



**EU Framework on Crisis Management:
What role for Humanitarian NGOs?**

**BRIEFING PAPER
BRUSSELS, MAY 2002**



Executive Summary

Since its creation in 1993, the European Union's Common Foreign and Security Policy (CFSP) has developed rapidly. The need for more coordination between the different EU Institutions, to enhance the capacity to react expediently and efficiently in case of crises, has pushed the EU to evolve to be able to reach its external policy aims. New offices, structures and procedures have been created or are being created to develop a comprehensive common foreign policy.

The Rapid Reaction Mechanism within the Commission however, is the EU's attempt to establish a concrete response to 'political' crises, as seen in the Balkans. Presently in Afghanistan, such crisis management activities may include the promotion of democracy and the rule of law, police contingents to help restore public order, human rights monitoring, management of trade sanctions and other humanitarian tasks.

The complex ramifications of these evolving decision-making procedures, the interaction of the Institutions in reaching those decisions, the still ill-defined role of ECHO in this process and the risks to core values of its neutrality and impartiality, are yet not fully understood and may determine major dilemmas, which may include the following:

- **what will be the impact of a political crisis management mechanism under the auspices of EU *intergovernmental* foreign policy interests on humanitarian aid?**
- **will the Council interests on foreign policy conflict with ECHO's mandate?**
- **will the Commission succumb to pressure from the Council?**
- **will increased funding towards a political crisis management mechanism lead to a reduction in the level of funding to ECHO, where implementing NGOs have a special position due to partnership?**
- **what role for military actors in the practical implementation of humanitarian aid?**
- **what would be the impact on local communities and other stakeholders including humanitarian aid actors in the field,?**
- **what are the opportunities for humanitarian aid NGOs?**

Military involvement in humanitarian aid operations is of course context related, and needs to be examined on a case-by-case basis. However, there is potentially much at stake for the future of EU funded humanitarian aid. The increased focus on CFSP may have implications for ECHO, and the review of the EU's humanitarian aid regulation should therefore be followed closely.

We appear to be back to a time of debate between foreign policy and humanitarianism. This was less of an issue in European terms in the past as the EU only had a nascent foreign policy, and no security and defence policy. The Union's foreign policy element is now developing with great impetus. Herein lies the challenge for NGOs, who should strive to know and understand the processes and implications, and who should seek to define their role and function in this process.

Background

The Pillars

In 1992, The Treaty on European Union (TEU or 'Maastricht'), built on former Treaties of the European Communities, adding Common Foreign and Security Policy (CFSP), and is supported by three pillars:

- **First Pillar**- the European Communities (the executive is the Commission), ECHO, review of humanitarian aid, the Rapid Reaction Mechanism (RRM), the recent Communications on Conflict Prevention, Human Rights and Democracy and Linking Relief, Rehabilitation and Development fall under this
- **Second Pillar**, CFSP, including the Common European Security and Defence Policy (CESDP), the Rapid Reaction Force (RRF), ESDI (European Security and Defence Initiative)
- **Third Pillar**, are the Police and Judicial Cooperation in Criminal Matters

The First Pillar has a supranational character; the Second and Third pillars mainly have an intergovernmental character. Roughly speaking, for First Pillar issues, the Commission takes the legislative initiative, and for Second and Third Pillar issues the lead is taken more by the Member States.

The 'Petersberg' Tasks

The 'Petersberg' tasks were originally defined by the Western European Union (1992). With the Amsterdam Treaty, the WEU, a separate defence organisation that had been in existence since 1954, became part of the EU.

The 'Petersberg' tasks are described as:

- Humanitarian and rescue tasks;
- Peacekeeping tasks;
- Tasks of combat forces in crisis management, including peacemaking.

At one end of the spectrum an operation could be dealing with the evacuation of people from an area and providing security and assistance to humanitarian organisations in order to help restore order or allow the relevant organisations to provide relief to refugees. The definition also covers 'conflict prevention' where a force may help to prevent a potential conflict situation from escalating in order to create conditions where the conflict can be peacefully resolved. Finally, at the more militarily demanding end of the spectrum, an operation could help to resolve a crisis between two warring factions.

In practical terms, this could cover scenarios ranging from natural disaster relief, through peacekeeping operations similar to those currently in place in Bosnia, Kosovo and East Timor, to intensive military enforcement, as provided for under Chapter VII of the UN Charter. But the 'Petersberg' tasks do not include the core commitment of a classical military alliance. There is no provision for a mutual security guarantee, whereby each member of an alliance agrees in advance to come to the military aid of its allies in the event of any future attack against any one of them. For eleven EU Member States, this commitment is met outside the European Security and Defence Policy, in the context of Article 5 of the NATO Treaty. Four Member States (Austria, Finland, Ireland and Sweden) have no commitment of this type.

1. The Common Foreign and Security Policy (CFSP)

The EU's Common Foreign and Security Policy (CFSP) was introduced by the Maastricht Treaty, which entered into force in November 1993 and was established as the Second Pillar of the European Union. It aims to safeguard common values and fundamental interests, strengthen the security of the Union, preserve peace and international security, promote international co-operation and develop and consolidate democracy, rule of law, respect for human rights and freedoms.

Maastricht also envisaged "the eventual framing of a common defence policy, which might in time lead to a common defence"¹. The Common European Security and Defence Policy (CESDP) is part of the CFSP.

The provisions on the CFSP were revised by the Amsterdam Treaty (1997). Articles 11 to 28 of the Treaty on European Union are now devoted specifically to the CFSP. Integration of the WEU into the EU was proposed and the 'Petersberg' tasks were explicitly included in the Treaty.

Current work on an EU Defence dimension, and consequently also the civilian and non-military crisis management, was initiated at St Malo in December 1998 when France and United Kingdom issued a declaration aimed at addressing deficiencies. They called for the European Union to have the capacity for military action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises, which has led to the Rapid Reaction Force (RRF).

At the Cologne European Council (June 1999) the Franco-British initiative was translated from a bilateral agreement into official and coherent EU policy.

An important decision in terms of improving the effectiveness and profile of the Union's foreign policy was the appointment of a High Representative for the CFSP (HR), Mr Javier Solana, who took up the post on 18 October 1999 for a period of five years.

Rapid Reaction Force (RRF)

The European Council in Cologne and Helsinki set these specific following targets ('Headline Goals') for the development of military assets for the EU use:

- Cooperating voluntarily in EU-led operations, Member States must be able, by 2003, to deploy within 60 days and sustain for at least 1 year military forces of up to 50,000-60,000 persons capable of ensuring humanitarian and rescue tasks, peace keeping tasks and tasks of combat forces in crisis management including peace making ('Petersberg' tasks), in accordance with article 17 of the TEU
- New political and military bodies and structures will be established within the Council to enable the Union to ensure the necessary political guidance and strategic direction to such operations, while respecting the single institutional framework.

In the same way the Union has begun to test its structures and procedures relating to civilian and military crisis-management operations. "The European Union has established crisis-management structures and procedures, which enable it to analyse and plan, to take decisions and, where NATO as such is not involved, to launch and carry out military crisis-management operations"². Because the Union considers that a balanced development of military and civilian capabilities is necessary for effective crisis management.

The EU already had the ability to co-ordinate its diplomatic and economic activities in support of policy objectives; it had not been able to bring its civilian and military crisis management capabilities to bear effectively. The EU nations recognise that effective crisis management relies on a combination of diplomatic, economic, civilian and military efforts.

¹ TEU Art. J.4; and in Amsterdam, Art. 17-1

² Laeken European Council, 14- 15 Dec. 2001, Presidency Conclusions, SN 300/1/01 REV 1, Annex II

2. New Policy aims

The Helsinki Council (December 1999) stressed also the importance of Conflict prevention and a non-military crisis management mechanism, especially in light of Bosnia and Herzegovina, Kosovo and East Timor crises³. In order to be able to respond more rapidly and more effectively to emerging crisis situations, the Union drew up an Action Plan which 'would show the way ahead and indicate the steps the Union has to undertake to develop a rapid reaction capability in the field of crisis management using non-military instruments'⁴. The Action Plan set the following aims for the development of a non-military rapid reaction capability:

- strengthening the synergy and responsiveness of national, collective and NGO resources in order to avoid duplication and improve performance, while maintaining the flexibility of each contributor to decide on the deployment of assets and capabilities in a particular crisis, or via a particular channel;
- enhancing and facilitating the EU's contributions to, and activities within, other organizations, such as the UN and the OSCE whenever one of them is the lead organization in a particular crisis, as well as EU autonomous actions;
- ensuring inter-pillar coherence⁵.

Designed to enhance the EU's civilian capacity to intervene fast and effectively in crisis points outside the EU, the Helsinki European Council called on the Commission in December 1999 to set up a Rapid Reaction Facility as part of its decisions on the creation of a European Security and Defence Policy.

Rapid Reaction Mechanism (RRM)

The so-called 'Rapid Reaction Facility' of Helsinki rapidly became 'Rapid Reaction Mechanism' (RRM) to avoid any possible confusion with the 'Rapid Reaction Force' (RRF). On February 2001 the General Affairs Council created a legal basis for the RRM under the direction of the Commission DG RELEX (first pillar)⁶. Activities under the RRM can include: election monitoring, human right initiatives, media support, institution building, border management, police training and provision of police equipment, mediation, humanitarian missions, emergency assistance, rehabilitation and reconstruction. The main purpose of the RRM is to deliver these and other instruments as rapid stabilisers and as precursors for eventual longer-term assistance⁷. Since the authorisation of an operation will last for six months, RRM is to be capable of delivering interim services while the bureaucratic steps normally associated with regular (slower) Community programs are being undertaken.

Framework Agreements can be signed with implementing partners, who can be 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.

A distinction is made between the RRM's purposes and humanitarian assistance: the regulation establishing the RRM is not to be invoked if the regulation governing application of the ECHO funds has already been applied to the same situation⁸.

³ Helsinki European Council, II.28, 10-11 Dec. 1999

⁴ Ibid., Presidency Report on Non-Military Crisis Management of the EU, Annex 2 to Annex IV

⁵ The Council of the European Union, doc. 12323/99, 24 Nov. 1999, and doc. 11044/1/99 REV 1, 3 Dec. 1999

⁶ Council Regulation (EC) No 381/2001 of 26 Feb. 2001 creating a rapid-reaction mechanism

⁷ http://europa.eu.int/comm/external_relations/cfsp/news/ip_01_255.htm

⁸ "Activities covered by the Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid ('ECHO Regulation') should not be founded under this regulation", Preamble (7), Council Regulation (EC) No 381/2001

The Regulation establishing the RRM allows the Commission to decide whether intervention by means of the Rapid Reaction Mechanism, should be combined with ECHO action in particular security or crisis management circumstances. In such cases, close coordination shall be established in order to achieve optimal overall coherence⁹.

While ECHO is politically neutral, the RRM is intended to operate in the context of crisis management¹⁰.

As a European Parliamentary briefing explained, when contemplating action under the RRM, the Commission is obliged to inform the Council and to “duly take into account the approach adopted by the Council”. Moreover, “in order to facilitate synergy between operations, the Commission is obliged to ensure close coordination between actions taken under the RRM on the one hand and the activities of EU member states and regional and international organizations on the other. Commission units involved in implementing policy under the RRM regulation and ECHO will certainly need to coordinate with each other if EU policies are to be coherent.

If mandates and responsibilities of different actors are not clear in practice either for EU parties, local communities or warring factions, this may create confusion in crisis areas, at the expense of efficiency and security.

The RRM will operate through a separate budget line of 33 million per year (25 million Euros for 2002), reinforced by the authority of the Commission to decide quickly on urgent interventions. In 2001 the RRM was used in Macedonia, in Afghanistan, in the Democratic Republic of Congo and to finance a mission for the realization of a conflict prevention action program in Indonesia, Nepal and Pacific.

3. Decision-making structures

As the TEU established¹¹, the Commission has no exclusive right of initiative in CFSP activities, but shares this right with Member States. Like any Member State, it may submit proposals on CFSP to the Council, request the Presidency to convene an extraordinary Council meeting and make suggestions to the newly created Policy Unit (PU) for work to be undertaken by the Secretariat of the Council. Like the Presidency, the Commission informs the European Parliament of CFSP developments.

Due to its substantial material resources, the Commission in general terms is strongly placed to help determine major policy decisions of the EU. Where development cooperation and humanitarian assistance are involved, it has a relatively unchallenged role and influence. Furthermore managing the CFSP budget, as part of the EC budget increases its role as well. Nevertheless, as the RRM Regulation sets up, “where the Commission intends to take action under this Regulation, and before taking a decision, it shall inform the Council thereof forthwith. In its subsequent implementation of the action, the Commission shall duly take into account the approach adopted by the Council, in the interests of the cohesion of EU external activities”¹².

The actual decision-making structure and bodies are the following:

European Council

General Affairs Council (GAC) - Crisis management will be conducted under the auspices of the GAC where Ministers of Foreign Affairs meet about once a month. Decisions regarding CESDP are taken in unanimity. Since May 2002 Defence Ministers are in fact now meeting regularly under the auspices of the GAC.

Political and Security Committee PSC (French- COPS) - PSC is composed of national representatives at ambassadorial level and is the focal point for crisis management activities. The PSC “exercises political control and strategic direction of the EU’s military response to a crisis” and

⁹ Council Regulation (EC) No 381/2001

¹⁰ http://europa.eu.int/comm/external_relations/cfsp/news/ip_01_255.htm

¹¹ Art. 18 & 22

¹² Council Regulation (EC) No. 381/2001, 26 February 2001 (OJ L 057 27/02/01), art. 4 (2)

would deal with all aspects of the CFSP, including the CESDP. In peacetime the PSC offers an interface between the Commission and the Member States for exchanging information and situation assessments. During the build up of a crisis, the PSC may consider forming a 'Fact-Finding Mission' (FFM), to clarify which measures could be taken by the EU.

Representatives of the Commission and the Council Secretariat – notably from the Early Warning and Policy Planning Unit (Policy Unit) and the Military Staff (MS) also take part in the meetings of the PSC. Due to the fact that the PSC is the EU body that combines political responsibility and military awareness, the Council may transfer decision-making powers to the Committee for the duration of a crisis-management operation.

ECHO will not attend, due to wanting to retain its neutrality. However, a representative of the Commission Crisis Management Unit apparently attends on behalf of ECHO. While only the GAC can take formal decisions binding the EU, the PSC will agree day-to-day decisions in implementing a Council decision and will maintain political control and strategic direction of a crisis management operation. The PSC receives assistance from a political-military working group, which prepares aspects of meetings of the PSC and is advised by the Military Committee and the Committee for Civilian Aspects of Crisis Management – both established after the Helsinki European Council (1999).

Committee of Permanent Representatives (COREPER) - Even if during a crisis the relevant decisions concerning the political control and the strategic direction of the operation will be formulated at this level¹³, the COREPER will maintain its role.

The Ambassadors to the EU prepare the meetings of the GAC and, in practice, make many of the decisions unless they cannot reach consensus at this level. These meetings are, in turn, prepared by working groups in the Council. Until recently CFSP matters were handled by the Political Committee (POCO) consisting of Political Directors from capitals, but the PSC has now taken over this role.

Committee of Civilian Aspects of Crisis Management - This committee composed of the Member State representatives, was established within the Council and began work in March 2000. Its tasks are to provide the Council, the PSC and other relevant Council authorities (COREPER, GAC) with the necessary information, recommendations and advice on civilian aspects of crisis management, while receiving guidelines from the PSC.

EU Military Committee, (EUMC) - The EUMC provides military direction to Military Staff during crisis-management operations. It also provides advice to HR Mr Solana and the PSC. It is represented at the level of Chiefs of Defence, and daily by Military Representatives. It is the highest military body in the Council. It provides direction for the Military Staff. It is the EU's official military relationship with non-EU countries or institutions. The Chair attends PSC meetings when matters of defence arise, and during crises.

EU Military Staff, (EUMS) – The MS forms part of the Council Secretariat and is currently composed of over 100 people including military and civilian experts seconded from member states and support staff, twice the size of the WEU and about half the size of NATO's international military staff. The EUMS will perform early warning tasks, situation assessment and strategic planning for 'Petersberg' tasks, training and early warning capability. It prepared the Headline Goal of 60,000 troops able to be deployed in 60 days for up to a year, by 2003.

The Policy Planning and Early Warning Unit (PPEWU or Policy Unit, PU) - The Policy Unit was established together with the CFSP (1993). During peacetime the unit drafts position papers for the SG/HR and is tasked with monitoring international developments, early warning, political analysis and contributing to the formulation of a Political/Military (Pol./Mil.) framework by the PSC. The PU works closely together with DG-E of the Council Secretariat. To assist the PU in its tasks, a **Joint Civilian-Military Crisis Management Situation Centre (SITCEN)** within the Council Secretariat, staffed with 'Pol./Mil.' personnel from the PU and EUMS. Here all intelligence, national and own, is gathered and appraised, input is given to the PU, DG-E and the EUMS, reports are provided to the SG/HR, the EUMC and the PSC (via the relevant bodies).

¹³ See Nice Treaty, Art. 25

COMMISSION

A representative of the **European Commission's Crisis Management Unit** attends the PSC. It has drawn up the recent Communication on Conflict Prevention and will manage implementation of the **Rapid Reaction Mechanism**¹⁴. During discussions, military staff informed us that they would be involved in humanitarian delivery too.

A **Humanitarian Task Force** has been set up inside the European Commission between the Crisis Management Unit and ECHO and other related units. There are questions as to what the role of ECHO will be. According to HR Mr. Solana, ECHO will continue in its present role. However, if ECHO has relatively good consultation mechanisms with NGOs, the Council does not yet. EU Member States and the Commission perceive ECHO as the main interlocutor with humanitarian NGOs, and it seems that ECHO does not want, at least officially, to be part of any Council structure, as this would jeopardise its neutrality. NGOs should therefore be concerned about ensuring that their operational voice and expertise is heeded especially since Solana pushed through a "Secrecy Code" on all military and non-military related documents in August 2000.

CRISIS MANAGEMENT PROCEDURES

Crisis imminent

The PSC asks the Military Committee to request an Initiating Directive from the Military Staff (including a list of options for an EU-led operation). The draft Initiating Directive is reviewed by the Military Committee and submitted to the PSC, which then decided an Initial Planning Directive. The EU is supposed to intensify consultations at all levels with all relevant parties.

Crisis erupts

A Committee of Contributors, limited to EU Member States actively participating in the operation manages daily activities of the operation.

When an operation is undertaken, an EU Joint Action is the framework. The "entire chain of command must remain under the political control and strategic direction of the EU throughout the operation". The European Council decides when to end an operation.

The Nice European Council (December 2000) decided on these basic procedures and more detailed procedures were prepared for the Laeken European Council (December 2002).

Military exercises have begun (May 2002) to test out these procedures.

At the latter Council the EU committed to continue its efforts to achieve close coordination between all resources and instruments both civilian and military available to the Union.

¹⁴ Council Regulation (EC) No. 381/2001, 26 February 2001 (OJ L 057 27/02/01). The RRM may be triggered when in the beneficiary countries concerned there occur situations of crisis or emerging crisis, situations posing a threat to law and order, the security and safety of individuals, (...) Actions of a civilian nature which fall within the scope of all areas of intervention of legal instruments...to preserve or re-establish in situations of crisis or emerging crisis, the conditions of stability essential to the proper implementation and success of these aid, assistance and cooperation policies and programmes". See also "*Euro-MPs set to back Rapid Reaction Facility*" in the European Voice of 11-17 January 2001.

MOVIMONDO EXPERIENCE WITH EU'S RAPID REACTION MECHANISM

In April 2001, Movimondo (Italian NGO and VOICE Member) was invited by the RRM's team in Brussels to participate in a Call for Proposals for a reconstruction project in Macedonia. We had been pre-selected by the EC on the basis of the EAR (European Agency for Reconstruction) suggestions.

We submitted the proposal in May and the contract was signed in June. The **Call for Proposals** was structured in a more specific way than usual EC CfPs: it was already defined the district and the type of action (reconstruction of 190 houses in the region around Tetovo). Also the needs assessment and damages evaluation were already done by the EAR, in April 2001. Probably, the decision to finance one organization or another has been based more on previous positive experiences in reconstruction projects in the Balkans (in our case, in Kosovo and Bosnia Herzegovina) and on methodological aspects than on the proposals submitted, as all technical aspects were already defined by the guidelines.

The project started in June but the construction activities started in September – with new target area and with a new assessment of damages carried out within the project by Movimondo - due to the new outbreak of the conflict in July 2001. The project ended in April 2002.

In general, **our opinion** on the Mechanism and this experience in particular is good: at the end of our action, we have reconstructed 285 houses and the objective to support Macedonian Civil Society during the Peace Process has been satisfied very well. The aim was clearly more political than humanitarian, different by ECHO's mission. One of the main aspect has been selection of houses to rebuilt: it was necessary, for peace negotiations, to equally guarantee Slav and Albanian populations, not on the basis of poverty and emergency conditions. We have to remind that the rehabilitation programme for Macedonia was developed in the context of a specific European diplomatic strategy for Peace Promotion, conceived to show the parties involved in the conflict the opportunities of a peace treaty. NGOs social approach can provide, in this sense, an added value that private enterprises cannot guarantee and it's on this point that NGOs have to work to influence EC decisions on future RRM actions or organization. In Macedonian case, the synergy between diplomacy and development has worked very well.

Some **difficulties** met during the implementation: even if the RRM intervention has been more rapid than other EC instruments (but not more rapid than ECHO), the major problem has been the lack of a structure on the ground, able to support NGOs activities. For this reason, in September (the formal decision was published in January 2002, but since the end of September we have been requested to refer to EAR representatives in Skopje) the EAR was delegated by the Commission to monitor and assist RRM programmes in a more technical and executive way.

After all, we believe that:

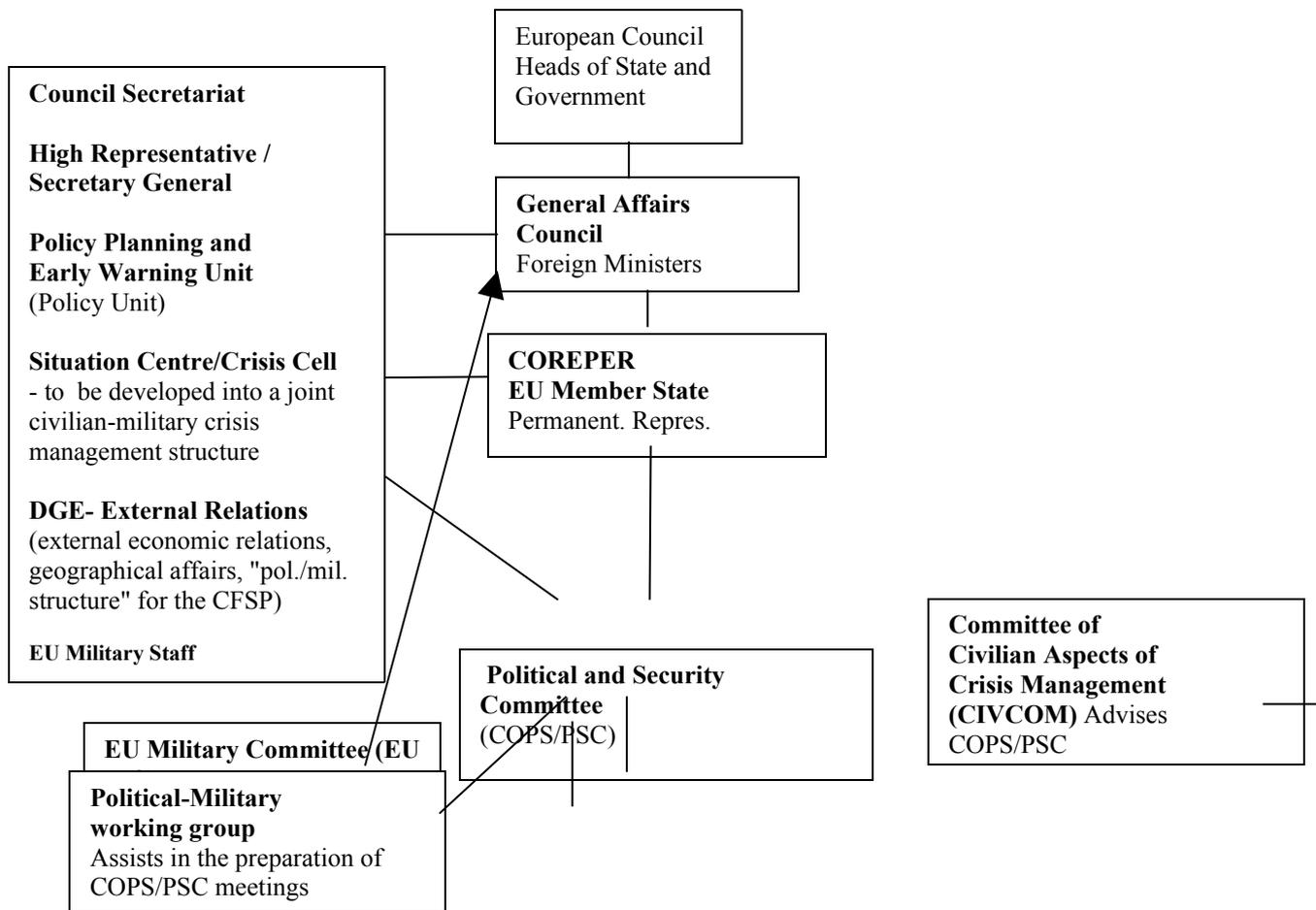
- From a general strategic point of view, collaboration between European Commission and NGOs through RRM can be useful and obtain good results, if well interpreted by EU Delegations and NGOs on the ground.
- From a bureaucratic point of view, RRM has worked very rapidly, but without previous references (as Calls, contracts, guidelines, budget).
- From an operative point of view, as we noted before, RRM lacks of an adequate structure with decisional autonomy, being an EC office directly depending on the Commissioner (Patten): all operational decisions are political decisions. For the future, RRM could: 1) become an independent office on the model of ECHO, losing his political mission; 2) delegate operative management to external "offices" (agencies or other), but in this case it would be difficult to maintain strategic direction and to utilize interventions for diplomatic mediation. In Macedonia, this mechanism worked well thanks to NGO's flexibility and experience and to timing of the events: 1) Peace process managed by the EU Delegation detaining full power on RRM project; 2) Construction activities carried out after the peace agreement signature supervised by EAR.

For these reasons, we believe that this model could be not necessarily mirrored in other contexts and under different circumstances.

ANNEX I

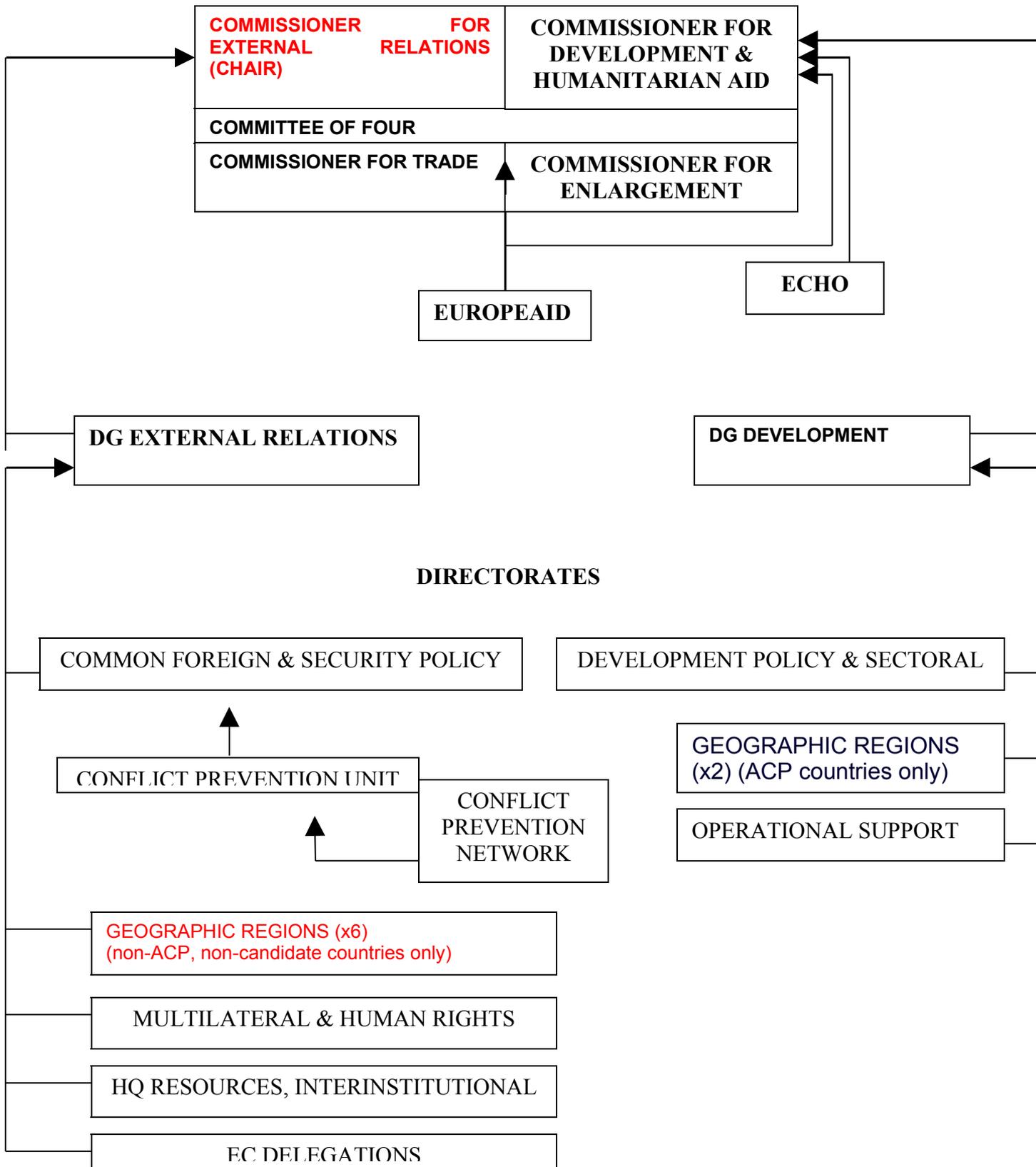
THE EU's CRISIS MANAGEMENT STRUCTURES

Council of the European Union



Source: World Vision EU Liaison Office, "Briefing on Crisis Management Procedures and the Rapid Reaction Mechanism" April 2001

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