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Note from the Editor

Karen E. Smith, London School of Economics, Editor

This issue of *CFSP Forum* continues a major theme of the last issue, and contains several more articles on EU crisis management. Given the increasing number of ESDP missions, this theme will undoubtedly carry forward into future *Forum* issues as well!

It opens with an article by Benjamin Kienzle assessing the EU's strategy against the proliferation of weapons of mass destruction. Then two articles consider the EU's missions in Macedonia (Isabelle Ioannides) and Rafah (Maria A. Sabiote), and the final article analyses the EU's role in Afghanistan. All of the authors are also young scholars – proof again of the extensive and growing academic interest in the field of European foreign, security and defence policies.

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The EU Strategy Against Proliferation of WMDs: An Interim Assessment

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The development of an EU policy against the proliferation of weapons of mass destruction (WMD) made a quantum leap in 2003, when the Brussels European Council adopted in December a fully-fledged *EU Strategy against Proliferation of WMD*. The Strategy was the first comprehensive and integrated EU document addressing all aspects of non-proliferation. Moreover, at a time when it was deeply divided over the way to deal with the alleged Iraqi WMD programme and the subsequent American-led invasion of Iraq, the EU demonstrated that it was able to reach a consensus – exceeding the common minimum denominator – on a highly sensitive issue.

The way to the EU Strategy, however, has been long and difficult. During the first 20 years of the existence of the European Community, WMD issues were to a large extent not seen as 'European' issues. It was only in the 1980s and, above all, the 1990s that the EU became gradually more involved in non-proliferation affairs, for example through the regulation of dual-use items export controls.² In the aftermath of the terrorist attacks of 9/11 and the turmoil surrounding the Iraq war, the EU intended for the first time to form a more comprehensive and coherent non-proliferation policy. Eventually, the EU crossed the Rubicon in non-proliferation affairs with the adoption of the Non-Proliferation Strategy.

The EU Non-Proliferation Strategy

Although the Strategy has not come out of the blue and it is clearly based on previous EU priorities in the field of non-proliferation, it has nonetheless been a significant step forward for the EU's non-proliferation efforts. First of all, it demonstrates that WMD proliferation has become a top priority on the EU security agenda. Secondly, the Strategy is the first comprehensive EU document on WMD proliferation dealing with both the threats posed by WMD proliferation (Chapter I) and the possible EU responses (Chapter II). Moreover, it includes a concrete Action Plan (Chapter III), which is regularly updated, in particular through Progress Reports every six months. It is also important to point out that although the EU non-proliferation policy is clearly a Council-driven policy, the Strategy comprises both traditional CFSP and Community aspects. In other words, it is (in EU parlance) a cross-pillar document.

Thirdly, it outlines the specific characteristics of the EU's non-proliferation policy. In this regard, the EU's threat assessment does not focus on classical direct military threats to the EU, but more holistically on the threats to international peace and security in general. Regarding the EU responses to WMD threats, they are to a large extent based on the EU's civilian capabilities such as political and diplomatic preventive measures and stress the need to address the root causes of the proliferation problem. Though many authors correctly point out that the use of force as a last resort measure in the fight against WMD proliferation forms a revolutionary new element in the WMD Strategy, it must be emphasised that the Strategy explicitly subordinates the use of force under Chapter VII of the UN Charter and international law. Moreover, it gives in this regard a central role to the UN Security Council. At the same time, it is important to stress that the use of force is to a large extent a theoretical measure, since the EU and basically all its member states lack the military capacities and know-how to carry out a major military counter-proliferation operation. The Strategy's 'use of force provision' must be rather seen as a European answer to the US *National Strategy to Combat Weapons of Mass Destruction*. On the one hand, the Europeans concede that force may be necessary as a last resort, but on the other, they want to see the use of force firmly embedded in international law. Although it is not possible to compare here in detail European and US non-proliferation policies, this shows that the alleged 'Americanization'³ of European non-proliferation policy is – as in many other aspects

– more superficial than substantial.

Finally, the specific EU response to the threat of WMD proliferation reflects largely the comprehensive and cooperative nature of EU foreign and security policy in general and is based on the familiar concepts of effective multilateralism, the promotion of a stable international and regional environment and cooperation with key partners such as the United States or the United Nations.

The Current State of Affairs

Almost three years after the adoption of the EU Non-Proliferation Strategy, it has become clear that effective multilateralism has been in practical terms the Strategy's key element and probably the EU's most distinguishing feature in the field of non-proliferation. In fact, most EU activity has been focused on effective multilateralism, especially on the universalisation and effective implementation of existing disarmament and non-proliferation treaties, agreements and regimes. In this regard, the EU elaborated – already shortly before the Non-Proliferation Strategy – a 'non-proliferation clause' to be included in agreements with third countries. This clause urges third countries to comply with their international obligations in the field of non-proliferation and to ratify non-proliferation agreements to which they are not party. In this respect, political conditionality is applied, that is, if a third country does not fulfil its obligations in relation with the non-proliferation provisions, the EU can, as a last resort, suspend the agreement with this third country. However, clear benchmarks are missing and except in very obvious cases the application of political conditionality is far from clear. Up to the present day, a non-proliferation clause has been included in all new agreements with third countries, most notably in the case of the (still not signed and ratified) Association Agreement with Syria.⁴

Apart from the EU's efforts to include non-proliferation issues in its bilateral relations with third countries, the EU has also supported directly multilateral non-proliferation agreements and/or the activities of the international agencies in charge of their implementation. Since the adoption of the Non-Proliferation Strategy, the Council has adopted three Joint Actions supporting different projects of the International Atomic Energy Agency, for instance in the areas of nuclear security and verification; two Joint Actions in favour of the activities of the Organisation for the Prohibition of Chemical Weapons, especially with the aim to achieve the

universalisation of the Chemical Weapons Convention; a Joint Action and a complementary 'Action Plan' in support of the universalisation and implementation of the Biological and Toxin Weapons Convention (BTWC), for example through the organisation of international workshops or seminars; and a Joint Action helping the Comprehensive Nuclear-Test-Ban Treaty Organisation in the area of training and capacity building for verification.

Furthermore, in 2004 the EU and its member states supported actively the adoption of UN Security Council Resolution 1540, a landmark decision to strengthen national efforts in the fight against WMD proliferation. In 2006, the Council adopted also a Joint Action to help third countries comply with the provisions of Resolution 1540. It must be criticized, however, that the EU has not addressed equally all international agreements that it defined as key instruments in its 2003 Common Position on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation: the Hague Code of Conduct against Ballistic Missile Proliferation in particular has so far not received the necessary attention.

The promotion of a stable international and regional environment and cooperation with key partners, the other two major pillars of the EU response to the threat of WMD proliferation, have progressed significantly slower than the implementation of effective multilateralism. Cooperation with key partners has been limited to a large extent to common declarations with China, Japan, Russia and, above all, the United States. Yet, concrete common actions have been rather rare – with the notable exception of the international non-proliferation and disarmament assistance of the G8 Global Partnership in the former Soviet Union. The EU has also played, if at all, a subordinate role in regional WMD hotspots, in particular in the case of North Korea and India/ Pakistan. Even in the case of Iran, where the so-called EU-3 (Great Britain, France and Germany) have been international key players, the EU in a strict sense has had only a marginal role.

Endogenous and Exogenous Factors

Despite the critique of the shortcomings of the implementation of the Non-Proliferation Strategy, it is important to emphasise that the EU non-proliferation policy in general is still a very immature policy. The WMD Strategy is less than three years old and it would be imprudent to expect already major concrete outputs and

outcomes. Moreover, the EU's capacity to implement vigorously its non-proliferation policy has been limited by several endogenous and exogenous factors.

First, within the EU, numerous fault-lines between member states in non-proliferation matters exist, in particular in relation with nuclear weapons. In this respect, the principal problem is the division between the European nuclear powers (Great Britain and France) and smaller states strongly in favour of nuclear disarmament (for example, Ireland and Sweden). This division was, for instance, a major problem behind the failure of the 2005 review conference of the Non-Proliferation Treaty (NPT) to produce a final document. Moreover, many other fault-lines exist, for example between those member states that are sheltered under NATO's nuclear umbrella and those that have decided not to become a member of the North Atlantic Alliance. After the 2004 EU enlargement these problems have certainly not disappeared. The overall result of these divisions is that the EU has serious problems to find a common line on nuclear non-proliferation.

In the field of chemical and biological weapons proliferation, the prospects of common EU activities are slightly better. On the one hand, no EU member state knowingly possesses chemical or biological weapons and all member states basically share the same objectives regarding both non-proliferation and disarmament. On the other hand, chemical and biological weapons are often based on dual-use items, that is, products that can be used either for commercial or for military purposes. Due to this strong relation with the realm of commerce, the EU, as one of the major economic powers, can arguably play a much more powerful role in the field of chemical and biological weapons proliferation than in the case of nuclear proliferation, which is more closely related to the military sphere and, thus, to the national sovereignty of the member states.⁵ But the EU's first serious test case in the field of chemical and biological weapons has still to come: it will be the BTWC review conference at the end of 2006, when the EU will have to demonstrate that it can do better than at the 2005 NPT review conference.

Yet, there are many factors that make the implementation of the EU non-proliferation policy difficult – also in the field of chemical and biological weapons. Despite the overall coordination by the newly created Office of the Personal Representative on non-proliferation, it suffers – as a policy with significant cross-pillar elements – from a lack of cohesion and

competence problems between the Commission, the Council and the member states.⁶ An additional problem is the absence of a clear EU budget line for non-proliferation, both in the Community and in the CFSP budgets. It is actually very difficult to calculate how much money the EU spends on non-proliferation.⁷ In general, financial resources for non-proliferation activities have been rather limited.

Finally, it must be pointed out that even if the EU had solved all its internal problems, its non-proliferation policy would still depend on certain exogenous factors. For example, the activities of other major powers, above all of the United States, can either significantly improve or, more importantly, impair the effectiveness of the EU's non-proliferation efforts. In other cases, the issue of WMD proliferation is subordinated to more general problems, for instance in the Middle East, where non-proliferation efforts by any outside actor have only very limited prospects for success as long as the Middle East conflict as such is not solved first.

In conclusion, the EU as an effective actor in non-proliferation affairs depends on many varied and often uncontrollable factors. The danger is, therefore, that the EU may ultimately not be able to fulfill the expectations created by the Non-Proliferation Strategy, both inside and outside the Union. In other words, the overall result may be a classic 'capability-expectations gap.' Nevertheless, the Strategy is a comprehensive and coherent document that forms a good basis to advance in the area of WMD non-proliferation and it must be pointed out that the EU has already taken a few concrete steps in the right direction, particularly in the field of effective multilateralism.◇

¹ The article is partly based on a paper presented at the CHALLENGE Training School in Brussels on 22 April 2006. The author would like to acknowledge the support of a scholarship of the Spanish Ministry of Foreign Affairs (*Beca MAE-AECI*).

² For a comprehensive overview of European non-proliferation activities from its early days until the 1990s, see Clara Portela (undated): *The Role of the EU in the Non-Proliferation of Nuclear Weapons: The Way to Thessaloniki and Beyond*, PRIF Reports 65, Peace Research Institute Frankfurt, <<http://www.hsfk.de/downloads/prifrep65.pdf>>.

³ Tom Sauer, 'The "Americanization" of EU Nuclear Non-Proliferation Policy', *Defense and Security Analysis*, vol. 20, no. 2, 2004, pp. 113-131.

⁴ Moreover, the clause has been included in the new agreements with Albania and Tajikistan and in the revised Cotonou Agreement. The Action Plans, which have been signed with some of the EU's neighbouring countries in the framework of the new European Neighbourhood Policy, most interestingly with Israel and Egypt, also contain a section similar to the non-proliferation clause.

⁵ A particularly illustrative case in this regard is the representation of the Commission by DG Trade in the

Australia Group, the Nuclear Suppliers Group's counterpart in the field of chemical and biological weapons.

⁶ Interestingly, the European Parliament has maintained a very low profile in WMD matters and has only recently published its first report on non-proliferation.

⁷ See SIPRI, *Pilot Project: Strengthening European Action on WMD Non-Proliferation and Disarmament: How Can European Community Instruments Contribute?*, Interim Report, Stockholm, November 2005, <http://www.sipri.org/contents/expcon/euppconfmaterials.html>.

EU Police Efforts in Macedonia: 'Learning-by-Doing?'

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The decade-long EU experience in the Western Balkans has allowed the EU to accumulate significant 'lessons learned' in the development and implementation of crisis management tools, capabilities and institutions in the European Commission and the Council Secretariat. In this context, Macedonia is heralded by EU officials as a success story and as having provided a useful testing ground for future efforts in crisis management, including police reform.

The EU has established a 'dual track' approach when engaging in police efforts in Macedonia. On the one hand, the European Commission is responsible for long-term police reform in the country offered by the Stabilisation and Association Process, assisting structural changes in the Ministry of Interior (MoI) and the police at national and regional level in support of the country's institutional development. The Council, on the other hand, tackles 'urgent needs' in support of the Ohrid Framework Agreement (signed at the end of the 2001 conflict), which sets the framework for domestic reforms through constitutional amendments, legislative modifications, and structural reforms (including in the police) and provides the international community with a mandate to organise international assistance.²

What has the EU learned from its use of the 'dual track' approach in reforming the Macedonian police? A close examination of coherence at the operational level between intergovernmental and Community instruments as well as co-operation between EU operations and other international actors active on the ground demonstrates that Commission police reform projects and the Council police mission *Proxima* have had mitigated results.

Co-ordinating the Long-term Perspective

The European Commission has been active in JHA reforms in Macedonia since 2000 through the provision of technical assistance to the Police Academy, equipment to the judicial sector, and support to the police and customs administration under PHARE. It was not until immediately after the 2001 crisis however, that

the EU became increasingly engaged in such efforts. The Commission made the first ever use of its Rapid Reaction Mechanism (RRM), providing €2 million to launch programmes on police reform, and disbursed funds under the CARDS Emergency Assistance Programme.³ It financed the EC Justice and Home Affairs Team (ECJHAT), which entailed the secondment of EU member state experts to the Macedonian MoI to assist in the development of key strategic documents (the National Police Strategy and its Action Plan) and lay down the direction of the current Police Reform. It was followed by the EC Police Reform Project, which consisted of a resident member state advisory team deployed in the Macedonian MoI to guide the implementation of the police reform process in the MoI and its partner institutions (that is, the Police Academy).

Although considerable progress was achieved in reforming the legislative framework of police reform, the EC projects raised a number of administrative complications. Firstly, the model of 'framework nation', whereby an EU member state leads the programme by providing logistical support and mobilising expertise from other member states in a timely manner, proved problematic. Yet, although this model led to a delay of many months in launching the ECJHAT project, it was used for the subsequent EC Police Reform Project. Secondly, while CARDS financing was supposed to follow right after the RRM Regulation, the six month limit on the duration of RRM programmes proved to be an arbitrary constraint on the design of police reform, which is a medium- to long-term challenge. To deal with the limitations of EC budget regulations, a European Agency for Reconstruction (EAR) office was opened in Skopje in December 2001 to bring the programmes under a single, well-resourced, field-based presence and to reinforce the coherence between the different EC funding instruments.⁴ This decision however, created much tension with the EC Delegation, which was particularly concerned about keeping the political control over some of the more sensitive elements of programmes (in particular the police reform programmes).⁵ The EAR was also considered equipped to deal with the huge backlog of funding (since the late 1990s) that it had inherited from the Commission and it was thought capable of ensuring that funds are disbursed on time. However, not only is this much needed funding disbursed with great delay, but most of it goes to the capital rather than regional and local police stations where more investment is needed.⁶

Tackling Short-term Security Concerns

On the Council side, an EU Police Mission code-named *Proxima* was deployed in December 2003 (initially for a year, then renewed for a second one), taking over from the first EU military mission *Concordia*. EUPOL *Proxima* was the second police mission falling under ESDP, but unlike the EU Police Mission in Bosnia-Herzegovina (EUPM), it was the first one to develop from a concept to a fully operational mission. To ensure that the mission responded to the particular needs in Macedonia, the deployment of *Proxima* was preceded by a joint European Commission-Council Secretariat fact-finding mission. In an effort to learn from past missions and liaise with existing actors on the ground, the mission incorporated officers from the EU Police Mission in Bosnia-Herzegovina, informally consulted with *Concordia*, and sought the advice of the OSCE and bilateral actors.

The short two-month planning period however, did not allow the development of a well-defined mission statement. *Proxima's* broad mandate covered assistance to consolidate law and order, including the fight against organised crime; support for the implementation of the reform of the MoI, police and a border police; confidence-building with local populations; and improving co-operation with neighbouring countries.⁷ In practice, *Proxima* police officers were co-located with indigenous police officers in regional and local police stations in the former crisis areas, the MoI in Skopje and at border crossings to offer operational mentoring, monitoring and advice on the strategic changes promoted by the Commission. In line with *Proxima's* mandate to work 'within a broader rule of law perspective', Law Enforcement Monitors helped advance co-operation among all bodies in the criminal justice system (the police, Public Prosecutor's Office, investigative officers, and courts).⁸ *Proxima's* short planning phase also highlighted that force generation and procurement, which happen in an *ad hoc* manner across the member states, result in the same delays and shortfalls as the UN and the OSCE. The inflexibility in member state recruitment procedures led to an important turnover rate, meaning that precious relations built with the local police in this 'consultancy-like' mission had to be re-built from scratch approximately every six to nine months.

In response to the mid-term review (June 2004), the extension of *Proxima's* mandate was adjusted to be more focused on urgent

operational needs. The mission reduced the number of programmes and staff and expanded its geographical coverage to a countrywide deployment. Changes, though, were limited to the structure and organisation of the mission, and the way it engaged in the areas in which it was active. Ultimately, the issues *Proxima* dealt with remained the same, thus retaining activities on fighting organised crime, although in practice they had not produced concrete results.⁹ In order to fulfil the programmes' objectives, *Proxima* developed a benchmarking system whereby the mission tackled very specific projects, with clear project aims and a specific timeframe, which had been endorsed *ex ante* by the MoI. This document helped confront local police resistance to change, an obstacle *Proxima* police officers had faced during the initial mandate.¹⁰ One can therefore note that while the Council had shown itself to be more receptive to change and more adaptable than the Commission, the adjustments made were primarily on the form of the mission rather than the substance.

EU Inter-institutional (In-)Coherence

The challenge Commission projects and *Proxima* faced was finding where and how to best complement each other and how to co-ordinate successfully their efforts. Political co-ordination among the EU institutions (including those involved in police efforts) to facilitate a common 'EU strategy' happened at weekly informal meetings, led by the EU Special Representative (EUSR). At an operational level, the EUSR was mandated with providing local political guidance to the Police Head of Mission, who led *Proxima* and assumed its day-to-day management. Furthermore, the EUSR's political advisor assisted in defining the mission's strategic approach.¹¹ Nonetheless, EU inter-institutional co-ordination on the ground suffered greatly due to the competition between EU missions.¹² Besides the acrimonious relationship between EAR and the EC Delegation, the rivalry between the reinforced Council Secretariat and the European Commission in Brussels trickled down to the ground.¹³ The Commission faced difficulties in recruiting police officers for its programmes, because member states prefer seconding police officers to Council police missions over which they have control. Consequently, EC advisory support for police reform was launched late and the *Proxima's* substantive work was delayed, since the National Police Reform Strategy which *Proxima* was to support operationally had not been

adopted when the mission was deployed.

Working in a Multilateral Environment

As is commonplace in peace support operations, the EU presence in Macedonia exists alongside other international organisations and bilateral actors. The main international actors include the US International Criminal Investigative Training Assistance Programme (ICITAP), which provided the initial training of minority police cadets, helped establish the Police Professional Standards Unit in the MoI and is currently involved in community policing training. The OSCE carried out the bulk of the work on police monitoring prior to the 2001 conflict, and following the signature of the Framework Agreement created a Police Reform Unit (in consultation with the Council Secretariat). The OSCE took over the cadet training from ICITAP, developed the training curricula for the Police Academy, and since the redeployment of the police to the crisis areas in 2002, has been involved in community policing training. Some EU member states also participate in police efforts in Macedonia on a bilateral basis, albeit on a limited budget and at an operational level, in parallel with EU-level involvement. France has concentrated on providing training for the Special Forces units in the MoI; the UK has concentrated on the organised crime units and, along with the Netherlands, is involved in community policing.¹⁴

Proxima's mandate and the CARDS JHA Strategy emphasise the importance of co-ordinating their efforts with other international actors. To ensure overall political co-ordination within the international community, regular meetings, chaired by the EUSR, bring together the heads of the main international actors in Macedonia (the so-called 'Principals').¹⁵ Furthermore, the 'Police Experts Group', consisting of all international actors involved in Macedonia's police reform convened on a weekly basis, under the chairmanship of the EUSR's Police Advisor, and aimed to ensure coherence in police efforts. In order to promote a broader rule of law approach, international actors supporting the judicial and the penal system were also associated with this group. Participants in this group agree that the forum was inefficient in co-ordinating efforts, because of the formality of the event which led actors to defend their mandate. The absence of exchange of information on ongoing efforts led to the duplication of programmes and a waste of time and resources. The tension was particularly visible between *Proxima*-OSCE exchanges on community policing and the OSCE-EC

relationship regarding police reform.¹⁶ The post of Police Advisor was not renewed beyond July 2004 and co-ordination of international police efforts was instead moved to the EC Delegation. This perhaps points to the Council's tacit acceptance that police reform is a long-term process and thus must be led by the Commission. The usual recruitment difficulties however meant that a JHA expert has only recently joined the EC Delegation. Interestingly enough, informal contacts and bilateral meetings, which took place in the meantime, were more helpful in building trust between the different actors.¹⁷

Conclusion

Important lessons can be drawn from *Proxima* for future ESDP police operations: handing over missions (from *Concordia* to *Proxima*); planning and setting up a mission; carrying out joint Commission-Council Secretariat fact-finding missions; using benchmarking for evaluating performance and progress. *Proxima* has also pointed to the benefits of ESDP civilian operations as opposed to Commission projects: EU police advisers are in the field, alongside local police and have a real sense of the situation; Council missions are set up faster than Commission programmes; and it is easier for the Council to find the necessary capabilities, although the increasing threat of terrorism in Europe will undoubtedly affect the Council's ability for police force generation.

The 'dual track' model however has revealed serious unresolved problems when it comes to EU inter-institutional and wider multilateral co-ordination of police efforts. The 'turf wars' that were fought between the EUSR and the EC Delegation generated some confusion in the eyes of the Macedonian authorities as to who was in charge.¹⁸ This perceived divergence in goals and contradictions of purpose between the European Commission and the Council are not only detrimental to the EU's image, but have also compromised police reform, since they create a motivation problem within the local police forces and lack of confidence in the reforms.¹⁹ The 'dual track' approach also created much confusion as to 'what' each mission was really about, with the Macedonian political elite viewing *Proxima* as a 'Europeanising' mission.²⁰ It has therefore put into question the notion of 'crisis management' and its implementation by the Council, intended to be a 'rapid reaction' to a crisis situation. The Macedonian experience demonstrates that a common EU definition of 'crisis management',

which would help create a clear division of labour between the Commission and the Council Secretariat in Brussels and on the ground, is imperative for a functioning EU 'dual track' approach.◇

¹ Some of the findings summarised in this article are presented in Isabelle Ioannides, 'EU Police Mission *Proxima*: Testing the "European" Approach to Building Peace', in A. Nowak (ed.), *Civilian Crisis Management: The EU Way*, Chaillot Paper No. 90 (Paris: European Institute for Security Studies, June 2006), pp. 69-86.

² An EU Special Representative (EUSR) was appointed to help ensure, *inter alia*, 'the coherence of the EU external action' and 'co-ordination of the international community's efforts'. Council Joint Action 2002/963/CFSP, *Official Journal of the European Communities*, L 334, 11 December 2002, pp. 7-8.

³ See *Rapid Reaction Mechanism End of Programme Report Former Yugoslav Republic of Macedonia* (Brussels: European Commission Conflict Prevention and Crisis Management Unit, European Commission, November 2003).

⁴ *Ibid.*

⁵ *Evaluation of the Implementation of Council Regulation 2667/2000 on the European Agency for Reconstruction, Synthesis Report, Volume II, Part A and B – Historical Perspective and Summary of the Agency's functioning in line with the Regulation* (Rome/ Brussels: Development Researcher's Network Consortium June 2004), p. 30.

⁶ Author's confidential interviews with MoI officials, in Skopje, June 2005.

⁷ Council Joint Action 2003/681/CFSP of 29 September on the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL 'Proxima'), *Official Journal of the European Union*, L249, 1 October 2003, p. 66.

⁸ Tobias Flessenkemper, *Proxima Presentation Brochure 2004* (Skopje: EUPOL Proxima, May 2004).

⁹ Author's interviews with *Proxima* police officers, in Tetovo and Skopje, June 2004.

¹⁰ Author's interviews with officials in Council General Secretariat, in Brussels, April 2005 and with *Proxima* official in Skopje, July 2005.

¹¹ *Coordination Aspects of Proxima*, 13532/1/03 REV 1, COSDP 590 (Council of the European Union Brussels, 16 October 2003).

¹² Author's interviews in DG RELEX, European Commission and Council General Secretariat, April-May 2005.

¹³ Claire Piana, 'The EU's Decision-Making Process in CFSP: The Case of the Former Yugoslav Republic of Macedonia', *European Foreign Affairs Review* vol. 7, 2002, p. 221.

¹⁴ It is worth noting that there have also been numerous initiatives at a regional level, concentrating on organised crime and police co-operation, launched within the framework of the Stability Pact and the Council of Europe.

¹⁵ *Coordination Aspects...*, op. cit., p. 3.

¹⁶ Author's interviews with OSCE police officers in Skopje, Kumanovo and Tetovo, summers of 2004 and 2005, and with *Proxima* police officers and EAR official, in Skopje, June-July 2004.

¹⁷ Author's interviews with international actors in Skopje, June 2004 and June 2005.

¹⁸ See, for example, *Utrinski Vesnic*, 1 April 2005.

¹⁹ Perhaps the Council decision to pre-empt the European Constitution and to replace the Head of the EC Delegation and the EUSR with a single 'double-hatted' EU representative, who can liaise with both institutions in Brussels, will put an end to the confusion.

²⁰ See Islam Yusufi, 'Europeanizing the Western Balkans through Military and Police Missions: The Cases of Concordia and Proxima in Macedonia', *European Balkan Observer*, vol. 2, no. 1, May 2004, pp. 8-12.

EU BAM Rafah: A Test for the EU's Role in the Middle East?

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The European Union has traditionally sought to play a more prominent role in the Middle East conflict. One of the recent and innovative strategies of this intervention has been the inclusion of the Palestinian Territories as an 'object' of the European Security and Defence Policy. Since 2005, the Palestinian Territories host two ESDP operations: the EU Border Assistance Mission in Rafah (EU BAM Rafah) and EUPOL COPPS.² The former is considered an important benchmark in the EU's stance in the Middle East conflict, since it is the first time that Israel has accepted a mediating role, albeit an unusual one, for the European Union in the conflict.³ This article refers to this new dimension of the EU's instruments in the field of crisis management through a brief analysis of the EU BAM Rafah, considering its significance for EU civilian crisis management and its impact in the Middle East context.

The EU's Increasing Role in Crisis Management

Since 2003, the European Union has given a significance impulse to one of the fundamental vectors of its Defence and Security Policy: peace support operations. Despite the bitter disagreement on the eve of the Iraqi invasion, the member states have approved 15 ESDP operations in three years. The operations in the Palestinian Territories are part of the wider EU civilian crisis management umbrella. As Agnieszka Nowak assesses,⁴ the 'soft' dimension of crisis management has been rapidly developed in the last few years. Among all the operations, ten have been of civilian nature while only four can be considered as military ones, and just one has been a mixed operation (EU support to AMIS II).⁵ While only two civilian operations were set up in 2003, the number has grown to nine operations in 2005, along with greater financing.⁶

EU BAM Rafah in the Light of EU Civilian Crisis Management

According to Joint Action 2005/889/CFSP, 'the aim of EU BAM Rafah is to provide a Third Party

presence at the Rafah crossing point in order to contribute, in cooperation with the Community's institutional-building efforts, to the opening of the Rafah crossing point and to build up confidence between the Government of Israel and the Palestinian Authority'. To assess the importance of this particular ESDP operation, it firstly must be taken as part of the EU's crisis management dimension and secondly, evaluated in the wider context of the Middle East conflict.

The EU's Border Assistance Mission in Rafah is the first ESDP operation with the specific aim of monitoring borders abroad. Although the European Commission has previously and even simultaneously developed this role, the EU25 decided to make this mission part of the ESDP framework. As Pedro Serrano stresses,⁷ despite the growing similarities of the different EU instruments and pillars in the area of crisis management, member states choose the intergovernmental framework according to the needs of rapid deployment and high capabilities; the EU's leverage in the conflict or the security situation; and the added value of ESDP civilian and military instruments acting at the same time. In the case of EU BAM Rafah, two reasons can be employed to explain this choice: first, the importance of the EU's direct participation in the Middle East conflict; and second, the added value of the ESDP flexible instruments which allow for the participation of the member states on a voluntary basis. In fact, EU BAM Rafah has entailed one of the most difficult negotiations among all ESDP operations. Especially visible was the Czech case, whose foreign minister spoke out against its development.⁸ The existence of discrepancies regarding ESDP operations is somewhat new and it corresponds to the higher importance of this instrument for the EU member states, as well as the greater complexity of the operations.

Be that as it may, the EU BAM Rafah operation is a coherent response to the EU's recent development and agreements in the area of civilian crisis management. From the initial emphasis on stressing capabilities in four priority areas (police, rule of law, civil administration, civilian protection), the EU has developed a new set of priorities which can be found in the Action Plan for Civilian Aspects of ESDP (17-18 June 2004). The Action Plan, which was followed by the Civilian Capabilities Commitment Conference (Brussels, 22 November 2004), stressed the need to deploy multifunctional civilian crisis management operations in an integrated format. These operations should take advantage of the EU's added value in areas such as security sector

reform, mediation, disarmament, demobilisation, reintegration and border control. At the same time, these new operations should emphasise the EU's monitoring capacities. In this sense, EU BAM Rafah is a product of this change in the EU crisis management capacities.

Likewise, the same Action Plan stresses the importance of a more coherent and complementary approach in the use of EU instruments (Community, ESDP and Member States bilateral assistance). Although it is perhaps too early to assess the coherence among EU instruments, there is evidence that a certain level of cooperation has developed among the different EU mechanisms of intervention in the ground. One example is the creation of an ESDP operation - EUPOL COPPS - which is located in a current Commission one, EU COPPS.⁹ Regarding our case study, EU BAM Rafah has benefited from the support in terms of financing by the Commission. In fact, the Commissioner for External Relations, Benita Ferrero-Waldner, recently announced an amount of €3 million devoted to the acquisition of technical material and to the training of Palestinian border service.¹⁰ Even the design of EU BAM Rafah was the product of a joint fact-finding mission undertaken by the Council and the Commission in early November 2005.

EU BAM Rafah in the Light of the Middle East Conflict

On a different note, EU BAM Rafah inserts its work in the framework of the Agreement on Movement and Access, signed by Israel and the Palestinian National Authority on 15 November 2005. This agreement was possible after the unilateral Israeli decision to abandon the Gaza Strip in August 2005. This decision has been accompanied by a heavier control of all the Gaza crossing points: those with Israel and the one with Egypt.

The main Gaza crossing points are in the North, Erez; in the centre, those of Karnei and Nahal 'Oz; and in the South, Sufa, the Karen Shalom and Rafah. The last one is the only point of contact with the outside for the Palestinians. Since the beginning of the second intifada in 2000, these crossing points have been closed or are open only on a restricted basis.¹¹ Due to the vital importance of the Palestinians having access to the outside, the US pressed Israel to begin negotiations in order to sign an agreement regarding the movement of goods and persons. As a result of this agreement, the Palestinians were supposed to obtain some sort

of free access abroad, but also between the Gaza Strip and the West Bank. Thus, Israel would allow the gradual establishment of bus and truck convoys between the Gaza Strip and the West Bank, the construction of the seaport, the exportation of agricultural products through Karni crossing, and Palestinian imports through Kerem Shalom. Also, the agreement envisaged the opening of the Rafah crossing point (which had been closed since 12 December 2004) for people and goods coming from Egypt. Regarding this crossing point, a third party was needed in order to verify the work of the Palestinian border officials. In order to fulfil these conditions, the parties invited the European Union to act as the third party.

However, the conditions of the EU's performance as a third party were not free from controversy. Whereas Israel demanded a robust role for the EU in the sense of having executive capabilities, the Palestinians rejected the idea and demanded a mere surveillance role. These two roles can be located in the EU language: a substitution operation or a monitoring operation. Finally, the parties agreed on a monitoring mission which consists of 'supervising the implementation of an agreement' between the parties,¹² which in the case of EU BAM Rafah, is the Agreement on Movement and Access. However, the EU incorporated another objective for EU BAM Rafah, which is providing support for building up Palestinian capacity in all aspects of border management at Rafah.¹³ By doing so, the EU emphasised the need to support the Palestinian Authority, as it has traditionally done. As assessed by Muriel Asseburg,¹⁴ the Union has developed three dimensions towards the Middle East conflict: financial and economic assistance, regional stabilisation, and support for Palestinian state and state-building as a precondition for security and for the settlement of the conflict.

Regarding the formal characteristics of EU BAM Rafah, it was launched on 25 November 2005 with a duration of 12 months (Council Joint Action 2005/889/CFSP). The operation is commanded by Major General Pietro Pistolesse under the control of the Secretary General/High Representative through the EU Special Representative for the Middle East Peace Process. The commander is in charge of 70 officials from Belgium, Denmark, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, Portugal, Slovenia, Spain, Sweden, The Netherlands, the United Kingdom and Romania (the only non-EU member).¹⁵ The budget of the operation was €1.696.659 for

2005, and €5.900.000 until November 2006.

What future for EU BAM Rafah?

Recent events in the Palestinian Territories have brought about a virtual blockade of the Gaza Strip. However, the EU's plan is to keep the Rafah crossing point partially open. According to Pedro Serrano, Director of the DGE IX devoted to Civilian Crisis Management of the Council's General Secretariat, the ESDP operation will continue until the end of its mandate. However, the ESDP team has been evacuated temporarily in some occasions from the crossing point due to recent incidents in the Palestinian internal situation.¹⁶ As far as the EU role in the Middle East conflict is concerned, EU BAM Rafah must be considered an important step of the EU's performance. In this sense, the EU has introduced a new dimension in its Middle East policy: the crisis management initiative. However, the asymmetry of the parties involved makes any effort to fulfil the EU agreements precarious. The situation is thus uncertain and there is not much room for optimism.◇

¹ Thanks for all comments received from Esther Barbé, Érika Ruiz and Lucia A. Poppattan. However, any mistake is the sole responsibility of the author.

² EUPOL COPPS is the EU police mission in the Palestinian Territories and it is devoted to supporting the Palestinian Authority in establishing sustainable and effective policing arrangements.

³ Natalie Tocci, 'Conflict Resolution in the Neighbourhood: Comparing the Role of the EU in the Turkish-Kurdish and Israeli-Palestinian Conflicts', *CEPS Working Document*, no. 221, March 2005.

⁴ Agnieszka Nowak, 'Civilian Crisis Management within ESDP', in Agnieszka Nowak (ed.), 'Civilian Crisis Management: The EU Way', *Chaillot Paper*, no. 90, June 2006, p. 15.

⁵ For more information see Esther Barbé and Maria A. Sabiote, 'Las misiones de la Política Europea de Seguridad y Defensa', *Dossier Especial del Observatori de Política Exterior Europea*, No. 4, May 2006, Bellaterra (Barcelona): Institut Universitari d'Estudis Europeus.

⁶ European Commission, 'RELEX Counsellors to Political Security Committee/COREPER/Council, CFSP Budget – priority action for 2006 and 2007', 14970/05, Brussels, 19 December 2005.

⁷ Pedro Serrano, 'A Strategic Approach to the European Security and Defence Policy', in Agnieszka Nowak (ed.), 'Civilian Crisis Management: The EU Way', *Chaillot Paper*, no. 90, June 2006, p. 44.

⁸ 'Mandate of EU Gaza mission still controversial', *EUObserver*, 7 November 2005.

⁹ EU COPPS is the European Union Co-ordinating Office for Palestinian Police Support. The Office currently consists of a team of four EU Police experts who will assist the Palestinian Authority in developing modern and effective civil police service.

¹⁰ *Bulletin Quotidien Europe*, no. 9110, 17 January 2006, p. 4.

¹¹ For more information about the latest developments in the Palestinian crossing points, see the *Palestinian Monitoring Group. Daily situation reports* from Palestine Media Center, www.palestine-pmc.com.

¹² Pedro Serrano, op.cit., p. 43.

¹³ Nicoletta Pirozzi, 'Building Security in the Palestinian Territories', *European Security Review*, no. 28, February 2006, p. 5.

¹⁴ Muriel Asseburg, 'From Declarations to Implementation? The Three Dimensions of European Policy towards the Conflict', in Martin Ortega, ed., 'The European Union and the Crisis in the Middle East', *Chaillot Paper*, no. 62, July 2003, pp. 11-26.

¹⁵ Other contributions have been done in terms of equipment (Czech Republic, Luxembourg, Slovenia, Sweden and United Kingdom) and financial contributions (Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Ireland, Malta and The Netherlands).

¹⁶ An incident of grave concern took place on 3 January 2006 when some Palestinian members of the Al-Aqsa Martyr's Brigade attacked the Rafah crossing point and provoked the evacuation of the EU team and the death of two Egyptian soldiers.

The EU in Afghanistan: What Role for EU Conflict Prevention and Crisis Management Policies?

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Although the EU has employed political and economic instruments in the reconstruction of Afghanistan, the provision of security rests in the hands of NATO and individual EU member states. This is puzzling for two reasons: first, the EU is in possession of civilian and military crisis management instruments under the European Security and Defense Policy (ESDP), which could be employed in Afghanistan. Second, a number of key threats identified in the 2003 European Security Strategy – terrorism, state failure and organized crime – are present in Afghanistan, which should in principle raise expectations for the EU (rather than its individual member states) to play a role in the provision of security. This article suggests that EU policies adopted in Afghanistan highlight a substantial tension, present at the creation of the policies towards the country in 2001/02: that of individual EU member state preferences and attitudes over the role and application of EU security instruments in a changing geo-strategic environment. Diverging views on the EU's role and member state initiatives in the provision of security, coupled with a lack of co-ordination between EU and NATO policies, have since reinforced rather than alleviated the fragmentation of policy instruments employed in Afghanistan.

Providing Security in the Reconstruction of Afghanistan: Nationalisation, Europeanisation, NATO-isation?

The significance of Afghanistan for international security and, by extension, the EU - given its global ambitions in the area of conflict prevention and crisis management - in the first instance lay in the fight against terrorism following the attacks of September 11 as well as in the changing nature of international coalitions. The US, rather than calling on NATO for support in toppling the Taliban regime relied instead on ad-hoc coalitions of the willing, thereby calling into question the role and purpose of military alliances in the post-September 11 era.¹ In the context of the EU and its evolving Common Foreign and Security Policy (CFSP) and ESDP, this brought with it the apparent re-nationalisation of foreign policy as

individual EU member states – Britain, France and Germany at the forefront – sought to contribute to the US-led war on terror through Operation Enduring Freedom (OEF) and the International Security Assistance Force (ISAF) in order to demonstrate their solidarity with the US as well as to increase their international standing.² This provoked resentment and charges of compromising EU unity, and of engaging in what may be termed mini-lateralism: discussing military contributions in closed meetings, often ahead of EU summits, thereby sidelining smaller EU member states including Belgium, which held the EU presidency during the second half of 2001. While this does not mean that the EU was not considered an important political and economic actor in Afghanistan on the part of EU member states, the initial appearance at least gave testimony to fragmentation rather than EU unity – and the reactions to suggestions of a possible 'EU force' as part of ISAF starkly illustrated the divergent views on the part of EU member states on the EU CFPS/ESDP's global and military reach and ambitions. ISAF came under overall NATO command in 2003, signalling the alliance's need to reinvent itself at the same time as the EU ESDP was in the process of inventing itself.³ When it came to the question of the role of the EU in the military – rather than in the political and economic – aspect of the war and subsequent reconstruction of Afghanistan, domestic and alliance politics informed national policy choices. The preferences of the US in the war on terror and the aim of preserving NATO in a post-September 11 environment proved too important to push for EU action – and the security situation in Afghanistan too challenging to 'try out' new mechanisms.⁴

The Application of EU Conflict Prevention and Crisis Management Policies in Afghanistan

Although the EU has not assumed a role in the military aspect of crisis management it has carved out a significant political and economic role with regard to Afghanistan both in terms of the financial contributions to the country's reconstruction as well as a political profile and influence for the EU in Afghanistan through the appointment of an EU Special Representative (EUSR). The appointment of the first EUSR in 2001 was to signal the EU's interest in claiming a political profile in Afghanistan and playing a united and leading role in Afghanistan.⁵ The current EUSR, Francesc Vendrell, appointed in 2002, has a small team of political advisers and is to act as the EU's face and voice in

Afghanistan with a mandate to: contribute to the integrity and full implementation of the EU-Afghanistan Joint Declaration; encourage positive contributions from regional actors; and support the pivotal role played by the UN and the work of the SG/HR in the region.⁶

The co-ordination between Council and Commission appears to be working reasonably well, with an official from the Commission's Conflict Prevention Unit working with the office of the EUSR.⁷ But there is no formal coordination mechanism between the EUSR (who provides detailed analysis) and the EC delegation (one of the largest donors), and there is a lack of sharing and coordinating communication, as there are no standardised and direct links between EU institutions and member states in Kabul.⁸ Moreover, reporting is not shared with NATO, which means that there is information disconnect between the economic, political and security policy dimensions.

The European Commission has made effective use of its conflict prevention instrument by drawing €4.93 million from the Rapid Reaction Mechanism (RRM) for use in Afghanistan after the Bonn Conference in 2001 in order to help legitimize the political transition. The EU is also co-chair (together with the US, Japan and Saudi Arabia) of the Afghan Reconstruction Steering Group. In 2002, €207 million were spent on recovery and reconstruction, and €73 million on humanitarian assistance. For 2003-04 €400 million were earmarked, with continuing humanitarian assistance. This makes the EU the largest single donor to Afghanistan. But, despite pledges of €200 million per year for 2005 and 2006, the Commission has noted that 'real progress towards creating a democratic, stable and prosperous Afghanistan is seriously threatened by the significant deterioration in security and by the exponential growth in opium poppy production'.⁹ This also included escalating violence towards aid workers; as a result, most of the South and Southeast came to be considered off-limits for all international staff. By mid-2004, €13 million of the Commission's projects in high risk areas were temporarily suspended.

With respect to the cross-cutting issues the Commission identified as aid priorities - demining, support for civil society, regional co-operation, return of refugees and tackling poppy production - assistance takes place in close cooperation with individual member states. The Commission is also striving to develop a portfolio of 'EU wide' programmes with member states,

such as the Kabul-Jalalabad-Torkham road project in cooperation with Sweden, the electricity rehabilitation of Kabul with Germany, and the co-financing of Civil Military Cooperation (CIMIC) operations with Finland and Sweden using the Rapid Reaction Mechanism.¹⁰

Individual member states have taken the lead in certain issue areas in addition to their activities as part of ISAF: the UK is the lead nation on Afghanistan's counter-narcotic programme which includes border and police training and the promotion of sustainable, alternative livelihoods. Germany, on the other hand, has taken the lead in providing assistance for rebuilding the police force in Afghanistan, and is co-operating with the UK as some tasks overlap.¹¹ Since September 2004, France has been coordinating international efforts in support of the establishment of the Afghan Parliament, working closely with the United Nations Development Programme (UNDP) and European partners,¹² whereas Italy has taken the lead in the justice sector.

There is, then, a significant degree of cooperation between the Commission and member states as well as bi-lateral cooperation in member states' specific fields of expertise in Afghanistan and within the Provincial Reconstruction Teams (PRTs).¹³ But, this is limited to ad-hoc cooperation in functional matters. This also applies to Brussels, where the sharing of information and coordination in security matters is lacking, which reinforces the overall fragmentation of European efforts. As a result, visibility of EU commitments is low even if local perceptions of the EU are largely favourable.

Conclusion: Where to for the EU in Afghanistan?

Although the sum of European contributions to the reconstruction of Afghanistan – including policies adopted under the EU Common Foreign and Security Policy (CFSP), by the Commission and the individual member states – is impressive, it obscures the fact that coordination between the different actors is not a given and that the security situation in Afghanistan negatively affects these policies' impact. Insufficient coordination with and limited influence on NATO and US policies means that EU efforts are subject not only to external forces as they relate to conditions on the ground but also to the policies of other international security actors that impact on

Afghanistan's security. The fragmented nature of the presence of the different European actors in turn suggests that the overall impact of the EU, including its visibility as a foreign policy actor in the reconstruction of Afghanistan, is sub-optimal.

NATO remains a more central security actor in Afghanistan, and the systemic shock of September 11 has reinforced old truths: in competition with other security actors, and given the type of security situation faced, the EU was relegated to the role of a 'soft' security actor by the member states. At the same time, Afghanistan represents a potential theatre for increasing the scope and number of ESDP missions in the area of police and/or rule of law missions.¹⁴ But, despite extensive bi-lateral cooperation on the ground on the parts of individual EU member states, there seems to be little appetite for a coordinated EU effort for providing stability and security. This is due in large part to a lack of political will on the part of the member states to equip the EU with such a role in Afghanistan, which is rooted in part in concerns over the delineation of tasks between NATO and the EU. The initial decisions – not to coordinate EU actions under ISAF but instead to defer to US and member states on the use of ESDP instruments – seems, therefore, to have resulted in permanent structures as far as the scope of action for the EU CFSP/ESDP is concerned. ♦

¹ Anatol Lieven, 'The End of NATO', *Prospect*, December 2001.

² Christopher Hill, *EU Foreign Policy since 11 September 2001: Renationalising or Regrouping?* First annual guest lecture in the 'Europe in the World' Centre series, University of Liverpool (www.liv.ac.uk/ewc). 24 October 2002.

³ Correspondingly, the invocation of Article V as a response to the attacks of 11 September has been interpreted as 'a response to NATO's self-preservation challenge'. Asle Toje, 'The First Casualty in the War against Terror: The Fall of NATO and Europe's Reluctant Coming of Age', *European Security*, vol. 12, no. 2, 2003, pp. 63-76.

⁴ Interview with member state officials, June/July 2005

⁵ Klaus Klaiber, 'The European Union in Afghanistan: Impressions of my term as Special Representative', National Europe Centre Paper No. 44, Australian National University, 2002. <http://www.anu.edu.au/NEC/klaiber.pdf>.

⁶ See Council of the European Union, Council Joint Action 2006/124/CFSP of 20 February 2006 extending the mandate of the Special Representative of the European Union for Afghanistan.

⁷ European Commission. Country Strategy Paper (CSP) Afghanistan, 2003-2006. Adopted 11 February 2003. http://europa.eu.int/comm/external_relations/afghanistan/csp/03_06.pdf

⁸ International Crisis Group, *Rebuilding the Afghan State: The European Union's Role*, Asia Report No. 107, 30 November 2005.

⁹ European Commission, National Indicative Programme of European Community Support 2005-2006: Afghanistan.

¹⁰ European Commission, Rapid Reaction Mechanism End of Program Report Afghanistan. European Commission Conflict Prevention and Crisis Management Unit, December, 2003.

¹¹ Federal Foreign Office/Federal Ministry of the Interior. *Assistance for rebuilding the police force in Afghanistan*. www.auswaertiges-amt.de, 2005.

¹² French Foreign Ministry, 2006.

¹³ There are currently 22 PRTs operating in Afghanistan, of which seven are led by EU member states. See ISAF, ISAF Provincial Reconstruction Teams, 15 February 2006. <http://www.afnorth.nato.int/ISAF/Backgrounders/bg005prt.htm>

¹⁴ And, although some member states have been looking to Afghanistan as a potential theatre for an ESDP operation, this has to date not resulted in specific policy proposals. Interview with member state official, June 2005.

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