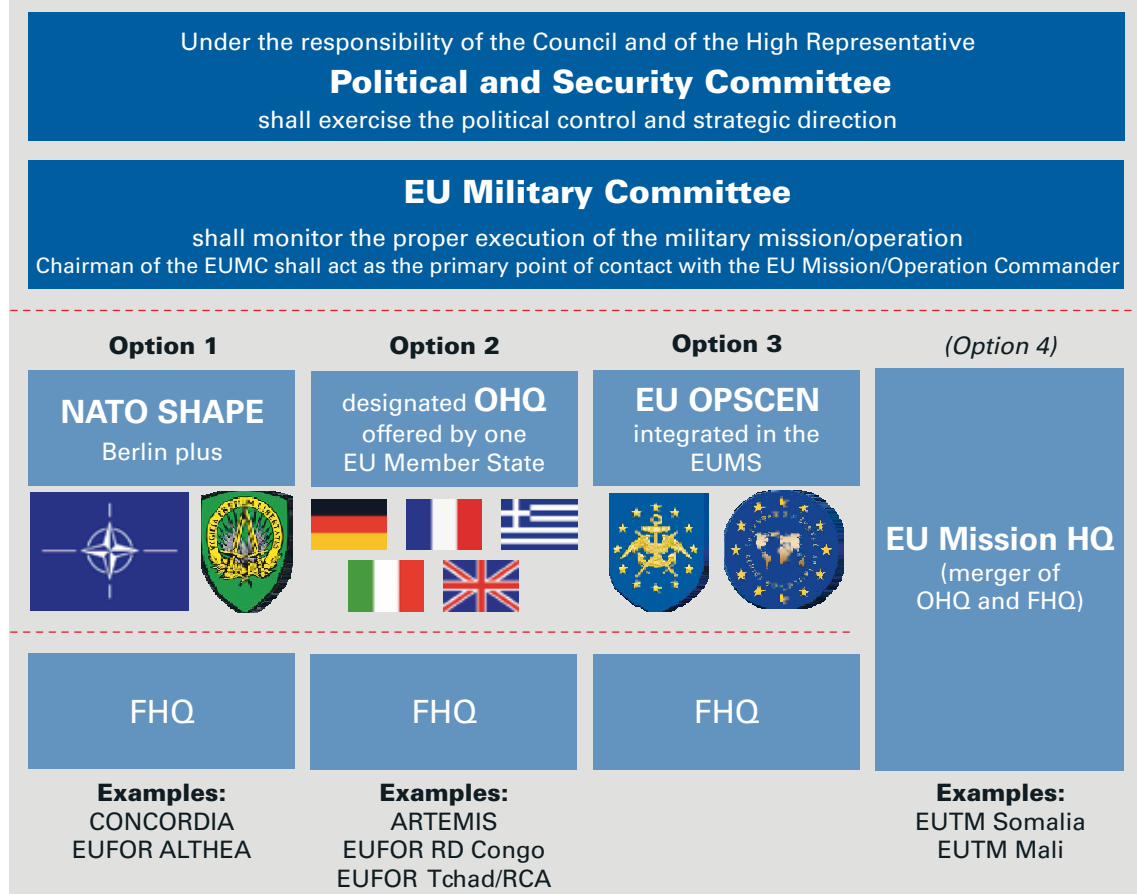
EU Force List - forces critical to mission execution

EU ACTORD - triggered by the OPLAN approval by the Council; initiates force deployment

³ In simple terms ‘troops-to-tasks’ analysis is a process through which one identifies tasks to be accomplished and the corresponding type and size of the force required.

⁴ Suggestions for crisis management procedures for CSDP crisis management operations, 2013, p. 18.

MILITARY COMMAND AND CONTROL OPTIONS



and quality of their contributions at the Force Generation Conferences. If using the Berlin+ construct, a PSC/NAC meeting will confirm, if appropriate, the availability of pre-identified NATO common assets and capabilities, beyond those used in the planning phase, and all the practical arrangements, including handover and recall.⁵

EU HQ MANNING

EU does not have permanent military structures (HQ) to command and control military operations under CSDP auspices. To cope with this serious operational limitation, there are different options specific to each level of com-

mand. At *military strategic level*, two basic C2 options have been envisaged: autonomous EU-led military operations, through one of the national Operation HQs (OHQ) offered by MS (Germany, Greece, France, Italy and United Kingdom) or the EU OPSCEN and EU-led military operation with recourse to NATO common assets and capabilities through the establishment of an EU OHQ at SHAPE. At *operational level*, five MS (Germany, France, Italy, Sweden and United Kingdom) have offered to provide a Force HQ (FHQ), whereas at tactical level, HQs may be drawn from the EU Force Catalogue, formed from a EU HQ BG or generated during the force generation process.

EU HQ are designated and activated in three stages: routine, pre-activation and activation.

⁵ Suggestions for crisis management procedures for CSDP crisis management operations, 2013, p. 26.



Photo: EUFOR ALTHEA, Herbert Pendl

Proper recruitment facilitates success in operations
(in the picture MajGen Dieter Heidecker, COMEUFOR, ALTHEA)

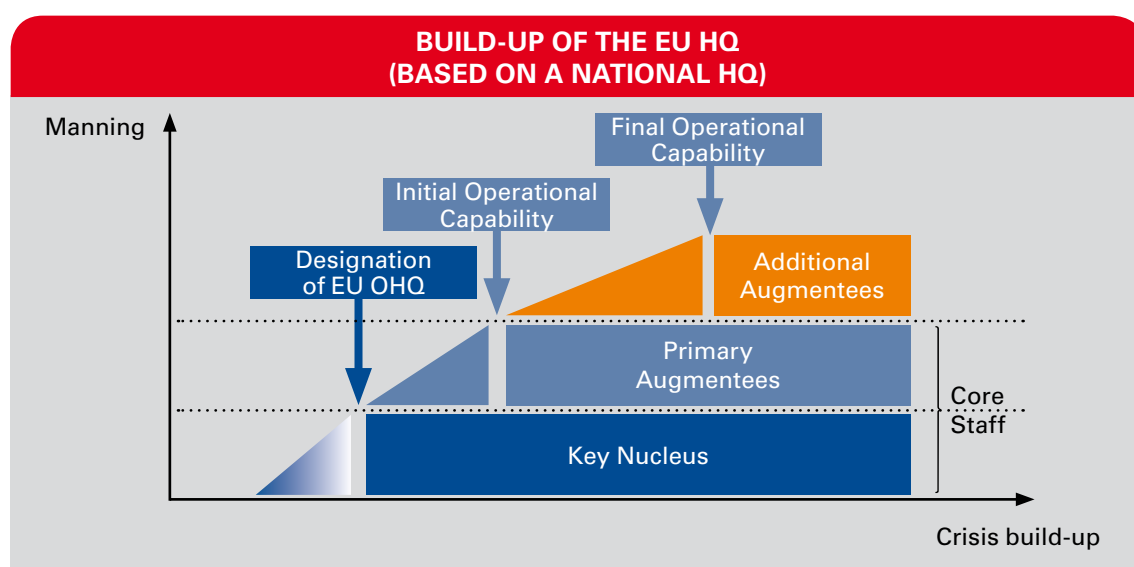
During the *routine* phase, the Parent HQ which will provide the foundation for the activation ensures that the HQ can be activated, mainly by providing training. In the *pre-activation phase*, as soon as a crisis has been identified, the Parent HQ increases the level of activity in anticipation of the Council Decision which designates the EU HQ. Triggered by the Council Decision, the EU HQ will be activated incorporating multinational staff (augmentees). The Parent HQ will provide key nucleus personnel able to activate the EU HQ. In order to create the capacity to conduct proper initial planning the key nucleus is reinforced with *primary augmentees* provided by both the Parent Nation and other volunteer MS. These two categories form the *core staff* which is pre-nominated and identified in a database maintained by the

EUMS. The final operational capability implies that EU HQ is fully manned, a situation which requires additional augmentees, which are not pre-nominated (the diagram below illustrates how an EU HQ is built up on the basis of a national Parent HQ).

TRAINING

Individual training for EU HQ personnel is mainly a national responsibility. MS should make sure that their nominees to the EU HQ ORBAT are prepared to meet the requirements described in the job specifications. However, the necessary training for a cohesive staff, able to rapidly accomplish crisis management operational needs, is a common responsibility at EU HQ level, where specific training requirements should be identified and relevant training organised.

The *EU HQ Training Guide* is the training policy of the EU HQ community, establishing the courses that should be attended by the pre-identified personnel: CSDP Foundation Training, EU Operational Planning Course, Functional Staff Training, Work-Up Staff Training, Sustainment Staff Training, Shadow Staff Training and exercises, as required.



3.1.3. Rapid Response – Pool of Experts

by Joel Schuyer

POOL OF DEPLOYABLE SSR EXPERTS

Concept

The Security Sector Reform (SSR) Pool of Experts was established in November 2010 following the Council's approval of a framework concept in November 2008 (14576/1/08 REV 1) and the PSC's approval of the modalities for deployment in September 2009 (13246/09). The concept itself therefore dates from before the entry into force of the Lisbon Treaty.

The pool contains about 100 deployable and highly-qualified experts from Member States, covering a broad spectrum of thematic and geographical expertise. It is also open to experts from the Commission and EEAS. The framework concept stipulates that the pool is a tool *'to reinforce expertise at European level in the SSR domain in order to support the European Union's SSR efforts within the framework of crisis management. Therefore the experts in the pool should be used as widely as possible.'*

Tasks

SSR experts may be used in support of the EEAS or the European Commission:

- In the preparation of an SSR mission, or within the framework of a CSDP mission or a Commission action, as a member of the mission or to provide temporary reinforcement for a short-term task.
- Outside an established CSDP mission, i.e. before the Joint Action is adopted (for missions undertaken in the exploratory and preparatory phases);

- To provide temporary reinforcement for a short-term task in military Support Actions financed by ATHENA;
- For other planning support in relation to CSDP missions;
- For the promotion of shared expertise on SSR-related matters within EU institutions and between Member States;
- To contribute to reflection on the development of SSR theory within the EU.

Procedure

A decision to call upon the pool can be taken by the Council, the PSC or the HR. A call for deployment should specify the objective, required expertise, timing, duration and deadline. Member States may propose candidates that are not part of the pool if the required expertise is not present within the pool or cannot be made available in time. Depending on who issues the Call for Contribution, the EEAS or Commission then selects a candidate and informs the Member States accordingly.

Management

The EEAS (CMPD) is in charge of the establishment, management and maintenance of the pool. A database and email address was set up for this purpose. Member States are requested to keep an updated roster of their own experts in the pool. They must make sure that their experts are in principle available for deployment and that they are trained in line with requirements.

Application

To date, the SSR Pool has only been used once: two (of a total of ten) experts working on the Border Assessment Mission to Libya were recruited from the pool. A DEVCO attempt to deploy SSR experts to Guinea Conakry in 2011 failed mostly due to misunderstandings and perceived unclear provisions about financing with varying expectations regarding the coverage of costs (including insurance costs, etc). Proposals to deploy experts to Egypt and Tunisia in 2011 were not taken up.

EXPERT POOL FOR CIVILIAN RESPONSE TEAMS

Concept

Civilian Response Teams (CRT) are civilian crisis management rapid reaction units of flexible size and composition. They may consist of Member State and European Commission experts with, in principle, EEAS participation. CRT members are drawn from a pool of experts pre-selected in accordance with agreed criteria and procedures. Before their first deployment, CRT members undergo specific CRT training. CRT members can be deployed within five days of a request by the HR/VP, PSC or Council. CRT members work in accordance with generic terms of reference.

The CRT Concept was revised in 2009 and includes the generic terms of reference, training course plans and mobilisation and deployment procedures (15371/09). It aligns itself, as far as possible, with the modalities that apply to the SSR pool while taking into consideration the differences between the SSR and CRT pools, notably as regards their rapid deployability.

Tasks

A CRT may be deployed:

- To carry out assessments and fact-finding missions in a crisis, emerging crisis or post-crisis situation and, when appropriate, pro-

vide input for the development of planning documents for CSDP missions, and for possible action to be taken by the Commission;

- To establish a rapid initial operational presence in the field and to support the build-up and deployment of a civilian crisis management mission or Commission activity;
- To provide timely reinforcement of existing EU mechanisms for crisis management at country and regional level in response to urgent and distinct needs, i.a. to support a CSDP mission or under the auspices of a EUSR function.

Procedure

A decision to deploy CRT members for CSDP purposes is taken by the PSC, the HR or the Council within the normal context of actions undertaken in each phase of crisis management procedures. CRT deployments for CSDP assessment or fact-finding purposes are led by the EEAS. In the interests of the coherence of EU action, the EEAS and Commission should seek to undertake joint assessment missions wherever possible and appropriate.

In the case of fact-finding missions, CRT members work under the Chief of the fact-finding mission. In CRT deployments for assessment and mission build-up, CRT members work under the Team Leader designated by the EEAS (for CSDP), or by the Commission (for Community activities). When a Head of Mission has been appointed, CRT members work under the mission chain of command. When deployed in support of an EUSR, CRT members work under the authority of the EUSR.

Management

The CRT Pool is *de facto* managed by the CPCC. It has been updated various times and its experts have been trained in the past as teams. Member States and the Commission keep a roster of their own experts selected for the pool. They must inform the EEAS if a CRT member is



Photo: EEAS

EUBAM Libya: Natalya Apostolova and Antti Hartikainen visiting the Triangle

unavailable for a period exceeding six months.

Each Member State and the Commission are responsible for establishing the necessary modalities to ensure the availability of CRT members. The EEAS maintains an updated list of all CRT members and organises a networking meeting for all CRT and National Contact Points, in principle on an annual basis, and facilitates CRT networking through electronic means.

Application

Experts from the pool as well as from outside the pool have been deployed on various occasions (including for planning purposes in the Democratic Republic of Congo (DRC), Georgia, Niger, exercises).

OTHER EXPERT POOLS

Other EU internal expert pools for rapid deployment purposes are managed by DEVCO, EEAS/CROC. The Commission can also rely on external experts (Community Civil Protection Mechanism and Expert Support Facility used for Instrument for Stability (IfS) projects).

3.1.4. The European Security and Defence College

by Jochen Rehr

Soon after the establishment of a Common European Security and Defence Policy in 1999, the need for a Common European Security Culture was recognised by the EU Member States. Hence, in 2002, the Greek Presidency focused – as one of its Presidency priorities – on ‘Common Training’. Consequently, the first ESDP ‘Orientation Course’ took place in May 2003.

In April 2003, the quadrilateral summit between France, Belgium, Germany and Luxembourg (deprecatingly called the ‘Chocolate Summit’) attempted to reinforce the Common European Security Culture by developing several proposals, one of them being the creation of a European Security and Defence College. Some Member States and their national training institutes took up the initiative and launched the first ‘High Level Course’, a CSDP-focused training course for strategic decision makers working either in national capitals or in EU institutions.

Both the ‘Pilot Orientation Course’ of 2003 and the ‘Pilot High Level Course’ of 2004/05, together with the experience gained, laid the foundations on which to define the functioning and legal establishment of a European Security and Defence College in the 2005 (Council Joint Action 2005/575/CFSP), which was revised in 2008 (Joint Action 2008/550/CFSP) and 2013 (Council Decision 2013/189/CFSP).

STRUCTURE

The European Security and Defence College was created as a network college, providing an umbrella for national training institutes, academies, colleges, universities and institutes – ranging from diplomatic acad-



emies to NGOs, from defence universities to police colleges – which offer courses, seminars and conferences related to the Common Foreign and Security Policy. These national institutes actively engaged in the ESDC meet on a regular basis as an ‘**Executive Academic Board**’. The main tasks of this Board include *inter alia* to provide academic advice and recommendations to the Steering Committee, to develop standardised curricula for ESDC training, as well as to co-ordinate and implement the agreed academic training programme.

The **Steering Committee** is the decision-making body of the ESDC. It provides political guidance for ESDC activities and adopts the annual budget presented by the Head of the ESDC. The Committee consists of representatives from all EU Member States. It is chaired by a representative of the High Representative of the Union for Foreign Affairs and Security Policy. Its main tasks include establishing the academic training programme, providing guidance to the Execu-

tive Academic Board and agreeing the standardised curricula.

The **Head of the ESDC**, assisted by a Secretariat, takes responsibility *inter alia* for the effective functioning of ESDC activities, maintaining contact with Member States and external training actors as well as representing the ESDC. The Head is accountable to the Steering Committee for the financial and administrative management of the College.

The **ESDC Secretariat** consists of Seconded Experts from EU Member States and the EU institutions. Its main tasks include supporting the various working parties (Steering Committee and Executive Academic Board) and assisting the Head of the ESDC. Various training managers ensure high-quality training by helping with the programming, planning and conduct of training activities and guiding their evaluation processes.



The participants at the first 'Pilot Orientation Course' in Brussels, May 2003

TRAINING ACTIVITIES

The ESDC provides training in the field of the Union's Common Security and Defence Policy (CSDP) in the context of the Common Foreign and Security Policy (CFSP) at EU level in order to develop and promote a common understanding of CSDP among civilian and military personnel, and to identify and disseminate, through its training activities, best practice in relation to various CSDP issues.

To date, the College has set up around 40 different training activities, ranging from one-day events (e.g. conferences) to modular courses (e.g. the CSDP High Level Course) run over a full academic year. The various events include orientation and induction training as well as High Level Courses and Senior Mission Leaders' Courses. The training record until 2013 lists around 6,500 alumni from all Member States and invited third states/international organisations. About half of the activities take place in Brussels, and the others in various places inside and outside the European Union.

An internet-based distance learning (IDL) tool complements all the College's training efforts. Besides this, the ESDC provides support for international European training and exercise activities through its eLearning tool. Since 2012, the College has been actively engaged in pre-deployment training for the Headquarters of CSDP missions and opera-



tions with mission-tailored IDL courses supporting the set-up and rotation phase. The college has also established specific IDL courses to facilitate the conduct of exercises (e.g. Multilayer Exercise 2012, Military Exercise 2013, Combined Joint Exercise 2014).

STANDARDISED CURRICULA AND CERTIFICATION

All the College's training events are recognised by the 28 Member States and regularly supported by the EU institutions and agencies.

Most of the training activities follow the established standardised curricula which are reviewed on an annual basis and checked vis-à-vis the present training needs and require-





Photo: Jochen Rehr

Group Work in the margins of the CSDP Training Programme for Western Balkan countries in Belgrade, October 2013

ments. This process is guided by the relevant desk officers and subject experts. Additionally, all training activities are evaluated and lessons learnt are taken into account when the curricula are reviewed.

Having completed an ESDC course, participants can be sure of knowing the latest, most accurate information about a topic. This is confirmed by a certificate signed by the High Representative of the Union for Foreign Affairs and Security Policy. According to Article 18(3) of the Council Decision 2013/189/CFSP, ‘... *The certificate shall be recognised by the Member States and by the Union institutions.*’

Having successfully completed an ESDC training activity (except stand-alone online courses), the participant becomes an ESDC alumni and receives regularly updated information about the EU’s engagements around the world. Some of this information is also posted on the freely accessible webpage of the College.

TRAINING OF YOUNG OFFICERS

The ‘European Initiative for the Exchange of Military Young Officers’ (also known as ‘Military Erasmus’) was launched under the French Presidency in 2008. The main goal was and still is to promote the Common European Security Culture by encouraging exchanges between young officers in different Member States during the initial phase of their officer’s training and education, as well as by establishing common training modules on different subjects, including on CSDP.

The ESDC was tasked with implementing the Europeanisation of young officer’s training. To do so, the ESDC established an ‘Implementation Group’ which relies on input from various Military, Naval and Air Academies in the EU Member States. This Group works under the guidance of the Executive Academic Board, but reports directly to the Steering Committee.

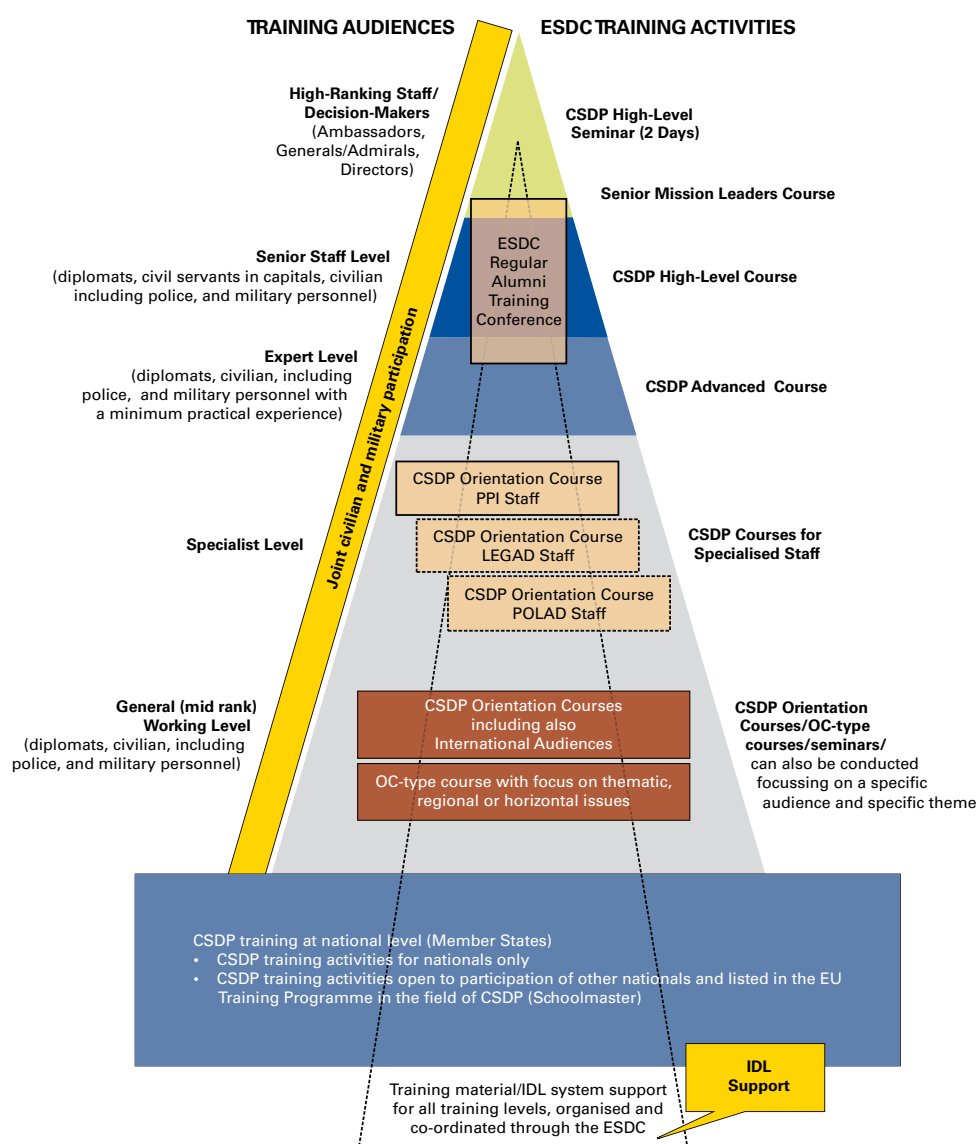


Photo: Franz Weber, Austrian Study Centre for Peace and Conflict Resolution

About half of the ESDC training activities take place in Brussels, and the others in various places inside and outside the EU (in the picture the EU SSR Core Course at the Austrian Study Centre for Peace and Conflict Resolution)

So far, the initiative has led to several events each year (see www.emilyo.eu). These events are based on 'common modules' (equivalent to the standardised curricula) and touch on aspects such as the law of armed conflict or the media. Some Member States have already included those common modules in their national educational system, whilst others are lagging behind. But the new European spirit supported by this initiative within the officer's corps is increasing each day.

HIERARCHY OF TRAINING AUDIENCES AND RELATED ESDC TRAINING ACTIVITIES



3.2. SKILLS

3.2.1. Cultural Awareness

by Hans Lampalzer

'You enter a conference-room, see people and greet them ...', this routine situation was taken as one example for a short film, introducing cultural awareness at the EDA-pilot course for armament co-operation in Brussels and Stadtschlaining (Austria) in 2012.¹ *'So what,'* one might ask, remembering all the different types of meetings, *'is the link to cultural awareness?'* and *'why should I as a decision maker know more about it? After all, I am used to working in an international environment.'* These are statements often heard and no one would question the relevance of international experience. However, experience alone does not automatically or necessarily lead to learning. There are numerous examples which prove that strategies or projects failed, simply because the cultural perspective was ignored.

The objective of this article is to outline how culture got into the focus of civilian as well as military crisis management, what characterizes the situation today and why culture should be taken into consideration by decision makers, or respectively, what benefits can be derived from integrating cultural awareness.

Although interactions among people of different cultural backgrounds have been there throughout history and soldiers as well as police forces and diplomats belong to those groups that are steadily in contact with each other, culture was not recognized as a significant factor until after World War II.

As Margaret D. Pusch, one of the pioneers in the intercultural field pointed out, the roots of intercultural training are directly linked to the international involvement of the United States of America. The lack of effectiveness and mistakes which had a direct impact on their work in their host countries, were the reasons to establish first intercultural training programs for diplomats and development specialists.² Concerning the military it was the U.S. Navy which, around 1971, stepped up their initiatives, in order to avoid incidents involving sailors on leave in foreign ports. Such incidents threatened U.S. relations with countries, like, for instance, Greece. Yet, educating the people in a culture-specific way was only partially successful. In a further step and using a much broader approach an investigation of the impact of culture itself was considered necessary. This led to the creation of the first intercultural simulation game, called *BáFá BáFá*. The idea was that Navy personnel should learn how to interact effectively within any culture.³

In Europe intercultural training became more popular only in the 1980s, when Geert Hofstede from the Netherlands published his first book *Culture's Consequences*. His research showed that specific cultural dimensions (original power distance, uncertainty avoidance, individualism vs. collectivism, masculinity vs. femininity) distinguish one culture from another. In European armed forces cultural training was,

1 <http://www.youtube.com/watch?v=X8KIN0m9zL0&feature=youtu.be>

2 M. D. Pusch, 'Intercultural Training in Historical Perspective', in: D. Landis, J. M. Bennett, M. J. Bennett, *Handbook of Intercultural Training*, Third Edition, 2004, p. 13.

3 Ibid, p. 20.

for a long time, just seen in the context of preparing the troops for UN-missions. This mainly included providing culture-specific details, *dos and don'ts* and some advice concerning the mission area. Due to its long tradition in UN Peacekeeping, Austria was among those nations that integrated such aspects in their pre-deployment training. Cultural training as a term, however, was not very common until the end of the 20th century. At that time the German Bundeswehr tried to establish *intercultural competence* as a tool for their soldiers. Like in the United States, this development was mainly driven by negative experiences from missions abroad. On a social and political level, culture gained attention, when, in 1993, Samuel Huntington predicted *the clash of civilizations*. Since then culture has very often been used as an umbrella term for ethnically inspired conflicts.

The wars in Iraq and Afghanistan and, especially the problems occurring there, gave rise to further developing the cultural dimension. Culture became a *force multiplier*, meaning that cultural capability could increase the combat potential and thus enhance the probability of successful mission accomplishment.⁴ The importance of the cultural perspective was considered worldwide in different formats and found its way into strategic documents and studies, like, for instance, the *Whitebook* of the German Bundeswehr (2006) or *The Operational Environment, The World Through 2030 and Beyond* by the United States Joint Forces Command (2007) as well as manuals and doctrines, like the *U.S. Marine Corps Counterinsurgency Field Manual* (2007) or the United Kingdom's *Joint Doctrine Note 1/09, The Significance of Culture to the Military* (2009). Pre-deployment training programmes, integrating role-players with a cultural background from the mission area, were introduced in many armies. In general, all these measures, aiming to deal with the local population and understand the

underlying causes of conflict, can be seen as the first of three fields of application of cultural competence.

The second field, where culture is considered as a relevant factor, deals with relationships among military partners. Since the 1990s, military operations have increasingly been conducted in a combined way and co-operation was no longer a more or less exclusive domain for HQ-personnel. Strengthening interoperability and creating a common culture was, therefore, considered essential for mission success. In this respect, the great responsibility of enhancing cultural capabilities lies with the ESDC which provides support for exchange programmes of national military training institutes. An important initiative in this context got underway in 2008, when the French EU-Presidency, inspired by Erasmus, proposed, among other measures, the exchange of young officers. By conducting the first common module on CSDP, in 2009, in Portugal a remarkable step was accomplished. In the meantime common curricula have been developed and recognition procedures installed. In line with that, intercultural competence and language learning were incorporated into the curricula of military study programmes and into various courses.

Whereas cultural training for a mission area is now more or less established on a routine basis and no longer questioned, the relevance of the cultural factor in co-operation processes is still very often underestimated. One can still find the tendency to favour a cultural concept, driven by coherence and uniformity. An often heard argument is that what counts are the *same professional basis* and a *common feeling*, which, at the end of the day, however, might reduce mission effectiveness.

Let us, once again, turn to the EDA-pilot course for armament co-operation: One of the exercises focused on different communication

4 Cf. U.S. Department of Defense, 'Dictionary of Military and Associated Terms', 2005.



Photo: EUFOR Tchad/RCA

EUFOR Tchad/RCA, Communication on the role of EUFOR to local population, December 2008

styles. The participants had to write e-mails, expressing their dissatisfaction with a colleague who failed to meet time-lines, thereby posing a considerable threat to the success of the whole co-operation project. It turned out, that two German participants used the most direct as well as the most indirect style. What makes this example so useful? Several conclusions can be drawn from it:

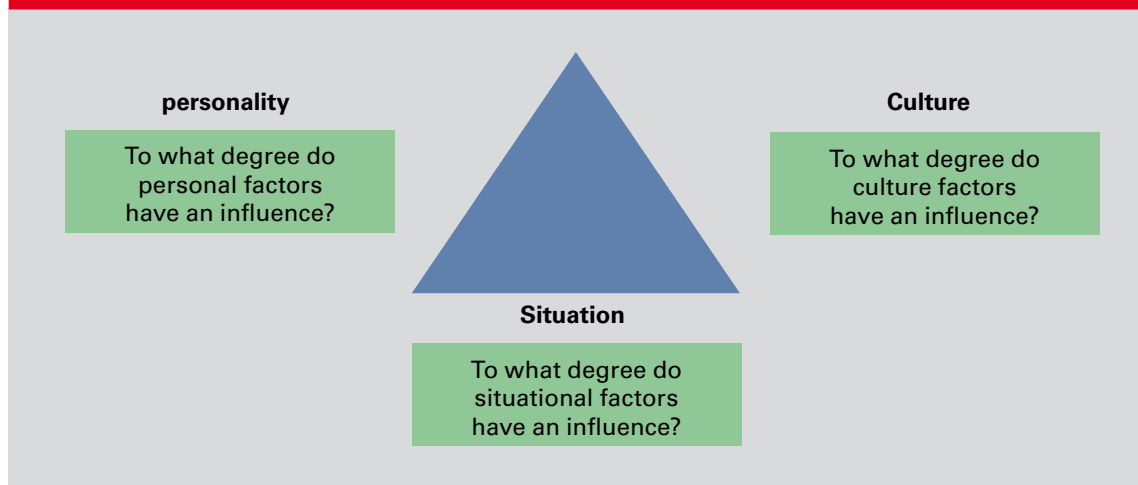
- First, Germans tend to use a direct style and the example proved well-known research. So far no surprise, one can say.
- Second, we have to be aware, that people from the same country might use totally different communication styles. As such

stereotypical expectations are questioned, inconsistent and even contradictory patterns become visible.

- Third, we subsequently have to get away from previous definitions, characterizing culture as something coherent and unifying. The fact that both participants were Germans, belonging to the armed forces and working in the armament branch demonstrates why the traditional understanding of culture does not reflect the diverse and complex reality, neither on a national, nor on an organisational level. As Stefanie Rathje, a German scientist, underlines, the stubbornness of the Coherence Paradigm lies in the 'lure of simplicity'.⁵

⁵ S. Rathje, 'The Definition of Culture: An application-oriented overhaul', *Interculture Journal* 2009/8, p. 37.

ACTING AS FUNCTION OF THE INTERPLAY BETWEEN PERSON, SITUATION AND CULTURE



Adapted from E.-U. Kinast/S. Schroll-Machl, »Überlegungen zu einem strategischen Gesamtkonzept für Interkulturalität in Unternehmen«, in: A. Thomas, E.-U. Kinast, S. Schroll-Machl (Hg.), Handbuch Interkulturelle Kommunikation und Kooperation, volume 1: Grundlagen und Praxisfelder, 2005, p. 435.

The third field of application focuses on the diversity of the forces themselves. The way how soldiers of different ethnicity, gender and religion are treated has become more relevant than it was in the past. The armed forces have changed from a conscript-based system to an all-volunteer force. Neglecting diversity issues would, therefore, reduce the possibilities to attract new recruits or retain personnel in the forces. As Winslow, Kammhuber and Soeters stated, the inclusion of minorities would also have other positive effects: The forces could benefit from the diverse backgrounds and skills of those people, while the minorities themselves would feel better integrated and valued by society. Overall, this would enhance the legitimacy of the armed forces and contribute to their reputation.⁶

After this brief overview, let us now move on to a practical tool which is very useful in analysing intercultural situations. In general, it has to be said that culture should only be seen as one of three factors that influence the outcome of a situation. Reflecting on and differentiating between cultural, personal and situational factors helps to establish balance rather create

prejudices. Own and different cultural standards, personal habits and preferences as well as situational conditions or requirements are, at the end of the day, the defining elements.

So what conclusion can be offered to decision makers? First, a great deal of convincing those involved in crisis management who still question the relevance of intercultural competence or even oppose the idea remains to be done. People, neglecting the relevance of the cultural dimension, exist on all levels. As long as intercultural competence is reduced to adhering to instructions of *Culture Smart Cards* or perceived as *luxury*,⁷ failures and negative experiences from the past will be repeated in the future. Second, intercultural expertise has to be included on all levels. Considering culture as a significant factor, especially on a strategic level, such as policies or strategies, will have positive effects on society, on co-operation processes and on realistic and successful mission accomplishment.

In intercultural situations it is important to consider three factors: personality, culture and situation.

⁶ D. Winslow, S. Kammhuber, J. L. Soeters 'Diversity Management and Training in Non-American Forces', in: D. Landis, J. M. Bennett, M. J. Bennett, *Handbook of Intercultural Training*, Third Edition, 2004, p. 395–397.

⁷ S. Kammhuber, »Sicherheitspolitik und interkulturelle Expertise«, W. Dreyer, U. Hößler (Hg.), *Perspektiven interkultureller Kompetenz*, 2011, p. 365.

3.2.2. Negotiation Basics

by Miriam Fugfugosh

Negotiation is a *conversation* to find a way forward. It is a process whereby two or more parties enter into an exchange to seek an agreement. The professional contexts in which negotiations occur can be within teams, with Headquarters or with local interlocutors. Any issue can be negotiated from programmes for visits to requests for leave, from peace talks to treaties. Individuals could find themselves negotiating directly, being part of a team, or advising others. The *issue(s)* being negotiated, the *goal(s)* of the parties and the *relationships* between the parties all influence the strategy that should be employed.

This chapter provides some basics on negotiation, how to begin preparing, and some resources for further study, whether the case in question is a formal negotiation process or an unstructured exchange.

STAGES OF A NEGOTIATION PROCESS

Preparation is key for a successful process. Although some stages of the process take place concurrently, and not all processes follow the same path, the stages can be generically outlined as follows:

- Step 1: Preparation
 - Identify your positions, interests and needs and decide on strategy
 - Analyse the same points from the perspectives of the other parties
 - Meet with other parties: discuss arrangements and begin building relationships
- Step 2: The talks
 - State positions
 - Explain interests
 - Brainstorm options
 - Evaluate options and bargain
- Step 3: Agreement

A FEW PERSPECTIVES

'Negotiation is a core function of diplomacy. It is a primary means by which states and other international parties interact with each other, pursue their interests, and advance their positions.'

Fredrik Wesslau, *The Political Adviser's Handbook*, Folke Bernadotte Academy, 2013, p106.

'Negotiation is the process whereby interested parties resolve disputes, agree on courses of action, bargain for individual or collective advantage, and attempt to craft outcomes that serve their mutual interests.'

George Kohlrieser, *Hostage at the Table*, Jossey-Bass 2006, p150.

'Negotiations are a continuation of war in a different theatre of operations.'

Lt. Gen Lazaro Sumbeiywo, *To Be A Negotiator: Strategies and Tactics*, Mediation Support Project (Center for Security Studies, ETH Zurich and Swisspeace) 2009, p5.

Step 1. Preparation

Prepare your strategy – 'negotiation begins at home'

- Identify your negotiation team and the roles within it, and carry out preparations as a team.
- Identify your positions, your interests, your needs and the concessions that are off-limits.
- Identify if any interests are more important than others; if any are short-term or long-term.
- Be very clear on your negotiation authority and any limitations you might have.
- Weigh the value of the objectives against the relationship and decide if you will carry out *hard* or *principled* negotiations. These are explained further on.

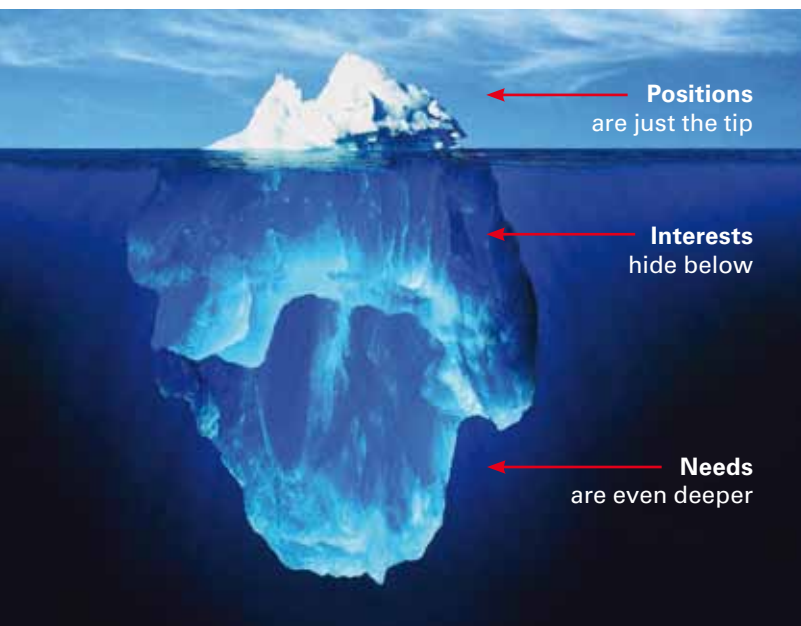


Photo: <http://terrymurrayblog.com> (Download on 03/09/2013)

Imagine an iceberg

the other sides, but the analysis is the start to identifying areas of commonalities, great discord, and possible movement or 'negotiable' positions. The first step is becoming comfortable with these concepts; the table below and iceberg diagram provide some ideas.

Identifying strategy

When developing strategy, parties need to clearly identify their objectives and to weigh the value of the relationships with the interlocutors against it. If you have nothing to lose by being tough, then focusing on the objective will be easier – for example, if you are negotiating the price of a carpet at a market with a stranger you will never meet again; this is an example

Positions – 'the what'	Interests – 'the why'	Basic Human Needs
<ul style="list-style-type: none"> • Constitute demands – usually what is said first • Often confused with interests • Indicate main issues and grievances • Tend to be maximalist demands • Generally formulated in aspirational language • Tend to become entrenched over time • Often used by leaders in their political rhetoric • Often inflated to leave room for bargaining 	<ul style="list-style-type: none"> • Often confused with positions • Constitute the reasons behind the positions • Can be difficult to identify even for the parties • Often not unveiled as they can show vulnerability • Generally based on grievances and 'needs' • Can vary within a group, and even be contradictory within a group • Can be tangible (i.e. revenue from natural resources) • Can be intangible (i.e. security) • Can be short-term or long-term; can vary or be contradictory in these time horizons 	<p>Basic human needs are the bedrock of interests. Many philosophers, psychologists and scholars have penned different versions. Generally, they can be divided into two categories (physical and psychological) and include:</p> <ul style="list-style-type: none"> • physical security, • economic well-being/livelihood, • recognition, and • identity.

Identifying positions, interests and needs

During the preparation phase, all sides need to think long and hard on defining their *positions*, their *interests*, and their *needs* and how they build on each other. To come up with a way forward, one must know clearly, and be able to explain, why the status quo is problematic or not optimal. All sides should carry out this analysis for themselves and for the other parties. There surely will be errors in the assessment of

of where a *hard* negotiation is likely. If you will continue to work with the other parties after the negotiations, then concessions and a gentler approach are necessary. For example, arguing over the price of rent with your landlord, your salary with your boss, a shared inheritance with your brother or trade policy with your host-country. These are situations in which a *principled* negotiation seeking mutually beneficial solutions is more appropriate.

Principled negotiations focus on interests rather than on positions. Roger Fisher and William Ury provide some principles for success in their book *Getting to Yes*: separate the people from the problem; focus on interests not on positions; invent options for mutual gain; and, use objective criteria (such as market value, laws, or geographical features like rivers).

When interests are the focus of negotiations, there is a greater chance of a satisfactory outcome for all parties and consequently a more sustainable agreement over the long-term.

Study the other side(s)

- Analyse the positions, interests and needs of the other parties.
- Estimate how they might value their relationship with you.
- Identify relationships the parties have with other parties and how they might impact your talks.
- Brainstorm their possible alternatives.
- Research the individuals on the negotiation team – know who will be sitting at the table.

Conduct pre-talks – ‘the talks about the talks’

- Meet with the other parties
- Discuss agenda, venue, use of a mediator, scheduling, ground rules, seating arrangements, etc.
- Build relationships, make bonds – the importance of this step, which is obviously ongoing as relationships need to be nurtured, is frequently underestimated and not dealt with strategically enough.

Step 2. At the table

What you talk about – go beyond positions and ‘Mind the Trap’!

Negotiating over positions is a trap for failure. Without understanding what is behind the positions of a party, an impasse is certain; you will be trapped in *positional bargaining*. Without identifying the reasons why a party has a position,

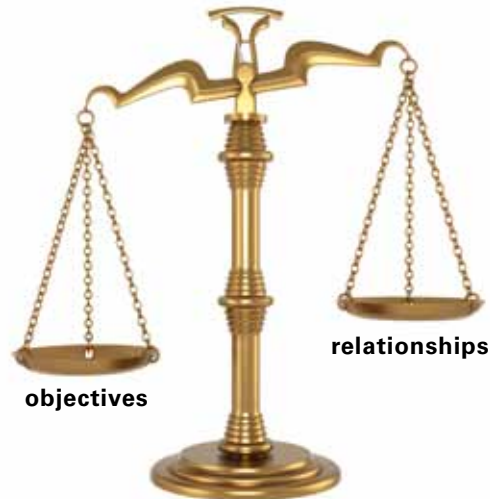


Photo: www.sxc.hu

Weigh the value of each. What concessions are you prepared to make for one or the other?

the party becomes further entrenched in their position, the position and the person become difficult to separate, and the conversation ends. Refer to the Fisher-Ury principles and focus the discussions on interests.

How you talk – using dialogue to build relationships and engagement in the process

To encourage dialogue and to move away from ‘positions’ and arrive at ‘interests’, use open questions such as: ‘*Why? Why not? Can you help me understand? Could you explain it to me please?*’

This approach to dialogue is not only more conducive to better understanding the interests of the other parties, but it also contributes to *relationship-building*. How you ask questions and how you listen can show *empathy*, which in turn nurtures a bond and engagement in the process. It is the stronger relationship that will enable more productive and creative dialogue.

One hazard in negotiations is misunderstandings due to differing *perceptions*. Focusing on how the parties perceive a fact, an act, an expression or an object is of the utmost importance. This of course becomes more complicated in multi-cultural contexts, or multi-lingual exchanges. Questions such as ‘*How*



Delegations of the E3+3 and the Islamic Republic of Iran, led respectively by the EU High Representative for Foreign and Security Policy and the Foreign Minister of Iran, held two days of substantive and forward-looking negotiations in Geneva on 15-16 October 2013

do you understand what happened?’ or ‘What importance does that carry for you?’ can help clarify perceptions.

Depending on the context, you might find that asking ‘directing’ questions will be more productive. Questions that are excessively open can shift power or lead the discussion into the abyss of grievances rather than towards solutions. An example of a directing question could be ‘*What are some ways we could improve the situation?*’ rather than ‘*What are your thoughts?*’

Arriving at the step of brainstorming options and alternatives, creative questions should be used. Such as: ‘*What if ...? What would you suggest? What seems fair to you? What is wrong with this? How would you do it? What would an attractive outcome look like to you?*’

Building relationships between parties takes place through dialogue and gestures, such as a well-placed concession. Individuals do not

have to like each other in order to work together productively in a negotiation process; a bond over the process is sufficient. Engagement in the overall process is strengthened by relationships.

Step 3. Agreement and Implementation

Weigh the agreement against other alternatives and your bottom lines. If a better alternative is possible then walking away from the table is evident. However, how one walks away is important as you might want to come back. The key message is to maintain the relationship.

A FEW THINGS TO BEWARE ...

Beware the cowboy!

Respect for constituency can be forgotten in the heat of negotiations. Remember that you are not negotiating on your own behalf, so do not offer or settle on something you cannot sell to your constituency. Very importantly, do not expect the other parties to do so either.

Pick your battles

When faced with road blocks or difficult behaviour:

- Focus on the issues and possible solutions and avoid past injustices
- Ignore slights or provocations
- Take breaks
- If necessary, change negotiators

Timing!

Patience is key. Processes can last days, months or years. The art of bargaining includes not playing all your cards at once. Know when to reveal your alternative. This means you have to have developed enough of a bond with the other parties to know how to read them, and how not to risk undercutting their engagement by using tactics poorly.

Also, negotiation processes do not occur in a time vacuum. Actions taken can affect the course of the negotiation. Negotiation teams must consider how to positively impact the process throughout, such as strengthening alternatives and revisiting objectives to evaluate where new options may be found.

Nature or nurture

Skills of an effective negotiator include perception, listening, patience, quick reaction, grace and humility, empathy and the ability to delegate. These are all skills that can be learned and developed.

RESOURCES FOR FURTHER STUDY

Books

- Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreements Without Giving In*, (New York: Penguin Books, 1981).
- David Lax and James Sebenius, *3D Negotiation. Powerful tools to change the game in your most important deals* (Boston: Harvard Business School Press, 2006).
- William Ury, *Getting past No: Negotiating with difficult people*, (London: Random House, 1991).
- Fredrik Wesslau, *The Political Adviser's Handbook*, Folke Bernadotte Academy, 2013
- 'Chapter 7: Negotiation' and 'Negotiation Tactics' on pp122-125
<http://folkebernadotteacademy.se/en/Competences/Political-Affairs/Order-Download-the-Political-Advisers-Handbook/>

Articles

- Maj Aram Donigian, Jeff Weiss and Davood Moradian, 'Beyond formality: a better way to negotiate in Afghanistan', *Armed Forces Journal*, April 2013. Perspectives from negotiations in Afghanistan on how to have better discussions and build better relationships in the face of cultural differences and protracted conflict <http://armedforcesjournal.com/article/2013/04/13616900>
- LtGen Lazaro Sumbeiywo, 'To Be A Negotiator: Strategies and Tactics', *Mediation Support Project* (Center for Security Studies, ETH Zurich and swisspeace) 2009. First-hand advice from a mediator to negotiators in peace talks
http://www.css.ethz.ch/publications/DetailansichtPubDB_EN?rec_id=1416

3.2.3. Reporting

by Miriam Fugugosh

The aim of reporting is to add value. It is to contribute to decision making and policy development at Headquarters level. The ability of Delegations to gather information, analyse it, and transmit high-quality reports in a timely fashion directly impacts the quality and coherence of EU actions in foreign policy.

WHY IS THERE ADDED VALUE IN REPORTS FROM DELEGATIONS?

Information is abundant today from sources including the internet, the 24-hour news cycle, mainstream and independent reporting, social media and the 'citizen journalist'. However, Delegations possess privileged access to information in the host-country through the relationships they have built up with local interlocutors as well as their knowledge of the host-country's political systems, culture, history, etc. Information is valuable in itself, but its analysis is crucial for the needs of Headquarters. Delegations possess an understanding of EU interests as well as in-depth knowledge of host-country interests. With this unique perspective, delegations can make the *analytical bridge* between the interests and activities of the EU and of the host-country. This is the added value in Delegation reporting that can be carried out by no other. That said, the quality and timeliness of the reports dictate whether the field perspective reaches the right ears in Brussels.

PRINCIPLES OF REPORTING

Reports should:

- serve Headquarters and therefore be tailored to the needs and requirements of Headquarters
- be based on issues of relevance to EU policy-making (following agendas of working groups is good practice for identifying issues of interest to Brussels)
- be received in a timely fashion (i.e. before the meeting on the topic covered in a report; a report received after the fact has no value)
- be brief (the more succinct report will have a greater chance of being read)

WHERE SHOULD YOU BEGIN?

Know the purpose of your report. This will impact how you write and help the flow of your text. Do you want to convey information? increase understanding? influence policy? or trigger action? Once the purpose has been identified, select the appropriate type of report (see below) and locate the requisite template.

What to include in a report. The mission *mandate* and *activities* should provide a clear idea of what should be covered in reporting. The *distribution list* of the report also influences what elements are included. It is essential to be clear about the *audience* before beginning to write in order to gauge the extent of background information and sensitive information, and the type of recommendations that should be included.

TYPES OF REPORTS, OBJECTIVES AND STRUCTURE

There are many types of reports all with specific purposes. Directives on reporting intervals, lines of reporting, classification and the use of templates are generally provided by Headquarters. Depending on a mission mandate, one type of report might be employed more than others. Below are descriptions of the most common types of reports expected from Delegations. Other types of reports not elaborated on here include Head of Delegation notes, Head of Mission reports, reports on internal EU coordination meetings and weekly briefs for the High Representative; information on these can be found in the May 2011 *'Guidelines on political reporting from EU Delegations'* provided by the EEAS (see resources section on page 101).

Flash Reports are for the quick transmission of facts on a significant event and should not exceed one page; they should be submitted within 24 hours of the event.

Issue Reports provide updates on ongoing developments.

Accounts of Meetings with interlocutors in the host-country should focus on what the interlocutor said, rather than on analysis.

Thematic Reports require more research than other reports. Background information is necessary to explain for example the role and impact of a certain actor in a country, or the relationship between two conflicting groups in a country.

Ad-hoc Political Reports constitute the great majority of reports from Delegations. These reports usually have no set reporting intervals. They should not exceed 3 pages; however, a background note complementing the report can be included if the limit is exceeded.

The focus should be on analysis and significance for EU policy-making. Political reporting broadly includes matters concerning the state and should cover issues such as:

- Domestic and foreign policy developments in the host-country
- Security issues
- Host country policies with international impact (economy, environment, energy)
- Activities of other international players in the host-country
- Regional thematic issues
- Ongoing and emerging crises

A RECOMMENDED STRUCTURE FOR POLITICAL REPORTS

- **Summary:** Begin with a summary in 100 to 150 words; note if the report is in response to a particular request, or for preparation of a specific meeting.
- **Action:** Follow with a section outlining any action requested
- **Facts or Details:** What has occurred? (who? what? when? where?)
- **Analysis:** Why did it occur? What are the implications in the host country? What are the implications for the EU? What are some possible future scenarios?
- **Recommendations or Next Steps:** These should be action-orientated, clearly identifying who should take the action, and if multiple recommendations are provided the advantages and disadvantages of each should be outlined.

'Proposals for action should strike a balance between realism and idealism ... proposals that lack ambition risk having no impact.'
Fredrik Wesslau, *The Political Adviser's Handbook*, Folke Bernadotte Academy, 2013, p59.

ENTICE YOUR READER!

Reports are not necessarily read at the best moment for optimal comprehension, i.e. first thing in the morning over a cup of coffee when we are all most alert and receptive to brilliant analysis. Rather, reports are read when time becomes available and the information is needed most urgently, i.e. just before the meeting on the topic covered in the report, maybe in transit to the meeting – maybe quickly skimmed over during the meeting. Below are a few pointers on how to increase the chances that your report will be read and your brilliant analysis will contribute to EU action.

SOME POINTERS TO MAKE YOUR REPORT MORE READABLE

- Use sections and subsections
- Use ‘bold’ type to highlight section headings
- Number paragraphs and pages for easy referencing
- Use succinct language (avoid adjectives and adverbs and omit any superfluous words)
- Use the active voice over the passive
- Write short sentences
- Avoid acronyms and jargon
- Place the most important information early in your text
- Use catchy titles for attention (if you dare)
- Do not underestimate the value of white space on the page

TIP ON TITLES

The title you choose has an impact on whether your report is selected for reading. Refer to your protocols but choose wisely to increase the chance of your report being read.

Titles can be:

- Statements: ‘Country X has deployed troops’
- Questions: ‘Why has country X deployed troops?’


- Puzzles: ‘Temperatures rising’ – could be political tension or climate
- Dramatic: ‘Border tensions troubling’
- Informational: ‘Discussion with Representative of Freedom Political Party, 10 August’


LAST BITS OF ADVICE

Report authors should:

- contact their readers to see how their reports could be improved or more useful
- ensure they are using the correct templates and the right reporting lines
- develop their writing skills (read a reputable newspaper on a regular basis; see ‘How to write clearly’, a European Commission Booklet available in most EU languages, a link is provided in the resources section of the chapter)
- write with accuracy and fairness – earn your credibility as a good drafter and your insights will be more likely to influence policy
- peg reports to an event – this will provide a more immediate reason to read the report

USE SIMPLE LANGUAGE





in view of the fact that	as
a certain number of	some
the majority of	most
pursuant to	under
within the framework of	under
accordingly, consequently	so
for the purpose of	to
in the event of	if
if this is not the case	if not
if this is the case	if so
concerning, regarding, relating to	on
with reference to, with regard to	about

Source: ‘How to write clearly’ European Commission Booklet, March 2010, p.6



European External Action Service

The added value of the Delegation's reporting is its in-depth knowledge of both the EU's and the host-country's interests (in the picture: Antonio Cardoso Mota, former Head of EU Delegation in Venezuela)

We all read reports every day. We are all overwhelmed with paper and short on time. We all want our reports to be treated by readers with the attention we gave them as authors. Write succinctly, clearly and with purpose. Trust your judgment and professionalism to know what to write about, when and in how much detail. Finally, when not *inappropriate* a little humour or some 'feel-good' stories can lighten the task or even draw attention to your report.

RESOURCES

- Pierre Vimont, 'Guidelines on political reporting from EU Delegations', EEAS, May 2011
The document can be requested through the EEAS Access to Documents http://eeas.europa.eu/documents/index_en.htm
- Fredrik Wesslau, The Political Adviser's Handbook, Folke Bernadotte Academy, 2013
Chapter 3: Reporting
<http://folkebernadotteacademy.se/en/Competences/Political-Affairs/Order-Download-the-Political-Advisers-Handbook/>
- 'How to write clearly', European Commission Booklet, March 2010, in English at http://ec.europa.eu/translation/writing/clear_writing/how_to_write_clearly_en.pdf
Available in all languages of the EU at http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=HC3010536

3.2.4. Conflict Analysis

by Eldridge Adolfo

Over time, the EU's work in international cooperation has become increasingly political. The establishment of the EEAS by the Lisbon Treaty represented a concrete step towards enhancing the political dimension of the EU's work. This has effectively meant that decision makers must contend with the political aspects of increased engagement of the EU in countries affected by conflict. It is therefore important for decision makers to gain a better understanding of the fact that the EU's interventions can have either a negative or a positive impact on the politics or conflict in a given country. Even the best intentions may have negative consequences that could escalate into conflict. As the old adage goes, the road to hell is paved with good intentions.

WHY CARRY OUT A CONFLICT ANALYSIS?

Conflicts (and not only violent conflicts) are often complex and multifaceted processes encompassing a large number of stakeholders, including local populations, warring factions, state armies, rebel movements and regional and international players. These stakeholders may also be pursuing various interests and agendas, which in turn drive the conflict. This complex web of stakeholders, interests, actions and drivers makes it extremely difficult for decision makers to clearly understand how, where and when to intervene. In such circumstances, a conflict analysis can give a structured understanding of the conflict by providing a 'baseline', which can be used by decision makers and diplomats to make strategic decisions regarding the planning of interventions for those working

ON a conflict. Importantly, a conflict analysis can also inform programming for those who may not have peacebuilding ambitions but who are working IN an area affected by conflict (see Interpeace, K. Van Brabant 2010). However, it is important to note that a conflict analysis cannot be a substitute for other types of analysis, but is instead complementary to them.

A proactive conflict analysis could lead to early preventative action being taken rather than waiting till after the outbreak of violence. The EU's first response to conflict is through mediation, which can be pursued throughout a conflict to bring the parties into a dialogue where they can resolve the issues at the root of the conflict.

CAUSAL ANALYSIS

Causal analysis is usually divided into three segments: structural causes, proximate causes and triggers.

Structural causes are the underlying long-term structures found within a society in the political, social, economic and security spheres. Structural fault lines include issues such as state oppression, poverty linked to inequality and even ethnic discrimination. Such problems can persist over years or even decades, and often give rise to underlying tension in a country without being an immediate source of instability.

Proximate causes are those processes in the not too distant future that make it feasible for the underlying tensions to be intensified. A common example of this recently in countries affected by conflict has been the electoral process, which can increase tensions in a society that is suffering from such structural challenges

as poverty linked to inequality, or corruption. However, it is possible that these tensions will not lead to the eruption of violent conflict.

Triggers are those single key events that provide the spark that ignites a violent conflict. If we take the previous example in which election processes provide a proximate cause, the election results could trigger violence following the elections, as has been seen recently, for example in Kenya in 2007 and in Zimbabwe in 2008.

This causal analysis allows us to break down the causal components of a conflict. This not only allows us to understand why a conflict erupted, but also to anticipate future conflicts. The diagram beside gives a volcano analogy of the structural causes, proximate causes and triggers.

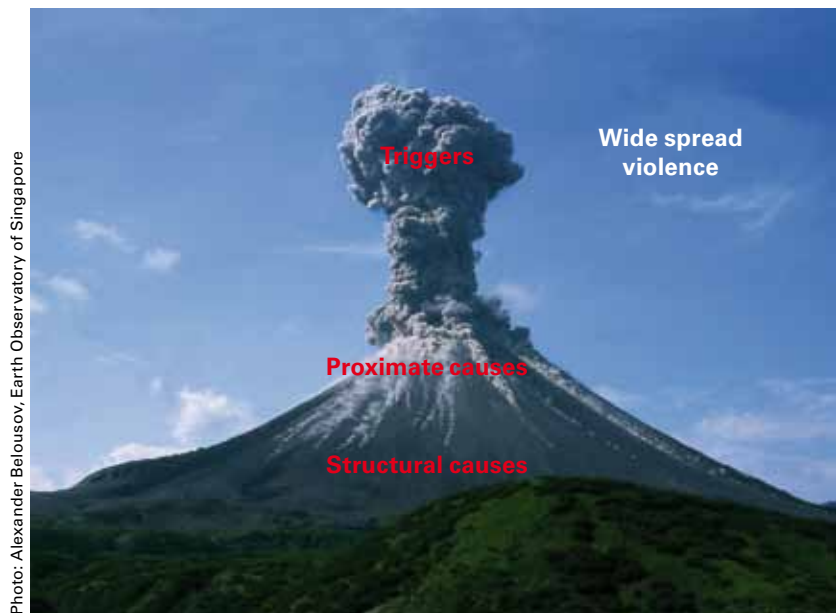
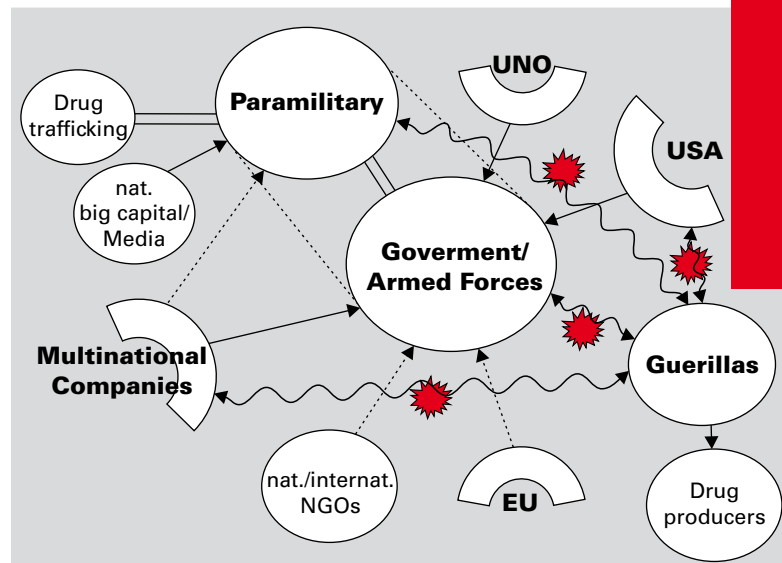


Photo: Alexander Belousov, Earth Observatory of Singapore

Volcano analysis

STAKEHOLDER MAPPING

Stakeholder mapping focuses on mapping all the stakeholders and not only the 'main actors' in a conflict. This is particularly important as it is not only the main actors who play a key role in a conflict. Therefore, for strategic interventions there is a need to understand who the other stakeholders are that may play a less prominent role in the conflict itself, but a very important role in either driving or solving the conflict. The mapping includes all stakeholders as well as local, national, regional and international actors. While the mapping may be broad in scope to begin with, it gradually identifies and focuses on the key stakeholders. The diagram beside gives an example of stakeholder mapping.

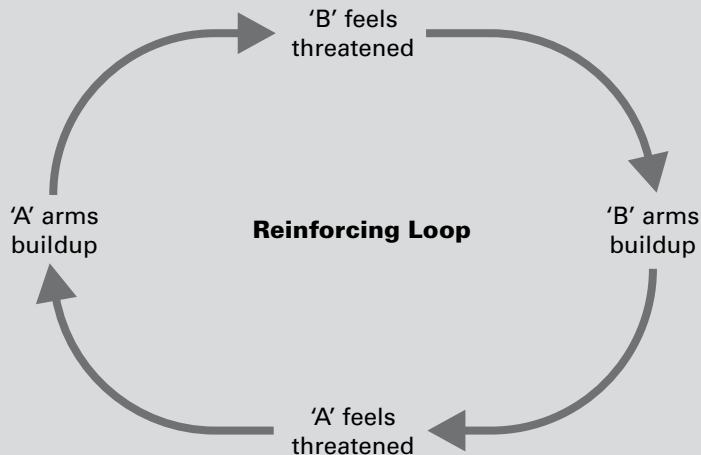


Stakeholder mapping

CONFLICT DYNAMICS (DRIVERS)

This adds a systems dimension to the conflict analysis to understand the dynamics of a given conflict. By identifying the key stakeholders and drivers of the conflict, a systemic analysis of their relationships illustrates how and where they influence each other (cause

and effect), and how they often create a cycle of violence that reinforces itself and perpetuates the conflict. A simple example of this is the arms race: actor A arms itself, which leads to increased fear by actor B, which leads to B also arming itself, which in turn leads to A increasing its arms in response, and so the cycle continues. The diagram on page 104 illustrates this example.



Systems Thinking: Reinforcing Loop

This of course becomes more complex with multiple stakeholders and drivers. However, by establishing an understanding of these dynamics, conflict dynamics focuses on how to break these ‘vicious’ circles and instead turn them into ‘virtuous’ circles.

SCENARIO DEVELOPMENT

Based on the analysis carried out above, possible future scenarios are set out in order to anticipate potential developments (it is important to note that these are possible scenarios – best-case and worst-case – and not predictions of the future). The scenarios are developed from the current date to a certain point in the future – usually between two and five years ahead – and represent a projection based on a historical analysis and the current dynamics. The scenarios encompass the proximate causes that will definitely occur (such as elections), and those that are likely to occur (the failing health and possible death of an influential leader, for example) during the period in question. Developing possible future scenarios allows the participants (decision makers and diplomats) then to plan their interventions strategically within that given time frame.

THE EU’S APPROACH TO CONFLICT

The EU’s Comprehensive Approach to peacebuilding sets out the various instruments at the EU’s disposal that can be used to intervene in a conflict. The EU’s first response to conflict is through mediation; therefore, the Mediation Support Team was set up to support the EU’s mediation activities through a variety of services (the EU’s Comprehensive Approach to peacebuilding, the various instruments available for peacebuilding and the Mediation Support Team are all covered by Andrew Byrne in Chapter 5.1. on page 132).

CONFLICT SENSITIVITY

Conflict sensitivity is essentially a continuation of the ‘Do No Harm’ concept pioneered by Mary B. Anderson in 1986. This section refocuses the thinking around the context of the conflict, keeping in mind the dynamics of the conflict and re-evaluating the designed interventions against this background to ensure that the interventions are:

- a) NOT reinforcing any drivers to the conflict;
- b) NOT disabling any forces for good.

CONCLUSION

While a conflict analysis is useful to both those working ON a conflict and those working IN a conflict-affected area, it only gives a snapshot of the conflict at one given time. Therefore, it is important that there are periodical updates of the analysis in order to stay on track and allow for any necessary adjustments to interventions or programming.

4 REGIONAL CONTEXT

4.1. THE EUROPEAN UNION AND ITS SOUTH AND THE EAST

by Marc Franco

4.1.1. Introduction

THE RELATIONS OF THE EU WITH ITS EASTERN AND SOUTHEASTERN NEIGHBOURHOOD

The EU's neighbourhood is wider than the group of countries covered at present by the *European Neighbourhood Policy or ENP* (Belarus, Ukraine, Moldova, Georgia, Armenia, Azerbaijan, Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Palestine, Lebanon and Syria). Countries in the *European Free Trade Association or EFTA* (Iceland, Norway, Liechtenstein and Switzerland), countries in the *Western Balkans* (Serbia, FYROM, Kosovo, Bosnia and Herzegovina and Montenegro), and *Turkey* and *Russia* are also neighbours of the EU. Although the main focus of this article is the ENP, it will also briefly address relations with those countries. Moreover, before addressing the ENP, the common policy towards the EU's southern and eastern neighbours in existence since 2003, it is necessary to analyse the historical background of and the different legal basis for the EU's relationship with its southern and eastern neighbours.

The EU's neighbourhood is historically a relative concept. Indeed it has evolved with the development of the EEC/EU over the years since 1958. The European neighbours of the original six Member States were, to a large extent, grouped under EFTA¹. They were priority part-

ners for economic co-operation and most of them were eventually to become members of the EEC/EU. As new members joined, the neighbourhood changed. In the north, the EEC/EU's neighbourhood shrank as new members joined in the 70s (UK, Ireland, Denmark) and the 90s (Sweden, Finland, Austria). In the south, the Mediterranean neighbourhood changed as northern Mediterranean countries (Greece, Spain, and Portugal) became members in the 80s. Relations with the southern Mediterranean countries gradually developed, especially from the early 70s onwards. The relations with eastern neighbours and the USSR did not develop until the mid-80s, and '*glasnost*' and '*perestroika*' in the USSR.

Overall, until the late eighties, the most developed external relations of the EEC were with the countries in Africa, the Caribbean and the Pacific, the '*ACP countries*'²: the Lome/Cotonou agreements presented a comprehensive set of arrangements for trade, economic, political and cultural co-operation. During the following two decades this preferential status was to be gradually eroded and the priority attention of EU external relations clearly shifted to the candidate countries (Turkey and Western Balkans) and the eastern and southern neighbouring countries.

The leitmotiv of this article is that, from the outset, the EEC/EU aimed at avoiding the emergence of new dividing lines, by welcoming new members into the EEC/EU and by developing

1 EFTA was founded in 1960 by the following seven countries: Austria, Denmark, Norway, Portugal, Sweden, Switzerland and the United Kingdom. Finland joined in 1961, Iceland in 1970 and Liechtenstein in 1991. In 1973, the United Kingdom and Denmark left EFTA to join the EC. They were followed by Portugal in 1986 and by Austria, Finland and Sweden in 1995. Today the EFTA Member States are Iceland, Liechtenstein, Norway and Switzerland. See e.g. <http://www.efta.int/>

2 For more details see http://eeas.europa.eu/acp/index_en.htm

appropriate policies with the partner countries on its doorstep.

So as not to overload the text, in the body of the article the relations between the EU and its

southern and eastern partners are viewed from an overall, regional policy perspective and the country-specific remarks are grouped in two annexes.

4.1.2. A Brief Note on Relations with the EFTA-Neighbours

When the EEC was set up in 1957 a number of European countries who were eager to liberalise trade relations considered the Treaty of Rome provisions too politically ambitious. They grouped together as the European Free Trade Association. Most of the original EFTA members have in the meantime become members of the EEC/EU.

The *Agreement on the European Economic Area (EEA)*³ is the most important initiative to bring neighbouring countries close to the Union. The EEA, which entered into force on 1 January 1994, brings together the 28 EU Member States and three of the four EFTA states – Iceland, Liechtenstein and Norway – in a single market, referred to as the ‘*Internal Market*’.

The EEA Agreement provides for the inclusion of EU legislation covering the four freedoms – the free movement of goods, services, persons and capital – throughout the 31 EEA states. In addition, the Agreement covers co-operation in other important areas such as research and development, education, etc., collectively known as ‘flanking and horizontal’ policies. The Agreement guarantees equal rights and obligations within the Internal Market for citizens and economic operators in the EEA. Not only have the three EFTA members aligned their economic legislation with the ‘*acquis com-*

munautaire’, they are also committed to adjusting their legislation in line with the future evolution of the regulatory framework of the internal market.

Switzerland was the only EFTA member not to join the EEA in 1992 but it has subsequently concluded with the EU a package of seven sectoral agreements, signed in 1999⁴. These include: free movement of persons, technical trade barriers, public procurement, agriculture and air and land transport. In addition, a scientific research agreement fully associated Switzerland with the EU’s framework research programmes. A further set of sectoral agreements was signed in 2004, covering, inter alia, Switzerland’s participation in the Schengen and Dublin agreements, and agreements on, for example, taxation of savings, processed agricultural products, and statistics, combating fraud as well as Swiss financial contributions to economic and social cohesion in the new EU Member States.

All EFTA countries have also joined the Schengen area.

Iceland applied for EU membership in 2009 and, following a decision by the Council in 2010, membership negotiations began in July 2010. With the election of a new (Euro-sceptic) government, the negotiations were put on hold in May 2013.⁵

3 For more details see: <http://www.efta.int/eea.aspxor>, <http://eeas.europa.eu/eea/>

4 For more details see: <http://www.europa.admin.ch/themen/00500/index.html?lang=en> or <http://ec.europa.eu/trade/policy/countries-and-regions/countries/switzerland/>

5 See http://ec.europa.eu/enlargement/countries/detailed-country-information/iceland/index_en.htm and e.g. <http://euobserver.com/political/120501>

4.1.3. Development of EEC/EU Relations with the Southern Neighbours

The partner countries in the Southern Mediterranean

Southern Mediterranean countries are lower-middle-income countries, characterised by a low level of industrialisation, a large number of micro and small enterprises most of them in the *'informal sector'*, an unequal distribution of income, a large proportion of the population below the poverty line and, in most cases, a high degree of illiteracy. Although the 2011 *'Arab Spring'* has to some extent led to the democratisation of the regimes, authoritarian rule and a dominant *'deep state'* to a large extent still mark the political scene.

A brief historical perspective before the Barcelona Declaration

Before their independence in the 50s and 60s, most of the countries in the Southern Mediterranean have been in a dependency-type relationship with European countries. This historical relationship often survives in one or other form in present-day bilateral economic and political relations. Developing a harmonised EEC/EU approach to the Southern Mediterranean countries was therefore not plain sailing. Before the early 70s, a set of different agreements had been concluded with several Mediterranean countries, but it was only in 1972 that a common approach emerged in the *Global Mediterranean Policy*. This policy provided the common framework for the negotiation of bilateral *Trade and Co-operation Agreements* supported by *Financial Protocols*. The need to deepen these relations became very

clear in the early 90s and a *Renovated Mediterranean Policy* was adopted in 1992.⁶

The Barcelona Declaration and the EMP (European Mediterranean Policy)

With the revised Mediterranean Policy as a prelude, in 1995 a coherent and Comprehensive Approach to the relations between EU and Southern Mediterranean countries was put into place in the form of the *Barcelona Process (BP)* and the *Euro-Mediterranean Partnership (EMP)*. The events in Central and Eastern Europe, which moved the EU's centre of gravity more to the north and the east, certainly stimulated the emergence of the EMP. The BP/EMP deepened and widened the relations between the EU and the Southern Mediterranean countries, bringing them in line with the developments inside the EU in the early 90s: Internal Market, Schengen agreement, and Maastricht Treaty (establishing the Economic and Monetary Union and introducing the Common Foreign and Security Policy and co-operation in the area of Justice and Home Affairs).

The Barcelona Process identifies three areas of co-operation:⁷

- Political and Security Dialogue, aimed at creating a common area of peace and stability underpinned by sustainable development, rule of law, democracy and human rights;
- Economic and Financial Partnership, including the gradual establishment of a free trade area aimed at promoting shared economic opportunity through sustainable and balanced socio-economic development;

6 For an overview of the relations between the EEC/EU and the Southern Mediterranean see e.g. <http://www.medeas.be/en/themes/euro-mediterranean-cooperation/euro-mediterranean-cooperation-historical/> or for a more detailed account F. Bicchì, (2007). *European Union Foreign Policy Making Toward the Mediterranean*. Basingstoke, Palgrave Macmillan

7 http://www.eeas.europa.eu/euromed/barcelona_en.htm

- Social, Cultural and Human Partnership, aimed at promoting understanding and intercultural dialogue between cultures, religions and people, and facilitating exchanges between civil society and ordinary citizens, particularly women and young people.

The EMP established regional co-operation between the EU and the Southern Mediterranean countries and provided the frame of reference for the negotiation of a series of bilateral Association Agreements with the EU. The EMP was supported by a set of meetings: technical Committees, Ministerial Councils and Summit Meetings, as well as by a Euro-Mediterranean Parliamentary Assembly. These meetings provided the necessary platform for technical and political discussions with a view to developing co-operation.

The legal basis for the relationship: the Association Agreements

In the wake of the Barcelona Declaration, a series of *Association Agreements* were negotiated, translating the new approach to co-operation with the Southern Mediterranean countries into legally binding bilateral agreements.⁸

These Agreements are country-specific but are structured in a similar manner, containing the same main provisions:

- The establishment of close economic and political co-operation;
- The creation of joint bodies for the management of the co-operation, competent to take decisions binding the contracting parties;
- The introduction of the Most Favoured Nation treatment;
- The clause on upholding human rights and democratic principles.

Financial co-operation in the EMP: the MEDA Programme

The MEDA programme replaced the Financial Protocols with substantially more resources and a broadened field of intervention, including the implementation of regional projects. It enabled the EU to provide financial and technical assistance to the countries in the Southern Mediterranean: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestine, Syria, Tunisia and Turkey.

Actions under the MEDA programme aimed to fulfil the objectives of the three sectors of the Euro-Mediterranean Partnership. In particular,

- The MEDA programme supported the economic transition of Mediterranean non-member countries (MNCs) and the establishment of a Euro-Mediterranean free trade area by promoting economic and social reforms and the development of the private sector (SMEs).
- It also supported sustainable socio-economic development, in particular through the improvement of social services (education, health, housing, water, etc.), integrated rural development, protection of the environment, the upgrading of economic infrastructure and the development of human resources.
- The programme also included projects to strengthen democracy, human rights and the rule of law.
- MEDA also supported regional, sub-regional and cross-border co-operation.

In order to achieve its objectives, the MEDA I programme was allocated EUR 4.7 billion for the 1996 – 1999 period and the MEDA II programme EUR 5.4 billion for the 2000 – 2006 period.

⁸ See i.a. http://eeas.europa.eu/association/index_en.htm

The emergence of the European Neighbourhood Policy: the view from the south.

In 2003, the EU launched the *Neighbourhood Policy, or ENP*, (see below) in order to lend fresh impetus to the process of reform and development in the Southern Mediterranean countries, drawing inspiration from the policies implemented during the preparation for the EU accession of the Central European countries. The financial instrument supporting the ENP was the ENPI, which replaced the MEDA programme from 2007 onwards. As a guide for programming, country-specific action plans were adopted.

From the EMP to the Union for the Mediterranean

In order to lend a new impetus to the EMP, the *Union for the Mediterranean (UfM)* was launched in 2008. The UfM had both a political and an operational aim.⁹ The Co-Presidency (initially France and Egypt) ensured a shared responsibility between EU and its Southern Mediterranean partners for the development of the relations. The various regional meetings (subcommittees, committees and summit) that were taking place in the context of the BP/EMP were from then on organised in the UfM format.

Along with the (now) 28 EU member states, 15 Mediterranean, African and Middle Eastern countries belong to the UfM: Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, the Palestine, Syria, Tunisia and Turkey. Moreover, on a regular basis the UfM invites Libya and the League of Arab States to participate as observers. It is also worth noting that Cyprus and Malta, who were part of the Barcelona Process and the Euro Mediterranean Policy, have in the meantime joined the EU.

Since September 2010 the UfM also has a functional Secretariat based in Barcelona, a Secretary-General and six Deputy Secretaries-General.

Apart from its political objective, the UfM aims at promoting a number of large projects to be designed and implemented at the regional level. These projects are:

- the de-pollution of the Mediterranean Sea;
- the establishment of maritime and land highways;
- a joint civil protection programme;
- a Mediterranean solar energy plan;
- a Euro-Mediterranean University, inaugurated in Slovenia in June 2008;
- the Mediterranean Business Development Initiative.

It took the UfM some time to reach full speed. On the political level, the Israeli-Palestinian conflict and the toughening of the Israeli settlement policy resulted in a standstill of political meetings. Some technical meetings took place but by and large the regional co-operation has been at a standstill since 2009. This standstill was reinforced by the events of the 'Arab Spring' which began in Tunisia at the end of 2010, spread to Egypt, Yemen, Libya and Syria, and led to protests and reform movements in Morocco and Jordan and in a number of other Arab countries. In a number of countries a regime change took place, replacing relatively stable secular but authoritarian regimes by new more democratic regimes, often inspired by Political Islam, in the process of genuine attempts to establish a more inclusive economic development and a new form of political stability.

The new partnership for democracy and prosperity

The EU reacted fairly rapidly to the changes in the geopolitical situation in the Southern Mediterranean and in March 2011 proposed 'A

⁹ See e.g. http://www.eeas.europa.eu/euromed/index_en.htm

*Partnership for democracy and shared prosperity with the Southern Mediterranean*¹⁰ which became part of the New Neighbourhood Policy (see below).

The proposed partnership is intended to be a qualitative step forward in the relations between the EU and its Southern neighbours. It basically reinforces the existing modes of co-operation, as defined in the European Mediterranean Policy and the European Neighbourhood Policy.

As in the past, relations should be rooted in a joint commitment to common values and based on a differentiated approach. Co-operation should build on three elements: democratic transformation and institution building, a strong partnership with the people, and sustainable and inclusive growth and economic development.

A number of initiatives are proposed to reinforce the ongoing co-operation in different fields, to bolster civil society, to negotiate Mobility Partnerships, to promote the development of SMEs, to reinforce the financing from IFIs (EIB and EBRD), to speed up and intensify trade negotiations, to include trade in agricultural products, trade in services, to adopt pan-Mediterranean rules of origin and to negotiate a deep and comprehensive free trade area.

There are also proposals to enhance sectoral co-operation, and to step up regional co-operation and regional economic integration.

There is emphasis on the need to refocus co-operation programmes and to provide additional support, including increases in the National Indicative Programmes, the Neighbourhood Investment Facility and the use of Macro Financial Assistance.



Photo: Tashana Batista, EU Council

Ahmet Davutoglu, Turkish Minister for Foreign Affairs and EU HR Catherine Ashton

Relations with Turkey: a brief overview.

A special case in the EU's relations with its Southern Mediterranean partners is Turkey¹¹, which has been in and out of various regional arrangements. Turkey was one of the first countries to conclude an Association Agreement with the EEC (1963). The main aim of this agreement was to achieve '*continuous improvement in living conditions in Turkey and in the European Economic Community through accelerated economic progress and the harmonious expansion of trade, and to reduce the disparity between the Turkish economy and (...) the Community*'. An important element in this plan was establishing a '*Customs Union*' so that Turkey could trade goods and agricultural products with EEC countries without restrictions.

Turkey was included in the European Mediterranean Policy as well as in the Union for the Mediterranean, although its relations with the EU were much more advanced than those of the other countries. Indeed, the Customs Union between Turkey and the EU entered into force in 1998. In 1987 Turkey applied for membership

¹⁰ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *A partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, Brussels 8/03/2011. COM(2011) 200.

¹¹ See e.g. <http://www.avrupa.info.tr/en/turkey-the-eu/history.html>



Eastern Partnership Summit, Vilnius November 2013

and in 2004 the European Council decided to open accession negotiations. Turkey is therefore not part of the European Neighbourhood Policy and does not benefit from the ENPI (it was a beneficiary of the Financial Protocols and the MEDA programme). As a candidate country, Turkey benefits from the special budget lines to finance the preparation for enlargement – together with the countries of the Western Balkans (see below).

Accession negotiations opened in October 2005 and stalled in 2010, mainly because of the many concerns about democracy and human rights. To date, talks on 13 (out of 35) policy chapters have been opened but only one chapter has been finished.

In June 2013 the Council decided to open Chapter 22 (Regional Policy). Talks on that chapter are to start once the European Commission presents its annual report on Turkey (mid-October 2013).

4.1.4. The Relations of the EU with its Eastern and Southeastern neighbours

The partner countries in the East and the South-East

The Eastern partners of the EU are upper middle income countries and relatively well industrialised; the economic structure is characterised by large companies whilst there are far fewer small and medium-sized companies than in Western Europe. The population tends to be well-educated and income distribution (initially) was fairly equal. As things stand, the Eastern Partners are the European republics of the former Soviet Union, with the exception of the Baltic States which became Member States in 2004.

A brief historical perspective: the shift in the Eastern border

As a result of the Second World War, the neighbours of the EEC to the East were initially European countries belonging to the COMECON and within the sphere of influence of the USSR. Until the late 1980s no agreements existed between the members of COMECON and the EU. The *Common Declaration* of 1988 opened the door for direct negotiation between individual countries and the EU, resulting in a series of co-operation agreements in the late 1980s and early 1990s¹². This encouraged the Central European Countries to conclude '*Europe Agreements*' and, after the 1993 Copenhagen Summit, to prepare for membership of the EU. With the major enlargement in 2004 and 2007, the borders of the EU moved eastwards up to the borders of the former Soviet Union: Belarus, Russia, Ukraine, Moldova became direct neighbours of the EU.

A brief historical perspective: the South-Eastern border of the EU

The disintegration of Yugoslavia led in the 1990s to three bloody wars on the EU's doorstep. With one Member State (Greece) and two aspiring Member States (Bulgaria and Romania) in the region, the EU could not remain passive and after the end of the third Balkan War (Kosovo), a *Stability and Association Process (SAP)*¹³ was launched in 1999 and reinforced at the Thessaloniki European Council in 2003.

The Stabilisation and Association Process is the European Union's policy towards the Western Balkans, established with a view to the countries' possible EU membership. Western

Balkan countries are involved in a progressive partnership aimed at stabilising the region and establishing a free trade area. The SAP sets out common political and economic goals, however progress evaluations are based on the respective countries' own merits.

At present the Western Balkan countries can be classified in three groups:

- Member States: Croatia
- Candidate countries: Macedonia (FYROM), Serbia, Montenegro
- Potential candidate countries: Albania, Bosnia and Herzegovina, Kosovo

Legal basis of the relations with CIS countries including the Eastern Neighbours of the EU.

The Soviet Union disintegrated on 25 December 1991. The former republics of the USSR, the '*Newly Independent States*' (NIS), became independent and potential partners for the EU and established a regional organisation, the *Commonwealth of Independent States* (CIS). *Partnership and Co-operation Agreements* (PCAs)¹⁴ were concluded with these NIS in the early 1990s in order to structure the economic and political co-operation.

The PCAs establish a bilateral political dialogue with the EU. They aim to encourage the convergence of their positions on international issues of mutual concern and to co-operate on stability, security and respect for democracy and human rights.

With regard to trade in goods, the contracting partners accord each other Most Favoured Nation (MFN) treatment and aim to create the necessary conditions for the future establishment of a free trade area.

¹² See, for example, Commission of the European Communities, *The European Community's Relations with COMECON and its East European Members*, Brussels, January 1989 (ref 76/X/89)

¹³ For more details see: http://europa.eu/legislation_summaries/enlargement/western_balkans/r18003_en.htm

¹⁴ For more details see: http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17002_en.htm

The conditions concerning employment, investment, the setting-up of a business, etc. are based on the principle of non-discrimination i.e. Most Favoured Nation treatment for entry into the other partner's territory and national treatment when operating within the partner country.

As regards economic co-operation, most PCAs focus on social and economic development, the development of human resources and support for businesses.

Most PCAs include other areas of co-operation, for example in the areas of democracy and human rights, justice and home affairs and culture.

The PCAs are concluded for an initial period of ten years but are automatically renewed on a yearly basis unless one of the parties objects.

THE IMPLEMENTATION OF THE PCAS WAS SUPPORTED BY THE TACIS PROGRAMME

The EEC/EU's TACIS programme¹⁵ encouraged democratisation, the strengthening of the rule of law and the transition to a market economy in the Newly Independent States, which are as follows: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

A distinction can be made between two periods¹⁶

- A '*Demand driven*' approach (1991 – 1999)

In the first 8 years, TACIS was demand-driven. Assistance was provided mainly in the form of single small-scale projects. Approximately EUR 4.2 billion were committed to funding them during this time. Even though this initial approach amounted to project support,

it invariably included various sectoral components. One of the most important was the development of the private sector.

- A '*Dialogue-driven*' approach (2000 – 2006)
In January 2000, the new EU Council Regulation (No 99/2000) put increased emphasis on the understanding that co-operation is a reciprocal process, moving away from a '*demand-driven*' approach to one focusing more on dialogue. It also recognised the importance of the partner states' commitment when allocating the resources.

The programme aimed to maximise its impact by concentrating on a limited number of significant initiatives, whilst not precluding small-scale projects. Particular attention was paid to:

- assistance for institutional, legal and administrative reform;
- support for the private sector and assistance for economic development;
- assistance in addressing the social consequences of transition;
- development of infrastructure networks;
- better environmental protection and management of natural resources;
- development of the rural economy.

Support for nuclear safety focused on the promotion of an effective nuclear safety culture and the development of spent fuel and nuclear waste management strategies.

In addition, the programme aimed to promote inter-state, inter-regional and cross-border co-operation between the partner states themselves, between partner states and the European Union and between partner states and the countries of Central and Eastern Europe.

The funding base for the period 2000 – 2006 was EUR 3.2 billion. During the period 1991 – 1999 approximately EUR 4.2 billion were allocated to the programme.

¹⁵ For more details see: http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17003_en.htm

¹⁶ For more details see, for example: http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-east/documents/annual_programmes/tacis_success_story_final_en.pdf

The emergence of the Neighbourhood Policy: the view from the east

The EU launched its European Neighbourhood Policy (ENP) after the 2004 enlargement. The ENP is designed to promote closer relations between the EU and its partners (Belarus, Ukraine, Moldova, Georgia, Azerbaijan, and Armenia) with a view to establishing an area of stability, prosperity and security.

This led to a split in the group of NIS countries formerly financed under the TACIS programme. The 'European' NIS countries were henceforth covered by the ENP and benefited from the European Neighbourhood and Partnership Instrument (ENPI), whilst from 2005 onwards the 'Asian' countries were covered by the Development Co-operation Instrument (DCI).

For the Neighbourhood countries the PCAs continued to set the framework within which the ENP is implemented, in particular through a set of agreed 'Action Plans' supported by the ENPI, for example in the South Mediterranean partner countries.

The special case: Russia

From the outset Russia was critical of the Neighbourhood Initiative and refused to subscribe to the ENP or to conclude an Action Plan. Already the asymmetrical nature of the PCA, requiring the alignment of Russia's legislation with EU regulations, values and standards, is difficult to reconcile with Russia's insistence on equal partnership¹⁷. For Russia the ENP went too far in treating Russia as a 'neighbour' that was to be told how to define its economic policy and that would receive an assessment of its

performance on a yearly basis. Russia insisted on a more symmetrical approach, based on a negotiation between equal partners. As an alternative to the ENP, an agreement on 'Four Common Spaces'¹⁸ was concluded in 2003, at the St Petersburg Summit, which was given practical effect in 2005 at the Moscow Summit in the form of four 'Road Maps'¹⁹.

A regional framework: the Eastern Partnership

In contrast to the South Mediterranean countries, the Eastern neighbours of the EU only had a 'hub and spoke' relationship with the EU. To provide a forum for consultations and to develop regional co-operation, the *Eastern Partnership (EaP)* was launched²⁰ in 2009, based on a Polish-Swedish initiative. The Eastern Partnership reinforces bilateral co-operation between the participating countries and the EU, whilst also providing a new multilateral framework for addressing common challenges. Four policy platforms were established covering democracy, good governance and stability; economic integration and convergence with EU policies; energy security and contacts between people. For obvious reasons Russia was not part of the EaP and even regarded the initiative as interference in its sphere of influence.

The legal basis revisited: the need to renegotiate the PCAs

All the Eastern Neighbours, including Russia, concluded PCAs in the 1990s with a life span of 10 years. On their expiry date, the

17 P. Van Elsuwege: Towards Modernization of EU-Russia Legal Relations?, EURUSSIA Paper June 2012, University of Tartu.

18 See, for example: http://www.eeas.europa.eu/russia/common_spaces/

19 See: http://eeas.europa.eu/russia/docs/roadmap_economic_en.pdf

20 Commission of the European Communities: Communication to the European Parliament and the Council: Eastern Partnership, December 2008. See also http://eeas.europa.eu/eastern/index_en.htm and <http://www.easternpartnership.org/content/eastern-partnership-glance>

PCAs were all extended by common agreement. In most cases negotiations have started with the European NIS to conclude new 'Association Agreements'. The main innovation in the new agreements has been the negotiation of a 'Deep and Comprehen-

sive Free Trade Agreement' which goes beyond the standard Free Trade Agreement to include provisions on alignment of relevant regulations with a view to the inclusion of the partner country in the functioning of the EU internal market.

4.1.5. The European Neighbourhood Policy (ENP)

The launch of the ENP

The European Neighbourhood Policy (ENP)²¹ – as indicated above – comprises an integrated comprehensive policy governing relations with the Eastern and Southern Neighbours. The policy was initiated in 2003, first via a Communication entitled 'Wider Europe'²², and then through the ENP Communication²³, adopted by the Council at the end of 2003. The aim of the policy was to prevent the emergence of a 'fortress Europe' surrounded in the South and the East by unstable and poor neighbours. With ENP the EU is reaching out to its neighbours, offering opportunities to develop economic, political and people-to-people relations. By bringing the countries closer to the EU, the aim is to ensure that Europe is surrounded by a ring of stable and prosperous neighbours. The ENP does not present a perspective for membership (although the Eastern Neighbours are of course potential members of the EU in accordance with Article 49 of the Treaty on European Union) but offers the partner countries the possibility to participate in the internal market, through the harmonisation of the relevant economic legislation. Through the ENP the EU offers its neighbours a privileged relationship, building on a mutual commitment

to common values (democracy and human rights, the rule of law, good governance, market economy principles and sustainable development). The ENP includes political association and deeper economic integration, increased mobility and more people-to-people contacts. The level of ambition of the relationship depends on the extent to which these values are shared.

The implementation of the ENP Action Plans

In order to achieve this rapprochement at a political and economic level, bilateral Action Plans were concluded in the years following the launch of the ENP. These action plans apply the general principles of the ENP, taking into account the specific situation of the partner country and its relations with the EU.²⁴

In general terms, under the ENP Action Plans the EU works together with its partners to develop democratic, socially equitable and inclusive societies, whilst offering its neighbours economic integration, improved movement of people across borders, financial assistance and technical co-operation aiming towards approximation with EU standards. The

²¹ See http://ec.europa.eu/world/enp/policy_en.htm

²² Wider Europe, see http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf

²³ Communication from the Commission to the Council and the European Parliament Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, Brussels 2003

²⁴ For an overview of the action plans see, for example: http://ec.europa.eu/world/enp/documents_en.htm#2

European Commission provides financial support in the form of grants to the partners; the European Investment Bank and the European Bank for Reconstruction and Development supplement this support through loans. Civil society plays an important role in contributing to democracy and the building of good governance in the partner countries.

To support the implementation of the ENP, a new programme was created: the *European Neighbourhood Policy Instrument* (ENPI), which replaced the earlier instruments (TACIS and MEDA). A total amount of EUR 14.9 billion has been allocated for the period 2007 – 2013 compared to the EUR 8.5 billion allocated under the two previous programmes for the period 2000 – 2006.

The ENPI has the following strategic objectives:

- democratic transition and promotion of human rights;
- transition towards the market economy;
- promotion of sustainable development;
- implementation of policies of common interest (anti-terrorism, the proliferation of weapons of mass destruction, etc.).

In the context of ENPI a number of important new initiatives were launched, inspired by programmes that have proved their usefulness in the preparations for accession of the new Member States:

- cross-border co-operation;
- a Governance Facility to promote good governance;
- a Twinning instrument, bringing together public sector expertise from EU Member States and beneficiary countries;
- TAIEX (Technical Assistance and Information Exchange) to help foster co-operation in areas such as approximation, application and enforcement of EU legislation.

The 2006 revision of the ENP

In 2006, an initial revision of the ENP was published²⁵. The revised ENP basically reinforces the approach set out in the 2003 ENP, by focusing on economic co-operation through the alignment of the regulatory framework and exploring the conditions for the conclusion of the DCFTA. It stresses the need to enhance political co-operation and regional co-operation and makes proposals for strengthening financial co-operation.

The New Neighbourhood Policy

In May 2011, the EU Commission adopted its communication on '*A new response to a changing Neighbourhood*'²⁶ with proposals for a revised Eastern and Southern Neighbourhood Policy.

Many of the proposals in the new ENP echoed those made in the March 2011 Communication on a '*New partnership with the South Mediterranean countries*' (see above) and a number of themes already contained in the earlier approaches (BP/EMP e.g.) were emphasised more strongly. They have been summarised as the '*three Ms*': Market access, Mobility partnerships and Money.

This communication comprised a review of the ENP, initiated in the summer of 2010. The events in the Southern Neighbourhood influenced this review process. However, it should be borne in mind that the review and the policy proposals concern both the Eastern and the Southern Neighbourhood. Particular emphasis is placed on the differentiated approach ('more for more'), on support for 'deep' democracy and partnership with civil society. A special section is devoted to the intensification of the political and security co-operation (see below). The other components of the proposal are in

25 Communication from the Commission to the Council and the European Parliament: On Strengthening the European Neighbourhood Policy - COM(2006)726 final of 4 December 2006: http://ec.europa.eu/world/enp/pdf/com06_726_en.pdf

26 European Commission and European External Action Service, *A New Response to a changing Neighbourhood*, Brussels, 25 May 2011 (COM (2011) 303).

line with the proposals of the previous Communication: sustainable economic growth and job creation (mention is also made of '*inclusive growth*'); strengthening of trade ties; enhancing sectoral co-operation; migration and mobility. These initiatives are intended to contribute to the building of the Partnership for Democracy and Shared Prosperity in the Southern Mediterranean. This will be achieved through a number of concrete initiatives: a Comprehensive Institution Building Programme, a stronger partnership with the people, and sustainable and inclusive economic development including a Deep and Comprehensive Free Trade Agreement. The Union for the Mediterranean (UfM) should organise 'effective and result oriented regional co-operation'. For the whole neighbourhood, a simplified and coherent policy and programme framework is proposed together with additional funding up to EUR 1.2 billion until 2013.

In an *assessment* of the implementation of the New ENP²⁷, it is stated that the progress has been uneven and a call is made to step up engagement. Some progress has been made towards deep and sustainable democracy, but in some cases there is a risk of backsliding. Economic growth has picked up in only a few of the ENP partners but slowed in most others. Progress has been made in the negotiation of DCFTA in the East but little progress has been made in the South. On mobility, progress has been made with the Eastern Partners on the issue of visa liberalisation and on the negotiation of Mobility Partnerships with some of the Southern Partners. Financial co-operation has been stepped up, included in the framework of the Civil Society Facility and additional funding from the European Investment Bank and the European Bank for Reconstruction and Development (for the Eastern Partners and, currently, for Morocco, Tunisia, Egypt and Jordan).

4.1.6. Summary

From the outset, the EEC/EU has adopted an 'inclusive' approach vis-à-vis its neighbours. This has firstly entailed integrating new members that were interested in joining the European project and were ready and able to adopt and implement the '*acquis communautaire*'. Secondly, for those neighbours that were not eligible for membership or were not yet ready to join, the EEC/EU has reached out, offering preferential conditions for economic and trade co-operation, leading eventually to the conclusion of a Deep and Comprehensive Free Trade Agreement and participation in the single market. The approach has been two-pronged: regional and bilateral. The regional framework ensures a coherent approach towards the countries concerned and promotes regional co-operation, thereby avoiding an exclusive 'hub and spoke' approach; the bilateral track ensures that the specificity of the partner country can be adequately taken into account. In this article the policy vis-à-vis the various groups of neighbours has been examined:

- The European Economic Area, bringing Iceland, Norway and Lichtenstein within the Single Market and the special relationship with Switzerland;
- the Stability and Association Agreements, opening a perspective of EU membership for the Western Balkans (FYROM, Serbia, Montenegro, Kosovo and Bosnia and Herzegovina);
- the Accession process with Turkey;
- The Four Common Spaces and the related Roadmaps with Russia;
- the European Neighbourhood Policy covering the Southern and Eastern Neighbours (Morocco, Algeria, Libya, Egypt, Israel, Palestine, Syria and Belarus, Ukraine, Moldova, Georgia, Armenia and Azerbaijan).

²⁷ European Commission-High Representative of the EU for Foreign Affairs and Security Policy: European Neighbourhood Policy: Working towards a stronger Partnership, Brussels March 2013 - http://ec.europa.eu/world/enp/docs/2013_enp_pack/2013_comm_conjoint_en.pdf

STATUS OF RELATIONS BETWEEN EU AND NEIGHBOURING COUNTRIES

	Present Legal Base	Signed	Entry into force	Action Plan	New Association Agreement
Algeria	Association Agreement (AA)	2002	2005	–	
Egypt	AA	2001	2004	2007	
Israel	AA	1995	2000	2005	
Jordan	AA	1997	2002	2005	
Lebanon	AA	2002	2006	2005	
Libya	Special Measures	–	–	–	
Morocco	A.A	1994	2000	2005	
Syria	Co-operation Agreement	1997 ¹		–	
Tunisia	A.A	1995	1998	2006	
Palestine	Interim A.A	1997	1997	2005	
Belarus	PCA ²	1995	–	–	–
Ukraine	PCA	1994	1998	2005	To be signed in 2013?
Moldova	PCA		1998	2005	To be signed in 2013
Georgia	PCA	1996	1999	2006	To be signed in 2013
Armenia	PCA	1996	1999	2006	To be signed in 2013
Azerbaijan	PCA	1996	1999	2006	Neg. started in 2010
Russia	PCA	1994	1997	2003/2005 ³	Neg. started in 2008

Co-operation with the Southern and Eastern neighbours, the special focus of this article, started from a different socio-economic and historical background and from a different legal basis (Association Agreements in the South, Partnership and Co-operation Agreements in the East). In order to stress the need for a strong and harmonised approach to the new neighbours of the enlarged EU, a single policy (European Neighbourhood Policy) was formulated covering both the South and the East. This policy has been translated into bilateral co-operation programmes through the Action Plans. Two regional platforms exist for consultations and for forging regional co-operation: BP/EMP, replaced by the UfM for the South Mediterra-

nean countries and the Eastern Partnership for the Eastern partners. No overall regional ENP institutional framework has been created.

The deepening and broadening of the co-operation as proposed in the new ENP – and in many cases already explored before the launching of the new ENP – has been taking place:

- Through a renegotiation of the Action Plans in East and South;
- (for the Southern Partners) Through negotiation of the relevant agreements on a bilateral basis (DCFTA, MP, ACCA etc.);
- (for the Eastern Partners) Through the negotiation of Association Agreements, replacing the expired PCAs, integrating the new elements such as the DCFTA.

¹ Negotiations on Association Agreement concluded 2004, but agreement not signed

² PCA signed in 1995 but ratification frozen.

³ Common Spaces/Four Road Maps

Remarks on ENP implementation in some countries in the Southern Mediterranean and the Eastern Neighbourhood

Southern Mediterranean

Since 2008 Morocco has had '*enhanced status*' as an ENP partner of the EU and has adopted an ambitious '*Road Map*'. In November 2012, Tunisia was upgraded to a '*privileged partner*' and has adopted a new '*Action Plan*' (2013 – 2017).

The EU has so far completed two rounds of negotiations for a Deep and Comprehensive Free Trade Agreement (DCFTA) with Morocco.¹ The deal should strengthen EU–Morocco trade relations and will build upon existing agreements, including the Association Agreement of 2000 and the agreement on agricultural, processed agricultural and fisheries products of 2012. Morocco is the first Mediterranean country to negotiate a comprehensive trade agreement with the EU. The Commission also has a mandate to start a similar process with Tunisia, Egypt and Jordan.

Negotiations on mobility partnerships have been launched with Tunisia and Morocco (agreement at negotiator level). Dialogue with Jordan began in 2012.

Libya

Following the lifting of United Nations sanctions against Libya on 12 September 2003, intense political contacts resumed between the European Union and Libya. At the moment, Libya and the European Union are not linked by any contractual relations and there is no Association Agreement in force. Libya has not joined the Barcelona acquis and does not take part in

the European Neighbourhood Policy. It only has observer status in the Barcelona Process and the Union for the Mediterranean.

Israel

In July 2012 the EU 'upgraded' its relations with Israel (including, i.a., an Agreement on Conformity Assessment) – but did not go all the way to '*enhanced status*'. Among the Southern Mediterranean countries, Israel is the only country that enjoys visa-free travel.

Palestine

Due to the special status of Palestine, the legal basis for relations with the EU is an '*Interim Agreement*' concluded in 1997. The '*Action Plan*' was agreed in 2005.

Syria

The legal basis for relations is still the Cooperation Agreement of 1977. An Association Agreement was negotiated in 2004 but has not yet been signed. No '*Action Plan*' has been agreed and since 2011 relations have been frozen.

Lebanon

A second Action Plan is currently under preparation.

¹ http://europa.eu/rapid/press-release_MEMO-13-734_en.htm

² http://europa.eu/rapid/press-release_MEMO-13-734_en.htm

Eastern Neighbourhood²

The EU has recently concluded negotiations for a Deep and Comprehensive Free Trade Area (DCFTA) with Moldova, Armenia and Georgia. The DCFTAs are part of the Association Agreements with these three countries. The official initialling of the Association Agreements is planned for the Eastern Partnership Summit in Vilnius on 29 November 2013.

Ukraine

The EU and Ukraine concluded negotiations for a Deep and Comprehensive Free Trade Agreement (DCFTA) in December 2011. On 15 May 2013, the Commission adopted proposals for Council decisions on the signing and provisional application of the EU-Ukraine Association Agreement, including its trade part. The next step was supposed to be the Decision on the signature of the Agreement by the Council once the political conditions were met. However, Ukraine did not fulfil the conditions (related to political trials and respect of human rights) and decided not to pursue the signature of the Agreement at this stage.

Belarus

A PCA was concluded in 1995 but the ratification process has been frozen since 1997. A *'technical dialogue'* takes place in the context of the Eastern Partnership. Relations are governed by the conclusions of the Foreign Affairs Council of October 2012.³



³ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132836.pdf

4.2. WESTERN BALKANS AND THE EU PERSPECTIVE

by Terkel Petersen

As we move into 2014, we are facing a situation in the Western Balkans where the EU's power of attraction, candidates' and potential candidates' desire to join the EU, and the wide range of tools available to the EU in order to underpin this process have produced, and continue to produce, results. The long haul over two decades towards stabilisation has been effective and the creation of the EU's Common Foreign and Security Policy in the wake of the Yugoslav and post-Yugoslav wars has worked well in this region, together with the EU perspective and the EU's enlargement policy.

For the founding fathers of the EU, World War II (WW II) and its consequences for Europe carried huge significance. Healing the wounds of WW II in Western Europe looked impossible in 1945, but it was done. The European project was the best way forward because it created a very different way of interacting and respecting each other. Similarly, for the successive EU enlargements and in particular the 2004 enlargement, the backdrop of the injustices of the Iron Curtain after WW II, which split the core of the European mainland in two blocs, was the central factor in the movement towards EU integration. Of course, it was also about building a greater domestic market for trade, services, labour and capital, based on the pillars of a social market economy. But more than anything, the transformative power of EU enlargement was underpinned by a deep, inherent desire. We can perhaps formulate that thought in this way: The desire to '*go for the EU*' permeated whole societies as a musical '*basso continuo*' – from the highest political levels to school pupils, from political centre-left to centre-right. That desire was a unifying fac-

tor domestically. And that desire was realistic because the EU perspective was a reality.

In the coming years the EU perspective, which has repeatedly been confirmed, also means that politically and geographically the countries of the former Yugoslavia, together with Albania, will have a special relationship with the European Union. Essentially, the countries in question are offered the perspective of joining the European Union in due course, provided they so desire, the EU criteria and conditions are fulfilled, and the relevant decisions are adopted by the Council of the European Union, typically upon the recommendation of the European Commission. The European Parliament will also express its views, typically via resolutions.

By mid-2013, the EU perspective for this group of countries had already resulted in EU membership for Slovenia (joined in 2004) and Croatia (joined in 2013). For the remaining States in this group of countries, it is expected that gradual progress will be made during the coming months and years so that each one, at its own pace and based on its own merits, will progress towards the objective of EU membership via pre-defined stages (Stabilisation and Association Agreement; submission of application for EU membership; candidate status; opening of accession negotiations; accession).

An essential parameter for the countries in the Western Balkans has been to achieve stabilisation. Overall, that has now been achieved, certainly in the sense that the re-emergence of large-scale violence between these countries is now as unthinkable as between full EU Member States. From the starting point of broad stability (or 'hard stability'), with considerable engage-

ment over the years from the EU and with varying combinations of other international partners including the OSCE, the CoE, NATO and a number of third countries (the US, Turkey, Japan, the Russian Federation, Norway, Switzerland, etc.), each country should be able to master its own contribution to the next stages.

Yet, to paint a fair and representative picture, a number of challenges remain, where important stabilisation issues continue to play a role and have, so far, justified support by for instance a military mission, a rule of law mission and an EU Special Representative or the introduction of *sui generis* tools such as an EU-facilitated dialogue. These challenges can be about inter-ethnic relations, disputes over political status, fragile political dialogue between State institutions, the structure and administration of aspects of rule of law, relations inside a country or across borders, the normalisation of relations with neighbours, the rights of minorities, etc.

Once these important issues have been steered onto a sustainable and manageable path, it should also be possible to achieve domestic consensus on applying for EU membership, settling major outstanding issues with neighbours and suppressing corruption and

organised crime, and to show the political will to allow free and fair elections, the will to enable free, diverse and critical media to question, investigate and report, and the will to uphold the independence of the judiciary and to create a public administration based on professional merits (all these could be labelled as 'soft stability' issues).

Achieving success in these areas of 'soft stability' will collectively facilitate speedy progress in the Stabilisation and Association Process, in which the EU *acquis* plays the predominant role, as opposed to the CFSP.

The External Action Service is active at the intersection between 'hard' and 'soft' stability, as well as at the intersection between soft stabilisation and the association process. The EEAS is also engaged in the accession process proper but here the immense experience, resources, and professionalism of the European Commission's General Directorate for Enlargement stands unrivalled. Consequently, it is the Commission, under the political control of the Council, which is responsible for the implementation of SA Agreements and who leads accession negotiations. In short, the further a country progresses along the accession path, the lesser the role of the EEAS and the CFSP becomes.

4.3. SAHEL

by Fernando Moreno

The *'European Union Strategy for Security and Development in the Sahel'* (Sahel Strategy) was presented to the Council in March 2011 after almost two years of internal negotiations and intense discussions between Member States. Before the Strategy was adopted, it was the subject of an intense consultation process with partners, International organisations and the African states concerned.

The Sahel Strategy was the first to be developed jointly by several EU Institutions under the new framework established after the Lisbon Treaty; this highlights the importance that the EU attaches to its relationship with the region and its willingness to support development and security in the Sahel. Under the authority of the High Representative/Vice President, a Task Force was set up with representatives from most of the EEAS and Commission Directorates and the office of the EU Counter Terrorism Co-ordinator, initially to prepare a draft of the Strategy and its subsequent projects and later to follow-up and monitor its implementation.

The Strategy is based on the principles that development and security are interconnected and that the complex situation in the Sahel Region needs a comprehensive and regional approach based on African ownership.

Broadly speaking, the short-term objectives were to improve people's access to basic services and economic and education opportunities; reduce terrorist attacks and kidnappings, limit the capabilities of AQIM and criminal networks, and improve security in the Sahel; contribute to the fight against corruption, support the implementation of peace settlements and increase confidence between local and state authorities.

In the long term, the strategy aims at enhancing political stability, security, good governance, social cohesion and economic and education opportunities, thus setting the conditions for local and national sustainable development so that the Sahel region can prosper and no longer be a potential safe haven for terrorist and criminal networks.

These objectives are implemented through four lines of action in accordance with the challenges previously identified: (1) development, good governance and internal conflict resolution; (2) political and diplomatic dialogue; (3) security and the rule of law; (4) prevention of radicalisation.

The Strategy focuses on the Western Sahel (Mauritania, Mali and Niger) while taking into account the neighbouring North African and sub-Saharan African regions. It also acknowledges the transnational dynamics in the region (commercial and human flows, terrorism, illegal trafficking, criminality and the lack of physical borders between ethnic groups).

The Strategy provides policy guidance for the identification, planning and conduct of EU projects under the various available instruments: European Co-operation Development Fund, Instrument for Stability, Common Security and Defence, thematic instruments or other projects related to the neighbourhood policy. It can also help Member States to adopt a co-ordinated approach.

EVOLUTION

Within this framework, the European External Action Service and the Commission services formulated a plan of action along these

four lines of action. On the basis of this plan of action, building on existing national, bilateral and multilateral engagement, the EU (EU institutions and Member States) has been working in close co-operation with civil society and regional and international bodies to help the countries of the region to tackle the challenges identified in the Strategy.

As previously mentioned, the Sahel Strategy also has a strong regional focus, encouraging regional co-operation among the countries concerned, in particular within the framework of the 'Security and Rule of Law' chapter of the Strategy, which aims at improving the operational and strategic capacities in the security, law enforcement and judicial sectors.

But the Strategy was designed as a living and dynamic instrument to adapt EU action in a very challenging and changing environment, as the developments in the region have shown. Since the Strategy was adopted, the political and security situation in the region has dramatically changed; the Libyan conflict in 2011 and its consequences for the region as well as the crisis in Mali placed the Sahel very high on the international agendas, confirming the appropriateness of the EU decision to develop a specific Strategy for the region. In addition to these local conflicts, the terrorist threat targeting all the countries in the region as well as foreign interests has increased, another indication of its transnational dimension.

Unfortunately, and in spite of the foresight shown by the European Union in formulating the Strategy, subsequent events in the region have shown the need for a stronger and more reactive response to new challenges. In addition to the medium and long term projects launched under the Instrument for Stability and European Development Fund, two Common Security and Defence Policy missions have been launched (EUCAP Sahel Niger and EUTM Mali), a third one, dealing with the civilian dimension of security in Mali, is under consideration, and another one (EUBAM Libya) has important links with the Sahel.

CHALLENGES

The EU has shown its commitment and capacity, both to provide a response in the political, diplomatic, security and development stakes, and to tackle the immense humanitarian consequences of the conflict. The Malian crisis prompted rapid and comprehensive EU action in the region that helped to prevent the conflict from spreading to neighbouring countries, but these immediate efforts need to be sustained in the entire region while addressing long-term development goals.

While there is a growing eagerness among some African and EU states to enhance EU engagement in the region, co-operation on security and rule of law remains constrained by the internal organisation of EU instruments, different financial mechanisms and decision-making processes, the lack of security and defence expertise at EU delegation level and the difficulties of combining the provision of advice and assessment with equipment delivery and infrastructure support.

Parallel to this, there is also a growing demand to expand the area of implementation to other countries such as Senegal, Burkina Faso, Tchad and Cameroon, which face the same challenges as the core three, and to link it with EU action in the countries of North Africa. Such objectives should be considered in the light of each individual country, focusing mainly on the regional dimension.

The Task Force Sahel continues to work on the implementation of the Strategy as a framework for EU and MS engagement in the region and has recently presented the second implementation report to the Council. The Strategy is only 'two years old' but it is 'ageing' quickly due to the tremendous changes in the scenario.

While maintaining the principles and lines of actions defined two years ago, and the implementation of ongoing projects, it would be worth considering the possibility of making prudent plans for further and enhanced engagement, promoting more regional rather than country-based co-operation and capacity building, and becoming more active instead of reactive.

4.4. HORN OF AFRICA

by Jean Philippe Scherer

The Horn of Africa (HoA) has always been an area of strategic interest for major powers and will continue to demand attention in the future. The region is indeed a bridge between Africa and the Middle East, and therefore a crossing between Africa and Asia. Currently these two continents have the most significant economic and demographic growth in the world. Several African countries are achieving a more than 7% annual growth rate and maintain a positive forecast despite the slowdown in the global economy. The Horn also provides access to the Suez Canal, which is the main trade route between China and Europe. We can therefore understand the critical value of this area for the superpowers.

The Horn of Africa has regrettably been the theatre of violent conflicts and natural disasters over the past two decades. Whether due to the civil war in Somalia, the recurring clashes between Eritrea and Ethiopia or the severe droughts, long years of difficulties have left deep wounds in the population and created serious problems. Beyond any economic or strategic considerations, the international community has taken initiatives to rescue and protect people in distress. Different measures have been taken in order to contain the negative effects of this crisis on the global economy and on maritime transport in particular. Over time, the European Union has become the largest donor and the most engaged actor in the region, amongst a large number of partners.

The Horn of Africa is not the only area in difficulty on the world stage, but this challenging region represented an opportunity to engage the EU's maturing structures at the dawn of the 21st century. Following a series of setbacks, the UN and the African Union (AU) gladly wel-

comed the strong European commitment in the region. A decade later, the EU is currently funding or running a hundred activities and has invested several billions of euros in the Horn of Africa. This remarkable effort has not been in vain as some tangible results have already been achieved. Two of the main benefits are the dramatic reduction in piracy off the coast of Somalia and the emergence of a legitimate government in Somalia.

Of course, these achievements are still very fragile and it would really be premature to declare victory. Root causes have not yet been totally treated, and it will probably take several decades for the Horn of Africa to completely recover. EU commitment in the HoA has shown just how difficult and complicated it is to help a troubled region. But recent progress in the field demonstrates how European patience and determination can produce positive results.

Humility is the only possible approach when it comes to working in the HoA. The Commission and EEAS have learnt a lot about bedside manner in the region. Although no dramatic errors have been committed so far, the international community has had to repeatedly modify its approach in order to achieve positive results. The EU strategy in the Horn of Africa has thereby gradually evolved without losing sight of the ultimate goal: *for Africans to take control of their own destiny*.

Initially, the strategy was focused on the development of appropriate European tools to address the symptoms of the regional breakdown: thirst, hunger, poverty, violence, corruption, criminality ... at this time, the Horn of Africa, and Somalia in particular, was showing numerous facets of human misery. The European Commission and its various DGs were at

the forefront of supporting humanitarian aid, development and justice.

This enormous effort continues today in close co-ordination with UN. Significant resources are mobilised via DG ECHO and DG DEVCO towards the different countries in the region. Despite numerous indicators and analysis, it is hard to precisely evaluate the real impact of European aid. The EU helps millions of Africans to survive in more decent conditions, which are simply a prerequisite for peace.

However, right from the start Europe understood that the symptomatic approach would not be enough to lay the foundations for lasting peace. The partnership with the UN was strengthened to better address the root causes. The EU decided to strongly support the AU through the African Peace Fund (APF), promoting the deployment of the African Mission in Somalia (AMISOM) to fight against al-Shabaab insurgents.

The EEAS was created in 2009 as a result of the Treaty of Lisbon. The new service brings together the geographical departments (including MD II Africa), diplomats (delegations and representations) and maturing CSDP structures such as the EU Military Staff (EUMS), the Crisis Management and Planning Directorate (CMPD) and the Civilian Planning and Conduct Capacity (CPCC). This new service gives Europe a uniquely comprehensive capacity combining foreign affairs, security and defence in a single service.

Violence and crime were unfortunately too high in the Horn of Africa, undermining European efforts and encouraging both insurgency in Somalia and piracy off the coast of Somalia. This hazardous situation initiated a strategic turn for Europe, which decided to act in a more proactive way. At the end of 2008, the first EU military operation EUNAVFOR Atalanta was deployed in the Indian Ocean in order to fight against endemic piracy. This operation has become a huge success and has been emulated by NATO and international partners (EUNAVFOR Atalanta, NATO Ocean Shield and US Com-

bined Task Force 151 are considered three sister operations working in close co-ordination).

Two years later, a military mission called EUTM Somalia was established in Uganda in order to train the recruits of the young Somalia National Forces. In three years, the mission has successfully trained nearly 3000 soldiers to serve the new federal government. As the situation in Somalia significantly improved, and according to the Somali wishes, the mission is today working in Mogadishu and its mandate has been enlarged to include military advice.

Another turning point appeared in late 2011 when Europe realised that its approach was too Brussels-centric, and probably too standardised to match regional specificities. The European Council adopted a strategic framework for the Horn of Africa, which is to guide EU action for greater peace, stability and prosperity by integrating regional actors. This official document sets out five areas for EU action:

- building robust and accountable political structures;
- contributing to conflict resolution and prevention;
- mitigating security threats emanating from the region;
- promoting economic growth,
- and supporting regional economic co-operation.

The Strategic Framework sets out the way in which the EU will pursue its strategic approach, introducing more co-ordination between the different activities and integrating the root causes of difficulties. As part of this new strategy, an EU Special Representative (EUSR) for the HoA was appointed to offer a single voice to speak to regional and international partners. At the same time, the roles of the different EU delegations and of the EU Special Envoy to Somalia (EUSE) were recognised and consolidated.

Only few months later, the Council approved the launch of EUCAP NESTOR, a civilian CSDP mission to develop maritime security capacities in the Horn of Africa. And in line with the

Strategic Framework, the Council also decided to activate the EU Operations Centre to support the CSDP missions and facilitate co-ordination between the different European activities in the region. The interaction between the EEAS and the Commission was therefore enhanced and evidenced by several inter-service documents such as the action plan for the fight against piracy off the coast of Somalia or the joint database of EU funded activities in the Horn of Africa. All these initiatives positively improved co-ordination by combining our assets, avoiding duplication and filling some gaps. It also improved our visibility and legibility with regard to regional and international partners.

Internal efforts are now focusing on strengthening the security-development nexus in the so-called '*Comprehensive Approach*'. This trendy and misleading term actually hides a double challenge: to perfectly understand the ins and outs of the region, and then to combine internal resources in a reasonable plan. This also means that henceforth we permanently anticipate in our strategy the changes in the situation and the potential threats, such as terrorist attacks or natural disasters.

It is important to acknowledge the remarkable progress and results achieved by the European diplomacy in the region over the last months. The EUSR and EUSE have for instance established excellent relationships with the key leaders. Their work is a powerful tool to facilitate the integration and the execution of our different activities in the HoA. Their co-ordination role at regional and international level is also essential to combine the different views: the

EU Strategic Framework, the new deal compact supported by the UN, and the Somali Six Pillars Policy.

The EU's commitment to the Horn of Africa is strong and methodical, but of course there is still room for improvement, especially in the field of co-ordination and analysis. Our financial and political mechanisms are powerful, but they are sometimes slow. On operational and strategic levels, the EU also lacks the intelligence capacities to make a proper self-assessment of the situation.

Despite its imperfections, the EU remains the most important donor and a major player in the region. Its capacity is still improving, as evidenced by the recent creation of a Crisis Response in the EEAS that will offer full coverage of the crisis cycle: conflict prevention, crisis management, stabilisation and longer-term recovery, reconciliation and reconstruction. The main reference documents, including the EU Strategic Framework, have been recently reviewed to take into account the latest encouraging but fragile developments in Somalia.

Strategies and structures are essential to success, but decision makers must keep in mind that any high-performance system relies primarily on the quality of the execution. The motivation and the experience of our EU personnel are the real key factor, and this rule particularly applies in Africa. Whatever the fortune of the Horn of Africa will be, the experience gained by the EU in this region is considerable. It will definitely help our structures to improve and to face new challenges ahead.

5 HORIZONTAL ISSUES

5.1. CONFLICT PREVENTION, PEACE-BUILDING AND MEDIATION

by Andrew Byrne

Conflict prevention – by facilitating the resolution of underlying tensions and disputes – can save lives, reduce suffering, and avoid the destruction of infrastructure and the economy. Peace-building – itself a core tenet of Common Security and Defence Policy (CSDP) missions – provides an important foundation to enable fragile and conflict-affected countries to progress towards wider development goals. Mediation and dialogue facilitation can be an effective and cost-efficient means of preventing, transforming or resolving violent conflict.

In concrete terms, the need for continued focus on these areas – both in times of acute crises (and in situations where conflict may have already broken out), such as in Mali early in 2013 or in Syria, or where it is crucial to promote the management of transition without recourse to violence, such as in Myanmar or Egypt – is fundamental to EU external action.

The importance of these aspects, therefore, is enshrined in Article 21 of the Lisbon Treaty which – for the first time at Treaty level – includes the goal ‘to preserve peace, prevent conflicts and strengthen international security’ among the objectives of the EU’s external action. More recently, the general references in Article 21 were further elaborated in the 2011 Council Conclusions on conflict prevention. In addition, the 2009 EU Concept on Mediation and Dialogue Capacities advocates the use of mediation as a tool of first response to emerging or ongoing crisis.

Previous conflict prevention-related EU-level policy work also included: the 2001 Programme for the Prevention of Violent Conflict (Gothenburg Programme), which cited conflict preven-

tion as one of the main objectives of the EU’s external relations; the 2003 European Security Strategy, which (together with its 2008 Implementation Report) emphasised the relevance of ‘preventive engagement’ and the need to use the full range of conflict prevention instruments at the EU’s disposal; the 2007 Council Conclusions on security and development, which underlined that no sustainable development is possible without peace and security and vice-versa, as well as the sister Council Conclusions on an EU response to situations of fragility, which focused on the comprehensive and forward-looking use of development instruments (including those of EU Member States) in preventing/addressing situations of fragility.

More generally, the further strengthening of the EU’s Comprehensive Approach to conflict situations in third countries is increasingly high on the political agenda. Conflict prevention and mitigation efforts (notably, robust and perceptive early warning systems; sound and systematic conflict analysis; flexible mediation support capacities) constitute the bedrock of this broad approach, which in fact comprises a wide range of mechanisms and tools (including CSDP missions and other diplomatic, political dialogue, trade, and external assistance measures).

Within the EEAS, the Division for Conflict Prevention, Peace-building and Mediation Instruments (within the Directorate for Security Policy and Conflict Prevention) supports geographic services and delegations, crisis response/management services, as well as EEAS senior management, in taking real-time decisions in the pursuit of peace and in the anticipation of crises and the prevention of conflict. Close co-opera-

tion with the European Commission on these issues is also ensured (notably, with the DEVCO Unit on Fragility and Crisis Management and the Stability Instrument Operations Unit in the Service for Foreign Policy Instruments).

Overall, EEAS conflict prevention, peace-building and mediation efforts have been designed to deepen our understanding of the structural causes of conflict, key actors, potential triggers, etc. Practical work has focused on a number of specific areas set out below, principally supporting geographical and crisis response/management services (including EU in-country actors: delegations, CSDP missions, EUSRs).

CONFLICT EARLY WARNING SYSTEM

A well-functioning early warning system – underpinning the discussion of risk mitigation efforts with Member States and putting forward options for EU action – enables a culture of responsible risk management, and provides greater situational awareness in terms of latent/emerging conflicts and/or crises. The EEAS' incipient early warning system is based on input from EU delegations, from other EU actors in-country (for example, CSDP missions, Member States' embassies) and from HQ (also using open-source information). Geographical desks (EEAS + DEVCO) lead the process to identify conflict risks, as well as possible EU response options, but the system is broadly inclusive of all relevant services, notably in the context of the Conflict Prevention Group and the Crisis Management Board. It has already been piloted in eight countries in the wider Sahel region. Initial assessments indicate that it should help to better inform/direct EEAS priorities and that it is useful in fostering a common understanding among all EU services of medium- to long-term risks and of the full range of response options.

CONFLICT ANALYSIS

Conflict analysis provides a means for all relevant EU services to look jointly at a conflict situation and to identify how best the EU can intervene. It can be useful across a wide range of mechanisms and tools, including proposals for (and planning of) new – and/or strategic reviews of ongoing – CSDP missions. Such analysis may be obtained via 'light touch' workshops – one to two day events bring together all relevant EU stakeholders (e.g. delegations, geographic and crisis response/management services from EEAS and DEVCO, etc.) to analyse the root causes, drivers and actors in a specific conflict situation. Relevant outside experts may provide external perspectives and help avoid 'group-think'. These 'light-touch' workshops are particularly pertinent in conflict-affected settings characterised by rapidly-moving developments, and they have already been organised in a number of conflict situations (Mali, DRC, Libya, Lebanon, Syria, Guinea-Bissau, Bosnia and Herzegovina). They result in short and structured conflict analysis reports reflecting a broadly owned analysis of the situation, which can serve as a common point of departure to explore options to use the wide range of EU tools available in an effective way – thereby ensuring a solid basis for a Comprehensive Approach. The EEAS Conflict Prevention, Peace-building and Mediation Instruments Division can help organise and facilitate these events upon request. The workshops also complement other tools being developed by the European Commission, which combine in-depth desk and field research with interactive workshops. Finally, guidance has also been developed jointly with DG DEVCO on the use of conflict analysis in support of EU external action.

MEDIATION SUPPORT

The establishment of the EEAS has provided a new impetus to build capacity in support of the EU's direct involvement in international negotiations, including mediating on behalf of the international community. In this regard, for example, the High Representative has been directly involved in facilitating the dialogue between Serbia and Kosovo with concrete results. In order to build further capacity in this area, the EEAS has created a dedicated Mediation Support Team within the Conflict Prevention, Peace-building and Mediation Instruments Division, which aims to promote the use of mediation as a tool of first EU response to emerging or ongoing crisis situations. Real-time support can be offered to Heads of Delegation and other relevant EU actors in-country, and has already been provided with regard to Lebanon, Yemen, Myanmar and Mali, for example. The ability to offer effective operational support to ongoing mediation and dialogue initiatives has also been underpinned by training/coaching sessions, which have already been offered to EU actors (25 coaching sessions with more than 150 participants) working in key regions such as MENA, Sahel and the South Caucasus. Moreover, clear and usable factsheets on specific aspects of mediation (Women's Participation and Gender; Transitional Justice Issues; Strengthening National Capacities for Mediation and Dialogue; Non-State Armed Groups; Prevention and Mitigation of Electoral-Related Violence) have been developed and are available¹, together with lessons learned documents on the EEAS' mediation and dialogue work.

ENHANCING PARTNERSHIPS

In terms of conflict prevention, peace-building and mediation, the UN remains a key partner for the EU. A mechanism has recently been established to allow regular policy-level contacts between EU and UN services (notably UNDP and DPA) working on conflict prevention and peace-building issues. Moreover, the EU continues to support specific activities, where the UN may be best placed to take matters forward in the field. Between 2007 and 2011, UN agencies received 42 % of the total funding allocations under the crisis response component of the IfS. Support for UN actions has been a constant in the programming of the IfS crisis preparedness component; UN actions funded notably include: contribution to DPA's Mediation Support Unit Stand-By Team; a UNDP project equipping national and local actors in internal conflict management processes with skills for dialogue and constructive negotiation; activities relating to natural resources and conflict co-ordinated by the UN Framework Team for Preventive Action (involving DPA, UNDP, UNEP, UN-HABITAT and PBSO).

In addition to the UN, the EU also works with and supports a number of regional organisations on conflict prevention and peace-building under the Instrument for Stability (IfS) – for example, contributing to the setting up of the African Union's (AU) early warning system. More general co-operation with the AU takes place under the African Peace Facility, and with the Secretariat of the League of Arab States on early warning and (more recently) on relations with civil society. Finally, there have also been preliminary efforts to address conflict prevention and peace-building issues in the EU-US development dialogue.

¹ At: http://eeas.europa.eu/cfsp/conflict_prevention/index_en.htm

INSTRUMENT FOR STABILITY (IFS) STRATEGIC PROGRAMMING

The objectives of the Instrument for Stability include: to contribute to the prevention of conflicts, to ensure capacity and preparedness to address pre- and post-crisis situations and to build peace. In addition to conflict prevention, peace-building and mediation-related actions under the IfS non-programmable crisis response component, a specific long-term programmable component supports measures aimed at building/strengthening the capacity of the EU and its partners in these areas, in close co-ordination with international, regional and sub-regional organisations, state and non-state actors. Specific areas of focus for 2014 – 2020 include:

- a. promoting early warning and conflict-sensitive risk analysis;
- b. building capacity in mediation, dialogue and reconciliation;
- c. strengthening capacities for participation and deployment in civilian stabilisation missions;
- d. improving both post-conflict and post-disaster recovery; and
- e. assistance in curbing the use of natural resources to finance conflicts and supporting compliance with initiatives such as the Kimberley Process Certification Scheme. More than EUR 76 million have been disbursed under the IfS crisis preparedness component between 2007 and 2012. Of this amount, approximately 20 % went to civil society (including funding for the 'Civil Society Dialogue Network' which provides a forum of exchange between EU policy-makers and civil society organisations active in the field of peace-building); 51 % to international and regional organisations (particularly within the UN family – see above); and 29 % to EU Member State bodies (funding for training of civilian and police experts to participate in stabilisation missions). Discussions on the financial allocations for 2014 – 2020 are currently ongoing.

JUSTICE AND SECURITY SECTOR REFORM (JSSR)

The Arab Spring uprisings – as well as recent events in a number of African countries – have underlined the continuing challenge faced by many countries regarding the provision of effective, legitimate and accountable justice and security services. The EU has long supported JSSR programmes, through a wide range of diplomatic, crisis response, development and security mechanisms. Between 2001 and 2009, the EU disbursed approximately EUR 1 billion of development co-operation targeting JSSR in more than 100 countries. Moreover, CSDP missions are currently supporting justice and security institutions in countries such as Bosnia and Herzegovina, Afghanistan, DR Congo, Mali and Somalia.

An integrated EU approach to programming, designing and implementing JSSR programmes will be crucial to cope with these challenges and the growing need for support. An EU informal inter-service group on Security Sector Reform – managed by the Conflict Prevention, Peace-building and Mediation Instruments Division, in close association with relevant geographic and crisis management services from the EEAS and the Commission (DG DEVCO) – aims to facilitate such an approach. This forum primarily aims to exchange information between CSDP missions, crisis response actions and governance/development programmes on planned JSSR interventions from the early stages onwards. It also promotes joint analysis as a basis for effective response and implementation.

5.2. NON-PROLIFERATION

by Wolfgang Rudischhauser

In 2003 discussions about possible weapons of mass destruction (WMDs) in Iraq contributed to the awareness among policy makers that proliferation of WMDs and their delivery systems among state and non-state actors poses an increasing threat to international security. However, Europe and the G8 had already earlier recognised this threat.

Since the break-up of the Soviet Union in the 1990's the EU and its Member States have been a major donor in the field of non-proliferation and disarmament, contributing a total of EUR 550 million to different assistance programmes under the G8 Global Partnership in the period 1992–2001. In 1999, for example, the Council adopted a Joint Action worth nearly EUR 9 million to help Russia and Newly Independent States with chemical weapons destruction and plutonium storage and disposal. Through the TACIS programme the redirection of scientists in Russia and the former Soviet Union countries was supported via the International Science and Technology Centre (ISTC) in Moscow, at a cumulative cost of more than EUR 300 million since 1994 ¹.

In December 2003, in response to the growing threat perceived, the European Council adopted a European Security Strategy (ESS) entitled 'A secure Europe in a better world'. The proliferation of WMDs was defined therein as potentially the greatest threat to European security and is identified among the five key challenges to international security: terrorism, proliferation of WMDs, regional conflicts, State failure and organised crime.

In order to address this threat, the European Council adopted a Strategy against the Proliferation of Weapons of Mass Destruction² in parallel to the ESS. In 2005 the EU also adopted a Small Arms and Light Weapons (SALW) Strategy to address the excessive accumulation of and illicit trafficking in small arms and light weapons, an important security concern not only for developing countries and conflict regions.

This EU policy is aimed at pursuing universalisation of the multilateral treaty-based system and international instruments such as the NPT, CWC, BWC, CTBT, UNSCR 1540, HCoC and the relevant international organisations (e.g. UN, IAEA, CTBTO, OPCW) for abbreviations, see annex 3, pp 201. Assistance includes support for national implementation and co-operating with third countries in achieving the treaty goals and UN action plans. The EU does so first and foremost by encouraging third countries, in political dialogue at all levels, to accede to the relevant treaties and international instruments and to implement nationally the obligations contained therein.

The EU also contributes to the effective functioning of the international non-proliferation and arms control regime through regular and voluntary contributions by EU Member States to international organisations and international initiatives and through significant support from the Common Foreign and Security (CFSP) budget and relevant Community instruments, such as the Instrument for Stability (IfS).

1 See Commission-EEAS joint staff working document of 21.3.2013 on: [http://www.cc.cec/home/dgserv/sg/sgvista/i/sgv2/repo/repo.cfm?institution=COMM&doc_to_browse=SWD/2012/0070]

2 EU Strategy Against Proliferation of Weapons of Mass Destruction (December 2003), [<http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>]



***Disarmament, demobilization and reintegration (DDR) operation in Attecoube.
Ex-combatant munitions.***

ACTIVE ROLE IN SUPPORT OF MULTILATERALISM

The EU has become a key player in all multilateral fora, striving to speak with one voice, both on the basis of common positions adopted by the Council and through the preparation of EU positions and statements in the Political and Security Committee and the Council Working Groups, as well in local EU co-ordination meetings in New York, Geneva, Vienna and The Hague ensuring the coherence of EU views expressed.

In relations with third countries, the EU conducts a regular political dialogue at the level of the CODUN/CONOP and COARM³ working groups and/or the Special envoy for Non-proliferation and Disarmament (see below) with key players such as the US, Russia and China, as well as with Argentina, Brazil, Canada, Egypt,

Japan, South Korea, South Africa, Ukraine and other important partners. Non-proliferation issues are also regularly discussed at ministerial meetings with third countries and included in Summit Declarations and other relevant documents.

Since 2003, a Personal Representative appointed by the EU High Representative has been tasked to co-ordinate, implement, and further develop the EU's WMD Strategy. This role has been performed since February 2013 by a Special Envoy for Non-proliferation and Disarmament, who is integrated into the European External Action Service (EEAS) Directorate for Security Policy and Conflict prevention under the guidance of the EEAS Deputy Secretary General, reflecting the recognition that non-proliferation and disarmament forms part of overall security and of a policy of peace preservation and prevention of conflict.

³ CONOP – Council Working Group on non-proliferation, CODUN – Council Working Group on a global disarmament and arms control, DUWP – Dual-use working party, COARM – Council Working Party on Conventional Arms Exports



European Union/Heidi Levine

European Union Foreign Policy Chief Catherine Ashton accompanied by Israeli policeman David Boskila is shown a collection of Qassam rockets and other munitions that have been fired from Gaza into Israel during her visit to the Sderot police station 18 July 2010.

MAIN POLICY AREAS

As outlined in the ESS, the threats to EU security are numerous and require multifaceted action:

WMDs – Nuclear

The EU's work is guided by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which is recognized as the cornerstone of the global nuclear non-proliferation regime. The EU is committed to all three pillars of the treaty – non-proliferation, disarmament and peaceful uses. The EU is united in combating non-proliferation. Divergences in views with regard to the pursuit of nuclear disarmament and the peaceful use of nuclear energy reflect not only differing national positions but are also widely recognized as providing a potential 'common ground' for the wider NPT membership.

The EU and its Member States actively implement the 2010 NPT Review Conference outcome, including the understandings reached on the Middle East providing for the organisation of an international Conference (in 2012) on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. The EU has organised several seminars in order to facilitate this process and fully supports the Facilitator for the Conference in his efforts. For regional proliferation cases, in particular Iran⁴, see the related separate articles in this Handbook.

The EU co-operates closely with the IAEA in various fields and has contributed more than EUR 110 million since 2007 to joint activities with the IAEA. Since 2004, it has become the major contributor to the IAEA Nuclear Security Fund (NSF) and almost EUR 40 million have been committed. Through the IAEA NSF, the

⁴ The EU High Representative leads negotiations for a diplomatic solution to the Iranian Nuclear Programme on the framework of the so-called E3+3 (China, Germany, France, Russia, US and UK).

EU supports nuclear security projects in almost 100 countries in order to prevent, detect and react to risks posed by nuclear terrorism. The strengthening of the IAEA safeguards system, including the Additional Protocol, also remain a key priority for the EU.

The EU continues to promote the early entry into force of the Comprehensive Nuclear-Test Ban-Treaty (CTBT), the international instrument that prohibits all nuclear tests, through diplomatic efforts, in particular in the so-called 'Annex II states' whose ratification is required for the Treaty's entry into force. The EU has also made a series of financial contributions since 2006, adding up to more than EUR 15 million, to projects aimed at strengthening the monitoring and verification capabilities of the Treaty's provisional office (CTBTO-PTS).

Another important priority for the EU is to launch negotiations at the Conference on Disarmament (CD) in Geneva on a treaty banning the production of fissile material for nuclear weapons (Fissile Material Cut-Off Treaty [FMCT]), currently a victim of the stalemate in the CD.

WMDs – Chemicals

The Chemical Weapons Convention (CWC) is the only international treaty which bans an entire category of WMDs. It is a key instrument of the disarmament and non-proliferation regime recognised by the EU WMD Strategy. States which are Parties to it undertake never under any circumstances to develop, produce, otherwise acquire, stockpile or retain chemical weapons, nor to transfer, directly or indirectly, chemical weapons to anyone; use chemical weapons; engage in any military preparations to use chemical weapons; assist, encourage or induce, in any way, anyone to engage in any activity prohibited.

The EU aims to support the universalisation and full implementation of the CWC and the outreach and assistance activities conducted by the Convention's Secretariat (OPCW). It contributes to 40 % of the OPCW budget. Funds have been provided to the OPCW through three sub-

sequent Joint Actions since 2004. In general, the EU's support for the OPCW has concentrated on providing assistance for the CWC's national implementation in developing countries. In the future, the fight against chemical terrorism and preventing chemical weapons from falling into the hands of terrorist and non-state actors, together with chemical safety and security, will require particular attention.

The EU has repeatedly expressed serious concern at the possible use of chemical weapons in Syria and has called on Syria never to use its stockpile under any circumstances and to store it securely pending independently verified destruction. Strengthening the CBRN crisis response capabilities of the neighbouring countries is another priority.

WMDs – Biological

The EU is also the most important supporter of the Biological and Toxic Weapons Convention (BTWC) and is active in the area of bio-security and bio-safety. Under this convention, each State Party undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain microbial or other biological agents, or toxins, in quantities that have no justification for prophylactic, protective or other peaceful purposes; and to destroy or divert to peaceful purposes weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

The Union assists countries in fulfilling their obligations under the Convention, supports confidence-building measures and the intercessional process, organises regional workshops on bio-risk management and country visits (through CPSP funds directed to the UN support unit of the BTWC) on bio-risk management, and has helped to develop a national bio-preparedness plan in selected countries. The Council has adopted two Joint Actions which triggered a series of subsequent measures and six regional workshops as well as country visits, all aiming at promoting universality and national implementation.

CONVENTIONAL RISKS

The EU SALW Strategy

In the context of the EU Strategy to combat excessive accumulation and illicit trafficking of small arms and light weapons (SALW), adopted by the European Council in 2005, the EU promotes the universality and implementation of international instruments and in addition assists third countries through specific projects. A SALW clause has been introduced into numerous agreements by the EU with third countries.

The EU supports a more systematic tracing of SALWs in conflict and post-conflict situations, helping to comprehensively investigate arms transfer routes, uncover embargo violations and assist policy makers and arms export control officers to develop more effective evidence-based strategies against the illicit spread and accumulation of SALWs, in particular into conflict-affected regions or to international terrorist organisations.

The EU is also supporting several projects on practical stockpile management and security for conventional arms, border management and clearance of unexploded ordnance in Libya and other countries.

Arms Trade Treaty

The EU allocated significant financial and diplomatic resources to raise awareness of the need for an Arms Trade Treaty (ATT), which was rewarded by the approval of the Treaty in the UNGA on 2 April and its opening for signature on 3 July 2013. The treaty is intended to regulate international trade in conventional arms, from small arms to battle tanks, combat aircraft and warships. The treaty should foster peace and security by putting a stop to destabilising

arms flows to conflict regions. The forthcoming challenge is now to promote its early entry into force and effective implementation so that it can make a tangible difference. All EU Member States have signed the ATT and will ratify soon.

Today, only around 60 to 80 countries have a national arms export system in place. The challenge, but also the opportunity for the ATT, is that the treaty contributes to closing the regulatory gaps and loopholes. It is important that the major arms exporters and importers, instrumental for the success of the treaty, are on board (USA, Russia, China, India and others) and intense diplomatic outreach will be necessary to achieve this aim.⁵

Ballistic Missiles

The risk of the use of WMDs increases with the availability and accuracy of delivery systems. The EU thus strongly supports the Hague Code of Conduct against Ballistic Missile Proliferation (HCoC), adopted in 2002⁶, the only multilateral instrument in the field. In order to make EU support more tangible, Council Decisions in support of the HCoC were adopted in 2008 and 2012 committing nearly EUR 2 million. Activities are aimed at supporting the universality of the Code, implementation of the Code and its enhancement and improved functioning. These activities include promoting the visibility and universality of the Code, as well as its implementation by subscribing states. The EU together with the EU Member States also supports the Missile Technology Control Regime (MTCR), a related export control regime, and the pending MTCR membership applications of several EU MS.

⁵ The ATT applies to the following categories of arms: a) battle tanks; (b) armoured combat vehicles; (c) large-calibre artillery systems; (d) combat aircraft; (e) attack helicopters; (f) warships; (g) missiles and missile launchers; and (h) small arms and light weapons. It also applies to parts, components and ammunition that relate to those categories.

⁶ HCoC, [<http://www.hcoc.at/>]

SECURITY IN OUTER SPACE

The EU considers greater security in outer space an important element of our broader security policy.

The EU has therefore proposed an international 'Code of Conduct for Outer Space Activities', providing 'rules of the road' for spacefaring states, and strengthening and complementing the space treaties concluded within the UN framework. This initiative for a voluntary, non-legally-binding instrument to guide nations' behaviour in space, which was launched in 2007, was endorsed twice by the Council of the EU in December 2008 and September 2010, giving a mandate to the EU High Representative 'to engage with third countries that have an interest in outer space activities, with the aim of establishing a text that is acceptable to the greatest number of countries'. The aim is now to reach agreement soon on a text to be adopted by a diplomatic conference which will be acceptable to all interested States and will thus bring effective security benefits in the relatively short term.

INSTRUMENTS AT THE DISPOSAL OF THE EU/TOOLKIT

The 'New lines for action by the European Union in combating the proliferation of WMD and their delivery systems'

In 2008 the Council adopted an action plan entitled: 'New lines for action'⁷ making non-proliferation a cross-cutting priority of EU and Member States' policies, identifying best practices and encouraging better co-ordination. The creation of the High-Level ESDC Training Course on non-proliferation and increased consular and scientific vigilance is among the deliverables of this action plan, which was extended in 2010 and to which follow-up guidance has been adopted by Council on 21 October 2013.⁸



Photo: Austrian Armed Forces/Pusch

The Council adopted an EU CBRN Action Plan in order to enhance preventive, detection and response measures.

CBRN Action Plan and the CBRN Centres of Excellence

In November 2009, the Council adopted an EU CBRN Action Plan⁹ in order to enhance preventive, detection and response measures against chemical, biological, radiological and nuclear (CBRN) threats and risks – directed mainly towards work within the 28 Member States. The implementation of key actions started in 2010. The Stockholm programme on internal security also contained a number of related tasks.

The 'EU CBRN Centres of Excellence' (CoE) Initiative was launched in May 2010. EU CBRN CoE's are being created in response to a recognition of the insufficient institutional capacity of several countries to mitigate the CBRN risk: criminal activities (e.g. CBRN proliferation or terrorism), natural (e.g. swine flu) and accidental disasters (e.g. Bhopal or Fukushima). The objective is to develop an all-hazard CBRN policy at national and regional level to anticipate and respond to these risks.

Five regional centres are being established in North Africa, the Atlantic rim, the Middle East, South-East Europe/Southern Caucasus and

⁷ NLA, [http://trade.ec.europa.eu/doclib/docs/2008/december/tradoc_141740.pdf]

⁸ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139067.pdf

⁹ CBRN Action Plan implementing the Stockholm programme, [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0171:FIN:EN:PDF>]

South-East Asia and are starting their work, supported by projects on which nearly EUR 26 million has been spent since 2010. Centres in Sub-Saharan Africa, Central Asia and Gulf Countries are the next to be set up (see link below).

WMD clause in relations with third countries

On the basis of instructions from the Council of November 2003¹⁰ the EU has been including a specific article referring to the non-proliferation of WMDs in its contractual relationship with third countries. The clause, usually referred to as the WMD clause, has been negotiated with more than 100 countries and is included in all relevant mixed (Partnership and Co-operation Agreements, Association Agreements) or political agreements which the EU has been negotiating with third countries.

Upon the adoption of the WMD clause, the EU agreed a standard text for this article¹¹. The first paragraph of the WMD clause is considered as an essential element of the agreement of which the WMD clause is part. This means that any breach of the provisions under this paragraph can lead to the immediate suspension of the agreement – a measure not invoked so far – by one of the parties.

Export controls and support to UNSCR 1540

The EU WMD Strategy and UNSCR 1540 highlight the importance of strengthening export control policies and practices with

regard to dual-use items, which can be used for both civil and military purposes. In the EU the control of exports of these items is governed by Council Regulation No 428/2009¹², setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. This Regulation is legally binding and directly applicable in EU Member States. Items that are listed in the Regulation cannot leave the EU's territory without an export licence granted by the competent authorities of the Member States.

The EU list of controlled items is based on control lists adopted by the international export control regimes: the Australia Group (AG), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement (WA) and the Missile Technology Control Regime (MTCR). The fact that some EU Member States due to blocked Membership applications remain outside some of these regimes creates a loophole in the EU's ability to implement controls effectively.

UN Security Council Resolution 1540 (2004), and subsequent resolutions 1673, 1810 and 1977 explicitly address illicit trafficking and procurement networks, and in particular the involvement of non-state actors, including terrorists, in the proliferation of WMD technology. The EU has supported the full implementation of UNSCR 1540 both internally, inter alia through regular updates of the Council Regulation on dual-use export controls, and externally together with the UNODA under three Joint Actions adopted in 2006, in 2008 and on 22 July 2013.

¹⁰ Council Document on the mainstreaming of non-proliferation policies into the EU's wider relations with third countries (19 November 2003). [<http://www.consilium.europa.eu/uedocs/cmsUpload/st14997.en03.pdf>]

¹¹ The first paragraph of the WMD clause refers to the commitment of the parties to respect and fully implement their existing obligations in the field of non-proliferation and disarmament. The second paragraph refers to the co-operation commitments between the parties aiming at taking steps to sign, ratify, or accede as appropriate, and fully implement other relevant international instruments and to establish an export controls systems on dual-use goods, including end-use controls on dual use technologies and containing effective sanctions for breaches of these controls. A third paragraph refers to the establishment of a regular political dialogue between the parties.

¹² Dual use controls, DG Trade, [<http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>]

SANCTIONS

The EU has a set of autonomous and UN-based sanctions in place to underscore and support its non-proliferation policy in cases of countries in non-compliance with their international or treaty obligations (see Chapter 5.7. on pp. 159).

EU SUPPORT TO INTERNATIONAL SECURITY INITIATIVES

Outside treaties and international export control regimes there are other initiatives which the EU supports financially or politically, including the Proliferation Security Initiative (PSI), the Global Initiative to Combat Nuclear Terrorism (GICNT) and the Nuclear Security Summit (NSS) Process, as well as the G8 Global Partnership.

EU NON-PROLIFERATION CONSORTIUM

In July 2010 the Council of the European Union decided to create a network bringing together foreign policy institutions and research centres from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems. The EU Non-Proliferation Consortium is managed jointly by four leading European think tanks¹³, in close co-operation with the EU High Representative. The Consortium forms the core of a wider network of European non-proliferation think tanks and research centres fostering discussion at European level with civil society, experts, researchers and academics. The scope of activities also covers issues relating to conventional weapons.

¹³ The four institutes are the Fondation pour la Recherche Stratégique in Paris, the Peace Research Institute in Frankfurt (HSFK/ PRIF), the International Institute for Strategic Studies (IISS) in London, and the Stockholm International Peace Research Institute (SIPRI). More info on the dedicated website: [www.nonproliferation.eu]

REFERENCE DOCUMENTS AND USEFUL LINKS

- EU Strategy Against Proliferation of Weapons of Mass Destruction (December 2003)
- New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems (December 2008)
- EU Strategy to combat illicit accumulation and trafficking of SALW and their Ammunition (January 2006)
- CBRN CoE website: <http://www.cbrn-coe.eu/>
- Non-Proliferation and Disarmament on EEAS Internet: http://eeas.europa.eu/non-proliferation-and-disarmament/index_en.htm



5.3. ANTI-CORRUPTION

by Georg-Florian Grabenweger

‘State Failure: Bad governance – corruption, abuse of power, weak institutions and lack of accountability – and civil conflict corrode States from within. In some cases, this has brought about the collapse of State institutions. ... Collapse of the State can be associated with obvious threats, such as organised crime or terrorism. State failure is an alarming phenomenon, that undermines global governance, and adds to regional instability.’ – thus the European Security Strategy of 2003 (ESS) highlighted state failure as one of the five key threats to Europe. Less than seven years later the act of desperation of Mohamed Bouazizi, a Tunisian street vendor who set himself on fire because of police corruption and ill treatment, triggered the so-called Arab Spring, which has toppled the governments of Tunisia, Egypt, Libya and Yemen, led to civil war in Syria and major protests and government changes in a number of other countries in the close vicinity of the EU.

CORRUPTION AS A KEY AND COMMON THREAT TO EUROPEAN SECURITY

However, *‘until the mid-nineties the problem of corruption was virtually denied in Europe. If at all, it has been recognised as a problem of the so-called third world or countries in transition only, and even then there was the notion that nobody from outside could do anything about it, because it had been seen purely as national business, shielded by the principle of non-interference in national affairs,’* Martin Kreutner, the then President of the European Partners Against Corruption (EPAC) network

said at EPAC’s 4th Annual Conference in Vienna in November 2004.

Since the beginning of the nineties, the work of opinion leaders such as Peter Eigen, the founder of the world’s leading anti-corruption NGO, Transparency International, has gradually led to significant change in perceptions, and subsequently the countering of corruption throughout nearly all societies of the world. At the same time, there are several international legal instruments and mechanisms, such as the UN Convention against Corruption (UNCAC), the Organisation for Economic Development and Co-operation’s (OECD) Anti-Bribery Convention, or the Council of Europe’s Conventions on Corruption, with nearly comprehensive outreach, and which equip society with tools to press for change.

Apart from the abovementioned ESS, the Internal Security Strategy for the European Union (ISS) of 2010 complements the more global security approach of the earlier strategy in recognising corruption as one of *‘the main crime-related risks and threats facing Europe today’*, and in pointing out that *‘corruption is a threat to the bases of the democratic system and the rule of law.’*

The ‘Eurobarometer’ report released by the European Commission in 2012 indicates that the majority (74 %) of Europeans believe that corruption is a major problem in their country and almost half of all Europeans (47 %) think that the level of corruption in their country has increased over the past three years. However, it seems as if it is not about perception alone, given the fact that those countries which have been hit the hardest by the financial and eco-



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'The corruption of the best things gives rise to the worst.' David Hume

nomic crisis also have the greatest trouble with corruption. The National Integrity System assessment: *'Money, politics, power: corruption risks in Europe'*, drawn up by Transparency International in 25 European countries in 2012 comes to the conclusion that a number of countries in southern Europe have serious deficits in public sector accountability and deep-rooted problems of inefficiency, malpractice and corruption, all of which are neither sufficiently controlled nor sanctioned.¹ In addition, the expert body found evidence that since their accession to the EU in 2004, there has been a reversal of progress made in the fight against corruption in some other Eastern European countries.

INTERNATIONAL AND EUROPEAN TOOLS AND MECHANISMS

As indicated before, there are already certain legal instruments and mechanisms available which help strive for less corruption in governments and clean business in Europe and beyond:

The first instrument relevant in many European countries is the OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which entered into force on 15 February 1999. The main purpose of the Convention is to provide a framework for criminalising corruption in international business transactions. States Parties to the Convention undertake to punish those accused of bribing officials of foreign countries, including officials in states that are not Parties to the Convention, for the purpose of obtaining or retaining international business.

¹ See <http://www.transparency.org/enis/report>

Within the framework of the so-called OECD Anti-Bribery Working Group and pursuant to the Convention, a rigorous procedure for self-evaluation and mutual evaluation was adopted to ensure compliance with the Convention.

Furthermore, in 1999 the Group of States against Corruption (GRECO) was established by the Council of Europe to monitor states' compliance with the organisation's anti-corruption standards. GRECO's objective is to improve the capacity of its Members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a process of mutual evaluation and peer pressure. It helps to identify deficiencies in national anti-corruption policies, stimulating the necessary legislative, institutional, and practical reforms. Currently, GRECO comprises 49 Member States (48 European states and the United States of America). The most important legal instruments, which are used as standards during the monitoring and compliance cycles, are the Civil and the Criminal Law Conventions on Corruption as well as Resolution (97) 24 on the Twenty Guiding Principles for the Fight against Corruption.

The most comprehensive legal instrument in terms of scope as well as global outreach is the UNCAC. It is the first global, legally binding international anti-corruption instrument. Except for Germany, all EU countries are Party to this agreement. In its 71 Articles divided into 8 Chapters, the UNCAC requires that States Parties implement a number of anti-corruption measures which may affect their laws, institutions, and practices. These measures aim at preventing corruption, criminalising certain conducts, strengthening international law enforcement and judicial co-operation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange, and mechanisms for the implementation of the Convention, including the Conference of the States Parties to the United Nations Convention against Corruption (CoSP).

Starting in 2013, the European Commission publishes a biannual EU Anti-Corruption Report as an EU evaluation tool. The Report will identify trends and weaknesses that need to be addressed, and stimulate the exchange of best practices. It is intended to give a better reflection of the efforts made and problems encountered, and of the causes of corruption. The Report will be based on data from different sources, including the monitoring mechanisms of the Council of Europe, the OECD and the United Nations, and also from independent experts, research findings, the European Anti-Fraud Office (OLAF), EUROJUST, EUROPOL, the European anti-corruption networks (EPAC/EACN), Member States, Eurobarometer surveys, and civil society.

To complement the work of these legal instruments and mechanisms an international organisation, the International Anti-Corruption Academy (IACA), based in Laxenburg, Austria, has been set up. It is the first global institution of its kind, dedicated to overcoming current shortcomings in knowledge and practice in the field of anti-corruption and seeking to empower professionals for the challenges for tomorrow. The Academy provides a new, holistic approach to anti-corruption education and research, delivers and facilitates anti-corruption training for practitioners from all sectors of society, and provides technical support and assistance to a wide variety of stakeholders. It offers standardised and tailor-made training courses, academic degree programmes, opportunities for dialogue and networking, and anti-corruption think-tank and benchmarking activities. The organisation was initiated by the United Nations Office on Drugs and Crime (UNODC), the European Anti-Fraud Office (OLAF), the Republic of Austria, and other stakeholders. It became an international organisation on 8 March 2011. To date, it comprises a constituency of 64 UN Member States (including 15 EU Member states) and three international organisations (50 Parties).

CORRUPTION IN THE AREA OF SECURITY AND DEFENCE

Generally speaking, there are at least three special features in the area of security and defence which especially have the potential to favour corruption in these particular fields of public policy. The first is secrecy, the second the amount of money involved in single investment decisions, and the third special national interest considerations. It is quite comprehensible that e.g., issues of armament, the construction of military premises at home and abroad, and civil-military co-operation in missions entail considerations of self-protection, which always demand a higher degree of secrecy. The same issues might also include considerations of national interest, of favouring allies and disadvantaging enemies or opponents. And, last but not least, arms deals often involve large-scale investment decisions.

However, at the same time it has to be acknowledged that corruption in security and defence leads to the waste of scarce resources, undermines the necessary support of essential investment decisions by the people in democratic societies, discredits armed forces and security services and thus core functions of the state, distorts sound security, defence strategy and policy making, counteracts the effectiveness of operational activities, and in the long run can even lead to the destabilisation of national as well as international peace and security. It is obvious that these detrimental effects of corruption in defence and security are multiplied by the current financial and economic crisis, which enhances the alertness and sensitivity of the taxpayer and makes scarce resources even more scarce.

The Transparency International Defence and Security Group has identified five main areas where corruption in security and defence can occur: at the political level and in the areas of personnel, procurement, finance, and operations.

In most cases, it is at the political level where grand corruption finds its best opportunities and personal integrity is needed the most. The necessity of strategic investment in defence is nearly impossible to falsify and thus a totally clean subsequent process might still be corrupt in the first place if the decision makers do not act to the best of their knowledge, conscience, and for the common good. In some states, meddling by those concerned with security issues in natural resource matters and vice versa has led to dangerous distortions of both policy areas. In a similar vein, the exploitation of security and defence intelligence for economic purposes is prone to progressively more opaque and inappropriate decision making. Finally, national as well international security and defence arrangements can be diminished or even disabled by the circumvention of laws and agreements.

The types of corruption in security and defence personnel matters do not vary much from other areas of public administration, however, the effects this might have are significantly worse, e.g. bad leadership making self-interested choices even in war, rent-seeking peace-keeping forces, or informal parallel structures of power within the armed forces and the police.

A significant number of countries around the globe have been shaken by – at least the suspicion of – corruption in large scale arms procurement processes in the last few years. There is hardly anything as complex and secret in government procurement as the analysis, considerations, negotiations, decision making, execution, and financing arrangements in the large scale purchasing of arms. In recent years, the defence ministers of several countries have been sentenced or even jailed for corruption; in one case, rumours in the country concerned hint at up to two billion Euros siphoned off by the entourage of a single suspect.

The need for transparency in public finances is rarely questioned in developed democracies.

However, certain types of military expenditure at least are still areas where public scrutiny is hampered by national interest and national security considerations. It is clear that the solutions to be applied to this problem will need to be carefully designed. However, an *a priori* refusal to effect improvements in this field could also raise questions.

Last but not least, one has to take into consideration the literal 'front line', where corruption hits the hardest. Defence in the end still means the deployment of a country's youth for the interests which seem vital to a given nation. It goes without saying that the distortion of public by private interests for profit in this sphere can jeopardise national as well as international security to an incalculable extent.

Corruption in security and defence cannot be seen as an isolated problem. Once systems are infiltrated at various levels by corruption, political and strategic decision making as well as personnel, procurement and financing decisions may deviate more and more, progressively leading to parallel structures of power, irrational policy choices, regional instability and even to 'better' equipped organised crime and terrorism groups, including with weapons of mass destruction.

ANTI-CORRUPTION ACTION IN THE AREA OF SECURITY AND DEFENCE

To conclude, it is necessary to highlight a few starting points for improvement in the area of security and defence.

First of all, a change of mindset is needed. Although quite a lot has been achieved already, more is required to integrate anti-corruption measures into the core of national security considerations. The aim must be to make defence and security systems more effective, more efficient, and thus less expensive and more credible.

Decision makers in security and defence will have to commit themselves to a thorough analysis of the corruption risks and must be open to change and more transparency, especially when it comes to public spending. Secrecy has to be limited to the extent absolutely necessary. The necessary acquisition of military and police equipment should not be hampered by avoidable rumours.

Politicians should make use of all the resources of a democratic system to ensure proper oversight of those areas where secrecy remains indispensable. Checks and balances between the legislature and the executive, and also the involvement of the opposition, will be particularly necessary here. Civil society engagement might be another tool for improvement.

Private sector entities providing goods and services in the field of defence and security should be aware of their share of responsibility for core functions of the state and the special interest the taxpayer has in their proper performance. Thus, *inter alia*, ethics and compliance systems complemented by the necessary 'setting of the tone from the top' should be established and maintained.

Finally, civil society should be engaged as far as possible and should keep the level of public pressure high on the public agenda as well as on that of the private sector to act according to the highest standards of integrity, which are only what is due for such serious endeavours.

In the last few years, within discussions and initiatives such as those of the G20 and B20 (meeting of business organisations) fora, the idea of collective action of the public and the private sectors, including civil society engagement, has gained more and more popularity. Indeed, a collaborative approach including all relevant stakeholders offers the best chance of success.

5.4. INTERNATIONAL CRIMINAL JUSTICE INCLUDING THE INTERNATIONAL CRIMINAL COURT

by Christian Behrmann

THE UNION'S POLICY IN SUPPORT OF INTERNATIONAL CRIMINAL JUSTICE

The EU stands firmly in the tradition of supporting the fight against impunity for the most serious crimes of concern to the international community as a whole. Nowhere should be a safe haven for those who have committed the crime of genocide, crimes against humanity and war crimes. To this end, the EU has continued to give strong support – both politically and diplomatically, as well as logistically and financially – to the effective functioning of the International Criminal Court (ICC) and other criminal tribunals, for instance, the ad-hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. The entry into force of the Lisbon Treaty has contributed to more consistent action in this area. The NGO community remains a valuable ally in these efforts.

The European Security Strategy (ESS) of 2003 states that one of the strategic objectives of the EU is an international order based on effective multilateralism. Support for the ICC is highlighted as an example of the EU's commitment to a rule-based international order. In order to enable Europe to contribute to a more effective multilateral order around the world, the 2008 Report on the Implementation of the ESS states that the International Criminal Court should grow further in effectiveness, alongside broader EU efforts to strengthen international justice and human rights.

THE ICC AS A KEY PREREQUISITE FOR ACHIEVING THE EU'S PRIORITIES

The principles of the Rome Statute of the ICC, as well as those governing its functioning, are fully in line with the principles and objectives of the Union. The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights; it is deemed to contribute to peace, security, mutual respect among peoples and the protection of human rights, as well as to the strict observance and the development of international law (Articles 2 and 3 of the Treaty on European Union). The ICC, for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace, the prevention of conflicts and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations.

The EU is a staunch supporter of the ICC.¹ All EU Member States have ratified the Rome Statute and the Agreement on Privileges and Immunities of the International Criminal Court (APIC). The serious crimes under the jurisdiction of the ICC are of great concern for the European Union, which is committed to co-operation to prevent such crimes and to putting an end to impunity for the perpetrators. On this basis, the

¹ http://eeas.europa.eu/human_rights/icc/index_en.htm.

International Criminal Court and its Rome Statute represent key prerequisites for achieving the EU's priorities and are the expression of a rule-based international order.

As pledged at the Kampala Review Conference (31 May – 11 June 2010)², the EU updated its Common Position 2003/444/CFSP by adopting Council Decision 2011/168/CFSP on 21 March 2011.³ This Decision repealed and replaced Common Position 2003/444/CFSP. The objective of the Council Decision is to advance universal support for the Rome Statute by promoting the widest possible participation in it, to preserve the integrity of the Statute, to support the independence of the Court and its effective and efficient functioning, to support co-operation with the Court and to assist in implementing the principle of complementarity.

In accordance with the Council Decision, a revised Action Plan was adopted on 12 July 2011.⁴ It consists of five sections:

- (i) co-ordination of the Union's activities to implement the objectives of the Decision;
- (ii) universality and integrity of the Rome Statute;
- (iii) independence of the Court and its effective and efficient functioning;
- (iv) co-operation with Court, and
- (v) implementation of the principle of complementarity.

On 25 June 2012, the Council of the EU adopted a Strategic Framework on Human Rights and Democracy with an Action Plan for putting it into practice.⁵ This is the first time that the European Union has had a unified Strategic Frame-

work for this vital policy area, with such a wide-ranging plan of action for its implementation. Both the Strategic Framework on Human Rights and Democracy as well as the Action Plan for putting it into practice make explicit reference to international justice issues. The two action points on international justice read as follows:

'(a) Implement the updated Decision on the ICC (2011/168/CFSP), adopted on 21 March 2011 and the associated action plan, including by promoting ratification and implementation of the Rome Statute.

(b) Given states' primary duty to investigate grave international crimes, promote and contribute to strengthening the capacity of national judicial systems to investigate and prosecute these crimes.'

The implementation of these above mentioned Action Points lies with the European External Action Service (EEAS), EU Member States and the European Commission.

EU ASSISTANCE

The EU was the first regional organisation to sign, together with the ICC, an agreement on co-operation and assistance on 10 April 2006.⁶ The agreement imposes on the EU and the ICC a general obligation of co-operation and assistance and provides for, inter alia, the regular exchange of information and documentation of mutual interest. The agreement does not apply to ICC requests for information from individual Member States, which are governed by bilateral

2 At Kampala, the EU pledged:

'1. To continue to promote the universality and preserve the integrity of the Rome Statute.

2. To include the fight against impunity for the most serious crimes of international concern as one of the shared values of the EU and its partners through the insertion of ICC and international justice -related provisions into its agreements with third parties.

3. To continue its financial support to the Court, to civil society and to the third States interested in receiving assistance in order to become party to the Rome Statute or to implement it.

4. To review and update its instruments in support of the Court following the Review Conference.'

3 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:076:0056:0058:EN:PDF>.

4 <http://register.consilium.europa.eu/pdf/en/11/st12/st12080.en11.pdf>.

5 http://eeas.europa.eu/human_rights/index_en.htm.

6 JO L 115 of 28.04.2006 p. 49-56.



Photo: ICC-GPI/Max Koot

The International Criminal Court (ICC) in The Hague

arrangements, nor does it affect the competence of the European Union to achieve the objectives of the agreement through separate measures.

The EU and the ICC finalised in April 2008 the implementing arrangements for the exchange of classified information.⁷

Another area of co-operation is the hosting by the European Institutions of ICC diplomatic debriefings in Brussels. The Council of the EU has hosted such debriefings several times over the past years. In addition, the EEAS is in regular contact with the organs of the Court.

POLITICAL SUPPORT TO THE ICC

The EU – e.g., through Council Conclusions, the High Representative of the EU for Foreign Affairs and Security Policy (HR), Statements or Declarations by the HR on behalf of the European Union – supports the Court's work and also signals important landmarks such as the accession of States to the Rome Statute or relevant Court decisions.

⁷ docs 8349/1/08 REV 1 and 8410/08.

UNIVERSALITY OF THE ROME STATUTE

Universal accession to the Rome Statute is essential for the full effectiveness of the ICC. Therefore, the Union and its Member States are committed to making every effort to further this process by raising the issue of the widest possible ratification, acceptance, approval or accession to the Rome Statute and the implementation of the Rome Statute in negotiations, including negotiations of agreements, or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.

Concrete means for the EU to promote the universality of the Rome Statute include, in particular, its regular human rights dialogues with some 40 countries, systematic demarche campaigns worldwide, the organization of dedicated local or regional seminars, the systematic inclusion of an 'ICC clause' in agreements with third countries and financial support to civil society organizations lobbying for the universality of the Rome Statute.

CO-OPERATION WITH THE ICC

All States that have ratified the Rome Statute are under a legal obligation to *'co-operate fully with the Court in its investigation and prosecution of crimes'* (Art. 86 ICC Statute). This applies to various types of co-operation with the Court, including the execution of arrest warrants. Non-co-operation by a Rome Statute State Party not only undermines the Court but also constitutes a breach of a legal obligation and should be treated as such.

In accordance with the *'EU Action Plan to follow-up on the Decision on the International Criminal Court of 12 July 2011(12080/11)'* endorsed by the PSC, the *'EU and its Member States will undertake consistent action to encourage full co-operation of States with the ICC, including the prompt execution of arrest warrants. The EU and its Member States should avoid non-essential contacts with individuals subject to an arrest warrant issued by the ICC. They will monitor and address developments that may hamper the ICC's work.'*

On this basis, the European Union and its Member States call for co-operation with the ICC and will react to cases of non-co-operation with the Court. With particular regard to persons who are the subject of arrest warrants or summonses issued by the International Criminal Court, the EU has developed a systematic pattern of response to acts of non-co-operation in cases that involve travel by persons wanted by the ICC. In order to preserve the integrity of the Rome Statute and to support the effective functioning of the Court, and on the basis of its 2011 Action Plan, the EU and its Member States should avoid all contacts which are non-essential.

COMPLEMENTARITY

The primary responsibility for bringing offenders to justice lies with States themselves in conformity with the relevant provisions of the Rome Statute. International criminal justice is most successful when the national justice systems of each State function effectively, thereby enabling the ICC to serve its intended purpose, which is to be a court of last resort, complementing national jurisdictions. The successful implementation of this so-called *'complementarity principle'* requires both political will and capacity.

The EEAS – together with the European Commission – has developed a *'Joint Staff Working Document on Advancing the Principle of Complementarity - Bridging the gap between international & national justice'*.⁸ This *'Complementarity Toolkit'* aims at providing operational guidance to bridge the gap between international justice and national justice systems. It offers concrete suggestions on how to make the principle of complementarity work at country level, while respecting the Rome Statute. To this end, it provides operational guidance to EU staff working in the area of criminal justice and the rule of law in order to advance the principle of complementarity in the countries where they work.

EU FUNDING

Since 1995, the EU, through the European Commission, has funded civil society organisations working to promote the adoption of the Rome Statute and its subsequent entry into force under the European Instrument for Democracy and Human Rights (EIDHR). Since 2003, after the Rome Statute came into force, the EU has provided funding of more than € 30 million to ICC projects and the global ratification campaigns undertaken by civil society organizations.

⁸ http://eeas.europa.eu/human_rights/icc/docs/joint_staff_en.pdf.

5.5. RULE OF LAW

by Anja Opitz

The Feira European Council in 2000 identified four priority areas for civilian crisis management: police, civil administration, civil protection and strengthening the rule of law. Three years later, at the Göteborg European Council in 2003, Member States agreed on a common commitment to build up the EU rule of law capabilities for crisis management on a voluntary basis and set concrete targets in this policy field: within 30 days, Member States should be able to supply police rapid deployment units and fact finding missions with experts with a broad knowledge in the rule of law field, enabling an early planning of rule of law support.¹

Article 2 of the 2009 Lisbon Treaty states that *'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society with pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'* For that reason the EU promotes stability, good governance and prosperity in its external relations: *'The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and*

solidarity, and respect for the principles of the United Nations Charter and international law' (Article 21 TEU).

The EU adopts the definition of rule of law as set out by the 2004 UN report²: Here, rule of law is defined as *'a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.'*

The EU concept of rule of law therefore is defined as an 'overarching concept' for CSDP crisis management and justice missions in a post-conflict situation or an ongoing crisis where the local authorities of the host state are either weak or absent. These missions aim to either strengthen local institutions through advice, training or monitoring, or they are missions which are tasked to perform executive functions themselves for a defined period of time.

The overarching rule of law framework conceptually includes³:

- the EU concept for missions in the field of Rule of Law in crisis management (9792/03);
- the revised Comprehensive Concept for ESDP Police Strengthening Missions (Interface with Broader Rule of Law) (5031/09); and
- the EU Concept for CSDP Justice Missions (within the Rule of Law framework) (18173/10).

1 See Comprehensive EU concept for missions in the field of Rule of Law in crisis management. Council of the European Union, Brussels, 26.10.2003, 9792/03, p. 3.

2 See The rule of law and transitional justice in conflict and post-conflict societies (<http://www.unrol.org/doc.aspx?n=2004%20report.pdf>).

3 The article tries to capture and summarise the main elements and principles presented in these documents.

PRINCIPLES

Each mission in the field of rule of law and justice will *'contribute to the ultimate goal of developing an effective justice system in the host country'*.⁴ To fulfil this mandate, the mission should aim to support the implementation of women's rights and human rights at all levels of the justice sector in the host country, and should thus ensure that this expertise is covered by its staff. Ongoing training should therefore be provided during the mission to both the mission personnel and the host country officials to ensure the sustainability of the measures supplied.

In the temporary absence or inapplicability of the local law of the host country and a dysfunctional internal security system, the mission should foster the implementation of an interim legal framework. However, from the planning phase of a mission on, it should be taken into account that the mission experts come from multilateral and differing legal backgrounds, so as to avoid any incompatibility of the suggested reforms with the specifics of the host country, and to ensure that the political and legislative reform needs of the host country are addressed. Local ownership and a co-ordinated, tailored and systematic approach is moreover essential to the success of the mission, and this requires close co-operation between the Council, the EEAS, the Commission and Member States and the international community in order to avoid duplication and inefficient processes. Each CSDP justice and rule of law mission needs to be tailored to the specific needs of the host country and its civil society, taking into account the specific political situation of the country.

TYPES OF JUSTICE MISSIONS WITHIN THE RULE OF LAW FRAMEWORK

Basically there are two generic concepts for rule of law missions under the umbrella of CSDP: *strengthening the rule of law* and *substitution/executive functions for the legal/judiciary system*.⁵

- A strengthening mission monitors, mentors, advises and trains justice officials in the host country, including judges, prosecutors, lawyers and prison officers, in order to ensure that the local legal system meets international standards and protects women's and human rights.
- A substitution or executive mission will be deployed in a crisis or post-conflict situation where the political structures of the host country have failed or do not exist. In such a situation, justice personnel will be deployed to carry out executive functions and to rebuild the rule of law. In doing so, the mission contributes to restoring public order and security. In this regard, the mission can be part of a wider and more complex approach of a security sector reform operation, which basically involves the promotion of political and administrative reform and the rebuilding of military, police and governance structures.

It is important to mention that a strengthening mission can stand alone, while a substitution/executive mission should always include a strengthening element to ensure the sustainability of the mission's success.

4 See EU Concept for CSDP Justice Missions (within the Rule of Law framework). Council of the European Union, Brussels, 20.12.2010, 18173/10, p. 15.

5 Summarised from the EU Concept for CSDP Justice Missions (within the Rule of Law framework). Council of the European Union, Brussels, 20.12.2010, 18173/10, p. 20.

ELEMENTS OF RULE OF LAW AND JUSTICE MISSIONS

In general, a rule of law mission addresses the justice system, involving political reform and national justice strategies as well as the reorganisation of state services in the justice sector. The CSDP mission should ensure that international law, standards and practices form the umbrella of measures implemented in the country to reform and rebuild the security sector and justice system.

Moreover, the EU supports the promotion and protection of international humanitarian law⁶. Training and education in the principles of international humanitarian law is therefore another important element of CSDP missions, both in times of conflict and of peace, applying the Comprehensive Approach of crisis management and conflict resolution.

The EU considers that *'appropriate and efficient legislation is critical to the development of democracy and the rule of law'*.⁷ Therefore the mission can advise local authorities and structures in line with international standards, but also provides expertise and information in order to strengthen the legal local framework. Sustainable reform can only be achieved when changes to the legal framework also include the training of local legal advisors and judges.

The area of transitional justice⁸, described as the *'full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation'*, is relevant in this respect. These mechanisms of transitional

justice are adapted to transform societies and include criminal prosecution, truth commissions, compensation and reparation programmes and vetting programmes. The mission supports the setting up and monitoring of appropriate transitional justice mechanisms.

In fragile or weak states, organised crime, including drugs, human trafficking and corruption, often counteracts or works against the rule of law. For that reason, the mandate of a CSDP justice mission should be to deliver short-term measures to fight these structures but also to deliver preventive elements to build up the rule of law in order to prevent impunity at the same time. The mission addresses these challenges through the following elements⁹:

- mapping and assessing a legal framework, strategies and policies
- monitoring, mentoring and advising on issues such as: witness protection, improving civil and property registries, anti-corruption legal framework, improving an IT system in police, prosecution and judiciary, prison and probation service administration and management and the human rights situation in prisons.

Finally, the overall aim of the EU's external action in the field of rule of law and justice should be to achieve *'sustainable progress (...) towards a transparent and accountable justice system with roles that are clearly defined and free from any political interference (and) which operates within a sound legal framework'*.¹⁰ These outcomes must be in line with international standards including human rights and gender and the rule of law.

6 See Guidelines on the Promotion of International Humanitarian Law (IHL). Council of the European Union, Brussels, 05.12.2005, 15246/05.

7 See EU Concept for CSDP Justice Missions (within the Rule of Law framework). Council of the European Union, Brussels, 20.12.2010, 18173/10, p. 22.

8 See Transitional Justice and ESDP. Council of the European Union, Brussels, 16.06.2006, 10300/1/06.

9 See EU Concept for CSDP Justice Missions (within the Rule of Law framework). Council of the European Union, Brussels, 20.12.2010, 18173/10, pp. 30-39.

10 See EU Concept for CSDP Justice Missions (within the Rule of Law framework). Council of the European Union, Brussels, 20.12.2010, 18173/10, p. 46

5.6. SPACE POLICY

by Frank Asbeck

THE EU'S COMPETENCE IN SPACE POLICY AND SPACE SECURITY

The first European space policy was formalised in May 2007 and adopted in a resolution at the fourth EU-ESA 'Space Council'¹. The 2007 Resolution on European space policy established a political framework for the development and exploitation of space in Europe and embodied strategic elements, including priorities and key actions to be taken. The resolution recognised the dual-use nature of space technologies (i.e. for both civilian and defence applications) and called for the establishment of a structured dialogue among the EU Member States and the CFSP bodies of the EU (including the European Defence Agency).

The main shift was based on the proposition that the EU should be the leader in shaping Europe's future collective ambitions in space. The argument was that space offers important contributions to a number of fields, such as transport, the environment, communications, industry, foreign policy and security. In short, space under the supervision of the EU, in cooperation with the EU Member States and the ESA, would lead to its more effective use in pursuit of European interests. An emphasis was made on the direct connection between space capabilities and the EU's ability to exercise influence regionally.

The subsequent Space Council Resolution of September 2008 defined 'space and security' as one of four new priority areas.² It specifically emphasised the need for Europe to acquire space monitoring and surveillance capabilities to monitor Europe's space infrastructure and space debris. The Lisbon Treaty of 2009 reinforced the legal basis for the EU's involvement in this area. The EU assumed explicit competence for space policy (under Article 189 of the Lisbon Treaty), which had previously been developed and implemented by European countries individually or together through the ESA.

As space systems are dual-use, the EU's Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) should exercise a strong influence on the overarching framework or architecture for Europe's future space activities. As the CFSP is within the purview of the EU Member States and the High Representative of the Union for Foreign Affairs and Security Policy (assisted by the European External Action Service – EEAS), it has important implications for the strategic nature of space assets and their contribution to Europe's independence, security, prosperity and global influence.

¹ The Space Council is a meeting of the EU and ESA Councils, prepared by Member States' representatives in the High-level Space Policy Group (HSPG). It coordinates the joint activities of these two different organisations.

² The other three areas were space and climate change, the contribution of space to the Lisbon strategy, and space exploration.



Photo: European Space Agency

Launch of a rocket

SECURITY DIMENSIONS OF EUROPEAN SPACE ACTIVITIES

As effective operations in space require cutting-edge technologies, large-scale funding and multi-year support, the EU has been working with its Member States, the European Space Agency (ESA), and its international partners toward creating a cohesive European space policy as well as a programmatic strategy for its implementation. The international cooperation dimension of this space policy is embedded in the principle of the peaceful use of outer space which encourages greater transparency and trust among state and non-state actors in space.

The Council Resolution of December 2011 entitled 'Orientations concerning added value and benefits of space for the security of European citizens'³ emphasised that space assets can contribute significantly to CSDP objectives. It called upon the European Commission, with

the support of the EEAS and close co-operation with the EU Member States:

- to finalise the definition of, and accelerate the transition towards, fully operational Global Monitoring for Environment and Security (GMES) security services in support of the EU external action and border and maritime surveillance;
- to define the appropriate measures for ensuring the smooth deployment of the Galileo navigation system's Public Regulated Service (PRS) and associated systems, taking full account of national infrastructure;
- to propose, and fully exploit and build on, the assets and capabilities of EU Member States and the ESA in order to develop a Space Situational Awareness (SSA) capability at European level, including the definition and appropriate governance of SSA data;
- and to pursue discussions at multilateral level on the draft International Code of Conduct for

3 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:377:0001:0004:EN:PDF>

Outer Space Activities to ensure adherence to the Code by the largest possible number of States.

These specific action items are addressed in more detail below.

Earth Observation

Earth observation is a key capability for the EU and its Member States. The EU's Copernicus Programme (formerly GMES) seeks to establish a European capacity in this area. Among the users of this capability will be the 'security service' to support EU external action and border and maritime surveillance. In addition, the EU Member States operate high-resolution reconnaissance/surveillance satellites dedicated to military Earth observation as well as other dual-use systems. These systems also support the CFSP and CSDP, as they enable advance planning, early warning, accurate decision-making, and improved crisis management and response times. The EU is seeking to combine Member States' civilian and military capabilities to gain access to high-resolution imagery for CFSP and CSDP missions.

The European Union Satellite Centre (EU SatCen) plays an important role as it is the only EU agency capable of creating the EU's indigenous intelligence capability. It analyses satellite imagery and collateral data, including aerial imagery and related services. The EU SatCen uses commercial, but also government imagery (e.g. from Helios, SAR Lupe, etc.) and EU Secured Networks. Accordingly, the EU SatCen is able to perform the most sensitive intelligence support missions while exchanging geospatial products with various actors and respecting the time-sensitive demands of modern military operations.

The EU SatCen's main customer is the European External Action Service (EEAS) – it both tasks the EU SatCen and is its highest priority customer. The EU SatCen's operational activi-

ties with the EEAS mainly take the form of direct cooperation with the CMPD, EU Military Staff and the Intelligence Analysis Centre (Int-Cen). The EU SatCen has supported EUFOR DR Congo, EUMM Georgia, EULEX Kosovo, EUFOR Chad/RCA, EU NAVFOR Somalia – Operation Atalanta, and other missions. Other customers include the EU Member States, the European Commission, third states (e.g. Norway, Turkey, etc.) and international organisations.

European Global Satellite Navigation System (GNSS) Galileo

With respect to satellite navigation, the EU is developing the Galileo system (under the auspices of the European Commission with EEAS shouldering responsibility for several important security-related aspects) so that Europe is not dependent on the U.S. Global Positioning System (GPS). Galileo services will include a Public Regulated Service (PRS) reserved for the EU, its Member States, and possibly duly authorised EU agencies, third countries and international organisations. A first successful Galileo demonstration took place in March 2013 (involving four satellites). Early Galileo-PRS services will begin to be provided at the end of 2014.

The sensitive PRS applications, which require a high level of service continuity, will involve important security and foreign policy dimensions.⁴ As the use of PRS is a CSDP matter, the EEAS is involved in discussions with non-EU states concerning their possible future use of the signal. In the longer term, the EEAS is also envisioned to be a PRS user. Participation in the Galileo-PRS has an important international cooperation dimension. As it is a CSDP matter, the EEAS is involved in the negotiations with third countries interested in the PRS. Two non-EU countries have, so far, formally expressed an interest in participating in the PRS – the United States and Norway.

4 For the rules for access to the PRS see Decision No 1104/2011/EU of the European Parliament and of the Council of 25 Oct 2011. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:287:0001:0008:EN:PDF>

SATELLITE COMMUNICATIONS

Satellite communications (SATCOM) is likewise a pivotal capability for civilian security and military missions. Commercial SATCOM has been, to date, the most affordable and flexible service. For defence-related needs, some EU Member States have their own dedicated military SATCOM (MILSATCOM). The European Commission has proposed addressing the fragmentation of demand for security-related SATCOM by encouraging the pooling of European military and security commercial SATCOM demand, exploring ways to facilitate Member States' efforts to deploy government telecommunications payloads onboard satellites (including commercial), and developing the next generation MILSATCOM capability at a Europe-wide level. The European SATCOM procurement cell project (ESCPC), a pilot project of the European Defence Agency (EDA) which aims to aggregate commercial SATCOM capabilities for the defence forces of five contributing EU Member States (France, Italy, Poland, Romania and the United Kingdom), is a concrete example of a 'pooling and sharing' effort in this arena.

Safety and Security of Space Activities

As the EU has attained ownership of space systems, it is appropriately committed to strengthening space security, in part through the adoption of a normative framework for space activities. The 'big picture' goal for Europe is to achieve a safe, stable and sustainable space environment for future generations.

Multilaterally, the EU is seeking to enhance space security by forging an International Code of Conduct for Outer Space Activities (ICoC). This initiative, led by the EEAS, was launched in 2007 in response to the UN Secretary General's call for concrete Transparency and Confidence-Building Measures (TCBMs) for space (included in UN General Assembly Resolu-



Photo: European Space Agency

Artist impression of a Galileo satellite

tions 61/75 of 6 December 2006 and 62/43 of 5 December 2007 on 'Transparency and Confidence-Building Measures in Outer Space Activities'). The Code seeks to strengthen existing UN treaties and principles on outer space. The subscribing parties would commit to complying with voluntary guidelines and promoting universal adherence to them. It also aims to reinforce these principles and behavioural standards by introducing other innovative space TCBMs advancing the safety, security and sustainability of space activities.

To advance progress on the Code, the EEAS held open-ended consultations in May 2013 in Kiev, Ukraine. UN Member States were invited to these consultations to address various aspects of the draft Code. Some 140 participants from 61 countries attended the consultations and provided their valuable comments and suggestions on the proposal during and after the proceedings. On the basis of these comments and suggestions, the EU has released the current (September 2013) draft of the Code. To maintain the momentum of the transparent and inclusive process established in Kiev, the EEAS will co-host, with the Government of Thailand, the next open-ended consultations in Bangkok in November 2013.

The protection of space assets is critical to the implementation of the EU's defence and security strategy and is another key element of EU's overall space policy. An effort to address



Photo: Jochen Rehr

A deployable MILSATCOM of the Italian army

this issue is evidenced in the EU's plan to fund space surveillance and tracking (SST) capability at a European level, as a component of Space Situational Awareness (SSA). SSA supports safe and secure operations in space as it enables the tracking of objects, timely warnings of potential collisions, avoidance of radiofrequency interference, real-time information about 'situations' in space, and detection of irresponsible space behaviour. The 2008 Space Council resolution, as well as other subsequent resolutions, have emphasised the need for 'a European capability for the monitoring and surveillance of its space infrastructure and of space debris'.⁵

To develop a comprehensive SSA system, the EU looks to cooperation with its Member States (the owners of such assets) as well as the development of a proper governance and data policy to manage highly sensitive SSA data.⁶ Important SSA assets are currently owned by France and Germany. The EU seeks to establish a cooperative framework to coordinate this capability at a European level. Specifically, the European Commission tabled a proposal for an EU Space Situation and Track-

ing (SST) support programme in 2013. As this is a dual-use capability, the EEAS would be involved in the governance of this future service (e.g. relations with third parties, political steering, etc.).

OUTLOOK

The European Council in December 2013 will be dedicated to Security and Defence. The July 2013 'Interim Report by the High Representative (HR) Preparing for the December 2013 European Council on Security and Defence' outlined the security and Common Foreign and Security Policy (CFSP) dimensions of European space policy.⁷ The report stated that '*the EU should be able to engage in all five environments (land, air, maritime, space and cyber)*'. As space systems are of a dual-use nature and have implications for the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP), the EEAS responsibilities in this domain are growing rapidly, as are the space security-related requirements at European level.

Consolidation of a constantly evolving European space security policy presents a considerable challenge. This includes the management and utilisation of security dimensions of Galileo and Copernicus, the development of European capabilities to monitor space and its assets, the capacity to respond to the rapidly growing external (i.e. foreign) and security policy dimensions of space, and the acquirement of wide international support for the EU's proposal for an International Space Code of Conduct. It also offers unprecedented opportunities for Europe that could not have been envisioned even a few short years ago.

5 'Taking forward the European Space Policy', 5th Space Council Resolution (26 September 2008), p.13. Available at: <<http://register.consilium.europa.eu/pdf/en/08/st13/st13569.en08.pdf>>.

6 See 'Toward a Space Strategy of the European Union that Benefits its Citizens', Council Conclusion (31 May 2011). Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/122342.pdf

7 http://eeas.europa.eu/library/publications/2013/24072013_hr_interim_report_en.pdf

5.7. SANCTIONS

by Kees Smit Sibinga

Sanctions, also referred to as restrictive measures, against third countries, individuals or entities are an essential foreign policy tool of the EU in pursuing its objectives in accordance with the principles of the Common Foreign and Security Policy. Certain EU measures are imposed in implementation of Resolutions by the UN Security Council under Chapter VII of the UN Charter. The EU may, however, decide to apply autonomous measures that are more restrictive in addition to the UN's measures or, when adoption within the framework of the UN is not possible, adopt restrictive measures autonomously.

In general terms, the EU's restrictive measures are imposed to bring about a change in policy or activity by the targeted country, part of a country, government, entities or individuals. They are a preventive, non-punitive, instrument which should allow the EU to respond swiftly to political challenges and developments. Sanctions should be used as part of an integrated and comprehensive policy approach, in the framework of the European Union's overall foreign policy strategies, involving political dialogue, complementary efforts and other instruments. The EU and its Member States should actively and systematically communicate on EU sanctions, including with the targeted country and its population.

The measures should target the policies or actions that have prompted the EU's decision to impose sanctions, and the means of implementing them, and those identified as responsible for these policies or actions. Such targeted measures should minimise adverse consequences for those not responsible for such policies and actions, in particular the local civilian

population, or for legitimate activities in or with the country concerned. The political objectives and criteria of the restrictive measures should be clearly defined in the legal acts. The types of measures will vary depending on their objectives and their expected effectiveness in achieving these objectives under the particular circumstances, reflecting the EU's targeted and differentiated approach.

Restrictive measures must respect human rights and fundamental freedoms, in particular due process and the right to an effective remedy in full conformity with the jurisprudence of the EU Courts. The measures imposed must be proportionate to their objectives.

The uniform and consistent interpretation and effective implementation of the restrictive measures is essential to ensure their effectiveness in achieving the desired political objective.

HOW ARE MEASURES ADOPTED?

Sanctions measures can for example include export and import restrictions, including on arms ('arms embargo'), oil and gas and other goods and items, restrictions on support for trade, measures concerning the financial sector, measures regarding the transport sector and listings (for listings, see below). Proposals for restrictive measures, including proposals for listings or de-listings, in respect of country-specific EU autonomous sanctions should be submitted by the Member States or by the EEAS. The political aspects and broader parameters of the proposals should then be discussed in the relevant regional working party assisted by sanctions experts from the EEAS and experts

from the Commission and the Council Legal Service. Where appropriate, the Political and Security Committee will discuss the proposals and provide political orientation to the working parties concerned, notably on the type of measures selected for further proceedings.

The Heads of Missions (HoMs) located in the country(ies) concerned will be invited to provide, where appropriate, their advice on proposals for restrictive measures or additional designations. Equally, the Commission services will be invited to provide, where appropriate, their advice on specific measures which would fall under the competence of the Union.

All the legal, technical and horizontal aspects of the proposed restrictive measures should be discussed in RELEX. The proposals for the Council Decision introducing the restrictive measures and for the Council Regulation defining the specific measures falling under the competence of the Union will be presented in RELEX for discussion, respectively by the EEAS and the Commission. Preferably, the two legal acts should be submitted to COREPER and formally adopted by the Council at the same time, or with a minimum time delay between the two instruments. The Decisions concerning sanctions are adopted by the Council, consisting of the Member States, on the basis of unanimity (Articles 29 and 31 TEU).

PROPOSALS FOR LISTING

Subjecting certain targeted persons and entities responsible for the policies or actions that prompted the EU decision to impose sanctions to a travel ban and asset freeze ('listing') is an instrument often used in sanctions. Proposals for autonomous listings should be clear and unequivocal. In particular they must aim to include sufficient details (identifiers) so that the listing decision, once it has entered into effect, can be effectively implemented by economic operators and national authorities (e.g. banks, consulates). Identifying information is also cru-

cial to ensure that restrictive measures do not affect non-targeted persons and entities.

Proposals for autonomous listings should furthermore include individual and specific reasons for each listing. The purpose of the reasons is to state, as concretely as possible, why the Council considers, in the exercise of its discretion, that the person, group or entity concerned falls under the designation criteria defined by the relevant legal act, taking into consideration the objectives of the measures as expressed in its introductory paragraphs.

It is primarily the responsibility of those submitting the proposal to provide such reasons. Other delegations should contribute to this process. Input from the HoMs located in the country(ies) concerned will be requested, where appropriate.

The reasons for listings will be finalised by the RELEX working party on the basis of the elements discussed in the regional working party. If needed, RELEX may request additional information from the regional working party in order to ensure that listings are legally sound and properly substantiated.

As the legal act adopting the designations will be published in the Official Journal, these reasons should be capable of being made public. In exceptional cases, where it is considered that the reasons for the listing are not suitable for publication, because of considerations of privacy and security, the reasons will need to be addressed separately to the person, group or entity concerned.

NOTIFICATION OF LISTING

The EU attaches much importance to ensuring that the listing of targeted persons and entities respects fundamental rights. In particular, due process rights must be guaranteed in full conformity with the jurisprudence of the Court of Justice, including with regard to the rights of the defence and the principle of effective judicial protection.

To this end, proper notification of the decision and of the reasons justifying the listing must be ensured. This is achieved by means of a letter, where possible, or through the publication of a notice in the Official Journal (C series), on the same day as the publication of the legal act in question, indicating that the Council will transmit the reasons for listing on request. The notification will inform the persons, groups and entities concerned about their right to submit observations and to request a review of the decision taken by the Council as well as of their right to challenge the Council's decision before the General Court in accordance with the relevant provisions in the EU treaties.

REVIEW OF THE MEASURES

The review of EU autonomous sanctions or EU additions to UN sanctions should take place at regular intervals and in accordance with the provisions of the relevant legal acts. Regular assessments of sanctions regimes by the relevant regional working party and RELEX, assisted by the EEAS, the Commission and HoMs, should permit the adjustment of the measures, as needed, in the light of developments with regard to the stated objectives and the effectiveness of the measures in that respect.

IMPLEMENTATION OF MEASURES

The uniform and consistent interpretation and effective implementation of the restrictive measures is an essential element in ensuring their effectiveness in order to achieve the desired political objectives. Member States will inform each other of the measures taken under the relevant legal acts and will supply each other with any other relevant information at their disposal in connection with these acts, in particular information in respect of violation and enforcement problems and judgments of national courts. With regard to the measures

EUROPEAN COMMISSION – RESTRICTIVE MEASURES IN FORCE (Article 215 TFEU)

Provided subject to the legal notice at http://ec.europa.eu/geninfo/legal_notices_en.htm 8 (updated 31.7.2013)

Afghanistan
 Al Qaeda
 Belarus
 Bosnia and Herzegovina
 Burma
 China
 Democratic Republic of Congo
 Cote d'Ivoire
 Egypt
 Eritrea
 Republic of Guinea (Conakry)
 Guinea-Bissau
 Haiti
 Iran
 Iraq
 Ivory Coast
 Democratic People's Republic of Korea (North Korea)
 Lebanon
 Liberia
 Libya
 Moldova
 Myanmar (Burma)
 North Korea
 Serbia and Montenegro
 Somalia
 South Sudan
 Sudan
 Syria
 Terrorist Groups (Foreign Terrorist Organisations)
 Tunisia
 USA
 Yugoslavia (Serbia and Montenegro)
 Zimbabwe

falling under Community competence, the Commission oversees the implementation of the measures by the Member States. At the EU level, the Commission is also responsible for contacts with the private sector on issues of

proper implementation of sanctions. Enforcement of the sanctions is entirely the responsibility of the Member States.

OUTREACH AND COMMUNICATION

The effectiveness of restrictive measures is directly related to the adoption of similar measures by third countries. In principle, therefore, it is preferable for sanctions to be adopted in the framework of the UN. Where this is not possible, the aim should be to bring as much as possible of the international community to exert pressure on the targeted country.

When adopting autonomous sanctions, the EU should, through outreach, actively seek cooperation and, if possible, adoption of similar measures by relevant third countries in order to minimize substitution effects and strengthen the impact of restrictive measures. In particular, candidate countries should be systematically invited to align themselves with the measures imposed by the EU. In addition, the issue of uniform and consistent interpretation and effective implementation of UN sanctions regimes should regularly be included in consultations with key partners. EU delegations should be fully involved in this process.

The EU and its Member States should actively and systematically communicate on EU sanctions, in order to give them visibility and avoid any misperception, in particular from the local civilian population. Such communication will also ensure the maximum political impact of the measures.

5.8. CYBER SECURITY

by the Strategic Communication Division, European External Action Service



A free and open Internet is at the heart of the new Cyber Security Strategy by the High Representative Catherine Ashton and the European Commission. The new Communication is the first comprehensive policy document which the European Union has produced in this area. It comprises internal market, justice and home affairs, as well as the foreign policy aspects of cyberspace issues.

The strategy is accompanied by a legislative proposal (a Directive) from the European Commission to strengthen the security of information systems in the EU. This would encourage economic growth as it will strengthen people's confidence in buying goods online and using the Internet.

The strategy offers clear priorities for the EU's international cyberspace policy:

- Freedom and openness: the strategy outlines the vision and principles for applying the EU's core values and fundamental rights in cyberspace. Human rights should also apply online and we will promote cyberspace as an area of freedom and fundamental rights. Expanding access to the Internet should promote democratic reform worldwide. The EU believes that increased global connectivity should not be accompanied by censorship or mass surveillance.
- The EU's laws, norms and core values apply as much in cyberspace as in the physical world: the responsibility for

THE FIVE STRATEGIC OBJECTIVES OF THE STRATEGY

- Achieving cyber resilience
- Drastically reducing cybercrime
- Developing cyberdefence policy and capabilities related to the Common Security and Defence Policy (CSDP)
- Developing the industrial and technological resources for cybersecurity
- Establishing a coherent international cyberspace policy for the European Union and promote core EU values

EU CYBER POLICY DOCUMENTS

- EU Cyber Security Strategy (adopted February 2013)
- Network and Information Security Directive (2013 proposal to EP)
- Directive on Attacks on Information Systems (adopted by the EP in 2013)
- Directive on sexual abuse, sexual exploitation of children and child pornography (adopted in 2012, to be transposed by the end of 2013)

PRINCIPLES FOR EU CYBER SECURITY POLICY

- Social and legal responsibilities apply
- Norms, justice and rule of law should apply
- Cyber security is a shared responsibility
- Universal access and inclusion
- Multi-stakeholder model
- Open and dynamic architecture of Internet

CSDP AND CYBER DEFENCE

- Developing cyber defence capabilities and technologies
- Improving cyber defence training & exercises
- Cyber defence concept for EU missions
- Synergies between civilian and military approaches in protecting critical cyber assets
- Research and development
- Strengthening European Defence Industrial Base
- Closer co-operation between governments, private sector and academia
- EDA Cyber Defence Project Team
- Co-operation with NATO and other international organisations

a more secure cyberspace lies with all those involved in the global information society, from citizens to governments. Developing cyber security capacity building: the EU will engage with international partners and organisations, the private sector and civil society to support global capacity building in third countries. It will include improving access to information and to an open Internet, and preventing cyber threats.

Fostering international cooperation on cyberspace issues: preserving an open, free and secure cyberspace constitutes a global challenge which the EU will address together with the relevant international partners and organisations, the private sector and civil society.

HOW CAN THE CORE VALUES BE ENSURED ON THE WORLDWIDE WEB?

One example is human rights. Since human rights should also apply online, the European Union will promote cyberspace as an area of

freedom and fundamental rights. Expanding access to the Internet should advance democratic reform worldwide. The EU believes that increased global connectivity should not be accompanied by censorship or mass surveillance.

WHAT EU NORMS AND LAWS SHOULD BE USED IN CYBERSPACE?

The responsibility for a more secure cyberspace lies with all those involved in the global information society, from people to governments. The EU supports the efforts to define the norms of behaviour in cyberspace to which all stakeholders should adhere. Just as the EU expects citizens to respect civic duties, social responsibilities and laws online, so states should abide by existing norms and laws. An important pre-condition for a free and open Internet that brings political and economic benefits to societies worldwide is to maintain a multi-stakeholder governance model for the Internet.

WILL THERE BE NEW LAWS TO ADDRESS CYBER THREATS?

No, the EU believes that many international law instruments already exist and that they should be applied in cyberspace. However, some governments have proposed new treaties and conventions on cyber issues which the EU cannot support. We fear that the argument of cyber security will be used as a pretext to justify limiting freedom of expression and access to information. For instance, the Budapest Convention includes all the important elements needed to assist investigation, prosecution, and international cooperation to address cyber-crime.

At present 49 countries have signed the Convention and many countries outside Europe have incorporated its principles into their leg-

isolation. The EU has assisted the Council of Europe in disseminating the principles of this Convention worldwide, and we are currently financing new programmes to promote the Budapest Convention and increase the rule of law in this area.

WHAT DOES THE EU INTEND TO DO ON CAPACITY BUILDING?

The EU will engage with international partners and organisations, the private sector and civil society to support global capacity building in third countries. It will include improving access to information and to an open Internet, and preventing cyber threats. The EU will also actively participate in developing donor coordination for helping capacity-building efforts. These actions will focus on enhancing criminal justice capabilities in training prosecutors and judges, and incorporating the Budapest Convention (Cybercrime Convention) principles into the legal frameworks of recipient countries, building law-enforcement capacity to advance cybercrime investigations and helping countries to deal with cyber incidents.

HOW DOES THE STRATEGY CONTRIBUTE TO INTERNATIONAL COOPERATION IN CYBERSPACE?

Preserving an open, free and secure cyberspace constitutes a global challenge which the EU should address together with the relevant international partners and organisations, the private sector and civil society. The EU will place renewed emphasis on dialogue with third countries and international organisations, with special focus on like-minded partners that share EU values. At bilateral level, cooperation with the United States is particularly important and will be further developed.



Presentation of the Cyber Security Strategy by European Commission members (from left to right: Neelie Kroes, Catherine Ashton and Cecilia Malmström)

WHAT THE EU IS DOING ON CYBER DEFENCE ISSUES?

Within the Common Security and Defence Policy, the European Defence Agency (EDA) is developing cyber defence capabilities and technologies, improving cyber defence training and exercises. Given that threats are multifaceted, synergies between civilian and military approaches to protecting critical cyber assets should be enhanced. These efforts should be supported by research and development, and closer cooperation between governments, the private sector and academia in the EU.

The EU is also promoting early involvement of industry and academia in developing solutions and in strengthening Europe's defence industrial base and associated R&D innovations in both civilian and military organisations. The EDA will promote civilian-military dialogue and contribute to the co-ordination between all actors at EU level – with particular emphasis on the exchange of good practices, information exchange and early warning, incident response, risk assessment and establishing a cyber-security culture.

To avoid duplication, the Union will explore the possibilities for how the EU and NATO can complement their efforts to heighten the resilience of critical governmental, defence and other information infrastructures on which the members of both organisations depend.

5.9. MARITIME SECURITY

by Marcus Houben

Our world is an ocean world and it is wild

William Langewiesche, *The Outlaw Sea* (2004)

The European Union does not have an articulated and formalised maritime security strategy. It is therefore difficult to elaborate aims, principles and objectives. Nevertheless, this contribution will reflect on some key notions that inform the debate on the need for and the substance of an EU Maritime Security Strategy. The contribution is divided into five short chapters.

MARITIME SECURITY INCREASINGLY PROMINENT ON POLITICAL AGENDA

Maritime security is an increasingly important political issue for the EU and the Member States. It has gained prominence in recent years through the success of EUNAVFOR Operation Atalanta and we observe that, in our regular contacts with international partners, maritime security is a priority area, for example in South East Asia. The sustained fight against piracy off the coast of Somalia has turned the Gulf of Aden and the Indian Ocean into important arenas for maritime security co-operation. With three concurrent naval operations and the presence of many independent deployers there is ample opportunity to work together, get to know each other and share operational success. And a success it is: the creation of the Shared Awareness and Deconfliction mechanism (SHADE) to de-conflict and co-ordinate the movements and actions of naval assets is a shining example of how international co-ordination can work. The creation of an Internationally Recommended Transit Corridor and a co-ordinated convoying scheme which includes

many of the independent deployers are further testimonies to this success. The strategic consequence of EUNAVFOR Atalanta, with its continued presence in the Indian Ocean, is that the EU has access to this arena for maritime security co-operation and that we can see how the success at sea spills over into other policy areas, palpably improving relations with many of our strategic partners and partner countries. A more general observation is that, due to the convergence of certain 'maritime megatrends' such as technological advancements (underwater robotics, nanotechnology), the quest for green energy (offshore exploration, wind and tidal energy) and the rapid urbanisation of the coastal zones, industrial exploration of the maritime domain is to be expected within this century. The consequence of these broad developments is that the strategic importance of the maritime domain and the coastal zones as crucial centres of gravity of political, demographic and economic power and influence are likely to emerge. Protecting its 'maritime flank' in what may well become a maritime century may perhaps become a crucial maritime responsibility of the EU.

RULES-BASED GOOD GOVERNANCE AT SEA

The seas and oceans of the world should be safe, open and secure. The EU stands ready to contribute to this overarching strategic objective. Given the multitude of stakeholders involved and the diversity of legal regimes,



EUNAVFOR Somalia: Maritime Security Centre – Horn of Africa within the EU Naval Force Headquarters at Northwood, March 2010

jurisdictions and interests at sea, good governance of the seas and oceans is crucial. ‘Good governance at sea’ should be rules-based, that is to say, based on international law and conventions. The EU is a community of values that promotes and projects the rule of law, democracy, respect for human rights and a free market economy worldwide. These values are cornerstones for the EU and also for its external action. For the global maritime domain, the EU promotes respect for international law and full compliance with the United Nations Convention on the Law of the Sea (UNCLOS) and the values enshrined therein, as the cornerstone for this rules-based good governance at sea.

EU MARITIME INTERESTS AND RESPONSIBILITIES: GLOBAL, SYSTEMIC AND INDIVISIBLE

The world’s seas and oceans (or: global maritime domain) are at once a political space, an economic space and an ecological space. Seas and oceans are used to dominate, to control and to wage war. But they are also used as bridges and gateways, connecting citizens, cultures and civilisations. At the same time, seas and oceans form the lifelines of the intricate global network of maritime trade routes, facilitating the transfer of goods, wealth and ideas. Finally, the seas and oceans form a defining characteristic of our blue planet: a unique series of living ecosystems contribut-



Photo: EEAS/EUNAVFOR Somalia

EUNAVFOR Somalia – Boarding exercise

ing to biodiversity and sustaining mankind. The question and articulation of the maritime interests of the European Union is thus crucial. It may be necessary to differentiate from specific and unique national maritime interests and conclude that there is a category of maritime interests that transcend the national (maritime) interest. I will contend that that the maritime interests of the EU transcend the national interest and that they are global, systemic and indivisible.

The fact that so much political, economic and sustaining power is 'pooled' or concentrated in the EU makes the EU a global actor and consequently means that the EU has to take up commensurate global responsibility. This responsibility translates into the notion

that the EU has a systemic responsibility, the EU is critical in maintaining and protecting those critical (maritime) systems that 'make the world go round': not only the financial and economic systems but also the system of free trade routes, maritime security and the safeguarding of marine ecological systems. It is in the direct interest of the EU and its Member States that the global network of free maritime trade routes remains free and that global maritime trade is unhindered and uninterrupted. The protection of a well-functioning global maritime economic system, i.e. free trade routes facilitating unhindered maritime transport, is a vital European interest. Over the last two decades, overwhelming scientific evidence has been produced that our oceans and seas are vital to the well-being, prosperity and survival of mankind. Contrary to the first category – the maritime domain as a medium for trade and maritime transport – this category of interests is concerned with the inherent value, safety and quality of the seas and oceans as such. It is of vital interest to the EU and its citizens that the ecological integrity of the global maritime ecosystem is maintained and protected. That threats to renewable and non-renewable resources, natural disasters, the effects of climate change and illegal fishing and dumping are countered through a system of effective global maritime governance, which does not yet exist. In order to protect its interests, the EU needs to contribute directly to maritime governance or indirectly through maritime capacity-building. A third characteristic of the strategic maritime interests of the EU is that the maritime interests of its Member States are indivisible. This is a direct consequence of the fact that the maritime domain itself is indivisible. The EU Member States combined have a vast maritime domain consisting of territorial seas, inland seas, outermost regions, associated overseas countries and territories and Exclusive Economic Zones. In addition, many EU Member States share a sea basin with third states. The adequate gov-

ernance and protection of the EU's maritime domain is crucial and a vital interest to the EU as a whole and its Member States. As many of the challenges in the maritime domain of individual Member States can only be dealt with in close co-operation with immediate neighbours or in a regional context, the EU has a facilitating role in co-ordination and regional co-operation in the maritime domain in order to ensure its adequate governance and control. It is beyond the scope of this short paper to go into the specifics of the EU's strategic maritime interests, but we can safely assert that the strategic maritime interests of the EU and the MS are vital and truly global, they touch upon the core of our very existence and they span the world. It is thus in our strategic interest that the EU and the MS should be able to safeguard our strategic maritime interests adequately and efficiently *qua patet orbis* – as far as the world extends.

MARITIME SECURITY RISKS AND THREATS: MULTIFACETED AND CROSS-SECTORAL IMPACTS

It is beyond the scope of this short paper to explore specific maritime security risks and threats (ranging from, inter alia, maritime terrorism to disputes over marine resources to ecologically induced crises) but experience tells us that maritime security risks and threats are multifaceted and that their impact is both direct and indirect across several policy sectors. From this we learn that a crucial characteristic of any maritime security policy or strategy dealing with this type of threat is that it must 'mirror' the fundamental nature of these threats, that it must advocate a comprehensive, integrated and cross-sectoral approach in order to provide an adequate protection against this very diverse type of risk and threat.

AN EU APPROACH TO MARITIME SECURITY?

The challenge of a European Union Maritime Security Strategy is not that it is a security strategy, nor that it is a maritime strategy; the challenge is that it is a *European Union* maritime security strategy. The EU, in all its uniqueness, needs to define its own approach to maritime security. The strategic objectives are that the EU should be able to protect itself against identified maritime security risks and threats and have the capacity to safeguard its strategic maritime interests around the world whilst at the same time acknowledging its systemic responsibility for the maritime domain and thus be ready to take up commensurate global responsibility in protecting the seas and oceans in their own right. So, what characterises the EU approach to maritime security? First and foremost it should be comprehensive, integrated and cross-sectoral in nature. This means that such a strategy should offer an integrated framework allowing for joined-up sectoral policies (civil and military). The EU approach to maritime security should thus be inclusive and should aim to build upon national capacities and promote effective and credible partnerships in the global maritime domain.

The ultimate aim of the maritime security strategy is about making the EU more efficient in the maritime realm. It is about making existing policies and tools more effective and making better use of their respective legal, political and operational frameworks. The EU approach to maritime security can contribute to a better and more efficient EU. And a better and more efficient EU is better at safeguarding its strategic maritime interests and promoting multilateral co-operation and rules-based good governance at sea.

5.10 SECURITY SECTOR REFORM

by Michaela Friberg-Storey

Security today is commonly viewed as a public good and security institutions are the service providers. This duty is a challenge in all contexts, but especially so in post-conflict or fragile societies where security institutions may lack the necessary human and material resources or even constitute sources of insecurity themselves. The objective of SSR is to enable security institutions to take on effective, affordable, accountable and transparent roles in providing security for the societies they serve. SSR builds on the principles that sustainable reform comes from within societies, with the engagement of the people at all levels. Thus, SSR initiatives need to be locally owned, tailored to the specific needs in each context and gender sensitive. As security problems often reflect wider structural changes in a society, SSR must be viewed and implemented in a holistic manner. Paramount is also the recognition that, while SSR often involves technical aspects, it is always of a political nature, as it touches on the very foundations of power. In essence, SSR is a concept that frames technical reforms in a political process.

THE EU AND SECURITY SECTOR REFORM

With increasingly multifaceted Common Security and Defence Policy (CSDP) missions and operations aimed at conflict management, prevention and stabilisation of post-conflict situations, there is an ever increasing demand for concepts and methodologies that can help practitioners on the ground. Since the adoption in

TRADITIONALLY, THE SECURITY SECTOR IS VIEWED AS COMPRISING FOUR DIFFERENT GROUPS:

- **Core security actors:**
Armed forces, police service, customs and border protection etc.
- **Management and oversight bodies:**
The executive and legislative, relevant ministries, planning and financial institutions, as well as civil society etc.
- **Justice and the rule of law:**
Judiciary and justice ministry, criminal investigation, ombudsman etc.
- **Non-statutory security forces:**
Liberation armies, private security companies, guerrillas etc.

2003 of the EU's Security Strategy, which recognised that *"security is a precondition for development"*, much work has been done to that end.

The EU conceptual framework for Security Sector Reform¹ (SSR) provides useful guidance for a multidimensional process consisting of complex political change with a variety of actors. Recognising that the nature of conflict has changed in recent decades, that states often fail to fulfil their security obligations or even actively compromise the security of their own people, SSR not only addresses the core security actors and the justice and law enforcement institutions. The concept also includes security management and oversight bodies, both within and outside the state structure, and it addresses the influence of non-statutory security actors on secu-

¹ See EU Concept for ESDP Support to Security Sector Reform. Council of the European Unions, Brussels, 13/10/2005, 12566/4/05 REV 4; A Concept for European Community Support for Security Sector Reform. Communication from the Commission to the Council and the European Parliament. Brussels, 24/05/2006, COM(2006) 153 final; Council Conclusions on a Policy Framework for Security Sector Reform. 2736th General Affairs Council Meeting, Luxembourg, 12 June 2006.

curity and stability in a particular situation. Most importantly, however, SSR encompasses the understanding that sustainable peace, democracy and development come from within societies and with the engagement of the people at all levels. Thus, SSR focuses on human security, placing the security of citizens at the centre.

Security problems often reflect the wider structural changes in a society and can no longer be seen in isolation from its political, economic and social context. This is why SSR must be viewed and implemented in a holistic manner. The EU aims to contribute to SSR and the transformation of security institutions, by facilitating processes whereby these institutions take on more efficient, legitimate and accountable roles in society. Access to both security and justice is an overarching goal of SSR, not least concerning coming to terms with informal security and justice providers. Therefore, the interlinkages between security and justice must be recognised. Human rights principles and gender equality are fundamentally important in the implementation of SSR commitments.

SSR builds on the recognition that there are no blueprints for reform processes – each country is unique and SSR assistance programmes need to be tailored to the specific needs in each context. As a donor, it is important to understand that SSR cannot be implemented solely as an external initiative but has to be anchored within the society. As such, local ownership and commitment are *sine quibus non* for sustainable SSR.

FROM POLICY TO PRACTICE

Much work has been done to transform the established EU policy frameworks and principles into a unified and comprehensive *practical* approach to SSR. With the estab-



EULEX Kosovo – EULEX Special Police Department during an exercise, 20 January 2011

lishment of the European External Action Service (EEAS) and the appointment of the High Representative (HR) of the Union for Foreign Affairs and Security Policy, the EU has an opportunity to make use of its vast policy toolbox, from high-level diplomacy, to crisis management and development co-operation, in addressing the security and safety of individuals through SSR.

In November 2008, the Council of the European Union approved a document on European Expert Teams which could *inter alia* be deployed to reinforce CSDP missions and operations, conduct analyses and diagnostics of the security sector in potential partner countries and provide support for planning of SSR initiatives². The Council Secretariat was mandated to compile a pool of deployable SSR experts based on certain required profiles. Since then, additional work has been done to ensure the provision of proper training for these experts and enhance collaboration between the EU and other international actors³.

At its meeting in November 2009 the Council of the European Union welcomed the considerable progress made in the implementation of the conceptual framework for SSR. It further encouraged the EU institutions to continue develop the methodological framework for SSR needs assess-

² Council of the European Union 14576/1/08

³ Enhancing EU-UN Co-operation in Crisis Management: Focus on Security Sector Reform. Report of the seminar organised by the Czech Presidency of the Council of the European Union in New York, 21 May 2009



Photo: EEAS/EUTM Mali

EU Training Mission for local military forces in Mali

ments⁴ as a means to strengthen a common and Comprehensive Approach to SSR. Such a framework allows the EU to undertake more systematic and consistent analysis of the SSR environment, covering all necessary aspects of the security sector, as well as each specific SSR sub-sector and the inter-connections between them. A correct understanding of the environment in which EU actors are engaged improves their ability to deliver effective SSR support.

With the establishment of the Pool of SSR Experts in December 2010, the EU has acquired a concrete *identification* tool for providing a wide range of SSR experts for complex SSR missions. The *(expertise provided by the)* pool has the potential to further strengthen and accumulate the institutional knowledge through the promotion of shared experience within EU institutions and the development of SSR theory within the EU, as expressed in the Council Document⁵.

Expert rosters at the level of the Member State are not automatically made available to the European Commission. With the establishment of the EU Pool of SSR Experts, there is also an opportunity for the Commission to find relevant expertise for its SSR commitments. Several funding mechanisms exist and can be used in a flexible manner. Joint initiatives, such as needs assessments and fact-finding missions, are facilitated and have the potential

to improve the coordination and coherence of EU SSR initiatives.

In making use of the resources (/expertise) provided by the Pool, it is important to draw lessons from previous experiences, not least from the CRT mechanism.

BUILDING EU SSR CAPACITIES

In order for the EU to enhance its capacities to deliver coherent SSR assistance through CSDP missions and operations and Commission initiatives, it is essential that the members of the Pool of Experts share and understand the EU's concepts and procedures, its approaches to SSR and methodological tools such as the Guiding Framework for EU SSR Assessments⁶, which provides the EU with a concrete tool that allows for a more systematic and consistent analysis of the SSR environment and thus strengthens its ability to effectively deliver SSR support.

The European Security and Defence College plays a key role in facilitating the establishment of relevant training and exposure to existing EU tools and procedures. Most recently, under the auspices of the ESDC, curricula for two courses on SSR have been developed and will be implemented for the ESDC by qualified national training institutes of the EU Member States. The curricula are designed for a basic SSR course (3 days) and a core SSR course (7 days), in particular to support the Pool of EU SSR Experts. To further strengthen Member States' SSR training initiatives, the ESDC Steering Committee established an Executive Academic Board on SSR (EAB SSR) in December 2010. The main mission of the EAB SSR is to optimise the coordination and coherence of SSR activities aimed at training the EU's or Member States' SSR personnel and in particular the members of the Pool of EU SSR Experts.

⁴ Council of the European Union 14916/09

⁵ Council of the European Union 14576/1/08 REV1

⁶ Security Sector Reform - Guiding Framework for EU SSR Assessments 14916/09

5.11. CYBER THREATS, RISKS AND CHALLENGES

by Frédéric Douzet

When the Internet started expanding and becoming public in the early 1990s, many optimistic voices predicted the world would become more peaceful and more democratic as a result of increased communications, free of regulation, distance and time constraints. Free flow of information would lead to the dissemination of democratic ideas and values that would eventually overcome authoritarian regimes. Shortly after the fall of the Berlin wall, Francis Fukuyama was writing about the 'end of history'¹ and soon the Internet would bring about the 'end of geography'². If any doubt remained, the Snowden revelations have proven that geography still matters, even in cyberspace. The Internet, if anything, has added one layer of complexity to increasingly intricate geopolitical conflicts. The exponential development of the Internet has indeed generated as many challenges as promises: a proliferation of conflicts over its control and regulation, which include a major push by non-democratic states and emerging powers; the proliferation of cyber-attacks; and new threats linked to using cyber capacities for political or military gain, economic warfare, crime, intelligence and soft power. This could create a new 'cold war' atmosphere and a potentially serious risk of escalation. Moreover, there are growing public concerns about the protection of privacy, freedom of speech and other civil liberties.

For a long time, these issues remained in the hands of a small community of experts. Today, governments, corporations, civil society and the military need to better understand these challenges in order to devise relevant strategies, because with the massive development of the Internet and its omnipresence in our daily lives, many technical decisions have become political and strategic decisions.

This is particularly true of the great powers, whose pre-eminence and privileges are likely to be challenged by criminals, user groups, hackers, giant private corporations, dissidents, non-state political actors or, most importantly, other nations that have become powerful players in cyberspace. The 2007 attacks on Estonia that took down servers of public services and organisations throughout the country were a wake-up call for many nations that realized how ill-prepared they were to face these new threats. These challenges call for strategic thinking, meaning the ability to coordinate efforts and action to serve a specific purpose. And many have put efforts into building cyber capacities and strategies to strike back.

This chapter reviews some of the challenges presented by the growth of interconnected networks to state powers and privileges and explores how their responses might shape the world we live in and the future of the Internet.

1 Francis Fukuyama, 'The End of History?', *The National Interest*, Summer 1989.

2 Paul Virilio, 'Un monde surexposé', *Le Monde diplomatique*, août 1997.

CYBERSPACE, A CHALLENGE TO STATE POWERS AND PRIVILEGES

First, the ability to ensure the security of the nation and the defence of the territory is challenged by the difficulty of stopping cyber-attacks that come from many states, non-state actors and various groups that have developed cyber capacities. Some attacks against a country's networks can undermine that country's sovereignty, security and power. Governments fear attacks that could potentially damage critical infrastructures with cascading effects, putting civilian populations at risk. They could also disrupt communications, manipulate information, provide the attacker with information supremacy and more generally affect operational capacities and give a strategic advantage to the enemy.

Traditional defence and deterrence strategies are hindered by the difficulties of attribution – meaning the ability to identify the perpetrator. The low cost and wide access to the technology empowers smaller states and non-state actors, reinforcing the potential for asymmetric warfare. Countries that have a high level of reliance on networks are the most vulnerable to attacks. But they are also the best able to develop the resilience of their networks (deterrence by denial), build offensive capacities and seize the new opportunities offered by networks to increase their power and strategic control over information. And there is a great temptation to create experimental weapons and innovative offensive tools, potentially leading to cyber weapon escalation.

Second, domestic security and order is challenged by criminals, whether organized or not, who operate through the networks. Intrusions, sabotage, unauthorized access to data and data theft or modification can be used for criminal purposes, either by individuals organised crime networks. In its broader understanding, cybercrime also includes criminal acts perpetrated with the use of networks (scams, bank robbery, industrial secrets theft...). The

distinction between cybercrime and so-called cyber warfare is not always simple, which is why the idea of a security-defence continuum seems particularly relevant for cyberspace. The very same attack can qualify as an act of cyber-crime, a strategic threat or a violation of sovereignty depending on attribution and intention, depending on who is behind it and why.

The challenge of attribution is reinforced by the volatility of evidence and the possibility of attacks originating from a distance, which complicates the process of investigation, arrest and trial of a suspect. When the criminal and the victim and/or the system used for the attack are located in different countries, it requires procedures of international co-operation between police forces and justice agencies that are often too slow to be efficient. There are jurisdiction borders in cyberspace and the police have no right to enter foreign networks without official permission, even to catch a criminal.

Therefore, as the representation of threat increases, the temptation is high for democratic governments to increase their capacity to control and supervise what happens in cyberspace, which opens the door to citizen surveillance and raises concerns about the civil liberties they are committed to protect. For authoritarian regimes, surveillance and control are vital to the protection of their political regime, as the main threat is likely to come from their peoples. Increased communications and access to information could undermine their power, but at the same time, networks are also powerful tools to detect, identify and observe dissidents. They can also be used to identify corrupt leaders within the regime and sources of strong popular discontent.

Third, the limits of jurisdictions and sovereignty have become blurred and intertwined in the space of communication and exchanges generated by the networks. It has become increasingly difficult for states to impose their laws and regulations on their citizens and their territory with respect to actions taking place through these networks. What constitutes a

jurisdiction in the realm of networks is sometimes difficult to establish, as users, companies and even data can be located in different countries. There are overlaps, conflicting views and many grey areas with no consensus on which country's law must prevail. Major Internet companies (Google, Amazon, Facebook ...) have become such great economic powers that they deal with some nations almost on an equal footing. Questions emerge about the respect for freedom of speech when for example French citizens published in 2012 race hate comments on the American micro-blogging platform Twitter, an act forbidden by law in France but protected by the first amendment of the US Constitution. Twitter at first refused to comply with French law and give the identity of the users who had allegedly violated the law, but after months of legal battles, eventually agreed to answer a legal request and release the information.

Finally, the economic and financial sovereignty of states has been strongly impacted by the globalization of the economy. Networks have played a major role in accelerating the circulation of goods and financial flows, potentially propagating financial crises overseas and facilitating tax evasion. In addition, networks have increased the risk and scale of economic spying, intellectual property theft, industrial theft or even sabotage. The economic stakes are huge and impact the strength of nations. Private sector interests can coincide with a nation's interests such that the cyber security of private companies can become a national interest for governments. In addition, the market of cyber security is a booming one and also a highly sensitive one, which creates an incentive for governments to get involved.

Are these threats new? Not necessarily, many of these threats existed before the age of the Internet. But the growth of networks empowers various actors with means of action that are more powerful, more affordable, faster and on an unprecedented scale: the unthinkable volume of data collected by the National Security

Agency or downloaded by Edward Snowden, the amounts of money swiped by criminals, the quantity of industrial secrets stolen by economic competitors, the 30,000 computers of Aramco sabotaged by hackers ... In addition, some of the challenges are truly specific to cyberspace like the difficulty of attribution and imputation; the fast evolution of computer technology, the development of experimental weapons and practices for which the international rules of the road remain to be written; the jurisdiction overlaps and the intricacy; the inability to test weapons in real conditions and the uncertainty about their effects; the resulting difficulty in planning graduated responses ... And unlike other military domain it is often compared to, cyberspace is not a natural domain: whatever happens in cyberspace is the result of human action.

Cyberspace has become the object of, a theatre for and a tool in geopolitical conflicts as we know them. Nation states therefore have a vested interest in getting a better control over the networks to recover their regulatory powers but also to maximize their strength and protect their regime. Through networks, they are at risk of developing new vulnerabilities but they can also gain in military capabilities, intelligence, economic power, cultural and diplomatic influence. And this in turn raises serious issues and new threats.

SHAPING THE WORLD WE WANT TO LIVE IN

Over the past two years, revelations in the news about cyber spying, cyber warfare and massive surveillance have contributed to raising public awareness of the importance of these issues and how they might affect every aspect of our lives. We are at a turning point when many of us, including elected officials, are discovering the tools and programs that major companies, governments and criminals have developed to defend their interests and maxi-

mize their powers or profits in cyberspace. The old rules and strategic paradigms seem to be inadequate to the task but the new ones remain to be devised. The speed of technological progress has far exceeded the speed of international consensus building, framework development and adaptation of the laws. The culture of secrecy and the lack of trust between stakeholders have further hampered efforts. We are at a crossroads and the path we choose to follow will have major implications for our future. Among many, four areas of concern deserve our attention.

ESCALATION, PROLIFERATION AND DETERRENCE

The US approach to cyber defence has been driven by the rivalry with China, which has been aggressively collecting military, technological, industrial, economic and political information as part of a clear strategy to acquire information supremacy. US concern has grown over the past few months, with numerous leaks in the press, statements by experts, top officials or Congress members about the rising threats to the security and the prosperity of the nation and pointing fingers at China. National Intelligence Director Jim Clapper has even declared that the cyber threat is about to surpass terrorism as the number one threat facing the US, while Secretary of State John Kerry warned about foreign hackers being the '21st century nuclear weapon'³.

Despite severe budgetary constraints, the US cyber defence budget has increased by \$ 800 million in 2013. The US Cybercommand, created in 2010, has been turned into an Internet age combat unit, and its staff should increase from 900 to 4 900 employees in the next few years. General Keith Alexander, head of both the NSA and US Cybercommand, made

it clear that it was an offensive team the DoD would use to defend the nation. The Snowden affair revealed how aggressively the US has been collecting information throughout the networks, raising serious concerns about the nature of their cooperation and the level of trust they could build with other nations. Many officials and experts like to repeat that there may be allies but 'there are no friends in cyberspace'.

The US also took the lead in waging what many consider as the first act of cyber war, an experimental attack which seems to be a third option between armed attack and coercive diplomacy. The New York Times revealed in 2012 how the Stuxnet worm, devised jointly with the Israeli services, infected the Natanz centrifuges, slowing down the nuclear programme of Iran.

As a result, some voices started calling for a cyber-war with China, or even 'a cool war'. David Rothkopf argued in FP that after the cold war era came the time of the 'cool war', a little warmer and more techy: 'The purpose of Cool War is to be able to strike out constantly without triggering hot war while also making hot wars less desirable (much as did nuclear technology during Cold War days) or even necessary'.

Recent revelations have clearly demonstrated that the cyber arms escalation has started. Many other democratic countries have put a much greater emphasis on cyber defence over the past few years than ever before. Great Britain and France have announced their intention to develop offensive capacities. Following the US lead, France cyber strategy clearly states that a major cyber-attack could be considered an act of war and lead to a legitimate response. Russia has been warning against the 'militarization of cyberspace', while developing its own capabilities.

The issue of escalation is a serious concern because there is no guarantee that a conflict

3 Huffington Post, January 24, 2013

starting in cyberspace will stay in cyberspace. We know little about the collateral effects of cyber-attacks and 'surgical cyber strikes' seem illusory. In November 2013, expert Eugene Kaspersky revealed that the Stuxnet virus had infected the Russian nuclear network although it was not connected to the Internet.

Should we be recreating cold war types of alliance? Should we share the pessimistic view of the world of international relations as a zero sum game? Or is this an opportunity to build a new framework for collective security in which we can involve countries such as Russia and China?

RULES OF THE ROAD AND NORMS

The question of what the framework could be is the subject of many discussions. Despite strong statements, there is no definition of what would constitute an act of war in cyberspace. And there are some questions as to the comparative advantages of calculated ambiguity versus clear rules of the road. By reaffirming the applicability of international law to cyberspace, the White House lets its enemies know there is a threshold, probably hoping they will not have to determine what that threshold is. But if they do, what level of certainty is required to convince the international community as to who is the author of an attack? What level of confidence is necessary to obtain diplomatic or political support for a response?

With the proliferation of cyber-attacks and revelations about massive surveillance by the NSA and other governments, the question of what constitutes a violation of sovereignty has also emerged. The Snowden revelations have shed a bright light on the high dependency of European countries on American companies for their data. They have also shown that major states with cyber capabilities were prioritizing their own sovereignty and their own special relationship with the US over European cyber defence.

So the question is what kind of collective security do we want to build? Or do we think we will be able to build? European defence is hard enough. Is Europe politically equipped to build cyber defence? Can Europe build cyber security independently from cyber defence? What can Europe do through regulations, technical standards, and industrial policies to improve cyber security?

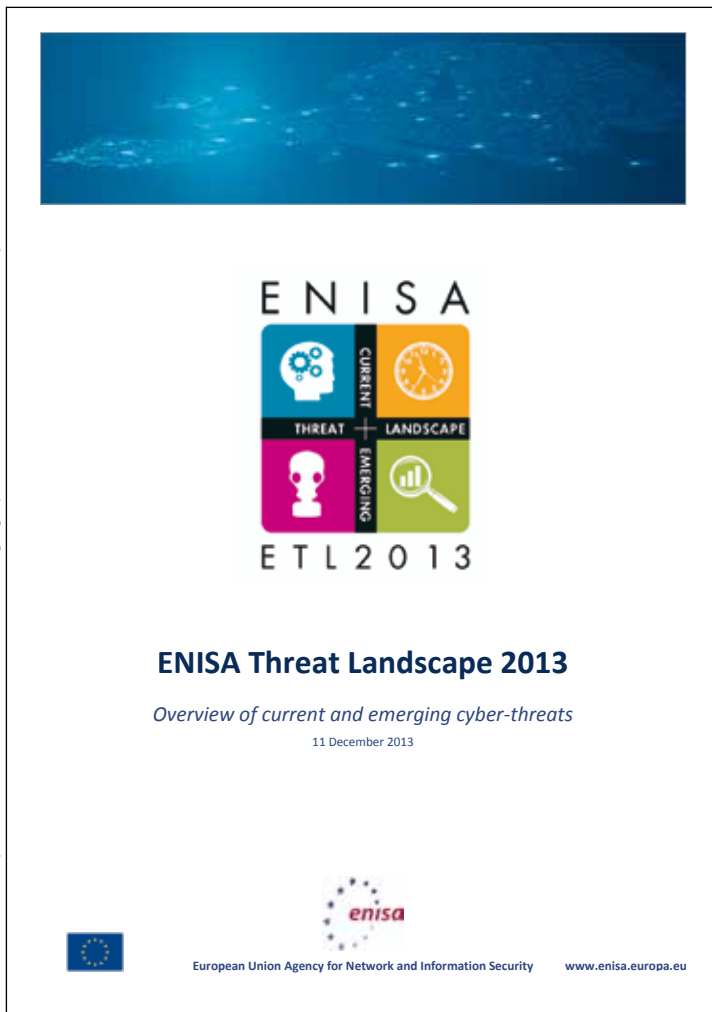
There are many discussions about building an industrial policy that would create an alternative to American or Chinese solutions. Hence the sovereignty solution that is promoted by the most advanced countries. But national markets seem too tight to be competitive. Is there enough political will and trust at the European level to develop common policies and industrial solutions?

These questions are urgent because this is only the beginning. There will be more and more data online: medical records, employee personal information, school records and all kinds of public data made available through the 'open data' process. How are we going to protect them?

DEMOCRACY V. SURVEILLANCE

Aside from the issue of hacking and criminal attacks, the issues of company access and government surveillance are major. The editor of the Guardian that leaked the Snowden revelations had to testify in front of the Home Affairs Select Committee of the UK about the patriotic nature of his decisions. What is the right balance between democracy and surveillance? What kind of safeguards should we establish and implement? What kind of political oversight? How do we evaluate these policies? Whether you might consider him a traitor or a hero, maybe Snowden did us a great service by provoking this long overdue conversation.

Big data and open data can create wonderful opportunities for improving our living



standards, providing more government transparency, with tremendous economic growth ahead. But they can also represent serious threats to our ability to protect our personal data and privacy. What kind of political and economic leverage can we create at the European level through regulations and policies to protect civil liberties? So far, Europe's data protection rule reform has been postponed to 2015, despite the Snowden Affair, following intensive lobbying by major American Internet companies.

THE FUTURE OF THE INTERNET

Finally, national strategies impact the development of the networks. In the wake of the Snowden affair, the President of Brazil, Dilma Rousseff, expressed the will to break away from the US-centric Internet, develop a sovereign Internet and called an Internet summit in Rio for spring 2014. Many democratic countries have expressed concerns about the balkanization of the Internet, a challenge to the model of an open network, promoting neutrality, interoperability, free speech and free flow of information.

But massive surveillance and cyber warfare create an incentive to reinforce borders in cyberspace. They emphasize the supremacy of the US and other western countries over the architecture and governance of the Internet, with an overwhelming dominance of American companies in terms of equipment, services, content and data collection over the net. China, Russia, Iran, North Korea and other authoritarian have put tremendous efforts into gaining sovereign control over their networks and promoting state controlled internet within the International Telecommunication Union. These practices might also encourage Internet balkanization by countries such as Brazil or India that are big, growing on the Internet and concerned about having no influence over the development of the network. It is therefore important to take into account the representations made by other nations, what their needs are. How do we make room for all the nations and create a safe enough environment to maintain the open and free character of the networks?

Cyber security and cyber defence issues are closely intertwined with all these political, economic, cultural considerations. It is all about defending not only our safety in cyber space but also the values we share as democratic European nations and the world we want to live in.

ANNEX



EUROPEAN
COMMISSION

HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 11.12.2013
JOIN(2013) 30 final

**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE
COUNCIL**

The EU's comprehensive approach to external conflict and crises

JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

The EU's comprehensive approach to external conflicts and crises

I. The case for a comprehensive approach

The Treaty of Lisbon sets out the principles, aims and objectives of the external action of the European Union. In the pursuit of these objectives, the Treaty calls for consistency between the different areas of EU external action and between these and its other policies.

Following the entry into force of the Treaty and the new institutional context it created, including the creation of the post of High Representative of the Union for Foreign Affairs and Security who is also Vice-President of the Commission as well as the establishment of the European External Action Service (EEAS), the EU has both the increased potential and the ambition – by drawing on the full range of its instruments and resources – to make its external action more consistent, more effective and more strategic.

The concept of such a comprehensive approach is not new as such. It has already been successfully applied as the organizing principle for EU action in many cases in recent years, for example, in the Horn of Africa, the Sahel and the Great Lakes. However, the ideas and principles governing the comprehensive approach have yet to become, systematically, the guiding principles for EU external action across all areas, in particular in relation to conflict prevention and crisis resolution.

This Joint Communication sets out a number of concrete steps that the EU, collectively, is taking towards an increasingly comprehensive approach in its external relations policies and action. More specifically the High Representative and the Commission are - with this Joint Communication – setting out their common understanding of the EU's comprehensive approach to external conflict and crises and fully committing to its joint application in the EU's external policy and action. This understanding covers all stages of the cycle of conflict or other external crises; through early warning and preparedness, conflict prevention, crisis response and management to early recovery, stabilisation and peace-building in order to help countries getting back on track towards sustainable long-term development.

The EU has a vital interest to prevent, prepare for, respond to, address and help recovery from conflicts, crises and other security threats outside its borders – this is a permanent task and responsibility, already recognised in both the European Security Strategy and the EU Internal Security Strategy. This is the case not only because the EU is widely considered as an example of peace and stability in its neighbourhood and in other parts of the world, but also because it is in the EU's global interest. The Union has a wide array of policies, tools and instruments at its disposal to respond to these challenges – spanning the diplomatic, security, defence, financial, trade, development cooperation and humanitarian aid fields. It is the world's largest trading block and, collectively, the world's biggest donor of official development assistance (ODA) and humanitarian aid.

Comprehensiveness refers not only to the joined-up deployment of EU instruments and resources, but also to the shared responsibility of EU-level actors and Member States. The EU has a unique network of 139 in-country EU Delegations, diplomatic expertise in the EEAS including through EU Special Representatives, and operational engagement through Common Security and Defence Policy (CSDP) missions and operations. By bringing all these together, with the European Commission and the 28 Member States, to work in a joined-up and strategic manner, the EU can better define and defend its fundamental interests and values, promote its key political objectives and prevent crises or help to restore stability. In this way, it will help to improve the lives of those threatened by conflict and prevent or mitigate the negative effects – for the EU, its citizens and its internal security – of insecurity and conflict elsewhere. The EU is stronger, more coherent, more visible and more effective in its external relations when all EU institutions and the Member States work together on the basis of a common strategic analysis and vision. This is what the comprehensive approach is about.

As global challenges continue to rise in number and increase in complexity (effects of climate change and degradation of natural resources, population pressures and migratory flows, illicit trafficking, energy security, natural disasters, cyber security, maritime security, regional conflicts, radicalisation and terrorism, et cetera) and as economic and financial resources remain under pressure, the case for a comprehensive approach, making optimal use of all relevant instruments - be they external or internal policy instruments - is now stronger than ever.

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Sustainable development and poverty eradication require peace and security, and the reverse is equally true: fragile or conflict-affected countries still remain the furthest away from meeting the Millennium Development Goals. The connection between security and development is therefore a key underlying principle in the application of an EU comprehensive approach. Other important principles underpin this approach. Firstly, our responses must be context-specific and driven by the reality and logic of real life situations encountered: there are no blue-prints or off-the-shelf solutions. Secondly, the EU's comprehensive approach is a common and shared responsibility of all EU actors in Brussels, in Member States and on the ground in third countries. Collective political will, transparency, trust and the pro-active engagement of Member States are pre-requisites for success. Finally, the approach is based on the full respect of the different competences and respective added value of the EU's institutions and services, as well as of the Member States, as set out in the Treaties:

- humanitarian aid shall be provided in accordance with its specific *modus operandi*, respectful of the principles of humanity, neutrality, impartiality and independence, solely on the basis of the needs of affected populations, in line with the European Consensus on Humanitarian Aid;
- for development assistance, the EU and its Member States act in line with the development policy as defined in the 2005 European Consensus on Development and the 2012 Agenda for Change as well as the guidelines of the Organisation for Economic Development's (OECD) Development Assistance Committee (DAC).
- EU Member States exercise political control over, and provide strategic direction for, CSDP missions and operations through the Political and Security Committee (PSC).

II. The way forward for a comprehensive approach to conflict or crisis situations

The following measures will further enhance the coherence and effectiveness of EU external policy and action in conflict or crisis situations.

1. Develop a shared analysis

A coherent political strategy for conflict prevention, preparedness and response starts with all relevant players sharing a common understanding of the situation or the challenge. A shared analysis should set out the EU's understanding about the causes of a potential conflict or crisis, identify the key people and groups involved, review the dynamics of the situation and assess the potential risks of action, or non-action. It must also identify the EU interests and objectives and our potential role to contribute to peace, security, development, human rights and the rule of law, taking into account existing EU resources and action in the country or region in question. To further improve a shared analysis, the following should be promoted:

Actions:

- Improve combined situational awareness and analysis capacity in particular by better linking up the dedicated facilities in the various EU institutions and services, including the Emergency Response Coordination Centre and the EU Situation Room (EU SitRoom). Facilitate access by EU institutions to information and intelligence including from Member States in order to prevent crises and prepare, mitigate, and accelerate the response to crisis situations.
- Strengthen early, pro-active, transparent and regular information-sharing, co-ordination and team-work among all those responsible in the EU's Brussels headquarters and in the field (including EU Delegations, CSDP missions and operations, Member States and EU Special Representatives, EU agencies as appropriate).
- Further develop and systematically implement a common methodology to conflict and crisis analysis, including development, humanitarian, political, security and defence perspectives from both the field and HQ, by all relevant available knowledge and analysis, including from Member States.
- Building on these analyses, systematically prepare proposals and options for discussion with Member States in the relevant Council bodies, including the Political and Security Committee. When a CSDP action is envisaged, this would generally follow the Political

Framework for Crisis Approach (PFCA) approach, articulating what the problem is, explain why the EU should act (based on interests, values, objectives and mandates), and identify what instruments could be available, and best suited, to act.

2. Define a common strategic vision

Building on this shared analysis, the EU should, whenever possible work across institutions and with Member States to develop a single, common strategic vision for a conflict or crisis situation and for future EU engagement across policy areas. This should then set the overall direction for EU engagement.

Actions:

- The EU's strategic vision for a country or a region should whenever possible be set out in an overarching EU Strategy document. Recent examples include the Horn of Africa Strategic Framework and the EU Strategy for security and development in the Sahel, and the proposed elements for an EU Strategy towards the Great Lakes region.
- Joint framework documents¹ should set out the EU's and Member States' objectives and priorities for particular countries, as appropriate.

3. Focus on prevention

Whenever possible the EU must seek to prevent conflict before a crisis emerges or violence erupts – this is a constant and high priority for all EU diplomatic engagement. In the long run, prevention is far less costly than addressing conflicts which have erupted. Prevention contributes to peace, security and sustainable development. It saves lives and reduces suffering, avoids the destruction of homes, businesses, infrastructure and the economy, and makes it easier to resolve underlying tensions, disputes and conditions conducive to violent radicalisation and terrorism. It also helps protect EU interests and prevent adverse consequences on EU security and prosperity.

¹ Joint Communication by the High Representative and the Commission. Global Europe: A New Approach to financing EU External Action (COM (2011) 865 final).

Actions:

- Early warning/early action: Use new and existing EU early warning systems², including those of EU Member States, to identify emerging conflict and crisis risks, and identify possible mitigating actions.
- Work across EU institutions and with Member States to translate conflict and crisis risk analyses into specific conflict prevention measures, drawing on lessons learned from previous conflicts and crises.

4. Mobilise the different strengths and capacities of the EU

Effective and proactive EU policy responses to conflict and crises should draw on the different strengths, capacities, competencies and relationships of EU institutions and Member States, in support of a shared vision and common objectives.

Actions:

- Use the Crisis Platform mechanism, chaired by the EEAS with the participation of Commission services, in a more systematic way to facilitate coordination, share information and contribute to the identification and intelligent sequencing of available EU instruments as required. These mechanisms proved their value during the Arab Spring and in the EU's response to the Horn of Africa.
- Ensure that all relevant EU actors are informed and engaged in the analysis and assessment of conflict and crisis situations and at all stages of the conflict cycle – comprehensive engagement and action build on joined-up preparatory work. The EEAS informs and brings together other services on a regular basis for such analytical and preparatory work.
- Further strengthen operational cooperation among the various emergency response functions of the EU, using their complementary expertise. To this end, a Memorandum of Understanding between the EEAS and the Commission services is being prepared.

² Also including the EEAS conflict early warning system (currently being piloted).

ANNEX 1

- Make best use of EU Delegations to ensure local coherence between EU and Member States actions.
- Strengthen the capacity of EU Delegations to contribute to conflict risk analysis. Identify appropriate tools and respond to conflict and crisis by rapid temporary reinforcement through the deployment of additional staff or other experts, where possible, drawing on existing EU resources capacity at the Brussels headquarter or in the region and on Member States' resources.
- Develop procedures and capacities for rapid deployment of joint (EEAS, Commission services, Member States) field missions where appropriate to conflict or crisis situations.³

5. Commit to the long term

“It took the 20 fastest reforming countries on average 17 years to reduce military in politics and 41 years to reform rule of law to a minimum level necessary for development.”

World Development Report, World Bank, 2011

Long term engagement in peace and state building and long-term sustainable development are essential to address the underlying causes of conflict and to build peaceful, resilient societies. The overall objectives of sustainable peace and development must be at the core of the EU's response from the outset – the EU must also have a long-term vision for its short-term engagements and actions.

For instance, CSDP crisis management instruments and crisis response measures under the Instrument for Stability (IfS) pursue mostly short-term objectives, whereas development instruments by nature are oriented towards the long term. Although objectives and decision-making procedures are different, natural synergies and complementarities should be ensured by an early, inclusive and intense dialogue between the respective stakeholders, in order to have a greater impact and achieve better results. The EU can use, in a coherent manner,

³ Such actions shall be financed within the limits of existing administrative and operational resources of the corresponding services/DGs and taking into consideration the scope and objectives of the External Action Instruments involved.

different tools and instruments within their own mandates and decision-making processes to deliver on the shared objectives.

Actions:

- Establish co-ordination systems between long-term and short-term objectives through dialogue among EU stakeholders including on the ground.
- Strengthen mechanisms for pooling and sharing European capacities and expertise (e.g. pool of experts for CSDP missions).
- Coordinate and where possible combine the use of a full range of EU tools and instruments (e.g. political dialogue, conflict prevention, reconciliation, programming of development assistance and joint programming, CSDP missions and operations, conflict prevention and stabilisation under the Instrument for Stability, support to disarmament, demobilization reintegration and support to justice and security sector reform processes, etc.) to craft a flexible and effective response during and after the stabilisation phase and in case of risks of conflict. The programming of aid in fragile and conflict-affected countries should integrate conflict analysis from the very beginning as well as the necessary flexibilities for re-programming to respond to new developments on the ground where appropriate.
- Take stock of lessons learned, including within the EU institutions, with Member States and external actors, and feed them back into the comprehensive approach cycle starting from early warning and including prevention efforts, training and exercises.

6. Linking policies and internal and external action

EU internal policies and actions can have significant external effects on conflict and crisis situations. Likewise, external action and policy can also impact on EU internal dynamics. For example, EU maritime transport policy in the Red Sea and the Indian Ocean is inextricably linked to the situation in Somalia and the Horn of Africa region. Similar impacts may arise in other situations from for example fisheries or energy policy. Conversely, the emergence beyond Europe's borders of organised crime, terrorism, or mass migration associated with violent conflict can have a direct impact on the security, stability and interests of the EU, its Member States and EU citizens.

Terrorist organisations will strive to exploit post-conflict or fragile states. In particular, poorly governed areas can prove to be a breeding ground for terrorist recruitment. For example, the activities of Al-Shabaab – which is formally aligned with Al Qaeda – have destabilised Somalia, and severely hindered regional development. Terrorist organisations can act to transmit the terrorist threat directly back into the EU.

Close cooperation, in particular between the High Representative and the Commission, is also vital on the various global issues where the external aspects of internal EU policies have a growing foreign and security policy dimension. This includes areas such as energy security, environmental protection and climate change, migration issues, counter-terrorism and countering violent extremism, organised crime and global economic governance.

"Climate change is a decisive global challenge which, if not urgently managed, will put at risk not only the environment but also world economic prosperity, development and, more broadly, stability and security. The transition towards safe and sustainable low-carbon economy and society as well as climate resilient and resource efficient growth patterns worldwide are of paramount importance. Addressing the risk-multiplying threats of a changing climate, including potential conflict and instability, related to reliable access to food, water and energy, requires effective foreign policy responses at the global and EU level, as recognised in the European Security Strategy".

Council Conclusions on climate change diplomacy, June 2013

Finally, and as the recent breakthrough in the EU-facilitated Belgrade-Pristina dialogue has demonstrated, the pull factor of the EU through the perspective of joining the Union - in combination with intense diplomatic engagement - continues to play a vital role in conflict prevention and longer-term stabilization.

Actions:

- The High Representative/Vice President, working closely with the President of the European Commission, to ensure strategic and operational coherence in external relations policy and strategy, including as regards the external impact of internal policies.
- Make better use of the diplomatic and external relations means at the disposal of the EU project and defend its interests linked to internal policies and global issues.
- Seek to identify and raise awareness of policies and instruments that have both an internal and external dimension and highlight potential in both directions.
- Internal policies should be part of the analytical crisis framework, the strategic thinking and policy documents on external action whenever possible and relevant.

7. Make better use of EU Delegations

The EU Delegation, and the Head of Delegation in particular, is the focal point of the EU presence in third countries and should – at that level - play a central role in delivering and co-ordinating EU dialogue, action and support.

Actions:

- Take full advantage of the role of the Head of Delegation to bring together the EU and Member States present on the ground across the full spectrum of relevant actions (political dialogue, development co-operation and joint programming, input to security-related strategies, local cooperation with CSDP missions and operations, consular protection, as appropriate, etc.).
- The Head of Delegation to co-ordinate joint reporting, where appropriate, enhancing co-operation with EU Member States on the ground, and sharing information and analysis, in particular at all stages of conflicts or crises.
- Ensure an appropriate breadth of expertise in Delegations, including on security issues.
- If appropriate, enable the co-location of EU actors in EU Delegations to build operational synergies.

Joint Programming has now started or is scheduled to start in more than 40 countries in the coming years. With this initiative, the EU and its Member States aim to increase their impact in partner countries and make their development cooperation more effective. At the same time, the will present a united package of support that significantly increases the EU's leverage and political weight as a donor. Joint Programming exercises are in-country, led by the EU Delegations and Members States Embassies.

8. Work in partnership

In facing complex global challenges, the EU needs to engage and work together with other international and regional actors. The role of the EU is linked - to a greater or lesser extent – to the action (or non-action), resources and expertise of others (e.g. the UN in most crisis situations, NATO in Kosovo and Afghanistan, the International Monetary Fund and the World Bank on macro-financial issues, et cetera).

“[M]utually reinforcing, beneficial and sustainable partnerships with ... the UN, OSCE, NATO, World Bank, African Union and other international actors ... need to be further strengthened to enable the European Union to operate successfully in the field of long term structural conflict prevention”

Council Conclusions on Conflict Prevention, June 2011

Actions:

- When developing EU position and responses, engage with and take full account of the role of other international actors: the United Nations, international and regional organisations, strategic partners, International Financial Institutions.
- Engage more closely with major international NGOs, civil society, think-tanks, academia and public and private actors.

III. Conclusion

The EU has in recent years taken important steps towards a more coherent external relations policy and action, not least in its response to conflict and crisis situations. Significant progress has been made in the development of common EU policies and strategies and whole-of-Union responses. But the work is not over. The EU now needs to make further improvements and more consistently apply the comprehensive approach as a guiding principle to EU external policy and action.

The comprehensive approach, as outlined above, is a joint undertaking and its success a shared responsibility for the EU institutions as well as for Member States, whose policies, actions and support significantly contribute to more coherent and more effective EU responses.

In the coming months and years, the High Representative and the Commission will, in cooperation with Member States, implement these proposals and this approach and, through them, make determined progress towards better, stronger and faster EU external action. The High Representative and the Commission call on EU Member States to provide their full support for this approach and to fully engage in order to ensure that this vision and these objectives are fully implemented.



Guidance note on the use of Conflict Analysis in support of EU external action

1. Introduction

Conflict is an important part of social and political change. **Violent conflict is a problem** that the EU is committed to addressing (see annex for listing of extensive policy commitments in this area).¹

The purpose of this note is to set-out how conflict analysis can assist EEAS and Commission staff working in fragile and/or conflict-affected countries. Conflict analysis contributes to making an informed choice in articulating a comprehensive approach to the EU's objective of preserving peace, preventing conflict and strengthening international security across a wide range of mechanisms and tools, including public and quiet diplomacy, (high level) political dialogue, policy dialogue, trade negotiations, external assistance², mediation, CSDP missions and other interventions.

This guidance note has been developed jointly by the EEAS and Commission services.

2. Conflict sensitivity and why it is important.

Conflict sensitivity means ensuring that, to the best of its abilities, EU actions (political, policy, external assistance) **avoid having a negative impact** and **maximise the positive impact** on conflict dynamics, thereby contributing to conflict prevention, structural stability and peace building.

Central to the notion of conflict sensitivity is the idea that **all EU action in a conflict affected setting can, and is likely to, have an impact on the conflict.** Well-meaning support for reform or infrastructure can increase dependency, power and patronage of certain groups, and have a negative impact on coping mechanisms. Similarly, the failure to respond with timely political and/or development support to a peace accord due to, for example, concerns over fiduciary risk in a still fragile situation or misinterpretation of the situation due to lack of political insight could push a country to relapse into conflict that could have been prevented. Positive action could take the form of addressing the consequences of conflict (e.g. provision of basic services, reconstruction of critical infrastructure such as hospitals, supporting trade facilitation measures, etc.) or addressing the underlying causes of conflict (e.g. helping to reduce inequalities that fuel tensions). In short, by applying a pro-active conflict sensitive approach we **increase the EU's adherence to the “Do No Harm” principle.**

¹ An estimated 40 % of fragile and post-conflict countries relapse into conflict within 10 years.

² Throughout this note, the term 'external assistance' is meant to include development assistance and other instruments for external assistance.

The EU's ambition is to work more on³ conflict, by addressing the causes of conflict and promoting peace. This follows from article 21 of the Treaty on the European Union, which states the core objective to “preserve peace, prevent conflict and strengthen international security”, and various EU policy statements which have identified the need for the EU to “address root causes of conflict”⁴. The 2003 European Security Strategy and the 2005 European Consensus on Development acknowledge that there cannot be sustainable development without peace and security, and that without development and poverty eradication there will be no sustainable peace. The Council Conclusions of 2007 on security and development state that “conflict prevention should be pursued as a priority goal in particular by fostering and strengthening development cooperation”⁵. However, the recent comprehensive [thematic evaluation of EC Support to Conflict Prevention and Peace-building](http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm)⁶ shows that **political reporting, strategy development and programming of external / development assistance were insufficiently conflict-sensitive in the past**. The evaluation found that while the EU is investing heavily, its impact is often limited to addressing the consequences of crises and conflicts. Another key finding is that the connection between the EU's diplomatic and CFSP engagement (e.g. through political dialogue, or CSDP actions) and external assistance has often been weak, reducing the EU's leverage and effectiveness in the area of conflict prevention and peace building.

Given that countries that could be or are affected by violence and conflict are highly diverse there is **no easy check-list for “what works” or what should be priorities and sequencing**. EU actions in a third country have to **take account of and be adapted to the key dynamics of conflict** that are **highly context specific**.

Acknowledging the complexity and diversity of conflict situations, **emerging best practice** (e.g. as documented by the OECD/DAC) **highlights the importance of the use of conflict analysis in the assessment of the context**. EU planning and programming documents have often contained elements of a formal conflict analysis, but not always in a systematic and structured manner. There is a need to address these weaknesses. Positive experiences with the use of conflict analysis by Delegations / country teams, such as in Bolivia, Sri Lanka and Georgia point to an emerging practice, applicable to the EU.

The guidance presented in this document is applicable to EU action in a (post-) conflict (-prone) setting, as a diplomatic actor (political dialogue), donor (external assistance), security provider (CSDP), trade partner, etc. A conflict analysis which is jointly owned by all the relevant EU actors is the basis for an effective Comprehensive Approach to conflict and crisis situations addressing the security-development-political nexus. Across all these domains, conflict analysis can strengthen the ability of the EU to plan and implement EU action mindful of its potential impact, positive or negative, intended or otherwise.

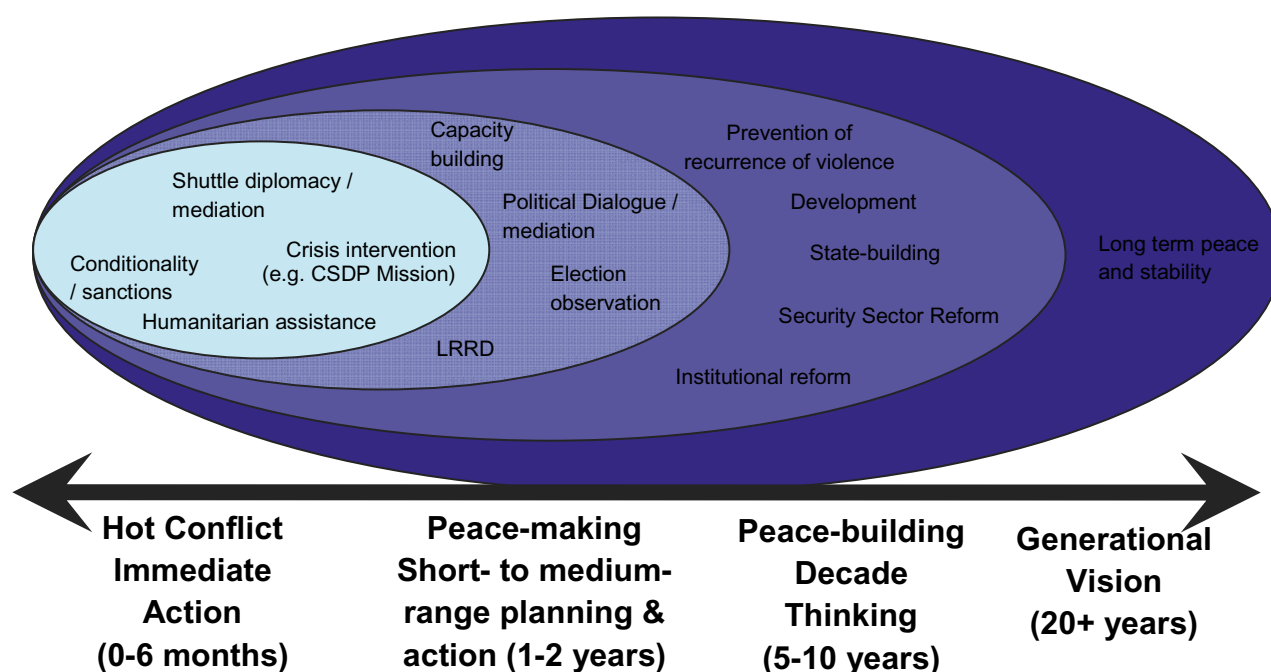
This guidance applies to all possible stages of (potential) violent conflict, including where violent conflict is ongoing. Crisis interventions will, for example, also have to take into account impact on future peace-building and the prevention of renewed conflict. The diagram below illustrates this and underlines how conflict sensitivity requires both a short term and a longer term approach.

³ Working “on” conflict entails active policies to address causes, support peace etc; this is to be distinguished from working “in” a conflict, where conflict is the context but there is no intention for a direct peace building/conflict prevention effect, and working “around” a conflict, where actor may seek to avoid conflict, and focus on unaffected areas. The EU does not advocate working around a conflict.

⁴ See list of policy references in annex to this note.

⁵ Council conclusions, 15097/07, p. 3

⁶ http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm



Source: J. P. Lederach (adapted)

Figure 1: The Transformation Timeline

3. What constitutes EU conflict analysis?

A conflict analysis uses a **structured framework** as the basis for information gathering, analysis, interpretation, appreciation of the realms of the possible and prioritisation of responses. A range of conflict analysis frameworks and tools have been developed, and can be tailored to the specific needs of EU Delegations. The EU has two frameworks which can be used to generate a conflict analysis; a light-touch Conflict Analysis Tool currently being piloted by the Conflict Prevention, Peacebuilding and Mediation Instruments Division in the EEAS, and conflict sensitive political economy analysis, developed in DG DEVCO (see chapter 4 below).

A useful [reference guide to conflict analysis frameworks](http://www.conflictsensitivity.org/sites/default/files/Conflict-Sensitive%20Approaches%20to%20Development,%20Humanitarian%20Assistance%20and%20Peacebuilding%20Resource%20Pack.pdf)⁷ - including those produced by some EU Member States, USAID, and the World Bank amongst others - is available on-line. In line with most conflict analysis frameworks, key elements for an EU conflict analysis framework are:

⁷ <http://www.conflictsensitivity.org/sites/default/files/Conflict-Sensitive%20Approaches%20to%20Development,%20Humanitarian%20Assistance%20and%20Peacebuilding%20Resource%20Pack.pdf>

Key elements of EU conflict analysis⁸

1. An analysis of the **context** – leading to a profile of contentious issues and conflict-prone areas
2. An analysis of the (possible) **causes of conflict** – distinguishing between **structural (root)** causes, **proximate** causes and the more immediate **triggers** of violent conflict. Where applicable, this should include an analysis of factors (including grievances) which contribute to and facilitate radicalisation and violent extremism. Analysis of conflict causes should also be complemented by an analysis of **factors providing for resilience** to violent conflict, which enable some communities/parts of a country to remain peaceful when others are in conflict.
3. An analysis of the **actors** – exploring their interests, goals, positions, capacities and relationships.
4. An analysis of the **conflict dynamics** – understanding the interactions between context, causes and actors, the distribution of violence, its nature and triggers.
5. An outline of potential scenarios – possible future directions of conflict.
6. The identification of **existing and planned responses** to the conflict, internal and external – taking into account all actors, including development, military and security, diplomatic, trade, migration;
7. The identification of **key gaps, options and realistic strategies to respond to the conflict**, being mindful of the risk that any of these interventions might actually further increase the likelihood of violent conflict.

Analysing the causes of conflict, informs political dialogue, mediation, public and quiet diplomacy as well as external assistance and policy dialogue. It can also inform strategic planning, strategic reviews as well as follow-on work on CSDP interventions. Conflict analysis can help the EU make better-informed strategic and operational choices, to manage risks and potentially assess impact at a later stage.

Conflict analysis can be applied at the regional level (e.g. Horn of Africa), national level, sub-national level (e.g. north eastern Nigeria) sector level (e.g. agriculture, infrastructure, private sector development, education) and at the level of a particular intervention (assistance project, CSDP mission etc.). It recognises that **achieving a high degree of certainty and predictability is often not possible** in complex environments, and adaptation to an evolving context is essential (see also section 4.1 on when to conduct conflict analysis).

An EU conflict analysis should involve the active participation of all the EU stakeholders who need to own and use its findings. Typically, this will include the Delegation(s), the EEAS and DG DEVCO, and other Commission services such as DG ECHO and FPI.

To sum up, **conflict analysis uses a collaborative process to develop an understanding of a conflict context**. It complements political understanding and human judgment, and builds upon and strengthens the understanding of the context analysis that staff in EU Delegations and Brussels develop through their daily work.

⁸ Based on: International Alert et al. 2004, Conflict-sensitive approaches – a Resource Pack - Chapter 2, which draws on 15 conflict analysis frameworks including those developed or used by the European Commission, EU member-states, USAID, and World Bank.

4. Key “Who, When & How” questions

4.1 Who can initiate a conflict analysis and when should conflict analysis be undertaken?

Processes of conflict analysis can be initiated by a variety of actors, such as an EU Delegation, country desks or management at headquarters in the Commission or EEAS, an EUSR, one of the CSDP structures and / or the head of a specific CSDP mission / operation. Analytical support and options for developing conflict analysis can be provided by the EEAS Division for Conflict Prevention, Peace building and Mediation Instruments and the DEVCO Unit for Fragility and Crisis Management.

If a situation in a country changes, the EU's engagement might need some adapting. The EU's diplomatic engagement must always be flexible and adaptive. In relation to external assistance, the EU's new approach to programming allows more ad-hoc re-programming of allocations and a re-assessment of the context, particularly in the case of evolving or emerging conflict. Likewise, proposing new CSDP missions and/or strategic reviews of ongoing CSDP missions / operations can be informed by (updated) conflict analysis.

While **good enough conflict analysis is better than no conflict analysis**, it is important to update the analysis when significant changes occur. Integration of conflict analysis into political monitoring can strengthen understanding of the context. Little and often is generally preferable to infrequent and lengthy analysis – particularly in a fast changing, dynamic situation.

Conflict analysis could be used by:

- Delegations and the EEAS and Commission headquarters in response to rising conflict risk, as registered in the Early Warning system [currently under development]
- ECHO Offices and ECHO headquarters for the preparation of Humanitarian Implementation Plans
- CMPD with regards to work on CSDP missions / operations (e.g. during both planning and conduct as well as strategic reviews)
- Delegations or headquarters when preparing political strategies and/or EU programming of external assistance (i.e. the drafting of MIPs/NIPs/RIPs and CSPs where relevant)
- EEAS and DEVCO headquarter country team meetings when assessing EU programming proposals
- EU Delegations/EEAS headquarters considering potential responses to violent extremism/terrorism.
- Delegations and EU Member States embassies (and other donors) when consulting on Joint Programming
- Delegation and missions when producing reports on best practices and lessons learnt (e.g. Results Oriented Monitoring)
- Desk officers and other entities in headquarters when synthesising reports from the field (e.g. as basis for feed back into programming)
- By the EEAS and DG TRADE when preparing and conducting bilateral trade negotiations with countries affected by / at risk of violent conflict
- Delegations and headquarters when designing, and implementing specific (sector) actions.
- Delegations when engaging in political and policy dialogue with partners
- Project / programme managers / teams seeking to develop conflict sensitive approaches

ANNEX 2

The needs for conflict analysis may vary over time, and will be dependent on the user(s) or the situation. **The EU employs two tools that can be tailored to address these varying needs for conflict analysis:**

- light touch conflict analysis
- conflict sensitive political economy analysis

They are explained in the sections below.

4.2 Light-touch conflict analysis

Light touch conflict analysis can often be the timely and commensurate response that is appropriate for the situation. Conflict-affected settings are often characterised by developments that move at a quick pace. Provided that EU-actors involved already have a lot of knowledge and information on the situation, a light touch conflict analysis may inform critical decision making at a time when it is needed. The light-touch approach allows a broad range of very busy EU staff to participate in it and therefore own its results. The final product of the light touch exercise must be adapted to the needs of its audience. An executive summary can help brief senior management to support their decision making; and a more detailed text for those engaged in practical responses. Due care should be taken to go beyond a technocratic exercise and address the political dimension of the conflict as strongly as possible. The result of a light-touch conflict analysis may need to be complemented by additional analysis with an increased focus or depth. This would involve carrying-out a political economy analysis.

The process of conducting a light-touch conflict analysis assumes that the minimum requisite knowledge and expertise on the conflict context is available (e.g. tacit knowledge of participants, reports of relevant assessments). Where this minimum level of knowledge and expertise is not readily available, a political economy analysis can deliver this.

An interactive conflict analysis workshop is the key element of a light-touch approach. It can be organized at the Delegation or at Headquarters and can be undertaken in 1-2 days. This analysis seeks to draw on the perspectives and knowledge of a broad range of EU actors, and, where possible, include a few external experts (academics, civil society, etc). In sensitive cases, the inclusion of external experts may not be appropriate.

During the workshop a conflict analysis framework is used to map out the key actors and causes of conflict and to discuss possible EU responses. Participants usually receive a short document synthesizing existing conflict and other forms of analysis undertaken by others⁹ in advance.

The workshop approach provides analysis that is generated and therefore owned by the participating EU actors. It establishes a common understanding of the conflict, enabling comprehensive measures to be put in place. These workshops are recommended when events on the ground require quick responses, or in order to initiate the discussion on overall conflict trends and possible responses. **The output of a conflict analysis workshop will be a short and structured conflict analysis report**, summarising the analysis conducted during the workshop.

The EEAS Conflict Prevention, Peace-building and Mediation Instruments Division (CPD) can help organise and facilitate these light touch processes/workshops upon request from country teams or

⁹ The organisers of the analysis may commission a consultant to prepare this, or do it themselves.

others. A reference guide on the methodology for EU conflict analysis workshops will be forthcoming.

As the light-touch analysis is limited in time and depth, it may in fact conclude that a more in-depth analysis is required. The light touch exercise will then provide a scoping for this follow-up exercise.

4.3 Conflict sensitive political economy analysis

Where in-depth analysis is required, political economy analysis can be employed. **Political economy analysis provides a framework to understand key aspects of the political and economic processes, relationships and dynamics at work in a given country or sector.** Political economy analysis investigates how political and economic processes interact in a given society, and support or impede the ability to solve problems that require collective action. It takes particular account of the interests and incentives driving the behaviour of different groups and individuals, the distribution of power and wealth between them, and how these relationships are created, sustained and transformed over time. These relationships are crucial in explaining how politics works, how wealth is created, and how change happens. The framework is intended to help deepen EU staff's understanding of the country context or of specific sectors, and to promote discussion of how the EU can best interact with national political economy dynamics.

A Political economy analysis can deliver an assessment of the key elements of conflict analysis outlined in chapter three. Political economy analysis methodology combines in-depth desk and field research with interactive workshops that help ensure ownership of the analysis by the EU actors involved. Also in conflict and fragile situations, an iterative approach to Political Economy analysis can be important, as a first in-depth analysis may only uncover certain causes of conflict and a 'light touch' review can be useful. This may be especially relevant for countries which have remained more closed towards external actors. DEVCO's Fragility and Crisis Management unit can, together with the Quality of Delivery Systems unit, provide advice on how to conduct political economic analysis.

4.4 How does conflict analysis relate to other tools/approaches and guidance for analysis?

In addition, the EU also uses other analytical tools to understand the country and sector context such as governance assessments, human rights assessments, actor mapping, public policy, public financial management and macroeconomic framework analysis¹⁰ and political reporting to ensure monitoring of the EU's political objectives. Conflict analysis complements these methods and can draw on them primarily for information. Relevant EEAS and Commission Divisions can advise on the use of these respective tools.

Conflict analysis and the planning / review of CSDP actions can mutually inform and reinforce each other. Early coordination with CMPD is necessary, starting with the integrated strategic planning Unit. This will be essential when a CSDP mission or operation is envisaged as part of an EU crisis response.

¹⁰ A number of these assessment types can be found in the PPCM guidelines.

ANNEX 2

A system for early warning of conflict risk is currently under development. Once such a system becomes operational, the system may trigger conflict analysis and / or an in-depth political economy analysis for countries identified as having increased conflict risk.

4.5 How do we engage other stakeholders (national governments, EU Member States) in conflict analysis?

While in general, close cooperation with partners is encouraged, joint conflict analyses, in particular with collaboration of the partner country government(s), tend to be more politically correct and less critical. Joint analysis can lead to shared ownership and collaborative responses, but these advantages have to be weighed against possible drawbacks.

It is important to note that **asking actors in partner countries, in interviews or consultations, about conflict risks in their country can be highly sensitive and lead to misinterpretations.** In these circumstances, it may be advised to focus the discussions on transition, resilience or promotion of stability, rather than conflict risks.

In the context of the New Deal, fragile states committed themselves to conducting their own fragility assessments, in cooperation with international partners. The EU is committed to supporting these assessments, while this does not obviate the benefit for the EU to conduct its own conflict analysis.

4.6. Are there specific policy documents or guidelines on the above-mentioned issues? Whom should I contact if I need support?

There are official policy documents on many of the above-mentioned issues, including guidelines, Commission communications, Council conclusions, etc. An indicative, non-exhaustive list of these documents (with their references) can be found in Annex II. In other cases, there are useful reference documents from the United Nations or other international organisations (also included) or those generated by EU-funded initiatives.

Contacts:

- **EEAS:** Conflict Prevention, Peace-building and Mediation Instruments Division: K2@eeas.europa.eu
- **DEVCO:** Fragility and Crisis Management Unit: EuropeAid-07@ec.europa.eu

5. Linking Conflict Analysis to EU External Action

A conflict analysis should facilitate the development of **context specific options for an EU response at different levels** that target key conflict dynamics (conflict dynamics being the link between causes, context and actors). These options should be defined in light of an assessment of actions undertaken by other international actors. These options will generally relate to various fields of EU action, each with its own priorities and decision making processes.

Once the outcome of a conflict analysis has been agreed by the relevant EU services in charge of the country / countries concerned, and based on the findings and options suggested, the geographic departments, Delegation(s) and other relevant services **need to decide where and how the follow-up takes place.** It will depend on the results how follow-up action needs to be defined and formulated. It could simply be a list of recommended follow-up in the conflict analysis report that is

taken up by each relevant actor using established processes / procedures. It may be necessary to develop an options paper for senior management and/or for discussion with member states in PSC or FAC. The results of the conflict analysis could also be the basis (or trigger) for developing a Joint Framework Document. It is furthermore possible to follow-up by developing a specific options matrix or logical framework that addresses action across various domains of EU Action. Certain aspects of the follow-up may be delegated to the country level (Delegation but possible also CSDP mission/operation etc.) while others need headquarters involvement / decision making.

In general, when defining follow-up it is recommended to:

- **Be goal and objective driven, rather than instrument driven.** One way to achieve this is to define an overall goal for the EU response to address the conflict or conflict risk and prioritise the key issues on which the EU may have some positive impact. These key issues (problems) can be turned into the specific objectives of the EU response.
- **Identify complementary measures needed to reinforce / support key elements** of the chosen response (e.g. to complement an SSR programme with support to civil society performing a watchdog role of the security services). Typically, a response package to a situation of conflict will require action across the domains of diplomacy, development/external assistance and Security & Defence, and can draw on a variety of the instruments and tools to the disposal of the EU.
- **Consider from the start the different time dimensions needed** to achieve the desired result(s), from immediate short term actions to initiatives that address medium to longer term needs.

An illustrative example of a response package is given in Annex I in the form of a simple planning matrix that connects specific objectives with the different types of EU action, that are needed to achieve them.

Annex I: Illustrative Planning Matrix with examples of linking conflict analysis to comprehensive EU External Action

Key conflict dynamics emerging from conflict analysis and corresponding strategic goal for EU Action		Domains of EU External Action		External assistance	CSDP Action
<p>Issue: One geographic and ethnic grouping has privileged access to education – undermining structural stability and being a source of grievance and conflict</p> <p>Objective: Structural stability is promoted by supporting equal access to education</p>		<p>Political Dialogue / Diplomacy</p> <p>EU HoD addresses very sensitive political blockages to education reform informally with Head of State</p>		<ul style="list-style-type: none"> Education is proposed and agreed as focal sector; Geographic distribution of access to education forms part of EU policy dialogue with Ministry of Education EU programming with Ministry of Education seeks to promote more equitable access to education 	[Not applicable]
		<ul style="list-style-type: none"> EU HoD enquires about windows of opportunity to engage in security sector reform with Ministers of Justice and Interior [and Defence in case of a military CSDP engagement]; Outputs of complementary but sensitive civil society measures to EU supported justice and security sector reform are regularly discussed with both ministries 		<ul style="list-style-type: none"> Within the Governance focal sector, citizen access to justice is noted as priority area; EU support to civil society to promote access to justice and security services is programmed as part of wider justice reform and complements SSR mission. 	Options for a CSDP mission with SSR mandate are developed for consideration by PSC, with subsequent follow-up as decided
<p>Issue: Political mobilisation is undertaken on very polarised identity grounds – has led to difficulties and violence in the past transfers of power – elections have been a trigger of conflict</p> <p>Objective: The recurrence of electoral violence is prevented after the next election in 2 year's time</p>		<ul style="list-style-type: none"> EU HoD with other EU HoMs have robust private dialogue with President and Heads of Political Parties on political polarisation and incitement to violence Dialogue with National Election Commission and police, media about what capacity/incentives they need to acquire to prevent rumour and acts of organised or random violence; Accurate reporting of political issues before, after and during elections 		<ul style="list-style-type: none"> Governance focal area has strong conflict prevention focus going beyond elections to entire electoral cycle 2 years before national elections; Programming supports community reconciliation, mediation Policy dialogue by HoO follows up on technical aspects of political dialogue with election commission etc. 	[if so decided and/or at request of the UN a CSDP military mission could be fielded to support (confidence in) security around the actual elections]

Annex II: Key Policy commitments (to conflict sensitivity and comprehensive EU response to conflict and conflict risk)

Treaty on European Union (TEU) (in particular Article 21)

Communication from the Commission on [Increasing the Impact of EU Development Policy: an Agenda for Change](#), 2011

[Council Conclusions on Conflict Prevention of June 2011](#)

[Council Conclusions on ESDP, part II Conflict Prevention and Crisis Management Capabilities and Thematic Issues, 2009](#)

[Council Conclusions on an EU Response to Situations of Fragility, 2007](#)

[Council Conclusions on Security and Development, 2007](#)

Council Conclusions on a Policy framework for Security Sector Reform, 2006

[Communication from the Commission on Conflict Prevention](#) of 2001

[Communication from the Commission on Towards an EU Response to Situations of Fragility, 2007](#)

Article 11 - Peace building policies, conflict prevention and resolution, response to situations of fragility of the [Cotonou Partnership Agreement](#) 2010 Revision

[European Consensus on Development](#) (sections on conflict prevention and fragile states) of 2005

EU Programme for the Prevention of Violent Conflicts by Gothenburg European Council, 2001

Key additional reference documents

World Bank, [World Development Report, Conflict Security and Development](#), 2011

[New Deal for Engagement in Fragile States](#), 2011

[Thematic Evaluation of European Commission Support to Conflict Prevention and Peace Building 2001 – 2010](#), 2011



Addressing conflict prevention, peace-building and security issues under external cooperation instruments

GUIDANCE NOTE

1. INTRODUCTION

The Lisbon Treaty has - for the first time - explicitly enshrined, as one of the objectives of the EU's external action *“to preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter [...]”*¹. This new development needs also to be seen against a wider picture of global instability where - according to the World Development Report 2011 on Conflict, Security and Development - approximately 1.5 billion people live in countries affected by repeated cycles of political and criminal violence. Such a lack of stability in one country or region is detrimental to our development efforts there, and may have spill-over effects to other more stable areas including the EU, through refugee flows, trafficking in human beings and drugs, organised crime networks, etc.

In order to address these challenges, the EU has a wide array of external policies, instruments and tools at its disposal, ranging from diplomacy (statements, demarches, mediation, facilitation of dialogue, participation in relevant international fora...) and EU external cooperation instruments (both thematic and geographical), to actions under the Common Foreign Security Policy (CFSP), including regular political dialogues with third countries and international organisations, restrictive measures (sanctions), EU Special Representatives, disarmament and non-proliferation activities, and civilian and military crisis management missions under the Common Security and Defence Policy (CSDP), etc.

Our effectiveness in preventing conflicts, building peace and strengthening international security very often depends on our ability to define the right mix of policies, instruments and tools to achieve this ambitious goal. The post-Lisbon institutional setup facilitates these complex tasks of pursuing a “comprehensive approach” and ensuring overall consistency. Without conscious horizontal inclusion of all relevant strands - conflict prevention, peace-building, security and development - this overarching EU objective cannot be reached.

¹ Article 21(c) TEU.

☞ This guidance note does not endeavour to address the overarching question of how the EU can best achieve the overall objective of building peace, preventing conflict and strengthening international security, set out in the Lisbon Treaty. Rather its specific purpose is to raise awareness among the responsible EEAS (including EU Delegations) and Commission staff about the need to ensure that the above-mentioned issues are adequately factored into our external cooperation instruments, while respecting the primary, specific objective of each policy and instrument².

2. WHAT ENABLES US TO ADDRESS CONFLICT PREVENTION, PEACE-BUILDING AND SECURITY IN OUR COOPERATION?

The Lisbon Treaty has also made explicit that, as an integral part of the EU's external action, both our development co-operation as well as our financial, economic and technical cooperation with third countries, other than developing countries, “*shall be conducted within the framework of the principles and objectives of the EU's external action*”³, including that of preserving peace, preventing conflicts and strengthening international security.

The EU has also acknowledged⁴ that there cannot be sustainable development without peace and security, and that, vice versa, without development and poverty eradication there will be no lasting peace. It has also stated that this “nexus” between development and security should inform EU strategies and policies in order to contribute to the coherence of EU external action. Similarly, in its Agenda for Change policy, the Commission says that the EU should ensure that its objectives in the field of development policy, peace-building, conflict prevention and international security are mutually reinforcing.

Instability, conflict, insecurity, violence, organised crime, corruption, etc., not only deter investment, hinder trade, divert public social expenditure, and hamper access to education, health and other basic services; they also severely weaken democracy, human rights and the rule of law, which are the very core values we aim to promote. Beyond development, these phenomena also undermine the joint efforts we are making with our neighbouring countries to establish a shared area of prosperity, security and freedom as well as the efforts of candidate and potential candidate countries to become closer to the European Union.

Some long-term external cooperation projects and programmes, funded by international donors, have been entirely lost or their impact has been seriously undercut for having neglected and/or underestimated the security-development context. In some cases, good-faith cooperation projects have unintentionally contributed to exacerbate community,

² The particular challenge of linking development cooperation and humanitarian assistance (LRRD) is not covered in this note and will be addressed through appropriate guidance at a later stage.

³ Articles 208(1) and 212(1) TFEU.

⁴ Council Conclusions on Security and Development of 20 November 2007 (15091/07).

ethnic or religious rivalries, leading even to violence, simply because basic principles of conflict-sensitivity were not applied in the design or the implementation of the project.

Building peace, preventing conflicts and strengthening international security is therefore not only a Treaty obligation or a political commitment; it also enhances the effectiveness, efficiency, impact and sustainability of our development, neighbourhood and pre-accession policies.

3. ARE THERE NOT SPECIFIC EU INSTRUMENTS FOR CONFLICT PREVENTION, PEACE-BUILDING AND SECURITY?

Until relatively recently, the security, conflict prevention and peace-building dimensions of the EU's external action in third countries have indeed tended to gravitate towards those instruments specifically designed for crisis response/management or for addressing global and trans-regional security threats, in particular measures under the Instrument for Stability (IfS) and CFSP actions, including disarmament/non-proliferation activities and CSDP crisis management missions. These instruments have an undeniable added value in crisis situations, to address global and trans-regional threats or to build capacities of peace-building stakeholders⁵, yet they are comparatively small in financial allocations and have important legal and regulatory restrictions⁶, which make them unsuitable for addressing these issues at country-level over the long term.

Mainstreaming and promoting peace, preventing conflict and strengthening security within our geographic cooperation instruments has its merits as these are the best suited instruments to address long-term needs in a comprehensive and structured manner at the country and regional levels, which is essential to ensure the effectiveness, efficiency, impact and sustainability of our support, in line with the Paris Declaration and Agenda for Change principles.

However, the effectiveness of our support to conflict prevention, peace-building and security under EU cooperation instruments will be limited if it is not part of a **comprehensive EU approach**, based on a shared assessment and a common objective, and which combines in the most efficient manner all relevant external policy tools at our disposal, from cooperation instruments⁷, political dialogues, confidential demarches and

⁵ Notably of international, regional and civil society organisations, under the 'Peace-building Partnership'.

⁶ For instance, IfS crisis response measures cannot adequately address long-term needs, since their duration is limited to 18 months. The programmable components of this Instrument can support long-term actions, but they have to prioritise global or trans-regional programmes or those aimed at building the capacities of international, regional and civil society organisations. Likewise, CSDP missions are intended for crisis management situations and, even in these cases, they cannot provide material support.

⁷ The Union's humanitarian aid is provided in accordance with the fundamental principles of humanity, neutrality, independence and impartiality and solely on the basis of needs of affected populations, as stipulated in Article 214 of the TFEU and in the European Consensus on Humanitarian Aid. Accordingly, it is provided by the EU independently from any other political, economic and military objectives. As a result, decision-making on humanitarian aid cannot be formally or operationally linked with, or driven by, the use or non-use of other EU's tools and instruments, or allow perception as such.

international diplomacy, to active mediation, sanctions and crisis management missions, to name some of the most prominent ones. Integrating all these instruments and tools in a systematic and consistent manner is particularly important when designing the EU approach to fragile and/or crisis-prone countries and regions.

4. HOW CAN THESE ISSUES BE ADDRESSED BY EXTERNAL COOPERATION INSTRUMENTS?

All countries and regions are different, with their own specific problems and challenges. Situations also vary from country to country as well as over time.

In the specific case of fragile and/or conflict-prone countries, violence and fragility are often framed by the presence of a non-inclusive political system which leaves significant parts of the population disenfranchised. This in turn is often marked by wide-scale youth disengagement, unemployment, inequality between social, ethnic, regional or religious groups; corruption, infiltration by criminal networks into public institutions, etc. In order to break this 'downward spiral' into instability and fragility (with accompanying levels of violence), systems for inclusive politics leading to more legitimate national institutions and good governance (state-building) need to be strengthened, providing human security, addressing injustice and creating employment. In addition, efforts may need to be undertaken to alleviate international stresses that increase the risks of violent conflict, such as cross border crime, arms smuggling or terrorist activities.

In this regard, the New Deal for Engagement in Fragile States⁸ agreed in Busan in 2011, including by the EU, specifically focuses on a number of 'Peace-building and State-building goals'⁹ as an important foundation to enable progress towards wider development goals and to guide our work in fragile and conflict affected states. On a more operational level, cooperation with countries facing fragility, conflict and violence, should aim at identifying and mitigating the stresses that can lead to conflict and violence, supporting inclusive political processes and the restoration of confidence; assessing deficits in the capability of key national institutions dealing with citizen security, justice and economic development and providing critical strengthening to those institutions as well as non-state actors; identifying transition opportunities to break cycles of violence and protracted fragility and actively supporting them.

In this regard, a **fragility** and/or **conflict assessment** can be useful to better understand the underlying factors and drivers of conflict and adapt our cooperation accordingly, not only to avoid doing unintentional harm, but also to ensure we make an effective contribution towards security, conflict prevention and peace-building. The joint

⁸ <http://www.oecd.org/dataoecd/35/50/49151944.pdf>

⁹ These 'Peace-building and State-building goals' refer to: 1) Legitimate Politics - Foster inclusive political settlements and conflict resolution; 2) Security - Establish and strengthen people's security; 3) Justice - Address injustices and increase people's access to justice; 4) Economic Foundations - Generate employment and improve livelihoods; 5) Revenues & Services - Manage revenue and build capacity for accountable and fair service delivery.

Commission services-EEAS Note on Conflict Analysis provides more detailed information on this issue¹⁰.

A country-specific political economy analysis could also help reveal specific peace building and state-building goals¹¹ to be pursued by our cooperation programmes. An EU response or programming document that addresses the root causes of violent conflict (or, as a preventive action, the key conflict risks) should also mainstream conflict prevention, peace building and security. This can result in the prioritisation of traditional areas of assistance, but with specific conflict prevention and/or peace-building objectives (e.g, job-creation or education programmes targeting disenfranchised groups, thus contributing to the reduction of conflict risk –in contrast to broad-based programmes without any explicit conflict-related objective). As a matter of fact, conflict prevention objectives can be targeted through both direct conflict prevention and peace building actions (for example, supporting a specific mediation/dialogue action) or indirectly through other sectors (for example, the conflict sensitive design of a water and sanitation programme, by assigning appropriate priority to disenfranchised groups).

Joint Framework Documents (JFDs) should also contribute to ensure greater complementarity and coherence between EU policies and instruments, including those of Member States, addressing conflict prevention, peace-building and security.

In all cases, these are some of the issues that should be looked at in order to ensure that conflict prevention, peace-building and security issues are effectively addressed in our cooperation:

a) Are there ongoing or planned IfS crisis response actions, peace operations supported under the African Peace Facility, and/or civilian CSDP crisis management missions in the concerned country?

If that is the case, it is essential to ensure the long-term sustainability of EU support. IfS crisis response measures are short-term and may not be repeated¹². In most cases these actions help kick-start processes that might require further, long-term support, which can only be provided through our traditional cooperation instruments. To this end, and depending on the IfS intervention's specificities, continued support should be envisaged in our programming documents for the concerned country/region.

Through the African Peace Facility (APF), the EU supports African-led military peace support operations on the continent. Here, too, it is important to consolidate and sustain the progress made by such operations (ex. Somalia, Central African Republic, possibly

¹⁰ Issued separately.

¹¹ For a description of Peace-building and State-building Goals (PSG) and the process by which they could be made country specific, reference is made to the New Deal on Engagement with Fragile States, as endorsed by the European Union: <http://www.oecd.org/dataoecd/35/50/49151944.pdf>

¹² In some cases an IfS exceptional assistance measure may be followed by an interim response programme, but the adoption period is longer since the latter follows standard commitment procedures.

Mali...) through concerted civilian action under other EU or EU Member States' instruments.

Similarly, civilian CSDP crisis management missions should not be expected to stay indefinitely; once the crisis is over and the situation has stabilised the presence of these missions is no longer justified. It is therefore important to ensure that the capacity-building work they may have initiated (in e.g. the police, justice or border management areas) in a crisis management context is not abruptly interrupted when the mission is pulled out.

A proper definition of an exit strategy of the respective CSDP mission is a pre-requisite to enable a possible synchronised follow-up under the corresponding geographic cooperation instrument. Even during the conduct of a civilian CSDP mission, it is important to ensure close coordination with external assistance instruments in order to maximise the overall consistency and impact of EU support. We should strive to promote such cooperation already from the very onset, with early common assessments of the situation. Systematic preliminary coordination between relevant Commission services and the EEAS, including the CSDP structures, in discussing, thinking and planning on a case-by-case basis can bring an invaluable added-value before possible options to address the situation are formulated. A CSDP mission can do things that cannot be done under external cooperation instruments, but the opposite is also true.

Supporting complex and multi-dimensional processes such as Security Sector Reform, the fight against piracy or the disarmament, demobilisation and reintegration of ex-combatants, to name just a few, often requires combining CSDP actions with external cooperation instruments, each one within the scope and limits of their respective legal basis, as well as political dialogue and other public diplomacy tools.

b) Is the concerned country emerging from a recent conflict or otherwise still confronted by security threats inherited from a past or a non-fully resolved conflict?

In post-conflict situations our first priority should be to help consolidate peace in order to prevent the re-emergence of violence. Providing early signs of tangible improvement for the population is an important part of building the confidence of the population that peace can last. Among the typical areas of peace-building support that more often require external assistance are:

- Disarmament, demobilisation and reintegration of ex-combatants (DDR). The disarmament and demobilisation phases are usually better addressed under crisis response/management instruments. Yet, the reintegration of ex-combatants is a long-term process of a primarily socio-economic nature, which often includes the creation of employment or other income generation activities for ex-combatants; this kind of support is best provided under mainstream cooperation instruments. Lessons learned prove that an initial common assessment of the situation followed by a parallel formulation of the interventions is necessary to synchronize the three phases of the

DDR process. Political willingness of the third party to embark upon a DDR process is a pre-requisite. DDR support often needs to be accompanied by transitional justice measures (see below), preferably within a broader peace-building and security sector reform process. Special attention would have to be paid to women and children affected by armed conflict. For guidance on EU support to DDR, please refer to the *EU Concept for support to Disarmament, Demobilisation and Reintegration* (2006)¹³.

- Proliferation of small arms and light weapons (SALW). This is a highly destabilising threat common to most post-conflict scenarios. It should be noted that SALW control issues having a primarily security/military dimension need to be addressed under the CFSP budget; our external cooperation instruments can however address all other dimensions of SALW at country level such as the legal and regulatory frameworks, institutional capacity-building, including on some trade-related aspects (e.g. import/export controls, border controls), awareness raising, survey activities, etc. These SALW “governance” activities are particularly pertinent when uncontrolled stockpiles of SALW are or have been accessible to unauthorised users or in countries active in the international arms trade without having in place a proper arms transfer control system. The *EU Strategy to combat illicit accumulation and trafficking of Small Arms and Light Weapons and their ammunition* (2005)¹⁴ is the key reference document in this area.
- Mine action. The presence of landmines, unexploded ordnance and explosive remnants of war not only poses a threat to the safety and security of civilians, it also prevents them from putting the affected lands into productive agricultural and other uses. The human, social and economic costs of this threat, including those of assisting victims and reintegrating them into society, are huge. In border areas, generally the most affected ones, it also hampers border control and deters cross-border cooperation between communities. In accordance with the EC Guidelines on Mine Action (2008)¹⁵, our support to mine-affected countries needs to be integrated into the relevant cooperation strategies, including not only detection, clearance and stockpile destruction, but also risk education and victim assistance. See also the *Evaluations of EC-Funded Mine Action Programmes 2002-2008: Countries and Summary Reports*¹⁶; which contain useful lessons learnt and provide recommendations for engagement.
- Continuous support to mediation and dialogue processes and to the long-term implementation of peace agreements should also be considered, particularly when such support has been initiated under other EU instruments. By supporting local mechanisms for mediation and dialogue focused on achieving an inclusive political settlement, mainstream cooperation instruments can help transform relationships

¹³ Approved by the European Commission on 14 December 2006 and by the Council of the European Union on 11 December 2006. (doc. 16387/06). http://www.ssrnetwork.net/uploaded_files/3367.pdf

¹⁴ Adopted by the European Council 15-16 December 2005, cf. Doc. 5319/06 at <http://register.consilium.europa.eu/pdf/en/06/st05/st05319.en06.pdf>

¹⁵ Commission Staff Working Document SEC(2008)2913 of 24.11.2008 http://eeas.europa.eu/anti_landmines/docs/guidelines_08_13_en.pdf

¹⁶ http://eeas.europa.eu/anti_landmines/docs/index_en.htm

between conflict parties, ensure that peace processes are broad and inclusive and lead to genuine and sustainable solutions in conflict prone environments. Please also refer to the *Concept on Strengthening EU Mediation and Dialogue Capacities (2009)*¹⁷, which provides a policy basis for the EU's engagement in international peace mediation and dialogue. The EU's policy on Women, Peace and Security (UNSCR 1325) is also relevant in this regard.¹⁸ Besides the role our cooperation instruments can play, it remains equally important to leverage the EU's support through diplomatic and political action.

- Transitional justice measures. There cannot be lasting peace without justice. Political amnesties may contribute to stabilisation in post-conflict scenarios, but the EU does not accept impunity for crimes of genocide, crimes against humanity and war crimes. Impunity can lead to repeated cycles of violence which in turn leads to recurrence of violent armed conflict, hence the fundamental connection between justice, peace and development. Through our mainstream cooperation instruments we can therefore greatly contribute to peace-building and conflict prevention by supporting the establishment of “truth commissions”, war crimes investigations, special tribunals (either locally established or international¹⁹), victims’ recognition and compensation programmes, national reconciliation activities, etc. These mechanisms are, however, extremely context-specific (what worked in one country may be totally inappropriate in another) and must be fully locally-owned. Detailed analysis must therefore underpin the EU’s decisions on which approaches to support. See also the report of the Initiative for Peace-building on the EU’s Support to Transitional Justice (2010)²⁰
- Support to Parliaments. The international community often engages in conflict mediation and peace-building by creating national dialogue mechanisms that somehow neglect the central role of Parliaments, hence undermining their legitimacy. It is also true that weak and dysfunctional Parliaments are too frequently part of the problem of fragile and post-conflict states. Even in such circumstances, there is now increasing recognition that conflicts can often be prevented, or their impact substantially reduced, where genuine opportunities exist for dialogue within the formal political process. Parliaments, the main arena for national political dialogue, are therefore crucially important institutions in processes of conflict prevention, reduction and recovery. To be effective actors in these roles, Parliaments need to develop or improve capacities to perform their key functions of representation, legislation and oversight. The 2010 European Commission Reference Document 'Engaging and Supporting Parliaments Worldwide' provides guidance on how to

¹⁷ doc. 15779/09 of 10 November 2009, cf.

<http://register.consilium.europa.eu/pdf/en/09/st15/st15779.en09.pdf>

¹⁸ doc. 15671/1/08 of 1 December 2008

<http://register.consilium.europa.eu/pdf/en/08/st15/st15671-re01.en08.pdf>

¹⁹ At the international level, the Rome Statute System and the International Criminal Court (ICC) play a central role in fighting impunity. According to the principle of complementarity, the ICC is a court of last resort, while States Parties have the primary obligation to investigate and prosecute the core crimes of genocide, crimes against humanity and war crimes. Strengthening national criminal jurisdictions and the rule of law is therefore crucial to fighting impunity.

²⁰ <http://www.initiativeforpeacebuilding.eu/pdf/EUTransJustice0610.pdf>

support effectively parliaments and includes a chapter on parliaments in conflict situations²¹.

- **Elections.** In post-conflict situations we often find “national unity” or “transitional” governments as well as parliamentary and constitutional assemblies made up of unelected representatives. An electoral process is therefore needed to legitimise the State institutions. These critical elections often take place in unstable contexts characterised by high political polarisation, sporadic acts of violence, civil society mistrust vis-à-vis the army and the police, inexistent or outdated electoral rosters, and insufficient national authorities' capacity and resources to properly organise a country-wide electoral process at short notice. Over-hasty elections can ‘freeze’ a national reconciliation process by creating very divisive dynamics, yet an excessive delay in the conduct of elections may also contribute to reignite violent conflict. Poorly planned and conducted elections open the door to suspicion and are likely to lead to the “losing” party claiming rigging and contesting the results, thus potentially delegitimising the entire process and compromising a fragile peace. By providing technical assistance and material support for the organisation and conduct of post-conflict elections, and promoting best practice solutions we can help reduce this risk. In providing electoral assistance in a post-conflict context, the EU often works in partnership with UNDP for the actual programme implementation²².

It should be recalled here again that the EU has additional instruments that are often mobilised in post-conflict situations and that can indirectly contribute to conflict prevention and peace-building such as humanitarian assistance (e.g. for refugees and internally displaced people) or EU Election Observation Missions²³, funded under the EIDHR.

c) Does the State effectively provide justice and security and does it do so in a manner that is consistent with human rights, the rule of law and good governance principles?

Some governments use the justice and law enforcement institutions of the State to preserve their own security and privileges, rather than to ensure the security and the rights of their citizens. The mere existence of a police force and of a court system does not necessarily make people feel safe, nor does it guarantee the provision of any justice. In some cases, people are actually afraid of those who should protect them and have no confidence in justice institutions. When this happens, people tend to avoid the police (even when they are the victims) and may be tempted to take justice in their own hands, usually resorting to violence for quarrels over, for instance, land limits or access to water –in many countries around the world these type of disputes are the first cause of violent death. When neither the State nor its citizens abide by the “social contract”, instability and the risk of conflict increase dramatically.

²¹ Reference Document 8, Engaging and supporting parliaments worldwide: strategies and methodologies for EC action in support to Parliaments, October 2010, Page 159- 167.

²² [http://www.ec-undp-](http://www.ec-undp-electoralassistance.org/index.php?option=com_content&view=article&id=53&Itemid=27&lang=en)

[electoralassistance.org/index.php?option=com_content&view=article&id=53&Itemid=27&lang=en](http://www.ec-undp-electoralassistance.org/index.php?option=com_content&view=article&id=53&Itemid=27&lang=en)

²³ Support to the implementation of EOM recommendations could also be considered in the programming.

To avoid this risk, it is essential that the justice and security institutions of the State not only perform their critical tasks in a functional manner, but that they do so under the rule of law, in full compliance with human rights obligations and subject to the same good governance principles that should apply across the public sector: transparency, participation, accountability and democratic control (e.g. civilian command, judicial review, parliamentary oversight, civil society involvement, etc.). This is what the international community has defined as Security Sector Reform (SSR), a complex, long-term multidimensional process that generally requires substantial external support and in-country political commitment.

For a number of reasons, including the need to maximise impact and to respect partner countries' priorities and donor coordination commitments, EU support to SSR often concentrates on one or two aspects such as reforming the police, enhancing border management, modernising the criminal justice system, or other targeted assistance. Yet our assistance should follow a 'holistic' approach, i.e., be provided within the framework of a 'sector-wide', nationally-owned SSR Strategy, and supporting not only the security services themselves, but also those institutions and services that are responsible for ensuring that the supported services operate under the rule of law, notably the judiciary, and are also subject to proper democratic control, including parliamentary oversight. While strengthening institutional, organisational and technical capacities, particular attention should be paid to promoting the rule of law, human rights and good governance principles, which are essential elements of SSR, otherwise we would not be effectively contributing to conflict prevention, peace-building and human security.

For guidance on EU support to SSR, please refer to the *Commission Communication on "A Concept for European Community Support for Security Sector Reform"* (2006)²⁴; the *Council Conclusions on a Policy Framework for Security Sector Reform* (2006)²⁵; the *Council Conclusions on Security and Development* (2007)²⁶, notably paragraph 10; and the final report of the *Thematic Evaluation of European Commission Support to Justice and Security System Reform (2001-2009)*²⁷. An operational guidance note on assessment, implementation and follow up of the EU external SSR actions (both under CSDP and EU cooperation instruments) is currently under development by relevant Commission services and the EEAS.

d) Are there underlying factors or growing threats that may lead to instability and/or conflict if not properly addressed?

²⁴ COM(2006)253 final of 24/05/2006

http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0253en01.pdf

²⁵ 2736th GAERC meeting - Luxembourg, 12 June 2006; Council document 9946/06 pp. 16-17

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/90013.pdf

²⁶ Council document 15097/07 of 20/11/2007, pp. 5-6

<http://register.consilium.europa.eu/pdf/en/07/st15/st15097.en07.pdf>

²⁷ http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1295_docs_en.htm

Even in relatively stable countries, not confronted by an immediate security menace, there may be underlying long-term threats that can undermine the State and jeopardise human security if neglected. Among these threats, which may be of a very different nature, the following deserve particular attention as they often require external support:

- Organised crime, money laundering, trafficking in drugs, smuggling and other forms illicit trafficking. These forms of criminality not only pose a serious threat to peoples' security and to public health, they also feed corruption and tax evasion, severely undermining the legitimacy of the State, and deter investment and trade, hence hindering economic development. The transnational dimension of these phenomena may also endanger relations with neighbouring countries, which can be an additional source of instability. Given the cross-border nature of these threats, the EU response should be coordinated both at regional and bilateral level. By supporting third countries and regions in their fight against organised crime, drug trafficking, smuggling and other forms of illicit trafficking we therefore make an effective contribution towards enhancing human security, protecting public health, building State capacities, facilitating trade and investment, fostering development and preserving regional stability. In the field of drugs, the most relevant policy document is the *2013-2020 EU Drugs Strategy (2012)*²⁸ and the accompanying *2013-2016 Action Plan on Drugs (currently being prepared)*. The EU promotes a balanced, evidence-based approach to drugs, including demand reduction.
- Tensions around natural resources. It is often said that behind every violent conflict in the world there is competition for natural resources, notably for water, cultivable land, timber, minerals, gems, gas and oil. With the limited resources available, the ever increasing world demand, and the negative effects of climate change on some of these resources, this competition and the many conflicts it fuels can only be expected to grow. By supporting the sustainable management of natural resources and the development of efficient governance, distribution and consumption models, we can effectively contribute to preventing future conflicts. Implementation of Kimberly Process²⁹ decisions on conflict diamonds, notably with regard to governance issues around the supply chain, can also be considered for support in producing countries. As a result of a special partnership between the EU and UN on Natural Resources, Conflict and Peace-Building, four operational guidance notes have been developed: i) extractive industries and conflict,³⁰ ii) land and conflict,³¹ iii) renewable resources and conflict³² and iv) strengthening capacity for conflict-sensitive natural resource management.³³
- Community, religious or ethnic rivalries; radicalisation/extremism. These are among the most sensitive and difficult issues to address, particularly from an external actor

²⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF>

²⁹ The EU is a member of the Kimberly Process and chairs its Working Group on Monitoring.

³⁰ http://www.unep.org/conflictsanddisasters/Portals/6/ECP/GN_Extractive_Consultation.pdf

³¹ http://www.unep.org/conflictsanddisasters/Portals/6/ECP/GN_Land_Consultation.pdf

³² http://postconflict.unep.ch/publications/GN_Renewable_Consultation.pdf

³³ http://postconflict.unep.ch/publications/GN_Capacity_Consultation.pdf

perspective. Yet there are hardly any other factors with greater destabilising potential and ability to escalate into violence. Beyond supporting democratisation and human rights, particular attention should be paid in these contexts of deep social divide to the promotion of fundamental freedoms, inter-community dialogue, and peaceful dispute settlement mechanisms as well as to youth engagement and awareness-raising on the dangers of radicalisation. It is also critical to ensure that our cooperation programmes, including those concerned with basic services, governance and economic growth, as a minimum do not exacerbate these divisions, and where ever possible work to address inequalities between groups. Involvement of civil society organisations is essential.

- Large, uncontrolled flows of irregular migration. It should first be recalled that migration, even irregular, is primarily a socio-economic phenomenon. Certain forms of irregular migration such as trafficking in human beings, people smuggling or terrorism-related travel (e.g. cash couriers) do however have obvious security implications. Conflicts can also generate large number of refugees and internally-displaced people. Likewise, large uncontrolled flows of irregular migration may have destabilising effects, for instance if they alter ethnic balances or put additional strains on scarce natural resources. To reduce these risks, it is important to enhance third countries' migration and border management capacities so that irregular migrants are properly screened (refugee/asylum seekers, victims of trafficking, minors, economic migrants...) and treated in a manner that is consistent with human rights and other applicable international obligations, including protection. Building these capacities often requires external assistance. For guidance on broader integrated border management support, including migration management aspects, please refer to the *Guidelines for Integrated Border Management in EC External Cooperation (2009)*³⁴.
- Chemical, biological, radiological or nuclear (CBRN) risks. Incidents involving CBRN materials, whether of a criminal (proliferation, theft, sabotage, illicit trafficking), accidental (chemical or nuclear industry, waste, transport) or natural (e.g. pandemics) origin, can have a devastating effects on the socio-economic fabric of a country as well as on the safety and security of its people. It is, therefore, necessary to build third countries' capacities for the prevention, detection and response to such incidents in the context of improving wider governance at national and regional level³⁵. The most relevant policy document in this area is the *EU CBRN Action Plan (2009)*³⁶ which develops a coherent EU internal approach aimed at minimising the threats and damages to the public of CBRN-related incidents.

³⁴ EuropeAid. November 2009.

http://syb.icisleri.gov.tr/ortak_icerik/syb/Guidelines_for_IBM_in_EC_External_Cooperation_EN.pdf

³⁵ At the global level, CBRN risk mitigation support is currently being provided under the Instrument for Stability through the establishment of five regional Centres of Excellence in the EU's neighbourhood, in Africa, Central- and in South East Asia.

³⁶ Council conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan, Doc. 17705/09 REV1 + COR1+2, November 2009
<http://register.consilium.europa.eu/pdf/en/09/st15/st15505-re01.en09.pdf>

5. ARE THERE ANY “RED LINES”, I.E. SECURITY-RELATED ISSUES THAT CANNOT BE TACKLED UNDER GEOGRAPHIC COOPERATION INSTRUMENTS?

As a general rule, security issues having defence or military implications cannot be addressed by any instrument funded under the EU budget. This restriction therefore applies not only to development cooperation, but also to all other EU external assistance instruments, including IfS, Instrument for Pre-accession (IPA), Partnership Instrument (PI)... and even the CFSP budget³⁷.

The European Development Fund (EDF) is funded by the EU Member States outside of the EU budget, but it is tied to Official Development Aid (ODA) eligibility requirements³⁸, which also exclude military/defence assistance, not only with regard to the supply of equipment or the provision of services, but even to the forgiveness of debts incurred for defence/military purposes.

Within the EDF, a specific derogation from compliance with ODA eligibility was however granted to the APF, in order for it to provide financial support to military peacekeeping missions of the African Union. But even in this exceptional case, the following restrictions were introduced; lethal weapons, including their spare parts and ammunition, military training and troops' salaries.

Notwithstanding the above, it is still possible to work with the military under EU external assistance instruments on civilian aspects of DDR, SSR and SALW as well as on mine action and on border management, particularly in those countries where border control and surveillance functions are performed by border troops or a similar military body, provided this is done under civilian command. Under very specific conditions, military assets may also be drawn upon in support of humanitarian relief operations as a 'last resort', as defined in the European Consensus on Humanitarian Aid and international guidelines³⁹.

Counter-terrorism assistance, even civilian, is however excluded under both the EDF and the DCI, due to the same ODA eligibility obligations⁴⁰, which explicitly exclude cooperation in this area (as well as in counter-insurgency work and related intelligence gathering). It is, however, possible and the EU is already actively pursuing this approach to address, under these two development instruments, many other issues that have a positive impact on countering terrorism, such as criminal justice reform, prevention of violent radicalisation, fight against financial crimes, strengthening border management, etc. as long as it is done with a primarily development objective.

³⁷ Military CSDP missions under the CFSP are funded by the EU Member States outside of the EU budget.

³⁸ As defined by the Development Assistance Committee (DAC) of the OCDE.

³⁹ Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies, and Guidelines on the Use of Military and Civil Defence Assets in International Disaster Relief—'Oslo Guidelines'.

⁴⁰ New proposed DCI Regulation would allow for 5% of assistance under this Instrument to be exempted from ODA eligibility requirements, if accepted by the co-legislators.

The IfS is actually the only instrument specifically designed to address pure counter-terrorism (civilian) needs, including at the national and regional levels.

Similarly, specific non-proliferation and disarmament activities can only be funded through the CFSP budget. External assistance instruments can however support partner countries' capacity to effectively implement internationally binding obligations in this field, particularly in the framework of broader good governance reforms.

Likewise, EU crisis management missions (either civilian or military), as well as those having substitution, law enforcement powers, can only be undertaken within the CSDP framework. In non CFSP contexts, however, our external cooperation instruments can fund long-term EU missions primarily aiming at building the institutional capacities of partner countries through the provision of technical assistance, training and policy advice (e.g. PAMECA and EURALIUS⁴¹ or the EU Border Assistance Mission to Ukraine and Moldova⁴²).

If you perceive a need in these areas that cannot be addressed under your cooperation instrument due to any of the above-mentioned restrictions, you should approach the EEAS / Commission department in charge for guidance.

6. HUMAN RIGHTS CONSIDERATIONS

As recalled in the Joint Communication on “*Human Rights and Democracy at the heart of EU External Action - Towards a more effective approach*”, the protection of human rights is paramount in the areas covered by this concept note (police and judicial cooperation, the fight against drugs and organised crime, the functioning and independence of the judiciary, border management, trafficking in human beings). When undertaking cooperation with third countries in these fields, it is crucial to ensure that actions fully respect human rights, including non-discrimination. The EU strives to respect, promote and protect human rights in its external action, including through its cooperation instruments and particularly when delivering technical assistance. Particular attention should therefore be paid to those cases where there is a risk of activities of being misused by states and indirectly aiding or assisting in human rights abuses. To this end, specific human rights indicators have been developed for cooperation programmes addressing drug trafficking issues⁴³. In accordance with the EU Strategic Framework and Action Plan on Human Rights and Democracy (2012)⁴⁴, further operational human rights guidance shall be developed for EU-funded counter-terrorism projects.

⁴¹ Police Assistance Mission of the European Community to Albania (PAMECA) and European Union Justice Assistance Mission to Albania (EURALIUS).

⁴² The Head of Mission was at the same time Senior Political advisor to EU Special Representative for Moldova, which allowed the mission to also perform certain CFSP functions such as monitoring.

⁴³ Cf. Human Rights Due Diligence for Drug Control: An Assessment Tool for Donors and Implementing Agencies. Harm Reduction International 2012 (research conducted with EU financial support)

⁴⁴ Adopted by the Council on 25 June 2012. Doc. 11855/12.

7. ARE THERE SPECIFIC POLICY DOCUMENTS OR GUIDELINES ON THE ABOVE-MENTIONED ISSUES? WHOM SHOULD I CONTACT IF I NEED SUPPORT?

There are indeed official policy documents on many of the above-mentioned issues, including strategies, guidelines, Commission Communications, Council Conclusions, etc. Some of them (with their references) have already been mentioned above. An additional non-exhaustive list of policy documents can be found in the [Annex](#).

In other cases there are useful reference documents from the United Nations or other international organisations.

Please feel free to contact the following services for further questions, policy guidance or other mainstreaming-related support:

EEAS

- **Conflict Prevention, Peace-building and Mediation Division (K2):** general conflict prevention and peace-building issues, conflict analysis; mediation and dialogue facilitation; SSR, DDR. (K2@eeas.europa.eu).
- **Security Policy and Sanctions Division (K3):** general security policy issues; organised crime, illicit trafficking; Integrated Border Management; CBRN risks; critical infrastructure protection, including maritime and aviation security; cyber-security and cybercrime. (K3@eeas.europa.eu).
- **Disarmament and Non-Proliferation Division (K1):** SALW, mine action. (K1@eeas.europa.eu).
- **Global Issues and Counter-Terrorism Division (VI B1):** countering terrorism, including violent extremism; migration and broader drugs, natural resources and climate change policy. (VI-B1@eeas.europa.eu).
- **CMPD Coordination Division (CMPD A1):** CSDP matters (CMPD-A1@eeas.europa.eu).

DG DEVCO

- **Fragility & Crisis Management Unit (07):** general conflict prevention and peacebuilding issues, mine action, natural resources and conflict. (EUROPEAID-07@ec.europa.eu).
- **Governance, Democracy, Gender & Human rights Unit (B1):** justice, rule of law, electoral assistance, gender, security sector governance. (EUROPEAID-B1@ec.europa.eu).
- **Instrument for Stability and Nuclear Safety Unit, (B5):** CBRN, global and trans-regional threats (countering terrorism, incl. violent extremism; organised crime incl. illicit drugs trafficking, SALW, human beings, critical infrastructure incl. maritime and cyber security). (EUROPEAID-B5@ec.europa.eu).
- **Employment, Social Inclusion & Migration Unit (B3):** Integrated Border Management. (EUROPEAID-B3@ec.europa.eu).
- **Africa-EU Partnership & Peace Facility Unit (D4):** African Peace Facility. (EUROPEAID-D4@ec.europa.eu).

FPI

- **Stability Instrument Operations Unit (FPI 2):** IfS crisis response and preparedness issues (FPI-2@ec.europa.eu).

ANNEX

ADDITIONAL REFERENCE DOCUMENTS

Security and development

- *The 2007 Council Conclusions on Security and Development*⁴⁵ as well as the 2007 *Council Conclusions on an EU response to situations of fragility*⁴⁶, which emphasise that the nexus between development and security should inform EU strategies and policies in order to contribute to the coherence of EU external action;
- *The 2007 Communication 'Towards an EU response to situations of fragility - engaging in difficult environments for sustainable development, stability and peace'* which recognises the essential contribution made by development cooperation to promote peace and stability by addressing expressions of violence and root causes of insecurity and violent conflict⁴⁷;
- *The 2005 European Consensus on Development*⁴⁸, which commits the EU to develop a comprehensive prevention approach to state fragility, conflict, natural disasters and other types of crises; and *the 2005 EU Policy Coherence for Development*⁴⁹, where the EU commits to treat security and development as complementary agendas;
- *The 2006 Communication 'Governance in the European Consensus on Development: Towards a harmonised approach within the European Union'* which recalls that development, human rights, peace and security are indivisible and mutually reinforcing⁵⁰;
- *The 2003 Communication on Governance and Development* where the concept of security is increasingly understood not just in terms of security of the state, but also embraces the broader notion of human security, which involves the ability to live in freedom, peace, and safety⁵¹;

⁴⁵ Council document 15097/07 of 20/11/2007

<http://register.consilium.europa.eu/pdf/en/07/st15/st15097.en07.pdf>

⁴⁶ 2831st EXTERNAL RELATIONS Council meeting, Brussels, 19-20 November 2007, cf.

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/97177.pdf

⁴⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0643:FIN:EN:PDF>

⁴⁸ OJ C 46 of 24/02/2006, p. 1

http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf

⁴⁹ COM(2005)134 final of 12/04/2005

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0134:EN:HTML>

⁵⁰ http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0421en01.pdf

⁵¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0615:FIN:EN:PDF>

- *The 2003 European Security Strategy*⁵² which develops the EU's strategic approach to address major global threats and build stability, and the *2008 Report on the Implementation of the European Security Strategy*⁵³, which highlights emerging security threats for the EU;

Conflict prevention and peace-building

- *The 2001 Communication from the Commission on Conflict Prevention*⁵⁴, together with the *2001 EU Programme for the Prevention of Violent Conflicts (Gothenburg Programme)*⁵⁵, which defines conflict prevention as one of the major objectives of EU external relations and underlines both the need to address the conditions conducive to conflict and to adopt a comprehensive approach to conflict prevention within the EU and with partners;
- *The 2011 Council Conclusions on Conflict Prevention*⁵⁶ which re-affirmed the Gothenburg Programme as a valid policy basis for further EU action, registered the substantial progress made in its implementation, and highlighted three areas: strengthening early warning capacities and bridging the gap with early action, strengthening EU's mediation capacities and conflict analysis tools, and building and intensifying partnerships, notably with international organisations and with civil society;
- *The Thematic Evaluation of European Commission Support to Conflict Prevention and Peace Building 2001 - 2010*⁵⁷, which contains useful lessons learnt and provides recommendations for future engagement;
- *The 2008 EU Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*⁵⁸, which recognizes the close links between peace, security, development and gender equality and outlines common definitions and principles to promote the participation and protection of women in conflict situations and peace building;
- *The 2011 EU Strategy for Security and Development in the Sahel*⁵⁹ is an example of the recent thinking on how to integrate security and development in a regional strategy.

⁵² A Secure Europe in a Better World: The European Security Strategy; 12 December 2003, cf.

<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

⁵³ Doc. S407/08 of 11 December 2008, cf.

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf

⁵⁴ COM(2001)211 final of 11/04/2001

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0211:FIN:EN:PDF>

⁵⁵ Doc. 9537/1/01 REV 1 endorsed by Gothenburg European Council 15/16 June 2001 – cf.

<http://register.consilium.europa.eu/pdf/en/01/st09/st09537-re01.en01.pdf>

⁵⁶ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122911.pdf

⁵⁷ http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm

⁵⁸ Council document 15671/1/08 REV 1 of 01/12/08

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news187.pdf

⁵⁹ http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf

- *The Strategic Framework for the Horn of Africa* (annex to November 2011 Council Conclusions on the Horn of Africa⁶⁰) is another comprehensive approach example.

Global Threats

- The 2013 *Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace*, Joint Communication by the European Commission and the High Representative for the CFSP.⁶¹
- The 2011 Council Conclusions on enhancing the links between internal and external aspects of counter-terrorism⁶², the 2005 EU Counter-Terrorism Strategy⁶³, and the 2004 European Council Declaration on Combating Terrorism⁶⁴, which call for counter-terrorist objectives to be integrated into external assistance programmes.
- The 2003 EU Strategy against the proliferation of Weapons of Mass Destruction⁶⁵

Internal security

- The 2010 *Internal Security Strategy for the European Union: "Towards a European Security Model"*⁶⁶, which lays out a European security model, integrating, among others, action on law enforcement and judicial cooperation, border management and civil protection, with due respect for shared European values and fundamental rights.
- The 2010 *Commission Communication on "The EU Internal Security Strategy in action: Five steps toward a more secure Europe"*⁶⁷, which proposes new pathways for cooperation in dealing with organised crime, terrorism and cyber crime, strengthening the management of European external borders and building resilience to natural and man-made disasters.
- The 2004 *Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens*⁶⁸, a five-year plan which includes guidelines for the EU Member States in the area of justice, freedom and security.

⁶⁰ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126052.pdf

⁶¹ http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=1667

⁶² 3096th JUSTICE and HOME AFFAIRS Council meeting, 9 and 10 June 2011, cf.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122505.pdf

⁶³ 30/11/2005

<http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>

⁶⁴ Declaration of the European Council on 25 March 2004 – cf.

<http://www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf>

⁶⁵ Doc. 15708/03 of 10 December 2003, cf. <http://consilium.europa.eu/uedocs/cmsUpload/st15708.en03.pdf>

⁶⁶ Doc 5842/2/10 REV 2 of 23 February 2010, cf.

<http://register.consilium.europa.eu/pdf/en/10/st05/st05842-re02.en10.pdf>

⁶⁷ COM(2010)673 final of 22 November 2010,

cf. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0673:EN:HTML>

⁶⁸ Cf. OJ C115/1, 4 May 2010,

cf. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:01:FR:HTML>

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LIST OF ABBREVIATIONS

A			
AA	Association Agreement	CFSP	Common Foreign and Security Policy
ACP	African, Caribbean and the Pacific	CIS	Commonwealth of Independent States
ACTORD	Activation Order	CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
ACTREQ	Activation Request	CIVCOM	Committee for Civilian Aspects of Crisis Management
ACTWARN	Activation Warning	CivOpsCdr	Civilian Operations Commander
AG	Australia Group	CivOpsCdr	Civilian Operations Commander
AMIS	African Union Mission in Sudan	CMC	Crisis Management Concept
AMISOM	African Mission in Somalia	CMP	Crisis Management Procedures
AMM	Aceh Monitoring Mission	CMPD	Crisis Management and Planning Directorate
APf	African Peace fund	CMPD	Crisis Management and Planning Directorate
APIC	Agreement on Privileges and Immunities of the International Criminal Court	COARM	Conventional Arms Exports Working Group (EU)
AQIM	Al Qaeda in the Islamic Maghreb	CODUN	Global Disarmament and Arms Control Working Group (EU)
ASEAN	Association of Southeast Asian Nations	CoE	Council of Europe
ATT	Arms Trade Treaty	CoE	Centre of Excellence
AU	African Union	Col	Colonel
B		CONOP	Non-Proliferation Working Group (EU)
B20	Business Organisation of the G20 Members	CONOPS	Concept of Operations
BG	Battle Group	Co-oL	Consular OnLine
BP	Barcelona Process	COREPER	Committee of the Permanent Representatives
BTWC	Biological and Toxin Weapons Convention	COSI	Standing Committee on Internal Security
BWC	Biological Weapons Convention	CoSP	Conference of the State Parties
C		CPCC	Civilian Planning and Conduct Capability
C2	Command and Control	CROC	Crisis Response and Operational Coordination
CBM	Confidence-Building Measures	CRS	Crisis Response System
CBRN	Chemical, Biological, Radiological and Nuclear	CRT	Civilian Response Teams
CD	Conference on Disarmament	CSDP	Common Security and Defence Policy
CD	Council Decision UND	CSO	Civilian Strategic Options
	Conference on Disarmament		
C.E.D.S.	Centre d'Études d'Études Diplomatiques et Stratégiques		
CEPOL	European Police College		
CfC	Call for Contribution		

ANNEX 5

CTBT	Comprehensive Nuclear-Test-Ban Treaty	EEAS	European External Action Service
CTBTO	Comprehensive Nuclear-Test-Ban Treaty Organization	EEC	European Economic Community
CWC	Chemical Weapons Convention	EFTA	European Free Trade Association
D		EGS	European Global Strategy
DCFTA	Deep and Comprehensive Free Trade Area	EIB	European Investment Bank
DCI	Development Co-operation Instrument	EIDHR	European Instrument for Democracy and Human Rights
DDR	Disarmament, Demobilization and Reintegration	EMP	European Mediterranean Policy
DEVCO	Development and Co-operation	ENP	European Neighbourhood Policy
DGE	(former) Directorate General E in the Council General Secretariat	ENP	European Neighbourhood Policy
DoD	Department of Defense (United States)	ENPI	European Neighbourhood and Partnership Instruments
DRC	Democratic Republic of the Congo	EP	European Parliament
Dr. iur.	Doctor iuris	EP	European Parliament
DSG	Deputy Secretary General	EPAC	European Partners Against Corruption
DUWP	Dual-use Working Party	ESA	European Space Agency
E		ESCPC	European SATCOM Procurement Cell Project
E3+3	Grouping of countries which includes the EU 3 (EU + French Republic, Germany and United Kingdom) and China, Russia, and the United States (former P5+1 = Permanent five of the UN Security Council + Germany)	ESDC	European Security and Defence College
EAB SSR	Executive Academic Board on SSR	ESDP	European Security and Defence Policy
EACN	European contact-point network against corruption	ESG	Executive Secretary-General
EaP	Eastern Partnership	ESS	European Security Strategy
EASO	European Asylum Support Office	EU	European Union
EBRD	European Bank for Reconstruction and Development	EUAVSEC	European Union Aviation Security Mission
EC	European Commission	EUBAM	European Union Border Assistance Mission
EC3	European Cyber Crime Centre	EUCAP	European Union Capacity-building mission
ECHO	European Commission Humanitarian Office	EUFOR	European Union Forces (military)
EDA	European Defence Agency	EU INTCEN	EU Intelligence Analysis Centre
EEA	European Economic Area	EU ISS	European Union Institute for Security Studies
		EUJUST	European Union mission to support and train judges, prison officials, and other justice-sector workers
		EULEX	European Union Rule of Law Mission
		EUMC	European Union Military Committee

EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
EU MS	European Union Member State
EUNAVFOR	European Union Naval Force
EU OPCEN	European Union Operation Centre for the Horn of Africa
EU OPSCEN	European Union Operation Centre within the European Union Military Staff (EUMS)
EUPAT	EU police advisory team
EUPM	European Union Police Mission
EUPOL	European Union Police Mission
EUROJUST	European Union's Judicial Cooperation
EUROPOL	European Union's law enforcement agency
EU SatCen	European Union Satellite Centre
EU SSR	EU mission in support of the Security Sector Reform (e.g. in Guinea-Bissau)
EUSE	EU Special Envoy to Somalia
EUSEC	European Union Security Sector Reform Mission
EUSR	European Union Special Representative
EUTM	European Union Training Mission

F

FAC	Foreign Affairs Council
FHQ	Force Headquarters
FMCT	Fissile Material Cut-off Treaty
FORCEPREP	Force Preparation
FPI	Foreign Policy Instruments
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (frontières extérieures)
FSJ	Freedom, Security and Justice

G

G20	Group of Twenty Finance Ministers and Central Bank Governors of 19 countries plus the European Union. G20 also convenes with heads of government or heads of state
G8	Group of Eight
GAC	General Affairs Council
GCSP	Geneva Centre for Security Policy
GICNT	Global Initiative to Combat Nuclear Terrorism
GNI	Gross National Income
GRECO	Group of States against Corruption
GSC	General Secretariat of the Council

H

HCoC	The Hague Code of Conduct
HLC	High Level Course
HoA	Horn of Africa
HoM	Head of Mission
HR	High Representative of the Union for Foreign Affairs and Security Policy
HR	Human Resources
HR	Human Rights

I

IACA	International Anti-Corruption Academy
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ICoC	International Code of Conduct (for Outer Space Activities)
IDL	Internet-based Distance Learning
IFIs	International Financial Institutions
IfS	Instrument for Stability
IHEDN	Institut des hautes études de défense nationale
IHL	International Humanitarian Law
IMD	Initiating Military Directive
INTERPOL	International Police Organization

ANNEX 5

IDP	Internally Displaced Person		
ISTC	International Science and Technology Centre		
J			
JSSR	Justice & Security Sector Reform		
L			
LAS	League of Arab States		
LGBTI	Lesbian, Gay, Bi-, Trans- and Intersexual		
LOAC	Law of Armed Conflict		
LtCol	Lieutenant Colonel		
LtGen	Lieutenant General		
M			
Mag. iur.	Magister iuris		
MD	Managing Directorate		
MEDA	Mésures d'accompagnement financières et techniques (financial and technical measures to accompany [MEDA] the reform of economic and social structures in the framework of the Euro-Mediterranean partnership)		
MEDEVAC	Medical Evacuation		
MFN	Most Favoured Nation		
MICAH	UN International Civilian Support Mission in Haiti		
MILSATCOM	Military Satellite Communications		
MNC	Mediterranean non-member countries		
MSO	Military Strategic Options		
MSU	Mission Support Unit		
MTCR	Missile Technology Control Regime		
N			
NATO	North Atlantic Treaty Organization		
NIS	New Independent States, the 15 former Soviet Union republics except the three Baltic States: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan,		
			Moldova, Russia, Tajikistan, Turkmenistan, the Ukraine, and Uzbekistan
		NPT	Nuclear non-Proliferation Treaty
		NSA	National Security Agency
		NSF	Nuclear Security Fund
		NSG	Nuclear Suppliers Group
		NSS	Nuclear Security Summit
O			
		OC	Orientation Course
		OECD	Organisation for Economic Co-operation and Development
		OHQ	Operation Headquarters
		OLAF	European Anti-fraud Office
		OpCdr	Operation Commander
		OPCW	Organization for the Prohibition of Chemical Weapons
		OPLAN	Operation Plan
		ORBAT	Order of Battle
		OSCE	Organization for Security and Co-operation in Europe
P			
		PBSO	Peacebuilding Support Office (United Nations)
		PCA	Partnership and Co-operation Agreement
		PFCA	Political Framework for Crisis Approach
		PMG	Politico-Military Group
		PRS	Public Regulated Service
		PSC	Political and Security Committee
		PSI	Proliferation Security Initiative
		PSO	Police Strategic Options
		PSOR	Provisional Statement of Requirements
		PTS	Provisional Technical Secretariat
R			
		RoL	Rule of Law

S	
SAA	Stabilisation and Association Agreement
SADC	Southern African Development Community
SALW	Small Arms and Light Weapons
SAP	Stabilisation and Association Process
SAR	Search and Rescue
SATCOM	Satellite Communications
SJD	Standard Job Description
SMB	small and medium-sized businesses
SME	Small and medium enterprises
SOC	Serious and Organised Crime
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
SOR	Statement of Requirements
SSA	Space Situational Awareness
SSR	Security Sector Reform
SST	Space Surveillance and Tracking

T	
TACIS	Technical Assistance to the Commonwealth of Independent States
TAIEX	Technical Assistance and Information Exchange
TBCMS	Tactical Biometric Collection and Matching System
TCN	Troop Contributing Nations
TEU	Treaty of the European Union
TFEU	Treaty on the Functioning of the European Union
ToA	Transfer of Authority

U	
UfM	Union for the Mediterranean
UN	United Nations
UNCAC	UN Convention against Corruption
UNDP	United Nations Development Programme
UN DPKO	United Nations Department for Peacekeeping Operations
UNEP	United Nations Environment Programme
UN-HABITAT	United Nations Human Settlements Programme
UNO	United Nations Organisation
UNODC	United Nations Office on Drugs and Crime
UNSCR	UN Security Council Resolution
US(A)	United States (of America)

V	
VP	Vice President of the European Commission

W	
WA	Wassenaar Arrangement
WMD	Weapons of Mass Destruction



Council of the European Union



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