

# NAVAL POSTGRADUATE SCHOOL

## Monterey, California



## THESIS

**THE EUROPEAN UNION IN PEACE OPERATIONS: LIMITS OF  
POLICY-MAKING AND MILITARY IMPLEMENTATION**

by

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March 2003

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MAKING AND MILITARY IMPLEMENTATION**

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## **ABSTRACT**

The 1992 European Union (EU) Common Foreign and Security Policy (CFSP, Maastricht Treaty) marked a turning point in the trans-Atlantic relationship. The Balkan conflicts and broader political changes in the 1990s compelled the EU to assume more responsibility in peace operations. The EU's 60,000 strong Rapid Reaction Force (RRF) is planned to be operational in 2003. Will the EU be able to conduct Petersberg-type peace operations? This thesis analyzes policy and military shortfalls of the Balkan peacekeeping effort. Questions about the legitimacy of armed humanitarian interventions, about difficulties in common policy formulation and translation to sound military objectives are the core problems of civil-military relations in European peace operations. The case studies focus on the EU failure to resolve the Bosnian crises between 1992-95, and on the gaps between NATO policies and military objectives in the operations of 'Implementation Force' in Bosnia and 'Allied Force' in Kosovo. The thesis considers developments in EU CFSP institutions and EU-NATO relationship as well as the EU's response to terrorist attacks on September 11 2001. The thesis argues that the difficulty in EU CFSP formulation limits the effective use of RRF in military operations.

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## I. INTRODUCTION

The adoption of the European Union's (EU)<sup>1</sup> Common Foreign and Security Policy (CFSP, known as the Maastricht Treaty)<sup>2</sup> in 1992 marked a turning point in the Euro-Atlantic relationship. The Balkan conflicts of the 1990s, combined with broader political and security environment changes, brought pressure on the EU to assume more responsibility in peace operations. In the Petersberg declaration the Western European Union Council of Ministers decided to employ military units for humanitarian, rescue and peacekeeping tasks and also for tasks of combat forces in crisis management, including peacemaking.<sup>3</sup> The European Union incorporated the "Petersberg tasks" into the 1997 Amsterdam Treaty<sup>4</sup> and initiated the establishment of a 60,000 strong Rapid Reaction Force (RRF) that is planned to be operational in 2003.<sup>5</sup> Will the EU be able to conduct Petersberg-type operations? The thesis argues that the difficulties inherent in the formation of the CFSP, and the complexity of integrating policies into military objectives, will likely limit the effective use of the RRF in future military operations.

European conflicts in the 20<sup>th</sup> century have twice led to world wars. Even today there are several local conflicts in Europe that are in danger of spreading unless the United Nations (UN) or regional organizations, such as the North Atlantic Treaty Organization (NATO) and European Union, apply the necessary political and economic measures -- supported with credible military force, if needed -- to resolve them. Besides preserving international peace and security, the issues of protecting human rights and preventing humanitarian disasters has become one of the main objectives in international

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<sup>1</sup> Belgium, France, Germany, Italy, Luxembourg and the Netherlands established the European Union in 1957 with the Treaty of Rome. Denmark, Ireland and the United Kingdom joined in 1973, Greece in 1981, Portugal and Spain in 1986, and Austria, Finland and Sweden in 1995.

<sup>2</sup> Treaty on European Union, signed in Maastricht in 1992, EU Home Page: <<http://europa.eu.int/abc/obj/treaties/en/entoc01.htm>> (August 08 2002)

<sup>3</sup> Western European Union Council of Ministers Petersberg Declaration, Bonn, 19 June 1992, Berlin Information-center for Transatlantic Security Home Page: <<http://www.bits.de/NRANEU/docs/petersberg92.pdf>> (August 20 2002)

<sup>4</sup> The Amsterdam Treaty, signed on October 2 1997, EU Home Page: <<http://europa.eu.int/abc/obj/amst/en/index.htm>> (August 07 2002)

<sup>5</sup> The Helsinki European Council Decision, December 10-11, 1999, EU Home Page: <<http://www.eurunion.org/legislat/Defense/esdpweb.htm>> (July 15 2002)

military interventions. Over the last decade, multilateral military efforts have been applied frequently to preserve or restore peace in southeastern Europe.

NATO has been taking steps to strengthen the security and defense role of its European allies for a number of years. Besides the EU's CFSP, the introduction of Combined Joint Task Forces (CJTF) in 1994<sup>6</sup> and the decision in 1996 to establish a European Security and Defense Identity (ESDI)<sup>7</sup> within NATO, both helped facilitate efficiency and burden-sharing. France and Britain, in the 1998 St. Malo Declaration,<sup>8</sup> expressed their determination to enhance internal EU defense cooperation further, while the Helsinki European Council (1999) agreed to develop common European security and defense policy (ESDP).<sup>9</sup> Those key developments contributed to the creation of a basic framework for the EU to act in the future without the direct involvement of the United States (but relying on U.S. and NATO assets) in peace operations. At the Helsinki Summit in December 1999, EU leaders set out the goal of developing a Rapid Reaction Force by 2003, to enable the Union to play a more active role in collective security arrangements. The RRF will consist of 50,000-60,000 troops, with air and naval elements planned to be deployable within 60 days and sustainable for up to a year.

To understand the EU's future in peacekeeping, however, one should understand its past. In peace operations, such as in Bosnia and Kosovo at the end of the 20th century, armed peacekeeping units are indispensable; the military component of peace operations is an important part of crisis management. Yet these forces are only a tool of political will. As Karl von Clausewitz famously suggested in the 19th century, war is the continuation of politics by other means.<sup>10</sup> The military therefore must understand the

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<sup>6</sup> Declaration of the Heads of State and Government participating in the meeting of the North Atlantic Council ("The Brussels Summit Declaration") Brussels, 11 January 1994, NATO Home Page: <<http://www.nato.int/docu/basicxt/b940111a.htm>> (July 16 2002)

<sup>7</sup> Ministerial Meeting of the North Atlantic Council, Berlin 3 June 1996, Press Communiqué M-NAC-1(96)63, Final Communiqué, NATO Home Page: <<http://www.nato.int/docu/pr/1996/p96-063e.htm>> (August 12 2002)

<sup>8</sup> Franco-British summit, Joint declaration on European defense, Saint-Malo, 4 December 1998, Embassy of France Home Page: <<http://www.ambafrance-us.org/news/statmnts/1998/stmalo.asp>> (August 12 2002)

<sup>9</sup> The Helsinki European Council Decision, December 10-11, 1999, EU Home Page: <<http://www.eurunion.org/legislat/Defense/esdpweb.htm>> (July 15 2002)

<sup>10</sup> Carl von Clausewitz, *On War*, trans. and ed. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1984), 87.



policy objectives for which it is fighting, in order to support their implementation. It is extremely important for both officers and politicians to grasp fully the complex relationship among policy, doctrine, strategy and operations in multilateral peacekeeping environment.

Some of the differences between war and peace operations emphasize those issues. The (at least supposed) neutrality of peacekeepers, strictly applied rules of engagement, limited objectives, combined multinational operations and the active participation of civilian, intergovernmental and non-governmental organizations, make it far more difficult for soldiers to carry out their peace missions than more standard forms of combat. Poorly defined political goals make it hard in turn to formulate reasonable military objectives. Desirable basic conditions for sending troops into war -- i.e., vital interests of the contributing countries; wholehearted commitment with sufficient (overwhelming) force; clear political (and military) objectives; public and political support -- rarely have been met in peacekeeping operations.<sup>11</sup>

In light of these difficulties, a deep understanding of politics, political decision-making and the political environment in the theatre of operations is one of the keys to bridging the gaps separating policy, doctrine, strategy and operations. Political decisions have far-reaching implications for the military, from strategic planning to operations in the field, that are not always understood well by political and even military leaders. An educated analysis of the political environment and decision-making process could result in better contingency planning and more successful operations. While military leaders should avoid becoming politicized, to make the right decisions they have to develop a good understanding of the political environment, decision-making processes, principles of democracy, and their own limitations as well.

The thesis assumes that the questionable legitimacy of armed humanitarian interventions, and the difficulties of formulating and translating common policy into sound military objectives, are the core stumbling blocks in civil-military relations in

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<sup>11</sup> So called 'Weinberger Doctrine', formulated by Caspar Weinberger, former U.S. Secretary of Defense, in a speech to the National Press Club in Washington, 28 November 1984, Caspar W. Weinberger, Fighting for Peace: Seven Critical Years in the Pentagon (New York: Warner Books, 1990), 453, see also Alexander L. George, "The Role of Force in Diplomacy: A Continuing Dilemma for U.S. Foreign Policy" in Gordon A. Craig and Alexander L. George, Force and Statecraft: Diplomatic Problems of our Time (New York: Oxford University Press, 1995), 266-267.

European peace operations. To demonstrate this, the thesis analyzes two cases: the failure of the EU to resolve the Bosnian crisis from 1992-95; and the gaps between NATO policies and military objectives during “Implementation Force” (IFOR) operations in Bosnia and “Allied Force” in Kosovo. The thesis examines developments in CFSP institutions and in the EU-NATO relationship; the EU’s response to the terrorist attacks of September 11, 2001; and their possible impact on future EU peace operations.

The thesis seeks to answer four core questions pertaining to European peace operations in the 1990s:

- What are the main constraints to common policy-making and the integration of political and military objectives? How can military force best support political objectives?
- How well or poorly did the European Union’s policies support peace operations in the Balkan between 1992-95?
- What were the major gaps between political and military objectives with respect to NATO’s IFOR and “Allied Force” peace operations?
- How has the EU’s CFSP institution adapted to the challenges posed by the Balkan conflicts and the increasing international terrorist threat? What are the possible implications of both the EU’s and NATO’s lessons learned for future EU military operations?

To answer those questions the thesis is organized into four main chapters.

**Chapter II.** examines the importance of legitimacy in peace operations, based on the *collective character* of decision-making and military intervention consistent with the principles of the UN Charter; *favorable public opinion*; and the *support of non-governmental organizations*. It also discusses the growing importance of humanitarian considerations and the role of regional organizations in local conflict. The chapter reviews some of the major theoretical and practical difficulties in formulating collectively agreed policies, and implementing them with multinational military means constrained by national political will, resources, capabilities and international law.

**Chapter III.** analyzes the circumstances and effects of key EU policies related to peace-making efforts in Bosnia-Herzegovina between 1992-95. The chapter reviews the development of CFSP tools, several problems with their implementation, the circumstances of failure, and the aftereffects of EU peacekeeping efforts on the EU's internal structures and external relationships.

**Chapter IV.** focuses on the consequences of gaps between political and military objectives in the cases of NATO-led IFOR and "Allied Force" operations in Bosnia and Kosovo. The chapter compares the main political and military objectives of those operations, based on an analysis of official documents and the pronouncements of key leaders. Although both operations were declared successful in military terms, there need to be improvements in the integration and interpretation of political and military objectives. The lessons of those operations may provide a good opportunity for EU leaders to understand the complexity and constraints of supporting political will with military force.

**Chapter V.** reviews changes made to the CFSP in the late 1990s, and again after the 9/11 terrorist attacks against the United States. It introduces the roles and responsibilities of newly created organizations in the CFSP structure, and the relationship between NATO's and the European Union's decision-making bodies for planning crisis management activities. It presents an Action Plan declared by the EU, consisting of common policies, joint actions and practical arrangements intended to meet the new challenges of international terrorism. These new arrangements are supposed to contribute to the effective management of "Petersberg tasks," and facilitate the fight against international terrorism; the obstacles to formulating common policies, however, may decrease the effectiveness of actions.

**The conclusion** summarizes the theoretical and practical findings of the study. The thesis will show the importance of the relationship between policies and operations in peacekeeping, and the constraints the EU may face in the future in the planning and conduct of multilateral peace operations.

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## **II. POLICY-MAKING AND OPERATIONS PLANNING IN PEACE OPERATIONS**

This chapter argues that the core problem of contemporary civil-military relations in peace operations is not solely ‘who guards the guardians’ but a related issue, how to reach agreement on collective policies and how to implement them with multinational military means. In civil-military relations there are tensions between policies and operations that are a function not only of national political will, resources and military capabilities but also of international law, collective decision-making and multilateral task implementation. Both policy-makers and operations planners should consider the collective approach to be a foundation of legitimacy. Both civilians and the military should understand the advantages and hardships of collective implementation in order to utilize assets in the most effective way.

Civil-military relations are not conducted on an isolated national game field reserved only for politicians and the officer corps. They are affected by many outside factors including domestic and international politics, institutions, laws, interests, culture, economics, public opinion and media. Civil-military relations become especially complex in military operations under multilateral and multi-layered political direction and multinational military command. Politicians and the military should be aware of those factors and, being polymaths, they must be able to think outside their own box and analyze the influence of other players and elements.

This chapter highlights some of the specific problems of international peace operations, including debates on policy formulation and implementation. It is organized into two main sections. Section A examines the question of legitimacy of interventions, the basic issue that divides opinions in domestic circles and the international community. The section describes the evolution of peacekeeping into humanitarian interventions, and the three building blocks of legitimate peace enforcement. Those building blocks are the collective character of actions in consistence with the principles of the United Nations Charter<sup>12</sup>; favorable public opinion; and the support of non-governmental organizations.

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<sup>12</sup> United Nations Charter, UN Home Page: <[www.un.org/aboutun/charter/](http://www.un.org/aboutun/charter/)> (9 October 2002)

Both politicians and military leaders should consider the legitimacy of operations to be the foundation for correct policies and achievable operational goals. Section B collects some of the general ideas and lessons learned about political and military considerations in peace operations as a subtype of limited conflicts. In doing so it also reviews some of the political, economic and technological changes (including democratization, globalization and the so-called Revolution in Military Affairs) of the 1990s that have had a considerable effect on peace operations.

Because of the space limitations of this essay, it was impossible to explore every aspect and possible effect these variables might have on operations, but the work reflects the complexity of the field, as well as the author's priorities and views on the main issues. There are two basic obstacles to drawing ready conclusions on the topic. First, the available literature in the fields of policies, military operations and other outside factors tends to concentrate on only one or the other of those areas, rather than considering them as a whole. Secondly, as each case is different, it is impossible to develop some magic formula on how to implement policies with military means in the most effective way every time. There are, however, some general concepts and findings that might be useful as a guide for both politicians and the military in formulating decisions and implementing operations.

## **A. ROLE AND LEGALITY OF PEACEKEEPING**

As early as the 18<sup>th</sup> century, Immanuel Kant introduced the basic requirements of international law that would allow nations to avoid war, and the idea of a federation of nations to collectively safeguard and preserve world peace.<sup>13</sup> Those early ideas came to life in the Covenant of the League of Nations, which entered into force on January 10, 1920. During its twenty-six years of existence, sixty-three nations became members of the League. As such they agreed:

... to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by

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<sup>13</sup> Immanuel Kant, Perpetual Peace, The History Guide, Lectures on Modern European Intellectual History: <<http://www.historyguide.org/intellect/kant.html>> (5 January 2003)

the firm establishment of the understandings of international law as the actual rule of conduct among Governments...<sup>14</sup>

Although the League failed to prevent World War II, the idea of international cooperation to keep world peace was preserved and led to the birth of the Organization of United Nations (UN) in 1945. The UN Charter, its founding document, is more than just a treaty of peace. It was created to provide a legal framework and common understanding on which to base what was hoped would be a more peaceful future. As a means to this noble end, however, the Charter has some shortfalls.

### **1. From Traditional Peacekeeping to Interventions**

One of the characteristics of the changing security environment in the 1990s was the decreasing number of interstate wars and the increasing number of internal conflicts. Although the fighting and potential mass terror inherent in many of those conflicts are confined within a domestic arena, the moral aspects reach outside state borders.

Although the vast majority of these conflicts primarily involve groups fighting within states, the distinction between internal and external conflict is becoming blurred: the loss of life and impact on neighboring states requires that the international community consider intervention in both cases.<sup>15</sup>

Whereas the international community is often concerned about the violations of international humanitarian law and human rights, and sometimes is motivated to apply all the necessary measures of crises management, the principle of non-interference into a nation's domestic jurisdiction limits the possibilities and raises questions about the legitimacy of military intervention.

One legitimate means of mitigating conflict available to the members of the UN is peacekeeping, "a technique that expands the possibilities for both the prevention of conflict and the making of peace."<sup>16</sup> From the organization's inception, peacekeeping has been the main instrument members use to fulfill the UN Charter's primary function of

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<sup>14</sup> George Gill, The League of Nations from 1929 to 1946 (New York: Avery Publishing Group, 1996), 165.

<sup>15</sup> Andrew J. Goodpaster, When Diplomacy is not Enough: Managing Multinational Interventions (New York: Carnegie Corporation, 1996), 11.

<sup>16</sup> An Agenda for Peace, A/47/277-S/24111, 17 June 1992, paragraph 20, UN Home Page: <<http://www.un.org/Docs/SG/agpeace.html>> (5 September 2002)

maintaining world peace.<sup>17</sup> Although the Charter does not contain the word “peacekeeping,” former UN Secretary General Dag Hammarskjöld referred to the concept as “Chapter Six and a Half”. He placed peacekeeping between traditional methods of resolving disputes with peaceful means (Chapter VI, Article 33 (1)), and more forceful action, such as embargoes and military intervention (Chapter VII). The use of peacekeeping as a means of conflict abatement is quickly increasing. Thirteen peacekeeping operations were instigated between 1945 and 1987; 36 were created between 1988 and 1998, of which ten missions currently are running.<sup>18</sup>

Traditional peacekeeping mainly serves to preserve a previously agreed-upon truce between opposing armed forces.<sup>19</sup> The fundamental peacekeeping guidelines were laid down during the Suez crisis in 1956, and remain relevant today:<sup>20</sup>

- the UN Security Council should authorize the operations;
- the conflicting parties must agree on UN involvement;
- the UN mission must be neutral toward both parties;
- coercive force may be used by peacekeepers only for self-defense;
- participation is on a voluntary basis and must exclude states with interests in the conflict.

The basic requirements to run a successful UN peacekeeping operation remain unchanged as well. As described by former UN Secretary General Boutros Boutros-Ghali, these are as follows:<sup>21</sup>

- a clear and practicable mandate (resolution) for action;
- the determination and contributions of member states to implement the resolution;
- continuing support from the Security Council;

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<sup>17</sup> United Nations Peacekeeping, Briefing Paper, UN Home Page: <[www.una-uk.org/UN&C/Peacekeeping.html](http://www.una-uk.org/UN&C/Peacekeeping.html)> (23 July 2002)

<sup>18</sup> United Nations Peacekeeping, an Evolving Technique, UN Home Page: <<http://www.un.org/Depts/dpko/dpko/intro/1.htm>> (20 September 2002)

<sup>19</sup> Bo Hultdt, “Working Multilaterally: The Old Peacekeepers’ Viewpoint,” in Beyond Traditional Peacekeeping, ed. Donald C. F. Daniel (New York: St. Martin’s Press, 1995), 103.

<sup>20</sup> Stanley Meisler, United Nations: The First Fifty Years, (New York, The Atlantic Monthly Press, 1995) 335.

<sup>21</sup> An Agenda for Peace, A/47/277-S/24111, 17 June 1992, paragraph 50, UN Home Page: <<http://www.un.org/Docs/SG/agpeace.html>> (5 September 2002)



- effective command and control arrangements;
- adequate financial and logistical support to see the operation to a conclusion.

The principles of traditional peacekeeping, however, are not applicable and the requirements for successful operations are barely achieved, in many of today's internal conflicts. Among the most typical complications: the agreement of conflicting parties rarely is guaranteed; the humanitarian dimension of events calls for urgent intervention; the Security Council or UN member states are hesitant or slow to take any decision; or peace can be reached only with decisive military means (i.e., Kosovo). The established practices of traditional peacekeeping have not been adapted flexibly enough to meet new challenges. The U.S.-led operation in Somalia and UN Protection Force (UNPROFOR) mission to Bosnia are examples of post-Cold War failures at peacekeeping. In both cases, the warring factions had their own agenda and refused to accept the interference of UN peacekeepers. Although in each case the humanitarian catastrophe required quick decisions and decisive action, the UN lacked an effective decision-making procedure or united command and control arrangements, as well as sufficiently powerful military forces ready to go in.

The end of the bipolar world division in 1991 and resultant democratic changes in many countries, directed the attention of the international community to the importance of fundamental human rights.<sup>22</sup> In one speech, U.S. President Bill Clinton established parallels between the importance of national interests and human values.<sup>23</sup> Some American experts went even further. Joseph Nye, for example, proposed that:

in democracy, the national interest...can include values such as human rights and democracy.... A democratic definition of the national interest does not accept the distinction between a morality-based and interest-based foreign policy.<sup>24</sup>

As a result of this shift, U.S. security strategy, beginning in 1999, defines the defense of democratic principles as one of its main goals.

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<sup>22</sup> Universal Declaration of Human Rights, General Assembly resolution 217 A (III) of 10 December 1948, UN Home Page: <[www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html)> (5 June 2002)

<sup>23</sup> Martin Ortega, "Military intervention and the European Union," *Chaillot Paper* 45, (Paris – March 2001), 71.

<sup>24</sup> *Ibid.*, 73.

The UN Charter recognizes the inherent need for protection of human rights as well, and reaffirms members' faith in those rights (Articles 55-56). But at the same time, the Charter also highlights the importance of state sovereignty and self-determination (Article 2(7)). The principles of non-intervention and protection of human rights can be contradictory. The increasing trend towards internal conflicts has exacerbated this tension, particularly as international interventions more often are undertaken in support of a humanitarian mandate. While national self-interest has not disappeared as a factor in decisions to intervene, in many cases it plays a secondary role or does not come into play at all. For example, intervention in Kosovo in 1999 was initiated to prevent humanitarian crises and maintain international peace and stability. In that case it is hard to detect any pure national interest on the part of intervening states.

Except in those cases when member states or regional organizations (i.e., the Economic Community of West African States, and NATO) were willing to take action, the UN has lacked effective procedures - as in the case of Kosovo - to intervene under moral obligation in the internal affairs of states. As the provision on the fulfillment of human rights obligations does not seem to be guaranteed in any way, this author agrees with the statement that the "principle of non-intervention in a state's internal affairs no longer appears adequate."<sup>25</sup>

International military intervention in support of the UN Charter and international law thus requires a willingness on the part of member states to acknowledge the precedence of malicious acts such as genocide and gross violations of human rights over the sovereign rights of statehood and to permit such action under Article 42 of the Charter as is required to prevent or stop violations.<sup>26</sup>

Nevertheless, if the international community is going to intervene, it is extremely important to define the checks and balances on legitimate actions that serve to enforce human rights, free of political agendas, national or other interests.

Ortega argues (3) that the legitimacy of humanitarian intervention can be established on moral or collective grounds. Moral justification is very hard to establish

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<sup>25</sup> Ortega, V.

<sup>26</sup> Patric J. O'Halloran, Humanitarian Intervention and the Genocide in Rwanda (London, Research Institute for the Study of Conflict and Terrorism, 1995), 19.

across cultures, however, as values, beliefs, ideas and traditions differ widely country by country, or even group by group. While there is no such thing as an international society shared among all states, and international law regulates the relationships between rather than within states, the idea of collective justification seems to be more promising. The legitimacy of military intervention may be based on a majority consensus and gain the support of the international community and national populations.

## **2. Collectivity and Regional Organizations**

One of the most powerful words in the UN Charter is “collectivity.”<sup>27</sup> The principle of collectivity legitimizes the decisions of the United Nations as the highest authority within the international community. The UN Security Council (UNSC) is the body with primary responsibility, under Article 24(1), for the maintenance of international peace and security. Although it has often been hard for UNSC members to reach a common understanding on many issues, the end of the Cold War division between the Soviet and Western blocs improved the chances that members will agree to authorize collective security actions based on principles and values (i.e., Bosnia), rather than self-interest. As an example of the changing political environment, in 1990 the Security Council authorized peace enforcement operations under Chapter VII, in response to Iraq's invasion of Kuwait, for the first time since the Korean crisis in 1950. Furthermore, peace operations since the early 1990s often have involved a broader variety of tasks, such as peace enforcement, electoral support and democratic development initiatives, than did traditional peacekeeping.

Humanitarian and collective military interventions evolved into two main types, though their distinctions sometimes tended to blur. Martin Ortega defines (6) humanitarian intervention (e.g., Kosovo) as when “one state or a group of states use armed force to alleviate the suffering of human beings in the territory of other states.”

The collective approach to intervention, with its emphasis on international peace and security and an evolving role for regional organizations, characterized the operations of the 1990s. According to Neil McFarlane:

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<sup>27</sup> United Nations Charter, Article 50, 51, UN Home Page: <[www.un.org/aboutun/charter/](http://www.un.org/aboutun/charter/)> (9 October 2002)

The practice of intervention in the post-Cold War period was dominated at the global level by actions mounted by coalitions of the willing under UN mandates (UNITAF in Somalia in late 1992, Operation Uphold Democracy in Haiti in 1994, NATO's insertion of IFOR into Bosnia-Herzegovina in 1995, the Italian-led Operation Alba in Albania in 1997 and the Australian-led INTERFET in East Timor in 1999)...<sup>28</sup>

The role of regional organizations and the legitimacy of their actions for the sake of international peace and human rights are based on the United Nations Charter, as well as on the principles of collective and humanitarian interventions. Chapter VIII of the UN Charter encourages regional actors to work together to resolve disputes within their region, but stops short of defining what such arrangements should be.<sup>29</sup>

In some cases, the UN Security Council only legitimized military interventions (e.g., Northern Iraq and Kosovo) after the fact. The clear humanitarian goals of these operations nevertheless gained the broad acceptance of the international community even in the absence of an authorizing UN mandate. These cases and others demonstrate the need for a new principle or set of rules allowing more flexible collective military intervention for humanitarian purposes.

The justification of international intervention is widely debated. Some propose the preconditions of the "Just War" doctrine for contemporary interventions:

The operation must be conducted under a competent authority; for just cause; after peaceful means have been tried and failed; if there is a reasonable chance of success; and with a sense of proportion and discrimination, i.e., not merely for revenge which will, inter alia, harm innocent civilians, but to produce a better result.<sup>30</sup>

Others argue that the concept of triggering interventions in support of international peace could broaden unmanageably to include all conflict with human rights violations, refugee migrations and internal armed struggles. In those cases, the legitimacy

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<sup>28</sup> S. Neil MacFarlane, Intervention in Contemporary World Politics (New York: Oxford University Press, 2002), 61.

<sup>29</sup> A Note on Cooperation with Regional Organizations, UN Home Page: <<http://www.un.org/Depts/dpko/dpko/intro/region.htm>> (15 October 2002)

<sup>30</sup> Jane M. O. Sharp, "Appeasement, Intervention and the Future of Europe," in Military Interventions in European Conflicts, ed. Lawrence Freedman (Kent: Blackwell Publishers, 1994), 34.

of collective intervention should be consistent with established criteria, such as the severity of the rights violations and humanitarian concerns.<sup>31</sup>

Based on different views and suggested criteria,<sup>32</sup> some of the basic rules for humanitarian intervention by regional organizations are proposed here as a guideline.

***a. Situation:***

1. Humanitarian catastrophe is very likely, (based on the reports of reliable international organizations [IOs] and non-governmental organizations [NGOs]).
2. Peaceful means have not brought a positive result (Chapter VI).

***b. Requirements:***

1. A more exact definition of regional organizations, formulated and legitimated by the UN.
2. The decision on military intervention should be collective, made by the UNSC or regional organization(s).
3. The UNSC has the right to stop or take the lead in any phase of the process.
4. The policy preparation and decision-making process should be open and clearly communicated to all members.
5. The purpose of the action should gain the support of the international community.
6. The policy goals and strategic objectives should not reflect national interests of any kind.
7. Military action should be collective, multilateral and in line with the principles of the UN Charter (except that of non-interference in state

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<sup>31</sup> Dorinda G. Dallmeyer, "National Perspectives on International Intervention: From the Outside Looking In," in Beyond Traditional Peacekeeping, ed. Donald C. F. Daniel (New York: St. Martin's Press, 1995), 24.

<sup>32</sup> José Zalaquett, "The Legitimacy of Armed Humanitarian Intervention: Basic Concept," Conference paper, Geneva 4 (2000), <[www.isn.ethz.ch/4isf/46papers\\_by\\_WS.htm](http://www.isn.ethz.ch/4isf/46papers_by_WS.htm)> (13 November 2002)

sovereignty, but only to the degree necessary to avoid humanitarian disaster) and humanitarian law, as well as laws of war.

8. The military can use only minimum force.
9. Rules of engagement should be in line with UN operational practices.

Regional organizations should be involved in collective post-conflict management as well. One example of an international restoration effort is the Yugoslavian province of Kosovo, where international and regional organizations are working together under the leadership of a Special Representative of the UN Secretary General. Among other organizations, the North Atlantic Treaty Organization (NATO) ensures overall security, the Organization for Security and Cooperation in Europe (OSCE) directs efforts in democratization and institution building, while the European Union manages economic reconstruction.<sup>33</sup>

The first building block of legitimate military intervention is a collective approach. Because of contradicting principles, quick and decisive UN action remains a desirable, but elusive, goal, which may be balanced in the future with the development of a clear set of rights and responsibilities by which regional organizations can apply crisis management tools on a collective basis. If regional organizations are willing to intervene and commit forces to peace operations under or without the UN umbrella, they must carefully adapt the examples and experiences of the past. They must adjust their doctrine and strategies to the requirements and characteristics of multilateral peace operations, and fine-tune their institutions, analytical and collective decision-making structures and procedures to respond effectively to new challenges.

### **3. The Roles of Public Opinion, Media and International Organizations**

The second building block of legitimate peace operations is favorable international public opinion. The growing number of democratic regimes, the border-erasing effects of globalization and the rapid development of communication and information technology all strengthen the importance of public opinion. The opinion of electorates is important in democracies: the public affects policy formulation and

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<sup>33</sup> Kosovo - facts and figures (as of 27 November 2000), NATO Home Page: <<http://www.nato.int/docu/facts/2000/kosovo-ff.htm>> (December 05 2002)

reinforces or decreases the legitimacy of policy decisions. But public opinion is also a function of other factors.

There is a very complex relationship among policy-makers, NGOs, the public and the media. Many argue that the so-called “CNN effect” -- the immediate public outcry produced by live footage of humanitarian disasters beamed into millions of homes around the world -- plays an important role in policy decisions as well as public opinion formulation; others deny the cause-effect relationship or see it as a two-way or more complex interaction. Like the problem of the chicken and egg, it is often hard to define which piece of this puzzle has the most determining effect on final decisions. It is most likely that each actor contributes more or less to the process with each individual case.

The conventional wisdom says that media play a significant role in shaping public opinion and policies. On the one hand, audio-visual coverage of crises, particularly massacres and widespread suffering, often causes outrage around the world. On the other hand, there is some evidence that both citizens and officials are experiencing “sympathy burn-out” due to constant exposure to images of tragedy or brutality.<sup>34</sup> For some, this may be in part because their own peaceful and secure environment prevents them from understanding and feeling empathy with the situation they see on television. For example, only an average 15% of Americans paid close attention to the brutal Balkan conflict in 1993 and 1994.<sup>35</sup> However, different activist and interest groups can multiply the effects of media coverage by rallying and lobbying for their specific agendas, as often happened in the 1990s.

It remains debatable what, if any, direct effect media have on policymaking. According to Warren Strobel, “The media seemed to have an impact when policy was weakly held, was already in the process of being changed or was lacking public support.”<sup>36</sup> As collective actions require collective decision-making, a long doubtful process of integrating different views and interests into coherent policies, the media can easily stamp their influence on the outcome. Although the nature of collective humanitarian operations is supposed to be less political than other forms of collective

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<sup>34</sup> Warren P. Strobel, “The CNN Effect,” *American Journalism Review*, May 1996, 35.

<sup>35</sup> Andrew Kohut and Robert Toth, “Arms and the People,” *Foreign Affairs*, Volume 73 No. 6, 54.

<sup>36</sup> Strobel, 36.

action, the use of force and the risks at stake increase media and public interest. This high interest in turn contributes to the strengthening of openness policies as well as the legitimacy of final decisions. It also strengthens civilian control over military operations.

The collective and humanitarian characteristics of military interventions and the use of force in the 1990s gained the support of the Western public in most cases. At the same time, public willingness to accept casualties among their peacekeepers generally remained low. Two conflicting trends resulted: “civil society demanded more assertive action, including military operations, on the other hand there was a general reluctance to fight wars that might result in significant casualties.”<sup>37</sup>

Those contradicting demands limit the options of policy-makers in the use of military force for peace operations. Policy-makers are pressed to come up with solutions to satisfy electorates and the international community, but they must accurately assess and consider the risks to intervening forces in any decisions they take. The military strategy has to mirror this expectation of a low casualty level, and that often means making a trade-off between safety and speed. For example, strong British interventionist sentiments during the Bosnian crises pressed the government to persuade the electorate “that the decision to employ armed forces should be determined not only by the justice of the cause but also by their likely efficacy.”<sup>38</sup>

As Ortega defines them, (45) other important features of public opinion are a short-lived memory and the inclination to manipulate and make judgments about situations of which people have little in-depth knowledge. For these reasons, although public opinion certainly should be taken into consideration, it should not be the main argument for a particular policy decision.

Non-governmental organizations are the third building block of legitimacy. The significance of NGOs both in policy-making and in the realization of peace operations grew in the 1990s. Although they follow very different agendas and have various organizational cultures, their local contacts, knowledge of the environment and expertise in the field can make them important contributors to crisis management. During the

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<sup>37</sup> Ortega, 42.

<sup>38</sup> Ibid., 44.



period in question, NGOs frequently affected policies by raising awareness of humanitarian crises and demanding “public interest and government involvement alike.”<sup>39</sup> NGOs also have had an impact on military operations. Their work contributes to the peace-making and peace-building efforts of governments, therefore their presence on the field must not be neglected in military consultations, or support and security arrangements.<sup>40</sup>

## **B. CIVIL-MILITARY RELATIONS: POLICIES AND OPERATIONS**

Power and diplomacy always go together... Certainly power must always be guided by purpose, but the hard reality is that diplomacy not backed by strength is ineffectual...Power and diplomacy are not distinctive alternatives. They must go together, or we will accomplish very little in the world.<sup>41</sup>

There is a historic debate about the primacy of civilian vs. military leadership in war. There is also a question whether politicians can or should interfere in the conduct of warfare. As Eliot A. Cohen, in his book *Supreme Command* points out, the views on those matters have changed over time, case by case, and leader by leader.<sup>42</sup>

In peace operations, as in war, policy and operations are strongly linked together. If one of them fails the other also will suffer. While the primacy of policy is hard to challenge, however, the translation of policy into military strategy and the conduct of operations may require specific knowledge and capabilities that are not always readily available to civilian policymakers. As Richard Betts points out:

Practitioners usually think of strategy in terms of a linear model, but actual war usually resembles the circular.... model, where events in each phase generate feedback, altering the other functions. Results and unforeseen requirements of operations alter strategy, and changed requirements of strategy reshape political objectives.<sup>43</sup>

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<sup>39</sup> Ibid., 46.

<sup>40</sup> Pamela Aall, Lt. Col. Daniel Miltenberger, Thomas G. Weiss, Guide to IGOs, NGOs and the Military in Peace and Relief Operations (United States Institute of Peace Press, 2001), xi.

<sup>41</sup> Shultz's public statement in Alexander L. George “The Role of Force in Diplomacy: A Continuing Dilemma for U.S. Foreign Policy” in Gordon A. Craig, Alexander L. George, Force and Statecraft: Diplomatic Problems of our time, (New York: Oxford University Press, 1995), 266.

<sup>42</sup> Eliot A. Cohen, Supreme Command, Soldiers, Statesmen and Leadership in Wartime (New York: The Free Press, 2002). See especially pp. 12-14.

<sup>43</sup> Richard K. Betts, “The Trouble with Strategy: Bridging Policy and Operations,” Joint Forces Quarterly, (Autumn/Winter 2001-02) 23,

It is essential for policymakers and practitioners to take into consideration all the circumstances and continuous changes of situation that demand uninterrupted vertical communication and flexibility, as well as team effort. In such a situation, the sharing of experience, knowledge and opinion among civilian and military leaders is mission critical.

### **1. The Changing International and Domestic Environment**

The post-Cold War peacekeeping environment is multilateral, involving military forces from a number of countries, working together with civilian organizations. As a result, there have been considerable changes in civil-military relations affecting both the theory and practice of that concept. Policy-making, strategy, doctrine formation, mission requirements and operational planning; the structure and relationship among multinational forces; and the interface between military organizations, IGOs and NGOs, have become multi-layered and collective in nature.

The international and domestic environment also underwent other radical changes during this time. Two of the most important changes are the accelerated democratization processes and strengthening of democratic civilian control over national militaries. Globalization put its mark on every corner of society; the rapid evolution of communications and information technology made information (which is ‘power’) available practically to everyone. The so-called revolution in military affairs (RMA) changed the character of warfare through the introduction of new technologies, which sooner or later will change strategies, tactics and the military itself.

#### ***a. Democratization, Democratic Control***

By the year 1998, the world had seen what is known as the “third wave” of democratization, when the percentage of electoral democracies rose from 27% percent in 1974 to 117 in 1998, more than 60% of all countries.<sup>44</sup> Along with political, societal and economic changes, democratization in most cases reinforced civilian control over militaries through new or established legal, constitutional and institutional frameworks.

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<sup>44</sup> Larry Diamond, Developing Democracy, Toward Consolidation (London: The Johns Hopkins University Press, Baltimore, 1999) 2.

While it is generally accepted that military conflict among democratic states is less likely, among states making the transition to democracy, the likelihood of strife remains high.<sup>45</sup>

Policymakers among democratized countries can expect similar responses from the other side to given behaviors, due to a shared political culture; because of the mutual gains of cooperation, the formation of alliances among democracies becomes more probable.<sup>46</sup> This tendency encourages policy formulations and military operations favoring a collective, multilateral approach to conflict resolution. Nevertheless, enduring differences in political and military institutions, national cultures and economic behavior still raise barriers to cooperation.

### ***b. Globalization: Blurring Interests***

Whether globalization, which undeniably affects every stratum of modern life and society, is universally beneficial is widely debated among its supporters and critics. The integration of world economies, scientific endeavors and communications merges different interests that must compromise on political agreements, objectives and goals. National militaries are able to learn each other's organizations, capabilities, procedures and ways of thinking to an unprecedented degree. Although such transparency reveals weaknesses and problems, it also contributes to common understanding and facilitates cooperation and collective crisis management.

### ***c. Communication and Information Technology***

The rapid evolution of communication and information technology makes the ideological indoctrination of developed societies<sup>47</sup>, such as occurred in Russia and Germany in the 20th century, almost impossible. But the gap between democratic, economically developed countries and other societies that are still suffering from hunger, poverty and political and ideological divisions is widening, and requires close attention.

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<sup>45</sup> Edward D. Mansfield and Jack Snyder "Democratic Transition and War: From Napoleon to the Millenium's End" in Turbulent Peace. The Challenges of Managing International Conflict, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 2001), 117.

<sup>46</sup> Robert Axelrod, The Evolution of Cooperation (Basic Books, 1984), 173.

<sup>47</sup> The manufacture and export of high-tech goods is considered here to be a sign of a developed, modern economy.

#### ***d. Revolution in Military Affairs***

The technological breakthroughs that characterize the revolution in military affairs (RMA)<sup>48</sup> improved long-distance precision targeting and increased accuracy; these developments in turn decreased the side effects, collateral damage and risk to friendly forces of modern warfare. This type of warfare could meet realistic objectives such as the destruction or disruption of political (civilian) and military command, control, communication, and computer networks (C4), air fighting and air defense capacities, as well as major economic infrastructure, while ideally leaving neighborhoods and vital services largely intact. Some proponents argue that distance warfare alone can win wars; others emphasize that without troops on the ground to consolidate successes, no victory can be achieved. One thing seems sure: for at least the time being, the advantages of the RMA are available chiefly to US forces (and through the United States to NATO and the EU), which presents an imbalance in position of power. If the RMA becomes widespread (which probably will not happen within the next decade), the rules of the game will be changed, and the risk to war-fighters and civilian targets in the homeland increased.

#### **2. Collective Decision-making and Policy Considerations**

The main feature of collective and humanitarian interventions on the policy level is the appearance of collective will, interests, goals and objectives. As noted above, the effect of non-governmental actors and public opinion on policy making is considerable. National policies ideally merge into collective decisions, which then direct military action. The actual processes of course are more complicated, and final policies reflect some long-term strategic objectives like restoration of peace and order, and nation building. A collective policy is more legitimate than a unilateral one. If decision-makers take advantage of the wide experience and knowledge available to them, they will more easily avoid relying on just one historical precedent or analogy,<sup>49</sup> and come to a decision as the result of an objective analysis.<sup>50</sup>

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<sup>48</sup> Robert E. Harkavy and Stephanie G. Neuman, Warfare and the Third World (New York: Palgrave, 2001), 9.

<sup>49</sup> Alexander L. George, Theory and Practice in Foreign Policy (Washington, D.C.: United States Institute of Peace, 2001), 12.

<sup>50</sup> *Ibid.*, 14.

Collective policies at the same time are often less direct and clear than might be wished, because they reflect bureaucratic procedures of coordination and compromise, consensus and trade-off; and they tend to pursue more difficult aims than the overthrow of a government or dictator, or winning a total war. This can create a real problem, given that a clear, credible and achievable mandate is known to be the basis of successful peace operations. Even clear peacemaking policies are hard to accomplish by military means, however, as A. L. George (90) points out: “[A] resounding battlefield success cannot be easily converted into a wholly satisfactory political outcome.”

George defines three types of knowledge policy-makers usually need:

[First is] conceptualization of strategies – a conceptual framework for each of the many different strategies and instruments available to them for attempting to influence other states. Secondly general, or generic knowledge of each strategy, based on study of past experience that identifies the uses and limitations of each strategy and the conditions on which its effective employment depends. And finally actor-specific behavioral models for sophisticated, insightful understanding of each of the state-actors with whom they interact.<sup>51</sup>

In addition, policy-makers should take into consideration the legitimacy of action; the level of domestic political and public support; the capabilities and limitations of their domestic military; the possibility of building an international coalition for a unified effort; manning, technical and financial constraints; cost-effectiveness and value complexity compared to other important agendas. Other judgments such as short- and long-term payoffs, when to be satisfied or to optimize, and when to decide, also play an important role in the process.<sup>52</sup> The harmonization of desired objectives and available resources is mission essential.

Sufficient knowledge for decision-making requires institutionalized, coordinated and shared information gathering; along with data accumulation, analyses, synthesis and dissemination. Early warning and policy planning cells with educated and experienced staff can transform what often are response-based strategies into preventive policies.

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<sup>51</sup> Ibid., xvii.

<sup>52</sup> George, 22-28.

Another dilemma is that political (and military) leaders can be indecisive, wavering and reluctant to be involved in the post-conflict political, economic and social development effort. Peacekeeping operations, however, cannot be ended until peace- or nation building has resulted in a secure environment. This fact should be considered at the very beginning, by formulating a realistic exit strategy that reflects a willingness to pay for success in time and treasure. As a rule of thumb, keeping forces in place is cheaper and politically easier than initiating a new intervention if things go wrong again.<sup>53</sup>

Politicians and military strategists should understand and consider the wide range of sources, from political and economic problems through abuses of human rights, out of which conflicts arise. Political objectives may be more open to compromise than religious, ideological or resource-driven conflicts. The number of conflicting parties, their divergence and financial independence, as well as the level of casualties and destruction being inflicted, also should affect the planning and execution of peace operations.<sup>54</sup> Policy should be directed to consensus building. The willingness and ability of local authorities to support peacekeeping operations and any subsequent stabilization effort is crucial and will affect the timing of the exit strategy.

The competence and efficiency of policy-makers and military leaders play a determining role in the success of operations. The changing peacekeeping environment requires a deep understanding of each situation, advanced planning, flexibility and quick reactions from the peacekeepers' side. If a decision is made to go in, the military should get full support from their political authorities, which means having a clear mandate on the use of force, a sufficient number of peacekeepers with good equipment, effective command, control, communication and intelligence arrangements, as well as reliable service-support, to reach mission objectives.<sup>55</sup> If the military lack any of those support requirements, the success of operations will be endangered and the ability of the military to be effective defending the mandate, themselves and others will suffer.

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<sup>53</sup> Peace Operations, Report of the Panel on United Nations paragraph 17, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

<sup>54</sup> Ibid., paragraph 24.

<sup>55</sup> Ibid., paragraph 51.

### 3. Military Considerations in Peace Operations

The relationship between politicians and the military plays an important part in achieving the goal of a secured environment. As German strategist Otto von Bismarck pointed out in the 19<sup>th</sup> century, “it was not the business of the Army to express opinions on political questions.”<sup>56</sup> Nevertheless, the military should understand the political environment they are entering in order to harmonize their actions with the declared political goals, taking into consideration constraints and consequences. Continuous communication and information exchange between politicians and military leaders is one of the keys for success, contrary to the traditional views of Helmuth von Moltke and his followers throughout military history:

Strategy can only direct its efforts towards the highest goal which the means available make attainable. In this way, it aids politics best, working only for its objectives, but in its operations independent of it.<sup>57</sup>

The operational level is characterized by joint actions, which demand the cooperation and support of governmental and non-governmental organizations and authorization to use force.

Somalia and Bosnia clearly illustrated that the objective of stabilizing the environment and building peace confronted military forces with new challenges.<sup>58</sup>

Peace operations by nature are best characterized by the principles of operations in low-intensity conflict and limited warfare.<sup>59</sup> Those conflicts are usually “transnational” in character, involving outside actors and cross-border effects.<sup>60</sup> The complexity of tasks and risk increase with the volatility of the situation. The basic task is to move the conflict from the military to the political arena and keep it there.<sup>61</sup> Without the active political, logistical and sometimes military support of great power(s) or major regional

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<sup>56</sup> Gordon A. Craig, The Politics of the Prussian Army 1640-1945, (New York: Oxford University Press, 1995), 191.

<sup>57</sup> Moltke, “Über Strategie” in Gordon A. Craig, The Politics of the Prussian Army 1640-1945, (New York: Oxford University Press, 1995), 216.

<sup>58</sup> Ortega, 14-15.

<sup>59</sup> US Army FM 7-98 Operations in a Low-Intensity Conflict, 1992, 1.

<sup>60</sup> Peace Operations, Report of the Panel on United Nations, paragraph 18, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

organizations, and their willingness to accept casualties, the mission objective of peacekeeping will be difficult to accomplish.<sup>62</sup>

Difficulties in integrating military objectives and political objectives arise particularly in limited wars...fought for limited objectives...pursued by limited military means. In some limited wars, political leaders impose constraints that prevent military leaders from using optimal military strategy and tactics, and the result may be a gap between military strategy and political objectives.<sup>63</sup>

Overlapping national, political and economic interests are at play. Policy makers should ask the advice of military professionals, which can improve the outcome of efforts to harmonize policies and military operations. The collective approach to policy formulation, and multilaterally organized and executed military operations, make the conduct of limited warfare especially difficult.

The evolution in communication and information technology can tempt top political and military leaders to micromanage operations. Some even suggest that the different levels of war will merge, making it possible to convert tactical success immediately into decisive strategic results.<sup>64</sup> There are, however, some collective (political) objectives in peace operations that can not be realized through military means alone, because of the “inescapable limits on the utility of force as an instrument of policy” as well as “unforeseen consequences of military victory and unexpected developments thereafter.”<sup>65</sup>

In peace operations, “settlement, not victory is the ultimate measure of success, though settlement is rarely achievable through military efforts alone.”<sup>66</sup> Policy makers should not neglect the preparation of long-term strategies including post-war stabilization and international civil-military cooperation arrangements.

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<sup>61</sup> Ibid., paragraph 19-20.

<sup>62</sup> Ibid., paragraph 23.

<sup>63</sup> George, 92.

<sup>64</sup> Robert E. Harkavy and Stephanie G. Neuman, 34.

<sup>65</sup> George, 99.

<sup>66</sup> Peace Operations, US Army FM 100-23, 1994, vi.



There are different doctrines for multilateral operations, adapted by alliances (e.g., Allied Joint Publication 3.4.1 of NATO Peace Support Operations, under process of ratification) to define principles and standardize tactics, techniques and procedures. Peace operations, however, often involve a coalition of forces with different doctrines, procedures, capabilities, skills, culture, language and objectives. Those and other differences raise problems in the formulation of common strategy, and calls for the adaptation of a common peacekeeping doctrine.

Professional armed forces, even those supported by high technology, are mainly structured and trained to fight conventional wars and are not readily prepared for peace operations. In order to achieve rapid deployment, pre-selected and pre-trained personnel, equipment, and pre-drafted plans and procedures must be in place. Two main types of training are required. A general course, built into the professional education of soldiers, should deal with the political, economic, and cultural factors and characteristics of multilateral, joint operations for low intensity conflict management. The other type of training should be conflict and mission specific, held before and during particular operations. It should focus on the characteristics of the mission environment, on the linkage between political, strategic and operational objectives, and on cooperation with other military and civilian organizations.

Rules of engagement (ROE), even if clearly stated, are possible sources of conflict between political authorities and the professional military. These rules are intended to limit the use of deadly force, sometimes even at the cost of friendly lives, in order to keep the peace. The situation in the field can be so complex, and the time factor for decision making so short, that peacekeepers often must make a quick judgment for or against adherence to ROE.<sup>67</sup> Training and experience are crucial to those who must make the right judgment calls.

The end of the Cold War called for changes in the missions of militaries that in turn led to a general trend toward force reduction. Although the political (and logical) pressure for force reductions is strongly opposed in some countries (e.g., Russia) by the military because of the potential economic and political losses, sooner or later it will have

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<sup>67</sup> Peace Operations, Report of the Panel on United Nations, paragraph 49, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

to happen.<sup>68</sup> The general shift of focus has been from large conventional armies to more expeditionary-type “small professional armies”<sup>69</sup> able to use modern information, communication and computer technology, and better prepared for peace operations.

Because of the increased transparency of defense policies and the greater supervisory role of public opinion in many countries, the need for citizens’ support in the theater of operations cannot be neglected. Good media and public relations are crucial to a mission’s success. This means the public should be well informed about the intents and goals of operations that are being carried out where they live. Furthermore, the relationship between the military and public will change as the security environment changes. If citizens have a good reason to believe there is a connection between the presence of the military and their own increased security, then social support for the military will increase. As one UN report emphasized, “Consent of the local parties, impartiality and use of force only in self-defense should remain the bedrock principles of peacekeeping.”<sup>70</sup>

In operations under a ‘moral’ mandate, it is not an easy task for peacekeepers to remain impartial. The conditions upon entry, media coverage and manipulation of the situation by local political parties can put politicians and peacekeepers at odds.

Impartiality for such operations must therefore mean adherence to the principles of the [UN] Charter and to the objectives of a mandate that is rooted in those Charter principles. Such impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time.<sup>71</sup>

#### **4. Role of Institutions**

Institutions such as the UN, regional organizations, NGOs and individual states are the solid building blocks for the planning, analysis and coordination of decision-making procedures in peace operations. Their established reputations can contribute to the level of transparency, legality and legitimacy of processes and actions. They play an

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<sup>68</sup> Michael C. Desch, Civilian Control of the Military (Baltimore and London: The Johns Hopkins University Press, 1999), 48.

<sup>69</sup> Charles C. Moskos, John Allen Williams, David R. Segal, The Postmodern Military, Armed Forces after the Cold War (New York, Oxford: Oxford University Press, 2000), 18.

<sup>70</sup> Peace Operations, Report of the Panel on United Nations, paragraph 48, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

<sup>71</sup> Ibid., paragraph 50.

important role in command, control, communication and cooperation, as well as in the support of multinational operations. The participation of those institutions could determine the success or failure of future peacekeeping missions.

Hedley Bull defines the possible motives states may have for obeying the rules applied to the international security environment.<sup>72</sup> First, states will obey international law because the rules are believed to have value for themselves. Second, obedience is more likely if some form of coercion is available to enforce rules. Third, states will be motivated to obey if they believe they will benefit from reciprocal arrangements with other states.

In order to guard peace and human rights as well as guarantee reciprocity (the enforcement of standards, norms and behaviors under internationally agreed rules and principles) the institutional system should reflect those principles of conduct. That requirement is partly fulfilled by the fact that most of the world's countries signed and ratified the UN Charter, and its values and principles influence even those countries that did not. Some contradictions in basic principles (e.g., sovereignty vs. guarantee human rights), however, need to be clarified and adjusted.

Although a sovereign state may always resort to "self-help" -- its ability to retaliate against violators -- the lack of any coercive power directly controlled by the UN decreases the effectiveness of international law enforcement. The system requires changes if members wish to make potential violators worry about the possible consequences of their actions. The UN remains the basis of legitimacy for enforcement of international laws and standards, but under its supervision and the established system of checks and balances, regional organizations can and should play a more active role to increase the efficiency and effectiveness of collective actions.

Two examples of the increasing responsibilities of regional organizations can be found in NATO and the European Union. Both organizations reshaped their institutional frameworks in the early 1990s after heated political debates, to answer the new challenges of crisis management and peace operations.<sup>73</sup> NATO established the

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<sup>72</sup> Hedley Bull, The Anarchical Society (New York: Columbia University Press, 1999), 134.

<sup>73</sup> David S. Yost, NATO Transformed. The Alliance's New Roles in International Security (Washington, D.C.: United States Institute of Peace Press, 2001), 199-218.

Combined Joint Task Forces (CJTF) as a result, while the EU formed the European Security and Defense Identity and Common Foreign and Security Policy, as well as other new institutions.

Institutional structures and cultures play important roles in applying preventive measures, organizing and conducting peace negotiations and initiating peace operations. The broad experience of the UN and international community in conflict management offers critical lessons for future success, which should be analyzed and built into the institutional system; these are the “formal and informal procedures, routines, norms and conventions embedded in the organizational structure”<sup>74</sup> of the international community.

The experience of past UN peace operations highlights the significance of institutional arrangements. Several recommendations arise from these lessons learned: advisor-observers should be present at peace negotiations; and knowledgeable personnel should conduct a preliminary site survey. Countries that are contributing troops should be involved in the process of formulating (and revising) the mandate to engage in operations,<sup>75</sup> and they must be provided with detailed, honest and clear information to the extent possible. The coordinated, balanced and harmonious actions of UN organs, regional organizations, governments, NGOs, academics, professional experts and the business community are indispensable to the conduct of effective planning and operations.

Policy planning and early warning groups should concentrate on strategic issues, also using the “best available outside expertise.”<sup>76</sup> It is essential that they have access to a sophisticated system for the collection, analysis and distribution or sharing of information, knowledge and databases.<sup>77</sup>

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<sup>74</sup> Peter A. Hall and Rosemary C. R. Taylor, “Political Science and the Three New Institutionalisms,” *Political Studies*, XLIV (1996): 938.

<sup>75</sup> Peace Operations, Report of the Panel on United Nations, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

<sup>76</sup> Peace Operations, Report of the Panel on United Nations, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

<sup>77</sup> Peace Operations, Report of the Panel on United Nations, UN Home Page: <[www.un.org/peace/reports/peace\\_operations/docs/part2.htm](http://www.un.org/peace/reports/peace_operations/docs/part2.htm)> (12 October 2002)

In policy and strategy making for peace operations, operational planning and actual execution are closely interrelated and cannot be separated from the external influences of the international community and organizations, as well as public opinion. Considerable changes in politics, economics and technology affect global society, nations and individuals. Policy makers and military commanders should consider the many different implications of their decisions, and must understand that they cannot afford the luxury of tunnel vision. They must know and apply the lessons and analogies of the past to be more successful in the future.

Regional organizations play an increasingly important role in humanitarian interventions. The international community and public often have legitimized the role of these organizations because of their humanitarian objectives and the collective nature of their actions. There is a need, however, for clearly defined policy principles and military procedures to be applied to collective humanitarian interventions. If those basic requirements are not met, the failure of the international community to initiate and lead peace operation, as in the case of UNPROFOR in Bosnia, is very probable.

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### III. EU POLICIES IN THE BALKANS 1992-'95

This chapter demonstrates that the European Union's Common Foreign and Security Policy (EU CFSP) procedures and institutions were not suitable for reaching quick agreements and implementing effective crisis management in the Balkans conflicts of 1992-95. Policy-making and implementation were hindered not only by the deficiencies of a newly established mechanism but also by the historical differences among EU member nations. If the EU fails to improve its internal and external relations and CFSP security policies, the establishment of a joint military force, planned for 2003, will not change the outcome of future crisis management for the better.

Political will is imperative for success. As Steven Larrabee notes, "Crisis management is not a question of military mechanisms but of political will. All the mechanisms in the world will not help if the determination to use them is lacking."<sup>78</sup> Although Europe is blessed with political and economic power, it is unable to muster enough force behind its policies to assure that European goals will be met in a conflict environment. To make the problem even more complex, not even a strong armed force can guarantee the resolution of any conflict.

As the Bosnian case strikingly demonstrates, however, threats appropriate to a situation are not easily generated. In this case, as in earlier crises, ample military capabilities are available but for various reasons are not usable. When policy makers are confronted by a low-level military conflict they may face the difficult choice between escalating to higher levels of violence or backing down if they lack appropriate and usable military options.<sup>79</sup>

The basic requirement for a successful collective peace operation is the provision of a clear and credible mandate. Without strong political will and unambiguous policy directions, the military is not able to define the most suitable strategies and objectives to achieve its goals. The Balkan crises revealed that the European Union's newly

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<sup>78</sup> F. Stephen Larrabee, "Implications for Transatlantic Relations" in The Implications of the Yugoslav Crisis for Western Europe's Foreign Relations, Chaillot Paper 17 (Paris – October 1994), 13. European Union Institute of Security Studies: <[www.iss-eu.org/chaillot/chaill7e.html](http://www.iss-eu.org/chaillot/chaill7e.html)> (11 October 2002)

<sup>79</sup> Alexander L. George, "The Role of Force in Diplomacy: A Continuing Dilemma for U.S. Foreign Policy" in Gordon A. Craig, Alex L. George, Force and Statecraft: Diplomatic Problems of Our Time, (New York: Oxford University Press, 1995), 259.

established CFSP was not able to work out effective, commonly agreed policies, much less their implementation.

This chapter is organized into two main sections. The first one will briefly introduce the development of EU CFSP crisis management tools, and explore the problems that arose during their implementation in the Yugoslav conflict between 1992 and 1995. The second section will examine the effects of EU policies on its peacekeeping effort, internal evolution and external relationships.

#### **A. THE EU CFSP IN YUGOSLAVIA, 1992 TO 1995: DEVELOPMENT, OBJECTIVES AND TOOLS**

Based on twenty years' experience in political cooperation, in 1992 the members of the European Union committed themselves to the creation of a Common Foreign and Security Policy, mainly as a response to German unification and the end of the Cold War.<sup>80</sup> The situation in the Balkans, which was heating up rapidly at the time, forced the EU to act without the opportunity to adjust its new procedures and institutions to meet these difficult challenges.

##### **1. EU CFSP Development**

From the time the European Community (EC) was established, its essentially economic nature was matched by a strong political element, officially declared at the Hague Summit in December 1969. The idea of forming a European Defense Community (EDC) already had been introduced in the so-called Pleven Plan of 1950, to give the EC a more weighty role in foreign affairs, and also as a stealthy means to incorporate German military forces into Trans-Atlantic security institutions.<sup>81</sup> After the new EDC Treaty already had been ratified by many member states, however, opponents in France were able to delay debate, and the treaty never made it to the agenda of the National Assembly.

The subsequently adopted Western European Union (WEU) served as a forum for cooperation on defense issues separate from Community institutions that, in the early 1960s, were still weak and based mainly on national decision-making procedures. In

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<sup>80</sup> Helen Wallace and William Wallace, Policy-Making in the European Union, (New York: Oxford University Press, 2000), 461.

<sup>81</sup> Jeffrey Simon and Sean Kay, "The New NATO," in Europe Today, ed. Roland Tiersky (Lanham: Rowman and Littlefield Publishers, Inc. 1999), 383.



1970, WEU member states agreed to consult one another on foreign policy matters (the Luxembourg Report), and refined the process of coordination, supported by institutional arrangements established at the Paris Summit of 1974. The policy integration process reached an important milestone in 1983 with an agreement on joint actions on major foreign policy issues known as the Solemn Declaration. The Single European Act (SEA) in 1986 tied together the EC and European Political Cooperation (EPC), in order to formulate and implement foreign policies jointly, but still not in common.<sup>82</sup>

The CFSP was born in 1992 with the adoption of the Treaty of European Union (TEU) at Maastricht. One of the main objectives of the TEU was to reinforce the EU's "identity on the international scene in particular through the implementation of common foreign and security policy...."<sup>83</sup>

The main objectives of the CFSP are the safeguarding of the values, interests and independence of the Union; strengthening member's security; preserving peace and strengthening international security in accordance with the United Nations Charter, the Helsinki Final Act and the Paris Charter; promoting international cooperation; and developing and consolidating democracy, the rule of law, and respect for human rights and fundamental freedoms.<sup>84</sup>

Policies under those criteria would be implemented through obligatory consultation and information exchange by member states. Members hoped to exert their combined influence by deciding on common strategies, adopting joint actions and formulating common positions. They also expected national policies to correspond with these commonly adopted positions through coordinated, harmonized and consistent actions.<sup>85</sup>

Articles 13 and 14 of the Consolidated TEU Version defines the procedures, institutional set-up and responsibilities for adopting joint actions. As an important innovation, the Council of the EU had the right to determine when qualified majority

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<sup>82</sup> Clive Archer and Fiona Butler, The European Union, Structure and Processes (New York: St. Martin Press, 2<sup>nd</sup> Edition, 1996), 204-206

<sup>83</sup> Consolidated Version of the Treaty on European Union, Article 2 (ex Article B)

<sup>84</sup> Ibid., Title V., Article 11 (ex Article J.1)

<sup>85</sup> Ibid., Title V., Article 12 (ex Article J.2)

voting could be applied instead of unanimous decisions. In a December 1993 meeting, however, the European Council agreed on a rule to avoid majority voting for the time being.<sup>86</sup>

The CFSP mechanism became operational in a difficult strategic environment that challenged the formulation of a common approach. In addition to the conflict underway in Bosnia, France was engaged in Zaire and Rwanda, while Spain was preoccupied with Morocco and the stability of North Africa. EU member states found their opinions and priorities divided by their geographical and political diversity, and their different interests. The issue of enlargement, the debate on roles and responsibilities in the Trans-Atlantic security system, and the informal “hand-shake” agreement among NATO members on Balkan conflict management further complicated the situation. The dissolution of the Warsaw Pact and the Soviet Union in 1991 created an entirely new security environment that required both political and military structures across Europe to adapt quickly, and raised concerns about the problems of nuclear safety in the new independent states. Despite those difficulties and concerns, France, Germany and Britain played key roles in improving the importance and efficiency of the CFSP.<sup>87</sup>

## **2. EU Policies in the Balkans**

The European Community responded to the changes in East and Central Europe with the establishment of the European Bank for Reconstruction and Development (EBRD), in May 1990. The bank provided economic and financial support (PHARE, TEMPUS) to states in an individualized way.<sup>88</sup> As Archer and Butler note (182), the EC provided humanitarian aid to the Balkan countries, and had a trade relationship with Yugoslavia that merged with political elements after 1991. Overall, between 1991 and 1998 the EU directed 255.22 million Euro in humanitarian aid (ECHO) into former Yugoslavia.<sup>89</sup>

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<sup>86</sup> Decision of the Commission of the EC 1993b: 12-13, 125-31

<sup>87</sup> Wallace and Wallace, 481.

<sup>88</sup> Archer and Butler, 176.

<sup>89</sup> External Relations, European Union Homepage, <[http://europa.eu.int/comm/external\\_relations/see/fry/index.htm#3](http://europa.eu.int/comm/external_relations/see/fry/index.htm#3)> (29 November 2002)

The Yugoslav crisis caught the European Union and other security organizations that were in the process of change by surprise. One example of the EU's poor situation analysis was the signing of a loan agreement with the Yugoslav government just before Slovenia and Croatia declared independence.<sup>90</sup>

Yugoslavia has presented the international community with all possible types of armed conflict and commitment. Civil wars, wars of secession, inter-state wars and wars of territorial conquest have combined on the ground to justify the successive or simultaneous recourse to traditional peacekeeping operations (in Croatia) and humanitarian intervention (Bosnia), mixed with a dash of peace enforcement (Serbia), an attempt at prevention (Macedonia) and a systematic pretence of impartiality.<sup>91</sup>

The overall management of the various Balkan crises highlighted the external policy shortcomings of the CFSP. Initially, EU policymakers focused their efforts on keeping the Yugoslav federation together. To do this, they applied two basic approaches, mediation and impartiality, that shifted to enforcement from 1992. As Gnesotto (3) put it, the driving idea of conflict management was non-intervention translated into a "strategy of abstention." In the early phase of the conflict, the EU became involved in four major ways. First, EU members initiated a number of conferences in which they sought to find a peaceful settlement. They wanted to bring Serbia to a political agreement, but at the same time hoped to avoid a partition of Bosnia-Herzegovina, out of concern that such an outcome would lead to the emergence of an expansionist greater Serbia and a greater Croatia.<sup>92</sup>

The eagerness to find a peaceful settlement was also reflected in a plethora of peace plans drawn up or supported by the Western Europeans: the Vance-Owen plan of 25 March 1993; the Kinkel-Juppé initiative of 8 November 1993; the EU's action plan of 22 November 1993; and the peace plan of the international Contact Group of 6 July 1994. Neither the organization of peace conferences nor the introduction of peace plans had much positive effect. It seemed the Western European states did not or could not exercise

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<sup>90</sup> Archer and Butler, 219.

<sup>91</sup> Nicole Gnesotto, "Lessons of Yugoslavia," Chaillot Paper 14 (Paris – March 1994), 17. European Union Institute of Security Studies: <[www.iss-eu.org/chaillot/chai14e.html](http://www.iss-eu.org/chaillot/chai14e.html)> (09 December 2002)

<sup>92</sup> Mathias Jopp, "Introduction" in The Implications of the Yugoslav Crisis for Western Europe's Foreign Relations, Chaillot Paper 17 (Paris – October 1994), 2. European Union Institute of Security Studies: <[www.iss-eu.org/chaillot/chai17e.html](http://www.iss-eu.org/chaillot/chai17e.html)> (11 October 2002)

enough pressure to enforce a peaceful solution, especially as their intentions and neutrality also were came into question.<sup>93</sup>

The West's policy of neutrality was far from being adopted immediately: in the first six months of the crisis, in 1991, American, British and French diplomacy was fairly pro-Serb, whereas Germany was more susceptible to Slovene and Croatian claims. (During his electoral campaign and in the first days of his presidency, Bill Clinton for his part gave the impression of being rather more sensitive to Bosnian interests). It was only during a second phase, from the moment that the United Nations appeared on the scene, that mediation and dialogue with all the parties to the conflict became the official line followed by all Western countries.<sup>94</sup>

Second, the EU attempted to arrange cease-fire agreements between the warring parties, and sent unarmed observers to the field; these, however, failed to produce the desired effect, did not prevent the continuation of fighting and did not decrease the level of violence. For its third strategy, the EU initiated and applied sanctions against Serbia under various UNSC resolutions, to be monitored by the WEU and NATO.<sup>95</sup> Those sanctions ranged from an arms embargo through limits on trade to a ban on commercial over-flights. Although the EU did not apply its own sanctions until October 1994,<sup>96</sup> it did decide to provide regular humanitarian aid to Bosnia and Herzegovina beginning in 1993.<sup>97</sup> None of the imposed economic policies and sanctions, however, were enough to stop the fighting.

In the end, as a result of German efforts and as its final strategy to end the war, the EU recognized the separate states of the former Yugoslavia to be republics.<sup>98</sup> The policies to recognize new entities were the product of member states' national approaches, driven by their interests. As Jopp (2) argues, the result was controversial: while it may have contributed to the Croatian settlement, for Bosnia recognition could actually have played a role in the outbreak of fighting.

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<sup>93</sup> Ibid., 2.

<sup>94</sup> Gnesotto, 18.

<sup>95</sup> UNSC resolutions 713, 724, 757, 787, 820, 942, 943, 1015. Serb Sanctions, American University, <[www.american.edu/ted/serbsanc.htm](http://www.american.edu/ted/serbsanc.htm)> (15 December 2002)

<sup>96</sup> EU Common Position of 94/672/CFSP, EU Home Page: <[http://europa.eu.int/eur-lex/en/lif/reg/en\\_register\\_18.html](http://europa.eu.int/eur-lex/en/lif/reg/en_register_18.html)> (24 November 2002)

<sup>97</sup> In number of cases beginning with J.3 93/603/PESC reference L 286 (20.11.1993)

<sup>98</sup> Archer and Butler, 219.

The hesitation and changing opinions of EU members, from initial insistence on preserving the Yugoslav state as an entity to the later application of sanctions against Serbia and Montenegro, undermined the credibility of the EU as a regional arbiter of conflict. On the whole, Western Europe's responses “were inadequate, its decisions were on many occasions overtaken by events, and action taken either too late or half-hearted.”<sup>99</sup>

Those policies failed mainly because of the lack of unity and coherence, well-defined common interests, objectives or decision-making institutions within the EU. The failure revealed the problems of consensus rule, where strong member states can influence the common policy (e.g., German recognition of Slovenia and Croatia) and weaker ones can block decisions (e.g., the Greek veto of recognition for Macedonia). As a result, EU policies often “ended up as the lowest common denominator”<sup>100</sup> among members instead of the best one for the situation, which as a rule also is usual for NATO decisions. Those internal differences softened the impact of the EU and harmed its credibility.

Archer and Butler (183) provide further examples of the differences in EU members' national policies. Germany, for example, unilaterally provided political and economic support to Croatia during the conflict and after the settlement. Greece had a bilateral dispute with Macedonia and applied sanctions against it despite other EU members' intentions. By the same token, from the EU camp only Greece kept up friendly relations with Serbia and Montenegro.

The EU did not apply comprehensive common policies for the settlement of the crisis in the early 1990s. It also failed to introduce effective joint actions that would bring a settlement to the Balkan conflict. As a matter of fact, the first six joint actions were adopted only at the Brussels EU Council on 29 October 1993, and three more in mid-1995. Only one of the actions, support for the “peace process and humanitarian relief in former-Yugoslavia,” was even related directly to the Yugoslav crises.<sup>101</sup> By this means,

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<sup>99</sup> Jopp., 2.

<sup>100</sup> Archer and Butler, The European Union, Structure and Processes (New York: St. Martin Press, 2<sup>nd</sup> Edition, 1996), 220.

<sup>101</sup> Ibid., 211.

the EU intended to increase its contributions to the work of the UN High Commissioner for Refugees, and also took on responsibility for the administration of Mostar.<sup>102</sup>

Another Joint Action had an indirect effect as it sponsored the inaugural conference for a peace and stability pact, which was designed to provide a forum for the resolution of ethnic and border disputes within Europe – the so-called Balladur Pact.<sup>103</sup>

The desire of Central and Eastern European countries to improve economic relations with European Community brought some initial success to this joint action reaching agreement on the main issues. However it seemed in 1994 that collective security did not really exist in Europe, or at least not at the same level for everybody, as it effectively increased from south to north and from east to west. Observing the crisis escalation, Henry Kissinger noted that “Western democracies, with the best of intentions, made the likely inevitable.”<sup>104</sup>

Although Western European crisis management was openly and widely criticized, most analysts agreed that no feasible solution to the Yugoslav crises existed. Although the EU is blamed for the failure, it was not the only organization that bore responsibility. The policies of the various international organizations involved in the crises (i.e., the UN, NATO, WEU and EU) moved from “‘the lowest common denominator’ to increasingly controversial initiatives.”<sup>105</sup> Those organizations, like the EU, not only lacked consistent principles and effective coordination, but they clung to different ideas on how to approach conflict management, ranging from mediation to intervention, based largely on individual national interests and initiatives.

The collective failure of these regional and international institutions to deal with Yugoslavia’s disintegration was due to many factors, including institutional incompetence and overconfidence. But at bottom, it was a failure of the major powers, which used the institutions in an attempt to obfuscate their own unwillingness to employ the right combination of

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<sup>102</sup> Philippe Barbour, The European Union Hand Book (Chicago – London: Fitzroy Dearborn Publishers, 1996), 49.

<sup>103</sup> Ibid., 48.

<sup>104</sup> Gnesotto, 2.

<sup>105</sup> Monika Wohlfeld: “Implications for Relations between Western and Central Europe in The Implications of the Yugoslav Crisis for Western Europe’s Foreign Relations, Chaillot Paper 17 (Paris – October 1994), 19. European Union Institute of Security Studies: <[www.iss-eu.org/chaillot/chai17e.html](http://www.iss-eu.org/chaillot/chai17e.html)> (11 October 2002)

diplomacy and force to end the fighting. In the end, it was a failure of the United States, first in deferring to the Europeans while failing to back them up, and then in trying to intervene with half-measures designed more to limit risks than to have an impact on the ground.<sup>106</sup>

## **B. THE EFFECTS OF THE CRISIS ON EU POLICIES**

The Bosnian crises affected not only Trans-Atlantic relations and the foreign relations of the EU, but also EU CFSP development and ties among EU members. The next section reviews those effects in more detail.

### **1. Effects on Peacekeeping**

Even though Union-wide decisions were rarely reached, the very size and political-economic capacity of the EU ensured it would be an important player in the international area, whose views and opinions could not be ignored.<sup>107</sup> There were some positive elements to the Western European effort in the Balkans: it contributed to the containment of the crisis, and indirectly, brought the UN, NATO and others, into the peacemaking effort.

In retrospect, Western Europe developed at least a clear minimum strategy: this consisted of a combination of external levers (economic sanctions and the arms embargo), permanent negotiations with the conflicting parties and some interference with their operational freedom of maneuver through the presence of peacekeeping forces. In addition, Western Europe supported the control and enforcement of the 'no-fly' ban over Bosnia-Herzegovina, the establishment of security zones and the selective use of air power.<sup>108</sup>

Gnesotto (3) explains that those inconsistent strategies had some further partial successes, in that they preserved European unity and promoted cooperation with third players; prevented the conflict from spreading and protected large numbers of civilians in so-called safe zones. Other objectives (e.g., keeping the federation together) were changed or abolished in the process. Significantly, the efforts at cooperation by the EC

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<sup>106</sup> Ivo H. Daalder, Getting to Dayton, The Making of America's Bosnia Policy, (Washington, D.C.: Brookings Institution Press, 2000), 2.

<sup>107</sup> Fraser Cameron, "The European Union and the OSCE: Future Roles and Challenges" Helsinki Monitor 2 (1995): 4. <[www.spn.ethz.ch/static/osce/h\\_monit/hel95\\_2/cameron.htm](http://www.spn.ethz.ch/static/osce/h_monit/hel95_2/cameron.htm)> (06 September 2002)

<sup>108</sup> Jopp, 2.

and WEU also helped prevent the major Western European states from returning to classical power or alliance policies towards the Balkans.<sup>109</sup>

## **2. Effects on EU's Foreign Relations (NATO, US, OSCE, Russia, Partners, Islamic Countries)**

Similarly to the hardships of reaching common decisions internally, the EU has found it difficult to negotiate and make agreements with third partners as well.<sup>110</sup> It has become apparent that European Union and European security institutions will have to define each member's role and shared responsibilities more clearly, to handle new type of security challenges (i.e. ethnic conflicts, refugee migration, violations of human rights and international humanitarian law) that "may involve political, military, economic, social, environmental and even cultural elements."<sup>111</sup>

As Jopp (2) put it:

Western Europe also drew some consequences from its failures, as it recognized the difficulties in finding any solution to the crisis without the involvement of the United States and Russia; hence the forming of the Contact Group as proposed by Britain.

The United States initially was divided on the necessary level of involvement in the crisis, as major national interests seemingly were not at stake. The United States also expected that its European allies could and must handle the problem alone. The crises revealed great differences between American and West European views related to five main issues. First, at an early stage, Europeans accepted the Vance-Owen plan for a federation of Yugoslavia, divided into ten ethnically contained cantons, as the most likely solution for the crisis. The United States followed European policies such as the recognition of secessionist states from a distance, but refused more active diplomatic involvement. Washington regarded the introduction of the Vance-Owen plan as an illegitimate attempt to legitimize the gains of the Serbs.<sup>112</sup> On the same day (March 25, 1993) that the Bosnian Muslims and Croats signed the Vance-Owen plan, US decision-makers held a Principal Committee meeting to discuss the situation and come up with

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<sup>109</sup> Jopp, 2.

<sup>110</sup> Cameron, 4.

<sup>111</sup> Cameron, 5.

<sup>112</sup> Larrabee, 10.



new ideas.<sup>113</sup> This was a clear sign of US expectations that the plan would fail, but the expressed US desire to seek different solutions itself undermined any future chance for the plan's supporters to succeed.

Second, after long debates about this and other options, on May 1 1993, the United States proposed a military 'lift and strike' strategy.<sup>114</sup> This was opposed by most Europeans, who worried about their troops' safety on the ground and preferred instead to continue with negotiations and humanitarian measures.<sup>115</sup> Third, US reluctance to send ground forces to Bosnia called into question the US commitment to European security, and annoyed those Europeans who felt they were doing the 'dirty job' alone. Jopp (5) points out that this became a major issue both in the domestic arenas and between the United States and its allies. Fourth, Washington saw the European initiative to lift sanctions against Serbia in return for a peace settlement as a desire for "peace at any price." And fifth, America's 'benign neglect' policy on peace negotiations from 1993 until the Sarajevo incident in 1994 brought France and Britain to a common understanding that they must get the United States more involved in diplomatic efforts.<sup>116</sup> The slaughter of civilians in downtown Sarajevo accomplished that purpose.

On February 5, an artillery shell landed in a crowded Sarajevo marketplace, killing 68 and wounding about 200 others. In a meeting that afternoon with his foreign policy advisers, President Clinton expressed outrage and sought ideas how to respond.... As a result, (of earlier discussions with allies) during two painstaking meetings, the principals reworked the French ideas in a way that would permit enforcement of the protected zone (around Sarajevo) without the deployment of additional ground forces. The modified plan reduced the weapons exclusion zone (from thirty kilometers) to a twenty-kilometer radius and required the parties (including the Bosnian Muslims) to withdraw or place under UN control all heavy weapons within ten days, or face air strikes. In the interim, any further attacks on civilians within the demilitarized zone would be met with immediate air strikes.<sup>117</sup>

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<sup>113</sup> Daalder, 12.

<sup>114</sup> Daalder, 15.

<sup>115</sup> Jopp, 5.

<sup>116</sup> Larrabee, 10.

<sup>117</sup> Daalder, 25.

Through the Contact Group (France, Germany, Russia, the United Kingdom and the United States) US diplomats brokered a federation agreement between Bosnian Muslims and Croats, and accelerated the search for ways to reach a settlement. The conflict revealed the dispute within the United States between internationalist and nationalist views. These arguments led to strict conditions being set on the use of American forces for peace and other operations, guided mainly by US national interests and a multilateral approach. The White House announced its intention to work more closely with the House and Senate in the future to iron out differences. Presidential Directive 25, in 1994, required clear political objectives for any intervention and a mandate that US forces would operate mainly under US command.<sup>118</sup>

There also was a growing tendency in EU-OSCE relations for the two bodies to complement each other's functions and roles in peacekeeping.<sup>119</sup> Nevertheless, the inability of EU members to find a commonly agreed-upon comprehensive solution to the widening Balkans crisis further undermined its credibility as an institution.

West European countries' problems in finding common approaches...underlined the point that it is not always appropriate to deal directly with the EU. Internal division...encouraged external partners to concentrate on individual countries in Western Europe.<sup>120</sup>

At the same time, various members' (i.e., Russia and Turkey) expectations about the role of western security institutions differed widely.<sup>121</sup> The development of the CFSP was made even more difficult by members' tendency to think in bilateral terms and direct their efforts toward strengthening ties among individual EU members instead of building up community institutions. Most of the EU's external partners either did not have effective tools in hand or did not have the political will to interfere in the management of the conflict, and so tended to apply policies close to those of Western Europe.

Russia, Serbia's strongest supporter, was too busy dealing with its own internal political, military and economic problems to force changes in Western policies toward

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<sup>118</sup> Larrabee, 11.

<sup>119</sup> Cameron, 4.

<sup>120</sup> Wohlfeld, 21.

<sup>121</sup> Jopp, 1.

the conflict. Although Moscow criticized the recognition of secessionist Yugoslav republics, it was not in a position to dictate policy and probably did not want to jeopardize its newly established relationship with the West. Furthermore, as a result of the breakup of the Soviet Union, some Russian political factions upheld the right of national self-determination as a general principle, and were in the mood to accept the legitimacy of Yugoslav successor states.<sup>122</sup>

The Yeltsin administration, however, saw its claims of anti-Serbian bias in European policies justified by the increasing involvement of NATO during 1994. Russia seemingly was moving towards a “less cooperative and more self-assertive” policy.<sup>123</sup> The establishment of the Contact Group addressed this problem by providing an opportunity to Russia to express its concerns and become an active participant in strategy formulation.<sup>124</sup>

The Central European countries, for their part, not only lacked the resources to formulate and implement individual policies toward Yugoslavia, but also wanted to develop closer ties with Western Europe in hope of future integration into its institutions. They saw the crisis as a test case for how the West would deal with future actual or potential problems in the region.<sup>125</sup>

Muslim countries also criticized Western Europe’s policies towards Bosnia, which fed into Islamic fundamentalism and rising anti-Western sentiments. The Islamic criticism of Europe's policy again was based on intra-European differences on how to deal with the crisis.

Europe's lack of political determination...was explained by the absence of any EU member's vital national interests in the case of former Yugoslavia.... Explicit manifestations of the argument of conspiracy

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<sup>122</sup> Adam Roberts, “Communal Conflict as a Challenge to International Organization: The Case of the Former Yugoslavia,” in *Peacemaking and Peacekeeping for the New Century*, ed. Olara A. Otunnu and Michael W. Doyle (Lanham: Rowman and Littlefield Publishers, INC. 1996), 37.

<sup>123</sup> Pavel Baev, “The Impact on Relations Between Russia and Western Europe” in *The Implications of the Yugoslav Crisis for Western Europe’s Foreign Relations*, Chaillot Paper 17 (Paris – October 1994), 14. European Union Institute of Security Studies: <[www.iss-eu.org/chaillot/chai17e.html](http://www.iss-eu.org/chaillot/chai17e.html)> (11 October 2002)

<sup>124</sup> Jopp, 5.

<sup>125</sup> Wohlfeld, 19.

against Muslims were widely found among militant Islamic groups, which related Europe's Bosnian policy to long-standing enmity towards Islam.<sup>126</sup>

The main policy implications of the Yugoslav crisis in Muslim countries were the “conductive spread of negative perceptions towards Western Europe,” the use of the Bosnian tragedy for domestic gains by fundamentalist Islamic groups and a decrease in Europe’s credibility as a reliable political and security partner.<sup>127</sup>

The Yugoslav crises revealed the problems that security organizations, which were formulated to deal with war-type defense scenarios, were having difficulty with mission definition. Neither Article 5 of NATO’s charter nor Article V of the WEU treaty was applicable to crisis management, one reason that decision making tended to drift to the national level. Gnesotto (13) argues that the biggest challenge so far has been to define principles and mechanism that are suitable for common policy-making and managing multilateral military operations under constraints of limited space, intensity and objectives.

As there was no planned division of tasks between NATO and the WEU, both played roles in the Balkans peacekeeping missions.

Both organizations have unanimously authorized themselves to execute UN and CSCE mandates. WEU participated collectively in surveillance of the embargo in the Adriatic (beginning in July 1992) before combining its fleet with a similar NATO fleet on 8 June 1993.... It was also the WEU which, in autumn 1991, proposed options for the first UN peacekeeping operation (UNPROFOR I) and these plans were in the end adopted by the United Nations in preference to those of NATO, which were considered unsuited, because of their scope, to the political specificity and aims of the operation.<sup>128</sup>

As a result of its experiences in Somalia and Yugoslavia beginning in April 1993, France began participating once again in the NATO Military Committee, which proposed operational plans for Bosnian air-strikes to the North Atlantic Council (NAC), the highest

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<sup>126</sup> Ali Hillal Dessouki, “The Impact on Relations Between the Islamic World and Western Europe” in The Implications of the Yugoslav Crisis for Western Europe’s Foreign Relations, Chaillot Paper 17 (Paris – October 1994), 31-32. European Union Institute of Security Studies: <[www.iss-eu.org/chaillot/chai17e.html](http://www.iss-eu.org/chaillot/chai17e.html)> (11 October 2002)

<sup>127</sup> Ibid., 33.

<sup>128</sup> Gnesotto, 15.

political authority of NATO. NATO and the WEU agreed on procedures for implementation of UNSC Resolution 836 under the authority of the UN Security Council. This resolution provided for liaison and command control arrangements among the WEU, NATO and UNPROFOR, and worked out joint operational plans. These kinds of practical arrangements demonstrated that it was possible for EU members to establish a single European security system adaptable to multinational cooperation.<sup>129</sup>

In the long run, the Yugoslav crisis changed Europe's foreign relations for the better. It led to the more active participation of NATO in European security beyond its territory and the scope of missions envisioned by Article 5. It resulted in better cooperation between the WEU (and France) and NATO. The conflict forced the European partners and institutions to revise and reformulate their roles and capabilities (or lack thereof). The introduction of NATO European Security and Defense Identity and the Combined Joint Task Forces, to facilitate burden sharing and avoiding duplication of effort, made NATO (and US) mechanisms and assets available to the WEU. NATO's Partnership for Peace program, the creation of associate partnerships in the WEU, and the establishment of a link between the CFSP and Central European countries, were all major steps toward cooperative security in Europe, even if effective security management remained missing from the agenda.<sup>130</sup>

### **3. Effects on Internal Relationships, CFSP Development, and Institutional Changes (EU, WEU)**

The series of crises in the former Yugoslavia revealed problems and weaknesses within Western Europe, such as the limits in the European allies' resources, and political-historic constraints that prevented some members (e.g., Germany) from participating in broader peacekeeping missions. The EU proved to be an inadequate forum for bringing all its members to consensus on policy toward the Balkans; it nevertheless was effective at the less demanding task of implementing sanctions against the aggressor Serbian regime.<sup>131</sup>

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<sup>129</sup> Gnesotto, 16-17.

<sup>130</sup> David S. Yost, NATO Transformed, The Alliance's New Roles in International Security (Washington, D.C.: United States Institute of Peace Press, 1998), 205-218.

<sup>131</sup> Wohlfeld, 21.

The West European states were divided by severe disagreements over what were the necessary policies to adopt toward the conflict. For example, France and Germany's proposal to send an inter-positioning force to Eastern Croatia met with strong opposition, while the effort to agree on and win international support for sanctions took most of a year.<sup>132</sup>

The inability of EU members to work out effective common policies to solve the Bosnia crises strengthened the argument for a federalist approach to reinforce community identity and, with increasing economic interdependence, move toward a stronger political union. Three important and necessary steps in this direction were the appointment of a capable executive recognized by the community; the reinforcement of the democratic legitimacy of common decisions; and the establishment of a sophisticated community bureaucracy.<sup>133</sup> To be effective, the CFSP requires cooperation and joint management of activities in all three of these branches.<sup>134</sup> Despite all their disagreements, EU member states shared the opinion that collective action under a common policy would likely be more effective than individual policymaking.<sup>135</sup>

As a sign of the changing attitudes toward the CFSP, a new Directorate General (DG1A) for External Political Relations was established within the Commission in 1993.<sup>136</sup> Members defined six important elements of the CFSP: it should be pro-active rather than reactive; it should operate with unity and coherence; it should involve all aspects of security; joint actions should be in line with Article J.3. TEU; the CFSP should have world-wide visibility and legitimacy; and it should have a more effective decision-making process.<sup>137</sup> The principle of qualified majority voting seems to be the best way to improve decision-making, but it requires support from members with more nationalist ideas. The identity, exact nature and shared value system, as well as the financial arrangements of the EU also need refining.<sup>138</sup>

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<sup>132</sup> Jopp, 2.

<sup>133</sup> Archer and Butler, 221.

<sup>134</sup> Barbour, 47.

<sup>135</sup> Barbour, 49.

<sup>136</sup> Archer and Butler, 210.

<sup>137</sup> Archer and Butler, 211.

<sup>138</sup> Barbour, 51.

The Yugoslav crises clearly showed Europe's dependence on NATO and the United States. US policies toward European security issues became less predictable, and American intervention rekindled the old problem about the assignment of leadership in Western Europe. The other major issue is burden sharing: namely, who is paying for what?<sup>139</sup> The EU treaty referred to the WEU as "the defense component of the EU and as a means to strengthen the European pillar of the Atlantic Alliance," but in reality it had no military force.<sup>140</sup> The Bosnian experience changed the attitude of Britain and others toward the role and importance of the WEU. But despite growing French, German, Spanish and Belgian support for progress toward the Maastricht Treaty, movement had been minimal until 1996, when a planning cell was established and the WEU enlarged to include states other than EU members.

The NATO concept of Combined Joint Task Forces and policies to avoid duplication of effort and unhealthy competition enabled the WEU to run military operations with NATO logistical assets. In truth, however, EU members were not likely to engage in military action without US participation, as in Bosnia.<sup>141</sup> Although no one questioned NATO's responsibility for command of air operations, many agreed that the command of naval operations was a possible WEU mission, in light of its successful participation in the implementation of sanctions against Yugoslavia.<sup>142</sup>

Although the EU played a useful role in coordinating diplomatic efforts for crisis management, it has its limitations, especially when military crisis management is required.<sup>143</sup>

As a matter of fact, effective conflict prevention costs much less than crisis management, so the development of early warning systems, policy planning and analysis capabilities and collective decision-making and strategy implementation make for sound policy.

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<sup>139</sup> Jopp, 6.

<sup>140</sup> Barbour, 49.

<sup>141</sup> Barbour, 50.

<sup>142</sup> Gnesotto, 16.

<sup>143</sup> Larrabee, 12.

The inadequacies of international law, which recognize only inter-state relations while ruling out interference in domestic affairs, paralyzed the EU for a while. The cases of the Kurdish people in Iraq and the civil war in Somalia proved that “the right to interfere or the duty to assist ... (are) neither easy nor universally agreed.” Gnesotto (3) argues that German eagerness to recognize Croatia and Slovenia may be explained as an attempt to provide a legal basis for international involvement. But it also can be seen as a sign of internal divergences, different principles and values as well as problems of individual members’ reactions on behalf of their own national interests. In the long term, moral judgements are going to be indispensable to these kinds of situations, wherever they take place.<sup>144</sup> The big challenge for the EU (and the rest of the international community) will be to clarify common moral values and principles, and define precisely what is legitimate or unacceptable, even in domestic affairs.

The Yugoslav experience seemingly reinforced the objectives of the CFSP. The EU has started to adjust its institutional architecture, mechanisms and procedures for close consultation to develop cohesion and solidarity on security issues. It also should look for ways to improve cooperation with external security organizations, both in Europe and beyond. As John Newhouse wrote, “Europeans and Americans have been talking without really communicating.”<sup>145</sup> The same observation can be applied to European relations with other partners, as the long process to legitimize sanctions shows.

The crises that rocked Yugoslavia and its successors in the 1990s made very clear that the EU CFSP at that time was not prepared to formulate and apply effective common positions and joint actions. Its institutions and decision-making processes were insufficient to overcome the different views, principles and interests of its member states, and these internal divergences, along with external pressures, ultimately led the EU’s initiatives and peace plans to fail. Although the European Union was an economic power, it did not utilize all the advantages of the ‘power of the purse’ to contribute to crises

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<sup>144</sup> Gnesotto, 6.

<sup>145</sup> Gnesotto, 11.



prevention and management, nor did European military forces deployed in the crises reach the visibility required to compel peace settlements.

Despite its ambitions, the EU simply was not ready to take greater responsibility for European security in the 1990s. If its members want it to assume such responsibility in the future, they first must resolve the problem of Trans-Atlantic task and responsibility sharing. This will require a reevaluation of interests and common objectives, as well as a division of labor and liability between Europeans and Americans. Only then can questions about the necessary level of European security and defense capabilities, as well as the future development of military forces, be answered.

Now that the EU's Rapid Reaction Force will soon be operational, it seems important to learn from others' experience about the hardships and limitations of applying military force to manage Petersberg-type scenarios. The next chapter reviews some of the gaps between the political and military objectives of NATO's IFOR and "Allied Force" operations.

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#### IV. THE GAP BETWEEN POLITICAL AND MILITARY OBJECTIVES

This chapter discusses the thesis that the military objectives of the Implementation Force (IFOR) of the Dayton Peace Accords in Bosnia, and the Kosovo air campaign of 1999 were not strongly tied to the declared or implied political goals of NATO, the European Union or the United Nations going into the conflict. Although NATO military forces managed to accomplish their military objectives and acquired considerable experience in the Balkans, there were several gaps between policies and operations. Those gaps were the result not only of the historic differences between the nature of politics and the military, but also the difficulties of using force to accomplish limited, political objectives.

For the most part, these difficulties (in civil-military relations) arise from the complex nature of modern peace operations and a number of obstacles, misunderstandings and other dilemmas that confront militia and civilian members of a mission who come from different professional backgrounds and cultures and have to perform their task amid conflicting priorities.<sup>146</sup>

This chapter focuses on three core differences between political and military planning for peace operations. First, policies are deliberately somewhat ambiguously phrased, mirroring the complexity of the decision-making environment and processes. By contrast, military strategies and objectives should be as clear and direct as possible, to enable detailed operation planning and implementation. Second, policies are philosophical, in the sense that they express an ideal broad vision held by decision-makers -- a unified state as a goal, for example -- while the means to overcome practical difficulties and realize the goal are not (and cannot be) considered in detail. The military should translate those visions into practically accomplishable objectives within the political constraints and limits of authorized resources and capacities. Third, political authorities should facilitate and control the exact interpretation of their policies into supporting military operations through clear command and control arrangements. This leads to the old problematic debate on the necessary level of civilian control over military planning and implementation.

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<sup>146</sup> The Challenges Project, Challenges of Peace Operations: Into the 21<sup>st</sup> Century-Concluding Report 1997-2002 (Stockholm: Elanders Gotab, 2002), 20.

If the EU wants to make its military forces capable of conducting successful peace operations as soon as possible, it should learn from the NATO-led operations in Bosnia and Kosovo. NATO provides probably the best analogy for lessons learned because many of the EU countries are also NATO members, and because the EU inherited from the WEU established working procedures and arrangements for cooperation and task sharing with NATO.

By examining issues related to the management of low-intensity conflict and coalition warfare in the IFOR operation and Kosovo air campaign, the chapter will demonstrate a range of similarities and differences in the difficult transformation of policies into military objectives.

#### **A. POLITICAL GOALS, MILITARY OBJECTIVES**

Interestingly enough, Max Boot in his book *Savage Wars of Peace* and Eliot A. Cohen in *Supreme Command*, both based on historical case studies of the US military, identify the military as the main institutional barrier to interventionist policies within the national security establishment.

The obstructionist attitude of military commanders toward sending and leading troops into peace enforcement missions becomes more easily understood in light of the ambiguous relationship between political goals and military objectives. The debate in the late 1980s between former U.S. Secretary of State George Shultz and then Secretary of Defense Caspar Weinberger on the use of force clearly illustrates the different approaches of political and military leaders. Alexander L. George summarizes the essence of Weinberger's post-Vietnam doctrine:

Rather [than the Clausewitzian view], the new doctrine argued, use of force in support of foreign policy must give way, if necessary, to military requirements for the effective, efficient use of force.<sup>147</sup>

Political objectives in peace enforcement operations are usually directed to bring the conflict settlement from the 'battlefield' to the political stage and keep it there. One of the key factors of any final settlement is the strong, preferably democratic, legitimacy of

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<sup>147</sup> Alexander L. George, "The Role of Force in Diplomacy: A Continuing Dilemma for U.S. Foreign Policy" in Gordon A. Craig, Alex L. George, *Force and Statecraft: Diplomatic Problems of Our Time*, (New York: Oxford University Press, 1995), 268.

after-conflict national institutions. An international military force has severe limitations on the ways it can support those political objectives. The NATO draft doctrine on Peace Support Operations emphasizes that the link between military and political objectives should be tight. Military objectives typically focus on the enforcement of preconditions to further a political settlement and are directed to areas such as separating and disarming the belligerents, and creating a buffer zone. The aim of peace enforcement operations “...will not be the defeat or destruction of an enemy, but rather to compel or coerce any or all parties to comply with a particular course of action.”<sup>148</sup> Those military missions are conducted in the context of a broader political, cultural, historic and economic environment. The success of operations depends not only on the military effort but also on the complex relationship of all national and international factors at play.

Although the cessation of fighting is an essential precondition for achieving long-term strategies, it is only the very beginning step in the much longer process of resolving the core causes of hostility, building confidence between hostile parties, and creating the basic conditions for order and a peaceful future. This broader scope of policies can partly be supported with military means, but the main burden rests on the involvement and contributions of the full range of institutions and actors other than the military. On the European continent, the experiences of the Bosnian and Kosovo missions provide good examples of the tension between political and military objectives. As General Wesley Clark, Supreme Allied Commander Europe (SACEUR) and Commander-in-Chief, U.S. European Command (USEUCOM) in the Kosovo engagement, concludes:

At the political levels, clear, realistic aims are essential. Greater attention must be given to the integration of civilian and military activities. Military activities on the ground must reinforce civilian aims, within the limits imposed by military capabilities and resources. It must also be recognized that intervention to enforce peace will never be neutral; some parties will always be more heavily impacted than others, and all will attempt to use the force to advance their political aims. The civilian components of such missions will also be heavily dependent upon the military for security and enforcement of their decisions.<sup>149</sup>

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<sup>148</sup> NATO, AJP-3.4.1 Peace Support Operations, Ratification Draft, 20 July 2001.

<sup>149</sup> General Wesley Clark, Waging Modern War, (New York: Public Affairs, 2001), 458.

## **1. The Case of Bosnia: the IFOR Experience**

The General Framework Agreement (GFA)<sup>150</sup> for peace in Bosnia and Herzegovina, generally referred to as the Dayton Peace Accords, signed on November 21, 1995 in Dayton, Ohio, outlined the main political and military objectives of the various parties to the conflict.

Annex 4 of the GFA outlined political objectives, in particular a new constitution. It defined Bosnia and Herzegovina as one sovereign state within its present internationally recognized borders, consisting of two entities: a Federation and a Bosnian Serb Republic. The GFA also outlined the institutional set-up of the state, as well as the basic functions and responsibilities of its legislature and executive branch. The protection of human rights and basic freedoms had a central role in the text.

Two other important requirements were also emphasized in the text. The first was the suggested goal of bringing justice to aggressors in the form of a war crimes tribunal. The second was the organization of civilian aspects of implementation, such as humanitarian aid, economic reconstruction, protection of human rights and the holding of free elections as described in Annex 10. In this process, however, the UN High Representative had no authority over the IFOR Commander.

The main military objectives laid out in the GFA were

...bringing about and maintaining an end to hostilities; separating the armed forces of Bosnia's two newly created entities, the Federation of Bosnia and Herzegovina and Republika Srpska; transferring territory between the two entities according to the peace agreement; and moving the parties' forces and heavy weapons into approved storage sites.<sup>151</sup>

These were derived mainly from Annex 1-A of the GFA:

- The cease-fire that began with the agreement of October 5, 1995 will continue.
- Foreign combatant forces currently in Bosnia are to be withdrawn within 30 days.

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<sup>150</sup> General Framework Agreement for Peace in Bosnia and Herzegovina, NATO Home Page: <<http://www.nato.int/ifor/gfa/gfa-home.htm>> (15 September 2002)

<sup>151</sup> NATO Fact Sheets, NATO home Page: <<http://www.nato.int/docu/facts/2000/role-bih.htm>> (05 January 2003)

- The parties must complete withdrawal of forces behind a zone of separation of approximately 4 km within an agreed period. Special provisions relate to Sarajevo and Gorazde.
- As a confidence-building measure, the parties agree to withdraw heavy weapons and forces to cantonment/barracks areas within an agreed period and to demobilize forces, which cannot be accommodated in those areas.
- The agreement invites into Bosnia and Herzegovina a multinational military Implementation Force, the IFOR, under the command of NATO, with a grant of authority from the UN.
- The IFOR will have the right to monitor and help ensure compliance with the agreement on military aspects and fulfill certain supporting tasks. The IFOR will have the right to carry out its mission vigorously, including with the use of force as necessary. It will have unimpeded freedom of movement, control over airspace, and status of forces protection.
- A Joint Military Commission is established, to be chaired by the IFOR Commander. Persons under indictment by the International War Crimes Tribunal cannot participate.
- Information on mines, military personnel, weaponry and other items must be provided to the Joint Military Commission within agreed periods.
- All combatants and civilians must be released and transferred without delay in accordance with a plan to be developed by the International Committee of the Red Cross.<sup>152</sup>

Analyzing the text of the GFAP, it becomes apparent that the observation of Raymond Aron about the nature of treaties is justified: “You can find what you want to find in the treaties all that you need is a selection of quotations, supported by personal prejudice.”<sup>153</sup> The ambiguity that permeates treaties and agreements contributes to different interpretations not only among politicians and interest groups but in the minds of military leaders as well.

Military thinkers like to plan for perfect operations, in which there are clear objectives, unambiguous political guidance, ‘mission-type’ orders, a defined exit strategy, and popular consensus at home.<sup>154</sup>

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<sup>152</sup> Summary of General Framework Agreement, NATO Home Page: <<http://www.nato.int/ifor/gfa/gfa-home.htm>> (22 September 2002)

<sup>153</sup> Raymond Aron, Clausewitz, Philosopher of War, (Englewood Cliffs: Prentice-Hall Inc., 1985), 235.

<sup>154</sup> General Wesley Clark, Waging Modern War, (New York: Public Affairs, 2001), 422.

As is apparent from the text of the GFA, policy and operations fail to agree on the time period envisioned to reach their objectives. The defined political objectives required a long-term engagement and effort, while military objectives as drafted needed a much shorter term to accomplish. Here the link between policies and operations is not direct, as implementing the military objectives did not lead directly to realization of final policy goals. But the success of military operations themselves was a prerequisite for the utilization of further political and other means. The political objectives envisioned restoration of order and a functioning state under legitimate executive and legislative institutions, with guaranteed human rights for all citizens. Although those political objectives were not separated in time into different phases, military operations obviously could focus initially only on the restoration of peace and order through the enforced separation of former belligerents. All the other political objectives required the effort of other, mainly civilian participants, in which the military played only a secondary role. In that later phase, matching the sharing of responsibilities and tasks to priorities, resources and capabilities, as well as defining clear military objectives, were made harder by the fact that the mission itself was not military in nature.

There also was a philosophical gap between political and military goals: unify vs. separate. Moreover the military saw the lines of separation from a different perspective than political leaders. As General Clark recounts the negotiations:

We would want to divide the ground along defensible lines, avoiding the kinds of isolated pockets and peninsular-type arrangements that could encourage renewed conflict later or that would simply prove unenforceable in practice. If we stuck by the Contact Group proposal, we would face some difficult problems due to the way the group's proposed division of territory split lines of communication and ignored the key terrain features that were the more natural borders.<sup>155</sup>

Many of the participants and observers agreed that the main military objectives defined for IFOR had been quickly accomplished. Mr. Nicholas Soames, on behalf of the British Secretary of State for Defense, answering a question related to IFOR Operation Joint Endeavour on October 28 1996, noted that “the operation has been conspicuously

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<sup>155</sup> General Wesley Clark, Waging Modern War, (New York: Public Affairs, 2001), 54.



successful and all the key military objectives have been achieved.”<sup>156</sup> In its annual report, the International Committee of the Red Cross also pointed out that:

The main military objectives [of IFOR] – cessation of hostilities and separation of ground forces – had been reached early on in the process, making a significant contribution to stability and security in the region.<sup>157</sup>

Implementation of the political and humanitarian aspects of Dayton, however, has not been completed until today. Even though the military is not really responsible for the implementation of those goals, its mission end state cannot be separated from them because it cannot leave the theater until the political objectives are accomplished. The question is evident: if the military is not subordinated to the High Representative, the appointed political authority responsible for coordination of peace implementation effort, how is it supposed to support political objectives?

This leads to the third gap between political and military objectives, which is a lack of coordination in the command structure between the political authorities of the UN and NATO.

The High Representative was not a UN Special Representative with UN authority and his political guidance came from a Steering Board of the Peace Implementation Council, which was not a standing internationally recognized political organization. Given the UN’s reluctance to play a lead role, there was no internationally recognized political organization providing overall political direction.<sup>158</sup>

IFOR operated under NATO political and military command, “with a grant of authority from the UN,” according to the text of the GFA. The logic of Karl von Clausewitz’s argument that the military is a mean for reaching political goals through war may be applied to Bosnia as well. An international military peace force is created to support the political goals of the international community. In practical terms, the military

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<sup>156</sup> British Participation in Operation Joint Endeavour, UK Parliament Home Page: <<http://www.parliament.the-stationery-office.co.uk/pa/cm199697/cmhansrd/vo961028/text/61028w03.htm>> (12 December 2002)

<sup>157</sup> ICRC 1-06-1998 Annual report 1997, ICRC Homepage: <<http://www.helpicrc.org/Web/eng/siteeng0.nsf/iwpList157/416BE454F6E66617C1256B66005BE909>> (05 October 2002)

<sup>158</sup> Richard L. Layton, “Command and Control Structure,” in the Lessons From Bosnia: The IFOR Experience, ed. Larry K. Wentz, 14 (1997) <[http://call.army.mil/products/spc\\_prod/ccrp/lessons/](http://call.army.mil/products/spc_prod/ccrp/lessons/)> (26 December 2002)

is best able to support policies if there is a clear command and control structure connecting the political authorities with the military command. Given that in Bosnia the desired end state required both military and civilian involvement, either the UN or NATO ideally should have held the political authority for the coordination of those activities.

Within the IFOR Command and Control organization on the one hand, the military had no links at all to the UN and played a narrow role that focused on the mandated military tasks. Although this meant separation from broader political goals, thanks to clear mission requirements military success was more easily achieved.<sup>159</sup> On the other hand, civilian implementation was not subordinated to NATO political authorities, which also contributed to the difficult coordination and synchronization of civilian and military tasks.

Despite the clear political aim to prosecute suspected war criminals, IFOR did not initiate arrest operations. One of the reasons for avoiding this type of involvement was the recent experience in Somalia, where an arrest attempt led to disaster and spoiled the whole mission. The other reason was that specific military objectives did not list the task of supporting the political goal of arrests. The unwillingness of former belligerents to hand over indicted war criminals to the International Criminal Tribunal for the former Yugoslavia frustrated the international community, and finally in July 1997 Stabilization Force (SFOR) accomplished the first arrest operation.<sup>160</sup>

The unintentional separation of political and military objectives is well illustrated in US President Bill Clinton's announcement of a timeframe for Bosnian operations in November 1995. Based on an assessment by the Joint Chiefs of Staff, he envisioned the time needed to implement IFOR objectives would be one year. As retired U.S. Army General William Odom commented, "the very idea of creating a stable Bosnia in one year is ludicrous."<sup>161</sup> Clinton's optimism can be partly explained by the usual reluctance of political and military leaders to become too deeply engaged in post-conflict state

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<sup>159</sup> Ibid., 8.

<sup>160</sup> ICRC 1-06-1998 Annual report 1997, ICRC Homepage: <<http://www.helpicrc.org/Web/eng/siteeng0.nsf/iwpList157/416BE454F6E66617C1256B66005BE909>> (05 October 2002)

<sup>161</sup> David S. Yost, NATO Transformed, The Alliance's New Roles in International Security (Washington, D.C.: United States Institute of Peace Press, 2001), 219.

building. The difficulties of translating policies into sound military objectives and limited military achievements in political terms result in disconnections that are hard to breach in the complex environment of peace operations.

## **2. The Case of Kosovo**

In the spring of 1999, Serbian forces entered the Yugoslav province of Kosovo and began a systematic campaign of what became known as “ethnic cleansing,” in which hundreds of thousands of ethnic Albanians living in Kosovo were terrorized and expelled from their homes. Once the Albanians had been removed, ethnic Serbs settled into their former lands and homes. Albanian fighters organized resistance and the region became embroiled in bloody irregular conflict. After diplomatic measures had failed Europe and NATO responded by starting an air campaign to prevent further ethnic atrocities and enforce peace settlement.

NATO Secretary-General Javier Solana defined five political objectives for the Kosovo military operations in the first days of NATO’s bombing campaign.

The first is a verifiable stop to all military action and the immediate ending of violence and repression. The second is the withdrawal from Kosovo of the Yugoslav army, the military, the police, and the para-military forces. Third, the stationing in Kosovo of an international military presence. The fourth is the unconditional and safe return of all refugees and all the displaced persons. The fifth, the credible assurance of (Yugoslav President Slobodan) Milosevic’s willingness to work on the basis of the Rambouillet accord towards a political solution for Kosovo in conformity with international law and the charter of the United Nations.<sup>162</sup>

NATO’s military commander, General Wesley Clark said on March 25:

We aim to put his (President Milosevic’s) military and security forces at risk. We are going to systematically and progressively attack, disrupt, degrade, devastate, and ultimately - unless President Milosevic complies with the demands of the international community - we are going to destroy these forces and their facilities and support. In that respect, the operation will be just as long and difficult as President Milosevic requires it to be.<sup>163</sup>

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<sup>162</sup> Solana act, Federation of American Scientists <<http://www.fas.org/man/dod-101/ops/docs99/991221-kosovo1.htm>> (24 November 2002)

<sup>163</sup> Clark act, Federation of American Scientists <<http://www.fas.org/man/dod-101/ops/docs99/991221-kosovo1.htm>> (24 November 2002)

The military objectives of Operation *Allied Force* were directed to ensure full compliance with UN Security Council Resolutions 1199 and 1203. The concept for the operation envisaged a five-phased air campaign, if necessary, to achieve political objectives with minimum force:

- Phase 0 was the deployment of air assets into the European Theater.
- Phase 1 would establish air superiority over Kosovo (creating a no-fly zone south of 44 degrees north latitude) and degrade command and control and the integrated air-defense system over the whole of the Federal Republic of Yugoslavia.
- Phase 2 would attack military targets in Kosovo and those Yugoslav forces south of 44 degrees north latitude, which were providing reinforcement to Serbian forces in Kosovo. This was to allow targeting of forces not only in Kosovo, but also in the Federal Republic of Yugoslavia south of Belgrade.
- Phase 3 would expand air operations against a wide range of high-value military and security force targets throughout the Federal Republic of Yugoslavia.
- Phase 4 would redeploy forces as required.<sup>164</sup>

The gap in time periods, just as in the IFOR case, can be clearly observed although in reverse. This time the first political objective (stop military activity and violence) required an immediate solution through decisive military operations. However, the air campaign plan and military preparation, both in the minds of decision-makers and in practice, were set to support diplomacy only lightly and lacked either the decisive force or intention of solving the conflict by military means.

Phase one of the NATO campaign was intended to set the safe conditions for further air operations rather than stop violence. The openly communicated exclusion of ground troops and limited nature of the campaign did not “demonstrate the seriousness” of NATO. NATO started the operation with 350 planes within range of Bosnia. It was one-third of the number that would be used later to bring an end to the conflict, and only one-fifth the number the United States would have used in a major regional conflict.<sup>165</sup>

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<sup>164</sup> Kosovo, Operation Allied Force After Action Report to the Congress of USA, 31 January 2000, <<http://www.defenselink.mil/pubs/kaar02072000.pdf>> (27 November 2002)

<sup>165</sup> Ivo H. Daalder and Michael E. O’Hanlon, Winning Ugly Nato’s War to Save Kosovo (Washington, D.C.: Brookings Institution Press, 2000), 103.

As General Clark recalls in his book related to the so-called Cold War strategy of 'flexible response,' NATO's well-established and practiced command and control procedures intended not to "seek victory" but, based on the rational behavior of the opponent, to deter or enforce "conflict termination."<sup>166</sup> The military strategy in the case of Kosovo mirrored similar approach, however the response of Serb authorities to the air campaign was not really rational and definitely not what NATO hoped and planned for.

It had been hoped, but never assumed, that President Milosevic would quickly realize NATO's determination, and accept its demands. Instead, his campaign of ethnic cleansing escalated and, in response, NATO's leadership accelerated and strengthened its air campaign considerably.<sup>167</sup>

In fact, NATO not only failed to accomplish the first political objective in the beginning of operations, but also in an indirect way contributed to the escalation of the humanitarian crisis. In the first month of the air campaign, Serb forces expanded their activities against the local population, and the violence, the magnitude of death and forced expulsion of ethnic Albanians increased considerably. By the time NATO held its summit in April 1999, nearly one million ethnic Albanians had been forced out of their homes in Kosovo.<sup>168</sup>

Many of NATO's critics believe that if military commanders had had a better understanding of the lessons learned in Bosnia and applied the Powell doctrine (the need to use decisive force in military campaigns) the outcome in Kosovo could have been different, and the first and main political objective reached much earlier. In light of the political circumstances, however, it is hard to imagine the possibility of reaching consensus among the players on different courses of action, especially on the initial deployment of ground forces. And even if the use of decisive military force could be agreed on, the transfer and preparation of troops would need considerable time, which again would have allowed the Serbs to force ethnic Albanians out of Kosovo. Taking everything into account, the air campaign, especially after a serious intensification,

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<sup>166</sup> General Wesley Clark, Waging Modern War, (New York: Public Affairs, 2001), 4.

<sup>167</sup> The conduct of the air campaign, NATO Home Page: <<http://www.nato.int/kosovo/repo2000/conduct.htm>> (22 November 2002)

<sup>168</sup> Ivo H. Daalder and Michael E. O'Hanlon, Winning Ugly Nato's War to Save Kosovo (Washington, D.C.: Brookings Institution Press, 2000), 108.

deserves credit for winning the war, but other factors, like the subsequent threat of ground operations, played important roles as well.

Lord Owen commented on demonstrations of force and necessary military build-ups:

Had such a build-up been started before and during the Rambouillet negotiations, then President Milosevic would have negotiated more seriously and very likely neither NATO bombs nor missiles would have been used.<sup>169</sup>

The philosophical gap between political and military objectives this time was somewhat narrowed but still existed. Political objectives were direct and clear. By contrast, military strategy was indirect and uncertain both in scale and result. The set of targets and the phases of the campaign did not support directly either of the stated political goals. NATO officials and White House spokesmen were about the only ones who seemed to believe that air power alone could achieve the desired objectives.<sup>170</sup> According to Admiral James Ellis, then Commander of Allied Forces Southern Europe and Commander in Chief of U.S. Naval Forces Europe, “NATO lacked not only a coherent campaign plan and target set but also the staff to generate a detailed plan when it was clear that one was needed.”<sup>171</sup>

While Milosevic was prepared for war, the NATO military machine was not intended to reach war capacity at all. As General Clark stated, it was undoubted before the beginning of operations that NATO could not actually do much to save civilians in Kosovo.

Despite our best efforts the civilians are going to be targeted by the Serbs. It will just be a race, our air strikes and the damage we cause them against what they can do on the ground. But in the short term, they can win the race.<sup>172</sup>

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<sup>169</sup> Independent, 23 April 1999 in Tim Young, Mark Oakes and Paul Bowers, Kosovo: Operation “Allied Force”, (London, House of Commons Library, 1999), 58, <<http://www.parliament.uk/commons/lib/research/rp99/rp99-048.pdf>> (03 January 2003)

<sup>170</sup> Tim Young, Mark Oakes and Paul Bowers, Kosovo: Operation “Allied Force”, (London, House of Commons Library, 1999), CRS-4, <<http://www.parliament.uk/commons/lib/research/rp99/rp99-048.pdf>> (03 January 2003)

<sup>171</sup> Ivo H. Daalder and Michael E. O’Hanlon, Winning Ugly Nato’s War to Save Kosovo (Washington, D.C.: Brookings Institution Press, 2000), 104.

<sup>172</sup> General Wesley Clark, Waging Modern War, (New York: Public Affairs, 2001), 171.

The target selection of Operation Allied Force included strategic and tactical military objectives, with the emphasis on tactical targets.

Strategic targets included the Serb air defenses, command and control facilities, the Yugoslav military (VJ) and police (MUP) forces headquarters in Belgrade, and supply routes. Tactical targets comprised military facilities, fielded forces, heavy weapons, and military vehicles and formations in Kosovo.<sup>173</sup>

After a month of bombing with limited success, alliance leaders decided to further intensify the campaign by deploying additional aircraft, developing new target-sets like military-industrial infrastructure, propaganda-related media, and other strategic objects.<sup>174</sup> Overall, 29 per cent of all Yugoslav/Serbian ammunition storage capacity, 57 per cent of petroleum reserve capacity, and all Yugoslav oil refineries were destroyed.<sup>175</sup>

The effect of tactical bombing is hard to measure. An assessment team enumerated the confirmed number of strikes that were determined to have achieved successful hits against mobile targets in Kosovo and Presevo Valley areas over the duration of the operation: Artillery/Mortars: 389; APCs: 153; Military Vehicles: 339 and Tanks: 93 pieces.<sup>176</sup> These sound like a considerable number compared to NATO intelligence estimate of the strength of Yugoslav forces in Kosovo at the beginning of the conflict, which assumed 300 tanks and 150 artillery pieces.<sup>177</sup> Weather conditions and risk avoidance, however, altered operations in the first few weeks, while the number of aircraft and sorties only began to increase in mid-April, so the biggest chunk of hits probably date from after the first month. While the military campaign needed time to

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<sup>173</sup> Kathryn Cochrane: "Kosovo Targeting — A Bureaucratic and Legal Nightmare: The Implications for US/Australian Interoperability" Aerospace Centre June 2001 <<http://www.defence.gov.au/aerospacecentre/publish/01Paper3.html>> (21 September 2002)

<sup>174</sup> Kosovo, Operation Allied Force After Action Report to the Congress of USA, 23, 31 January 2000, <<http://www.defenselink.mil/pubs/kaar02072000.pdf>> (27 November 2002)

<sup>175</sup> Kathryn Cochrane: "Kosovo Targeting — A Bureaucratic and Legal Nightmare: The Implications for US/Australian Interoperability" Aerospace Centre June 2001 <<http://www.defence.gov.au/aerospacecentre/publish/01Paper3.html>> (21 September 2002)

<sup>176</sup> Kosovo, Operation Allied Force After Action Report to the Congress of USA, 86, 31 January 2000, <<http://www.defenselink.mil/pubs/kaar02072000.pdf>> (27 November 2002)

<sup>177</sup> Tim Young, Mark Oakes and Paul Bowers, Kosovo: Operation "Allied Force", (London, House of Commons Library, 1999), 73, <<http://www.parliament.uk/commons/lib/research/rp99/rp99-048.pdf>> (03 January 2003)



achieve results, regular and irregular Serb forces were able to act with impunity against the Albanian population for most of the war.<sup>178</sup>

This time, the gap in command and control was between NATO members themselves. The air campaign was conducted through both NATO and U.S. command channels. The overall commander was General Clark, serving as both Supreme Allied Commander Europe (SACEUR) and Commander-in-Chief, U.S. European Command (USEUCOM). The NATO operational commander was Admiral (USN) James O. Ellis, serving as Commander, Allied Forces Southern Europe and Commander-in-Chief, U.S. Naval Forces Europe.

An array of authorities, including those at the highest national political levels, permanent representatives on the North Atlantic Council, Supreme Allied Commander Europe, air planners in Allied Forces Southern Europe, and authorities in countries hosting NATO aircraft were involved in the target-approval process. The risk of collateral damage was always an important consideration in deliberations over targets.... They required positive identification of targets before pilots were cleared to release ordnance. Moreover, forces were not allowed to attack military vehicles if they were intermingled with civilian vehicles.<sup>179</sup>

Critiques of the campaign focused on the disconnect between political goals and military operations.

Command by committee hampered NATO military leaders' ability to wage an effective, rapidly responsive campaign. Target lists, weapons used, and forces deployed were all subject to prior approval by all NATO governments. This slowed decision-making, constrained operations, and sometimes emphasized political over military considerations.... A more fundamental criticism is that the air campaign's actual objective from the start was political, not military — i.e., to bring President Milosevic back to the bargaining table. This, in turn, contributed to a constrained, incremental approach to targeting.<sup>180</sup>

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<sup>178</sup> Ivo H. Daalder and Michael E. O'Hanlon, Winning Ugly Nato's War to Save Kosovo (Washington, D.C.: Brookings Institution Press, 2000), 104.

<sup>179</sup> Bruce R. Nardulli, Walter L. Perry, Bruce Pirnie, John Gordon IV, John G. McGinn, "Disjointed War: Military Operations in Kosovo, 1999" RAND Publications MR-1406-A, © 2002 Chapter Three, Air Operations, 27 <<http://www.rand.org/publications/MR/MR1406/MR1406.chap3.pdf>> (05 January 2003)

<sup>180</sup> Steve Bowman, "Kosovo and Macedonia: U.S. and Allied Military operations", CRS Issue Brief for Congress, CRS-4, updated April 24 2002.



Indeed, the air strikes resulted in political problems in some of the NATO member states. In Germany tensions within the ruling coalition increased to the point that the government was in danger of collapse. A similar situation arose in Italy when former Communists considered withdrawing from the ruling coalition. Greek opposition parties and the general population expressed sympathy with the Serbian position and called for a diplomatic solution. The three new NATO members, Czech Republic, Hungary and Poland did not contribute aircraft to the operation, and Hungary expressed concerns about the position of the Hungarian minority in northern Serbia.<sup>181</sup>

Once offensive operations were underway, NATO leaders had to put considerable effort into maintaining alliance cohesion, which in itself became a primary strategic objective in the offensive phase of the conflict.<sup>182</sup> Once again it becomes clear that the forging of a common political will within an alliance is never an easy matter. Furthermore, the success of military operations not only supports, but also strongly depends, on political leadership.

## **B. CONCLUSIONS**

A well-orchestrated combination of statecraft and force is the essential condition of success in peace operations. As Donald Abenheim notes, “the issue here (crisis management in Kosovo) is less the strategic limitations of democratic government than the nervous floundering of civil and military elites as they face strategic realities in all their political complexity and disorder, weighted down by an array of historical analogues and ideological assumptions.”<sup>183</sup> In those circumstances, the deliberation of policies tests all aspects of decision-making. Once a policy is agreed upon, however, it should be possible to translate it into a comprehensive military strategy if both political and military objectives are phased and synchronized in time. Short-term and long-term objectives should be defined clearly and comprehensively.

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<sup>181</sup> Tim Young, Mark Oakes and Paul Bowers, Kosovo: Operation “Allied Force”, (London, House of Commons Library, 1999), 59, <<http://www.parliament.uk/commons/lib/research/rp99/rp99-048.pdf>> (03 January 2003)

<sup>182</sup> Kosovo, Operation Allied Force After Action Report to the Congress of USA, 7, 31 January 2000, <<http://www.defenselink.mil/pubs/kaar02072000.pdf>> (27 November 2002)

<sup>183</sup> Donald Abenheim, “Birth Pangs of the New NATO,” in Orbis Book Review, ed. William Anthony Hay (Elsevier Science Limited, Winter 2002), 181.

In the cases of both IFOR and Operation Allied Force, political and military objective were not synchronized in time and objectives were not phased. Although the air campaign in Kosovo had three operational phases, it was not connected directly to policy objectives but rather expressed the levels of planned campaign intensity, which corresponded to intensified Serb activities in the ground. All the factors at play in Kosovo made the integration of policies into military objectives almost impossible. As General Clark observed:

We had to take sides, and sometimes to use force in limited ways, to gain the political ends sought. On the ground, we found ourselves struggling to assess the appropriate degree of risk. It was difficult to integrate political and strategic issues into the tactical considerations.<sup>184</sup>

In both the Bosnia and Kosovo campaigns, besides the operational disconnect there was a philosophic gap between policies and military strategies. Leaders typically declare political as well as military objectives but they rarely explain how the latter are intended to support the former. Most of the time, both political and military leaders seem to be more comfortable leaving some ambiguity in the relationship between those goals. Policies cannot be always clear and comprehensive enough to translate them into well-defined military goals, and agreement among members of the coalition or international community can be hard to reach in the broader context of different national and domestic political interests. Even if policies are clear enough, they consider a range of options and actors, and it is hard to find an exact method for the use of force to support desired political objectives.

This ambiguity in the relationship between policies and operations can be decreased by not only making the mandate for the military clear, but defining political objectives as well; military and political leaders must then consider, plan and explain how operations will support those political objectives.

The unity of the political and command structures was tenuous in both Bosnia and Kosovo. It was worse in IFOR, but it caused delay and inefficiency in Kosovo air operations as well. Although those issues are probably inherent in democratic political decision-making and coalition warfare, a single, internationally recognized political

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<sup>184</sup> General Wesley Clark, Waging Modern War, (New York: Public Affairs, 2001), 457.

authority, and a clear command and control structure are necessary for effective and successful operations. Institutional arrangements should play a useful role in lessening the confusion and ambiguity of political and military decision-making. Institutions therefore should facilitate effective working procedures and develop a professional culture sophisticated enough to carry out needed problem solving, analysis and command-control.

Coalition members or actors within the international community often harbor significant political objectives and behind-the scene-motives besides those declared for the particular mission. These can include avoiding friendly losses, minimizing collateral damage, following political agendas and striving for public support. All of those incidental goals can significantly constrain the options and conduct of military operations. In Bosnia and Kosovo those agendas were actually in opposition to declared political objectives, and their priority decreased the speed and effectiveness with which the military could accomplish its objectives. As a French official noted: “Dans la guerre, il faut des morts,” or, “In war, there must be deaths.”<sup>185</sup> The question remains whether coalition members and their constituents are willing to pay that price in future peace operations.

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<sup>185</sup> Ivo H. Daalder and Michael E. O’Hanlon, Winning Ugly Nato’s War to Save Kosovo (Washington, D.C.: Brookings Institution Press, 2000), 122.

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## **V. COMMON FOREIGN AND SECURITY POLICY: INSTITUTIONAL CHANGES AND THE EFFECT OF SEPTEMBER 11**

Recognizing its weaknesses in formulating common foreign policy, and then backing that diplomacy with military force in the Balkan conflicts, the European Union was forced to change CFSP procedures, its institutional setup and its relationship with NATO. The catastrophic events in the United States on September 11, 2001 initially brought EU members to consensus on common policies against terrorism. EU leaders acknowledged that the Common Foreign and Security Policy, including the European Security and Defense Policy, should play an important role in countering the global terrorist threat and in promoting peace and stability.<sup>186</sup> This consensus nevertheless seemed to be strongly held only with regard to the strengthening of internal security for the Union.

The opinions of EU members and such candidates as the Czech Republic, Hungary and Poland are showing signs of a widening split when it comes to formulating foreign policy related to methods of fighting terrorism. Furthermore, the planned military tool of the CFSP, the Rapid Reaction Force, originally was linked to peace operations, and it is not clear yet if the task of fighting terrorism will be added to the basic mission of the RRF. It also is not yet apparent whether the challenge of resisting international terrorism will distract the focus of the EU from developing capabilities to manage peace operations, or will lead to the integration of different missions to reinforce the ability of the CFSP to handle both security issues with one mechanism.

The chapter is divided into two main sections. Section A reviews institutional developments within the EU's CFSP structure and its relationship with NATO. Section B describes the initial EU response to September 11, and the case of the nine European countries (members and candidates) that disrupted the EU's common foreign and security policy by expressing support of US policy towards Iraq on January 30, 2003.

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<sup>186</sup> Draft Declaration of the European Council on the Contribution of CFSP, Including ESDP, on the Fight Against Terrorism, European Council Meeting in Seville: Spanish Presidency Conclusions, June 21 - 22, 2002, EU Home Page: <<http://www.eurunion.org/legislat/Defense/SevilleESDP&Terror.htm>> (11 December 2002)

## **A. DEVELOPMENT OF EU-NATO RELATIONSHIP AND CFSP INSTITUTIONS**

The institutional set up of the European Union and the EU's relationship with NATO decision-making bodies in the planning and execution of crisis management activities could determine the success or failure of future peacekeeping missions. These factors affect the formulation of common foreign and security policies and the use of force in crisis management operations, as they are defined in the "Petersberg tasks" approved by the Western European Union in 1992, and subsequently incorporated by the European Union into the 1997 Amsterdam Treaty.<sup>187</sup> Both institutions and relationships underwent significant changes at the turn of the millennium. Within the EU, a number of new arrangements were introduced in the past few years.<sup>188</sup> These arrangements are supposed to contribute to the effective management of the Petersberg tasks within the CFSP framework, and also enhance cooperation with NATO through institutional similarities and procedural adaptation.

The existing relationship between NATO and the EU in planning for peacekeeping missions is partly formal and partly informal. Both types of interaction play an important role in the decision-making process. This section of the thesis focuses on the foundation of this relationship from the EU's perspective.

### **1. The Formal EU-NATO Relationship**

The formal aspect of the relationship between the EU and NATO is based on institutional settings, decision-making processes, dialogue, consultation and the establishment of Ad Hoc Working Groups (which began meeting in Summer 2000) to strengthen cooperation.

#### ***a. Institutional Development in the EU***

The EU seemingly is committed to the speedy development of its institutions to support CFSP requirements and "Headline Goals." There are two basic concerns in the development process: 1) the willingness of member states to contribute

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<sup>187</sup> The Amsterdam Treaty, resulting from the 1996 Intergovernmental Conference, is signed on October 2 1997, EU Home Page: <<http://europa.eu.int/abc/obj/amst/en/index.htm>> (August 07 2002)

<sup>188</sup> See for example The Helsinki European Council Decision, December 10-11, 1999, EU Home Page: <<http://www.eurunion.org/legislat/Defense/esdpweb.htm>> (July 15 2002)

more resources toward decreasing the gap between desires and capabilities; and 2) effectiveness of decision-making procedures. Former U.S. Secretary of Defense William S. Cohen expressed his concern in early 2000, that

My fear is that we will see European nations constructing a new bureaucracy that will be needed to implement some of these reforms in procurement opportunities. In looking at the budgets that I see from our side of the Atlantic, I see countries consistently cutting their budgets at the very same time that there is a recognition that you have to improve your capabilities... you cannot continue to cut budgets and hope to achieve the reforms and the procurement requirements for ESDI and for NATO, and my fear is that we will see a bureaucratic system set up. We will see declining budgets and we will not see the capability to match the words that we have talked about so passionately in Washington and now here today as well.<sup>189</sup>

The processes in the EU seem to prove the truth of his remarks.

The CFSP is part of the existing European Community single institutional framework. The balance of power related to CFSP implementation is not equally divided between the three main pillars (Council, Parliament and Commission), as in other policy areas (e.g., economics, trade agriculture). For example, the Commission is fully associated with the CFSP, but the initiatives come mainly from the presidency, a member state or the High Representative. The president consults and briefs the European Parliament on the fundamental choices and development issues related to CFSP.<sup>190</sup>

The **European Council**, as the highest authority in the Community structure, and the **General Affairs Council** (as one formation of the Council of the European Union) were established in the Treaty of the European Union (TEU) (consolidated version). Article 18 of the Treaty defines the role and responsibilities of the **Presidency** in the CFSP. He represents the Union's foreign and security policy, and is responsible for the implementation of CFSP decisions.

The European Commission was empowered in Article 211 of the European Treaty. There are four Commissioners, known as the "Committee of Four,"

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<sup>189</sup> Remarks as delivered on ESDI, 36<sup>th</sup> Munich Conference on Security Policy, Hotel Bayerischer Hof, Munich, Germany, Saturday, February 5, 2000, Defense Link U.S. Department of Defense Homepage: <<http://www.defenselink.mil/speeches/2000/s20000205-secdef.html>> (10 November 2002)

<sup>190</sup> Common Foreign and Security Policy, The Council of the European Union Homepage: <<http://ue.eu.int/pesc/pres.asp?lang=en>> (13 August 2002)

who are responsible for different areas of external relations. The **Commissioner for External Relations** plays an important role in the implementation of CFSP concepts. The Amsterdam Treaty of 1997 strengthened the ability of the European Union to instruct the Western European Union<sup>191</sup> to carry out peacekeeping missions. It also established the office of **High Representative** (HR, simultaneously the **Secretary-General** of the Council of Ministers) that is virtually the post of “the EU’s minister for foreign affairs and defense.”<sup>192</sup> The Amsterdam Treaty also brought into existence the **Policy Planning and Early Warning Unit** within the Council Secretariat; the **Situation Center** as part of a joint civilian-military **Crisis Management Center**; and the **Committee of Permanent Representatives**.

Other key institutions for ESDP were defined in the Helsinki European Council in December 1999. Those are the standing **Political and Security Committee** (PSC) in Brussels; the **Military Committee** (MC); and the **Military Staff** (MS) within the Council structures.<sup>193</sup> In May 2000, the European Council decided formally to establish the **Committee for Civilian Aspects of Crisis Management** (CIVCOM).

#### *b. Hierarchical Responsibilities of Institutions*

The hierarchical structures of key council institutions for CFSP are represented in Tables 1 and 2 respectively.

The **European Council** is the highest authority. It consists of the heads of state or government of the 15 member countries and the president of the European Commission. The EU Council normally meets twice a year to define the EU’s principles, strategic guidelines and objectives for CFSP.

The **General Affairs Council** (GAC) is the most important body in the Council of the European Union. It includes foreign ministers from each state and deals

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<sup>191</sup> WEU was formed in 1954 on the basis of Western Union (Belgium, France, Luxembourg, Netherlands, UK) joining to it Germany (FRG) and Italy. WEU is basically a Defence treaty with a guarantee to mutual defence (Article V) extended to peacekeeping and peacemaking tasks with Petersberg Declaration in 1992.

<sup>192</sup> “EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management” International Crises Group, Issues Report N. 2. (Brussels, 2001), 14. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>193</sup> Helen Wallace and William Wallace, Policy-Making in the European Union (New York: Oxford University Press, 2000), 490.



with the formulation and implementation of CFSP. The council meets at least once a month to ensure the Union's actions will be unified, consistent and effective.

The **Presidency** rotates every six months among the member states. The president presides over every council or sub-council meeting, is responsible for ensuring the implementation of agreed measures, and represents the EU in all matters of external policy. Because of the short presidential term, a committee called the 'troika,' consisting of the current president, the next president and the HR for CFSP, is intended to provide some degree of continuity to the position.

The **Commissioner for External Relations** is responsible for the commission's role in CFSP, interfaces with the GAC and with the HR for CFSP, and attends European Council meetings. The commissioner has the potential to contribute significantly to conflict management through the considerable staff and budget at his disposal.<sup>194</sup>

The **High Representative** (HR) for CFSP is appointed by unanimous decision of the European Council. The HR formulates, prepares and manages the foreign and security policy of the European Union, and upon request conducts political dialogue with third countries.

The **Committee of Permanent Representatives** (COREPER) is made up of the ambassadors or permanent representatives of member states. It prepares the dossiers for all council meetings. COREPER meets at least once every week, and it is "in the best position to ensure consistency and coherency between many policy areas."<sup>195</sup>

The **Political and Security Committee**<sup>196</sup> (PSC) is a permanent organization, made up of officials of ambassadorial rank from each member state. PSC guarantees the link between CFSP and ESDP by contributing to the council's policy formulation and overseeing policy implementation. PSC also monitors the international

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<sup>194</sup> "EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management" International Crises Group, Issues Report N. 2. (Brussels, 2001), 19. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>195</sup> Ibid., 29.

<sup>196</sup> Council Decision of 22 January 2001 setting up the Political and Security Committee (2001/78/CFSP), Official Journal of the European Communities, L 27/1 (30.1.2001)

situation, playing a central role in defining the Union's response to crises. In its role as primary crisis manager, the PSC sends guidelines to and receives advice from the Military Committee and the Committee for Civilian Aspects of Crisis Management. The PSC is "the single most important group in the management of CFSP and ESDP after the General Affairs Council itself."<sup>197</sup>

The **Committee for Civilian Aspects of Crisis Management (CIVCOM)** is developing plans and an inventory of resources for non-military crisis response and conflict prevention, to enhance the EU's capability in the areas of policing, strengthening rule of law, civilian administration and civil protection.

The **Military Committee**<sup>198</sup> (MC), generally a body of military representatives of member states' chiefs of defense, meets at the level of chiefs of defense in special circumstances. It gives military advice to the Political and Security Committee on the Concept of Operations (CONOPS) and Operation Plans (OPLAN), and directs the work of the military staff. The MC is also "the forum for military consultation and cooperation between member states in the field of conflict prevention and crises management."<sup>199</sup>

The **Military Staff**<sup>200</sup> (MS) assists the council in the exercise of political control and strategic direction for Petersberg-type operations. It does not deal with operational planning, but develops strategic military options for contingency scenarios. The MS recently comprised about 40 members and is planned to grow to 134 staffers by 2003.

The **Policy Planning and Early Warning Unit** is responsible for "monitoring, analysis and assessment of international developments and events, including

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<sup>197</sup> "EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management" International Crises Group, Issues Report N. 2. (Brussels, 2001), 29. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>198</sup> Council Decision of 22 January 2001 Setting up the Military Committee of the European Union (2001/79/CFSP), Official Journal of the European Communities, L 27/4 (30.1.2001)

<sup>199</sup> "EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management" International Crises Group, Issues Report N. 2. (Brussels, 2001), 30. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>200</sup> Council Decision of 22 January 2001 on the Establishment of the Military Staff of the European Union (2001/80/CFSP), Official Journal of the European Communities, L 27/7 (30.1.2001)

early warning on potential crises.”<sup>201</sup> It also prepares drafts on policy options. The staff consists of 24 members from the council secretariat, member states, the commission and a representative of the Western European Union (WEU).

The **Situation Center** (within the **Crisis Management Center**) operates on a 24-hour basis in a duty-officer system. It directly supports the Political and Security Committee and the Military Committee with the information it collects.

The **European Parliament** has only a consultative role in the CFSP, but its Committees on Foreign Affairs, Human Rights, CSDP and Budgets gained influence by requiring frequent reports and holding joint hearings.

At the Laeken Council in December 2001, EU leaders declared that the key institutions and decision-making processes for conflict management were operational, although Turkey and Greece blocked the agreement by which the EU would have access to NATO planning assets. As the use of those assets is fundamental for the EU’s crisis response capability, in practical terms the lack of them deprives the EU of the strategic resources it needs for complex operations.<sup>202</sup> Fortunately, a situation hasn’t arisen to put the EU’s crisis management capabilities to the test.

### *c. NATO-EU Dialogues and Ad Hoc Working Groups*

The Washington Summit in 1999 defined the guiding principles and directions for NATO-EU dialogues. The allies had committed themselves to the development of effective mutual consultation, cooperation and transparency-building measures on the basis of existing mechanisms between NATO and the WEU. Nevertheless, there remain serious concerns on the part of non-EU members and non-European allies about issues of weakening alliance cohesion, limited participation in EU decision-making and unbalanced burden sharing.

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<sup>201</sup> “EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management” International Crises Group, Issues Report N. 2. (Brussels, 2001), 27. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>202</sup> “EU Crisis Response Capabilities: An Update” International Crises Group, Issues Briefing (Brussels, 2002), 8. <[www.crisisweb.org](http://www.crisisweb.org)> (20 October 2002)

The starting point for the NATO-EU relationship, particularly with regard to EU access to NATO collective assets, was set out in the Washington Summit Communiqué (1999):

- a) Assured EU access to NATO planning capabilities, to facilitate military planning for EU-led operations;
- b) Guarantees to the EU that specified NATO capabilities and common assets will be available for use in EU-led operations;
- c) Enhancement of European command options for EU-led operations, including the roles and responsibilities of the Deputy Supreme Allied Commander, Europe ;
- d) The adaptation of NATO's defense planning system to better incorporate forces for EU-led operations.<sup>203</sup>

EU-NATO cooperation on sharing assets and command and control structures has not yet been finalized. This will be one of the most important tasks of the EU-NATO dialogue on European Security and Defense Policy (ESDP). Chris Patten, the EU's External Relations Commissioner, defined the official policy in a speech he gave in 2000:

We do not seek to duplicate NATO's role.... We want to strengthen our contribution to NATO and to European security. As George Robertson put it...ESD[P] is not about Europe going it alone, but about Europe doing more.<sup>204</sup>

In order to develop NATO-EU relationships, NATO members agreed in July 2000 to set up bilateral ad hoc working groups to focus on four specific areas: security arrangements; developing permanent arrangements for consultation and cooperation; defining modalities for EU access to NATO assets; and formulating EU capability goals.<sup>205</sup>

In regard to the security group, interim security arrangements between NATO and the EU Council Secretariat entered into force at the end of July 2000. This facilitated the exchange of classified information between the two organizations, and created the basis for future, permanent arrangements. Some observers, however,

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<sup>203</sup> "Washington Summit Communiqué" issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. on 24<sup>th</sup> April 1999, paragraph 10. NATO Press Release, <<http://www.nato.int/docu/pr/1999/p99-064e.htm>> (25 August 2002)

<sup>204</sup> "EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management" International Crises Group, Issues Report N. 2. (Brussels, 2001), 9. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>205</sup> NATO Handbook, (Brussels-Belgium: NATO Office of Information and Press, 2001), 103.

expressed concern that if the EU introduces a top-secret classification system, the “EU could end up constructing a common security and defense body that is oddly reminiscent of NATO.”<sup>206</sup> The second working group is examining the principles upon which future EU-NATO consultation should be built, and the actual mechanism that could be applied in peacetime and during crises. Work in the third group focuses on practical arrangements to allow EU access to NATO assets and capabilities, and in particular the issues highlighted in the first three paragraphs of the Washington Summit Communiqué (see above).

Working group four is concentrating on capability goals and how NATO’s defense planning system could best be adapted to incorporate more fully available forces for EU-led operations.

The work of these ad hoc groups is an important step in strengthening NATO-EU relations. It contributes to the clarification of command and control arrangements by laying down the main principles and procedures. It also facilitates burden and asset sharing by working out the main guidelines for future cooperation and division of responsibilities.

The Presidency Report to the Göteborg European Council on ESDP<sup>207</sup> concluded that consultation and cooperation between the EU and NATO on crises management in the Western Balkans has been a success, emphasizing some particular developments such as the first formal EU-NATO ministerial meeting at Budapest on May 30, 2001.<sup>208</sup> In addition to several meetings of the EU PSC and NATO NAC, a meeting has also been held at the level of the military committees. The joint activities of the Secretary-General/High Representative and the NATO Secretary-General, as well as of their representatives in the Balkan region also have been notable.

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<sup>206</sup> Denise M. Groves, “The European Union’s Common Foreign, Security, and Defense Policy”, *BITS*, Research Report 00.3 (November 2000): 29. <[www.bits.de](http://www.bits.de)> (05 September 2002)

<sup>207</sup> Presidency Report to the Göteborg European Council on European Security and Defence Policy; Press Release: Brussels (11-06-2001) – Nr:9526/1/01, European Union Homepage: <<http://ue.eu.int/Newsroom/loadDoc.asp?max=1&bid=75&did=66829&grp=3577&lang=1>> (12 September 2002)

<sup>208</sup> Ibid.,

Many of these basic questions on cooperation will still require a positive attitude and a wide-ranging consultation effort. Secretary General Lord Robertson frequently has emphasized the principle that more Europe will not mean less NATO, and a stronger Europe will result in a stronger Atlantic alliance.<sup>209</sup>

## **2. Informal Relationships**

The informal relationships between the organizations are at least as important as the formal ones, given that many EU countries share membership in NATO. The two entities have a number of personnel who work in both bureaucracies; these leaders and bureaucrats are able to use their common experiences and relationships to the advantage of both organizations. And finally, the official principle of the Treaty of European Union -- that member states are to support the CFSP in their foreign policies -- probably plays a determining role in the decision-making process at NATO.

Among the fifteen EU member states only four are not members of NATO: Austria, Finland, Ireland and Sweden.<sup>210</sup> Eight of the nineteen NATO members do not have membership in the EU: Canada, the Czech Republic, Hungary, Iceland, Norway, Poland, Turkey and the United States.<sup>211</sup> Those eleven members of both the EU and NATO have an important role to play in the flow of information between the two organizations.

NATO's primary policy-making body is the North Atlantic Council, comprising permanent representatives of all member countries, who meet at least once a week. "The Council also meets at higher levels, involving Foreign Ministers, Defense Ministers or Heads of Government..."<sup>212</sup> These same leaders formulate EU policy in the European Council and in the Union's General Affairs Council.

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<sup>209</sup> Strengthening European Security and Defense Capabilities, NATO Fact Sheets, NATO Home Page: <<http://www.nato.int/docu/facts/2000/dev-esdi.htm>> (September 16 2002)

<sup>210</sup> NATO Member Countries, NATO Organization, NATO Home Page: <<http://www.nato.int/structur/countries.htm>> (August 24 2002) and also EU Member States, EU Home Page: <<http://www.eurunion.org/states/home.htm>> (August 24 2002)

<sup>211</sup> Czech Republic, Hungary, Poland and Turkey are applicants to EU Membership (as of August 2002). EU Candidate Countries, EU Home Page: <<http://www.eurunion.org/states/candidateoffices.htm>> (August 24 2002)

<sup>212</sup> NATO Handbook, (Brussels-Belgium: NATO Office of Information and Press, 2001) 149.

NATO's Defense Planning Committee deals with defense matters and collective defense planning. It is made up of permanent representatives, but also meets at the ministerial at least twice a year.<sup>213</sup> EU defense ministers, who participate in the work of the Council of Ministers on defense related issues, meet with the Chiefs of Defense in the EU's Military Committee under special circumstances.

Javier Solana Madariaga is the EU's High Representative for CFSP and Secretary-General of the Council of Ministers. The fact that he is also the Secretary-General of the WEU and former Secretary-General of NATO has far-reaching implications for the relationship between NATO and EU institutions.<sup>214</sup> Solana's experience, knowledge and personal contacts can help facilitate EU-NATO dialogue and improve cooperation, while his earlier experience in NATO has enabled him to put in place sophisticated CFSP decision-making structures and procedures.

The principal NATO forums (see Table 3) for consultation on crisis management are the Council and the Defense Planning Committee, supported by the Policy Coordination Group, the Political Committee, the Military Committee and the Senior Civil Emergency Planning Committee.<sup>215</sup> As mentioned previously, the EU adapted a very similar decision-making structure for CFSP issues. Also important for coordination and cooperation between these two entities is the fact that they are both located in the city of Brussels. The extensive changes and enlargement that EU institutions are undergoing, as in the military staff already mentioned, require new personnel with expertise in crisis management. Those staffers mainly come with NATO operational experience, are familiar with NATO procedures and have broad personal contacts with former colleagues in the alliance bureaucracy.

The EU is quickly developing its institutions and decision-making procedures to suit the requirements of the CFSP. Within NATO, work on the principal issues relating to the further development of the European Security and Defense Identity (ESDI) is going forward as well. The formulation of EU's military forces, however, still is at an early

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<sup>213</sup> Ibid., 151.

<sup>214</sup> Helen Wallace and William Wallace, Policy-Making in the European Union (New York: Oxford University Press, 2000), 462.

<sup>215</sup> NATO Handbook, (Brussels-Belgium: NATO Office of Information and Press, 2001) 156.

stage. Key issues, like command and control arrangements, integration into other security systems, intelligence sharing and planning, and troop and assets allocation need to be finalized. At this stage, the RRF probably is not yet in a condition to give effective support to the EU CFSP, especially in conflicts where “important parties are inclined to recognize only one persuasive norm: that might is right.”<sup>216</sup>

## **B. EUROPEAN UNION RESPONSES TO SEPTEMBER 11<sup>217</sup>**

The European Union as an entity quickly recognized the impact of September 11, 2001 on the future security environment, and initiated a number of common policies, joint actions and practical arrangements to meet the new challenges. EU members initiated radical changes and steps for cooperation against the common terrorist threat at both the regional and international levels, with an emphasis on the former.

This section is organized into four parts. The first outlines the trend of major EU policies in response to the terrorist threat. The second discusses practical arrangements within the EU Action Plan to prevent and fight terrorism. The third section describes institutional changes and their results within the European Police (Europol), while the last part draws some conclusions based on these discussions.

### **1. EU Policies After September 11**

The events of September 11 were a turning point for the European Union (EU), as they were for much of the world. The terrorist attacks on New York and Washington made clear that security and democracy must actively and ceaselessly be promoted. EU members had defined the strengthening of cooperation in the fight against international terrorism as one of the main objectives of the EU’s Common Foreign and Security Policy (CFSP) as far back as 1992.<sup>218</sup> At that time, however, Europeans tended to treat the familiar forms of terrorism -- by actors such as the Irish Republican Army (IRA), the

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<sup>216</sup> “EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management” International Crises Group, Issues Report N. 2. (Brussels, 2001), 45. <[www.crisisweb.org](http://www.crisisweb.org)> (15 August 2002)

<sup>217</sup> This section is based on a group project, completed in December 2002 at the Naval Postgraduate School, Monterey, California by Lieutenant-colonel Eugen Akmalidinov, Major Taras Katyrenchuk, Major Valeriu Mija and Major Attila Sule.

<sup>218</sup> Decision of the Commission of the EC 1992:19 in Clive Archer and Fiona Butler, The European Union, Structure and Process, (New York: St. Martin’s Press, 1996), 210.



Basque 'Euzkadi Ta Askatasuna' (ETA), and the National Organization of Cypriot Fighters (EOKA) -- that targeted government legitimacy or state capacity, for the most part internal matters. By contrast, the events of September 11 made clear that international terrorism had become a challenge for the international order and an attack on the very existence of liberal democracy. Therefore, EU states immediately reaffirmed that such threats "must be met through steadfast international cooperation."<sup>219</sup>

The big question is whether conventional policies against domestic terrorism -- i.e., cease-fire and negotiations; economic development; political reform; collective punishment; emergency powers; employment of security forces -- are sufficient or appropriate to combat international terrorism.<sup>220</sup> There are several important differences between domestic and international terrorist objectives and activities. First, although international terrorism challenges the international order, terrorist groups may not pose a direct threat to the country (or countries) from which they operate. Second, many international terrorist networks do not belong to a recognizable nation-state, and therefore are known as "non-state actors." Next, as these networks organize and spread around the globe, having access to sophisticated computer technology, Internet and communication systems, their detection and disruption requires efficient cooperation among all states. Finally, even if governments are ready to cooperate, weak states' poor capacity to control their own domestic situation often allows terrorists to maneuver freely. This is especially true for Third World countries, but there also are many examples of developed countries (Great Britain for example) that have not been able to shut down domestic terrorist organizations. To facilitate international cooperation, the EU eagerly joined the US-led anti-terrorist coalition, and reconfigured its common policy toward the international terrorist threat.

The EU generally reacted to the events of 9/11 with speed and determination, both at home and in the international arena. Previously developed security initiatives, institutions and procedures such as the ESDI and Common Foreign and Security Policy

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<sup>219</sup> Declaration of September 11, 2002 by Heads of State and Government of the European Union, the President of the European Commission, and the Representative for the Common Foreign and Security Policy, European Union Homepage: News Releases September 11, 2002 No. 48/02 <<http://www.eurunion.org/news/press/2002/2002048.htm>> (27 November 2002)

<sup>220</sup> Christopher Hewitt, The Effectiveness of Anti-Terrorist Policies (New York: University Press of America, 1989), 35.

(CFSP) contributed to this prompt response. ESDI represents members' intention to organize a common European military capability within NATO, able to respond to common threats and instability in Europe. The CFSP represents a political-military mechanism to confront international challenges. Therefore, just ten days after the attack on the World Trade Center, a special European Council meeting in Brussels adopted a plan of action that included several policy declarations: solidarity and cooperation with the United States, a European policy to combat terrorism, and reaffirmation of the Union's commitment to world economic prosperity.<sup>221</sup> The resulting Action Plan provided the needed political basis for taking common urgent measures to respond to international terrorism.

As a result of this common EU policy, its members adopted a set of precise measures to identify, disrupt and neutralize potential terrorist organizations. Furthermore, the EU stressed the need to apply a set of political, cultural, and economical sanctions and measures against certain persons, entities and states that provide support to terrorist organizations. For example, the EU embargoed arms, military equipment and supplies, froze funds suspected of belonging to terrorists, and prohibited technical advice or training in Afghanistan.<sup>222</sup>

According to EU policy, the armed forces are a last resort to combat international terrorists. Military actions, including all anti-terrorist measures, should be conducted in accordance with international norms upholding fundamental rights and freedoms. Although EU policy never has entertained any intent to negotiate with international terrorist organizations, however, the EU has tended to stressed longer-term political solutions in line with Hewitt's 'root cause' argument, to eradicate the breeding ground for potential terrorism in a multi-faceted war on terror, as opposed to quick military actions against its symptoms.<sup>223</sup>

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<sup>221</sup> Conclusions and Plan of Actions of the Extraordinary Council Meeting on 21 September 2001, 1., European Union Homepage: <<http://www.eurunion.org/partner/EUUSTerror/ExtrEurCounc.pdf>> (27 November 2002)

<sup>222</sup> EU sanctions against third countries, EU Legislation Homepage: <<http://www.eurunion.org/legislat/Sanctions.htm>> (22 November 2002)

<sup>223</sup> Draft Declaration of the European Council on the Contribution of CFSP, Including ESDP, on the Fight Against Terrorism, European Council Meeting in Seville: Spanish Presidency Conclusions, June 21 - 22, 2002, EU Home Page: <<http://www.eurunion.org/legislat/Defense/SevilleESDP&Terror.htm>> (11 December 2002)

Three important observations come from an examination of EU policies and common actions. First, despite its intense multilateralism, the EU decision-making system is not strongly federalized throughout every pillar and stratum of governance. The views and will of member states depend on their individual governments, constitutions, sets of laws, financial and economic systems and other factors. Those views, which differ in small and large countries and from South to North can slow down and even paralyze decision-making. What is more, EU institutions have jurisdiction only over limited policy areas, while everything else remains the responsibility of each member state.

Second, although the EU's Rapid Reaction Force is expected to be operational by 2003, until it is, the EU does not have sufficient military forces to operate on its own.<sup>224</sup> The EU therefore is forced to rely heavily on NATO assets and the Western European Union's security arrangements. As a consequence, the EU does not plan or perform military activities in the fight on terrorism, and its "confirmed staunchest support for military operations" in Afghanistan remained mostly rhetoric, dependent on member states' individual decisions and contributions.<sup>225</sup>

Finally, the EU seemingly applies different midterm and long-term strategies than does Washington. Instead of concentrating on direct (i.e., military) measures against countries that provide a home for terrorists, the EU mainly focuses on core causes, and targets the elimination of the economic and political grounds for this terrible phenomenon. Of course, this approach also is more suitable to the EU's political reality and military capabilities.

## 2. European Union's Action Plan

Immediately after the events of 9/11, EU leaders condemned the terrorist acts<sup>226</sup> and called on EU members and partners to cooperate against this threat.<sup>227</sup> Ten days later

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<sup>224</sup> The Helsinki European Council Decision, December 10-11, 1999, EU Home Page: <<http://www.eurunion.org/legislat/Defense/esdpweb.htm>> (July 15 2002)

<sup>225</sup> Diplomatic Measures, European Commission Home Page, <<http://europa.eu.int/news/110901/ext.htm>> (05 December 2002)

<sup>226</sup> Council of EU Homepage: <<http://ue.eu.int/Newsroom/loadDoc.asp?max=1&bid=109&did=67741&grp=3738&lang=1>> (05 December 2002); European Parliament Homepage: <<http://www.europarl.eu.int/president/press/en/cp0174.htm>> (05 December 2002); Declaration of EU, Council of EU Homepage: <<http://ue.eu.int/Newsroom/loadDoc.asp?max=1&bid=71&did=67756&grp=3748&lang=1>> (05 December 2002)

the so-called Extraordinary European Council Meeting developed a Plan of Actions (henceforward referred to as the Plan).<sup>228</sup> The European Parliament ratified the document on October 4, 2001 with some amendments.<sup>229</sup> The driving forces behind development of the Plan were the principles that the terrorist attacks on the United States were an attack on all democratic states; that terrorist groups cannot be equated to the Arab and Muslim world; and that the EU will act in concert against terrorism under all circumstances.

The Plan defined EU actions in several areas, the description of which goes far beyond the limits of this paper. On the other hand, their implementation is a continuous process that has been revised and amended time and again, with the result heavily dependent on the contributions of member states, candidates and other voluntary aligned countries. For those reasons this section focuses on the Plan itself, which best reflects the views and will of the EU as a community institution. The Plan consists of four parts.

#### ***a. Solidarity and Cooperation with the United States***

In this part, the EU reiterated its support for US efforts to bring the perpetrators to justice on the basis of UN Security Council Resolution 1368. To combat international terrorism, the EU Action Plan reaffirmed the Union's commitment to international norms and the Security Council's authority. The EU called for a *broad coalition under the UN aegis*. Besides the United States and EU, the plan emphasized inclusion of the Russian Federation, Arab and Muslim partners and any other countries ready to defend universal international values.

#### ***b. The European Policy to Combat Terrorism***

This section was directed to attain a common objective. EU states agreed to *enhance police and judicial cooperation*, which presumed standardization of common legal procedures regarding terrorism; close cooperation of the intelligence services,

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2002); Joint heads of state and European Council declaration, Council of EU Homepage: <<http://ue.eu.int/Newsroom/makeFrame.asp?MAX=1&BID=102&DID=67761&LANG=1&File=/pressData/en/er/Declaration.en1.pdf&Picture=0>> (05 December 2002)

<sup>227</sup> EU news, <<http://europa.eu.int/news/110901/september.htm>> (09 December 2002)

<sup>228</sup> Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001, EU Council Document #SN 140/01, EU Home Page: <<http://www.eu2001.be/Images/pdf/concl-bx1.en1.pdf>> (05 December, 2002)

<sup>229</sup> EU Council Meeting notes, doc. # B5-0666, 0668 and 0674/2001, EU Parliament Homepage: <[http://www3.europarl.eu.int/omk/omnsapir.so/pv2?PRG=CALDOC&FILE=011004&LANGUE=EN&TPV=PROV&SDOCTA=4&TXTLST=1&Type\\_Doc=FIRST&POS=1](http://www3.europarl.eu.int/omk/omnsapir.so/pv2?PRG=CALDOC&FILE=011004&LANGUE=EN&TPV=PROV&SDOCTA=4&TXTLST=1&Type_Doc=FIRST&POS=1)> (11 December 2002)

police, Europol and their US counterparts; and identification of terrorist organizations. It envisioned five main steps.

#### (1) Enhancing Police and Judicial Cooperation

- Introduction of a European arrest warrant, modernization of the system of extradition among the EU countries, and adoption of a definition for terrorism.
- Identification and development of a list of presumed terrorists and terrorist organizations by the EU Justice and Home Affairs Council (JHAC); improvement of interagency cooperation; exchange of information among national security forces; establishment of joint investigation teams.
- Sharing all terrorism-related data from member states with Europol, and setting up a special antiterrorist team within Europol to cooperate with its US counterparts.

#### (2) Developing International Legal Instrument

The European Council called for all *existing international conventions* on the fight against terrorism to be implemented by all EU states as quickly as possible. The EU is supporting an idea to develop a general convention against international terrorism within the UN framework.

#### (3) Putting an End to the Funding of Terrorism

EU policy *to disrupt the financial terrorist network* represents one more tactic to strike at the foundation of international terrorism. Organizations have various tasks in this regard.

- ECOFIN – the EC financial organization – and JHAC take necessary measures to destroy terrorists' systems of finance; one of the first tasks was to develop a directive on money laundering and a decision on freezing the assets of suspected individuals and organizations.
- The EC called upon member states to sign and ratify the UN Convention for the Suppression of the Financing of terrorism.
- Measures are being drawn up to deal with non-cooperative countries identified by the Financial Action Task Force (FATF).

#### (4) Strengthening Air Security

Additionally, the EU planned *to strengthen air security* by tasking the Transport Council to standardize air-transport security procedures. The Transport Council is responsible for adopting measures on the issues of weapon classification, technical training for crew, checking and monitoring of non-carry on luggage, protection of cockpit access and quality control of security measures applied by the member states.

#### (5) Coordination of the European Union's Global Action

Finally, the European states agreed to have the General Affairs Council coordinate EU global actions through the CFSP mechanism. The General Affairs Council also has responsibility for systematic evaluation of EU relations with third countries that might support terrorists.

### **3. The Union's Involvement in the World**

This section lays out the EU's preventive policy goals for combating terrorism in the international arena. These policies presume that the EU, in collaboration with the United States, Russia and partners in the Arab and Muslim worlds, should play an active role in identifying and diffusing potential regional conflicts and instabilities -- particularly in the Middle East -- that might provide a platform for terrorist activities. Such actions should be conducted through ESDI and CFSP mechanisms, according to UN Security Council resolutions. The EU is making several efforts to improve its ability to prevent and stabilize regional conflicts. Chief among them:

- Development and implementation of Common Foreign and Security and European Security and Defense policies, with the accent on in-depth political dialogue with the countries where terrorism could originate;
- Integration of all countries into a system of security, prosperity and improved development to effectively combat terrorism's social roots;
- Ongoing dialogue and negotiations with the international community to build a world of peace, rule of law and tolerance; rejection of any nationalist, racist or xenophobic drift, for instance toward equating terrorism with the Arabic and Muslim world;
- Giving special attention to the growing problem of refugees, particularly those in and from Afghanistan.

These changes and prospective improvements in the CFSP structure and procedures may guarantee EU actions will be more efficient. The core problem in fighting terrorism, however, seemingly remains the same as in the case of Bosnia: the persistent difficulty of reaching consensus on common foreign and security policies. One of the indicators of lingering divisions in European opinion is the open letter, signed on January 30, 2003 by nine countries, to express support of Washington's hard-line Iraq policy. The signatories were Britain, Spain, Italy, Portugal, Denmark, Poland, Czech Republic, Hungary and later Slovakia. In their view:

The Trans-Atlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security... We must remain united in insisting that his regime be disarmed...<sup>230</sup>

This directly contradicted the position of President Jacques Chirac of France and Chancellor Gerhard Schröder of Germany. They oppose any war plans without a clear UN mandate, and insist on a guarantee of more time for United Nations inspectors to search for Iraqi weapons of mass destruction. An article in Time magazine summarized the main "European" arguments against attacking Iraq in six points:<sup>231</sup>

- We need to see more proof that Iraq's weapons programs still pose a threat;
- Inspections should last long enough to achieve their purpose -- to prove that Iraq is or is not in compliance with UN resolutions;
- The UN must be the only entity with the power to authorize war;
- Invading Iraq will disrupt the war on terror (and further destabilize the region);
- Cowboy Bush is back, and his style grates on potential allies;
- America's foreign policy is too arrogant.

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<sup>230</sup> Alan Cowell, "European Leaders Divide Between Hawks And Doves", New York Times January 31, 2003

<sup>231</sup> Reported by J.F.O. McAllister/London, James Graff and Nicholas Le Quesne/Paris, Marguerite Michaels/United Nations and Massimo Calabresi/Washington "Reasons Why So Many Allies Want Bush To Slow Down" Time, Posted Sunday, January 26, <<http://www.time.com/time/covers/1101030203/wallied.html>> (January 30 2003)

As the New York Times reports, France, Germany and Greece, the current holder of the European Union's rotating presidency, had not been asked to sign the open letter. Some countries, like the Netherlands, refused to sign it, but several European governments and some top European officials, like the EU's Secretary-General for CFSP, also were never consulted. Judging from these reports, EU unity on CFSP matters seems to be broken. As a consequence,

Now it will be harder for Germany [current chair of the Security Council] and France to say that they are speaking for Europe as the showdown with Iraq hits its crucial phase.<sup>232</sup>

#### **4. World Economic Prospects**

The fourth action plan emphasizes that the European Central Bank, in close cooperation with the US Federal Reserve and other central banks, should assure a stable monetary policy to avoid "the shock affecting European economies" as a result of international terrorist activities.<sup>233</sup> It also analyzes the possible economic impact of the events of 9/11 on the European and world markets, and outlines EU steps to soothe such impacts.

#### **5. The Case of Europol**

Research for this paper was unable to identify any newly established, central EU institution tasked with overall coordination of internal and external antiterrorist activities. Therefore, this section will focus on the tasks and activities of the anti-terrorist team within Europol, launched on January 1, 2002 by a decision of the Brussels European Council.<sup>234</sup> The events of September 11 made it necessary to review the prioritization of nearly all-ongoing and planned activities of Europol, in order to direct more resources to the fight against international terrorism. It was made responsible for running and employing (mainly from a logistical and administrative point of view) a Counter Terrorism (CT) task force at the European level, which has been staffed with experts

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<sup>232</sup> Marc Champion, "Eight European Leaders Voice Their Support for U.S. On Iraq," Wall Street Journal, January 30, 2003, 1 (Early Bird, January 30.)

<sup>233</sup> Ibid., 4.

<sup>234</sup> Police and Judicial Cooperation, EU Homepage: <<http://europa.eu.int/news/110901/justice.htm>> (05 December 2002)



from all member states and the Europol Counter Terrorism Unit.<sup>235</sup> To carry out this mandate, in cooperation with the political authorities, a structure had to be built up to ensure the implementation of new projects as well as the continuation of existing, ongoing tasks and projects.

#### ***a. Main Tasks***

This unit has been focusing on two main issues:

- it acts as a central resource for the Member States and;
- provides output for the Member States as requested, produced from assessments and intelligence (knowledge) management.

#### ***b. Activities and Products***

Within the above mentioned tasks several activities and products have been developed:<sup>236</sup>

- a maintenance of a database of CT information for the purposes of research and analysis;
- administration of the EU Directory of CT competencies;
- creation of a directory showing how CT responsibilities are divided up at the national level in the member states;
- organization and dissemination (to members) of a store of CT-related legislation from member states, explanatory notes about the way legislation is used in CT cases, and a Digest of Open Sources information about CT;
- maintenance of an up-to-date glossary of terrorist groups;

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<sup>235</sup> Conclusions adopted by the Council (Justice and Home Affairs) Brussels, 21 September 2001 SN 3926/6/01 REV 6, EU Home Page: <[http://europa.eu.int/comm/justice\\_home/news/terrorism/documents/concl\\_council\\_20sep\\_en.pdf](http://europa.eu.int/comm/justice_home/news/terrorism/documents/concl_council_20sep_en.pdf)> (09 December 2002)

<sup>236</sup>An Overview of the Counter Terrorism Unit Activities, Europol Homepage: <[http://www.europol.eu.int/index.asp?page=publ\\_terrorism](http://www.europol.eu.int/index.asp?page=publ_terrorism)> (28 November 2002)

- production -- in co-operation with other organizations -- of reports outlining the terrorist situation within the European Union and analyzing possible trends;
- provision of studies on CT-related matters and issue reports to member states, by special request or where there was a need identified by the unit;
- continuation of existing analytical projects and initiation of new projects at the request of member states or when the need had been identified in other Europol activity related to specific terrorist phenomena.

The list of EU measures and activities outlined in the plan is comprehensive. The short period of time between the 9/11 terrorist act and the plan's preparation and approval demonstrate that the EU responded to the event quickly and with determination. Nevertheless, the effectiveness of implementation has yet to be measured, and the outcome of such an evaluation will depend on national and partner or associate agreements and contributions. The hardest part probably will be to maintain momentum and develop a strategy that can handle medium and long-term political, economic and military challenges.

The unusually quick formulation of common positions and joint actions show that EU members recognized the serious threat of international terrorism. They also understood that coalition building and cooperation, as well as careful coordination of task implementation, are necessary to achieve better results than individual states would be able to do alone.<sup>237</sup> Despite this, the three main pillars of the EU, the Council, Parliament and Commission, and their internal organizations run terrorist-related tasks on their own, without much interagency coordination. Although the CT cell in Europol is responsible for data collection and sharing with member states, it is not clear from available documents how information allocation and task assignments are arranged among the various kinds and levels of EU organizations. It seems the old disagreement between

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<sup>237</sup> Report from the Commission, EU Homepage: [http://europa.eu.int/comm/external\\_relations/cfsp/doc/com01\\_611.htm](http://europa.eu.int/comm/external_relations/cfsp/doc/com01_611.htm) (13 December 2002)

federalist and nationalist approaches to EU policy-making and implementation still undermines the possibility for good coordination and unity of effort.

Despite all the institutional changes, the political nature of the EU means that reaching consensus in the area of foreign affairs is not an easy matter. No commonly agreed course on CFSP issues has been worked out, especially policies related to military interventions. Disagreement among European Union members on common foreign policies is likely to hurt not only the EU itself but trans-Atlantic relations as well. The enlargement of the EU probably will further complicate decision-making processes. Although the fight against terrorism is debated and planned on an international level, CFSP institutions do not control EU counter-terrorist activities and the plan, as a whole seemingly is not centralized. The establishment of a military force, the RRF -- despite doubts about its actual capability -- is supposed to provide a backup for the EU's political and economic power. Political control over the RRF is integrated into the CFSP structure, but the RRF is not tasked with counter-terrorist activities. This arrangement leaves no room for the EU to contribute militarily to any counter-terrorist operation even if a common course is agreed upon.

Generally, the EU has shown its determination to improve its political and military capabilities, and contribute to the support of peace and security. Based on the experience of the Balkans, EU efforts to improve its institutions and political procedures for crisis management were successful. The EU also is determined to fight against terrorism. It has worked out plans and keeps them updated. It runs both internal and external programs and activities that show its good intentions. Yet the EU keeps the two security issues, crisis management and terrorism, separated both in the political and military sense. While CFSP institutions handle crisis management, the institutions of the three main pillars divide the responsibility to fight terrorism, keeping the main focus on internal security. The CFSP military component is in an embryonic stage, and it is tasked only with crisis management. Force contribution to international counter-terrorist operations remains the business of member states, as long as plans are in harmony with the EU's common policy -- and sometimes even when they are not. All these arrangements create confusion. The EU probably should direct more attention to improving its ability to coordinate community policies. It also should clarify positions,

tasks and responsibilities on important issues such as terrorism, integrating a common course into its institutional set up and procedures. Finally, the EU must find a way to reinforce consensus on CFSP matters, because without commonly agreed policies the creation of a military force will lose its meaning.

## **VI. CONCLUSIONS**

The European Union's Common Foreign and Security Policy has undergone some considerable changes since its adoption in 1992. European members have often officially expressed their determination to improve the CFSP. Based on their negative experiences in the Balkan wars of 1991-1999, EU leaders initiated changes in the Union's institutions so that it might assume more responsibility for managing European security. EU members also decided to increase the organization's political and economic weight in foreign and security policy through the establishment of a common military force.

Although the limitations of European military forces are a widely criticized and important issue, this paper came to the conclusion that the inability of the EU to formulate common policy in a crisis probably would block deployment of a military force even before the question of capability came into discussion. By the same token, if the use of military forces ever becomes a reality, the typically complex legal, political, economic and military environment within the EU will severely limit the integration of common policies into realistic military objectives. And it is worth remembering that even successful military operations can't guarantee the desired political result.

To improve the effectiveness and efficiency of the EU's joint policy formulation process, officials will have to institute changes in many areas, some of which are likely to be above the EU bureaucracy's competence.

1. The international community will have to clarify and agree to resolve the conflicting principles of state sovereignty and universal guarantees of human rights. Regional organizations (such as the EU and NATO) should be encouraged to play a more active role in crisis management; in principle their policies could result in more flexible responses to regional crises than does the UN system. The pervasive lack of clear definitions and criteria for legitimate humanitarian intervention, however, can divide the opinions of member states and, as a result, slow down or even block decision-making procedures. Besides the clarification of legitimacy, the UN should develop a clear set of

rights and responsibilities by which regional organizations can apply crisis management tools on a collective basis.

2. The collective approach to humanitarian intervention is the most promising ground for justification of action by the EU. The legitimacy of intervention should be based on majority consensus within regional organizations, and on the support of the international community, non-governmental organizations and public opinion. If regional organizations are willing to intervene and commit forces to peace operations, UN principles must remain the basis of their actions. Collectivity has both advantages and disadvantages, which should be understood and utilized by politicians and military leaders. The EU must carefully adapt the examples and experiences of the past and adjust the doctrine of its military to the requirements and characteristics of multilateral peace operations. The EU also should further harmonize its institutions, analytical and collective decision-making structures and procedures to respond effectively to new challenges.
3. Besides the questionable legitimacy of armed humanitarian interventions, the difficulty the EU has had in formulating common policy was apparently a barrier to effective crisis management in the early 1990s. The geographical, political, cultural and historic diversities and different national interests of EU member states tended to divide their opinions and priorities of concern. Despite important changes in CFSP institutions and procedures, core differences in views and opinions among member states seem to be unchanged, as the disagreement on whether to support US policies toward Iraq showed. Based on the case studies presented here, this paper concludes that EU members will not be able to reach any agreement on the role of the CFSP in crisis management; furthermore, enlargement of the EU will not improve the effectiveness of the decision-making process.
4. The EU is not the only organization bearing responsibility for crisis management in Europe. It therefore should work to clarify burdens and task sharing with other international and non-governmental organizations. The

case study on Bosnia in the third chapter shows that the organizations involved in crises management in Bosnia not only lacked consistent principles and effective coordination, but in some cases applied controversial approaches that contributed to the overall confusion and lack of success. To ensure international peace and security, all major actors including the EU must coordinate and apply the right combination of diplomacy and force to resolve any conflicts that arise.

5. The problem of translating policies into sound military objectives is another core issue of civil-military relations that limits the conduct of peace operations. The case studies in the fourth chapter, examining the gaps between NATO policies and military objectives, revealed inherent differences between politics and the military, and the bounds of using force to accomplish limited objectives. National interests, uncertain political will, questions of sharing resources and military capabilities, combined with the difficulties of collective command and control, probably will prevent the best utilization of military assets and the translation of policies into military operations. Without clear policy directives, the new Rapid Reaction Force may not be able to define the most suitable strategies and objectives for its employment. Politicians and the military should be well aware of its requirements, capabilities and limitations. Leaders' competence and cooperation can be key to the success of operations. The changing peacekeeping environment requires a deep understanding of each situation, advanced planning, flexibility and quick reactions, from policy-makers and military leaders alike. All of these criteria require improved command, control and communications not only in military establishments, but also at the highest political decision-making levels.

The recognition among EU members that there were weaknesses in formulating common policies, and insufficient military capabilities to control the Balkan crisis, reinforced their determination to improve the CFSP. There have been a number of practical developments within EU institutions, introduced in the fifth chapter, to strengthen the effectiveness of procedures, control and planning. The dialogue that was initiated with NATO is intended to serve similar objectives, through facilitating cohesion

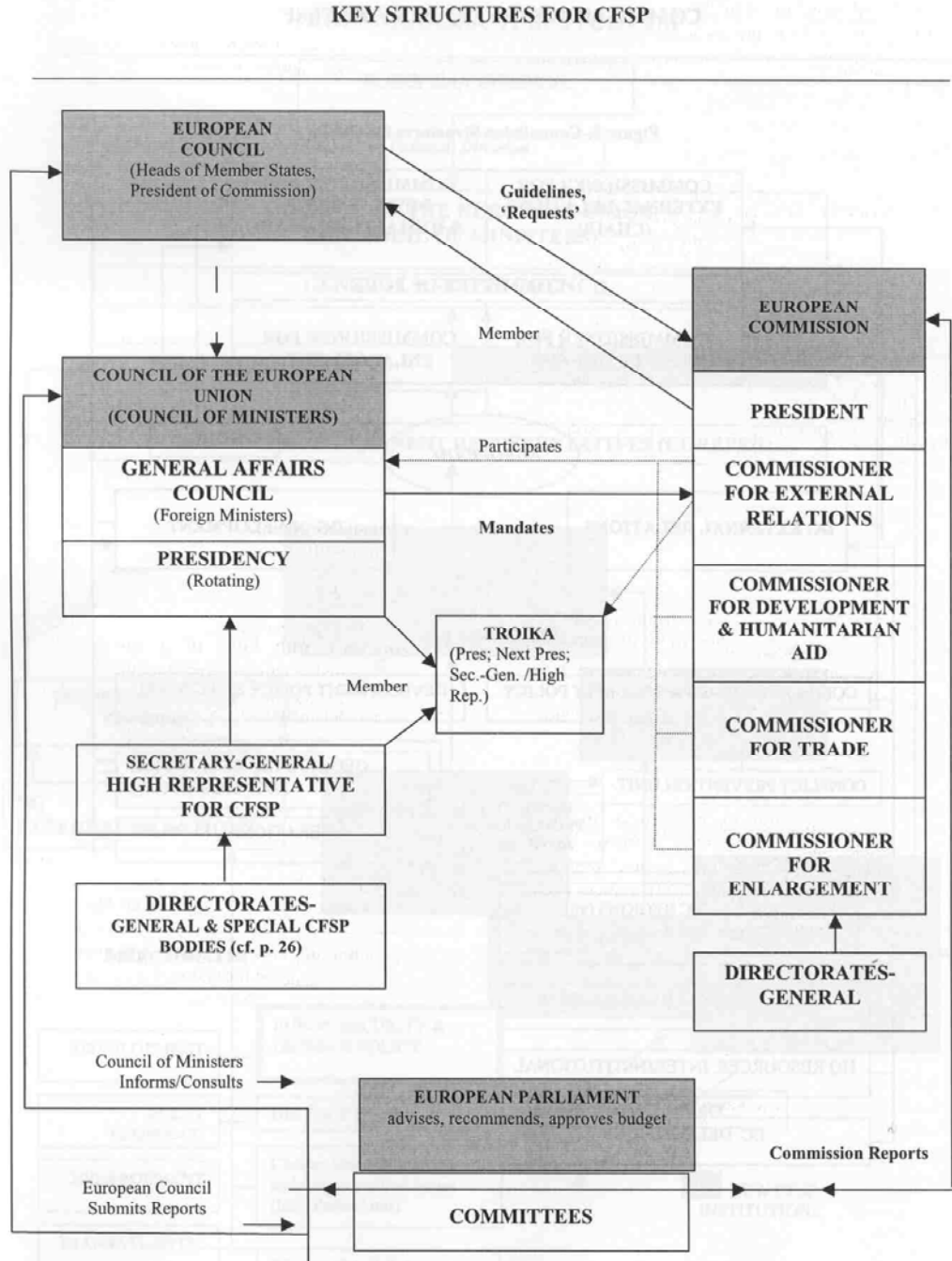
and solidarity on security issues. How those developments will affect the EU's crisis management capability is yet to be assessed. Although the catastrophic events of September 11, 2001 initially brought EU members to consensus on common policies against terrorism, this course seems to be strongly held only within the core constituency of the Union. When it comes to methods of fighting terrorism, there is a large and widening difference in the opinions of EU members -- and candidates as well. The formation of groups and camps holding diverse positions within the EU does not bode well for the desired unity of Europe. What is more, the question of whether the newly established RRF should be used not only for Petersberg-delineated tasks, but also for other military operations such as fighting international terrorism, was not even touched on here. Again, developments such as US preparations for military intervention in Iraq (as of February 2003) divide members, and may lead to a less rather than more powerful Europe. Prospects for formulating common policies depend on many factors, such as the legitimacy of operations; well-arranged institutions; clear decision-making procedures; and most fundamentally, readiness to subordinate member interests to the community -- if any remains.

The EU has a long way to go to perfect the CFSP, and to formulate correct and timely policies for crisis management. The changes to international law and security arrangements discussed above probably would facilitate the EU's decision-making abilities. The EU, however, still must overcome the countless barriers erected by members' history and culture, to take a strong, unified stand on European crisis management. And finally, if the EU were to make its CFSP effective, and produced useful policies, it still would have to face the limits of policy integration into military operations -- turning military victory into political success or facing the consequences of military failure.

All these problems would seem to promise a not very bright future for the Common Foreign and Security Policy and the use of the Rapid Reaction Force. Despite this pessimistic outlook, the EU has few options but to work out solutions if it does not want to depend on the political will and military capabilities of third parties in future European crisis management.



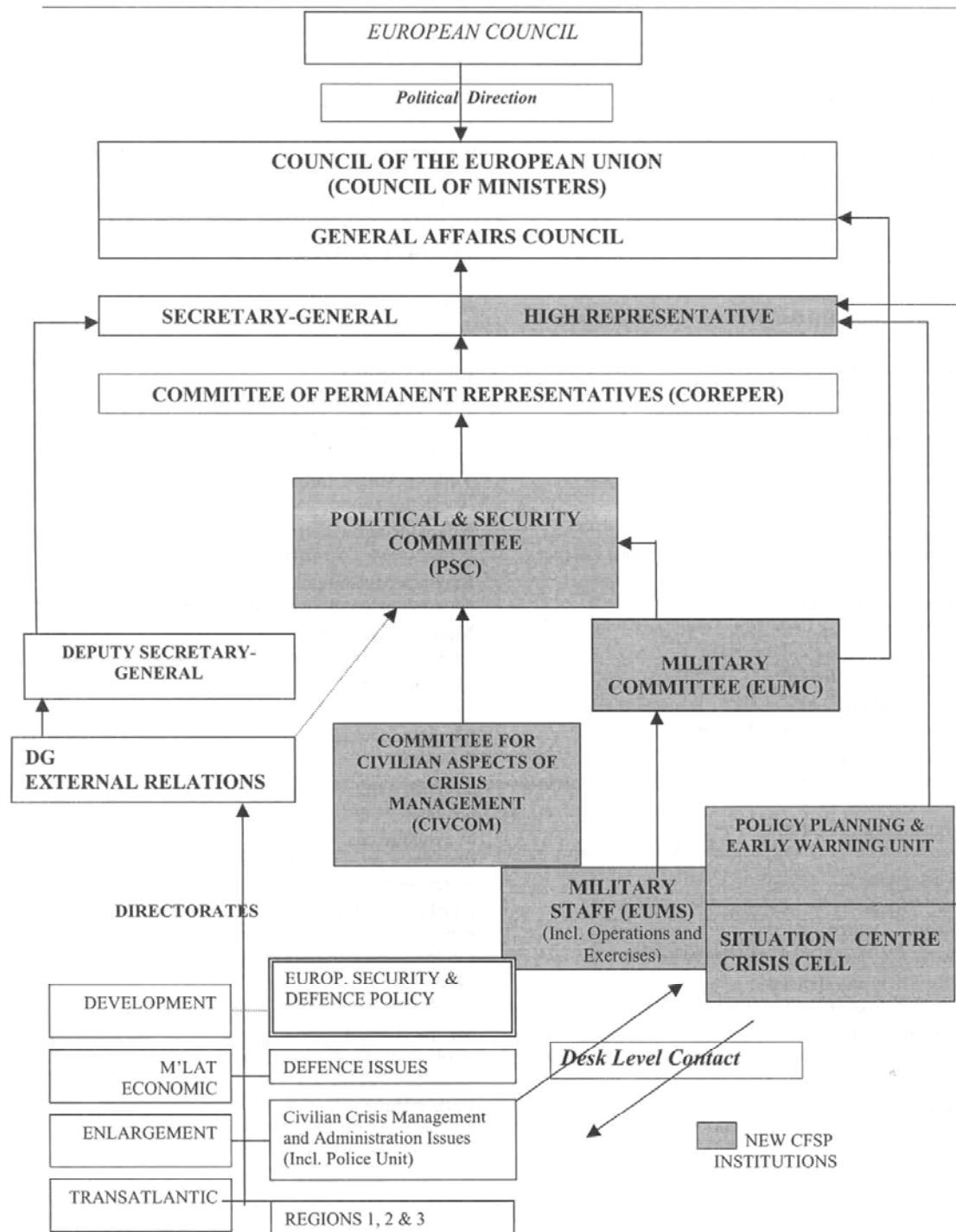
**Table 1. Key Structures for CFSP**



Source: "EU Crisis Response Capabilities: An Update" International Crises Group, Issues Briefing (Brussels, 2002), 15. <[www.crisisweb.org](http://www.crisisweb.org)> (20 October 2002)

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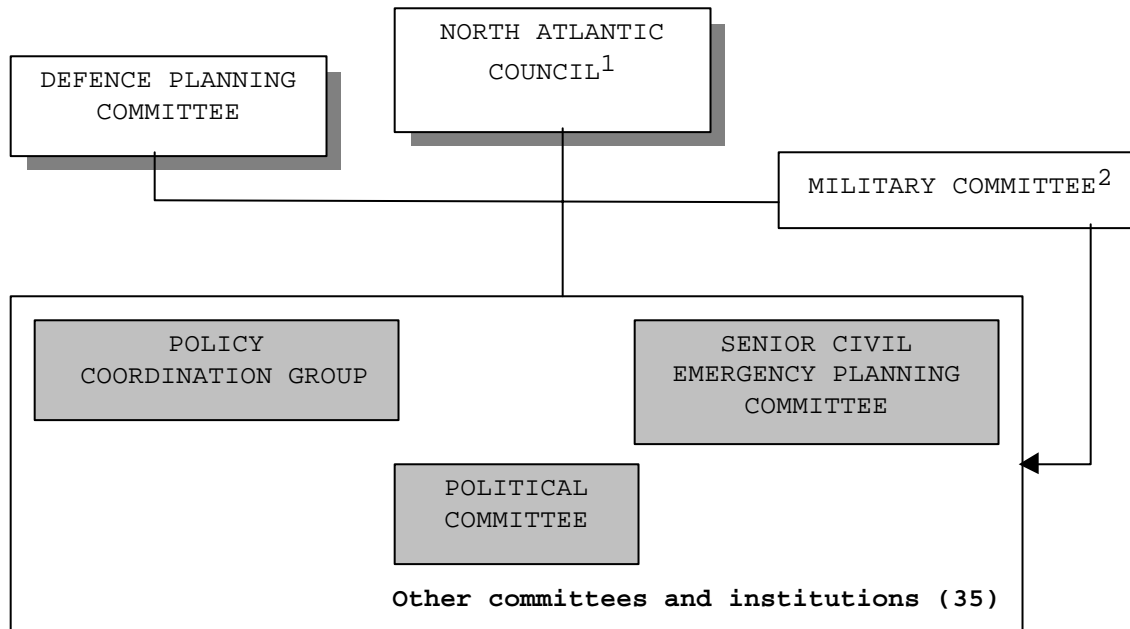
**Table 2. Council Structures for CFSP**  
COUNCIL STRUCTURES FOR CFSP



Source: "EU Crisis Response Capabilities: An Update" International Crises Group, Issues Briefing (Brussels, 2002), 17. <[www.crisisweb.org](http://www.crisisweb.org)> (20 October 2002)

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**Table 3. Principal NATO Committees for Consultation of Non-Article 5 Missions**



(1) The committees report to the Council and the Defence Planning Committee.

(2) The Military Committee is subordinate to the North Atlantic Council and Defense Planning Committee but has a special status as the senior military authority in NATO.

After: NATO Handbook, (Brussels-Belgium: NATO Office of Information and Press, 2001), 518.

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