

The EU and Global Conflict Prevention, Management and Resolution

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Introduction

The European Union as a collective of its member states has been concerned with violent conflict since its very beginning. The EU and its predecessor organisations has always prided itself in being, among other things, a community of values in which democracy, human rights and the rule of law take on concrete meaning for the benefit of all its citizens, regardless of ethnic, linguistic or religious background. This normative perspective has informed the EU's non-discrimination directives and policies, and has thus been one instrument of the management of minority-majority relations within EU member states. Yet its success in effectively addressing violent conflicts within the Union itself, and even more so beyond its boundaries, has been limited. EU-internal threats had remained relatively contained for decades and member states facing such conflicts generally resented and actively blocked EU involvement in their management¹, but the conflicts outside the Union were perceived as potentially far more dangerous in the short as well as in the potential longer term of their becoming EU-internal conflicts by way of enlargement. This resulted in the EU beginning to create a framework of policies and institutions for the management of conflict that was primarily aimed at non-member states and became most closely associated with the Union's Common Foreign and Security Policy (CFSP) and increasingly also with the EU's Enlargement Policy (through initiatives such as the Stabilisation and Association Process in the Western Balkans) and the European Neighbourhood Policy, which effectively allowed the EU to seek to impose conditions on third countries, that it did not implement on its own territories.

This paper discusses this emerging ambition and the role of the EU in global conflict management² with particular reference to the Union's recent experiences in the Western Balkans. The first part of the paper will briefly examine the academic field and develop a conceptual framework for the subsequent examination of the EU's role and potential as a global conflict manager. The second part of the paper will then investigate the EU's evolving capabilities in conflict management and resolution and offer an assessment of the current state of affairs starting from the EU's reactive conflict management in the former Yugoslavia. And finally, part three will offer lessons from the EU's engagement in the Western Balkans for the past decade-and-a-half and suggest possible avenues of strengthening the EU's potential as a conflict manager, based in part on a comparison with other international organisations engaged in conflict management.

PART 1: The Conceptual Framework

Although conflict prevention, management and resolution remains high on the agenda of many international organisations (IOs),³ our knowledge and understanding of the impact of IO (or, more generally, third party) involvement in conflict management is relatively limited. In particular, while there is considerable case-specific and anecdotal evidence, we lack conceptual frameworks and

¹ This is not to deny that the EU has had two successive programmes in support of the Northern Ireland peace process since the mid 1990s (PEACE I from 1995 to 1999, and PEACE II from 2000 to 2006) and that European integration has provided institutional structures and incentives for cross-border cooperation both in Northern Ireland and in South Tyrol that have had a generally positive, albeit hardly quantifiable impact on conflict resolution in both of these cases.

² Conflict management is conceptualised as a multi-stage though not necessarily sequential process, incorporating three broadly defined phases of conflict management: conflict prevention, crisis management, and conflict resolution (including post-conflict reconstruction and reconciliation).

³ IOs have become extensively involved in attempts at conflict prevention, management and resolution in, for example, the Balkans, Middle East and Africa, and calls for these organisations to increase their involvement in these areas are frequent.

systematic comparative research on these issues. While offering one possible macro-framework for the study of the EU (i.e., one particular regional organisation with global reach) as a global conflict manager, our approach is informed by two fundamental premises: conflicts, while complex political phenomena, can be prevented, managed and resolved and it is possible to understand different such management processes and to discover certain regularities in them that can help us understand the broader notion of conflict management and the role of international organisations, such as the EU, within them.

Conflict and conflict management are complex processes, but their complexity must not be confused with a difficulty, let alone impossibility, to understand. Rather, what it means is that there are lots of different things to understand. This understanding can be facilitated with the help of an analytical model that allows us to identify, categorise and group a wide range of different factors that are relevant for understanding the success and failure of conflict management efforts. In order to construct such a model, we proceed in several steps. First, we develop the 'shell' of our analytical model, drawing on an existing body of international relations literature where the so-called levels-of-analysis approach has been developed and used since the late 1950s. Second, we argue that, apart from these external factors which are beyond the full control of those who intervene to manage a particular conflict, there are a number of internal factors that co-determine whether an intervention succeeds or fails. From this perspective, our interest is neither in the causes of conflict nor in the motivations of the EU to intervene in particular cases of conflict. Rather our interest is in the causes of success and failure of these interventions; that is, in the causes that facilitate or prevent conflict management and in the causes that facilitate or prevent the formulation and implementation of policies of successful intervention.

The Current State of the Field

Scholarly investigation of the role of the EU as a global conflict manager is, so far, a relatively under-developed area of academic enquiry.⁴ However, significant work has been done on both the EU-internal policy processes related to the development of the CFSP and European Security and Defence Policy (ESDP) and the application of these policies to specific countries and regions,⁵ including a growing body of literature on the EU's European Neighbourhood Policy (ENP).⁶

While the different literatures on international organisations, on international intervention and on conflict management in the case of the EU remain relatively

⁴ Two recent volumes have begun to address this gap: Vincent Kronenberger and Jan Wouters, eds., *The EU and Conflict Prevention* (The Hague: TMC Asser Press, 2004) and Nathalie Tocci. *The EU's Role in Conflict Resolution: Promoting Peace in the European Neighbourhood* (London: Routledge 2007).

⁵ Smith, Michael J. *Europe's Foreign and Security Policy: The Institutionalization of Cooperation* (Cambridge, Cambridge University Press, 2004).; Cannizzaro, Enzo (ed.) *The European Union as an Actor in International Relations* (Kluwer Law, 2002); Dannreuther, Roland (ed.), *European Union Foreign and Security Policy: Towards a Neighbourhood Strategy* (Routledge, London, 2003); Ginsberg, Roy *The European Union in International Politics: Baptism by Fire* (Rowman and Littlefield, 2001); Mahncke, Dieter, Ambos, Alicia & Reynolds, Christopher (eds.) *European Foreign Policy: From Rhetoric to Reality* (Peter Lang, 2004); Marsh, Steve, and Mackenstein, Hans., *The International Relations of the European Union* (Longman, 2005); Smith, Hazel, *European Union Foreign Policy: What it is and What it Does* (London, Pluto, 2002); Smith, Karen E. *European Union Policy in a Changing World* (London, Polity, 2003).

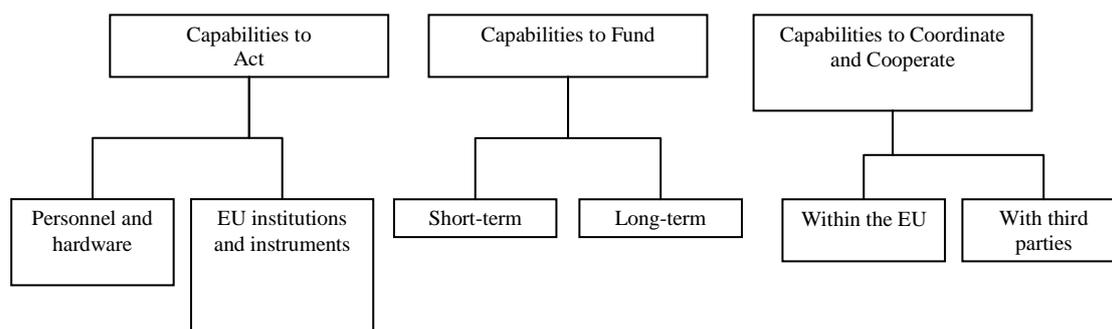
⁶ Comelli, M.; Greco, E.; Tocci, N. 'From Boundary to Borderland Transforming the Meaning of Borders through the European Neighbourhood Policy.' *European Foreign Affairs Review* 12, 2 (2007). pp. 203-218; Dodini, Michaela & Fantini, Marco. 'The EU Neighbourhood Policy: Implications for Economic Growth and Stability' *Journal of Common Market Studies* 44, 3 (September 2006). pp.507-532.; Dannreuther, Roland 'Developing the Alternative to Enlargement: The European Neighbourhood Policy.' *European Foreign Affairs Review*, Summer2006, Vol. 11 Issue 2, p183-201; Kelley, Judith. 'New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy' *Journal of Common Market Studies* 44, 1 (2006). pp.29-55.

unconnected to date,⁷ existing scholarship, to the extent that it is focussed on the role of the EU as a conflict manager, offers comparative insights in relation to other international and regional organisations⁸ or examines conflict management as part of other, broader EU policies, most recently and most significantly enlargement.⁹ Our challenge therefore is to synthesise the different literatures on international organisations, international intervention, and conflict management into a single conceptual framework that can provide the analytical tools for the study of the EU as a global conflict manager. As we indicated earlier, this needs to incorporate an analysis of factors within the EU, predominantly related to its capabilities, and of factors that are exogenous to the EU yet determine the nature and dynamics of the particular conflict situation the EU confronts. The next two sections of our paper will outline the main parameters of our proposed framework in each of these dimensions.

The EU's Capabilities for Global Conflict Management

For the EU-internal dimension of our analytical framework, relevant factors relate to three sets of capabilities that the Union must possess in order to succeed in conflict management: capabilities to act, to fund, and to cooperate and coordinate (Figure 1).

Figure 1: The EU's Capabilities



- (1) Capabilities to act: political will, personnel and hardware as well as institutions and instruments;
- (2) Capabilities to fund: long-term and short-term;
- (3) Capabilities to cooperate and coordinate: among EU member states and institutions, as well as with third parties (individual states and international/regional governmental and non-governmental organisations)

⁷ One notable, albeit now somewhat dated exception is S. Duke, 'Regional Organisations and Conflict Prevention: CFSP and ESDI in Europe', in *Conflict Prevention: Path to Peace or Grand Illusion?*, eds. D. Carment and A. Schnabel (Tokyo: United Nations University Press, 2003), 91-111.

⁸ For example, Lake, D. A. and Morgan, P. M. *Regional Orders: Building Security in a New World* (State College: Pennsylvania State University Press, 1997); R. Thakur and A. Schnabel, eds, *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (Tokyo: United Nations University Press); M. Pugh and W. P. Singh Sidhu, eds, *The United Nations and Regional Security: Europe and Beyond* (Boulder, CO: Lynne Rienner, 2003); P.F. Diehl and J. Lepgold, eds, *Regional Conflict Management* (Lanham, MD: Rowman and Littlefield, 2003); O. A. Otunnu and M. W. Doyle, eds, *Peacemaking and Peacekeeping for the New Century* (Lanham, MD: Rowman and Littlefield, 1998).

⁹ For example, Bruno Coppieters et al., *Europeanization and Conflict Resolution: Case Studies from the European Periphery* (Flensburg: ECMI, 2004); T. Diez et al., *Enlargement and Reconciliation: EU Accession and the Division of Cyprus* (Flensburg: ECMI, 2002); Graham Holliday et al., *EU Enlargement and Minority Rights* (Flensburg: ECMI, 2004); G. Sasse, J. Hughes and C. Gordon, *Europeanization and Regionalization in EU's Enlargement to Central and Eastern Europe. The Myth of Conditionality* (London: Palgrave 2004); G. v. Toggenburg, ed, *Minority Protection and the EU: The Way Forward* (Budapest: LGI, Open Society Institute, 2005); M. A. Vachudova, *Europe Undivided: Democracy, Leverage, and Integration After Communism* (Oxford: Oxford University Press, 2005).

(1) Capabilities to act

Our analysis in this area will thus focus on two related aspects: the extent to which the availability of personnel and hardware (or lack thereof) has stifled the EU's ability to pursue more proactive conflict management policies, and the degree to which the full range of policy instruments was used (or not) in pursuit of constructive conflict management, depending on the ability to back intentions with concrete actions. It is however important to note that in terms of capabilities to act, political will is a determining factor for conflict management.

(2) Capabilities to fund

In the capabilities to fund context, our analysis will concentrate on the flexibility of EU to address specific crisis situations, the degree to which the ability to have EU-funded actions implemented by a variety of different actors has enhanced the effectiveness of this mechanism to contribute to EU conflict management, the efficiency of transitioning conflict management policy in specific cases from EU funds to longer-term financing, and the broader question of whether EU funds made available for conflict management are sufficient, given especially the increasing level of activity that the Union is undertaking in this area.

(3) Capabilities to cooperate and coordinate

Coordination and cooperation capabilities within the EU have two dimensions: a horizontal one (coordination among the three pillars) and a vertical one (between the EU as a supranational organisation with its own institutional structures and the EU member states). Thus, our analysis will consider relevant actors' interest structures as well as the opportunities they have to realise these interests on their own or in cooperation with others. The division of labour between institutions in all three pillars and the degree to which this can benefit or frustrate external conflict management policy will be one key focus of analysis, alongside an assessment of the role played by individual member states in the coordination and implementation of EU policies in this area. At the external level, coordination and cooperation is essential in particular with NATO, at least until the EU has developed robust military capabilities of its own should it choose to do so. Cooperation with third countries (i.e., non-EU and non-NATO members) and international organisations (UN, OSCE, UNHCR, NGOs) is accorded high priority by the Union because of its strongly articulated commitment to a multilateral approach and its recognition of the mutual benefits of cooperation, given that different organisations 'specialise' in different conflict management (prevention and resolution) tasks. Our analysis in this area will therefore need to focus on two aspects: to what extent the expected benefits of multilateralism have been realised and in how far the EU's mechanisms and procedures for coordination and cooperation with third parties have been effective on the ground.

All three sets of capabilities are, to a relatively large extent, under the control of the EU.¹⁰ Yet, the effectiveness of the EU's conflict interventions does not only depend on its own capabilities, it is also subject to the dynamics of a situation on the ground in the actual conflict, in particular on the willingness and ability of local conflict parties to submit to, or resist, external conflict management efforts, which in turn is shaped by a wide variety of different factors (of which the EU itself is only one among many). In order to categorise these different factors and understand their interplay and impact on a given conflict—and thus on the EU's ability to manage it successfully—we now turn to adapting a well-known analytical model from international relations theory to our own purposes.

¹⁰ This EU control is, however, dependent on member state cooperation. In the third area, in relation to cooperation with third parties, EU control is most limited.

The Levels-of-Analysis Approach

In 1961, J. David Singer published an article in *World Politics* entitled 'The Level-of-Analysis Problem in International Relations' in which he made a strong case for distinguishing between systemic (global) and subsystem (nation-state) levels for the analysis of various processes in the international system (Singer 1961). In addition, he made some broader general remarks about the use and usefulness of analytical models, requiring them to 'offer a highly accurate *description* of the phenomena under consideration', 'to *explain* relationships among the phenomena under investigation', and to hold the 'promise of reliable *prediction*' (Singer 1961: 78f., emphasis in original). Maintaining this standard is absolutely essential in the development of analytical models, both to gain a better (scholarly) understanding of specific phenomena and to be able to make dependable and effective policy recommendations.

While Singer offers good general guidance on the levels-of-analysis approach, his counsel is primarily geared towards deciding which one of the two levels that he identifies should be chosen, rather than giving scholars and analysts a choice of combining the two levels in their analysis. Two years earlier, Kenneth N. Waltz, had offered a consideration of three images (i.e., levels of analysis) in accounting for the occurrence of war, and had suggested that neither human nature nor the aggressive behaviour of states alone accounted for war, but rather that the nature of the international system and the expectation of violence within it led to war (Waltz 1959). As Jack Levy has pointed out, the levels-of-analysis approach, in the tradition of Singer and Waltz, was subsequently mostly used in IR scholarship to classify 'independent variables that explain state foreign policy behaviour and international outcomes' (Levy 2001: 4). Levy also emphasises that '[i]t is logically possible and in fact usually desirable for explanations to combine causal variables from different levels of analysis, because whether war or peace occurs is usually determined by multiple variables operating at more than one level of analysis' (Levy 2001: 4). Despite the traditional focus on states and their relations with one another, there is nothing inherently prohibitive in the levels-of-analysis approach to extend its application to non-state actors and structures and to a range of 'issues' that fall somewhere outside the actor and structure dichotomy yet remain important independent variables when accounting for the causes of ethnic conflicts and for the success or failure of specific policies adopted to prevent, manage or settle them.

Implicitly or explicitly, earlier models for the analysis of, in particular ethnic, conflict have drawn on a levels-of-analysis approach (Brubaker 1996, Smith 2002, Wolff 2001). Most notably among them, Michael Brown, synthesising the state of the discipline some ten years ago, suggested a two stage model accounting for so-called underlying and proximate causes of conflicts. This was in itself a significant advance in the study of the conflict, as it brought into focus a shortcoming of much of the literature until then which had done 'a commendable job of surveying the underlying factors or permissive conditions that make some situations particularly prone to violence, but [had remained] weak when it [came] to identifying the catalytic factors—the triggers or proximate causes—of internal conflicts' (Brown 1996: 13). Among the underlying causes he identified structural, political, economic and social, and cultural and perceptual factors, individually or in various combinations, as necessary, but not sufficient conditions for the outbreak of conflict. He then used a variation of the levels-of-analysis approach to account for the impact of proximate causes. Presenting a 2-by-2 matrix, Brown (1996: 13-17) distinguishes between internal and external elite and mass-level factors that he argues are responsible for triggering conflicts.

This two-level approach is consistent with the traditional neo-realist distinction between the system level and the unit level, but it deprives us of a more nuanced

analysis. The terminology used by Brown to describe external-level factors ('bad neighbours', 'bad neighbourhoods') emphasises the regional level, which is undoubtedly of great importance, but he does so at the expense of the global level.¹¹ While Brown makes some reference to broader international developments, such as 'sharp reductions in international financial assistance' and 'sharp declines in commodity prices', more recent literature has identified a range of other factors well beyond a (potential) conflict's immediate neighbourhood. These include diaspora communities (e.g., Adamson 2005, Collier and Hoeffler 2001, Sheffer 2003), international human rights norms and their use in the justification of outside intervention into internal conflicts (Holzgrefe and Keohane 2003), the moral hazard that intervention precedents create (Crawford and Kuperman 2005), and links between (ethnic) conflict and organised crime (Goodhand 2003, Kemp 2002 and 2004, Williams 2001). Since September 2001, there is also an emerging body of evidence that local conflicts, especially those involving Muslim minorities, have been instrumentalised by al-Qaeda and its local off-shoots in their pursuit of global jihad (Abuza 2003, Frost et al. 2003, Smith 2005).

Equally, at the internal level, Brown subsumes national-level and local-level factors into one single category, which is also not unproblematic. For example, it is entirely plausible to attribute a significant share of the blame for the violent escalation of the conflicts in Northern Ireland in the late 1960s and in Kosovo in the second half of the 1990s to bad political leaders (i.e., to internal elite-triggered factors in Brown's terminology). Yet, this glosses over significant and policy-relevant differences, apart from the fact that the United Kingdom was a democracy in the late 1960s, while the former Yugoslavia was at best in a state of arrested transition between communist regime and liberal democratic market economy. The situation in Northern Ireland was very much a local affair between two communities with very different and incompatible conceptions of national belonging exacerbated by economic decline and, at the time, negligible concern by the central government in London. Kosovo, on the other hand, was a conflict primarily between a local secessionist movement and the increasingly repressive institutions of the central government in Belgrade. Thus, while Northern Ireland in the late 1960s had a realistic chance of effective conflict management and settlement by way of a central government acting as an arbiter,¹² this was an opportunity that did not at all exist in the Kosovo case.

Therefore, we propose an analytical model that disaggregates the traditional two levels of analysis into four. At each of these levels, analysis should concern itself with the behaviour and impact of both actors and structures on the onset, duration, and termination of ethnic conflicts. The four levels are:

1. The local (or sub-state) level: existing scholarship¹³ suggests that among state actors and structures, local elites/leaders, authorities and representatives of the central government, established institutional arrangements and socio-economic structures play a decisive role, while among non-state actors and structures it is the locally resident communities/ethnic groups/religious groups and their elites/leaders and locally operating NGOs, rebel forces, private sector interest groups, and criminals whose actions and effects are likely to have an impact. For

¹¹ Another valuable analysis of the regional dimension of (ethnic) conflicts is Lake and Rothchild (1997).

¹² The reasons why an initially promising initiative to this effect did not succeed are analysed in Wolff (2001).

¹³ Here, and below, we draw on a range of original and synthetic sources, including Adamson (2005), Brown (1996), Buzan and Wæver (2003), Carr and Callan (2003), Collier and Hoeffler (1998 and 2001), Cordell and Wolff (2004), Fowkes (2001), Horowitz (1985 and 2000), Kaufman (2001), Lake and Morgan (1997), Lake and Rothchild (1997), Rotberg (2004), Rubin (2001), Scherrer (2003), Tellis et. al. (1997).

example, for rebel forces with a clear territorial base in part of the state affected by conflict (e.g., South Sudan, Darfur, eastern Sudan, Lords Resistance Army in northern Uganda, Albanians in Kosovo, South Ossetians, Abkhaz), specific local dynamics would need to be considered alongside those at the national level of analysis, regardless of whether the overall aim of the movement is secession, control of local resources or state capture. The same holds true for conflicts that are relatively locally contained or where the stakes are of a more localised nature (e.g., Northern Ireland, eastern DRC, Niger delta).

2. The state (or national) level: this level of analysis contains essentially the same kinds of actors and structures as they exist at the local level and it is difficult to imagine situations in which there would be no relevant factors at the state level of analysis. The conflict in Kosovo in the late 1990s, for example, had a very clear local dimension, but at the same time could not be fully explained without reference to political, social, economic and cultural dynamics at the state level in Serbia—the balance of power and influence of different political parties, the strength of national sentiment among Serbs in Serbia, the social and economic impact of war over Kosovo and of the potential loss of the territory, etc.
3. The regional level: scholarship on regional security and regional conflict would suggest that relevant neighbouring states and their institutions, regional powers, and regional IOs, as well as their respective elites/leaders, and established structures of political and economic cooperation are the key variables to consider among state structures and institutions, while cross-border/trans-national networks (ethnic, religious, civil society, business, organised crime, rebel groups, etc.) and their elites/leaders are the relevant non-state equivalents.
4. The global level of analysis: this level benefits from a large body of existing scholarship, suggesting that powerful states and IOs of global reach and their elites/leaders are the relevant state actors and structures, while INGOs, diaspora groups, international organised crime networks, and TNCs, as well as their respective elites/leaders are those worthy of consideration among non-state actors and structures.

In addition to structures and actors, we consider it worthwhile to examine the impact on conflicts of a range of issues that cannot easily be classified as either actor- or structure related. These include environmental degradation, resource scarcity, energy security, food security, communicable diseases, etc., all of which by their very nature can not easily be 'assigned' to one particular level of analysis, but rather straddle the boundaries between several levels.

To summarise thus far, the levels of analysis approach that we are proposing uses a framework of distinct levels to categorise and classify a range of factors to account for the success or failure of specific policies adopted to prevent, manage or resolve conflict (see Table 1). The identification of these external factors complements those EU-internal factors elaborated on in the section above, and together both sets of internal and external factors form the corner stones of an analytical framework that can help us to describe in detail the dynamics of specific past and present EU conflict interventions, to explain their success and/or failure, and to predict the outcome of concrete future such interventions. Given the nature of this report, we shall, however, focus particularly on the internal dimension of EU conflict management.

Table 1: The Levels-of-Analysis Approach

| | State Structures and Actors | Non-state Structures and Actors | 'Issues' |
|----------|---|--|---|
| Local | local elites/leaders, authorities and representatives of the central government, established institutional arrangements and socio-economic structures | locally resident communities/ethnic groups/religious groups and their elites/leaders and locally operating NGOs, rebel forces, private sector interest groups, and criminals | environmental degradation, resource scarcity, energy security, food security, communicable diseases, etc. |
| State | national elites/leaders, central government, established institutional arrangements and socio-economic structures | communities/ethnic groups/religious groups and their elites/leaders and state-wide operating NGOs, rebel forces, private sector interest groups, and criminals | |
| Regional | neighbouring states and their institutions, regional powers, and regional IOs, as well as their respective elites/leaders; established structures of political and economic cooperation | cross-border/trans-national networks (ethnic, religious, civil society, business, organised crime, rebel groups, etc.) and their elites/leaders | |
| Global | powerful states and IOs of global reach and their elites/leaders | INGOs, diaspora groups, international organised crime networks, and TNCs, as well as their respective elites/leaders | |

PART 2: The EU's evolving conflict management capabilities and experiences

This next part of the paper will focus on the European Union's evolving capabilities in the fields of conflict prevention, management and resolution and offer an assessment of the current state of affairs using the conceptual framework developed above, focusing in particular on the EU's internal capabilities. We begin here with a brief overview of the Union's early attempts to develop its own mechanisms and policies in this area and then examine in more detail the acceleration of this process in the aftermath of the Kosovo conflict in 1999. Since its Common European Security and Defence Policy (CESDP) reached a status of being operational in 2001, the European Union carried out five operations in Europe in 2003 and 2004, three of which are still ongoing. Two of these fall under military crisis management operations, three under the category of civilian crisis management.¹⁴ Following a brief assessment of the EU's performance in managing conflicts in Europe to date, we will draw some more general conclusions about the Union's ability to meet the challenges emanating from the conflicts in Europe.

¹⁴ There have been further ESDP civilian, police and military operations in the South Caucasus, South-east Asia, the Middle East and Africa, and in April 2006 the Council signed a joint action establishing an EU planning team (EUPT) for a rule of law (and possible other areas) mission in Kosovo.

Conflict Management in the Post-Cold War European Security Architecture

With the end of the Cold War, a fundamental premise of the European security architecture changed: no longer was collective security something to be achieved, in large part at least, through deterrence and the threat of mutual annihilation should a military confrontation between NATO and the Warsaw Bloc occur. Instead, with the vanishing of the ideological divide in Europe, and the subsequent political and economic liberalisation in the former communist bloc, the risk of war between states was greatly diminished—but that of conflict within them dramatically increased. Unsurprisingly, a security architecture predicated upon the need to prevent war between the two blocs was ill-equipped to respond rapidly and adequately to the newly emerging threats of conflict within the (successor) states of the communist bloc.

NATO, OSCE, WEU, UN and Council of Europe—the main building blocs of Europe's Cold War security architecture—survived easily into the 1990s, but they needed to reinvent themselves and develop new and more effective instruments and policies to address the challenges of a changed security situation. The EU could only play a limited role in this emerging security architecture, as it could have an impact on 'low security', but not on 'high security issues'. The EU had, after all, been conceived and developed as a primarily economic union whose past political undertakings had been all but stellar successes. The EU, however, was becoming a more significant political actor in Europe (and beyond), based both on its economic muscle and the attraction that it possessed for many countries in Central and Eastern Europe keen to join the Union.

Thus, the transition task for the EU was easier and harder at the same time: it had to define its own role in conflict management, and carve out its own space in an already crowded field at a time when all the established players were about to adjust themselves to a fundamentally changed situation. The EU's initial response to this challenge was the CFSP pillar established in Article 17 of the Treaty of the European Union, signed in Maastricht in 1992, which was to deal with all issues concerning the security of the Union (CFSP is examined in greater detail later in this paper). At the height of this time of institutional uncertainty in the early 1990s, the EU and other international organisations concerned with security in Europe were faced with the challenge of an initially largely peacefully dissolving Soviet Union and a violently disintegrating Yugoslavia. The failure to prevent the latter, and the cascade of wars and human suffering that followed in its aftermath, is, in retrospect, the most obvious illustration that then prevalent traditional paradigms of conflict prevention, management and resolution were utterly inadequate to deal with the post-Cold War situation, despite initial pronouncements by European leaders to the contrary.

"If one problem can be solved by the Europeans it is the Yugoslav problem," announced Council of Ministers President Jacques Poos as the conflict erupted in the Western Balkans in the early 1990s, "This is the hour of Europe, not the hour of the Americans." "We do not interfere in American affairs," added European Commission President Jacques Delors "We hope that they will have enough respect not to interfere in ours." Such statements illustrated the confidence among European leaders that the EC could - and would - solve the Yugoslav crisis in 1991. Over the next decade more than a quarter of a million dead and three million refugees and internally displaced people demonstrated the extent of the failure of European conflict management in the former Yugoslavia.¹⁵ (Faucompret, 2001; Meier, 1999)

¹⁵ Preoccupied with the end of the Cold War security structures, the re-unification of Germany, the break-up of the Soviet Union and the US intervention in Kuwait and with only one year to go before

The EU conflict management efforts marginalised

Based on its principle of respect for state sovereignty and its own experiences of ethnic conflict management, the EC's initial response to the Yugoslav crisis was to seek to keep the Yugoslav state intact and in this way to contain the problem. European leaders faced with ethnic conflicts in their own countries expressed fears, that if they supported the dissolution of Yugoslavia, this could encourage ethnic minorities elsewhere in the region and beyond to push for independence, ultimately resulting in increasing levels of ethnic violence across Europe. From the beginning of the conflict in Yugoslavia, the EC attempted to take a neutral stance and was reluctant to recognise any one side as the aggressor. Instead, it insisted that the UN impose a general arms embargo on all the Yugoslav republics. An approach which meant; that the EC failed not only to send in peacekeeping troops to stop the violence, but ultimately also by failing to recognising that the Yugoslav National Army was now effectively the armed forces of Serb nationalists, the arms embargo removed the Croat and (to a larger extent) Muslim ability to legally defend themselves against the aggressors (Morris, 2004; Kintis, 1997).

The EC instead supported President Milosevic's plan to reconstruct the Yugoslav federation within its existing borders, and attempted to use its power as an economic heavyweight to broker a peace agreement by offering aid to those who cooperated and threatening to withhold it from those who did not. As violence broke out in 1991 first in Slovenia and later Croatia, the EC continued this strategy attempting to hinder the conflict from spreading throughout the region, but by the end of the year the violence had spread to Bosnia. The EC responded to the increasing violence in Bosnia by freezing all financial aid to the region and sending in its troika of Foreign Ministers (later replaced by a single EC negotiator: Lord Carrington) on a number of peace negotiating missions. Following the repeated rejection of these efforts and the increasing humanitarian crisis in Bosnia, the EC, against the advice of its own chief negotiator Lord Carrington (and the UN Secretary General and the United States), in December 1991 declared itself ready to recognise Slovenian and Croatian independence provided that certain conditions on minority protection, peaceful settlement of border disputes and guaranteed government control of their territories, set by the arbitration commission for independence, were met. Germany, however, disregarded the joint EC position and proceeded to recognise the two republics independently, despite the fact that Croatia did not meet the EC conditions. EC recognition of both countries followed shortly after, ignoring not only Croatia's non-compliance but also (and perhaps more importantly in this respect) its own diplomatic negotiator, the independence standards it itself had promoted and thus, effectively its CFSP. This undermined the EC's competence and credibility as an international actor not only to its members, allies and observers but also to the warring parties on the ground. The Serbian side especially questioned the EC's credibility as a neutral mediator and when trade embargos against Croatia, Slovenia and Macedonia were lifted, while the embargo against the Serbs was kept intact, the Serbian delegation withdrew from the negotiations and the EC peace efforts collapsed (Kintis, 1997; Silber & Little, 1995).

By 1992 full-scale military conflict had broken out in Bosnia. The EU had recognised the country's independence but rejected to send in peacekeeping troops as requested by Bosnian President Izetbegovic. Instead, the EU and the UN co-hosted another round of peace negotiations again rejected by the Serb delegation. Further sanctions were imposed on Yugoslavia (now consisting of

the presidential elections, the Bush administration happily left Yugoslavia for the Europeans to resolve. As James Baker (then US Secretary of State) expressed it: "We don't have a dog in this fight" (quoted in Holbrooke, 1999: 27)

Serbia and Montenegro) and both trade and weapons embargos remained in force. Under EU pressure, the UN sent protection forces to Croatia, Bosnia and Macedonia, under the assumptions that the presence of international troops would calm down nationalist aggression and that the humanitarian purpose of the mission would foster respect for the UN operations. The mandate, however, entitled the troops to use force only in "self-defence", leaving the soldiers on the ground without a mandate to provide the protection the mission's name indicated, or to "create the conditions for peace and security required for the negotiation of an overall settlement of the Yugoslav crisis", the purpose of the mission according to Security Council resolution 743 of February 1992. The inability to prevent large-scale disasters such as the 1995 atrocities in "UN protectorate" Srebrenica, demonstrated yet again the complete failure of the European-led conflict management efforts¹⁶. Eventually, the US sidelined the EC by sending in the Contact Group of Five to reach an agreement, but it was not until NATO's military intervention, that Presidents Milosevic, Tudjman and Izetbegovic agreed to the US brokered Dayton Peace Agreement, ending the war in Bosnia (Kintis, 1997; Morris, 2004; Pentland, 2003).

In the beginning of the 1990s the EU was unable to reconcile the conflicting views of its member states, who disagreed not only on what to do and how to do it, but also on the very nature of the problem.¹⁷ The disagreements among its member states left the EU perceived as an indecisive, inconsistent and effectively weak international actor, dismissed by US President Clinton as "incompetent" in handling the Yugoslav crisis. This was at least partially due to the EU's structural deficiencies, it is, however, important to this analysis to stress that what the EU was lacking more than anything in the early 1990s was the political will of its member states to act – and to act in unison. The EU's early failures in Yugoslavia were arguably not only because it was unable but also unwilling to take the joint decisions required to stop the fighting. (Faucompret, 2001). The Dayton Agreement did not, however, put an end to violent conflict in the former Yugoslavia, which culminated in violent clashes between ethnic Albanians and ethnic Serbs in the Kosovo province in 1998-99. The EU, still unable to put weight behind its warnings to President Milosevic, was once again sidelined by US-led NATO intervention. The Kosovo crisis underscored yet again the main structural shortcoming of EC (and later EU) conflict management in the Western Balkans in the 1990s; the EU struggled with its own inexperience in providing 'soft' as well as 'hard' security, it lacked the military strategy and strength to back up its threats and the infant CFSP was simply not yet ready to deal with a problem as complex as Yugoslavia.

The European Union did, however, go through a learning process in the Balkans. After the Dayton agreement the EU gradually began a more coherent and effective response to political stabilisation and economic recovery in the region. The EU assumed a modest role in the first three years of the international protectorate in

¹⁶ It is estimated that between 7000 and 8000 Muslim men and boys were killed by Serb nationalists in Srebrenica in 1995 (Silber & Little, 1995).

¹⁷ France, a historic ally of Serbia and a centralised state itself, favoured keeping the Yugoslav state intact; Italy supported this approach largely due to its strong links with the Yugoslav government; whilst Germany, itself unified only a few months earlier and influenced by a strong public opinion supporting the moves for independence in Slovenia and Croatia and with traditionally strong ties to Croatia through the many ethnic Croats living in Germany, stressed what it called "its moral duty to help other nations coming out of an era of Communism". The Netherlands, Belgium, Italy and France favoured an early UN intervention in Yugoslavia assuming that the conflicting parties would then agree to a cease-fire. France pushed for the WEU to take action, but without support from any other members. The UK was reluctant to sending in troops, in the light of its recent experience in Cyprus and Northern Ireland, which had proved the difficulty to withdraw troops once they were sent in; and Germany was still forbidden from sending troops to any area out of NATO. These are only a few examples of how EU member states perceived the nature of the problem as well as its solution very differently.

Bosnia-Herzegovina and contributed significantly in terms of humanitarian aid and assistance in the post-conflict reconstruction in the wider region, but it was not until after the Kosovo campaign, the EU re-emerged with a comprehensive vision for the Western Balkans and a renewed claim to the leadership it had so boldly – however, prematurely, proclaimed in 1991. Today the EU, heavily engaged in conflict prevention, management and resolution, is widely recognised as one of if not the most important international actor in the region (Cameron, 2006; Faucompret, 2001; Silber & Little, 1995). The road there, however, was long and hard.

Rebuilding the European security architecture and the credibility of the EU

Within the broader European security architecture the EU today occupies a central role: enlarged to 27 member states in 2007, strengthened in its political weight through the enlargements, accession and association processes, and diplomatically and militarily more capable as a result of the development of its security and defence identity and policy.

Towards a European Security and Defence Identity: From the Petersberg Tasks to the 1999 Cologne Summit

European Political Co-operation (EPC) was set up by the EC foreign ministers in 1970 as a framework for loose and voluntary collaboration between its member states on foreign policy issues. The EPC, which was created without a treaty basis, operated on an ad-hoc basis outside the formal institutional structures and legislative processes of the EC. It aimed to foster intergovernmental communication, consultation and mutually agreed upon shared actions on the basis of consensus among governments. The EPC was formally recognised in the Single European Act (Title III), signed in Luxembourg in 1986, which stated that the member states should seek to formulate and implement a shared European foreign policy, but in practice it resulted in little more than rather vague declarations. The 1992 Maastricht Treaty on European Union (TEU)¹⁸ introduced the current three-pillar structure of the European Union and brought the notion of CFSP from EPC into the formal institutional structures of the European Union. The first pillar, or Community dimension, incorporates all arrangements set out in the earlier European Community Treaty, European Coal and Steel Community Treaty and the Euratom Treaty, such as matters of Union citizenship, Community policies, Economic and Monetary Union, free movement of persons and humanitarian aid, provided through the European Office for Emergency Humanitarian Aid (ECHO). Decision-making in this pillar is characterised by a supranational element which accords the Council and the European Parliament the status of legislative bodies through joint decision-making. The second pillar, exclusively dealing with CSFP, was established under Title V, TEU, and is strictly intergovernmental in its decision-making procedure, i.e. decisions can only be taken by the Council. This is partly a reflection of the shortcomings (if not failure) of the Presidency system under which foreign policy, then referred to as European Political Cooperation, fell until the revisions introduced by the TEU. The third pillar, dealing with cooperation in the areas of Justice and Home Affairs (principally police and judicial cooperation in criminal matters), which was also established by the TEU (Title VI) also falls under the decision-making competence of the Council. (Jones, 2001)

Conflict management is a policy area within the CFSP Pillar and the CESDP,¹⁹ as it was established by the TEU and revised by the Treaty of Amsterdam (ToA) of

¹⁸ The Treaty was negotiated during 1991, officially signed in February 1992 and entered into force on 1 November 1993 (European Union 1992).

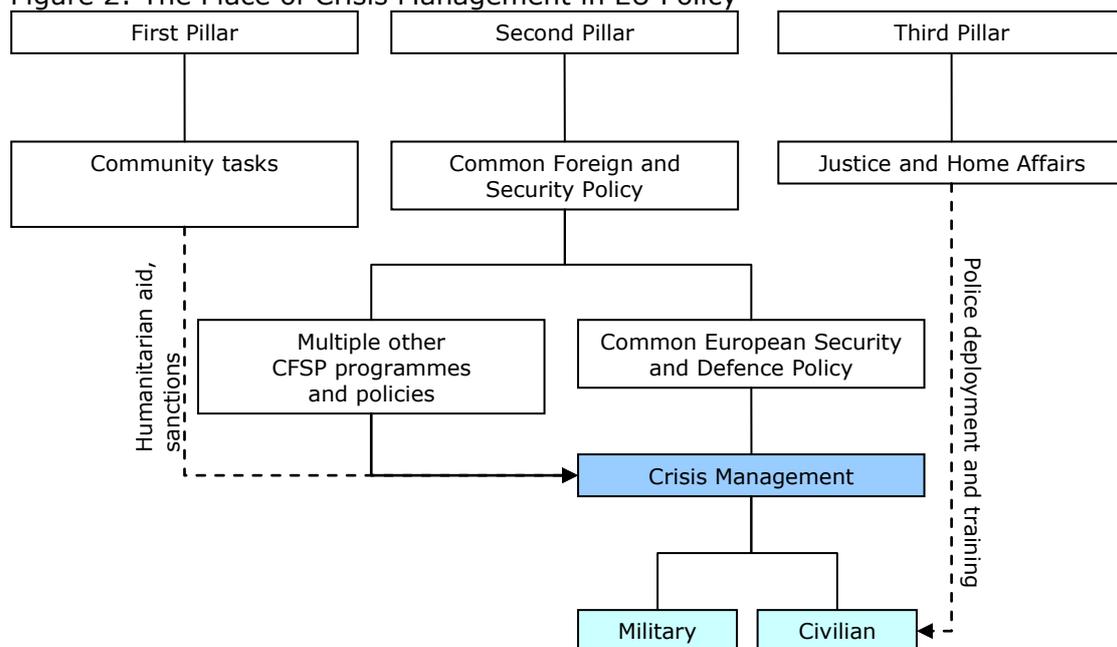
¹⁹ Initially simply referred to as ESDP in the Presidency Conclusions of the Cologne European Council in June 1999, the Helsinki Council of December 1999 introduced the acronym of CESDP 'to signify the determination, on the part of the EU member states, to develop a distinct European politico-military

1997, but owing to the complexity of the tasks, it also requires input from policy areas in Pillars 1 and 3 (see Figure 1). Specifically, the ToA expanded a range of tasks of the Union to “humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking” (Article 17). These so-called Petersberg Tasks have their origin in the June 1992 Ministerial Council of the WEU at which WEU member states agreed to make available military units for tasks conducted under WEU authority.²⁰

For the military component of crisis management, the European Council in Helsinki (1999) followed up on the decisions made at the Cologne Council meeting earlier the same year.²¹ Comparing existing capabilities with the ambitious Petersberg Tasks, the Heads of State and Government agreed on the Helsinki Headline Catalogue which determined 144 areas in which capabilities and assets needed to be developed in order to enable the Union to fulfil the Petersberg Tasks. The key commitments were:

- commitment by the member states to make available 50,000-60,000 military personnel deployable within 60 days and sustainable for up to 12 months;
- establishment of coordinating political and military structures within the Union’s single institutional framework;
- development of a framework for cooperation with NATO and third states.

Figure 2: The Place of Crisis Management in EU Policy



Subsequent meetings of the European Council contributed to the further development of EU crisis management policy, particularly in relation to the improvement of its civilian component. The 2000 Feira European Council determined four priority areas for the improvement of the Union’s civilian crisis management capabilities:

project, with its own institutional infrastructure and a significant military capacity’ (Howorth 2000: 377).

²⁰ The Petersberg Declaration was the WEU response to calls for greater burden-sharing within NATO through the elaboration of a coherent European Security and Defence Identity (ESDI) built around the WEU. In the context of the European Convention, important amendments and revisions to the Petersberg Declaration were proposed by the so-called Barnier Report (European Convention 2002).

²¹ The Cologne Summit happened just at the end of NATO’s intervention in the Kosovo crisis which visibly influenced the decision-making by Heads of State and Government.

- police (commitment to deployment of up to 5,000 officers and training of local forces);
- strengthening of the rule of law (identification of 200 experts readily available for deployment, development of common training modules for human rights monitors);
- civilian administration;
- civil protection.

The Constitutional Treaty of the European Union, which was rejected in the French and Dutch referendums (the Reform Treaty subsequently rejected by the Irish referendum) and has therefore not (yet) been implemented, would introduce two significant institutional changes to the TEU: the creation of the office of a Union Minister for Foreign Affairs and of a European External Action Service. As far as the decision-making process is concerned, the Commission would no longer be able to make proposals in the area of CFSP, but could support specific initiatives of the Union Minister for Foreign Affairs. At the same time, the principle of unanimity has been largely confirmed for CFSP, thus also preserving member states' ability to cast a veto on specific policy proposals. The Constitutional Treaty would have limited the available CFSP instruments to European decisions (on actions and positions taken by the Union and how to implement them) and international agreements. The so-called common strategies under the TEU would have been preserved in the Constitutional Treaty as strategic interests and objectives.²²

Developing European Conflict Management: Civilian and Military Capabilities

Lord Robertson, the Secretary-General of NATO (until the end of 2003) emphasised shortly after taking office in October 1999 that the three most important elements for securing the future of the Alliance were 'capabilities, capabilities, capabilities'. What is true for NATO, the most powerful military alliance (albeit largely dependent on the US in this context) is equally valid for the EU's conflict management capabilities, be they military or civilian in nature. In the EU context, the 'capabilities, capabilities, capabilities' dogma can be broken down into three main areas: capabilities to act, to fund and capabilities to cooperate and coordinate (see Figure 1 above).²³

In terms of capabilities to act, issues of personnel and hardware were addressed by several European Council meetings following the inauguration of crisis management as a distinct policy under CESDP in Cologne in 1999. Specifically, the Helsinki European Council in 1999 agreed on the Helsinki Headline Goal, which was to set up the rapid response capabilities needed to fulfil the Petersberg Tasks (see above). By the time the Heads of State and Government of EU members met again in Laeken in 2001, the Headline Goal had, in their view, been partially met, and they found that "through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of appropriate structures within it and following the military and police Capability Improvement Conferences held in Brussels on 19 November 2001, the Union is now capable of conducting some crisis management operations" (Presidency Conclusions/Laeken 2001: paragraph 6). However, the Council also recognised that there were a large number of deficiencies in areas crucial for EU's ability to take on more demanding operations and emphasised that the Union had to improve coordination between the resources and instruments of military and civilian crisis management, strengthen its military capabilities, finalise agreements with NATO to gain access to resources (planning, military assets,

²² Cf. Treaty Establishing a Constitution for Europe, Articles I-12 (4), I-16, I-28, I-40, I-41, I-44, and Articles III-294 to III-313 (European Union 2004).

²³ For a somewhat different take on the capabilities problem, see Schneckener (2002: 37-39).

command options) and implement already existing arrangements with other non-NATO partners (Presidency Conclusions/Laeken 2001: Annex II).²⁴

NATO-EU cooperation has subsequently made significant progress.²⁵ 16 December 2002, the Berlin Plus agreement comprised together in a joint EU-NATO declaration on ESDP, the various arrangements put in place between NATO and the EU since the 1999 NATO Washington Summit. This declaration was meant to institutionalise a mutually reinforcing strategic partnership in the realm of military capabilities and crisis management activities, built on transparent consultation and cooperation structures, equality in decision-making, appreciations for all member states of both organisations and respect for the principles of the UN Charter. In the agreement both organisations recognised the need for such an arrangement to ensure the coherent, transparent and mutually reinforcing development of the capability requirements shared by the two organisations. The EU ensured the fullest possible involvement of non-EU European NATO members within the ESDP, and NATO guaranteed its support to the ESDP in accordance with the previous Washington Summit decisions and assured EU access to NATO planning capabilities, as set out in the NAC decisions on 13 December 2002. The EU-NATO partnership was put into force by a Framework Agreement consisting of an exchange of letters between the EU's High Representative for CFSP, Javier Solana, and NATO's Secretary-General, Lord Robertson, on 17 March 2003. Since then, the EU has, as required by the Laeken European Council, had access to NATO assets and capabilities, including planning capabilities. There are also clear EU-NATO consultation arrangements in place for EU conflict management operations for which NATO makes available its assets and capabilities.²⁶ In addition to the Berlin Plus agreement, NATO and the EU have also signed an Agreement on Security of Information in March 2003, which enables the two organisations to implement common security standards for the handling of sensitive data and to share classified information.

While dependency on NATO resources may potentially be a problem for the EU's ability to decide upon and implement its military conflict management operations autonomously, cooperation between the two organisations makes a lot of sense for various reasons: the vast majority of the EU's member states are also members of NATO (21 out of 27 EU member states are also members of NATO), the declared security concerns of both organisations and their member states are very similar (e.g., regional conflicts, terrorism, proliferation of weapons of mass destruction, state failure, organised crime) and, under the current cooperation arrangements, the strengthening of EU capabilities benefits both EU and NATO,

²⁴ It should be borne in mind in this context that strengthening EU military capabilities was on the agenda well before the more recent development of EU crisis management policies. Since the inauguration of the EU's CFSP, there has been agreement on both sides of the Atlantic that it was necessary to develop a European Security and Defence Identity and to do so within the context of NATO. Since the early 1990s, there has thus been support in NATO for strengthening EU military capabilities, and recent developments, such as the Berlin Plus agreement, should be seen in this context of longer-term agendas pursued jointly by both organisations rather than as *ad-hoc* reactions to a suddenly discovered capability gap on part of the EU.

²⁵ More recently, the 2005 proposal by some EU members (notably France and Germany) to create a EU planning capability might threaten this progress in the future, as it potentially not only duplicates existing NATO planning capabilities, but also clearly contravenes earlier agreements between EU and NATO to develop EU capabilities within, rather than as a potential rival outside NATO. This has also created additional tensions in the transatlantic relationship, in the relationship between advocates and opponents of this plan within the EU, and also puts a strain on the negotiations of the new constitutional treaty in the CSFP area.

²⁶ NATO assets essentially means US assets as the only real collective assets NATO has are not always what is going to be required for crisis management operations (e.g., AWACS planes, bunker systems, etc.). This poses a potential problem for the EU as the US also has gaps in its military portfolio and will prioritise its own needs over EU requirements. Thus, agreement on EU access to NATO assets does not necessarily guarantee their actual availability at a given moment in the future. (We are grateful to Jenny Medcalf for pointing this out.)

simultaneously increasing their abilities to engage independently of one another in crisis management operations.

At the same time, however, the role of NATO as a defence alliance may continue to decrease, leaving EU capabilities even more vulnerable. Following the attacks of September 11, NATO has been effectively sidelined by the United States in its war on terrorism when the Bush administration decided not to avail itself of the opportunities of an Alliance operation under Article V. NATO enlargement, too, might contribute to turning the Alliance into an increasingly political rather than military organisation. In this context, the process of building up EU conflict management capabilities has also not been helped by a re-focus of national defence spending on "homeland security" issues across most EU member states (Garden 2002). Thus, despite existing agreements between EU and NATO and common security interests, the Union may sooner or later come to depend more on its own resources, which, however, so far hardly exist independently of NATO as far as military assets are concerned. The creation of the European Defence Agency, and plans for the development of the Union's own airlift capacity, the A400M project, indicate that this dependency has been recognised and is being addressed.

The development of appropriate institutions and policy instruments progressed much faster and more successfully. The creation of the post of Secretary-General of the European Council and High Representative for CSFP (and the appointment of former NATO Secretary-General Javier Solana to the post) was a significant step forward and indicated that the Union was prepared to follow up on its intentions with substantive commitments.²⁷ Of the plethora of other institutions involved in CFSP under the authority of the European Council, several are directly relevant to EU crisis management operations (see Figure 3), especially the Political and Security Committee, the EU Military Committee, and the EU Military Staff, all of which were made permanent under the provisions of the Nice Treaty. This institutional structure has to date proved reasonably efficient and effective. Initial antagonism between different EU institutions concerned with foreign policy in the wider sense (such as the Presidency, the President of the Commission, the Commissioners for External Affairs, Enlargement, Trade, and Development) were handled relatively well, and the new institutional arrangement has boosted the status of the EU as an international actor.²⁸ As for EU policy instruments, and emphasising the multi-faceted nature of CFSP, Hill (2001: 328) has aptly summarised the situation, "[t]he arrival of Joint Actions, Common Positions and now Common Strategies in the CSFP has spawned new initiatives such as the Stability Process in South-East Europe". In addition to these three policy instruments, 'statements' also form part of the range of options available to the Council for the conduct of its CFSP.²⁹

Capabilities to fund various conflict management operations in the short and the long term do exist within the EU. As we discuss below, the provision of long-term funds for CFSP activities is normally not a problem, it certainly has not been a shortage of financial means that has impeded EU policy towards the Western Balkans. However, the complicated system within the Union to make the use of its funds transparent and accountable has, until two years into the existence of crisis management as distinct Union policy, often hindered their rapid

²⁷ This has also been emphasised by Piana (2002: 211) in relation to the crisis in Macedonia: 'The creation of the post of High Representative definitely brought the visibility/continuity element that was lacking in the CFSP.'

²⁸ The potential downside of this 'personal' cooperation is, of course, its lack of institutionalisation (cf. Hannay 2000: 279). For relevant policy papers on the role of, and by, the SG/HR and the Commissioner for External Relations, see Missiroli (2001: 187-9).

²⁹ Note the proposed limitation on policy instruments in the Constitutional Treaty.

disbursement. An important contribution to the improvement of the EU's short-term funding capabilities, therefore, has been the creation of the Rapid Reaction Mechanism (RRM) in February 2001. Its main aim is to "allow the Community to respond in a rapid, efficient and flexible manner, to situations of urgency or crisis or to emergence of crisis" (European Council 2001). The RRM covers six dimensions of EU crisis management: "assessment of possible Community responses to a crisis, conflict prevention in countries and regions showing significant signs of instability, acute crisis management, post-conflict reconciliation, post-crisis reconstruction and the fight against terrorism" (European Commission 2002). Actions financed with funds from the RRM may be carried out by "authorities of Member States or of beneficiary countries and their agencies, regional and international organisations and their agencies, NGOs and public and private operators with appropriate specialised expertise and experience" (Art. 6) and must be implemented within six months. The RRM has a fixed amount of funds at its disposal each year, determined annually by the budgetary authority (Art. 8). In 2001, this was €20 million and in 2002 €25 million. Of the 2001 funds, 64% were spent on Macedonia alone, while in 2002 all new activities financed by the RRM took place outside the Western Balkans, where the last programmes approved in 2001 were completed in September 2002. This being primarily a reflection of the assessment of the situation on the ground as not requiring immediate intervention beyond the programmes already running, the RRM proved a very useful financing tool for crisis management operations in Macedonia in 2001, i.e., both before and after the conclusion of the Ohrid Agreement.

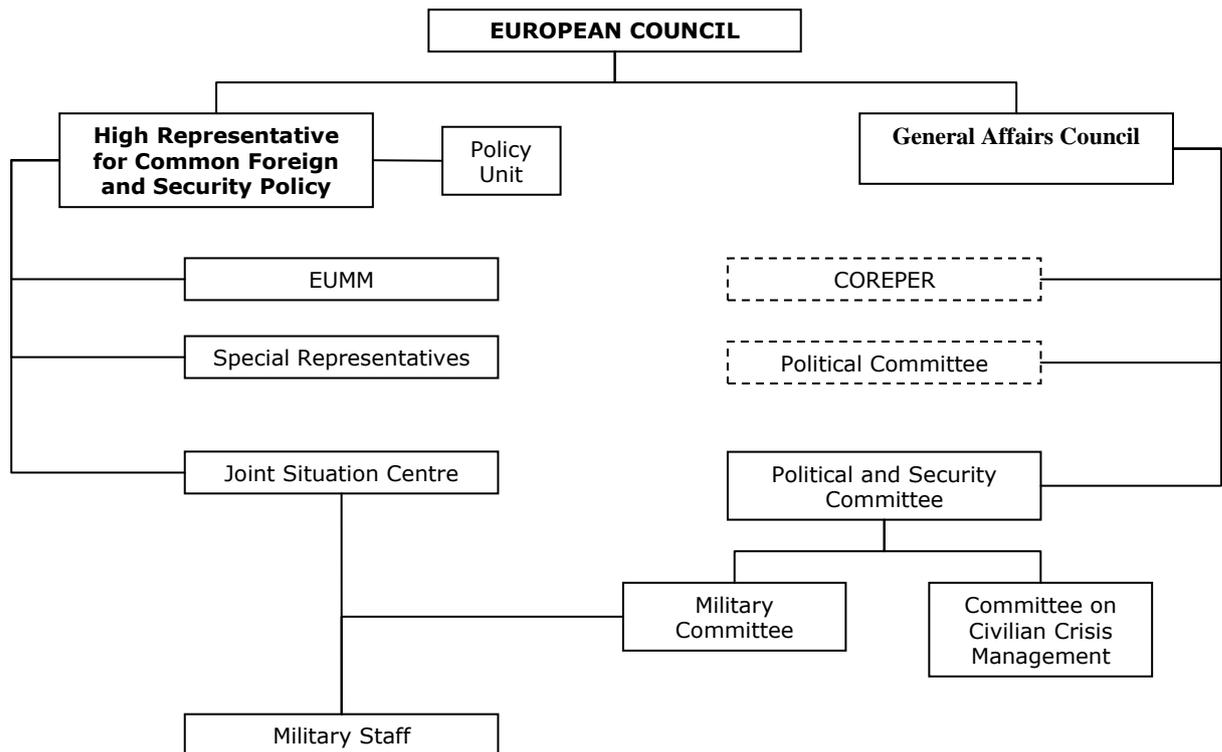
Coordination and cooperation capabilities within the EU have two dimensions: a horizontal one (coordination among the three pillars) and a vertical one (between the EU as a supranational organisation with its own institutional structures and the EU member states). As we demonstrate below, both dimensions of coordination and cooperation have worked reasonably well in the Western Balkans of late. This is partly the result of lessons learned from earlier shortcomings, especially in the vertical dimension (recognition of Slovenia and Croatia), and partly also that of virtually identical interests between the EU and its member states (stabilisation and closer integration) and of the fact that crisis management operations in the Western Balkans are integrated into a broader comprehensive strategy towards the region in which institutions in all three pillars play a legitimate role.

At a more general level, internal cooperation and coordination capabilities have been enhanced by the more secure institutional infrastructure that crisis management has been given since 1999, and especially since the 2000 Treaty of Nice (see Figure 3). This is particularly the case with the Political and Security Committee, which has effectively replaced the Political Committee and taken over many functions previously held by it.

At the external level, coordination and cooperation is essential in particular with NATO (see above) and, while potentially increasing EU dependency on NATO resources, has so far worked well. Especially in the Western Balkans there has been a longer tradition of cooperation anyway (Bosnia and Herzegovina, Macedonia, Kosovo), and the Union took over SFOR in 2004 after having already assumed responsibility in Macedonia from an earlier NATO force. Cooperation with third countries (i.e., non-EU and non-NATO members) and international organisations (UN, OSCE, UNHCR, NGOs) is accorded high priority by the Union. This is the case for two reasons: the EU is strongly committed to a multilateral approach and it recognises the mutual benefits of cooperation, given that different organisations "specialise" in different crisis management (and conflict prevention) tasks. In the case of cooperation with NATO, permanent consultation

structures have been created in the wake of the Berlin Plus agreements; in the case of cooperation with third parties the EU has clear procedures for coordination, including the establishment of so-called committees of contributing countries meant to give third parties an adequate role in the day-to-day running of a particular crisis management operation while leaving responsibility for overall strategic direction with the relevant institutions inside the Union. In addition, as recent experience in the Western Balkans indicates, the EU also uses its ability to conclude bilateral agreements with third parties to put any crisis management cooperation on solid legal foundations.

Figure 3: The Institutional Infrastructure of Crisis Management for the Balkans



Testing the EU's New Conflict Management Capabilities

The EU Police Mission in Bosnia and Herzegovina

The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), established on 1 January 2003, is the first ever ESDP mission and as such falls under the Union's civilian crisis management operations. It is also part of a comprehensive programme of measures aimed at establishing and stabilising the rule of law in BiH and is envisaged to accomplish its tasks by the end of 2007. It is the successor of the UN's International Police Force, and although it is led by the EU and more than 50% of its annual €38 million budget is provided directly by Brussels, mission personnel consists of 207 staff from 34 countries, including the EU27. Roughly 85% (175) of the personnel are supplied from EU25 countries with France, Germany and the UK as biggest contributors, while the remaining 15% are police officers from third countries with Turkey as the biggest contributor. From an international legal perspective, EUPM derives its legitimacy in part from Security Council Resolution 1396 of 5 March 2002 and an earlier decision by the Steering Board of the Peace Implementation Council of Bosnia and Herzegovina on 28 February 2002 to accept the EU's offer to provide the police mission following the end of the mandate of the UN Mission in Bosnia and Herzegovina (UNMIBH).

In a European Council Joint Action, adopted on 11 March 2002, Heads of State and Government agreed the terms of EUPM. The Mission Statement appended to this Joint Action articulates that EUPM “will not include executive powers or deployment of an armed component” and names among its political and strategic goals:

- “to preserve ... the existing levels of institutional and personal proficiency”;
- “to enhance, through monitoring, mentoring and inspection police managerial and operational capacities”;
- “to strengthen professionalism at high level within the ministries as well as at senior police officers levels”;
- “to monitor the exercise of appropriate political control over the police”.

The Mission Statement also details how these general and a long list of operational goals are to be achieved, including through co-location of mission personnel alongside local police commanders at various levels and in relevant institutions within BiH, through the ability to recommend to the High Representative for Bosnia and Herzegovina the removal from office of police officers obstructing the achievement of the EUPM’s goals, through coordination with the Office of the High Representative and other organisations working towards establishing and consolidating the rule of law in BiH, and through ensuring support from EUFOR on public security issues.

The Joint Action further specifies that the EUPM is a crisis management operation and as such has a unified command structure within the single institutional framework of the Union, comprising the European Council and its SG/HR, the Political and Security Committee and the EU Special Representative (EUSR) for BiH. The Head of Mission/Police Commissioner leads the EUPM and is in charge of its day-to-day operations, reporting to the SG/HR through the EUSR and receiving guidance from the SG/HR through the EUSR. Given the current challenges to the rule of law in BiH, the EUPM has two key priorities—fighting organised crime and ensuring the security of returnees. Apart from technical and professional assistance and training, EUPM is therefore also involved in the creation and consolidation of institutional structures that will enable local police forces to achieve better results in the fight against organised crime and in protecting returning refugees. Such structures were already specified in the Council Joint Action of March 2003 at entity, inter-entity and state levels include the Steering Board for Returnee and Refugee Return, the Ministry of Security, the State Information and Protection Agency and the State Border Service.

Operation Concordia in Macedonia

Operation Concordia, established on 31 March 2003, was, similarly to the EUPM, an EU-led follow-on mission from a previous international effort with a similar task, in this case NATO’s operation Allied Harmony. The background of both missions was to ensure sufficient levels of security and stability in Macedonia in order to enable the implementation of the 2001 Ohrid Agreement, which was brokered by the EU between the Macedonian government and representatives of the Albanian minority in the country following a brief spell of violence in the summer 2001 after a long period of inter-ethnic tension (i.e. to provide military protection to observers monitoring the implementation of the Ohrid Agreement on the ground). It derived its legitimacy from a request by Macedonian President Boris Trajkovski and had a further basis in UN Security Council Resolution 1371.

Operation Concordia fell within the remit of military crisis management operations of the Union and was the first ever deployment of EU military forces under the terms of its security and defence policy. It comprised 400 soldiers from 26 countries, thus again including non-EU contributor states. Operation Concordia was also the first case for EU-NATO cooperation in the framework of the Berlin

Plus agreements, i.e., the EU made use of NATO capabilities in conducting Operation Concordia. Initially only assumed to last for six months, Operation Concordia has subsequently extended at the request of the Macedonian government until 15 December 2003. Command of the operation now rested with EUFOR headquarters.³⁰ This also meant that the Operations Field Commander of Operation Concordia was a member of the military staff of EUROFOR, but nevertheless part of the command structure of this particular EU crisis management operation. He reported to the EU Operation Commander, in this case NATO's Deputy Supreme Allied Commander for Europe. The EU Military Committee and its Chairman monitored the conduct of the military operation and received reports from the Operation Commander as well as providing the first point of contact for him in relation to the Council. This meant that, even though the Operation Commander simultaneously had a position within the NATO command structure, he only reported to EU bodies and the entire chain of command remained under the EU's political control and strategic direction, as determined in a European Council Joint Action of 27 January 2003, in particular the Political and Security Committee (PSC) and the European Council.

In contrast to the EUPM, the EUSR to Macedonia, at the time Alexis Brouhns, was not part of the command chain, but acted, together with the SG/HR, as primary point of contact for Macedonian authorities and as key liaison for EU commanders in the field. As part of the day-to-day management structures, a Committee of Contributors was established following a decision of the PSC of 18 February 2003. This committee had a consultative role in the decision-making procedure regarding Operation Concordia. It took its decisions on day-to-day management as well as on any recommendations to the PSC on the basis of unanimity. Contributions to Operation Concordia were made by 23 of the today EU27 member states³¹ and four non-EU members.³² A budget of €6.2 million was contributed by the EU directly with non-common costs borne by the participating states directly.

Operation Proxima in Macedonia

Launched in December 2003, Operation Proxima became the second EU police mission in the Western Balkans after EUPM in BiH. The establishment of the mission followed an invitation on 16 September 2003 by Macedonia's Prime Minister. Its implementation was closely linked to the implementation of the 2001 Ohrid Agreement in which the Macedonian government and political representatives of the ethnic Albanian community in the country agreed on a settlement on minority rights and political participation in the country. The mission was extended beyond its initial 12-months period by a Council Joint Action of 22 November 2004, again following a request by then Macedonian Prime Minister, Hari Kostov, of 1 October 2004, and was completed on 14 December 2005.

According to its mandate, the international staff of Operation Proxima was "monitoring, mentoring and advising" Macedonia's police force and "promoting European policing standards" through programmes that supported:

- "the consolidation of law and order, including the fight against organised crime, focussing on the sensitive areas",
- "the practical implementation of the comprehensive reform of the Ministry of Interior, including the police",

³⁰ EUROFOR was established in 1995 in Lisbon as a military force under the Petersberg Tasks. Contributing nations are France, Italy, Portugal and Spain. Operational since 1998 and listed in the force catalogues of EU, NATO, OSCE and UN, it has been part of NAO operation Allied Guardian in Albania in 2000.

³¹ The EU15 members (except Ireland and Denmark) plus Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia and Romania.

³² Canada, Iceland, Norway and Turkey.

- “the operational transition towards, and the creation of a border police, as a part of the wider EU effort to promote integrated border management”,
- “the local police in building confidence within the population”,
- “and enhanced co-operation with neighbouring states in the field of policing”. (European Council 2003c)

The Operation Proxima budget was €7.3 million for start-up costs and €7 million for 2004 running costs to be financed from the Community budget. For the 12-months extension after 2004, a budget of €15.95 million was agreed. The mission personnel comprised 184 international staff from 24 EU member states and three non-member states (Switzerland, Turkey and Ukraine). Together with 138 local staff, they were deployed to five locations across Macedonia, including the country’s capital Skopje.

Operation Althea in Bosnia and Herzegovina

On 12 July 2004, the European Council (2004b) decided to take over responsibility from NATO for securing the conditions for the implementation of the Dayton Peace Agreement in BiH. Following a Council Decision in November of the same year (European Council 2004a), Operation Althea was launched, marking the transition from NATO-led SFOR to the new EU Force (EUFOR). Apart from the short-term goal of ensuring a smooth hand-over period between the two forces, Operation Althea has two further political objectives. In the medium term, the operation is meant to support BiH’s progress towards EU integration, initially with the aim of concluding a Stabilisation and Association Agreement (SAA). This, in turn, is to contribute to the long-term objective of peace and stability in the country and its eventual accession to the EU.

The initial budget for the operation’s common costs was determined at €71.7 million. These are administered by the so-called ATHENA mechanism, which relies on financial contributions by EU member states determined on a GDP basis. In addition to the twenty-four EU member states participating in this operation, eleven non-member states have also contributed to the approximately 7,000 troops comprising the mission’s personnel: Albania, Argentina, Canada, Chile, Morocco, New Zealand, Norway, Switzerland and Turkey.³³

Perhaps more than any other ESDP operation by the EU to date, Operation Althea exemplifies the importance of cooperation among the international organisations making up Europe’s security architecture. The European Council’s decision in July 2004 to take over from NATO in BiH was only possible following the work of NATO’s SFOR in the country and the resulting improvements in the general security environment that led NATO Heads of States and Government decide at the Istanbul Summit in June 2004 to end their operation and prepare for a transfer of responsibility to an EU-led mission in the context of the Berlin Plus arrangements.³⁴ This decision by NATO was itself based on the positive experiences gained in the context of operation Concordia in Macedonia in 2003, after which the EU and NATO agreed to make permanent the so-called European Union Staff Group at SHAPE. This was meant to provide guidance to NATO’s Deputy Supreme Allied Commander Europe on European issues, as the holder of this office is potentially also EU Operation Commander, as well as to provide the core staff of an EU Operations Headquarters at SHAPE. When the European Council confirmed in December 2003 the EU’s preparedness to conduct a military ESDP-mission in BiH under the Berlin Plus arrangements, consultations with NATO began in 2004 which led to the establishment of operation Althea (SHAPE 2004a).

³³ This means that two European non-EU member states of NATO—Norway and Turkey—contribute to the operation, as well as one non-European NATO member—Canada.

³⁴ This was in many ways similar to what had happened one year earlier in relation to the EU’s Operation Concordia taking over from NATO’s Operation Allied Harmony in Macedonia.

The EU has thus been able to rely on NATO common assets and capabilities. NATO's Deputy Supreme Allied Commander Europe was appointed as the Operation Commander for the military component of Operation Althea, and SHAPE—NATO's Supreme Headquarters Allied Powers Europe—simultaneously became the EU Operation Headquarters (SHAPE 2004). The command structure of Operation Althea also underlines the close cooperation between NATO and EU: under the political control and strategic direction of the EU's PSC, the EU Operation Headquarters at SHAPE in Mons (Belgium), the EU Command Element at the Allied Joint Forces Command in Naples (Italy), and the Headquarters of EUFOR at Camp Butmir in Sarajevo (Bosnia and Herzegovina). The EU Command Element at the Allied Joint Forces Command in Naples is a particularly crucial element in the coordination process with NATO as it ensures the EU's operations in the Balkans conform to the EU's regional approach, on the one hand, and cooperate closely with NATO operations in the Balkans, on the other.

The regional element in the EU's approach also means coordination with other international organisations active in the Western Balkans. This relates primarily to the UN and the OSCE, both of which continue to play a role in Bosnia and Herzegovina. EUFOR operates on a Chapter VII mandate, and in a resolution of November 2004 the UN welcomed the EU's intention to launch an EU military operation and authorised those UN member states "acting through or in cooperation with the EU to establish for an initial planned period of 12 months a multinational stabilisation force (EUFOR) as a legal successor to SFOR" and "to take all necessary measures to effect the implementation of and to ensure compliance with Annexes I-A and 2 of the Peace Agreement" and recognised their right "to take all necessary measures to defend themselves from attack or threat of attack" (United Nations Security Council 2004).

In addition, the EU closely coordinates actions taken under its military mission—Operation Althea—with those taken under its police mission—EUPM. As both of these operations are meant to contribute to the full implementation of the Dayton Peace Agreement, cooperation is also essential with the Peace Implementation Council (PIC) and the Office of the High Representative (OHR). This is, among other things assured by the fact that the EUUSR for BiH also serves as High Representative (HR).

PART 3: Meeting the Challenges of Present and Future Conflict in Europe and Beyond

This final section first examines the lessons from the EU's engagement in the Western Balkans over the past decade-and-a-half and then explores the roles and interactions of the other key international organisations involved in different stages of the conflict management cycle. Following from this, we present an overview of the present conflict management role of the EU and a brief summary of the main institutions and instruments which have now been developed by Union in this regard. The purpose of this undertaking is to conclude the paper with a series of recommendations as to how the EU can improve its potential as a conflict manager. It is an opportune moment to be embarking on such an investigation given the recent events in South Ossetia and Georgia as a whole – the Georgian incursion into South Ossetia in August 2008, the apparently disproportionate response of the Russian leadership and military, and the all too apparent incapacity of the EU to reach a common position as regards the escalation of conflict in Georgia and actions to be taken in response vis-à-vis Russia. Not only did it take over ten days for the heads of EU governments to even meet but there are currently still clear divisions among member states over whether and, if so, to what extent sanctions should be introduced against Russia. The conflict in Georgia and the EU's relationship with Georgia more broadly

highlight in a nutshell many of the continuing problems which beset the EU's capacity to function as an effective conflict manager.

Assessing EU Conflict Management Capabilities in the Western Balkan Context

In 1993, Christopher Hill predicted six future functions of then European Community (EC) as an international actor, including that of "regional pacifier" and "mediator of conflicts" (Hill 1993: 312f.). In each case, he made explicit reference to former Yugoslavia and pointed out that it fell to the EU "to act as mediator/coercive arbiter when the peace of the whole region seems under threat" and that there had been "considerable diplomatic effort and creativity in the early stages of the Yugoslav imbroglio" (Hill 1993: 311f.). Judging the EU's performance in the 1990s, however, only after the NATO intervention in Kosovo in 1999, has the EU played an increasingly important role as regional pacifier and mediator of conflicts in the Western Balkans, albeit with varying success over time. No matter which perspective one takes on the Union's conflict management policy, which has to a large extent (with a few exceptions so far³⁵) remained focused on the Western Balkans, it remains the largest donor and the organisation with the biggest presence throughout this region, having contributed significantly (partly in cooperation with third parties) to the stabilisation of the countries in the region and their reconstruction to date. This general view, at least partly, testifies to the existence of EU conflict management capabilities in the Western Balkans. Current EU capabilities appear sufficient to take on tasks of the kind required in the Western Balkans after 1999. The EU was able to mobilise sufficient personnel, hardware and the funds to sustain them, had the institutional framework and instruments available to make the necessary decisions and proved itself capable of a certain level of cooperation and coordination within its own structures as well as with third parties.

This relatively positive assessment of EU crisis management capabilities in the Western Balkans after 1999, however, must not necessarily be taken as a general indication of the readiness of the Union to manage conflicts elsewhere and with a similar degree of success. While it is undoubtedly true that the "CFSP, through the position of the HR for CFSP, has experienced in a very short time a substantial improvement in its coherence and visibility (Müller-Brandeck-Bocquet 2002: 278), improved coherence and visibility do not necessarily translate into effectiveness. With respect to the Western Balkans one could question whether the Union has indeed been successful. In Macedonia, for example, it could be argued that early-stage conflict management, despite the mobilisation of significant resources, failed, and that it was only once the violent conflict had erupted that the EU (through crisis management measures) succeeded in brokering a deal between the fighting factions.³⁶

Taking into account the complexity of the situation the EU had and has to deal with in the Western Balkans and the intensity of the crises it had to manage (in post-Dayton BiH and in Macedonia) the Union has demonstrated that it has developed an institutional framework and a set of policies that enable it to make decisions quickly, provide adequate funds and personnel, and to cooperate and coordinate activities with third parties in ways that enhance its own capabilities and maximise the chances of successful crisis management. It is equally important in this context to bear in mind that since the failure of crisis management in the early and mid-1990s, the Union's capabilities have been improved significantly, enabling it now to undertake both civilian and military

³⁵ These exceptions so far were, compared to the Union's engagement in the Western Balkans, relatively short-term and less costly. They include AMM (Aceh, Indonesia), EUBAM and EUPOL COPPS (Palestinian territories), AMIS II assistance (Darfur, Sudan), EUSR border teams (Moldova/Ukraine), EUPOL KINSHASA, EUFOR and EUSEC (DR Congo) and EUJUST THEMIS (Georgia).

³⁶ This is the problem of CFSP as a 'moving target'. See Cameron (2002).

operations, i.e., being able to back up its diplomatic efforts with credible threats of force where necessary.

However, the EU's relative success of late in the Western Balkans has its sources not only in improved crisis management capabilities. In our view, the Union's experience in the Western Balkans cannot be generalised easily. The distinct advantage that the EU has in this region is that its policy of conditionality is much more effective vis-à-vis countries where the promise of closer association with, and potentially accession to, the EU is credible and where both political elites and the general public are ready to make significant compromises in order to attain what many believe to be a panacea for all their problems, even though there is now growing euro-scepticism in Croatia, Serbia and BiH, because the imagined solutions are not forthcoming as quickly as envisaged. In other words, the success of EU crisis management in the Western Balkans must be seen in a larger context, in which crisis management is only one element in a comprehensive EU approach to a region. As Javier Solana pointed out as early as 2000, "[t]he European Union is uniquely placed for comprehensive action in the Western Balkans" and is "the only institution capable of comprehensive action, ranging from trade, economic reform, and infrastructure, humanitarian assistance, human rights and democratisation, justice and police to crisis management and military security" (Solana 2000). Without the clear long-term commitment of the EU to the Western Balkans' prospect of EU membership, the incentives for political elites and the various ethnic groups they represent would be less powerful and thus the Union's ability to elicit short- and long-term compliance, which has been a major factor in the success of its crisis management operations so far, diminished.

A second note of caution regarding the EU's readiness to engage successfully in conflict management operations elsewhere concerns the availability of personnel and especially military assets. The commitments made by EU member states have not yet been tested to the full—the two police missions in BiH and Macedonia have required only about 10% of the total number of police officers committed by EU member states, and the two military operations Concordia and Althea have similarly required only around 12% of total committed troops. At the same time, the EU is now, for better or worse, locked into a framework of cooperation with NATO which will perpetuate its dependency on NATO resources.³⁷ This may significantly decrease the Union's capability of autonomous action in situations where NATO resources are stretched or where disagreement within NATO prevents the use of certain resources by the EU.

A final factor limiting the generalisability of the relative success of recent EU crisis management operations in the Western Balkans is at the same time one of the very reasons for this success— the increasing familiarity with, and sensitivity towards, the situation in the region and the countries concerned, a long-standing network of information sources (EUMM), and previous experience in dealing with the political elites and populations in the area. One of the main shortcomings of EU capabilities, identified by the Director General of the European Union Military Staff, General Rainer Schuwirth (2002), namely "shortfalls in all areas of intelligence gathering" and a lack of a "common system for intelligence fusion" could thus be at least partially neutralised.

Nevertheless, even the limited crisis management operations that the EU is currently conducting in the Western Balkans are very valuable for its future role as a serious international actor. While it might be too early to proclaim the overall

³⁷ For example, the decision of extending Operation Concordia in Macedonia was contingent upon a decision of the North Atlantic Council to extend availability of NATO assets to the EU.

success of EU conflict management in the region, there are some indicators that success might not elude the Union on this occasion.³⁸ First of all, they have proven the success of institutional reforms within the Union and of the development of credible policies and instruments for crisis management. Second, they underscore that the overall approach of the EU to the conduct of international affairs is fruitful: commitment to multilateralism (within the EU and with its partners elsewhere),³⁹ constructive and long-term engagement with crisis regions, combining short-term crisis management with long-term structural conflict prevention, and a fair balance between civilian and military strategies to maximise the short- and long-term impact of its policies. Third, by highlighting remaining deficiencies in EU crisis management capabilities, the Union now has an opportunity to draw lessons for the future before engaging in more ambitious and demanding operations elsewhere in the world.

Lessons from the Balkans: The ENP as a Possible Conflict Management Tool?

The failed European attempts to handle the violent disintegration of Yugoslavia in the 1990s, were, according to the large majority of CFSP scholars, the first real push for European foreign policy makers more actively to seek to develop a common EU approach to dealing with violent ethnic conflicts in the Union's near abroad. The atrocities in the Western Balkans had illustrated the inadequacy of the tools available to the Union at the time and left the EU embarrassed. After NATO again came to the rescue of the EU over Kosovo in 1999, the EU was eager to develop its own crisis management capabilities, and consequently did so with the Yugoslav experience in mind and reflecting past and present failures, as well as a few successes, in the Western Balkans (further details above). The EU's approach to violent ethnic conflicts thus arguably being born and bred in the Balkans, the Union's experience in this region is therefore an important aspect of any debate on the EU's potential future global role as a conflict manager. This section therefore assesses what, if any, lessons can be learned from the EU's recent experiences in the Western Balkan experience and considers whether the European Neighbourhood Policy (ENP) could potentially serve as a tool for the management of violent ethnic conflict in the rest of Union's 'new neighbourhood' and beyond.

Since the 2004 and 2007 enlargements moved the EU closer – geographically, politically and security-wise – to a number of frozen and violent ethnic conflicts in its so-called 'new neighbourhood', the potential role of the EU in the management and resolution of these conflicts is increasingly being considered. These conflicts include ongoing disputes in Israel/Palestine, Lebanon, Algeria, Moldova (Transnistria), Armenia/Azerbaijan (Nagorno-Karabakh), Georgia (Abkhazia and South Ossetia), Morocco/Western Sahara, Egypt, Ukraine, Jordan and Syria. EU foreign policy makers have in recent developments of the CFSP and the CESDP⁴⁰ stressed the importance of managing these particular conflicts. With the 2003 European Security Strategy and the launch of the ENP in 2004 the Union explicitly articulated its intention to take a more active stance in the management of violent conflicts in the ENP area.

³⁸ The two big (known) unknowns in this respect are the closure of the OHR in Bosnia and Herzegovina and the outcome, and impact, of the Kosovo final status negotiations.

³⁹ The preference of a multilateral approach to crisis management can also be deduced from the fact that in both current crisis management operations in the Western Balkans and in the brief military operation in the DRC, the European Council either did not move before the UN (DRC) or explicitly inferred the legitimacy of its operation, at least in part, from a *preceding* UN resolution. Cf. Smith (2001: 99).

⁴⁰ Initially simply referred to as ESDP in the Presidency Conclusions of the Cologne European Council in June 1999, the Helsinki Council of December 1999 introduced the acronym of CESDP 'to signify the determination, on the part of the EU member states, to develop a distinct European politico-military project, with its own institutional infrastructure and a significant military capacity' (Howorth 2000: 377).

In order to draw an accurate parallel from the lessons learnt in the Western Balkans to an assessment of the prospect of the ENP as a potential policy instrument for conflict management in the EU's 'new neighbourhood', it is important to stress that the countries in the ENP area have an all together different relationship with the EU than the countries in the Western Balkans. Although, the EU is a key aid and trade partner to most of these countries, the ENP explicitly excludes them from the promise of future EU membership. In effect, the EU has significantly less leverage in terms of conditionality compliance in these countries, than it does in the Western Balkans, where the accession prospect is the key to the Union's success. Consequently, the EU is not seen as an equally important partner in these countries, and it often suffers a lack of credibility in terms of its capability to deliver on its threats as well as its promises. It is important here to stress that the relationship with the EU varies significantly also between the different ENP countries. The international context with regard to the ENP partner countries is also different from that of the Western Balkans, where the key international security actors (for the most part) respect the EU's current leading role. In the ENP area, other international actors such as Russia, China, a number of Middle Eastern countries and the US, have vested interests and are already engaged in a number of the conflicts in question (albeit in different ways and to different degrees and at different levels in the different countries). The ENP's prospect as a conflict management tool therefore depends on whether the EU is both able and willing to implement a conflict management policy despite other international actors being engaged and potentially having conflicting interests in the country in question. Although the Union may have learned valuable lessons with regard to what means are necessary for successful EU conflict management, this does not by any means guarantee that the Union is able or indeed willing to undertake such missions throughout the ENP area, especially where such efforts would conflict with the interests of the other actor engaged or indeed those of the EU itself. As argued above conflict management in the Western Balkans is comparatively much more important for the EU. Finally, the EU has relatively few capabilities in terms of intelligence and understanding of the conflicts in these countries and it lacks the institutional memory and know-how, which has gradually been built up over time in the Western Balkan context, which means that if the EU was indeed willing to commit to the extent necessary for EU conflict management to be successful in the ENP area, it may not necessarily be able to do it with the same relative success as it has had in the Western Balkans since 1999.

What then are the tangible prospects of ENP conflict management in the EU's 'new neighbourhood'? In Moldova and Georgia, its geographical proximity and political leverage presents the Union with a relatively positive prospect in playing a more significant role in the ethnic conflicts concerning Transnistria, Abkhazia and South Ossetia – all conflicts of relatively similar nature to those of the former Yugoslavia. A positive outcome of any ENP initiative to manage, resolve and prevent further conflict in these countries, however, depends on the cooperation of the respective governments in these countries and the role of Russia. The conflict between Armenia and Azerbaijan over Nagorno-Karabakh presents the EU with an even more complex regional situation involving Russia, Iran and Turkey. Furthermore, the nature of the incumbent regimes and these conflicts themselves present the ENP with an even greater challenge than those of Moldova and Georgia. Finally, the Israeli-Palestinian conflict, Lebanon, Algeria, Morocco/Western Sahara, we argue, are far beyond the individual conflict management capacity the EU (and within it the ENP) at present. Nevertheless, the EU here has an important role to play alongside the US, Russia and the Arab world in bringing about conditions under which international multilateral conflict management would be possible. The EU here has significant long-term potential

in facilitating conflict management through aid, trade, mediation and long-term governance reform assistance, to mention but a few areas, all of which could well be facilitated through multi-faceted ENP country strategies, and it is in the formulation of such strategies that the EU could make the best use of the lessons it learned in the Western Balkans.

One among many? Comparative perspectives on the EU and international organisations in conflict management

This section of the paper considers the role of different international organisations in conflict management, identifying the strengths of particular organisations in different stages of the conflict management process ranging from conflict prevention through peace-making negotiations to peace-building through reconstruction and reconciliation. As appropriate, we refer to particular conflict situations and the impact of the intervention of different international organisations on their evolution.

*United Nations*⁴¹

In the wake of the Cold War and the ensuing period of relative optimism over possibilities for international cooperation on conflict-related issues, UN Secretary General Boutros Boutros-Ghali's published his Agenda for Peace in 1992 outlining the United Nations evolving approach to peace and security in the new international environment.⁴² It highlighted four phases of potential international action in the area of conflict management – preventive diplomacy, peace-making, peace-keeping and peace-building – and called for 'wider thinking, especially within the distinct UN specialized agencies and programmes, on issues of conflict prevention and management' (Duggan, 2004, 247). Boutros-Ghali's successor UNSG Kofi Annan reinforced these efforts towards the improved employment and application of existing capacities within the UN system, promoting greater integration among the UN's disparate parts in the field of conflict management and placing particular emphasis on preventive action as underlined in the 2001 Brahimi Report.

Following the end of the Cold War the activities of the UN in peacekeeping have increased considerably in part due to the new possibilities for reaching agreement inside the Security Council, in part due to the changing international environment. Previously largely limited to separate warring armies in inter-state conflict, the apparent shift towards intra-state conflict and the management of complex emergencies meant that the UN was increasingly deploying peacekeepers inside states which often found themselves in inclement situations where non-state actors were not necessarily committed to their presence. Moreover, the catch-all notion of 'peacekeeper' has actually come to embrace a considerable array of possible functions and UN missions have been deployed with varying and at times complex mandates for peacekeeping -- including the traditional activities aimed at keeping warring parties apart but also disarming former combatants and supervising elections. In addition the growing emphasis on preventive action (broadly conceptualised) has led to shifts in operational planning leading to the involvement of a much wider range of UN departments, agencies and programmes in conflict management activities and heightening the need for effective coordination mechanisms both at the headquarters and the local level. (Duggan, 2004, 348) Having said this the institutional structure and general overload of Security Council as the main player in matters relating to international peace and security and under Chapter VII of the UN Charter with the

⁴¹ There is simply not the space in the context of this paper to provide a comprehensive overview of all the different agencies, funds and programmes of the United Nations and their various activities in the field of conflict management in their entirety. Instead we will try to highlight the key elements in the UN's conflict management activities.

⁴² See <http://www.un.org/docs/SG/agpeace.html> accessed September 2, 2008.

right to make binding decisions has meant that at times its work as an institution of preventive diplomacy has been hampered as many conflicts do not reach the agenda of the Security Council until the point of escalation into violent conflict. (Peck, 1998, 70) As Paul Diehl acknowledges, 'Organizations such as the UN are notoriously crisis-driven.'(Diehl, 2005, 248)⁴³

Given the scope of agencies, programmes and funds that constitute the UN system, the UN has the capacity to become engaged in different aspects of conflict management depending on the nature of the evolving conflict situation. The range of possible instruments runs the entire gamut from diplomatic initiatives to the establishment of peacekeeping missions and the sanctioning of the application of force:

- UN SC statements of concern and/or resolutions concerning escalating conflict situations which may reprimand both state and even-sub state actors.
- Preventive diplomacy – early warning mechanisms, shuttle missions
- Involvement in peace-making negotiations with very degrees of success (successful conflict settlement in Cambodia, El Salvador, Bougainvillea with the lack of progress made in Abkhazia)
- Peacekeeping forces as indicated above have varying mandates and varying degrees of success. One need only contrast the range of UN deployments in the Former Yugoslavia: – the successful preventive deployment of UNPREDEP in Macedonia; the ill-matched peace-keeping mandate to situation on the ground faced by UNPROFOR in Bosnia-Herzegovina; the international administration role played by UNMIK in Kosovo (though gradually ceding its place to the EU's EULEX mission UNMIK remains on the ground today in Kosovo carrying out a range of security operations—particularly in the northern part of the fledgling state)
- Post-conflict area development schemes carried out by UNDP and UNOPS in El Salvador and Cambodia.

In line with his objective of building a more integrated and comprehensive approach to matters relating to peace and security Secretary General Boutros Boutros-Ghali introduced a number of organisational reforms establishing three departments inside the Secretariat to this end:

- (i) The Department of Political Affairs was set up to carry out crucial information collection and analysis and policy planning functions, but over time has evolved into 'the focal point for conflict prevention' facilitating the mainstreaming of conflict prevention in the work of various UN departments. (Bjorkdahl, 2004, 390);
- (ii) The Department of Peacekeeping Operations was established to organise and manage peacekeeping operations; and
- (iii) The Department of Humanitarian Affairs to ensure better coordination of humanitarian agencies. (Peck, 1998, 72).

In January 1997 Secretary General Kofi Annan took another step towards streamlining decision-making processes in the five key domains of the UN's work through the establishment of the executive committee structure: four Executive Committees were set up -- peace and security, humanitarian affairs, economic and social affairs, and development operations -- with human rights considered a crosscutting issue with potential relevance to the other four Executive Committees. This also reflected the increased understanding of conflict prevention

⁴³ Though the General Assembly can consider any issue of international affairs and can pass resolutions, these are not legally binding texts.

and management as a multi-dimensional task which necessarily cuts across all aspects of the UN's work.⁴⁴

Despite these organisational changes problems have persisted in the institutional apparatus for conflict management in the UN Secretariat including the continuing separation between analysis and decision-making, which are located in different offices; and persisting bureaucratic and resource limitations. Thus, according to Peck, staff from DPA is often diverted from their preventive diplomacy work to focus on latest crisis and UNSC's relations with member states. (Peck, 1998, page)

The UN Framework for Coordination on Early Warning brings together officials working across the UN five core areas as well as geographic desk officers from different agencies and departments and the resident coordinators from specific countries (see below) to undertake risk analysis and decide on appropriate follow-up actions. This may lead to the subsequent deployment of peacekeeping operations or the putting-in-place of enhanced information exchange systems. According to Duggan (i) this multi-level risk assessment makes prevention an integral part of the early warning system and (ii) it also enables the UN system to decide not only what action should be taken but which organisation (UN or a regional organisation) is best placed to respond. (Duggan, 2004, 351) Meanwhile despite the continuing focus of central decision-making at UN headquarters in New York Duggan has noted the increasing trend for information gathering, analysis and even the development of strategic policy options to be carried out in the field by specialized agencies, programmes and funds. At the same time she has highlighted the need for further improvements in the vertical flow of information. (Duggan, 2004, 346 and 360)

It is the role of the resident coordinator to provide leadership and to endeavour to promote a degree of integration and coordination among the different UN agencies, funds and programmes operating in the field in particular countries (though given the proliferation of involvement of different parts of the UN on the ground confusion over division of responsibilities does still arise in certain situations). This institution has been in existence since 1981, but over time it has been enhanced, and increasingly individuals are called on to play complex roles in escalating conflict and peace-making situations. These days in multi-level peacekeeping efforts the Secretary General tends to designate a Special Representative or Personal Envoy with authority over all UN units operating in the area of the mission (Duggan, 2004, 352). The mandates of such Special Representatives or Envoys have expanded considerably to include a much wider range of diplomatic and management responsibilities. The impact of such individuals clearly depends both on the exigencies of the conflict situation as well as on the personal qualities of individual appointed to fulfil this role. Nonetheless the Carnegie Commission on Preventing Deadly Conflict's Pathfinders for Peace project has identified in a number of different cases the range of positive contributions that Special Representatives or Personal Envoys can fulfil including:

- Providing the SG with authoritative information of situation on the ground.
- Keeping peace process alive through their continued and patient presence.
- Construct frameworks for compromise that may over time lead to peace agreement – critical that impartiality and credibility be maintained.

⁴⁴ Duggan, 2004, 349-350.

- As representative of IC, the Special Representative or Envoy can shift terms of negotiation by introducing possible positive and negative incentives from outside into negotiation process.
- Maintaining international consensus and interest within Security Council and beyond. (Pathfinders, 1994).

The experience of Special Representatives and Personal Envoys in particular conflict situation is something which the EU would do well to build on in upgrading the role of its own Special Representatives.

Country Team Thematic Groups on the ground in particular countries have the potential to bring together personnel from different UN agencies and programmes as well as representatives from civil society organisations, regional organisations and local donor representatives to facilitate, dialogue cooperation and potentially joint endeavours on a sector or cross-sectoral basis – depending on the nature of the situation on the ground. (Duggan, 2004)

NATO

'Today NATO has become the world's most effective peacekeeping organization'. (Nicholas Burns, cited in Thailer, 2008, page). Since the end of the Cold War and following on from its experiences in the Former Yugoslavia in the course of the 1990s, NATO has progressively shifted its mandate from an organisation solely designed as a collective security umbrella to defend its members from the perceived threat of Soviet attack to an organisation which has also become increasingly directed towards projecting stability by both political and military means, engaged in conflict stabilisation efforts and the provision of military support to post-conflict reconstruction efforts mainly outside the operational theatre of its own member states. (Morgan, 2003, 65 and Thailer, 2008, 11-14). Though the 1991 Strategic Concept NATO highlighted the need for the Alliance to adapt to the new post-Cold War security environment which might include risks from outside NATO territory and security challenges and not necessarily entail direct military threats, it was according to Schulte NATO's involvement in the conflicts in the former Yugoslavia which propelled it (i) to become more involved in peacekeeping and conflict management activities, (ii) to restructure internally as well as (iii) to re-orient its relations with international organisations and countries outside NATO (Schulte, 1997, 27). NATO's 2006 Comprehensive Political Guidance reaffirmed the broad approach to security and the directions that had been laid down in the 1999 Strategic Concept (security, consultation, deterrence and defence, crisis management and partnership) which itself built upon the 1991 Concept and the intention to develop more serviceable capabilities to enable the alliance to meet its priorities in the years ahead.⁴⁵

NATO engagements in the Former Yugoslavia

| | |
|-----------------------------------|--|
| Operation Sharp Guard | Ensuring maritime enforcement of the arms embargo and economic sanctions against FRY (June 1993-October 1996) |
| Operation Deny Flight | No-fly zone enforcement mission over central BiH – April 1993-December 1995 |
| Operation Deliberate Force | NATO bombing campaign against the Army of Republika Srpska following Srebrenica massacre – August 1995 |
| Operation Joint Endeavour | Deployment of NATO peacekeeping forces, IFOR which was superseded by SFOR – December 1994-December 2004. ⁴⁶ |

⁴⁵ See <http://www.nato.int/docu/basicxt/b061129e.htm> (accessed August 26, 2008)

⁴⁶ Schulte notes that at the outset of the establishment of IFOR which in effect was a mission subcontracted by the UN, IFOR founded itself overloaded with military tasks and requests for

| | |
|------------------------------------|---|
| Operation Allied Force | To bring an end to Serbian violence in Kosovo, 11 week bombing campaign over the FRY. March-May 1999. |
| AFOR | Deployment of ACE Mobile Force to Albania to facilitate delivery of humanitarian aid to refugees from Kosovo, 1999. |
| KFOR | Nato-led military mission operating under UN mandate. |
| Operation Essential Harvest | Preventive mission to disarm ethnic Albanian militias in FRYOM (August-September 2001) |
| Operation Amber Fox | Monitoring implementation of Ohrid peace agreement and protect EU and OSCE observers -- Sept 2001 – Dec 2002. |
| Operation Allied Harmony | Follow-up operation – Dec 2002 to March 2003. |

NATO's efficacy as a conflict managing organisation has been facilitated by its dual though closely coordinated political and military institutional structure and the relatively clear division of labour between the two. At the European headquarters in Brussels each of NATO's 26 member states has a delegation with the heads of each delegation, the permanent representative together forming the North Atlantic Council (NAC). The NAC which constitutes NATO's main political decision-making body, meets once a week though decisions over major policy directions are generally taken within the framework of the NAC at higher level meetings involving foreign or defence ministers and on occasion heads of state. Decisions to take action are made on the basis of unanimity and common agreement with no option for voting or decision-making by majority. Each NATO delegation has a military representative, together these form NATO's Military Committee whose primary role is to provide direction and guidance on military policy and is responsible for the overall conduct of military affairs. As in the case of the NAC on occasion the Military Committee also meets at a higher level.

Though NATO has retained its closely coordinated political and military structures, a whole range of new committees and mechanisms have been set up to meet its shifting mandate. (Theiler, 2008, 10) Wider forums for regional dialogue and military cooperation between NATO and its neighbours were established as part of the new emphasis on fostering stability by political means. These include the North Atlantic Cooperation Council established in 1991 to provide a framework for dialogue with countries of Central and Eastern Europe; the 1994 Partnership for Peace, the Euro-Atlantic Partnership Council (1997) and the NATO-Russia Permanent Joint Council (1998).

In terms of military capacity probably the most important development has been the restructuring of NATO's military structure the establishment of the Headquarters Allied Command Europe Rapid Response Force (RRF) under the authority of the Supreme Allied Commander, Europe (SACEUR) with a potentially powerful military capacity. The RRF became fully operational in 2006 as both an 'intervention force and anti-terror force'. (Thailer, 2008, 15 and 26) This has been coupled with the establishment of the Prague Capability Commitment with the objective of ensuring that Europe's armed forces obtain state-of-the art equipment and skills. (Thailer, 2008, 26) It is of course hardly surprising that NATO has retained the upper-hand when it comes to the application of military

assistance in post-violent conflict civilian management. Over time it was able to devote more of its resources and gain valuable experience in supporting the civilian aspects of peace building. (Schulte, 1997, 26)

force given its planning, organisational, hardware and logistical capacities notwithstanding the establishment of the EU's Rapid Reaction Force.

Morgan has identified the following key strengths which have contributed to NATO efficacy: (i) a large secretariat; (ii) an integrating military structure; (iii) an extensive military and civilian trans-governmental network of committees and daily contact and (iv) a number of strongly committed member governments (Morgan, 2003, page). However, as Diehl has pointed out although NATO has proved an effective operator in keeping the peace and facilitating the return to some normality following violent conflict – both in the cases of BiH and Kosovo both of which missions necessitated sizeable force and technical presence, it is perhaps less well equipped to support the subsequent post-conflict stages of entrenching lasting stable state institutions and democratisation processes. (Diehl, 2005, 245).

OSCE

The OSCE is one of the main intergovernmental institutions of the European conflict management architecture and plays a relatively active role in the area of conflict prevention through the mechanism of the HCNM established in 1992 as well as through its longer-term missions operating on the ground. In the wake of the communist collapse it has also become involved in chairing peace negotiations – such as the Minsk process over Nagorno Karabakh as well as in longer-term peace building activities through its missions on the ground and election monitoring in post-communist region. The OSCE's Conflict Prevention Centre with its Permanent Council consisting of representatives from the governments of all member states, Policy Support Service and Planning and Analysis Team has also become increasingly involved in conflict management processes. OSCE agreements and documents have no legal force relying instead on the principle of political consensus which on the whole binds participating states. (Swimelar, 2001, 110-check) Having said this, as Zellner has observed, though the consensus principles applies for major political decisions such as mission mandates or budgets, many operational decisions are made by a more narrow group of participating states – made up of the Chairperson-in-office (a post which rotates annually) and the big five – US, Germany, France, Russian Federation and United Kingdom – another potential useful model for the EU to consider in certain situations. (Zellner, 2004, 16) With the current escalation of tensions between Russia and certain countries in the West even operational decision-making is likely to be put under strain.

The main OSCE conflict management instruments:

- (i) The High Commissioner on National Minorities plays an important role in early warning and conflict prevention aspects of conflict management. As well as seeking to defuse potential conflict situations on the ground the HCNM is also charged with alerting international organisations and states to potential threats to peace and security.⁴⁷ Given that the actual available powers both carrots and sticks remain limited – the HCNM has to rely on the tools of 'quiet preventive diplomacy' an approach which was honed in particular by the first HCNM Max Van der Stoep and seen to have been put to good effect in the case of Estonia and Latvia leading to the (at least partial) moderation of discriminative practices against their respective Russo-phone populations including in the country's citizenship laws – though this process was also underpinned also by the incentive structure of 'the return to Europe' and prospective membership in the EU. In general the HCNM assumes a proactive role, seeking to identify and

⁴⁷ For factsheet on HCNM see www.osce.org.

address minority rights questions and ethnic tensions facilitate the development of intra-state solutions before the conflict situation escalates and reaches the tipping point into violence.⁴⁸ The main strength of the HCNM's work is that it remains out of the public eye, providing guidance as to how governments and minority groups can seek to address their problems. By not acting as a formal mediator between disputing parties and rather offering more of an 'advisory service' drawing on the basis of OSCE commitments and other international minority rights documents and providing specific recommendations or suggesting projects aimed at defusing tension, the HCNM has been able to get round the dilemma of negotiating with leaders of minority groups or breakaway groups often faced by governments and other international organisations. (Peck, 1998, 124) Furthermore, as Zellner points out (2004, 19), the HCNM has considerable room for manoeuvre as he/s can act flexibly and quickly according to his own assessments and does not require consent from the chairman in office.

- (ii) Field missions in member states range from traditional fact-finding missions to those involved in more complex aspects of conflict resolution and post-conflict institution-building. Approximately 90 percent of the OSCE budget is spent on field missions (Zellner, 2004, 18). Before a mission can enter a country and commence its work the consent of the participating states and a host country must be given; a confidence-measure in and of itself. These missions have been left with reasonable leeway to define their main areas of attention. Thus such missions have assumed an active role in different aspects of conflict management. Zellner differentiates between those missions (a) which operate in unstable peace and/or high tensions before a conflict situations – employing classical instruments of conflict prevention – monitoring, reporting, dialogue with government officials, NGOs; (b) situations of open conflict or frozen conflict – in such cases a combination of prevention tasks combined with efforts to promote negotiations including with other states and international organisations may be employed. In the case of a peace agreement, OSCE may be called on to deploy light peacekeeping forces; and (c) in situations of tension or unstable peace after a conflict – which may be in sovereign states (Croatia) or in international protectorates (BiH and Kosovo) this may also involve varying degrees of institution-building assistance.
- (iii) OSCE can initiate reporting or discussion procedures upon request of member states.
- (iv) ODIHR (Office for Democratic Institutions and Human Rights) – provides programmes ranging from election monitoring, assistance in drafting election laws and in establishing democratic institutions, strengthening the rule of law, fostering civil society (Zellner, 2004, 18).

Case Study: Bosnia Herzegovina

Under DPA OSCE mission was mandated to concentrate on the building of democratic society in BiH. It has been involved in election monitoring (up to 2000), public administration reform, education reform and security cooperation. Importantly it has steered the integration of the two entity armies into a single state army and has also sought to foster the establishment of a more integrated education system. (Houten and Wolff, 2005)

⁴⁸ Swimelar contrasts this proactive process-oriented political work with the more legalistic, reactive approach which characterises the work of the Council of Europe.

Case Study: Kosovo

As one of the pillars of UNMIK, OSCE has been crucially involved in institution-building – political parties, media issues, judicial reform, establishment of rule of law and development and training of local police forces as well as NGO support. Conflict management is tantamount here to the administration of a protectorate (Zellner, 2004, page)

The OSCE's Strengths and Constraints:

- (i) The OSCE has proved to be most successful in conflict prevention, in allaying escalating conflict potential. This has been achieved largely through the skilful behind-the-scenes work of HCNM and long-term field missions. Its lack of political weight and substantive carrots means that it has been able to play a less effective role in negotiation processes. The strength of the HCNM's position lies in his (her) capacity to travel to the potential or actual conflict country, conduct face-to-face discussions with representatives of both sides, talks are not intended to lead to written recommendations (Zellner, 2004, 20).
- (ii) Specific recommendations in form of Hague Recommendations on the Education Rights of National Minorities (1996), Oslo Recommendations on Linguistic Rights of National Minorities (1998) and Lund Recommendations on Effective Participation of National Minorities in Public Life (1999).
- (iii) OSCE has also at times encountered problems on occasion in being seen as a credible neutral actor. E.g. the Russian Authorities have questioned the OSCE's position in the Moldovan negotiations. Though the case of Russia underlines the fact that powerful states are in a position to keep the OSCE out and thus OSCE is likely to have more success in the case of smaller countries.

In terms of OSCE cooperation with EU, Solana has described the two organisations as 'natural born partners.' Almost half of the OSCE participating states are EU members; the EU covers more than 70 percent of OSCE's core budget and there are channels for participation and exchange at the headquarters level in Brussels and Strasbourg, in the form of ministerial EU-OSCE troika meetings

Council of Europe

The Council of Europe contributes both to the conflict prevention and post-conflict reconstruction aspects of conflict management. Since its foundation in 1949, the Council of Europe has made a significant contribution to the spread of shared democratic norms, the upholding of human and minority rights as well as contributing to the building of democratic institutions based on rule of law throughout Western Europe as well as Eastern Europe since collapse of communism. It operates through a 'legally binding treaty based system'. (Swimelar, 2001, page) The Committee of Ministers, made up of the foreign ministers from the member states is the main decision-making body of the Council of Europe. It meets twice a year but twice-weekly or special meetings with member states permanent representatives operate in between the ministers meetings. The Committee of Ministers undertakes actions to further the objectives of the Council ranging from conventions (such as the 1950 European Convention on Human Rights and 1995 Framework Convention on National Minorities) or agreements, adoption of common policies on particular issues, recommendations to members on political questions. Sub-national authorities are represented in the Congress of Local and Regional Authorities. The Venice Commission, which was established in 1990 expert advice and opinions on constitutional issues. Finally there is the Parliamentary Assembly of the Council of Europe (PACE) made up of representatives of the member states parliaments.

In terms of conflict management the work and remit of the Council of Europe tends to fit into the longer-term processes of democratisation and strengthening the rule of law and the socialisation of governments and peoples into such norms and practices through:

- (i) Diplomatic pressure -- agreements, adoption of common policies on particular issues, recommendations to members on political questions.
- (ii) Multi-level interactions, dialogue and exchange at the national government, local and NGO level; encouraging member states compliance with treaties and conventions, most importantly the ECHR and FCNH and other agreements which have been agreed through multi-lateral decision-making procedures.
- (iii) Educational and training programmes
- (iv) Technical assistance with the introduction of human and minority rights protection into national laws, promotion of models of good governance
- (v) Monitoring and reporting procedures – on compliance and domestic implementation of legal commitments
- (vi) Sanctioning mechanisms – via recommendations to member states on political questions; refusing to consider membership (as in the case of Russia over Chechnya, Yugoslavia over Kosovo in 1998) or suspending membership until such time as democratic and/or human rights violations are corrected.⁴⁹
- (vii) Adjudication through European Commission of Human Rights – since 1989 the acceptance of compulsory jurisdiction of ECHR has been a political condition of membership in Council of Europe. One state may bring a case against another state or as more commonly occurs an individual may bring a complaint against a state. (Swimelar, 2001)
- (viii) Signing up to covenants - this option in certain cases is open to non-CE members. It can serve as an important method of building up credibility on the part of non-CE members and arguably also work as a tool of socialisation.

Such activities which promote governance in accordance with democratic norms and the rule of law at all levels of society dovetail with both the conflict prevention part of the cycle (reflecting the widely-held belief that democracies do not go to war with each other) and processes of entrenching and building the peace in the wake of violent conflict.

In terms of coordination between the OSCE and Council of Europe representatives from both organizations are invited to attend meetings of the other organisation. The Council of Europe has taken part in OSCE delegations of rapporteurs and also in the preparation of assignments of the HCNM. The post of Special Adviser on OSCE has been created by the CE. (Swimelar, 2001, 115).

The current and future role of the EU in conflict management: A conclusion

Since the failures of its attempts at conflict management in the former Yugoslavia in the early 1990s, the EU has gone some way to addressing some of the shortcomings and constraints on its actions as a foreign policy actor through e.g. the establishment of the High Representative for CFSP, the enhancement of the PSC as well as the development of CESDP and the establishment of the rapid reaction force which for the first time has provided the EU with its own defence capability. Further enhancements of foreign policy delivery were due to be

⁴⁹ Though CoE have withheld membership on occasion, minority rights have not played a significant role in this. Thornberry and Estebanez, 2004, 663 cited in Houten and Wolff, 2006.

introduced under the Lisbon Treaty including changing the current institution of the six-monthly rotating union presidency to a five-year position and the abolition of the pillar structure but these currently remain in abeyance due to the 'no' vote in the Irish referendum in June 2008. Further details on these developments are available above, therefore, we will now only briefly sum-up the current capabilities of the EU, which give rise to some of the recommendations for strengthening its role as a conflict manager outlined below.

As Christopher Hill wrote in 2001 'conflict prevention has become the new operational code of European foreign policy', we here take a closer look at how the institutions, instruments and funding capabilities of the EU live up to this assertion? In its overall approach towards conflict management, the EU appears to have two sets of parallel and potentially complementary (though also potentially incongruous) policies: (i) firstly, what might be termed the more traditional set of conflict management instruments – ranging from early warning mechanisms, diplomatic responses, participation (or not) in peace talks, military capacities and involvement in post-conflict resolution through financial and technical assistance, peace-keeping and peace-building through administrative and military presences. (ii) secondly, there are a whole set of policies which also fit into the domain of conflict management which are based on the EU's preference for conflict management through constructive engagement and the building of contractual ties with external countries which condition the deepening of such relationships on meeting conditions/obligations laid out in agreements (SAA, PCAs, Action Plans) and monitoring the meeting of such conditions through regular progress reports. Conditions or actions relating to conflict management issues have been incorporated into these documents with varying degrees of aptness and effectiveness. Arguably this approach to conflict management, which could also be termed conflict management through socialisation, in particular concerns the EU's relations with prospective and aspiring members though some degree of socialisation may also occur with other EU partner countries. Through agreements with the EU, interactions with EU officials, the implementation of EU-partner country contracts, third parties may over time be procedurally and normatively habituated into the community of democratic, human rights and rule of law values espoused by the EU and its member states. It is this second set of conflict management policies that sets the EU apart from all other international organisations briefly discussed above and that offers a powerful new set of tools for conflict management in the European neighbourhood, while at the same time potentially limiting the EU's role beyond this area.

Considering the two sets of policies at the EU's disposal, conflict management as a distinct EU policy area cuts across the current three-pillar organisational structure of the Union involving all three pillars in different ways. In terms of the three pillar structure, the more traditional conflict management instruments form part of the second intergovernmental CFSP pillar emanating from the Council; the broader political and economic association and partnership relations fall within the remit of the first pillar and the frames of the Commission, and the missions to facilitate the reform of the police, strengthen the rule of law and build public administration form part of the activities of the third pillar JHA and are also largely located in with the Commission. Clearly this division across pillars creates potential coordination and cooperation issues across remits and institutional boundaries. These have in part though not entirely been addressed through Commission and Council officials attending committee meetings in parallel institutional structures, etc.

In addition given that CFSP actions are based on the EU's second pillar and thus based on intergovernmental decision-making, this can in the case of peace-making processes lead to a failure or at best a slowness to act on the part of the

Council due to (i) the lack of political will on part of member states or alternatively and/or (ii) the inability of member states to reach a common position – a difficulty which has arguably been exacerbated in the enlarged EU 27 and reflected most vividly and recently in the stark differences between new member states and old members states over degree of criticism/harshness of response to Russia for its incursion onto Georgian soil.

EU Conflict Management Institutions at present

At the present time (given the impasse over the Lisbon Treaty the no vote in the referendum in Ireland) the EU has developed the following capabilities in the conflict management area;

The EU Presidency – which currently constitutes a six-monthly rotating position among member states – takes the lead in cooperation with the High Representatives on foreign policy issues. The presidency, as a result of changes introduced under Treaty of Amsterdam (1997) has the right to negotiate agreements on behalf of the EU. Foreign policy undertakings are usually conducted via the institutions of the troika (made up of the current and future president of the EU, the Commission and the Council with only a speaking role). The six-monthly turnovers (which would have been addressed through reforms under Lisbon) often leads to a lack of consistency/coherency in EU priorities as Presidents often focus on issues relating to their domestic and geographical priorities. The EU Presidency has in the past been responsible for hosting peace talks such as in the early 1990s with the Conference on Former Yugoslavia or more recently visiting conflict parties in shuttle missions and attempting to secure a ceasefire as in case of President Sarkozy in the conflict over South Ossetia between Georgia and Russia.

The Political and Security Committee is the key institution responsible for operationalising the CFSP. It meets once or twice a week, is made up of senior officials from member states, the Council and Commission, and is responsible for steering the work of the EU Military Committee and Committee on Civilian Crisis Management and all CFSP working groups, for supervising the implementation of CFSP decisions and for managing political dialogue at official level and maintaining links to NATO. (Cameron 2002, 8)

The High Representative for Common Foreign and Security Policy – located in the Council – is as the title suggests responsible for the EU's Common Foreign and Security Policy. As Cameron has pointed out given the rather vague definition of the responsibilities entailed in the role in the Treaty of Amsterdam, the definition of the role is very much shaped by the personality of the individual occupying the office. (Cameron, 2002, 9).

The work of the High Representatives is underpinned by a Cabinet, the Directorate General of External Relations and a Policy Planning and Early Warning Unit (PPEWU) within the Council Secretariat whose mandate includes monitoring, analysis and assessment of international developments and events, including early warning on potential crises. It drafts policy options, which may contain recommendations and strategies for presentation to the Council under the responsibility of the Presidency.⁵⁰ Cameron acknowledges that the institutions of the High Representative have not always fully cooperated with each other thus weakening their potential impact. (Cameron, 2002, 9). Moreover the PPEWU which is potentially a critical element in the EU's conflict prevention toolbox is hampered by the rather its small staff – just one official from each member state as well as representative from Council and Commission.

⁵⁰ http://ec.europa.eu/external_relations/cfsp/intro/index.htm (accessed on August 20, 2008)

The Directorate-General of External Relations which is located inside the Commission is responsible for conducting EU's relations with external actors and also implementing the CFSP. DG Relex deals with the EU's relations with its neighbours on the Union's Eastern and Southern rims as well as other countries further afield. In the case of conflict management there is the possibility for potential institutional disconnect between decision-making by the High Representative located in the council and implementation under the auspices of DG Relex in the Commission. A number of other DGs and Union structure are also involved to a greater or lesser extent in the implementation of various aspects of conflict management policies including DG Enlargement which was previously responsible for the EU's enlargement into Central and Eastern Europe, Cyprus and Malta and now largely focused on SAA countries and Turkey. As Tocci highlights in the case of Cyprus, DG Enlargement was empowered to steer the enlargement process but was not given a mandate to promote a settlement to the conflict. (Tocci, 2008, page). Likewise tensions between the stabilisation aspect of the post-conflict situation in the Western Balkans and the traditional-association political and economic integration approaches promoted by DG Enlargement have arguably hampered the efficacy of the SAA process.

Other commission directorate generals and EU bodies which may also be involved in different aspects of conflict management or conflict areas – include ECHO (European Humanitarian Aid Office), TAIEX (Technical Assistance Information Exchange Unit), DG-Justice and Home Affairs, DG-Trade and DG Development. The sheer number of potential EU institutions involved in conflict management underlines the imperative for creating institutional practices which foster increased intra-EU cooperation and ensure integration or at least consistency across different approaches and areas.

As already mentioned, the EU has delegations in some 128 countries not to mention possibilities for cooperation with embassies of member states though the capacities of these delegations as well as interaction with member state embassies vary enormously from case to case.

EU Conflict Management Instruments at present

In terms of the traditional panoply of instruments of conflict management, the EU can draw on the following political, economic and military capabilities:

- (i) Joint statements – declarations on part of Council or EU Foreign Ministers expressing concern about the turn of events in particular conflict situation.
- (ii) Joint actions -- legally binding operational actions with fixed aims and financial means.
- (iii) Common strategies -- adopted by European Council in 'areas where the Member States have important interests in common' – these may combine first and third pillar issues along with CFSP matters and combine Union and Member States means.
- (iv) Common positions -- laying out the Union's approach towards particular geographic or thematic issues (Cameron, 2002,11-12).
- (v) EUSRs -- appointed to deal with particular problem areas – though these have varied in their efficacy.⁵¹

⁵¹ http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=263&lang=en (accessed on August 22, 2008). Since his appointment, Miszei has (i) increased transparency and awareness about the EU role in Moldova and Transnistria: (ii) facilitated political dialogue with the Ministry of Reintegration in Chishinau and served as a conduit back to Brussels; (iii) provided an additional channel for conflict resolution and (iv) pushed for funding on Transnistrian related issue.

- (vi) Economic sanctions – Article 228a of Maastricht Treaty provides a legal basis for economic sanctions, an instrument which can be levied to give positive incentives as well as negative sticks to conflicting parties. In general there is much debate over the efficacy of sanction regimes as comprehensive application is crucial to their effectiveness and these can be easily undermined by countries which choose to continue to trade and do business with offending countries. Sanctions busting can be a lucrative business.
- (vii) ESDP civilian, police and military operations – which range from provision of technical assistance and training directed towards strengthening security such as in the case of the EUBAM border mission across Ukraine-Moldova border, the police mission, Operation Proxima in Macedonia – to ambitious institution-building post-conflict peace-building missions currently epitomised by the EULEX mission to support rule of law, policing and judicial processes in Kosovo as it seeks to build its independent future.
- (viii) Rapid Reaction Force – made up of up to 60,000 people which can be deployed within 60 days and operational for a period of up to a year. Carrying out Petersberg Tasks. See above. In terms of hardware, planning and operations, EU has up to now had to rely on NATO assets and capabilities. (See Berlin Plus Agreement, 2003).
- (ix) Support for civil society and other democratisation projects – under framework of EIDHR. Support has been provided for projects that foster respect for human rights, rule of law, protection of minorities and political pluralism. In contrast to the US which has pursued a model of funding opposition parties, the EU has pursued a democracy building model which favours the funding of civil society organisations. (Youngs, 2002)

In addition there is another set of instruments which though overlapping with the above category largely falls under the rubric of the second approach to conflict management discussed above -- conflict management through constructive engagement. This involves the use of contractual relationships through a conditionality-based rapprochement and reward system delivering financial and technical assistance and other economic and political benefits subject to the fulfilment of conditions in whole range of areas.

The perceived success of the progressive process of enlargement into Central Eastern Europe built around the Copenhagen conditions, Europe Agreements, Opinions, Regular report, Accession Agreements has formed the model for the development of second and third tier sets of relationships with countries in the EU neighbourhood – the Stabilisation and Association Process for the Balkans has sought to stabilise the region in part through prolonging the conditioning stages between the commencement of the process and the eventual entry of the countries of the Western Balkans into the Union. In the case of the ENP, the EU has sought to draw on the instruments of conditionality, reward through fulfilling jointly agreed actions but without the prospect of eventual accession. Though the ENP, SA and enlargement process have had different components and in the case of ENP versus SA and enlargement are separated by the clear dividing line of inclusion of a membership prospect or not, they have all been modelled on a similar policy approach of constructive engagement with external parties through the development of contractual relations. These tools contribute to conflict prevention and/or resolution both through stipulated actions in the contracting documents as well as through longer term processes of socialisation into Community values of democracy, human rights and rule of law as well as integration into the European single market.

By now there are quite a number of instances of the attempted usage of such conditionality in the area of EU conflict management – this has ranged from ameliorations in human and minority rights legislation (such as counsel to change citizenship and language laws in the case of Estonia and Latvia in the EU’s regular reports during the process of accession); handing over indicted war criminal to ICTY in the Hague which has been pinned to signing an SAA in the case of Serbia or opening membership negotiations as was the case in Croatia); progress on integrating disparate police forces in the case of BiH was linked to signing the country’s SAA. However the efficacy of the leveraging of conditionality in the conflict management area has been mixed as underlined by the limited progress in conflict management in the case of the ENP Action Plans in the Union’s Eastern neighbourhood.

Limitations of Current EU Conflict Management Capabilities

Some of these have already been alluded to above:

- (i) Reaching common positions -- the difficulty of securing agreement among 27 with diverging interests. Highlighted most recently in case of differing responses between old member states and new member states over responses to Russia in the South Ossetia/Georgia conflagration. This is further exacerbated by EU not always being perceived as neutral actor which clearly militates against it playing a constructive role in peace negotiations.
- (ii) Lack of political will -- reluctance to get involved due to lack of desire or insufficient incentives on part of member states. Taken together these difficulties have meant that the EU has on the whole been hesitant in adopting a more proactive in peacemaking processes – thus far it has e.g. declined requests from Moldovan leadership to seek to play a more active role beyond its current observer status in the 5+2 talks on Transnistria.
- (iii) Internal EU divisions -- Institutional differences between Council and Commission and at time among DGs in Commission -- further pronounced by differences in decision-making rules – inter-governmentalism of Council decisions (very few decisions in CFSP subject to QMV) versus QMV in Commission.
- (iv) Institutional disconnect over policy management particularly – marked by field of conflict management which is multi-stage and arguably multi-prong policy area, elements of which cut across horizontally all three pillars of EU action. The European Office for Emergency Humanitarian Aid e.g. is located in the first pillar. Gourlay has identified the following four key institutional and policy disconnects: (i) between operational and planning capacity; (ii) between military and civilian operations; (iii) among the four key priority civilian capacity areas and (iv) between short-term crisis management and longer-term reconstruction and peacebuilding efforts. (Gourlay 2004, 416-417)
- (v) Ineffective early warning mechanisms – Lack of knowledge of the local situation inside Commission can also hamper peace-making process as Tocci has shown in case of Cyprus where member state government misjudged the ‘complex make-up of the principal parties, each of which included different players aiming to achieve radically different outcomes.’ (Tocci 2008) Moreover, as Tocci (2008) points out EU delegations operating in countries with internal conflicts are not necessarily given special training on the complexities of the conflict.
- (vi) Problematic of conditionality – Hughes, Sasse and Gordon (2004), Gordon, Sasse and Sebastien (2008), Sasse (2008, upcoming) all point out the potential loss of credibility and dwindling efficacy of EU conflict management – in the case of SAA, for example, the repeated prolongation of the operation of conditionality through introduction of

additional stages in the association and accession processes has undermined its credibility. In case of ENP the conditionality lacks bite as the incentive structure is simply not attractive enough.

- (vii) Lack of precision in terms of conflict resolution elements in terms of EU's contractual relations with external parties – Actions listed in Action Plans directed towards conflict resolution in the Action Plans for Moldova, Azerbaijan, Armenia and Georgia are characterised by vagueness and lack of specificity.

Recommendations for strengthening EU's role in global conflict management

Given the range of international organisations (IOs) with different roles, mandates and capacities involved in different stages of conflict management processes and with varying records of efficacy and internal constraints on as well as the character of the EU – the EU would do well to direct its attention to building its conflict management capacity and strengthening its contribution in the following domains:

(1) Strengthening instruments for arriving at common positions

From its very beginning, the biggest obstacle to the EU's attempts to forge and activate a common foreign and security policy has been the difficulty it has encountered in arriving at common positions given the diverse interests and varying degrees of political will of its member states. This is evidently an even greater challenge for EU27 than it was for EU15 and has been accentuated in the case of the new member states not just in terms of the sheer quantitative problematic of reaching consensus but also as regards the clear divisions that have been highlighted along critical strategic fault-lines such as in the case of Russia (cf: recent events in Georgia) and in terms of support for differing degrees of engagement with the states of Former Soviet Union.

(i) One possible instrument to lessen this problem would be to consider possible changes in voting rules such as 'consensus minus one' or 'consensus minus two' as is the rule for meetings of heads of state or governments of the OSCE on certain issues—though in this case the minus one or minus two rule applies to conflicting parties or countries that have infringed commitments.⁵² Of course this might not be feasible given the intergovernmental format of the Council and the already manifest opposition to the extension of qualified majority voting (QMV) in areas of CFSP.

(ii) Procedures for opt-outs on particular issues could be developed (Havermans, 1998) or the possibility opened to member states to sign up to differing degrees of commitment to particular conflict resolution issues. This model has been largely successfully applied to date in the case of Kosovo's unilateral declaration of independence on February 17, 2008. Though seven EU member states have withheld recognition for its unilateral declaration of sovereignty -- Spain, Portugal, Slovakia, Cyprus, Malta, Romania, Greece – they were nonetheless willing to approve the deployment of and participation in EULEX.

(iii) Another alternative would be to create space for the forging of subgroups of key players which share the same interests and/or positions in a particular conflict situation. Such groups could play a range of different roles as the work of Theresa Whitfield (2007) on the subject in the context of the United Nations suggests with possibilities for issuing common statements, passing resolutions, exerting diplomatic pressure,

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See <http://209.85.135.104/search?q=cache:SAhp8HAvtoqJ:www.osce.org/item/22286.html%3Fch%3D956+OSCE+consensus+minus+one&hl=en&ct=clnk&cd=1&gl=uk>

negotiating ceasefires and peace-making arrangements, etc.⁵³ A unified small sub-group taking the lead in negotiations or as a group of friends to conflicting parties may obviate the extremely difficult problem of achieving agreement among 27 diverse and disparate states. It would also accelerate decision-making and response times.

(2) Focusing on conflict prevention and post-conflict stabilisation

Given the evident difficulty of achieving consensus among member states on foreign policy issues, a dilemma which has threatened to undermine its position as a credible mediator in peace-making negotiations, not to mention its ability to cast itself as a neutral actor, the EU should continue to enhance its role as an organisation which focuses on conflict prevention and post-conflict reconstruction, stabilisation and democratisation phases of the conflict cycle. The EU has had some successes and developed some useful experience in these latter areas in the Western Balkans including in its preventive diplomacy in the case of Macedonia and Montenegro and its contributions to post-conflict rebuilding in Bosnia-Herzegovina and Kosovo (further details above).

(3) Developing a comprehensive conflict management concept and mechanism

The EU should develop a comprehensive conflict management concept combining and integrating the existing capacities, instruments and approaches which are present in different institutions of the EU. This should be complemented by the development of a central coordination and conflict management mechanism, a so-called 'focal point' for conflict prevention and management, which could facilitate the streamlining of different strategic policy actions across EU institutions, the pooling of knowledge and expertise among intra-EU institutions, member states' ministries of foreign affairs and the broader NGO community and the speeding up of the cumbersome multilateral decision-making processes inside the EU, etc.⁵⁴ Francesco Marelli, for example, has proposed an EU Commissariat for Peace and Conflict Transformation.

Both in the context of SAA and ENP the EU has gone some way to incorporating future conflict prevention and peace-building measures into their broader integrationist instruments, but this needs to go further. Conflict management policies cannot simply be bolted on to instruments as in case in particular of ENP countries in Eastern neighbourhood such as Armenia, Azerbaijan and Georgia but must form a truly integral part of such policy instruments. Likewise there is a need for a deeper understanding of post-conflict stabilisation and optimal policies to be implemented and instruments to be deployed. (See Gordon, Sasse and Sebastien, 2008)

(4) Adopting a graduated approach to conflict management engagement

The EU should conceptualise and put in place a graduated approach to conflict management engagement based on geographical proximity as well as available instruments with accompanying incentive structures and funds. A systematic methodology could be developed as to the degree and nature of EU involvement taking into account (i) the nature of the conflict and the point in the conflict cycle; (ii) the EU's own comparative strengths as well as those of other international organisations and individual states in particular aspects of conflict management and (iii) the geographic proximity of conflict situations (a clear differentiation could be drawn between three levels of engagement – intra-EU, the European neighbourhood and a broader global outreach). Such divisions of labour along

⁵³ See Theresa Whitfield's work on contact groups and other groups of friends. Whitfield identifies five broad kinds of group structures: (i) contact groups; (ii) groups of friends; (iii) friends of a country; (iv) implementation and monitoring groups; (v) coordination mechanisms for assistance. (Whitfield, 2008)

⁵⁴ See http://www.transnational.org/Resource_Index_EU.htm

both geographic and functional lines have been under discussion among governments, elites and academic communities in recent years.⁵⁵ The adoption of a systematic graduated approach to conflict engagement would to an extent reduce the current 'ad-hocery' still associated with the six-monthly presidential rotation system.

(i) For those countries which harbour European aspirations or are in the European neighbourhood (primarily the Eastern neighbourhood), the EU is clearly in a position to bring more pressure to bear by directly linking funding and other incentives to compromises and progress on the part of conflicting parties. This conditionality-based approach combined with an emphasis on long-term socialisation in democratic and rule of law based values lies at the heart of the SAA and ENP instruments (see limitations above).

(ii) For countries further afield, the EU may consider a variegated approach possibly including the following modes of engagement: (a) funding for post-conflict reconstruction, (b) contribution of technical expertise drawing on the EU's experience in other post-conflict situations particularly the Balkans in growing civilian police forces for example, (c) progressive trade agreements structured around a package of carefully crafted incentives, (d) participation as an observer or as part of troika or similar in peace negotiations.

Case Study: Georgia and Abkhazia: Failure to engage with existing tools

To this day the EU has supported the territorial integrity of Georgia and refused to acknowledge the secessionist claims of either Abkhazia or South Ossetia. In the case of Georgia particularly since election of President Saakashvili in wake of Rose Revolution in 2003, the EU while recognising the complex geo-strategic position of Georgia and vested interests of Russia in the two secessionist regions, could have linked aid and closer EU rapprochement through ENP more closely to pressure on the government to mollify its refusal to accept anything less than Georgia's position as unitary state with rather limited autonomy arrangements and its evident intransigence at the negotiating level – likewise funding of local projects to Abkhazia and greater aid, technical assistance and greater engagement with other international organisations could have checked the growing dependence of Abkhazia on Russia.

(5) Enhance internal capacities and increase coordination

Though steps have already been taken in this direction, the EU should seek to enhance internal capacities including increasing the number of staff employed in the PSC, improving training in conflict prevention and management⁵⁶ as well as boosting internal coordination among EU institutions involved in different aspects of conflict management -- the Council, the Commission, the Parliament as well as different DGs within the Commission (DG External Relations, DG Enlargement, DG Justice and Home Affairs, DG Trade) – including by furthering the already existing practices of Commission representatives working in the Council, attendance of officials from other EU institutions at regular internal meetings at different levels, information exchange, and so on. Taking the lead from the UN's Department for Peacekeeping Operations and the OSCE, Catriona Gourlay argues the case for 'a cross-pillar integrated planning and mission support service' rather than a split of

⁵⁵ See Theiler 2008 on NATO and the EU. Thus in 2001 NATO proposed a strict regional role for the EU which would be responsible for tasks on its immediate periphery. Others have suggested that the functional roles of international organisations be delineated according to comparative strengths – the EU having proved itself more in the areas of crisis prevention and post-conflict rebuilding leaving NATO to manage military conflict management.

⁵⁶ For a discussion of conflict prevention training in the UN system and the United Nations System Staff College EWPM Project, see Dufresne and Schnabel (2004).

operational and financial responsibilities between the Commission and the Council which she argues has resulted in fragmentation and inefficiency. (Gourlay, 2004, 416-417). Such institutional splits are further exacerbated in the case of conflict management by division of roles between the Council and the Commission as illustrated for example in the case of ENP in Moldova where a gap is evident between the Council and Commission – between the activities, priorities and funding streams of EUSR and other activities/areas in ENP. Such discrepancies also reflect underlying tensions in approaches between the priorities of facilitating conflict management and policies directed at democratisation, market and trade alignment policies.

(6) External coordination

There are by now a large number of international organisations as well as state actors that have interests (not always complementary) as well as mandates for operating in the field of conflict management. For those organisations operating in the European space the conflicts of the Former Yugoslavia and the evident failures of the international community in the first half of 1990s at least to develop a credible, coordinated and effective response served as a clarion call and engendered a massive learning curve on the part of the organisations operating in the field – EU, OSCE, NATO, UN and UN agencies and the Council of Europe. These institutions have all taken considerable strides to adjust to the post-Cold War prevalence of intra-state conflict and to build their conflict management capacities accordingly as well as mechanisms for inter-organisational cooperation and coordination. Nonetheless the evolving conflict and post-conflict situation in both BiH and Kosovo underlined the imperative for improved 'coordination of military and civilian measures in connection with crisis management and post-conflict reconstruction and nation-building'. (Thailer, 2008, 21).

The EU could take the lead in building on existing mechanisms for cooperation among these organisations and their institutional hubs as well as to improve channels of communication, information exchange, burden-sharing, pooling and other forms of bilateral and multilateral coordination among different international organisations and NGOs operating on the ground in conflict situations – in an effort to avoid duplication, clashes in the approaches of different organisations, conflict parties seeking to play one off against the other and ultimately the unnecessary prolongation of conflict -- and instead to assure coordinated and matching responses to conflict situations as well as between short-term crisis management and longer-term efforts towards reconstruction and peace-building. (Whitfield, 2008, page and Gourlay, 2004, 417 check)⁵⁷ In a recent interview Ion Stavila, deputy minister of integration in Moldova highlighted the lack of interaction among different international organisations operating in his country.⁵⁸

(7) Developing more systematic in-house conflict analysis expertise and capacities

The EU should take steps to develop its own in-house conflict analysis expertise and capacities, taking greater advantage of the wide range of new information gathering opportunities (internet, computerized databases, greater transparency of intelligence agencies) and drawing on state of the art research in the conflict management field including examinations of possible power-sharing arrangements to deepen its knowledge of countries in the European neighbourhood and its ability to provide particularised recommendations on institutional arrangements which may allay the tensions that lie at the heart of

⁵⁷ Schulte (1997, 28) has highlighted the different institutional approaches of NATO and the UN, NATO tending to stress the application of military power and the UN favouring traditional peacekeeping principles. See also Swimelar (2001) comparison of the Council of Europe's legal approach and the OSCE's political approach.

⁵⁸ Interview with Deputy Minister Stavila, Chishinau, July 2008.

the conflict.⁵⁹ Increased in-house expertise (for example increasing the number of staff currently working in the Council's Policy Planning and Early Warning Unit) would be important for developing methodologies for risk analysis and assessing conflict potential, putting in place more effective early warning mechanisms as well as for building a viable peace in the wake of violent conflict or in the case of conflict prevention.

The EU has understandably shied away from proscribing particular state structures and governance arrangements out of its reluctance to infringe state sovereignty. At the same time as Houten and Wolff have suggested, it has demonstrated a commitment to 'respect for and protection of minority rights', which form an integral part of the 1993 Copenhagen criteria for prospective member states, including on occasion in institutionalised power-sharing solutions. This commitment has been evident in conflict settlements in the Western Balkans and further afield in Aceh and the North-West Sudan settlement. (Houten and Wolff, 2005)

(8) Building more effective channels of interaction between EU officials, NGO community and academic experts in conflict management

The EU should seek to establish more effective channels of interaction and dialogue between academic experts, the NGO community and Union officials both in terms of communication of needs on the part of the Council and Commission as well as the more effective channelling of specific research findings as well as applied conflict management tools back into the policy-making community, through regular carefully structured seminars and training sessions.

(9) Upgrading capacity on the ground: Streamlining, optimising information gathering and monitoring processes

The EU could do more to upgrade and build its capacity on the ground. With 128 EU delegations throughout the world, this is a valuable resource that could be developed and drawn on to facilitate conflict prevention. Evidently there is a significant variation among EU delegations in terms of size and personnel capacity – but it would seem to be a worthwhile investment (i) to upgrade the intelligence gathering capacities in these missions particularly in areas with recognised conflict potential and (ii) to conduct more information-gathering in breakaway regions/regions with potential for escalating conflict – such as Transnistria and Nagorno-Karabakh. In this regard EU delegations could also put in place more formal channels of regular coordination and information exchange among EU member states' embassies in these areas and by drawing on the expertise of different member states both in terms of knowledge, presence and engagement in different countries as well as in terms of capacities in different aspects of conflict management introduce a degree of burden-sharing (See discussion in Bierbrauwer and van Tongeren).

Greater knowledge of the specific characteristics of particular countries and regions would enable the EU to develop more nuanced approaches to particular conflict situations and not to fall into trap of taking models that have worked elsewhere in other contexts and applying them in unfavourable contexts. Insufficient knowledge of factors driving conflict situations can lead to inappropriately targeted 'carrots and sticks' disincentivising rather than incentivising different warring parties in conflict situations. (Brian Smith, 2008, 90 in Barnes and Griffiths).

⁵⁹ See A. Walter Dorn (2004, 330-331) on new opportunities for information gathering, analysis and dissemination.

(10) Improving funding instruments

Though the EU is perennially criticised for the limited levels of funding available for certain conflict situations the basic fact of limited available funds – improved burden-sharing and more careful targeting of funds to particular aspects of conflict management – will remain an overriding constraint. With the streamlining of previous funds in the IPA and ENPI in the Western Balkans and the European neighbourhood, the EU has taken some steps towards improving the problematic organisation and operation of its funding mechanisms though limitations remain. (See Gordon, Sasse and Sebastian, 2008). Even so funds should be more specifically earmarked for conflict management. Though it is a definite move forward, the Rapid Reaction Funding mechanism only funds projects for up to six months which is extremely limiting given the life cycle of most conflict situations.

More needs to be done (i) to accelerate the still overly slow bureaucratic funding delivery mechanisms, which is particularly critical in the context of conflict situations, (ii) to develop tailored incentive structures and introduce more nuanced targeting of funding disbursements linked to tangible progress in peace process and (iii) to further coordination of EU funding with other international organisations. If the release of tranches of aid is going to be tied to meeting conditions then the EU must seek to be consistent in the application of the conditionality and not as has been shown time and again in the case of Serbia and the handing over of suspects to ICTY resort to politicised decision-making. Anthony Regan has shown in the case of Bougainville the potential for effective targeting of funding instruments to tie conflicting parties into the peace process as well as giving them a stake in the new post-conflict settlement.

Finally despite the statement made at the beginning of point 10, it still holds true that if the EU is intent on continuing to upgrade its role as a conflict manager including in the Eastern neighbourhood and also more globally, current budgetary allocations will have to rise.

(11) Enhancing the role of EUSRs in the area of conflict management

The EU should take steps to enhance the position and role of its EU special representatives in potential or actual conflict areas. During Boutros Boutros Ghali's and Kofi Annan's time as UN Secretary General, the UN significantly upgraded the function of personal envoys and special representatives in conflict situations; this has been seen to have made a positive contribution to peace processes in a variety of contexts and respects. (See Vance and Hamburg, 1994). The EU's current experience in the Eastern neighbourhood provides an indicative starting point of both the shortcomings and potential of such a role – one need only compare the rather ineffectual involvement of EUSR for the South Caucasus Peter Semneby and the more active largely behind-the-scene's engagement of Kalman Mizsei as EUSR for Moldova.

(12) Extending the device of inviting partner countries to sign up to CFSP statements and declarations

By encouraging countries to feel part of the European club this may contribute to broader socialisation into European values and over time perhaps reduce the likelihood of conflict.

(13) Furthering support of civil society groups in conflict regions.

By engaging actively with civil society in conflict regions, the EU can contribute to strengthening social capacity for conflict management. This needs to go hand-in-hand with careful monitoring of the impact of civil society activities and an approach that helps civil society organisations to become a fully integrated, accepted and respected part of the social fabric in conflict regions whose contribution to conflict management is recognised but not overestimated.