

Feasibility Study on the European Civil Peace Corps

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Executive Summary

This study explores how the proposal for a European Civil Peace Corps (ECPC) might contribute to EU civilian capacities for conflict prevention, crisis management and post conflict peace building. It tracks the progressive identification of EU civilian crisis management with the activities conducted within the European Security and Defence Policy (ESDP) in the Council, and shows how this approach is limited and institutionally divorced from conflict prevention and crisis management activities supported by the Commission.

Part one of the study provides a short overview of the history of the ECPC proposal and the development of EU civil crisis management, which forms an integral part of ESDP today. The study explains that the idea, first developed in 1994, of creating a ECPC was a response to the ineffectiveness of the EU to deal successfully with inter and intra-state conflict in the early 1990's. Since then, the ECPC proposal has been modified in line with ESDP developments, but it maintains the objective of enabling the EU to access and mobilise the wide range of civilian capacities that exist outside governments for crisis management and peacebuilding tasks.

The study argues that the Council's pursuit of 'headline goals' in four distinct areas (police, rule of law, civil administration and civil protection) was a self-limiting one and notes that, with the exception of police missions, it has proved difficult to realise. In contrast, the Commission has been engaged in activities to strengthen the rule of law in a number of countries for over a decade, where these activities are often implemented by individual consultants, the UN, OSCE or specialist NGOs. While it has not been responsible for managing large-scale deployments of civilians for rule of law missions, it has gained relevant experience in managing electoral observation missions and the civil protection mechanism. The inter-governmental and the Commission's approach to civilian crisis management remain largely disconnected, however, and this trend looks set to continue with recent attempts to bolster the EU's mission support and planning capacities strictly confined to the Council General Secretariat. In this fragmented institutional context, the study identifies a number of shortfalls in relation to training, recruitment, deployment, planning and funding civilian crisis management activities.

The second part of the study explores how the ECPC proposal could usefully be developed to bridge institutional divides and fill capability gaps in these areas. Specifically, it should aim to strengthen the link between training and recruitment, increase the involvement of non-state specialists and provide a more holistic approach to planning and managing civilian missions, including the potential deployment of cross-disciplinary teams. The study argues that such integrating mechanisms would be best developed within a cross-pillar structure and supports the Commission's preference for a common platform for civilian crisis management planning as well as the proposal by the European Peacebuilding Liaison Office (EPLO) for a European Peacebuilding Agency. The EPLO Agency idea aims to help generate capabilities and strengthen links between short-term crisis management actions and longer-term peacebuilding efforts through, *inter alia*, the closer involvement of national directors of internal security and justice agencies, including police, and the Commission in capabilities generation and planning.

In addition the proposal explores the possibility of establishing a distinct ECPC 'service' which incorporates relevant expertise from non-state experts into the Union's growing crisis management toolbox. Three compatible options are identified: 1) the creation of integrated teams capable of rapid deployment to lay the ground-work for longer-term peacebuilding and reconstruction. These would include governmental and non-governmental experts and could be managed and paid for by member states, the Commission or a combination of both; 2) the creation of a mechanism within the Commission for the rapid deployment of larger scale teams or a 'corps' non-state professional volunteers. Their activities could either be managed by the Commission directly, or indirectly through specialist organisations that perform a similar function at a national level; and 3) the adaptation of the EU monitoring missions to include non-state volunteers and to take on additional specialised tasks.

Part 1 The history and context of EU civilian crisis management (CCM)

1.1 Background to the European Parliament's ECPC proposal

When the proposal to create a European Civil Peace Corps (ECPC) was first introduced by Alexander Langer, MEP in 1994, the EU had not yet developed its instruments for conflict prevention or crisis management. Alexander Langer's proposal was intended to raise awareness in the EU-member states about the effectiveness of constructive civilian engagement, given the experience gained in violent intergroup/intrastate conflicts such as in the Balkans. This showed that external interventions need to approach various levels of the affected society and involve a variety of actors and expertise so as to build local capacities to sustain the de-escalation and peacebuilding processes. Moreover, interventions need to support sustainable structures for peaceful co-existence and conflict resolution. The Langer proposal was then an innovative initiative to develop the EU's capabilities to enable the engagement of civilians – professionals and conscientious objectors – usually before the outbreak of violent crisis, to perform functions including: human rights monitoring, accompaniment measures for endangered persons and refugees, local mediation, community building, reform of political and legal institutions and local capacity building including support for the independent media and civil society. Recent wars and post conflict situations have also shown that these prevention measures are also relevant in the regeneration of war torn societies. Yet, in these situations additional initiatives such as trauma work and the re-integration of refugees and former combatants are needed to 'deal with the past' and guarantee successful conflict transformation and prevent outbreaks of further violence.

Since 1995, the EU has developed a number of structures and processes to improve its civilian (and military) crisis management capabilities within the framework of European Security and Defence Policy (ESDP) and through first pillar mechanisms. These developments are acknowledged and built upon in the most recent European Parliament statement on the establishment of a European Civil Peace Corps of 2001¹. The proposal's ambitions remained similar: 'to prevent crisis situations from escalating into violence, by making full use of the resources of civil society', but the fundamental nature of the ECPC was redefined as 'the co-ordination, at a European level, of the training and deployment of civilian specialists' to carry out an expanded range of tasks including: 'arbitration, mediation, distribution of non-partisan information, de-traumatization, and confidence building between the warring parties, humanitarian aid, reintegration, rehabilitation, reconstruction, education, and monitoring and improving the human rights situation, including human rights accompaniment measures'. According to this proposal, the ECPC would fall under the responsibility of the Commission, and be supported through its Rapid Reaction (funding) Mechanism. Nevertheless, mention is also made of the European Union Monitoring Mission (EUMM) and the report calls on the Council 'to make a full and critical evaluation of the work of the EUMM...[its]... shortcomings and the possible new tasks in relation to the establishment of a European Civil Peace Corps...'

Since the 2001 European Parliament proposal for an ECPC serves as the point of departure for this feasibility study, there are a number of features that are worth highlighting from the outset:

1. The personnel of the ECPC are 'trained specialists'. Personnel engaged in ECPC activities are therefore volunteer professionals rather than untrained volunteers.
2. These personnel should conduct a number of tasks that are relevant to pre-crisis activities such as monitoring, mediation, human rights accompaniment, support for the independent media, as well as post crisis situations. The above-mentioned activities are relevant here too as are post-conflict reconciliation, reintegration, rehabilitation, and reconstruction tasks.

¹ European Parliament resolution on the Commission Communication on Conflict Prevention (A5-0394/2001).

3. These personnel should be rapidly deployed through flexible, short-term crisis management funding mechanisms (the Rapid Reaction Mechanism) of the Commission, although attention should also be paid to developing an integrated approach to relevant Council mechanisms such as EU Monitoring Missions.

In short, the challenge that this paper will take up is how civilian experts might best be mobilised to perform crisis prevention and post-conflict reconstruction tasks within an efficient and coherent EU framework for civilian crisis management. Emphasis will be placed, in particular, on how the EU might draw on non-governmental expertise relevant to these tasks.

1.2 Institutional developments and EU civilian crisis management

1.2.1 CM within the framework of ESDP: The four priority areas

At the Feira European Council, civilian instruments for civilian crisis management within the context of ESDP were broken down into advisory, training and monitoring, as well as executive tasks within four priority areas – police, rule of law, civilian administration and civil protection – and it is these priorities that have shaped the EU’s approach to the development of civilian capabilities. The EU method for enhancing civilian capabilities consists of setting quantitative targets, holding pledging conferences at which member states have committed a specific number of relevant national experts (generally civil servants) and, in working groups within the Council Secretariat, developing concept papers outlining the tasks that might be performed in operations on the ground.

Briefly, in the area of **police**, this has led to member states pledging, collectively over 5000 police officers available for international police missions, 1000 of them to be deployable within 30 days. The EU has also launched the European Union Police (training) Mission in Bosnia Herzegovina and in Macedonia (*Proxima*). In the area of **rule of law**, member states have collectively pledged over 200 judges, prosecutors, lawyers, and correctional officers for use in civilian operations. In the area of **civil administration**, member states are looking to identify civil administrators to ‘set up, or ensure the existence of, a functional administrative apparatus, while promoting transition to local ownership as early as possible’. Member States noted that civilian experts could provide: general administrative functions such as registration of property, elections and taxation; social functions such as education, social services and medical services; and infrastructure functions such as water supply, energy supply and telecommunications. Both quantitative and qualitative aspects of the EU’s goals in this area still require further elaboration however. Within the area of **civil protection**, it is envisioned that member state civil protection mechanisms, developed for protection and rescue tasks at the national level, will be adapted to provide assistance during and after a crisis to, *inter alia*, humanitarian actors in covering the immediate survival and protection needs of affected populations in such tasks as search and rescue, construction of refugee camps and systems of communication. The quantitative targets are for: 2-3 assessment teams of 10 experts to be dispatched within 3-7 hours; civil protection intervention teams of up to 2,000 persons; and supplementary specialized services from governmental or non-governmental services to be dispatched within a week.

The Irish Presidency has, however, suggested that it is willing to revisit this approach and has stressed its belief that the Feira headline goals should be implemented as one. This should provide opportunities for a more integrated approach to the deployment of civilian experts from different sectors.

More generally it is worth recalling Dr. Renata Dwan’s observations, made at conference on the issue of coherence and capabilities in the draft European Union Security Strategy², that EU civilian capabilities consist of personnel from member states that are

² Dr. Renata Dwan, Stockholm International Peace Research Institute, elaborated on these features of civilian capabilities in a presentation on capabilities in the civilian field given at the third in a

essentially civil servants, employed by the state to work in national or local structures. This means that these personnel do not generally include non-state experts, with relevant practical experience and/or local or specialist knowledge (including independent consultants, academics or professionals engaged in NGO activities). Moreover, these personnel are not generally easily or readily available for the short-term deployment in international missions. Member states may be reluctant to send them on such missions when they are needed for their domestic duties, and the individuals themselves may have little incentive in the way of career structure and financial inducements to volunteer for such extraordinary and potentially dangerous operations. These personnel will also need to be equipped for international missions; they are not self-standing.

1.2.2 CCM and first pillar activities

The question of competence is complicated by the fact that the term ‘civilian crisis management’ means different things to different people. The Commission notes that while EU civilian missions within the ESDP context are politically important, there is a whole range of tools for civilian crisis management, the bulk of which are organised under the first pillar. It can be noted that while the first ESDP ‘crisis management’ operation was launched in Bosnia eight years after the Dayton accords, first pillar assistance has been used to support the political stabilisation of the country since the end of the conflict. Indeed, the Commission’s claim to competence in this area seems undisputable. It has long been engaged in post-conflict institution building and has developed mechanisms to expedite the delivery of support for crisis management and post-conflict peace-building activities under the Rapid Reaction Mechanism. More specifically, the Commission has experience in managing electoral observation missions and the civil protection mechanism. It also provides personnel and support to UN, OSCE and operations of other partners including NGOs in the fields of rule of law, civilian administration, police and reconciliation efforts such as assistance to truth and reconciliation commissions and investigations of genocide. In addition to crisis management and reconstruction efforts, the Commission also currently supports a number of pre-crisis, conflict prevention activities including, but not limited to: human rights monitoring, democracy and human rights programmes that aim to build capacity in civil society as well and promote good governance (including security sector reform) and support for the independent media.

A noteworthy feature of the Commission’s engagement in conflict prevention and civilian crisis management is the fact that the actors typically implementing Commission-funded conflict prevention, crisis management or post conflict reconstruction activities are usually other international organisations (typically the UN or OSCE) or non-governmental organisations. The Commission is therefore not in the business of managing large-scale deployments of personnel from member states. It is also important to note that the Commission remains responsible for the financial management of all such operations (including ESDP operations) and is accountable to the European Parliament for budgetary control. While budgetary procedures and financial regulations ensure democratic and administrative control, they are, however, cumbersome and not conducive to flexible and rapid funding required in anticipation or response to crises. Commission funding mechanisms are complex and generally not geared towards the support for NGOs or other actors engaged in activities related to conflict. With the exception of the Rapid Reaction Mechanism (RRM), they have not been adapted for crisis management operations, and even in the case of the RRM, the fact that it can only support actions for up to six months has limited its usefulness since many if not all post-conflict reconstruction projects can not be completed within such a short timeframe, and follow-on funding is difficult to secure from other budget lines. Finally, it is worth remembering that while the coherence of first pillar action across different sectors (such as trade and foreign affairs) remains limited,

series of seminars co-ordinated by the EU Institute for Security Studies on the draft European Security Strategy. The event was hosted by the Swedish Institute for International Affairs in Stockholm on 20 October 2003 and a summary report can be accessed at www.iss-eu.org/activ/content/rep03-8.pdf.

mechanisms have been developed to improve the coherence of security and development activities within the Commission. The involvement of the Commission in crisis management therefore offers the best chance of ensuring that these activities are tied to longer-term reconstruction and development activities.

1.2.3 Planning, mission support and evaluation

The Council recognizes that EU planning and mission support for civilian operations are clearly inadequate and need reinforcement. The EU's experience with its first ESDP mission, the EU Police Mission (EUPM) in Bosnia Herzegovina, exposed capability shortfalls in all aspects of administrative and logistical planning. These are set to become more acute now that the Council is engaged in operation Proxima in the Yugoslav Republic of Macedonia, is planning to establish an integrated police unit in Kinshasa and is exploring options for a possible police mission in Afghanistan. Indeed, the short history of ESDP suggests that the EU will most frequently be called on to conduct civilian operations rather than high-end military ones.

This capabilities gap in planning and mission support is not surprising, however, given that the procedures and staff of the Council Secretariat have not yet been adapted for these functions. Whereas the Council Secretariat has been augmented with some 150 Military Staff to enable strategic-level planning for military operations, there are only 15 staff working within DG E in the Council Secretariat that can take on new tasks with regard to civilian operations. Moreover, while military operations rely on national level or NATO headquarters for operational planning, EU staff working on civilian operations in Brussels are responsible for strategic and operational planning as well as mission support, and have no recourse to external planning entities. The EU deals with this by delegating much of the detailed planning of missions to the head of mission and an advance party. Moreover, some important elements of the planning and administration of civilian missions are shared with the Commission, which notably has responsibility for legal issues, budgetary management and procurement.

Initiatives have been undertaken in the past year to address the planning and mission support capabilities gap. In November 2002, the Secretary General/High Representative (SG/HR) was tasked by the Council to develop the work on establishing an appropriate EU planning and mission support capability 'as soon as possible'. This was to be based within the Council General Secretariat (CGS), and build on synergies with the Commission. In July 2003 the SG/HR's presented concrete recommendations to strengthen the mission support within the CGS³. The SG/HR identified shortages of personnel in support of all four priority areas (police, rule of law, civil administration and civil protection) and horizontal mission support tasks, including operational back-up/communications, security and safety management, as well as information and best practices/lessons learned. To fill this gap, the SG/HR proposed that 27 new posts should be created within the CGS, with a balance between permanent officials and seconded experts⁴.

More recently, in December 2003 the deal on operational planning agreed between the UK, France and Germany⁵, foresees the establishment of a cell within the EU Military Staff (EUMS) in the Council with civil and military components, to *inter alia*: 'link work across the EU on anticipating crises, including opportunities for conflict prevention and post-conflict stabilization; assist in planning and co-ordinating civilian operations; develop

³ On the basis of the 37 page document 'Planning and Mission Support Capability for Civilian Crisis Management' Council of the European Union, General Secretariat, 22 July 2003.

⁴ Given that there are no provisions for employing additional personnel in the 2004 budget, the Presidency's response, in October 2003, was more limited and proposed the creation of 18 new posts through the reallocation of existing resources within the CGS and the request that member states and the Commission second additional staff to the CGS. In early 2004 this number had been further reduced, however, and it was envisaged that only three new permanent posts would be created within the CGS, augmented by 9 seconded national experts from member states.

⁵ 'European Defence: NATO/EU Consultation, Planning and Operations' Council Press Release, 15 December 2003 accessible at <http://ue.eu.int/en/summ.htm>.

expertise in managing the civilian/military interface; and do strategic planning for joint civil/military operations.’ This would involve the increasing integration of planning and mission-support for civilian operations with military planning in the EUMS. This may facilitate civil-military co-ordination and large-scale civilian operations, such as police operations, may benefit from the logistics and security provided by more integrated military and civilian planning. However, it is doubtful that smaller-scale rule of law and civil administration operations will benefit from a more military approach to operational planning and unclear how such an approach would improve civil-civil co-ordination across the pillar structure.

While the Commission shares the underlying objective of improving planning and mission support for civilian operations, it is therefore unsurprising that it disagrees with the Presidency’s proposals that these capabilities should be developed principally within the Council framework. The Commission has argued that the SG/HR’s proposals would effectively duplicate existing capacities within the Commission, such as its internal capacities to manage election observation missions, the civil protection mechanism and provide personnel and support to UN, OSCE and operations of other partners in the fields of rule of law, civilian administration and police⁶. As mentioned above, the Commission sees civilian crisis management in broader terms and argues that if the EU is to adopt a narrow second pillar approach to crisis management operations, it will deny itself of the enormous capacities and expertise in the field that can be mobilized through support to other international organisations and non-governmental organisations. Consequently, the Commission favours a more integrated approach to planning and mission support, which can be used for first and second pillar instruments. This would require the establishment of an inter-institutional agency or service, which would be compatible with the future institutional architecture (see below). Such a service would provide a common platform for all EU civilian missions, irrespective of the funding source, and could be tasked by the Council or the Commission according to their respective mandates and, in the future, by the Foreign Minister. The Commission argues that this would be the most efficient solution and points to the inefficiency of Council working groups, staffed by generalists rather than specialists, taking on the technical tasks of operational planning and mission support.

The important issue of the evaluation of EU operations is also linked to planning and mission support. Currently there are internal second pillar evaluation mechanisms in place in relation to EU crisis management operations. These involve reporting processes from within the Council Secretariat, whereby others may be invited to submit relevant comments, i.e. the UN in the case of the EU Police Mission. Ideally, this important tool for institutional learning should also be developed along with planning capacities, and in order to learn lessons about coherence and cross-pillar co-ordination the evaluation process should be broadened to include opinions from other institutional actors such as the Commission and independent experts.

1.2.4 Recruitment

Improving the quality and deployability of civilian personnel is evidently crucial for the development of EU civilian crisis management capabilities. The current recruitment process for ESDP civilian crisis management operations relies on member states delivering suitable personnel for EU missions. Problematic features of the current system include the fact that recruitment mechanisms across the member states vary and, in the absence of an efficient co-ordinating mechanism to help manage inputs from member states, this can lead to delays and shortfalls. These problems are not new. Similar issues have been encountered with recruitment for OSCE or UN operations, and indeed, it is generally the same civilian experts that are available for these and EU missions. The EU might therefore benefit from using

⁶ These arguments were presented in an internal document ‘Comments by the Services of the European Commission on the paper of 25 July presented by the Secretary General/High Representative on Planning and Mission Support capability for EU Civilian Missions’.

some of the models developed within other institutional contexts and making better use of national rosters compiled for UN and OSCE operations.

More importantly, while the recruitment procedures of some member states include experts outside the civil service, most national systems are limited to the internal recruitment of civil servants and therefore non-governmental expertise is largely excluded from ESDP civilian operations. Given the generic problems associated with extracting civilian experts from their domestic duties and providing sufficient incentives for them to leave on foreign missions, the pool of personnel available is thereby far more limited than if it were to include non-state experts.

A 'preparatory study for the deployment of professional volunteers'⁷ commissioned by the European Commission in 2003 illustrates this point. The study aimed to identify organisations that could identify and contribute personnel for EC external assistance programmes relating to conflict prevention and post-conflict reconstruction. More specifically it aimed to identify organisations able to supply professional volunteers with experience in: police and related public order functions, rule of law, public administration, peacebuilding and mediation, reconstruction and the provision of essential public services e.g. health service management, water and sanitation, power supply and telecommunications. The study examined over 200 organisations or networks that could make volunteers with professional experience in these sectors available for work overseas. These included: not-for profit network organisations of retired or near retirement persons from the public and private sectors, NGOs dedicated to peacebuilding and/or mediation, professional and commercial entities providing experts for a fee, professional associations and trade unions as well as other key networks. Estimated total sector capacity figures (excluding civil servants) are: Rule of law 930; Police 505; public administration 11,200; peacebuilding and mediation 1110; reconstruction 64,000; provision of public services 5100. While only approximate, these figures illustrate that in the sectors of rule of law, public administration and reconstruction there is relatively more capacity available in the private or non-governmental sectors than that pledged by member states, with the exception of police where member states have pledged over 5000. Limiting recruitment of civilian crisis management personnel to national civil servants therefore appears unnecessarily restrictive, and clearly reduces the EU's overall capacity. Moreover, it is also unclear whether national civil servants are always the most appropriate personnel for international operations. Non-governmental experts, including those engaged in the development field, may have more relevant international experience and see it as in their career (or post-career) interests to volunteer for such operations.

Recently there has been some recognition of these shortcomings by the member states. For instance, the Greek Presidency introduced a paper on the potential contributions of non-governmental organisation and non-state experts to the EU Concept for Rule of Law Operations in late 2003. This acknowledged the potential that academic and non-governmental experts have to complement the expertise of state officials in both the preparation of ESDP civilian crisis management missions and in their conduct. With regard to mission preparation, the paper states that non-governmental experts could provide valuable input in the: preparation of background information on rule of law issues and practices in the crisis area; the conduct of pre-deployment training; and the preparation of the transition to longer-term capacity-building assistance in this field. In the conduct of missions, the paper recognized that non-state actors had the capacity to advise and assist in: implementing institutional reforms in the field of rule of law; legal review and reform of local laws; capacity building of the local non-governmental legal community and civil society to strengthen the rule of law; training of local lawyers; and providing access to legal counsel. The paper acknowledges that the Commission has relevant experience in the deployment of non-state experts, and has developed rosters of individual experts and framework agreements with NGOs. However, despite recognition of relevant capacities

⁷ This study was commissioned in early 2003. It has not been published and does not present the Commission's position. Nevertheless the Commission has agreed to the reproduction of data in this report for this study.

within the Commission and NGO sector, no concerted or concrete initiatives to involve non-state actors in ESDP missions have been taken, because of the issue of funding. The Commission is reluctant to fund second pillar activities over which they have no control, and member states are generally reluctant to assume the administrative and financial burden of recruiting and compensating non-state experts for this tasks.

1.2.5 Training

It is widely agreed that civilian personnel should all have common core skills and training background to improve co-ordination between national experts in EU operations. Two years ago the Commission launched an initiative on training for civilian aspects of crisis management in order to improve the preparation and readiness of civilian personnel. The initiative is now in its third phase. In its first phase, a network of EU-wide training bodies developed proposals for a common approach and for harmonised training programmes. In the second phase, these programmes have been implemented by an informal "EU Group on Training", composed of project partners from 12 member states. The second phase was evaluated at a conference in Rome 20-21 October 2003 and a broadly positive evaluation means that more resources will now be available for further training courses.

While such common training initiatives may be necessary, they are hardly sufficient, and the EU also needs to encourage member states to recognise the relevance of alternative practical experience and training courses in their selection processes. Moreover, there is currently no link between training courses and deployment. It is estimated that over half of the participants in the EC funded training courses hosted to date had no intention of ever being deployed on an EU civilian crisis management mission and there is no (centralized) record kept of individuals that attended these courses. Mechanisms need to be introduced to ensure that those trained are also willing and able to take part in EU operations and co-ordination with parallel training initiatives - including those of the UN and OSCE - should be improved. There is also a trend towards making this training available to civilian and military personnel⁸.

To summarise, the current trend appears to be in the direction of the 'second pillarisation' of civilian crisis management with the Council gaining greater control over the development of a co-ordinated EU Training Policy, encompassing both civilian and military dimensions of ESDP and member states retaining absolute control over the recruitment of personnel for civilian operations. In future, it is likely that the Civilian Committee in the Council (CIVCOM) will oversee both training and recruitment. Indeed Irish Presidency ambitions in this area include the development of a more robust and operational CIVCOM and the development of the EU training mechanism and expert rosters.

1.2.6 Implications of the IGC for CCM

Although there was no conclusion to the Intergovernmental Conference at the 12-13 December European Council, agreement on a number of proposals relevant to civilian crisis management had been reached and will likely be introduced in a new Treaty, albeit up to a year later than anticipated. Particularly relevant to institutional debates about the management of conflict prevention and crisis management is the proposal to create a 'double-hatted' EU Foreign Minister to be supported by a Joint European External Action Service. The Council and the Commission will have to agree on the organisation of such a service, but in principle, it has the potential to provide the EU with a common platform on which to manage a wider spectrum of crisis management instruments within the first and second pillar in a more integrated fashion.

⁸ The Swedish Folke Bernadotte Academy will launch the first training course in which both civilian and military representatives will participate.

1.3 Shortfalls in the current institutional approaches

A fragmented and limited approach to training and recruitment

The second pillar approach to civilian crisis management focuses on the training and recruitment of national civil servants for EU crisis management operations. This may be well suited for police operations, which seek to deploy large numbers of personnel to substitute for local actors and effectively establish and run the police and justice sector for a transitional time until local capacity is developed. It may also be well suited for civil protection operations, which draw on national personnel that have already been identified for similar operations within the EU. However, within the area of rule of law it is clear that both national civil servants and independent experts have relevant expertise. Indeed, in the Anglo-Saxon legal tradition judges and defence lawyers operate strictly independently of the state and it may be more suitable to recruit them through professional associations than directly through government rosters of civil servants. It is even less evident that national civil servants are the best suited for EU monitoring missions or post-conflict institution-building activities, including in the areas of civil administration and post-conflict reconstruction and reconciliation. Conversely, civil servants with relevant expertise in sustainable development are generally excluded from national rosters. In order to maximise the chances of recruiting the most suitable personnel for such tasks, ESDP recruitment mechanisms should be adapted so that they are more open to recruiting non-state experts and more open to recruiting a broader range of experts. This may require the development of new mechanisms at the national level, perhaps building on the systems already in place for recruiting personnel for OSCE and UN operations. Moreover, national rosters should be supplemented with European-wide mechanisms managed from the Council Secretariat and/or the Commission designed to ensure that shortfalls are filled and that the operations have the right mix of trained specialists.

The link between training and recruitment should be strengthened. Willingness to volunteer for an operation should be made a pre-condition for participation in EU training courses. Likewise, EU trainers should also be able to exclude potential volunteers from future operations if they do not meet the minimum standards required. Increased efforts should be made at national and EU levels to encourage non-state specialists to participate in EU training courses and accreditation schemes should be developed to acknowledge equivalent training or practical experience.

A fragmented and out-dated approach to deployment

It has been observed by officials and researchers that the fragmented priority area approach to developing civilian capabilities is impractical in a number of ways, effectively limits the EU's ability to move beyond police operations, and is not in line with best peacekeeping practice. This was explained most clearly in Dr. Dwan's observations that:

“There has been little conceptual or practical cross-over between the priority areas and the focus has been on short-term crisis management. Little comprehensive attention has been paid to the strategic and operational links between military and civilian instruments, especially in the management of the transition from military to civilian operations. The same can also be said for the strategic and operational linkages between short-term crisis management and institution building.

Not only are we boxing in our own capacity for action. Such an approach goes against emergent international thinking about crisis response – most notably in the UN's Brahimi Report – which calls for 'packages' of rapidly deployable civilina instruments, especially in the area of rule of law. It is not police or rule of law but police, judicial, penal and civil administrators working together in a coherent framework that is required. We would do well to move away from thinking about distinct areas and distinct missions and focus, instead on developing integrated teams of civilian experts capable of being

rapidly deployed in pre, active or post-crisis situations to work with and alongside military operations as well as setting the strategic groundwork for longer-term institution building⁹.

It is noteworthy that the OSCE has also adapted its crisis response along these lines, with the establishment of Rapid Expert Assistance and Co-operation Teams (REACT). As stated in the OSCE's Charter for European Security agreed in Istanbul in 1999 'this rapidly deployable capability will cover a wide range of civilian expertise. It will give us the ability to address problems before they become crises and to deploy quickly the civilian component for a peacekeeping operation when needed. These teams could also be used as a surge capacity to assist the OSCE with the rapid deployment of large-scale or specialised operations.' In short, the ESDP focus on distinct priority areas and distinct missions is not sufficiently flexible or comprehensive to provide the EU with rapidly deployable experts that can set the ground-work for follow-on larger-scale Council or Commission missions/programmes. There are signs, however, that there is some internal recognition of these shortfalls in the current approach. The Irish Presidency now supports that the four Feira headline goals should be implemented as one and supports the development of a more holistic approach to civilian crisis management.

The Irish Presidency's support for a more holistic approach to civilian crisis management should be supported and developed. The Presidency, together with the Commission, should explore different options of deployment including rapidly deployable cross-disciplinary teams. The deployment of distinct ESDP operations and relevant Commission-funded personnel should also be far more closely planned for and managed to ensure a coherent and integrated response (see suggestions below).

EC funding mechanisms ill-suited for civilian crisis management

The only new funding mechanism that has been developed after the EU took on crisis management tasks and developed ESDP is the Rapid Reaction Mechanism. This has a budget of approximately € 35 million per year. It enables the Commission to disburse funds to projects, often with overtly political aims, with a variety of conflict prevention and post-conflict reconstruction functions. While this new mechanism is a welcome development, it falls short of its potential since it is limited to funding projects of only 6 months and most projects have a life cycle well beyond this. Finding follow-on funding for these projects is, however, difficult in the current system, which is geared towards large-scale technical assistance or procurement programmes in the context of humanitarian or development assistance. Moreover, as Dr. Dwan has noted, the pillar divide means that there is no strategic link between the Union's external priorities and development assistance. She observed, for instance, that the decision to launch the EU Police Mission in 2002 prompted no reassessment of the Commission's funding strategies for Bosnia Herzegovina¹⁰.

Coherence of EU action requires that EC funding mechanisms be made more flexible, rapid and conflict sensitive in line with the EU's ambitions to improve policy coherence and mainstream conflict prevention. The Commission should also be able to fund actions by non-state experts that complement ESDP civilian crisis management activities, provided that it has an active role in the preparation and management of these activities. Should this condition not be met, efforts should be made to improve the co-ordination of commission-funded and managed activities with ESDP actions within the existing institutional and financial frameworks.

⁹ Dr. Renata Dwan, Stockholm International Peace Research Institute, presentation on capabilities in the civilian field given at the Swedish Institute for International Affairs in Stockholm on 20 October 2003 (see note 2 above).

¹⁰ Dr. Renata Dwan, *ibid.*

Part 2 Towards a more integrated approach to CCM and peacebuilding: Exploring the ECPC options

This study argues that a more integrated approach to conflict prevention, crisis management and post-conflict peacebuilding is needed and suggests a twofold approach. Firstly it will explore the development of a more integrated approach to planning, training, recruitment and deployment of personnel in conflict situations. Secondly it will identify options for the creation of a distinct ECPC ‘service’. None of these proposals are mutually exclusive. Indeed, they are complementary and all serve the end of improving EU conflict prevention and civilian crisis management capabilities.

2.1 An overarching mechanism for the support of CCM and peacebuilding

It is evident that the current institutional arrangements do not equip the EU with a mechanism for the international co-ordination of EU recruitment for civilian crisis management missions, nor for the co-ordination of planning and implementation of crisis management actions in the first and second pillars. As described above, this hampers EU efforts to rapidly mobilise the most appropriate personnel and creates inefficiencies in planning, mission support and management of crisis management actions, which can in turn lead to incoherence between first and second pillar actions. Thus an overarching mechanism for the support of conflict prevention and crisis management is needed.

The European Parliament 2001 ECPC proposal to establish a mechanism to coordinate the training and recruitment of civilian specialists within the framework of the Rapid Reaction Mechanism would not, in itself, be able to link the ESDP and Commission frameworks and so could not provide an overarching framework for a more integrated approach to crisis management and peacebuilding. One option is to make the ECPC idea more ambitious, proposing that EU crisis management requires a more integrated institutional setting to provide a common platform for all EU missions irrespective of their financing source. Given the on-going discussions about the creation of a Foreign Minister and a Joint External Service, as well as proposals to create joint civil-military operational planning capacities within the EU framework this is not necessarily unrealistic, and now is certainly the right time for a serious reflection on how a joint service might be organised.

The Commission’s proposals, developed in the context of the planning and mission support debates, note that ‘a number of possible models for such a service, or agency can be considered’. At a minimum, a co-ordinating service would need to house both ‘subject matter’ sectoral expertise (and not only be staffed by generalists) and the necessary logistical, administrative and financial management resources. It should be staffed by a mixture of secondees from member states (to help ensure their close involvement in ESDP operations) as well as Council and Commission staff, and should have the mandate (and legal status) to conclude technical implementing agreements with other international organisations as well as non-governmental actors.

A proposal submitted to the European Convention by a network of NGOs active in the field of conflict prevention and conflict transformation, the *European Peacebuilding Liaison Office* (EPLO) for a ‘European Peacebuilding Agency’ complements the Commission’s vision. It also proposes that a Peacebuilding Agency should have a strong inter-pillar dimension to its work, should broadly seek to build capacity in the area of civilian crisis management, and should improve the strategic and operational links between short-term crisis management actions and longer-term peacebuilding and reconstruction efforts as well as between the EU and other actors, including the military. More specifically, it would have as its tasks to:

- (a) contribute to identifying Member States’ civilian capability objectives and operational requirements and evaluate observance of the capability commitments given by the Member States;

- (b) promote measures to satisfy common operational requirements, including the establishment of a mechanism to co-ordinate the recruitment of civilian personnel and agree common standards for recruitment, training and practice;
- (c) contribute to the monitoring, review and evaluation of standards in the conduct of EU missions and EC programmes to support the EU's lessons learning processes and promote best-practice;
- (d) support and promote co-operation with non-governmental organisations engaged in complementary crisis-management and conflict prevention activities;
- (e) promote coherent co-operation with the UN and OSCE and other regional organisations in the conduct of civilian crisis management activities;
- (f) support research into the further development of civilian crisis management and conflict prevention instruments and capabilities.

The organisational structure of such an Agency should integrate Commission and Council competencies. It would bring together the Commission and Council and national representatives of relevant police and justice departments in member states, through their collective membership in the Agency's Steering Committee and oversight of its principal tasks. These would include the identification of needs-based capability targets and oversight of capability generation processes in the areas of areas of training, recruitment, deployment, planning, mission support, evaluation and research.

The Agency could also be tasked by the Council's Committee on Civilian aspects of Crisis Management (CIVCOM) or the Commission according to their respective mandates, and in future by the Foreign Minister. The funding for ESDP crisis management operations would still come from member states and the limited CFSP budget but would have the advantage of potentially enabling EC funds to augment national contributions where non-state personnel were deployed on these operations. A more integrated arrangement might also open-up the possibility for operations which start life under the CFSP budget to move to longer-term EC financing streams. This would appear sensible since all experience suggests that civilian engagement is likely to be relatively long-term and the EU is currently ill-equipped to deal smoothly with the transition from short-term crisis management to longer-term reconstruction efforts. Within the Agency context, new EC funding arrangements, building on the Rapid Reaction Mechanism could be developed to enable swift and flexible support to complementary actions by other actors.

A new function that is included in the EPLO proposal relates to research. Despite the large resources dedicated to EU research dispersed through DG Research, very few of these are directed into policy-relevant research to improve EU crisis management, policies, capabilities and practices. This is because the DG research funding instruments are not adapted for this purpose. The Agency could address this research gap by either developing, in co-operation with DG Research, new research instruments that might better serve EU civilian crisis management needs, or the Agency should be responsible for managing a modest and highly flexible research budget line dedicated to providing research input to support the development of EU civilian crisis management and peacebuilding policies, capabilities and actions, and assist in their systematic evaluation. This could, for instance, build on the Commission's experience in managing the Conflict Prevention Network.

A cross-pillar agency structure that integrated planning, recruitment, mission support, evaluation and research would arguably offer efficiency cost-savings and reduce duplication between first and second pillar structures. A core administrative budget of the agency could be supported from an increased CFSP budget line or through funds drawn from existing budget lines that support administrative costs in DGE of the Council or Relex in the Commission. Specialists could also be seconded to the agency from member states, the Commission and Council. Operational costs would continue to fall on member states with the potential for the Commission to provide support for certain common costs and procurement needs as well as support for actions undertaken by other international organisations or non-state actors. In short, the overall costs of the agency would not

necessarily be greater than alternative proposals to boost capacity within the Council General Secretariat.

2.2 Integrated teams of civilian experts for rapid deployment in crisis situations

Drawing on lessons learned from other international organisations including the UN and OSCE, it is evident that the EU has unnecessarily boxed itself in to conducting, within the second pillar, distinct missions within the four priority areas, when experience indicates that packages of experts from across police, rule of law and post-conflict reconstruction should be deployed. To address this and provide the EU with a more flexible and integrated tool, the ECPC proposal could be adapted to a proposal for second pillar crisis management instruments to be augmented with the ability to deploy such integrated teams at short notice. Personnel for these teams would be provided by member states, and member states should be encouraged to tap into non-state human resources in addition to their pool of civil servants. Alternatively, member state personnel contributions could be augmented by personnel identified and paid for by the Commission. In any case, the aim would be to equip the EU with a number of teams (perhaps operating under the name of a European Civilian Peace Corps), analogous to the civil protection teams it is establishing. These would be capable of being rapidly deployed in pre, active or post-crisis situations, alongside military peace keeping operations if necessary, to lay the ground-work for longer term institution building. If member states are not willing for ESDP civilian crisis management to evolve in this way, then the Commission might also be responsible for establishing and deploying such teams, although in this case their composition would include more non-state experts (see below) paid for out of the community budget rather than by member states.

2.3 A mechanism within the Commission for the rapid deployment of non-state experts

The option for an ECPC which is closest to the 2001 European Parliament proposal is to build on Commission efforts in civilian crisis management with a view to making better use of the Rapid Reaction Mechanism to deploy civilian experts with relevant expertise to conduct a range of functions relevant to crisis prevention and conflict management. The Rapid Reaction Mechanism is already used to fund international organisations and specialist NGOs in this area, and the new challenge would presumably be to develop mechanisms for the rapid recruitment of individuals to take part in Commission-managed 'European Civilian Peace Corps' deployments.

The Commission has already embarked on some relevant exploratory work in this context. It intends to establish framework partnerships (similar to those established in the ECHO context) with a number of external actors (international organisations and NGOs) to speed up the process of engaging these actors in crisis situations. Moreover, it commissioned a study on the deployment of professional volunteers (see above) to see whether NGOs and other private associations or networks could collectively provide the function of a network for the recruitment of experts, rather than a network for delivering assistance. Preliminary findings indicated that the necessary capacity is available in the non-governmental/private sector for such a network based recruitment mechanism to be developed, but there is no common position or concrete proposal from the Commission to develop its role into one which is responsible for mobilising and supporting a 'corps' or teams of experts in an official EU capacity. This is at least in part because of questions regarding the 'value added' that such a corps would bring over the current system which effectively sub-contracts civilian crisis management and conflict prevention tasks to specialised agencies and NGOs. For example, the Commission's 'rule of law' work in Bunia, DRC takes the form of a transitional justice project implemented by an NGO with relevant local and international expertise. It is not only questionable whether such targeted or small scale projects would be better performed by a Commission-managed corps, but is certainly the case that the Commission does not currently have the capacity to provide the administrative secretariat functions for such international deployments. The recruitment and

management of such a corps by the Commission would therefore require new budgetary allocations and administrative capacity.

One related alternative is that the Commission should support the development of specialist national or international organisations that would be responsible for the recruitment of and support for specific kinds of actions requiring the deployment of voluntary professionals. These would generally implement longer-term projects in the field of conflict prevention, mediation, post-conflict reconciliation and institution building, often with a view to building civil society capacity. These would include NGOs and ‘peace services’ developed at the national level i.e. *Ziviler Friedensdienst* in Germany and *Norstaff and Nordem* in Norway.

This proposal differs, however, from the suggestion, included in the draft Treaty proposed by the Convention, to establish ‘a European Voluntary Humanitarian Aid Corps’ designed ‘to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union’¹¹. This proposal has not received widespread support from DG development, ECHO, many member states and NGOs. The idea that young Europeans may benefit from participation in international missions may be convincing, but it is more difficult to see how such groups of inexperienced young people might contribute to the highly professional and specialised instruments that the EC needs in order to deliver humanitarian assistance, sustainable development and peace support.

2.4 A corps for EU monitoring missions

Both options mentioned above would not necessarily involve large-scale deployments of civilian experts, as EU military or police missions do. If it is central to the ECPC idea that it should involve relatively large-scale deployments, however, (as is suggested in the 2001 European Parliament proposal), this might well be developed within the context of EU monitoring missions. There is no functional argument for limiting the personnel to be deployed on such missions to civil servants recruited by member states, although there are compelling reasons for including professionals with relevant expertise in monitoring teams because monitoring missions might also have a number of ‘specialist’ functions. They may, for instance, be established to broadly observe a ceasefire agreement e.g. the Norwegian monitoring mission in Sri Lanka, and/or they may contribute to the EU’s political intelligence capacity i.e. the EU monitoring mission in Bosnia. Finally, if monitoring missions are also to report on human rights violations, they require personnel with expertise in this field. It would therefore seem appropriate for official EU monitoring missions to be staffed by a mix of sectoral experts from within or outside government structures, as well as national officials and volunteers with basic levels of training only. The Commission is well placed to provide support for the recruitment of volunteers, drawing on its experience with election observation missions¹² and there are a number of existing organisations that could provide the Commission with a recruitment agency function. These might include professional associations, specialist NGOs, and public sector institutions or networks providing the external services of employed civil servants. Should the EU monitoring mission system be developed to include professional non-state experts, it may well deserve the title of a European Civil Peace Corps, with the involvement of non-state experts financially supported by the Commission.

2.4 Follow up action in the EU

In response to the European Parliament’s proposals, the Commission has now embarked upon a wide-ranging internal feasibility study regarding the deployment of volunteers in response to crises. It will explore how these experts might be used in relation to

¹¹ CONV 850/03 Draft treaty establishing a Constitution for Europe, Article III-223.

¹² The Commission has, for example, developed a Network of Europeans for Electoral and Democracy Support Project (NEEDS) that could be a model for identifying and recruiting independent volunteers.

humanitarian assistance, development co-operation and/or conflict prevention and discuss different options for the organisation of the service. The study should be finalised by June 2004. It will then be debated in the European Parliament, after which a decision will be taken regarding the launch of a call for proposals for a preparatory action in this area, totalling up to 2 million Euro.

Meanwhile, the member states will continue to explore new ways to develop EU civilian crisis management capabilities and missions within the Committee on the Civilian Aspects of Crisis Management, including the increased involvement of non-governmental experts in the planning and conduct of such missions. It remains unclear, however, whether and how these Commission and Council actions will be linked.

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The Berghof Research Center for Constructive Conflict Management explores constructive procedures and models for dealing with ethno-political conflicts in and beyond Europe. The Center studies the contributions made by civil society, development cooperation, humanitarian aid, peace work, and human rights activities.

ISIS Europe is an independent research organisation that facilitates parliamentary and inter-institutional dialogue and provides policy input to strengthen common approaches to conflict prevention, crisis management, peace building, arms control and disarmament.